

# Official Journal

## of the European Communities

ISSN 0378-6978

L 10

Volume 45

12 January 2002

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ **Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion** ..... 1
- Commission Regulation (EC) No 51/2002 of 11 January 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 8
- ★ **Commission Regulation (EC) No 52/2002 of 11 January 2002 amending Regulation (EC) No 245/2001 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre** ..... 10
- Commission Regulation (EC) No 53/2002 of 11 January 2002 fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001 ..... 12
- Commission Regulation (EC) No 54/2002 of 11 January 2002 fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001 ..... 13
- Commission Regulation (EC) No 55/2002 of 11 January 2002 fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001 ..... 14
- Commission Regulation (EC) No 56/2002 of 11 January 2002 fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2010/2001 ..... 15
- Commission Regulation (EC) No 57/2002 of 11 January 2002 concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001 ..... 16

Price: EUR 19,50

(Continued overleaf)

EN

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

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

Commission Regulation (EC) No 58/2002 of 11 January 2002 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 89th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 .....	17
Commission Regulation (EC) No 59/2002 of 11 January 2002 fixing the maximum purchasing price for butter for the 42nd invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999 .....	19
Commission Regulation (EC) No 60/2002 of 11 January 2002 fixing the maximum aid for concentrated butter for the 261st special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90 .....	20
Commission Regulation (EC) No 61/2002 of 11 January 2002 deciding not to accept tenders submitted in response to the 281st partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89 .....	21
Commission Regulation (EC) No 62/2002 of 11 January 2002 fixing the maximum purchase price for beef under the 17th partial invitation to tender pursuant to Regulation (EC) No 690/2001 .....	22
★ <b>Regulation (EC) No 63/2002 of the European Central Bank of 20 December 2001 concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2001/18)</b> .....	24
★ <b>Council Directive 2001/110/EC of 20 December 2001 relating to honey</b> .....	47
★ <b>Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption</b> .....	53
★ <b>Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption</b> .....	58
★ <b>Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption</b> .....	67
<hr/>	
II Acts whose publication is not obligatory	
<b>Commission</b>	
2002/19/EC:	
★ <b>Commission Decision of 11 January 2002 laying down special conditions for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Uruguay <sup>(1)</sup> (notified under document number C(2001) 4982)</b> .....	73
2002/20/EC:	
★ <b>Commission Decision of 11 January 2002 amending Decision 96/606/EC laying down special conditions governing imports of fishery and aquaculture products originating in Uruguay <sup>(1)</sup> (notified under document number C(2001) 4983)</b> .....	75

- ★ **Commission Decision of 11 January 2002 amending Decision 97/20/EC establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods, to include Uruguay <sup>(1)</sup> (notified under document number C(2001) 4984)** ..... 79

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

2002/22/CFSP:

- ★ **Council Common Position of 11 January 2002 concerning a prohibition on imports of rough diamonds from Sierra Leone** ..... 81

#### Corrigenda

- ★ **Corrigendum to Commission Regulation (EC) No 2065/2001 of 22 October 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products (OJ L 278 of 23.10.2001)** ..... 82
- ★ **Corrigendum to Council Regulation (EC) No 2432/2001 of 20 November 2001 amending and updating Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology (OJ L 338 of 20.12.2001)** ..... 82

## I

(Acts whose publication is obligatory)

**DECISION No 50/2002/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 7 December 2001  
establishing a programme of Community action to encourage cooperation between Member States  
to combat social exclusion**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second and third subparagraphs of Article 137(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(4)</sup>, in the light of the joint text approved by the Conciliation Committee on 18 September 2001,

Whereas:

- (1) Pursuant to Article 2 of the Treaty, the Community shall have as part of its tasks that of promoting a high level of employment and of social protection and the raising of the standard of living and quality of life throughout the Community and economic and social cohesion.
- (2) Pursuant to Article 136 of the Treaty, the Community and the Member States, taking note of fundamental political principles, such as those set out in the European Social Charter signed at Turin on 18 October 1961, the revised Social Charter of the Council of Europe (1996), in particular in Article 30 thereof on the right to protection against poverty and social exclusion, and in the 1989 Community Charter of the Fundamental Social Rights of Workers, and bearing in mind also the rights and principles recognised by the Charter of Fundamental Rights of the European Union <sup>(5)</sup> proclaimed jointly by the European Parliament, the Council and the Commis-

sion on 7 December 2000, shall have as an objective the combating of exclusion.

- (3) In its Recommendation 92/441/EEC <sup>(6)</sup>, the Council recommends that Member States should recognise the basic right of a person to sufficient resources and social assistance to live in a manner compatible with human dignity. In Recommendation 92/442/EEC <sup>(7)</sup>, the Council recommends that Member States should guarantee a level of resources in keeping with human dignity. In its Conclusions of 17 December 1999 <sup>(8)</sup>, the Council commits itself to promoting social inclusion as one of the objectives of the modernisation and improvement of social protection systems.
- (4) The European Parliament, the Economic and Social Committee and the Committee of the Regions have all urged the Community to strengthen its contribution to efforts in Member States to prevent and to combat social exclusion.
- (5) The Commission communication of 1 March 2000, 'Building an inclusive Europe', described the challenge of social exclusion and poverty and the existing policy responses in Member States and at Community level, and proposed on this basis to give a new impetus to cooperation of the European Union in this field.
- (6) The Lisbon European Council of 23 and 24 March 2000 incorporated as intrinsic to the overall strategy of the Union the promotion of social inclusion to achieve its strategic goal for the next decade of becoming the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth, with more and better jobs and greater social cohesion.
- (7) The said Lisbon European Council, finding the number of people living below the poverty line and in social exclusion in the Union unacceptable, deemed it neces-

<sup>(1)</sup> OJ C 337 E, 28.11.2000, p. 130 and OJ C 96 E, 27.3.2001, p. 229.

<sup>(2)</sup> OJ C 14, 16.1.2001, p. 69.

<sup>(3)</sup> OJ C 144, 16.5.2001, p. 52.

<sup>(4)</sup> Opinion of the European Parliament of 16 November 2000 (OJ C 223, 8.8.2001, p. 284), Council Common Position of 12 February 2001 (OJ C 93, 23.3.2001, p. 11) and Decision of the European Parliament of 17 May 2001. Decision of the European Parliament of 15 November 2001 and Council Decision of 21 November 2001.

<sup>(5)</sup> OJ C 364, 18.12.2000, p. 1.

<sup>(6)</sup> OJ L 245, 26.8.1992, p. 46.

<sup>(7)</sup> OJ L 245, 26.8.1992, p. 49.

<sup>(8)</sup> OJ C 8, 12.1.2000, p. 7.

sary to take steps to make a decisive impact on the eradication of poverty by setting adequate objectives. Such objectives were agreed by the Nice European Council of 7, 8 and 9 December 2000.

- (8) The said Lisbon Council further acknowledged that the new knowledge-based society offers the potential for reducing social exclusion, both by creating the economic conditions for greater prosperity through higher levels of growth and employment, and by opening up new ways of participating in society. At the same time, it brings a risk of an ever-widening gap between those who have access to the new knowledge, and those who are excluded. It recognised that policies should be directed towards avoiding this risk and maximising this new potential and that the best safeguard against social exclusion is a job.
- (9) The said European Council further agreed that policies for combating social exclusion should be based on an open method of coordination combining national action plans and a Commission initiative for cooperation.
- (10) This Commission initiative which consists of a proposal for a multiannual action programme designed to encourage cooperation between Member States should aim at improving knowledge, developing exchanges of information and best practices, and evaluating experiences in order to enhance the effectiveness and efficiency of policies to combat exclusion.
- (11) The drawing-up of harmonised surveys and analyses, and the study of commonly agreed qualitative and quantitative indicators, will provide a basis for the development of the open method of coordination.
- (12) The fight against social exclusion and poverty requires participation in quality employment and access for all to resources, rights, goods and services, to be facilitated.
- (13) Measures to combat social exclusion should aim at enabling everyone to support himself or herself, by gainful employment or otherwise, and to integrate into society.
- (14) The Social Protection Committee, set up by Council Decision 2000/436/EC<sup>(1)</sup> to enhance cooperation between the Member States on social protection policies, contributes to the development of and systematic follow-up to action to modernise social protection and promote social integration in accordance with the Presidency conclusions of the European Council meeting in Lisbon on 23 and 24 March 2000 and in Feira on 19 and 20 June 2000.

- (15) Many non-governmental organisations at various levels (local, regional, national and European) have experience of and expertise in fighting social exclusion, as well as acting at European level as the advocates of people who are exposed to social exclusion. Local and regional authorities also have experience and knowledge in this field. Non-governmental organisations, social partners and local and regional authorities can therefore make an important contribution at European level to understanding the diverse forms and effects of social exclusion and to ensuring that the design and implementation of and follow-up to the programme take account of the experience of people exposed to social exclusion.
- (16) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(2)</sup>.
- (17) It is necessary, in order to reinforce the added value of Community action, that the Commission, in cooperation with the Member States, should ensure, at all levels, the coherence and complementarity of actions implemented in the framework of this Decision and all other relevant Community instruments, policies and actions, in particular those under the Structural Funds.
- (18) Special attention should be paid to social exclusion in view of the future enlargement of the Union.
- (19) The Agreement on the European Economic Area (EEA Agreement) provides for greater cooperation in the social field between the European Community and its Member States, on the one hand, and the countries of the European Free Trade Association (EFTA) participating in the European Economic Area (EFTA/EEA countries), on the other. Provision should be made for opening up this programme to participation by the applicant countries of Central and Eastern Europe, in accordance with the conditions laid down in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils, and by Cyprus, Malta and Turkey, funded by additional appropriations in accordance with the procedures to be agreed with those countries.
- (20) In implementing this programme, the work carried out by other international organisations, in particular the United Nations, the Organisation for Economic Cooperation and Development, the International Labour Organisation and the Council of Europe, will be of particular interest.

<sup>(1)</sup> OJ L 172, 12.7.2000, p. 26.

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

- (21) This Decision lays down, for the entire duration of the programme, a financial framework constituting the prime reference for the budgetary authority during the annual budgetary procedure, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission, on budgetary discipline and improvement of the budgetary procedure<sup>(1)</sup>. The amount of the financial framework proposed in the programme is compatible with the current financial perspective.
- (22) Gender is a crucial cross-cutting issue which has a large impact on the effects and causes of exclusion. Moreover, by virtue of Articles 2 and 3 of the Treaty, the elimination of inequalities and the promotion of equality, between men and women, are part of the task conferred on the Community, which should feature as an aim in all its activities.
- (23) It is essential to monitor and evaluate the implementation of the programme to ensure that it achieves its objectives.
- (24) Since the objectives of the proposed action concerning the contribution of the Community to combating social exclusion cannot be sufficiently achieved by the Member States for reasons including the need for multilateral partnerships, the transnational exchange of information and the Community-wide dissemination of good practice and can therefore, by reason of the scale and effects of the proposed action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives,

HAVE DECIDED AS FOLLOWS:

#### Article 1

##### Establishment of the programme

A programme of Community action to encourage cooperation between Member States in order to combat social exclusion, hereinafter referred to as 'the programme', shall be adopted for the period 1 January 2002 to 31 December 2006.

#### Article 2

##### Principles

1. The programme shall be part of an open method of coordination between Member States to give a decisive impetus to the elimination of social exclusion and poverty by setting appropriate objectives at Community level and by the implementation of national action plans.
2. The programme and the national action plans shall contribute to a better understanding of social exclusion, the mainstreaming of the combating of exclusion in Member

States' and Community policies and measures, and the development of priority actions chosen by Member States in accordance with their particular situation.

3. In designing, implementing and following up the activities under the programme, account shall be taken of the experience of Member States at all levels involved and of people exposed to social exclusion and poverty, as well as social partners, non-governmental and voluntary organisations, bodies providing social services and other actors involved in the fight against social exclusion and poverty.

#### Article 3

##### Objectives

In the context of the open method of coordination referred to in Article 2(1), the programme shall support cooperation which enables the Community and the Member States to enhance the effectiveness and efficiency of policies to combat social exclusion by:

- (a) improving the understanding of social exclusion and poverty with the help in particular of comparable indicators;
- (b) organising exchanges on policies which are implemented and promoting mutual learning *inter alia* in the context of national action plans, with the help in particular of comparable indicators;
- (c) developing the capacity of actors to address social exclusion and poverty effectively, and to promote innovative approaches, in particular through networking at European level, and by promoting dialogue with all those involved including at national and regional level.

#### Article 4

##### Community actions

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

- (a) analysis of characteristics, causes, processes and trends in social exclusion, including the collection of statistics on the various forms of social exclusion in order to compare these data, the study of quantitative and qualitative indicators, the development of common methodologies and thematic studies;
- (b) exchange of information and best practices encouraging the development of quantitative and qualitative indicators, based on these objectives as agreed by the European Parliament and the Council, assessment criteria and benchmarks and monitoring, evaluation and peer review;
- (c) promotion of dialogue involving the various actors and support for relevant networking at European level between organisations active in the fight against poverty and social exclusion, in particular non-governmental organisations.

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

<sup>(1)</sup> OJ C 172, 18.6.1999, p. 1.

*Article 5***Implementation and cooperation with the Member States**

1. The Commission shall:
  - (a) ensure the implementation of the Community actions covered by the programme;
  - (b) have a regular exchange of views with representatives of non-governmental organisations and the social partners at European level on the design and implementation of and follow-up to the programme and on related policy orientations. To this end, the Commission shall make useful information available to non-governmental organisations and social partners. The Commission shall inform the Committee established under Article 8 of these views;
  - (c) promote active partnership and dialogue between all the partners involved in the programme to encourage an integrated and coordinated approach to the fight against social exclusion and poverty.
2. The Commission shall, in cooperation with the Member States, take the necessary steps to:
  - (a) promote the involvement in the programme of all the parties concerned;
  - (b) ensure the dissemination of the results of the Community actions undertaken within the framework of the programme;
  - (c) provide appropriate information, publicity and follow-up with regard to Community actions supported by the programme.

*Article 6***Financing**

1. The financial framework for the implementation of the programme for the period referred to in Article 1 is hereby set at EUR 75 million, including technical and administrative expenditure.
2. The annual appropriations, including those relating to human resources, shall be authorised by the budgetary authority within the limits of the financial perspective.

*Article 7***Implementing measures**

1. The measures necessary for the implementation of this Decision relating to the matters referred to below shall be adopted in accordance with the management procedure referred to in Article 8(2):
  - (a) the annual implementation of the programme's Community actions and the annual plan of work;
  - (b) the breakdown of the funds between the different strands of the programme;
  - (c) the arrangements for selecting activities and organisations for Community support;
  - (d) the criteria for evaluating the programme, including those relating to cost-effectiveness, and the arrangements for disseminating and transferring the results.

2. The measures necessary for the implementation of this Decision relating to all other matters shall be adopted in accordance with the advisory procedure referred to in Article 8(3).

*Article 8***Committee**

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.
3. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
4. The Committee shall adopt its rules of procedure.

*Article 9***Cooperation with other committees and links with the Social Protection Committee**

1. To ensure the consistency and complementarity of this programme with other measures referred to in Article 10, the Commission shall keep the Committee regularly informed about other Community action contributing to combating social exclusion. Where appropriate, the Commission shall establish regular and structured cooperation between this Committee and the monitoring committees established for other relevant policies, instruments and actions.
2. The Commission shall establish the necessary links with the Social Protection Committee within the framework of the Community actions referred to in this Decision.

*Article 10***Consistency and complementarity**

1. The Commission shall, in cooperation with the Member States, ensure overall consistency with other relevant Community policies, instruments and actions, in particular by establishing appropriate mechanisms to coordinate the activities of this programme with relevant activities relating to research, employment, economic, industrial and enterprise policies, non-discrimination, immigration, equality between women and men, social protection, education, training and youth policy, health and in the field of enlargement and the Community's external relations.
2. The Member States shall make every possible effort to ensure consistency and complementarity between activities under this programme and those carried out at national, regional and local levels.
3. The Commission and the Member States shall ensure consistency and complementarity between action undertaken under this programme and action undertaken in the field of employment and also with Community action under the structural funds, in particular the Community initiative EQUAL.

*Article 11***Participation of the EFTA/EEA countries, the associated countries of Central and Eastern Europe, Cyprus, Malta and Turkey**

This programme shall be open to the participation of:

- the EFTA/EEA countries in accordance with the conditions established in the EEA Agreement;
- the associated central and eastern European countries in accordance with the conditions established in the Europe Agreements, in their additional protocols and in the decisions of the respective Association Councils;
- Cyprus, Malta and Turkey, funded by additional appropriations in accordance with procedures to be agreed with each country.

*Article 12***Monitoring and evaluation**

1. The Commission shall regularly monitor this programme in cooperation with the Member States in accordance with the procedure referred to in Article 8(2).
2. The Commission shall report on the overall consistency of policies with social cohesion including progress achieved under this programme in its annual summary report to the Spring European Council, on which the European Parliament shall express its views in due course.

3. The programme shall be evaluated by the Commission by the end of the third year and at the end of the programme with the assistance of independent experts. This evaluation will assess the relevance, effectiveness and cost-effectiveness of activities implemented with regard to the objectives referred to in Article 3. It will also examine the impact of the programme as a whole. The evaluation will also examine the complementarity between action under the programme and that pursued under other relevant Community policies, instruments and actions.

4. The Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a final report on the implementation of the programme by 31 December 2006.

*Article 13***Entry into force**

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

Done at Brussels, 7 December 2001.

*For the European Parliament*

*The President*

N. FONTAINE

*For the Council*

*The President*

I. DURANT



## ANNEX

## INDICATIONS FOR THE IMPLEMENTATION OF THE PROGRAMME

**1. Action strands**

With a view to achieving the objectives set out in Article 3 and implementing the Community actions set out in Article 4, the following measures may be implemented within a transnational framework:

*Strand 1: Analysis of characteristics, processes, causes and trends in social exclusion*

To improve understanding of the phenomenon of social exclusion, the following measures may be supported:

- 1.1. studies and meetings on the development of common methodologies to measure and understand social exclusion and poverty, their extent, characteristics, processes, causes and trends, and on technical work on indicators;
- 1.2. the collection, in Member States and at Community level, and dissemination of statistics on the various types of social exclusion for the purposes of comparing such data effectively. This measure should support cooperation between national statistical offices and the Commission and improve the statistical reference sources at Community level and their contribution to the analysis of social exclusion and poverty;
- 1.3. the promotion of innovative approaches, the development of thematic studies to contribute to the understanding of social exclusion, in order to address common issues in connection with policy developments in Member States, including emerging issues in relation to the knowledge-based society.

It is important to reflect the experience on the ground of persons confronted with social exclusion and poverty and to make use of all relevant sources of information on social exclusion and poverty, including that coming from non-governmental organisations.

In analysing social exclusion and poverty, special attention will be paid to their multiple dimensions and to the diverse situations of the social groups concerned, including child poverty, and of the geographical areas which are exposed to the risks of social exclusion.

*Strand 2: Policy cooperation and exchange of information and best practices*

In order to promote policy cooperation and mutual learning in the context of national action plans, the following transnational activities may be supported:

- 2.1. transnational exchanges aimed at transferring information and good practices and encouraging peer review by means of meetings/workshops/seminars on benchmarks or on policies and practices, or other forms of exchange such as joint development of strategies and common dissemination of information, field visits and exchanges of personnel etc., organised at the initiative of either Member States and/or other key actors with the active involvement of Member States, or European organisations. Transnational exchanges between national observatories or similar recognised bodies may also be supported under this strand;
- 2.2. expert work and technical studies in connection with the development of indicators and benchmarks, including in relation to the knowledge-based society;
- 2.3. annual report on social exclusion, which would present the state of play on the action conducted, especially national action plans, in the main policies and fields where the fight against poverty and social exclusion is at stake.

Bearing in mind that social exclusion is a multidimensional phenomenon, particular attention should be paid to relevant policy developments on social protection, employment, education and training, health and housing policies.

*Strand 3: Participation of the various actors and support for networking at European level*

To promote dialogue with all the operators concerned, the following measures may be supported:

- 3.1. core funding for key European networks involved in the fight against poverty and social exclusion; the core funding is subject to an upper limit of 90 % of the expenditure eligible for support. This ceiling may only be reached under exceptional circumstances;
- 3.2. an annual European Union Round Table Conference on social exclusion. The conference would be organised in close collaboration with the Presidency of the Council of the European Union and prepared for in consultation with all the actors concerned, among others social partners, representatives of non-governmental organisations with experience in the field, and representatives of the European Parliament, the Council, the Economic and Social Committee, and the Committee of the Regions.

## 2. Access to the programme

Under the conditions and arrangements for implementation specified in this Annex, access to this programme shall be open to all public and/or private bodies, actors and institutions involved in the fight against social exclusion, in particular:

- (a) Member States;
- (b) local and regional authorities;
- (c) bodies responsible for combating social exclusion;
- (d) social partners;
- (e) bodies providing social services;
- (f) non-governmental organisations;
- (g) universities and research institutes;
- (h) national statistical offices;
- (i) media.

## 3. General considerations

The programme shall take into account the results of preparatory actions and activities under other relevant Community policies, instruments and actions.

In designing, implementing, following up and evaluating activities under the programme, account will be taken of the experience of people exposed to poverty and social exclusion, as well as social partners, non-governmental organisations and other bodies involved in the fight against social exclusion and poverty. In all its activities, the programme will respect the principle of gender mainstreaming.

## 4. Method of presenting applications for support

- Strand 1:* Measures covered by this strand will be mainly implemented through calls for tenders. For cooperation with national statistical offices, the Eurostat procedures will apply.
- Strand 2:* Measures covered by strand 2.1 will be mainly implemented in response to annual calls for proposals (some policy meetings/seminars might be organised directly by the Commission). Proposals will have to involve bodies, actors and institutions from at least three Member States and may be submitted to the Commission either by Member States and/or other key actors with the active involvement of Member States, or by European organisations. Strands 2.2 and 2.3 will require specific calls for tenders.
- Strand 3:* Under strand 3.1 support may be provided to European networks satisfying criteria established by the Commission in accordance with the procedure referred to in Article 8(2). Strand 3.2 may be supported in response to requests for subsidies from Member States.

## 5. Carrying out the activities

The activities to be taken may be funded by service contracts following calls for tender or by subsidies for joint financing with other sources. In the latter case, the level of financial assistance by the Commission may not, as a general rule, exceed 80 % of the expenditure actually incurred by the recipient.

In carrying out the programme, the Commission may require additional resources, including recourse to experts. These requirements will be decided in the context of the Commission's ongoing assessment of resource allocation.

In implementing the programme, the Commission may make use of technical and/or administrative assistance (definition, preparation, management, monitoring, audit and control), in the mutual interests of the Commission and of the recipients.

The Commission may also undertake information, publication and dissemination activities. It may also undertake evaluation studies and organise seminars, workshops or other meetings of experts.

Activities undertaken will fully respect the principles of data protection.

---

**COMMISSION REGULATION (EC) No 51/2002**  
**of 11 January 2002**  
**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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, 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 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

---

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 11 January 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	91,0
	204	110,0
	212	96,7
	624	71,0
	999	92,2
0707 00 05	052	195,8
	220	249,0
	628	223,4
	999	222,7
0709 90 70	052	186,4
	204	353,8
	220	212,2
	999	250,8
0805 10 10, 0805 10 30, 0805 10 50	052	54,1
	204	53,9
	508	23,3
	999	43,8
0805 20 10	052	58,3
	204	93,1
	999	75,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	73,4
	204	85,3
	464	72,0
	624	76,4
	999	76,8
0805 50 10	052	49,3
	600	41,5
	999	45,4
0808 10 20, 0808 10 50, 0808 10 90	060	39,6
	400	115,1
	404	95,0
	720	117,1
	728	110,8
	999	95,5
0808 20 50	400	124,0
	512	62,9
	720	154,1
	999	113,7

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 52/2002****of 11 January 2002****amending Regulation (EC) No 245/2001 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre <sup>(1)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) The second indent of Article 3(2) of Commission Regulation (EC) No 245/2001 of 5 February 2001 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre <sup>(2)</sup>, as amended by Regulation (EC) No 1093/2001 <sup>(3)</sup>, provides that primary processors must undertake to keep daily records of stocks for the operations that they carry out. To make stock account management less cumbersome, primary processors should also be allowed the possibility of recording operations by lot. To that end, the term 'lot' should be defined.
- (2) To prevent distortions of competition, the scope for authorised primary processors to use more than one cleaner of short flax fibre should be extended. However, given the need to maintain an adequate level of control, that scope should be limited to a maximum of two cleaners of short flax fibre per authorised primary processor and marketing year.
- (3) Article 10 of Regulation (EC) No 245/2001 provides that each application for an advance is subject to the lodging of a security, which may mean in some cases that five different securities are lodged in the processing period relating to the same marketing year. This system should therefore be simplified by providing for a security, calculated on the basis of the theoretical amount of aid to which each primary processor is entitled, to be lodged with the first application for an advance and to continue to be valid for the entire processing period in question. However, to take account of circumstances in which the calculation of the theoretical amount of aid entitlement might prove far removed

from real production estimates, provision should be made for the Member States to establish the amount of the security in a more flexible manner, while retaining an equivalent level of security.

- (4) Article 17a of Regulation (EC) No 245/2001 lays down provisions on imports of hemp. In the first indent of the second subparagraph of paragraph 2 of that Article, the definition of the operations that hemp seed other than seed intended for sowing may undergo could lead to doubts as to its interpretation. That definition should therefore be made more specific.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Flax and Hemp,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 245/2001 is amended as follows:

1. Article 3 is amended as follows:

- (a) the second indent of paragraph 2 is replaced by the following:
  - keep daily records of stocks or records by lot, linked regularly to financial accounts, and of the information specified in paragraph 5, together with supporting documents as specified by the Member State for the purpose of controls;
- (b) in the third subparagraph of paragraph 4, 'Only one cleaner of short flax fibre' is replaced by 'A maximum of two cleaners of short flax fibre';
- (c) in the first subparagraph of paragraph 5, 'or lot' is inserted after 'by day';
- (d) the following paragraph 6 is added:

'6. A lot shall be a determined quantity of flax or hemp straw numbered on entry into the processing plants or storage facilities referred to in paragraph 1.

A lot may relate to only one sale/purchase contract covering straw, processing commitment or processing contract as referred to in Article 5.'

<sup>(1)</sup> OJ L 193, 29.7.2000, p. 16.

<sup>(2)</sup> OJ L 35, 6.2.2001, p. 18.

<sup>(3)</sup> OJ L 150, 6.6.2001, p. 17.

2. Article 10(2) is replaced by the following:

‘2. Advances shall be paid only where no irregularity has been found to have been committed by the applicant in respect of the marketing year concerned under the controls provided for in Article 13 and where a security has been lodged.

Except as regards the relevant securities where short flax fibre is cleaned under contract, for each authorised primary processor and each type of fibre, the security shall be 35 % of the amount of the aid corresponding to the quantities of fibre resulting from the multiplication referred to in the first subparagraph of Article 8(3) of this Regulation.

However, Member States may provide that the amount of the security be based on estimate production. In this case:

- (a) the security may not be released either in part or in full before the granting of the aid;
- (b) notwithstanding the fifth subparagraph, in relation to the total amount of advances paid the amount of the security may not be less than:
  - 110 % up to 30 April of the marketing year in question,
  - 75 % between 1 May of the marketing year in question and 31 August following,
  - 50 % between 1 September following the marketing year in question and the date of payment of the balance of the aid.

Where short flax fibre is cleaned under contract, the relevant security shall be equal to 110 %:

- of the amount of aid corresponding to the quantities of fibres resulting from the multiplication referred to in the first subparagraph of Article 8(3) hereto, or
- where the Member State applies the above subparagraph, the total amount of advances paid for the marketing year in question.

The security shall be released in full between the first and the 10th day following that of granting of the aid in proportion to the quantities on which the Member State has granted the processing aid.’

3. The first indent of the second subparagraph of Article 17a(2) is replaced by the following:

‘— placing in a condition that excludes use for sowing.’

#### *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 from the 2001/02 marketing year.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION REGULATION (EC) No 53/2002**  
**of 11 January 2002**  
**fixing the maximum export refund on wholly milled round grain rice in connection with the**  
**invitation to tender issued in Regulation (EC) No 2007/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, 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 2007/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, 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 2007/2001 is hereby fixed on the basis of the tenders submitted from 4 to 10 January 2002 at 203,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 13.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 54/2002****of 11 January 2002****fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, 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 2008/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, 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 2008/2001 is hereby fixed on the basis of the tenders submitted from 4 to 10 January 2002 at 218,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 15.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.



**COMMISSION REGULATION (EC) No 55/2002****of 11 January 2002****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, 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 2009/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, 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 2009/2001 is hereby fixed on the basis of the tenders submitted from 4 to 10 January 2002 at 207,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 17.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 56/2002****of 11 January 2002****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2010/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, 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 2010/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, 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 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2010/2001 is hereby fixed on the basis of the tenders submitted from 4 to 10 January 2002 at 300,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 19.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 57/2002**  
**of 11 January 2002**  
**concerning tenders submitted in response to the invitation to tender for the export of husked long**  
**grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion <sup>(3)</sup>, as amended by Regulation (EC) No 1453/1999 <sup>(4)</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2011/2001 <sup>(5)</sup> opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

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

- (3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders submitted from 7 to 10 January 2002 in response to the invitation to tender referred to in Regulation (EC) No 2011/2001 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

*Article 2*

This Regulation shall enter into force on 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 261, 7.9.1989, p. 8.

<sup>(4)</sup> OJ L 167, 2.7.1999, p. 19.

<sup>(5)</sup> OJ L 272, 13.10.2001, p. 21.

**COMMISSION REGULATION (EC) No 58/2002****of 11 January 2002****fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 89th 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(4)</sup>, 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 89th 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 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 76, 25.3.2000, p. 9.

## ANNEX

**to the Commission Regulation of 11 January 2002 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 89th 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 ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	85	81
	Butter < 82 %		83	79	—	79
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	94	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

**COMMISSION REGULATION (EC) No 59/2002****of 11 January 2002****fixing the maximum purchasing price for butter for the 42nd 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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1670/2000 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1614/2001 <sup>(4)</sup>, 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 42nd invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 8 January 2002, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 333, 24.12.1999, p. 11.

<sup>(4)</sup> OJ L 214, 8.8.2001, p. 20.

**COMMISSION REGULATION (EC) No 60/2002****of 11 January 2002****fixing the maximum aid for concentrated butter for the 261st 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 124/1999 <sup>(4)</sup>, 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; 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 261st 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 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

*Article 2*

This Regulation shall enter into force on 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 45, 21.2.1990, p. 8.

<sup>(4)</sup> OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 61/2002****of 11 January 2002****deciding not to accept tenders submitted in response to the 281st partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89**

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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2345/2001 <sup>(2)</sup>, and in particular Article 47(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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1564/2001 <sup>(4)</sup>, lays down buying standards. Pursuant to the abovementioned Regulation, an invitation to tender was opened pursuant to Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender <sup>(5)</sup>, as last amended by Regulation (EC) No 12/2002 <sup>(6)</sup>.
- (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 13(2) of that Regulation, a decision may be taken not to proceed with the tendering procedure.
- (3) Once tenders submitted in respect of the 281st partial invitation to tender have been considered and taking account, pursuant to Article 47(8) of Regulation (EC) No 1254/1999, of the requirements for reasonable support

of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure.

- (4) Article 1(7) of Regulation (EC) No 1209/2001 of 20 June 2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards as buying-in of beef <sup>(7)</sup>, as last amended by Regulation (EC) No 2579/2001 <sup>(8)</sup>, 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. For the 281st partial invitation to tender, no tender has been submitted.
- (5) In the light of developments, this Regulation should enter into force immediately.
- (6) 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*

No award shall be made against the 281st partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89.

*Article 2*

This Regulation shall enter into force on 12 January 2002.

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

Done at Brussels, 11 January 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 68, 16.3.2000, p. 22.

<sup>(4)</sup> OJ L 208, 1.8.2001, p. 14.

<sup>(5)</sup> OJ L 159, 10.6.1989, p. 36.

<sup>(6)</sup> OJ L 3, 5.1.2002, p. 34.

<sup>(7)</sup> OJ L 165, 21.6.2001, p. 15.

<sup>(8)</sup> OJ L 344, 28.12.2001, p. 68.



**COMMISSION REGULATION (EC) No 62/2002****of 11 January 2002****fixing the maximum purchase price for beef under the 17th partial invitation to tender pursuant to Regulation (EC) No 690/2001**

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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2345/2001 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2595/2001 <sup>(4)</sup>, and in particular Article 3(1) thereof,

Whereas:

(1) In application of Article 2(2) of Regulation (EC) No 690/2001, Commission Regulation (EC) No 713/2001 of 10 April 2001 on the purchase of beef under Regulation (EC) No 690/2001 <sup>(5)</sup>, as last amended by Regulation (EC) No 13/2002 <sup>(6)</sup>, establishes the list of Member States in which the tendering is open for the 17th partial invitation to tender on 7 January 2002.

(2) In accordance with Article 3(1) of Regulation (EC) No 690/2001, where appropriate, a maximum purchase price for the reference class is to be fixed in the light of the tenders received, taking into account the provisions of Article 3(2) of that Regulation.

(3) Because of the need to support the market for beef in a reasonable way, a maximum purchase price should be fixed in the Member States concerned at an appropriate level. In the light of the different level of market prices in those Member States, different maximum purchase prices should be fixed.

(4) Article 4(2) of Regulation (EC) No 690/2001 lays down that delivery of the quantity awarded under each individual tender is to take place within 17 days of the publication of the maximum buying-in price. However,

a period of three weeks between the 18th and 19th individual tender has been fixed in Annex III to the Regulation. For the purpose of supporting the beef market on a permanent basis throughout that period it should be provided that delivery of quantities awarded under the 18th partial invitation to tender on 21 January may be delivered until 15 February 2002.

(5) Due to the urgency of the support measures, this Regulation should enter into force immediately.

(6) 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 17th partial invitation to tender on 7 January 2002 opened under Regulation (EC) No 690/2001 the following maximum purchase prices shall be fixed:

- Germany: EUR 159,00/100 kg,
- Ireland: EUR 184,00/100 kg,
- Spain: EUR 154,99/100 kg,
- France: EUR 209,00/100 kg,
- Belgium: EUR 161,25/100 kg,
- Portugal: EUR 161,00/100 kg,
- Austria: EUR 161,70/100 kg.

*Article 2*

Notwithstanding Article 4(2) of Regulation (EC) No 690/2001, delivery of the quantity awarded under the 18th partial invitation to tender of 21 January 2002 may take place until 15 February 2002 at the latest.

*Article 3*

This Regulation shall enter into force on 12 January 2002.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 95, 5.4.2001, p. 8.

<sup>(4)</sup> OJ L 345, 29.12.2001, p. 33.

<sup>(5)</sup> OJ L 100, 11.4.2001, p. 3.

<sup>(6)</sup> OJ L 239, 7.9.2001, p. 13.

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

Done at Brussels, 11 January 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

---

**REGULATION (EC) No 63/2002 OF THE EUROPEAN CENTRAL BANK  
of 20 December 2001**

**concerning statistics on interest rates applied by monetary financial institutions to deposits and  
loans vis-à-vis households and non-financial corporations**

(ECB/2001/18)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL  
BANK,

the Statute stipulates that the NCBs shall carry out, to  
the extent possible, the tasks described in Article 5.1.

Having regard to Council Regulation (EC) No 2533/98 of 23  
November 1998 concerning the collection of statistical infor-  
mation by the European Central Bank <sup>(1)</sup>, and in particular to  
Article 5(1) and Article 6(4) thereof,

Whereas:

(1) The European System of Central Banks (ESCB) requires, for the fulfilment of its tasks, the production of statistics on interest rates applied by monetary financial institutions (MFIs) to deposits and loans vis-à-vis households and non-financial corporations, the main purpose of which is to provide the European Central Bank (ECB) with a comprehensive, detailed and harmonised statistical picture of the level of interest rates applied by MFIs and their changes over time. These interest rates provide the final link in the mechanism for the transmission of the monetary policy arising from changes in official interest rates and, therefore, are a necessary precondition for a reliable analysis of monetary developments in the participating Member States. At the same time, information about interest rate developments is needed for the ESCB to contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system.

(2) The ECB shall, in accordance with the provisions of the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and under the conditions laid down in the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'), make regulations to the extent necessary to implement the tasks of the ESCB as defined in the Statute and in some cases laid down in the provisions adopted by the Council referred to in Article 107(6) of the Treaty.

(3) Article 5.1 of the Statute requires the ECB, assisted by the national central banks (NCBs), to collect the necessary statistical information either from the competent national authorities or directly from economic agents in order to undertake the tasks of the ESCB. Article 5.2 of

(4) It may be necessary, and reduce the reporting burden, for NCBs to collect from the actual reporting population the statistical information necessary to fulfil the statistical reporting requirements of the ECB as part of a broader statistical reporting framework which the NCBs establish under their own responsibility in accordance with Community or national law or established practice and which serves other statistical purposes, provided the fulfilment of the statistical requirements of the ECB is not jeopardised. In order to foster transparency, it is appropriate, in these cases, to inform the reporting agents that data are collected to fulfil other statistical purposes. In specific cases, the ECB may rely on statistical information collected for such purposes to fulfil its requirements.

(5) Article 3 of Regulation (EC) No 2533/98 requires the ECB to specify the actual reporting population within the limits of the reference reporting population and to minimise the reporting burden involved. For the purposes of MFI interest rate statistics, the actual reporting population will either comprise a census of all relevant MFIs or, alternatively, a sample of relevant MFIs based on specified criteria. In view of the characteristics of the MFI sector in each of the participating Member States the final choice of the selection method is left to the NCBs. The aim is to reduce the reporting burden while at the same time ensuring high quality statistics. Article 5(1) provides that the ECB may adopt regulations for the definition and the imposition of its statistical reporting requirements on the actual reporting population of participating Member States. Article 6(4) provides that the ECB may adopt regulations specifying the conditions under which the right to verify or to carry out the compulsory collection of statistical information may be exercised.

(6) Article 4 of Regulation (EC) No 2533/98 provides for Member States to organise themselves in the field of statistics and to cooperate fully with the ESCB in order to ensure fulfilment of the obligations arising from Article 5 of the Statute.

<sup>(1)</sup> OJ L 318, 27.11.1998, p. 8.

- (7) While it is recognised that regulations adopted by the ECB under Article 34.1 of the Statute do not confer any rights or impose any obligations on non-participating Member States, Article 5 of the Statute applies to both participating and non-participating Member States. Regulation (EC) No 2533/98 recalls that Article 5 of the Statute, together with Article 5 of the Treaty, implies an obligation to design and implement at national level all the measures that the non-participating Member States consider appropriate in order to carry out the collection of the statistical information needed to fulfil the ECB's statistical reporting requirements and timely preparations in the field of statistics in order for them to become participating Member States,

5. 'potential reporting population' shall mean resident credit institutions and other institutions which take euro-denominated deposits from and/or grant euro-denominated loans to households and/or non-financial corporations resident in the participating Member States.

#### Article 2

#### Actual reporting population

1. The actual reporting population shall consist of credit institutions and other institutions amongst the potential reporting population that are selected by NCBs according to the procedure set out in Annex I to this Regulation.

2. Each NCB shall inform its resident reporting agents about their reporting obligations following national procedures.

3. The Governing Council shall review the compliance with Annex I to this Regulation after its initial implementation and then at least every two years.

HAS ADOPTED THIS REGULATION:

#### Article 1

#### Definitions

For the purpose of this Regulation:

- the terms 'reporting agents', 'participating Member State', 'resident' and 'residing' shall have the same meaning as defined in Article 1 of Regulation (EC) No 2533/98;
- 'households and non-financial corporations' shall mean, as defined in the European System of Accounts (ESA) 1995, contained in Annex A to Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community<sup>(1)</sup>, all non-financial sectors other than general government. This covers the household sector and the sector of non-profit institutions serving households (S.14 and S.15 combined) and the sector of non-financial corporations (S.11);
- 'credit institutions and other institutions' shall mean all MFIs other than central banks and money market funds as identified in accordance with the classification principles set out in paragraph 1 of Part 1 of Annex I to Regulation (EC) No 2423/2001 of the European Central Bank of 22 November 2001 concerning the consolidated balance sheet of the monetary financial institutions sector (ECB/2001/13)<sup>(2)</sup>;
- 'MFI interest rate statistics' shall mean statistics relating to those interest rates that are applied by resident credit institutions and other institutions to euro-denominated deposits and loans vis-à-vis households and non-financial corporations resident in the participating Member States;

#### Article 3

#### Statistical reporting obligations

1. For the purposes of the regular production of MFI interest rate statistics, the actual reporting population shall report monthly statistical information relating to new business and outstanding amounts to the NCB of the participating Member State in which the reporting agent is resident. The required statistical information is specified in Annex II to this Regulation.

2. The NCBs shall define and implement the reporting arrangements to be followed by the actual reporting population in accordance with national characteristics. The NCBs shall ensure that these reporting arrangements provide the statistical information required and allow accurate checking of compliance with the minimum standards for transmission, accuracy, conceptual compliance and revisions as referred to in Article 3(3).

3. The required statistical information shall be reported in accordance with the minimum standards for transmission, accuracy, conceptual compliance and revisions as set out in Annex III to this Regulation.

4. The NCBs shall report the aggregated national monthly statistical information to the ECB by close of business on the 19th working day after the end of the reference month.

<sup>(1)</sup> OJ L 310, 30.11.1996, p. 1.

<sup>(2)</sup> OJ L 333, 17.12.2001, p. 1.

*Article 4***Verification and compulsory collection**

The right to verify or to collect compulsorily the information which reporting agents shall provide in compliance with the statistical reporting requirements set out in this Regulation shall be exercised by the NCBs, without prejudice to the right of the ECB to exercise these rights itself. This right shall be exercised in particular when an institution included in the actual reporting population does not fulfil the minimum standards for transmission, accuracy, conceptual compliance and revisions as set out in Annex III to this Regulation.

*Article 5***First reporting**

First reporting under this Regulation shall begin with monthly statistical information for January 2003.

*Article 6***Transitional provisions**

Transitional provisions for application of parts of this Regulation are laid down in Annex IV to this Regulation.

*Article 7***Final provision**

This Regulation shall enter into force on 31 January 2002.

Done at Frankfurt am Main, 20 December 2001.

*On behalf of the Governing Council of the  
ECB*

*The President*  
Willem F. DUISENBERG

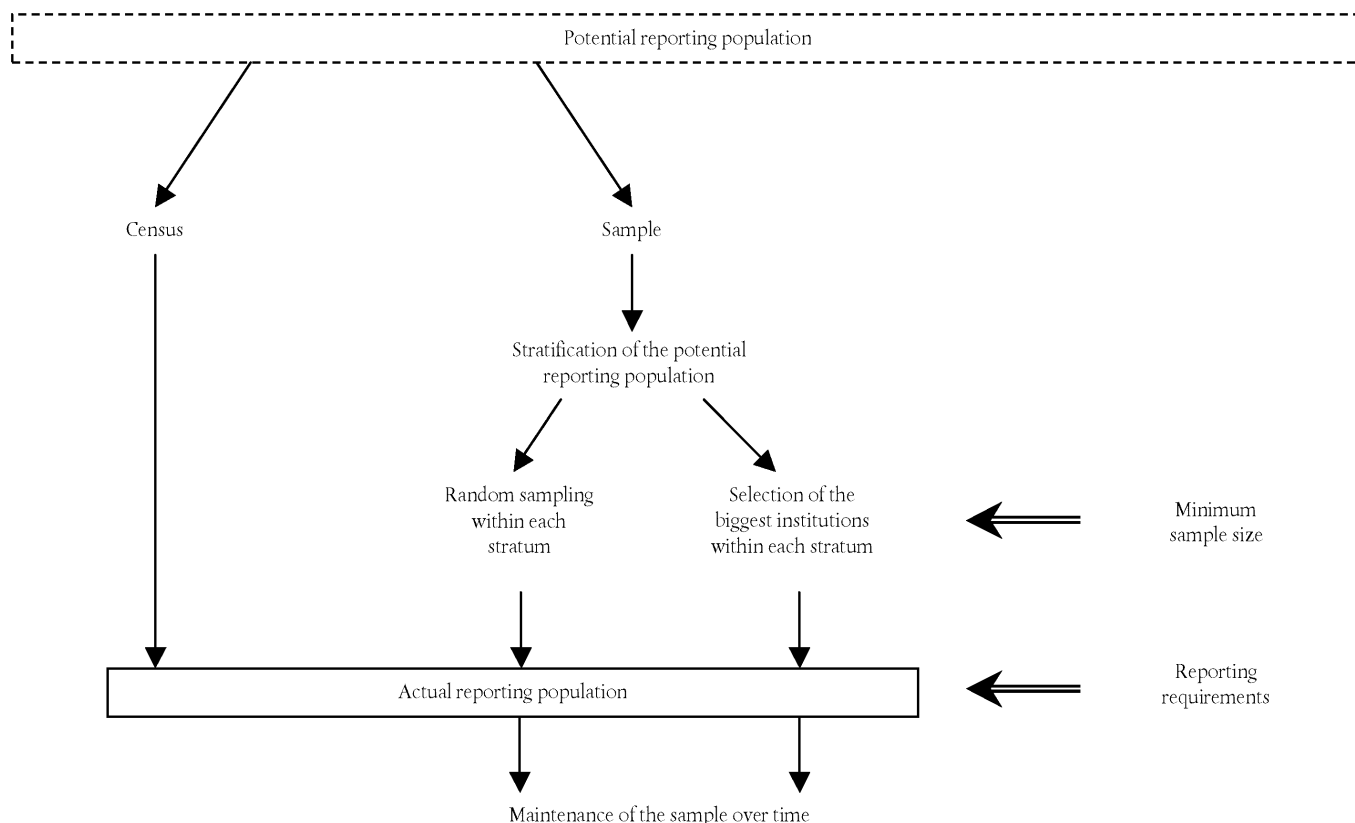
## ANNEX I

SELECTION OF THE ACTUAL REPORTING POPULATION AND MAINTENANCE OF THE SAMPLE FOR  
MONETARY FINANCIAL INSTITUTION INTEREST RATE STATISTICS

## PART 1

*Selection of the actual reporting population***I. Overall selection procedure**

1. National central banks (NCBs) shall apply the procedure illustrated in the figure below to select the reporting agents. This procedure is defined in detail in this Annex.

**II. Census or sample**

2. Each NCB shall select its reporting agents from among the credit institutions and other institutions in the potential reporting population that are resident in the same participating Member State as the NCB.
3. In order to select the reporting agents, NCBs shall either apply a census or follow a sampling approach in line with the criteria established in the following paragraphs.
4. In the case of a census, the NCB shall ask each resident credit institution and other institution in the potential reporting population to report monetary financial institution (MFI) interest rate statistics. The variables that shall be collected by means of the census are the interest rates and the amounts of new business and the interest rates on outstanding amounts.
5. In the case of a sample, only a selection of the credit institutions and other institutions in the potential reporting population shall be asked to report. The variables that shall be estimated by means of the sample are the interest rates and the amounts of new business and the interest rates on outstanding amounts. They are referred to as sampling variables. In order to minimise the risk that the results of a sample survey deviate from the true (unknown) values in the potential reporting population, the sample shall be constructed in such a way that it is representative of the potential reporting population. For the purpose of MFI interest rate statistics a sample shall be considered representative if all the characteristics that are relevant for MFI interest rate statistics and inherent in the potential reporting population are also reflected in the sample. For drawing the initial sample, NCBs may use suitable proxies and models to produce the sampling scheme even if the underlying data, which are derived from existing sources, may not match perfectly the definitions of this Regulation.

### III. Stratification of the potential reporting population

6. In order to ensure that the sample is representative, each NCB that chooses the sampling approach for MFI interest rate statistics shall suitably stratify the potential reporting population prior to the selection of any reporting agents. Stratification implies that the potential reporting population  $N$  is subdivided into subpopulations or strata  $N_1, N_2, N_3, \dots, N_L$ . These subdivisions into sub-populations or strata shall not overlap and together shall comprise the potential reporting population:

$$N_1 + N_2 + N_3 + \dots + N_L = N$$

7. NCBs shall define stratification criteria that allow the subdivision of the potential reporting population into homogeneous strata. Strata shall be considered homogeneous if the intra-stratum variance of the sampling variables is lower than the extra-stratum variance<sup>(1)</sup>. The stratification criteria shall be linked with MFI interest rate statistics, i.e. there shall be a relationship between the stratification criteria and the interest rates and amounts that are to be estimated from the sample.
8. Each NCB that chooses the sampling approach shall identify at least one stratification criterion to ensure that the sample of credit institutions and other institutions is representative of the participating Member State and the sampling error small. Ideally NCBs define a hierarchy of stratification criteria. These shall take national circumstances into account and hence be specific to each participating Member State.
9. The selection of the reporting agents shall take place in the form of single-stage sampling after all strata have been defined. Only at this one stage are reporting agents drawn from the potential reporting population. No intermediate drawing shall be carried out.

### IV. Minimum national sample size

10. The minimum national sample size shall be such that the maximum random error<sup>(2)</sup> for interest rates on new business on average over all instrument categories does not exceed 10 basis points at a confidence level of 90 %<sup>(3)</sup>. Compliance shall be proved either directly with appropriate data, or in the absence of such data it may be assumed that if one or the other of the following criteria is fulfilled, the sample size is sufficiently large in order to fulfil the minimum requirement.
- (a) The minimum national sample size shall be such that it covers at least 30 % of the resident potential reporting population; where 30 % of the resident potential reporting population is greater than 100, the minimum national sample size may nevertheless be limited to 100 reporting agents.
- (b) The minimum national sample size shall be such that the reporting agents in the national sample cover at least 75 % of the stock of euro-denominated deposits received from and at least 75 % of the stock of euro-denominated loans granted to households and non-financial corporations resident in the participating Member States.
11. Appropriate data shall be understood as data that are sufficiently detailed and linked to MFI interest rate statistics in the sense that the surveys from which these data are derived apply definitions that are consistent with MFI interest rate statistics. Such data might not be available to NCBs prior to implementation of the survey on MFI interest rate statistics and provision by reporting agents of the first sets of data.
12. The minimum national sample size shall refer both to the minimum initial sample and to the minimum sample after maintenance as defined in paragraph 21. Due to mergers and leavers, the sample might be reduced in size over time until the next maintenance period.
13. NCBs may select more reporting agents than defined as the minimum national sample size, in particular where necessary to increase the representativity of the national sample in the light of the structure of the national financial system.
14. There shall be consistency between the number of credit institutions and other institutions in the potential reporting population and the minimum sample size. NCBs may allow credit institutions and other institutions, which are resident within a single participating Member State and individually included in the list of MFIs as established and updated in accordance with the classification principles set out in paragraph I of Part 1 of Annex I to Regulation (EC) No 2423/2001 of the European Central Bank of 22 November 2001 concerning the consolidated balance sheet of the monetary financial institutions sector (ECB/2001/13)<sup>(4)</sup>, to report MFI interest rate statistics together as a group. The group shall become a notional reporting agent. This shall mean that the group reports MFI interest rate statistics as if they were a single MFI, i.e. they report one average interest rate per instrument category covering the whole group instead of one rate for each MFI included in the list of MFIs. At the same time, the credit institutions and other institutions within the group shall still be counted as individual institutions in the potential reporting population and in the sample.

<sup>(1)</sup> The decomposition of the total variance into an intra-stratum and an extra-stratum variance is known as Huygens theorem.

<sup>(2)</sup>

$$D = z_{\alpha/2} * \sqrt{\text{var}(\hat{\vartheta})} \approx z_{\alpha/2} * \sqrt{\text{var}(\hat{\vartheta})},$$

with  $D$  as the maximum random error,  $z_{\alpha/2}$  as the factor computed from the normal distribution or any suitable distribution according to the structure of the data (e.g. t-distribution) assuming a confidence level of  $1-\alpha$ ,  $\text{var}(\hat{\vartheta})$  as the variance of the estimator of parameter  $\vartheta$ , and  $\text{var}(\hat{\vartheta})$  as the estimated variance of the estimator of parameter  $\vartheta$ .

<sup>(3)</sup> The NCBs may directly translate the absolute measure of 10 basis points at a confidence level of 90 % into a relative measure in terms of the acceptable maximum variation coefficient of the estimator.

<sup>(4)</sup> OJ L 333, 17.12.2001, p. 1.

### V. Allocation of sample across strata and selection of reporting agents

15. After defining the national strata in accordance with paragraphs 6 and 7 and the national sample size  $n$  in accordance with paragraph 10, NCBs that choose the sampling approach shall draw the sample by selecting the actual reporting agents from each stratum. The total national sample size  $n$  shall be the sum of the sample sizes  $n_1, n_2, n_3, \dots, n_L$  for each of the strata:

$$n_1 + n_2 + n_3 + \dots + n_L = n.$$

16. Each NCB shall choose the most appropriate allocation of the national sample size  $n$  among the strata. Hence each NCB shall define the sampling rate  $n_h/N_h$  for each stratum  $h$ , i.e. how many reporting agents  $n_h$  shall be drawn from the total of credit institutions and other institutions  $N_h$  in each stratum. The sampling rate for each stratum  $h$  shall fulfil the condition  $0 < n_h/N_h \leq 1$ . Hence, the sampling rate shall be higher than zero. This implies that at least one reporting agent shall be selected from each stratum, and therefore no stratum entirely excluded from the actual reporting population. Further, the maximum sampling rate shall be one, implying that all credit institutions and other institutions in a stratum become reporting agents.
17. In order to select the actual reporting agents within each stratum, NCBs shall either include all institutions in the stratum, carry out random sampling or select the largest institutions per stratum. In the case of a random sample, the random drawing of the institutions within each stratum shall either be carried out with equal probability for all institutions or with probability proportional to the size of the institution. NCBs may choose the inclusion of all institutions for some strata, random sampling for other strata and the selection of the largest institutions for still other strata.
18. Information about the size of each credit institution and other institution in the potential reporting population is available at national level from the MFI balance sheet statistics collected in accordance with Regulation (EC) No 2423/2001 (ECB/2001/13). NCBs shall use total euro-denominated deposits and loans vis-à-vis households and non-financial corporations resident in the participating Member States, which is that part of the balance sheet that is relevant for MFI interest rate statistics, or a close proxy.
19. MFI interest rate statistics shall be based on a selection without replacement, i.e. each credit institution and other institution in the potential reporting population shall only be selected once.
20. Where an NCB decides on a census of all credit institutions and other institutions in one stratum, the NCB may sample in that stratum at the level of branches. The precondition is that the NCB has a full list of branches that covers all the business of the credit institutions and other institutions in the stratum, and appropriate data in order to assess the variance of interest rates on new business vis-à-vis households and non-financial corporations across branches. For the selection of the branches all requirements laid down in this Annex shall apply. The selected branches shall become notional reporting agents subject to all reporting requirements as defined in Annex II. This procedure shall be without prejudice to the liability as reporting agent of the credit institution or other institution to which branches belong.

## PART 2

### *Maintenance of the sample of the actual reporting population*

### VI. Maintenance of the sample over time

21. NCBs that choose the sampling approach shall ensure that the sample remains representative over time.
22. NCBs shall therefore check the representativity of their sample at least once a year. If there are significant changes in the potential reporting population, these shall be reflected in the sample after this annual check.
23. At intervals of at most two years, NCBs shall carry out a regular review of the sample, taking account of joiners to the potential reporting population, leavers from the potential and actual reporting population, as well as all other changes in the characteristics of the reporting agents. However, NCBs may check and refresh their sample more frequently.
24. Over time, the sample shall be adjusted to take account of joiners to the potential reporting population in order to remain representative of the potential reporting population. NCBs shall therefore draw a sample  $n_b$  from the population of all joiners  $N_b$ . The complementary selection of joining institutions  $n_b$  among the total number of joiners  $N_b$  shall be referred to as incremental sampling over time.



25. Over time, the sample shall be adjusted to take account of leavers from the potential and the actual reporting population. No adjustment is necessary if there is proportionality between the leavers in the potential reporting population  $N_d$  and the leavers in the sample  $n_d$  (case 1). If the institutions are leaving the potential reporting population and these institutions are not in the sample, the sample becomes too large relative to the size of the potential reporting population (case 2). If more institutions leave the sample than the potential reporting population, the sample becomes too small over time and might cease to be representative (case 3). In cases 2 and 3 the weights attached to each institution in the sample shall be adjusted by means of an established statistical method derived from the theory of sampling. The weight attached to each reporting agent is the inverse of its selection probability and hence the expansion factor. In case 2, where the sample is relatively too large for the population, no reporting agent shall be taken out of the sample.
26. Over time, the sample shall be adjusted to take account of changes in the characteristics of the reporting agents. These changes can occur because of mergers, divisions, growth of the institution etc. Some reporting agents might change stratum. As in cases 2 and 3 for leavers, the sample shall be adjusted by means of an established statistical method derived from the theory of sampling. New selection probabilities and hence weights shall be allocated.

### PART 3

#### *Further sampling issues*

##### **VII. Consistency**

27. In order to achieve consistency between MFI interest rate statistics on outstanding amounts referring to deposits and referring to loans and on new business referring to deposits and referring to loans, NCBs that choose the sampling approach shall use the same reporting agents for collecting these sets of statistics. NCBs may also use the sampling approach for a subset of MFI interest rate statistics and a census for the rest. They shall, however, not use two or more different samples.

##### **VIII. Financial innovation**

28. NCBs do not need to cover in the sample procedure each product that exists at national level. However, they shall not exclude a whole instrument category on the grounds that the amounts involved are very small. Hence, if an instrument category is only offered by one institution, then this institution shall be represented in the sample. If an instrument category did not exist in a participating Member State at the time of the initial drawing of the sample, but is being introduced by one institution thereafter, this institution shall be selected into the sample at the time of the next representativity check. If a new product is created, the institutions in the sample shall cover it with the next report, as all reporting agents are required to report on all their products.
-

## ANNEX II

## REPORTING SCHEME FOR MONETARY FINANCIAL INSTITUTION INTEREST RATE STATISTICS

## PART 1

*Type of rate***I. Annualised agreed rate***General principle*

1. The type of rate that reporting agents shall provide for all instrument categories of deposits and loans referring to new business and outstanding amounts is the annualised agreed rate. It shall be defined as the interest rate that is individually agreed between the reporting agent and the household or non-financial corporation for a deposit or loan, converted to an annual basis and quoted in percentages per annum. The annualised agreed rate shall cover all interest payments on deposits and loans, but no other charges that may apply. Disagio, defined as the difference between the nominal amount of the loan and the amount received by the customer, shall be considered as an interest payment at the start of the contract (time  $t_0$ ) and shall therefore be reflected in the annualised agreed rate.
2. If interest payments agreed between the reporting agent and the household or non-financial corporation are capitalised at regular intervals within a year, for example per month or quarter rather than per annum, the agreed rate shall be annualised by means of the following formula to derive the annualised agreed rate:

$$x = \left( 1 + \frac{r_{ag}}{n} \right)^n - 1$$

with:

$x$  as the annualised agreed rate,

$r_{ag}$  as the interest rate per annum that is agreed between the reporting agents and the household or non-financial corporation for a deposit or loan where the dates of the interest capitalisation of the deposit and all the payments and repayments of the loan are at regular intervals within the year, and

$n$  as the number of interest capitalisation periods for the deposit and (re)payment periods for the loan per year, i.e. 1 for yearly payments, 2 for semi-annual payments, 4 for quarterly payments and 12 for monthly payments.

3. National central banks (NCBs) may require their reporting agents to provide for all or some deposit and loan instruments referring to new business and outstanding amounts the narrowly defined effective rate (NDER), instead of the annualised agreed rate. The NDER shall be defined as the interest rate, on an annual basis, that equalises the present value of all commitments other than charges (deposits or loans, payments or repayments, interest payments), future or existing, agreed by the reporting agents and the household or non-financial corporation. The NDER shall be equivalent to the interest rate component of the annual percentage rate of charge (APRC) as defined in Article 1(2)(e) of Council Directive 87/102/EEC of 22 December 1986 for the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit <sup>(1)</sup> as last amended by European Parliament and Council Directive 98/7/EC <sup>(2)</sup>. The only difference between the NDER and the annualised agreed rate shall be the underlying method for annualising interest payments. The NDER uses successive approximation and can therefore be applied to any type of deposit or loan, whereas the annualised agreed rate uses the algebraic formula defined in paragraph 2 and is therefore only applicable to deposit and loan with regular capitalisation of interest payments. All other requirements shall be identical, which implies that where it is hereinafter referred to as the annualised agreed rate, it shall also apply to the NDER.

*Treatment of taxes, subsidies and regulatory arrangements*

4. The interest payments covered in the annualised agreed rate shall reflect what the reporting agent pays on deposits and receives for loans. Where the amount paid by one party and received by the other differs, the point of view of the reporting agent shall determine the interest rate covered by monetary financial institution (MFI) interest rate statistics.
5. Following this principle, interest rates shall be recorded on a gross basis before tax, since the pre-tax interest rates reflect what reporting agents pay on deposits and receive for loans.

<sup>(1)</sup> OJ L 42, 12.2.1987, p. 48.

<sup>(2)</sup> OJ L 101, 1.4.1998, p. 17.

6. Furthermore, subsidies granted to households or non-financial corporations by third parties shall not be taken into account when determining the interest payment, because the subsidies are not paid or received by the reporting agent.
7. Favourable rates that reporting agents apply to their employees shall be covered in MFI interest rate statistics.
8. Where regulatory arrangements affect interest payments, for example interest rate ceilings or the prohibition of remuneration of overnight deposits, these shall be reflected in MFI interest rate statistics. Any change in the rules determining regulatory arrangements, for example the level of administered interest rates or interest rate ceilings, shall be shown in MFI interest rate statistics as a change in the interest rate.

## **II. Annual percentage rate of charge**

9. In addition to annualised agreed rates, the reporting agents shall provide for new business in respect of consumer credit and loans to households for house purchases the annual percentage rate of charge (APRC) as defined in Article 1(2)(e) of Directive 87/102/EEC, i.e.:
  - one APRC for new consumer credit (see indicator 30 in Appendix 2), and
  - one APRC for new loans to households for house purchases (see indicator 31 in Appendix 2) <sup>(1)</sup>.
10. The APRC covers the 'total costs of the credit to the consumer', as defined in Article 1(2)(d) of Directive 87/102/EEC. These total costs comprise an interest rate component and a component of other (related) charges, such as the cost of inquiries, administration, preparation of the documents, guarantees, credit insurance etc.
11. The composition of the component of other charges may vary across countries, because the definitions in Directive 87/102/EEC are applied differently, and because national financial systems and the procedure for securing credits differ.

## **III. Convention**

12. Reporting agents shall apply a standard year of 365 days for the compilation of the annualised agreed rate, i.e. the effect of an additional day in a leap year shall be ignored.

# **PART 2**

## ***Business coverage***

13. Reporting agents shall provide MFI interest rate statistics referring to outstanding amounts and to new business.

## **IV. Interest rates on outstanding amounts**

14. Outstanding amounts shall be defined as the stock of all deposits placed by households and non-financial corporations with the reporting agent and the stock of all loans granted by the reporting agent to households and non-financial corporations.
15. An interest rate on outstanding amounts shall reflect the weighted average interest rate level applied to the stock of deposits or loans in the relevant instrument category as at the time reference point as defined in paragraph 26. It shall cover all outstanding contracts that have been agreed in all the periods prior to the reporting date.
16. Bad loans and loans for debt restructuring at rates below market conditions shall not be included in the weighted average interest rates on outstanding amounts. Bad loans and loans for debt restructuring shall be defined according to national practice, which may differ across participating Member States.

## **V. New business on overnight deposits, deposits redeemable at notice and bank overdrafts**

17. In the case of overnight deposits, deposits redeemable at notice and bank overdrafts as defined in paragraphs 42 to 44, the concept of new business shall be extended to the whole stock. Hence, the debit or credit balance, i.e. the amount outstanding, at the time reference point as defined in paragraph 29 shall be used as an indicator for the new business on overnight deposits, deposits redeemable at notice and bank overdrafts.

<sup>(1)</sup> NCBS may grant derogation for consumer credit and loans to households for house purchase vis-à-vis non-profit institutions serving households.

18. The interest rates for overnight deposits, deposits redeemable at notice and bank overdrafts shall reflect the weighted average interest rate level applied to the stock on these accounts at the time reference point as defined in paragraph 29. They shall cover all outstanding contracts that have been agreed in all the periods prior to the reporting date.
19. In order to calculate MFI interest rates on accounts that depending on their balance can either be a deposit or a loan, reporting agents shall distinguish between the periods with credit balance and the periods with debit balance. The reporting agents shall report weighted average interest rates referring to the credit balances as overnight deposits and weighted average interest rates referring to the debit balances as bank overdrafts. They shall not report weighted average interest rates combining (low) overnight deposit rates and (high) bank overdraft rates.

#### **VI. New business in instrument categories other than overnight deposits, deposits redeemable at notice and bank overdrafts**

20. The following paragraphs 21 to 25 refer to all instrument categories other than overnight deposits, deposits redeemable at notice and bank overdrafts, i.e. for deposits with agreed maturity, repos and all loans other than bank overdrafts as defined in paragraphs 42 and 45 to 48.
21. New business shall be defined as any new agreement between the household or non-financial corporation and the reporting agent. New agreements shall be:
  - all financial contracts, terms and conditions that specify for the first time the interest rate of the deposit or loan, and
  - all new negotiations of existing deposits and loans.

Prolongations of existing deposit and loan contracts that are carried out automatically, i.e. without any active involvement of the household or non-financial corporation, and do not involve any renegotiation of the terms and conditions of the contract, including the interest rate, shall not be considered as new business.
22. The new business rate shall reflect the weighted average interest rate level applied to the deposits and loans in the relevant instrument category in respect of new agreements made between households or non-financial corporations and the reporting agent during the time reference period as defined in paragraph 32.
23. Changes in floating interest rates in the sense of automatic adjustments of the interest rate performed by the reporting agent are not new agreements and shall therefore not be considered as new business. For existing contracts, these changes in floating rates shall therefore not be captured in new business rates but only in the rates on outstanding amounts.
24. A change from fixed to floating interest rates or vice versa (at time  $t_1$ ) during the course of the contract, which has been agreed at the start of the contract (time  $t_0$ ), is not a new agreement but part of the terms and conditions of the loan laid down at time  $t_0$ . It shall therefore not be considered as new business.
25. A household or non-financial corporation is normally expected to take out a loan other than a bank overdraft in full at the start of the contract. It may, however, take out a loan in tranches at times  $t_1$ ,  $t_2$ ,  $t_3$  etc. instead of taking out the full amount at the start of the contract (time  $t_0$ ). The fact that the loan other than a bank overdraft is taken out in tranches shall be irrelevant for MFI interest rate statistics. The agreement between the household or non-financial corporation and the reporting agent at time  $t_0$ , which includes the interest rate and the full amount of the loan, shall be captured in MFI interest rate statistics.

### **PART 3**

#### ***Time reference point***

#### **VII. Time reference point for MFI interest rates on outstanding amounts**

26. NCBs shall define whether at national level the MFI interest rates on outstanding amounts, i.e. indicators 1 to 14 described in Appendix 1, shall be compiled as a snapshot of end-period observations or as implicit rates referring to period averages. The period covered shall be one month.
27. Interest rates on outstanding amounts as a snapshot of end-month observations shall be calculated as weighted averages of the interest rates applied to the stock of deposits and loans at a certain point in time on the last day of the month. At that point in time, the reporting agent shall collect the interest rates and the amounts involved for all outstanding deposits and loans vis-à-vis households and non-financial corporations and compile a weighted average interest rate for each instrument category. In contrast to monthly averages, MFI interest rates on outstanding amounts compiled as end-month observations shall only cover those contracts that are still outstanding at the time of data collection.

28. Interest rates on outstanding amounts as implicit rates referring to the average of the month shall be calculated as quotients, with the numerator as the accumulated flow of interest during the reference month, i.e. the accrued interest payable on deposits and receivable on loans, and the denominator as the average month stock. At the end of the reference month, for each instrument category the reporting agent shall report the accrued interest payable or receivable during the month and the stock of deposits and loans on average during the same month. In contrast to end-month observations, the MFI interest rates on outstanding amounts compiled as monthly averages shall also include contracts that were outstanding at some time during the month, but are no longer outstanding at the end of the month. The stock of deposits and loans on average during the reference month shall ideally be compiled as the average of daily stocks over the month. As a minimum standard, for volatile instrument categories, i.e. at least overnight deposits, deposits redeemable at notice and bank overdrafts, the average monthly stock shall be derived from daily balances. For all other instrument categories, the average monthly stock shall be derived from weekly or more frequent balances. For a transitional period of not more than two years, for loans with agreed maturity over five years, the end-month observations shall be accepted.

**VIII. Time reference point for new business on overnight deposits, deposits redeemable at notice and bank overdrafts**

29. NCBs shall define whether at national level the MFI interest rates on overnight deposits, deposits redeemable at notice and bank overdrafts, i.e. indicators 1, 5, 6, 7, 12 and 23 described in Appendix 2, shall be compiled as a snapshot of end-period observations or as implicit rates referring to period averages. The period covered shall be one month.
30. Analogous to the rates on outstanding amounts contained in Appendix 1, the interest rates on overnight deposits, deposits redeemable at notice and bank overdrafts shall be compiled as either of the following:
- (a) a snapshot of end-month observations shall be calculated, i.e. weighted averages of the interest rates applied to the stock of these deposits and loans at a certain point in time on the last day of the month. At that point in time, the reporting agent shall collect the interest rates and the amounts involved for all overnight deposits, deposits redeemable at notice and bank overdrafts vis-à-vis households and non-financial corporations, and compile a weighted average interest rate for each instrument category. In contrast to monthly averages, MFI interest rates on outstanding amounts compiled as end-month observations shall only cover those contracts that are still outstanding at the time of data collection; or
  - (b) implicit rates referring to the average of the month shall be calculated, i.e. quotients, with the numerator as the accumulated flow of interest during the month, i.e. the accrued interest payable on deposits and receivable on loans, and the denominator as the average of daily stocks. At the end of the month, for overnight deposits, deposits redeemable at notice and bank overdrafts the reporting agent shall report the accrued interest payable or receivable during the month and the stock of deposits and loans on average during the same month. For overnight deposits, deposits redeemable at notice and bank overdrafts, the average monthly stock shall be derived from daily balances. In contrast to end-month observations, the MFI interest rates on outstanding amounts compiled as monthly averages shall also include contracts that were outstanding at some time during the month, but are no longer outstanding at the end of the month.
31. Paragraph 19 provides that in order to calculate MFI interest rates on accounts that depending on their balance can either be a deposit or a loan, reporting agents shall distinguish between periods with credit and with debit balances. If MFI interest rates are compiled as a snapshot of end-month observations, only the balance at a certain point in time on the last day of the month shall be assessed in order to decide whether the account in this month is an overnight deposit or a bank overdraft. If MFI interest rates are calculated as implicit rates referring to the average of the month, each day it shall be assessed whether the account is a deposit or a loan. An average of the daily credit balances and the daily debit balances shall then be calculated to derive the average monthly stocks for the denominator of the implicit rates. Furthermore, the flows in the numerator shall distinguish between accrued interest payable on deposits and receivable on loans. Reporting agents shall not report weighted average interest rates combining (low) overnight deposit rates and (high) bank overdraft rates.

**IX. Time reference point for new business (other than overnight deposits, deposit redeemable at notice and bank overdrafts)**

32. MFI interest rates on new business other than overnight deposits, deposits redeemable at notice and bank overdrafts, i.e. all indicators described in Appendix 2 except for 1, 5, 6, 7, 12 and 23, shall be calculated as period averages. The period covered shall be (the whole of) one month.
33. For each instrument category, the reporting agents shall calculate the new business rate as a weighted average of all interest rates on new business operations in the instrument category during the reference month. These interest rates referring to the average of the month shall be transmitted to the NCB of the participating Member State in which the reporting agent is resident together with weighting information on the amount of the new business conducted during the reporting month for each instrument category. Reporting agents shall take into account the new business operations conducted during the entire month.

## PART 4

*Instrument categories***X. General provisions**

34. Reporting agents shall provide MFI interest rate statistics on outstanding amounts for the instrument categories specified in Appendix 1 and MFI interest rate statistics on new business for the instrument categories contained in Appendix 2. As defined in paragraph 17, the interest rates on overnight deposits, deposits redeemable at notice and bank overdrafts shall be interest rates on new business and therefore included in Appendix 2 referring to new business. However, since the compilation method and the time reference point for the rates on overnight deposits, deposits redeemable at notice and bank overdrafts shall be the same as for the other indicators on outstanding amounts, indicators 1, 5, 6, 7, 12 and 23 of Appendix 2 are repeated in Appendix 1.
35. In some participating Member States, resident credit institutions and other institutions might not offer some of the instrument categories proposed in Appendix 1 and Appendix 2 to households and non-financial corporations resident in the participating Member States. In this case, the instrument category that is inapplicable at national level shall be ignored in this participating Member State. An instrument category shall be inapplicable at national level, if resident credit institutions and other institutions do not at all offer products belonging to this category to households and non-financial corporations resident in the participating Member States. Data shall be provided if some business exists, however limited this business is.
36. For each instrument category defined in Appendices 1 and 2, and applied in the banking business of resident credit institutions and other institutions with households and non-financial corporations resident in the participating Member States, the MFI interest rate statistics shall be compiled based on all interest rates applied to all the products that fit this instrument category. This shall imply that NCBs may not define a set of national products within each instrument category on which MFI interest rate statistics shall be collected; instead, the rates on all products offered by each of the reporting agents shall be covered. As defined in the last paragraph of Annex I, NCBs do not need to cover in the sample each product that exists at national level. However, they shall not exclude a whole instrument category on the grounds that the amounts involved are very small. Hence, if an instrument category is only offered by one institution, then this institution shall be represented in the sample. If an instrument category did not exist in a participating Member State at the time of the initial drawing of the sample, but a new product belonging to this category is being introduced by one institution thereafter, this institution shall be included in the sample at the time of the next representativity check. If a new product is created within an existing instrument category at national level, the institutions in the sample shall cover it with the next reporting, as all reporting agents are required to report on all their products.
37. The exception to the principle of covering all interest rates applied to all products are interest rates on bad loans and loans for debt restructuring. As defined in paragraph 16, bad loans and loans for debt restructuring at rates below market conditions shall not be covered by MFI interest rate statistics.

**XI. Breakdown by currency**

38. MFI interest rate statistics shall cover the interest rates applied by the potential reporting population. Data on deposits and loans in currencies other than the euro shall not be required at the level of all participating Member States. This is reflected in Appendices 1 and 2 where all indicators refer to deposits and loans denominated in euro.

**XII. Breakdown by sector**

39. With the exception of repos, a sectoral breakdown shall be applied to all deposits and loans required for MFI interest rate statistics. Appendix 1 for outstanding amounts and Appendix 2 for new business therefore distinguish between indicators vis-à-vis households (including non-profit institutions serving households) <sup>(1)</sup> and vis-à-vis non-financial corporations <sup>(2)</sup>.
40. Indicator 5 in Appendix 1 and indicator 11 in Appendix 2 refer to repos. Although the remuneration of repos is not in all participating Member States independent of the holding sector, no sector breakdown by households and non-financial corporations shall be required for repos at the level of all participating Member States. Furthermore, no maturity breakdown shall be required at the level of all participating Member States, as repos are assumed to be predominantly very short-term. The MFI interest rate on repos shall not be allocated to one sector but refer without differentiation to both sectors.

<sup>(1)</sup> S. 14 and S. 15 combined, as defined in the European System of Accounts (ESA) 1995, contained in Annex A of the Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community (OJ L 310, 30.11.1996, p. 1).

<sup>(2)</sup> S. 11 as defined in the ESA 1995.

41. Indicators 5 and 6 in Appendix 2 refer to deposits redeemable at notice held by households. The interest rate and the weight for deposits redeemable at notice shall, however, at the level of all participating Member States refer to both deposits redeemable at notice held by households and by non-financial corporations, i.e. both sectors shall be merged but allocated to households. At the level of all participating Member States, no sector breakdown shall be required.

### XIII. Breakdown by type of instrument

42. Unless otherwise stated in the following paragraphs, the instrument breakdown for MFI interest rates and the definitions of the types of instruments shall follow the asset and liabilities categories as set out in Part 3 of Annex I to Regulation (EC) No 2423/2001 of the European Central Bank of 22 November 2001 concerning the consolidated balance sheet of the monetary financial institutions sector (ECB/2001/13) <sup>(1)</sup>.
43. MFI interest rates on overnight deposits, i.e. indicators 1 and 7 in Appendix 2, shall cover all overnight deposits, whether or not they are interest bearing. Zero-interest overnight deposits shall therefore be captured by MFI interest rate statistics.
44. For the purposes of MFI interest rate statistics, bank overdrafts, i.e. indicators 12 and 23 in Appendix 2, shall be defined as debit balances on current accounts. The interest rate on bank overdrafts shall refer to the rate charged when an overnight deposit becomes negative, i.e. the overnight deposit and the bank overdraft are linked to the same account. In contrast to loans to enterprises up to one year, consumer credit and other loans to households up to one year, bank overdrafts shall be without defined maturity and, in general, authorised but taken without giving prior notice to the bank. Usually, the credit or other institution shall define an upper limit for the size and the maximum period of the bank overdraft the household or non-financial corporation may accumulate. MFI interest rate statistics shall capture all bank overdrafts independently of whether they are within and beyond the limit agreed between the reporting agent and the household or non-financial corporation. Penalties on overdrafts applied as a component of other charges, for example in the form of special fees, shall not be covered by the annualised agreed rate as defined in paragraph 1, because this type of rate shall only cover the interest rate component of loans.
45. For the purposes of MFI interest rate statistics, new other loans to non-financial corporations, i.e. indicators 24 to 29 in Appendix 2, shall comprise all loans other than bank overdrafts to enterprises regardless of their amount. Loans to non-financial corporations in Appendix 1 referring to outstanding amounts shall follow the definition in Part 3 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) and shall cover bank overdrafts.
46. For the purposes of MFI interest rate statistics, new loans to households for consumption, i.e. indicators 13, 14, 15 and 30 in Appendix 2, shall be defined as loans other than bank overdrafts granted for the purpose of personal use in the consumption of goods and services. Consumer credit in Appendix 1 referring to outstanding amounts shall follow the definition in Part 3 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) and shall cover bank overdrafts.
47. Loans to households for house purchases, i.e. indicators 6 to 8 in Appendix 1 and indicators 16 to 19 and 31 in Appendix 2, may be secured or unsecured. In the case of secured loans, the security may be the property itself or other assets. MFI interest rate statistics shall cover secured and unsecured loans to households for house purchases without differentiation. For the purposes of MFI interest rate statistics, new loans to households for house purchases, i.e. indicators 16 to 19 and 31 in Appendix 2, shall be defined as credit other than bank overdrafts extended for the purposes of investing in housing, including building and home improvements. Loans to households for house purchases in Appendix 1 referring to outstanding amounts shall follow the definition in Part 3 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) and shall cover bank overdrafts.
48. For the purposes of MFI interest rate statistics, new loans to households for other purposes, i.e. indicators 20 to 22 in Appendix 2, shall be defined as loans other than bank overdrafts granted for purposes such as business, debt consolidation, education etc. Other loans to households in Appendix 1 referring to outstanding amounts shall follow the definition in Part 3 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) and shall cover bank overdrafts.
49. For MFI interest rates on outstanding amounts, consumer credit, loans to households for house purchases and other loans to households together shall cover all loans granted to households by resident credit institutions and other institutions.
50. For MFI interest rates on new business, bank overdrafts, loans to households for consumption, for house purchases and for other purposes shall cover all loans granted to households by resident credit institutions and other institutions.

<sup>(1)</sup> OJ L 333, 17.12.2001, p. 1.

**XIV. Breakdown by amount category**

51. For other loans to non-financial corporations, i.e. indicators 24 to 29 in Appendix 2, two categories of amounts shall be distinguished, i.e. 'up to and including EUR 1 million' and 'over EUR 1 million'. The amount shall refer to the single loan transaction considered as new business, rather than to all business between the non-financial corporation and the reporting agent.

**XV. Breakdown by original maturity, notice period or initial rate fixation**

52. Depending on the type of instrument and whether the MFI interest rate refers to outstanding amounts or to new business, the statistics shall provide a breakdown by original maturity, period of notice, or initial period of fixation of the rate. These breakdowns shall refer to time bands or ranges, for example an interest rate on a deposit with an agreed maturity of up to two years shall refer to an average rate across all deposits with an agreed original maturity between two days and a maximum of two years.
53. The breakdown by original maturity and period of notice shall follow the definitions as set out in Part 3 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13). A breakdown by original maturity shall be applied to all deposit categories other than repos referring to outstanding amounts and all lending categories referring to outstanding amounts as set out in Appendix 1. A breakdown by original maturity shall also be applied to new business on deposits with agreed maturity, and a breakdown by period of notice to new business on deposits redeemable at notice as set out in Appendix 2.
54. The lending interest rates on new business in Appendix 2 shall be broken down by the initial period of fixation of the interest rate contained in the contract. For the purposes of MFI interest rate statistics, the initial period of fixation shall be defined as a predetermined period of time at the start of a contract during which the value of the interest rate cannot change. The initial period of fixation may be smaller or equal to the original maturity of the loan. The value of the interest rate shall only be considered to be unchangeable if it is defined as an exact level, for example as 10 %, or as a differential to a reference rate at a certain point in time, for example as six-month Euribor plus 2 percentage points at a certain day and time. If at a start of the contract for a certain period of time a procedure of calculating the lending rate is agreed between the household or non-financial corporation and the reporting agent, for example six-month Euribor plus 2 percentage points for three years, this shall not be considered to be an initial rate fixation, as the value of the interest rate may change during the three years. The MFI interest rate statistics on new lending business shall only reflect the interest rate that is agreed for the initial period of fixation at the start of a contract or after renegotiation of the loan. If after this initial period of fixation the interest rate automatically changes to a floating rate, this shall not be reflected in the MFI interest rates on new business but only in those on outstanding amounts.
55. The following three periods of initial rate fixation shall be distinguished for loans to households for consumption and for other purposes, and for other loans to non-financial corporations up to EUR 1 million and over EUR 1 million:
- floating rate and up to (and including) one year initial rate fixation,
  - over one and up to (and including) five years initial rate fixation, and
  - over five years initial rate fixation.
56. The following four periods of initial rate fixation shall be distinguished for loans to households for house purchases:
- floating rate and up to (and including) one year initial rate fixation,
  - over one and up to (and including) five years initial rate fixation,
  - over five and up to (and including) 10 years initial rate fixation, and
  - over 10 years initial rate fixation.
57. Loans without any interest rate fixation shall be included as 'floating rate' in the category of up to one year initial rate fixation.

**PART 5*****Reporting obligations***

58. In order to derive aggregates referring to all participating Member States, for each of the instrument categories proposed in Appendices 1 and 2, three levels of aggregation shall be applied.

**XVI. Statistical information at the level of the reporting agents**

59. The first level of aggregation shall be carried out by the reporting agents as defined in paragraphs 60 to 65. However, NCBs may also ask reporting agents to provide data at the level of individual deposits and loans. The data shall be reported to the NCB of the participating Member State in which the reporting agent is resident.



60. If the interest rates on outstanding amounts, i.e. indicators 1 to 14 in Appendix 1, are compiled as a snapshot of end-month observations, then the reporting agents shall provide for each of the instrument categories a weighted average interest rate referring to the last day of the month, thereby applying the definitions and rules as laid down in this Regulation.
61. If the interest rates on outstanding amounts, i.e. indicators 1 to 14 in Appendix 1, are compiled as implicit rates referring to the average of the month, reporting agents shall provide for each of the instrument categories the accrued interest payable or receivable during the month and the stock of deposits and loans on average during the same month, thereby applying the definitions and rules as laid down in this Regulation.
62. If the interest rates on overnight deposits, deposits redeemable at notice and bank overdrafts, i.e. indicators 1, 5, 6, 7, 12 and 23 in Appendix 2, are compiled as a snapshot of end-month observations, then the reporting agents shall provide for each of the instrument categories a weighted average interest rate referring to the last day of the month, thereby applying the definitions and rules as laid down in this Regulation. In addition, reporting agents shall provide for bank overdrafts, i.e. indicators 12 and 23 in Appendix 2, the outstanding amount at the end of the month.
63. If the interest rates on overnight deposits, deposits redeemable at notice and bank overdrafts, i.e. indicators 1, 5, 6, 7, 12 and 23 in Appendix 2, are compiled as implicit rates referring to the average of the month, then the reporting agents shall provide for each of the instrument categories the accrued interest payable or receivable during the month and the stock of deposits and loans on average during the same month, thereby applying the definitions and rules as laid down in this Regulation. In addition, reporting agents shall provide for bank overdrafts, i.e. indicators 12 and 23 in Appendix 2, the outstanding amount at the end of the month.
64. For each of the instrument categories on new business, i.e. indicators 2 to 4, 8 to 11, 13 to 22 and 24 to 31 in Appendix 2, reporting agents shall provide a weighted average interest rate applying the definitions and rules as laid down in this Regulation. In addition, reporting agents shall provide for each of the indicators 2 to 4, 8 to 11, 13 to 22 and 24 to 29 in Appendix 2 the amount of new business conducted in each instrument category during the month.
65. Credit institutions and other institutions, which are permitted by an NCB to report MFI interest rate statistics together as a group, shall be considered as one notional reporting agent and provide the data defined in paragraphs 60 to 62 referring to the group as a whole. In addition, the notional reporting agent shall provide every year for each instrument category the number of reporting institutions within the group and the variance of interest rates across these institutions. The number of reporting institutions within the group and the variance shall refer to the month of October and be transmitted with the October data.

#### XVII. National weighted average interest rates

66. The second level of aggregation shall be carried out by the NCBs. They shall aggregate the interest rates and related amounts of business for all of their national reporting agents to a national weighted average interest rate for each instrument category. The data shall be reported to the European Central Bank (ECB).
67. For each of the instrument categories on outstanding amounts, i.e. indicators 1 to 14 in Appendix 1, NCBs shall provide a national weighted average interest rate applying the definitions and rules as laid down in this Regulation.
68. For each of the instrument categories on new business, i.e. indicators 1 to 31 in Appendix 2, NCBs shall provide a national weighted average interest rate applying the definitions and rules as laid down in this Regulation. In addition, NCBs shall provide for each of the indicators 2 to 4 and 8 to 29 in Appendix 2 the amount of new business conducted at national level in each instrument category during the reference month. These amounts of new business shall refer to the population total  $\hat{Y}$ , i.e. to the entire potential reporting population. Therefore, where a sampling approach is chosen for selecting the reporting agents, expansion factors shall be used at national level to derive the population total <sup>(1)</sup>. The expansion factors shall be the inverse of the selection probabilities,  $\pi_i$ , i.e.  $1/\pi_i$ . The population total  $\hat{Y}$  for the amount of new business shall then be estimated by means of the following generic formula <sup>(2)</sup>:

$$\hat{Y} = \sum_{i \in s} \frac{y_i}{\pi_i}$$

with:

$y_i$  as the amount of new business of institution  $i$ , and

$\pi_i$  as probability of selecting institution  $i$ .

<sup>(1)</sup> No expansion factors are required for the weighted average interest rates where it shall be assumed that the estimate from the sample is the estimate for the entire potential reporting population.

<sup>(2)</sup> Known as the Horvitz-Thompson estimator.

69. NCBs shall provide the MFI interest rates on outstanding amounts and on new business to the ECB with a detail of four decimal places. This shall be without prejudice to the decision taken by the NCBs on the level of detail at which they wish to collect the data. The published results shall not contain more than two decimal places.
70. NCBs shall document any regulatory arrangements affecting MFI interest rate statistics in the methodological notes that shall be provided with the national data.
71. NCBs that choose a sampling approach for the selection of the reporting agents shall provide an estimate of the sampling error for the initial sample. A new estimate shall be provided after each maintenance of the sample.

#### **XVIII. Aggregated results for the participating Member States**

72. The final level of aggregation of the instrument categories per participating Member State to the level of all participating Member States will be carried out by the ECB.

### **PART 6**

#### ***Treatment of specific products***

73. The treatment of the product defined in the following paragraphs 74 to 82 shall be used as a reference for products with similar characteristics.
74. A step-up (step-down) deposit or loan is a deposit or a loan with a fixed maturity to which an interest rate is applied that increases (decreases) from year to year by a pre-fixed number of percentage points. Step-up (step-down) deposits and loans are instruments with fixed interest rates over the whole maturity. The interest rate for the whole maturity of the deposit or loan and the other terms and conditions are agreed in advance at time  $t_0$  when the contract is signed. An example of a step-up deposit is a deposit with an agreed maturity of four years, which receives 5 % interest in the first year, 7 % in the second, 9 % in the third and 13 % in the fourth year. The annualised agreed rate on new business, which shall be covered at time  $t_0$  in MFI interest rate statistics, shall be the geometric average of the factors '1 + interest rate'. In line with paragraph 3, NCBs may request reporting agents to implement the NDER for this type of product. The annualised agreed rate on outstanding amounts that shall be covered from time  $t_0$  to  $t_3$  is the rate applied by the reporting agent at the time of calculation of the MFI interest rate, i.e. in the example of the deposit with an agreed maturity of four years 5 % at time  $t_0$ , 7 % at time  $t_1$ , 9 % at time  $t_2$  and 13 % at time  $t_3$ .
75. Credit cards schemes may be linked to overnight deposits. When signing the contract for the credit card with the credit or other institution, the household or non-financial corporation may have the option to regularly pay part or the full amount used under the credit card scheme by means of an automatic debit to an overnight deposit (automatic teller machines or cheques are also possible). If the account that the household or non-financial corporation uses for this purpose is sufficiently provisioned, no interest will be charged. If it is not sufficiently provisioned, and if the credit institution or other institution authorises the withdrawal, then the overnight deposit will turn into an overdraft. The interest charged by a reporting agent on this overdraft shall be captured by MFI interest rate statistics.
76. Credit lines are usually linked to a bank overdraft. They may also be granted on the basis of an 'umbrella contract' allowing the customer to draw loans on several types of loan accounts up to a certain maximum amount applying to all loan accounts together. At the time of the agreement on such an umbrella contract, the form the credit will take and/or the time at which the credit will be drawn and/or the interest rate are not specified, but a range of possibilities might be agreed. Such umbrella contracts shall not be covered by MFI interest rate statistics. However, as soon as a loan agreed under an umbrella contract is withdrawn, it shall be covered as new business and reflected in the outstanding amounts. The treatment of the loan in the new business statistics depends on the type of account the customer chooses for drawing the credit in line with paragraphs 17, 20 and 21.
77. Regulated savings deposits with a basic interest plus a fidelity and/or growth premium may exist. At the time the deposit is placed, it is not certain whether or not the premium will be paid. The payment depends on the future unknown savings attitude of the household or non-financial corporation. As a convention, such fidelity or growth premiums, which are not certain for the household or non-financial corporation at the time the deposit is placed, shall not be included in the annualised agreed rate on new business. The annualised agreed rate on outstanding amounts shall always cover the rates applied by the reporting agent at the time of calculation of MFI interest rates. Hence, in case such a fidelity or growth premium is granted by the reporting agent, this shall be reflected in the statistics on outstanding amounts.
78. Loans may be offered to households or non-financial corporations with associated derivative contracts, i.e. an interest rate swap/cap/floor etc. As a convention, such associated derivative contracts shall not be included in the annualised agreed rate on new business. The annualised agreed rate on outstanding amounts shall always cover the rates applied by the reporting agent at the time of the calculation of MFI interest rates. Hence, in the case that such a derivative contract is exercised and the reporting agent adjusts the interest rate charged to the household or non-financial corporation, this shall be reflected in the statistics on outstanding amounts.

79. Deposits may be offered comprising two components: a deposit with agreed maturity to which a fixed interest rate is being applied and an embedded derivative with a return that is linked to the performance of a defined stock exchange index or a bilateral exchange rate, subject to a minimum guaranteed return of 0 %. The maturity of both components may be the same or may differ. The annualised agreed rate on new business shall capture the interest rate for the deposit with agreed maturity, as it reflects the agreement between the depositor and the reporting agent and it is known when the money is being placed. The return on the other component of the deposit linked to the performance of a stock exchange index or a bilateral exchange rate is only known *ex post* when the product matures and therefore cannot be covered by the new business rate. Hence, only the guaranteed minimum return of 0 % should be captured. The annualised agreed rate on outstanding amounts shall always cover the interest rate applied by the reporting agent at the time of the calculation of MFI interest rates. Until the day of maturity, the rate on the deposit with agreed maturity shall be captured as well as the guaranteed minimum return on the deposit containing the embedded derivative. Only at maturity shall the MFI interest rates on outstanding amounts reflect the annualised interest rate that is paid by the reporting agent.
80. Deposits with a maturity of over two years as defined in Part 3 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) may contain pension savings accounts. The main part of pension savings accounts is placed in securities and the interest rate on the accounts therefore depends on the yield of the underlying securities. The remaining part of pension savings accounts is held in cash and the interest rate determined by the credit or other institution in the same way as for other deposits. At the time when the deposit is placed, the total return to the household from the pension savings account is not known and may also be negative. Also at the time the deposit is placed, there is no interest rate agreed between the household and the credit institution or other institution for the part invested in securities, only for the remaining deposit part. Hence, only the deposit part that is not invested in securities shall be covered by MFI interest rate statistics. The annualised agreed rate on new business that shall be reported is the rate agreed between the household and the reporting agent for the deposit part at the time the deposit is placed. The annualised agreed rate on outstanding amounts shall be the rate applied by the reporting agent to the deposit part of the pension savings accounts at the time of calculation of the MFI interest rate.
81. Savings plans for housing loans are long-term low return saving schemes that, after a certain period of saving, give the household or non-financial corporation the right to a housing loan at a discounted rate. Following Part 3 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13), these savings plans shall be classified under deposits with agreed maturity over two years as long as they are used as a deposit. As soon as they are transformed into a loan, they shall be classified as loans to households for house purchases. Reporting agents shall report as new deposit business the interest rate that is agreed at the time the initial deposit is placed. The corresponding amount of new business shall be the amount of money that has been placed. The increase of this amount on the deposit over time shall only be covered by the outstanding amounts. At the time when the deposit is transformed into a loan, this new loan shall be recorded as new lending business. The interest rate shall be the discounted rate that is being offered by the reporting agent. The weight shall be the total amount of the loan that is being granted to the household or non-financial corporation.
82. In line with Part 3 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) the French regulated housing plan *plan d'épargne-logement* (PEL) is classified as deposits with an agreed maturity of over two years. The government regulates the conditions for these PELs and fixes the interest rate, which remains unchanged for the entire maturity of the deposit, i.e. each 'generation' of PELs has the same interest rate attached to it. PELs are regulated long-term saving schemes that should be held for at least four years and the customer should deposit each year the minimal amount set by the Regulation into the PEL but is allowed to increase the payments at any time during the course of the scheme. Reporting agents shall report as new business the initial deposit at the opening of a new PEL. The amount of money that is initially placed on the PEL may be very low, which means that the weight attached to the new business rate will also be relatively low. This approach shall ensure that the new business rate always reflects the conditions for the current generation of PELs. Changes in the interest rate applied to the new PELs shall be reflected in the new business rate. The reaction of consumers in terms of a portfolio shift from other long-term deposits to pre-existing PELs shall not be reflected in the new business rates but only in the rates on outstanding amounts. At the end of the period of four years, the customer may either ask for a loan at a discounted rate or renew the contract. Since this renewal of the PEL is carried out automatically without any active involvement of the customer, and since the terms and conditions of the contract including the interest rate are not renegotiated, in line with paragraph 21 this renewal shall not be considered as new business. On renewing the contract, the customer is allowed to make additional deposits, provided that the outstanding amount does not exceed a defined ceiling and the contract does not exceed a defined maximum years of maturity. If the ceiling or maximum maturity are reached, the contract is frozen. The household or non-financial corporation keeps the borrowing rights and is still granted interest following the conditions prevailing at the opening of the PEL as long as the money is left in the bank's book. For PELs the government grants a subsidy in terms of an interest payment on top of the interest rate offered by the credit or other institution. In line with paragraph 6, only that part of the interest payment offered by the credit or other institution shall be captured in MFI interest rate statistics. The government subsidy, which is paid through but not by the credit or other institution, shall be ignored.
-

## Appendix 1

**Instrument categories for rates on outstanding amounts**

An annualised agreed rate (AAR) <sup>(1)</sup> shall be compiled for each of the following instrument categories <sup>(2)</sup> <sup>(3)</sup>. In the case of a snap-shot of end-month observations, reporting agents shall provide for each indicator a weighted average interest rate, whereas in the case of implicit rates referring to monthly averages, reporting agents shall provide for each indicator the accrued interest and the average stock of deposits and loans applying the definitions and rules as laid down in this Regulation.

	Sector	Type of instrument	Original maturity	Outstanding amount indicator number	Reporting obligation
Deposits in EUR	To households (*)	With agreed maturity	Up to 2 years	1	AAR
			Over 2 years	2	AAR
	To non-financial corporations	With agreed maturity	Up to 2 years	3	AAR
			Over 2 years	4	AAR
	Repos			5	AAR
Loans in EUR	To households (*)	For house purchases	Up to 1 year	6	AAR
			Over 1 and up to 5 years	7	AAR
			Over 5 years	8	AAR
		Consumer credit and other loans	Up to 1 year	9	AAR
			Over 1 and up to 5 years	10	AAR
			Over 5 years	11	AAR
	To non-financial corporations		Up to 1 year	12	AAR
			Over 1 and up to 5 years	13	AAR
			Over 5 years	14	AAR

(\*) Including non-profit institutions serving households.

For the following instrument categories included in Appendix 2, the concept of new business shall be extended to the whole stock, i.e. to outstanding amounts <sup>(2)</sup> <sup>(3)</sup>, and an annualised agreed rate (AAR) <sup>(1)</sup> shall be compiled. In the case of a snap-shot of end-month observations, reporting agents shall provide for each indicator a weighted average interest rate, whereas in the case of implicit rates referring to monthly averages, reporting agents shall provide for each indicator the accrued interest and the average stock of deposits and loans applying the definitions and rules as laid down in this Regulation. In addition, all reporting agents shall provide for indicators 12 and 23 the outstanding amount at the end of the month.

	Sector	Type of instrument	Period of notice	New business indicator number	Reporting obligation
Deposits in EUR	To households (*)	Overnight		1	AAR
		Redeemable at notice (**)	Up to 3 months notice	5	AAR
			Over 3 months notice	6	AAR
	To non-financial corporations	Overnight		7	AAR

<sup>(1)</sup> Or narrowly defined effective rate (NDER).

<sup>(2)</sup> In a participating Member State where one of the following instrument categories is not applied in the banking business of resident credit institutions and other institutions with households and non-financial corporations resident in the participating Member States, the instrument category shall be ignored.

<sup>(3)</sup> In the following table 'up to' shall mean 'up to and including'.

	Sector	Type of instrument	Period of notice	New business indicator number	Reporting obligation
Loans in EUR	To households (*)	Bank overdraft		12	AAR, amount
	To non-financial corporations	Bank overdraft		23	AAR, amount

(\*) Including non-profit institutions serving households.

(\*\*) For this instrument category, households and non-financial corporations shall be merged and allocated to the household sector, since it owns about 98 % of the outstanding amount of deposits redeemable at notice in all participating Member States combined.

## Appendix 2

**Instrument categories for interest rates on new business**

An annualised agreed rate (AAR) <sup>(1)</sup> shall be compiled for the following instrument categories <sup>(2)</sup> <sup>(3)</sup>. If interest rates on overnight deposits, deposits redeemable at notice and bank overdrafts, i.e. indicators 1, 5, 6, 7, 12 and 23, are compiled as:

- a snapshot of end-month observations, then for each of the indicators 1 to 29 reporting agents shall provide a weighted average interest rate, and in addition for indicators 2 to 4, 8 to 11, 13 to 22 and 24 to 29 also the amount of new business conducted during the month applying the definitions and rules as laid down in this Regulation,
- implicit rates referring to monthly averages, then for each of the indicators 2 to 4, 8 to 11, 13 to 22 and 24 to 31, reporting agents shall provide a weighted average interest rate and in addition the amount of new business conducted during the month, whereas for indicators 1, 5, 6, 7, 12 and 23 they shall report the accrued interest and the stock of deposits and loans applying the definitions and rules as laid down in this Regulation.

All reporting agents shall provide for bank overdrafts, i.e. indicators 12 and 23, the outstanding amount at the end of the month.

	Sector	Type of instrument	Original maturity, period of notice, initial rate fixation	New business indicator number	Reporting obligation
Deposits in EUR	To households (*)	Overnight (***)		1	AAR
		With agreed maturity	Up to 1 year maturity	2	AAR, amount
			Over 1 and up to 2 years maturity	3	AAR, amount
			Over 2 years maturity	4	AAR, amount
		Redeemable at notice (**) (***)	Up to 3 months notice	5	AAR
			Over 3 months maturity	6	AAR
		To non-financial corporations	Overnight (***)		7
	With agreed maturity		Up to 1 year maturity	8	AAR, amount
			Over 1 and up to 2 years maturity	9	AAR, amount
			Over 2 years maturity	10	AAR, amount
	Repos			11	AAR, amount
Loans in EUR	To households (*)	Bank overdraft (***)		12	AAR, amount
		For consumption	Floating rate and up to 1 year initial rate fixation	13	AAR, amount
			Over 1 and up to 5 years initial rate fixation	14	AAR, amount
			Over 5 years initial rate fixation	15	AAR, amount
		For house purchases	Floating rate and up to 1 year initial rate fixation	16	AAR, amount
			Over 1 and up to 5 years initial rate fixation	17	AAR, amount

<sup>(1)</sup> Or narrowly defined effective rate (NDER).

<sup>(2)</sup> In a participating Member State where one of the following instrument categories is not applied in the banking business of resident credit institutions and other institutions with households and non-financial corporations resident in the participating Member States, the instrument category shall be ignored.

<sup>(3)</sup> In the following table 'up to' shall mean 'up to and including'.

	Sector	Type of instrument	Original maturity, period of notice, initial rate fixation	New business indicator number	Reporting obligation
			Over 5 and up to 10 years initial rate fixation	18	AAR, amount
			Over 10 years initial rate fixation	19	AAR, amount
		For other purposes	Floating rate and up to 1 year initial rate fixation	20	AAR, amount
			Over 1 and up to 5 years initial rate fixation	21	AAR, amount
			Over 5 years initial rate fixation	22	AAR, amount
	To non-financial corporations	Bank overdraft (***)		23	AAR, amount
		Other loans up to an amount of EUR 1 million	Floating rate and up to 1 year initial rate fixation	24	AAR, amount
			Over 1 and up to 5 years initial rate fixation	25	AAR, amount
			Over 5 years initial rate fixation	26	AAR, amount
		Other loans over an amount of EUR 1 million	Floating rate and up to 1 year initial rate fixation	27	AAR, amount
			Over 1 and up to 5 years initial rate fixation	28	AAR, amount
			Over 5 years initial rate fixation	29	AAR, amount

(\*) Including non-profit institutions serving households.

(\*\*) For this instrument category, households and non-financial corporations shall be merged and allocated to the household sector, since it owns about 98 % of the outstanding amount of deposits redeemable at notice in all participating Member States combined.

(\*\*\*) For this instrument category, the concept of new business shall be extended to the whole stock, i.e. to outstanding amounts.

The annual percentage rate of charge (APRC) shall be compiled for the following instrument categories. For each indicator reporting agents shall provide a weighted average interest rate applying the definitions and rules as laid down in this Regulation.

	Sector	Type of instrument	New business indicator number	Reporting obligation
Loans in EUR	To households (*)	For consumption	30	APRC
		For house purchases	31	APRC

(\*) In general including non-profit institutions serving households, but NCBs may grant derogations in this respect.

## ANNEX III

**MINIMUM STANDARDS TO BE APPLIED BY THE ACTUAL REPORTING POPULATION**

The following minimum standards shall be fulfilled by the reporting agents to meet the statistical reporting requirements of the European Central Bank (ECB).

*Minimum standards for transmission*

- (a) reporting by the reporting agents to national central banks (NCBs) shall be timely and within the deadlines set by the NCB of the participating Member State where the reporting agent is resident;
- (b) statistical reports shall take their form and format from the technical reporting requirements set by the NCB of the participating Member State where the reporting agent is resident;
- (c) the contact person(s) within the reporting agent shall be identified; and
- (d) the technical specifications for data transmission to the NCB of the participating Member State where the reporting agent is resident shall be followed.

*Minimum standards for accuracy*

- (e) the statistical information provided by the reporting agents shall be correct, consistent and complete; existing gaps shall be acknowledged, explained to the NCB of the participating Member State in which the reporting agent is resident and bridged as soon as possible;
- (f) the statistical information provided by the reporting agents shall not contain continuous and structural gaps;
- (g) reporting agents shall be able to provide information on the developments implied by the data supplied;
- (h) reporting agents shall follow the dimensions and decimals set by the NCB of the participating Member State where the reporting agent is resident for the technical transmission of the data; and
- (i) reporting agents shall follow the rounding policy set by the NCB of the participating Member State in which the reporting agent is resident for the technical transmission of the data.

*Minimum standards for conceptual compliance*

- (j) the statistical information provided by the reporting agents shall comply with the definitions, conventions, classifications and methods contained in this Regulation;
- (k) in the event of deviations from these definitions, conventions, classifications and methods, where applicable, reporting agents shall monitor on a regular basis and quantify the difference between the measure used and the measure contained in this Regulation; and
- (l) reporting agents shall be able to explain breaks in the data supplied compared with the previous periods' figures.

*Minimum standards for revisions*

- (m) the revisions policy and procedures set by the ECB and the NCBs shall be followed. Revisions deviating from regular revisions shall be accompanied by explanatory notes.
-



## ANNEX IV

## TRANSITIONAL PROVISIONS FOR THE APPLICATION OF THIS REGULATION

1. Until and including the reference month of December 2003, the aggregated national monthly statistical information on new business and outstanding amounts may be reported to the European Central Bank (ECB) with a delay of a further two working days from the close of business on the 19th working day after the end of the reference month as specified in Article 3(4) of this Regulation. The aggregated national monthly statistical information on outstanding amounts may, alternatively, be reported to the ECB only once a quarter, with a delay of two working days from the close of business on the 19th working day after the end of the calendar quarter. The ECB allows the national central banks (NCBs) flexibility in implementing this transitional period at national level.
2. From the reference month of January 2004, the data, including the aggregated national monthly statistical information on outstanding amounts, shall be submitted on the 19th working day after the end of the reference month as specified in Article 3(4) of this Regulation.
3. Until and including the reference month of December 2006, paragraph 10 of Annex I shall read as follows:
 

'10. The minimum national sample size shall be such that:

  - (a) the maximum random error <sup>(1)</sup> for interest rates on new business on average over all instrument categories does not exceed 10 basis points at a confidence level of 90 % <sup>(2)</sup>; or
  - (b) it covers at least 30 % of the resident potential reporting population; where 30 % of the resident potential reporting population is greater than 100, the minimum national sample size may nevertheless be limited to 100 reporting agents; or
  - (c) the reporting agents in the national sample cover at least 75 % of the stock of euro-denominated deposits received from and at least 75 % of the stock of euro-denominated loans granted to households and non-financial corporations resident in the participating Member States.'

---

<sup>(1)</sup>

$$D = z_{\alpha/2} * \sqrt{\text{var}(\hat{\vartheta})} \approx z_{\alpha/2} * \sqrt{\text{var}(\hat{\vartheta})},$$

with D as the maximum random error,  $z_{\alpha/2}$  as the factor computed from the normal distribution or any suitable distribution according to the structure of the data (e.g. t-distribution) assuming a confidence level of 1- $\alpha$ ,  $\text{var}(\hat{\vartheta})$  as the variance of the estimator of parameter  $\vartheta$ , and  $\text{var}(\hat{\vartheta})$  as the estimated variance of the estimator of parameter  $\vartheta$ .

<sup>(2)</sup> The NCB's may directly translate the absolute measure of 10 basis points at a confidence level of 90 % into a relative measure in terms of the acceptable maximum translate variation coefficient of the estimator.

**COUNCIL DIRECTIVE 2001/110/EC**  
**of 20 December 2001**  
**relating to honey**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) Certain vertical directives relating to foods should be simplified in order to take account only of the essential requirements to be met by the products they cover in order that those products may move freely within the internal market, in accordance with the conclusions of the European Council held in Edinburgh on 11 and 12 December 1992, confirmed by those of the European Council in Brussels on 10 and 11 December 1993.
- (2) Council Directive 74/409/EEC of 22 July 1974 on the harmonisation of the laws of the Member States relating to honey <sup>(4)</sup> was justified by the fact that differences between national laws on the definition of honey, the various types of honey and the characteristics required of it could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market.
- (3) Directive 74/409/EEC and its subsequent amendments consequently established definitions, specified the different types of honey which could be placed on the market under appropriate names, laid down common rules on composition and determined the main labelling information so as to ensure the free movement of these products within the Community.
- (4) For the sake of clarity Directive 74/409/EEC should be recast, in order to make rules on the conditions for the production and marketing of honey more accessible and to bring it into line with general Community legislation on foodstuffs, particularly legislation on labelling, contaminants and methods of analysis.

- (5) The general food-labelling rules laid down in Directive 2000/13/EC of the European Parliament and of the Council <sup>(5)</sup> should apply subject to certain conditions. In view of the close link between the quality of honey and its origin, it is indispensable that full information on those matters be available so that the consumer is not misled regarding the quality of the product. The particular consumer interests as regards the geographical characteristics of honey and full transparency in this regard necessitate that the country of origin where the honey has been harvested should be included in the labelling.
- (6) No pollen or other individual ingredient of honey is to be removed, unless that is inevitable when organic and inorganic foreign materials are removed. That process may be carried out by filtering. Where such filtering leads to the removal of a significant quantity of pollen, the consumer must be correctly informed to that effect by means of an appropriate indication on the label.
- (7) Honey the name of which includes indications concerning floral, vegetable, regional, territorial or topographical origin or specific quality criteria may not have filtered honey added to it. So that the transparency of the market may be improved, the labelling of filtered honeys and baker's honeys must be mandatory for every transaction on the bulk market.
- (8) As the Commission stressed in its communication to the European Parliament and the Council of 24 June 1994 on European apiculture, the Commission may adopt methods of analysis to ensure compliance with the compositional characteristics and additional specific statements for all honey marketed in the Community.
- (9) It is desirable to take account of the work achieved on a new Codex standard for honey, adjusted, as appropriate, to the specific requirements of the Community.
- (10) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary to achieve the said objective.

<sup>(1)</sup> OJ C 231, 9.8.1996, p. 10.

<sup>(2)</sup> OJ C 279, 1.10.1999, p. 91.

<sup>(3)</sup> OJ C 56, 24.2.1997, p. 20.

<sup>(4)</sup> OJ L 221, 12.8.1974, p. 10. Directive as last amended by the 1985 Act of Accession of Spain and Portugal.

<sup>(5)</sup> OJ L 109, 6.5.2000, p. 29.

- (11) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (12) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

This Directive shall apply to the products defined in Annex I. These products shall meet the requirements set out in Annex II.

#### Article 2

Directive 2000/13/EC shall apply to the products defined in Annex I, subject to the following conditions:

1. the term 'honey' shall be applied only to the product defined in Annex I, point 1, and shall be used in trade to designate that product;
2. the product names referred to in Annex I, points 2 and 3, shall apply only to the products defined therein and shall be used in trade to designate them. These names may be replaced by the simple product name 'honey', except in the case of filtered honey, comb honey, chunk honey or cut comb in honey and baker's honey.

However,

- (a) in the case of baker's honey, the words 'intended for cooking only' shall appear on the label in close proximity to the product name;
  - (b) except in the case of filtered honey and baker's honey, the product names may be supplemented by information referring to:
    - floral or vegetable origin, if the product comes wholly or mainly from the indicated source and possesses the organoleptic, physico-chemical and microscopic characteristics of the source,
    - regional, territorial or topographical origin, if the product comes entirely from the indicated source,
    - specific quality criteria;
3. where baker's honey has been used as an ingredient in a compound foodstuff, the term 'honey' may be used in the product name of the compound food instead of the term 'baker's honey'. However, in the list of ingredients, the term as referred to in Annex I, point 3, shall be used;
  4. (a) the country or countries of origin where the honey has been harvested shall be indicated on the label.

However, if the honey originates in more than one Member State or third country that indication may be replaced with one of the following, as appropriate:

- 'blend of EC honeys',
- 'blend of non-EC honeys',
- 'blend of EC and non-EC honeys'.

- (b) For the purpose of Directive 2000/13/EC and in particular Articles 13, 14, 16 and 17 thereof, the particulars to be indicated according to subparagraph (a) shall be considered as indications according to Article 3 of that Directive.

#### Article 3

In the case of filtered honey and baker's honey, bulk containers, packs and trade documents shall clearly indicate the full product name, as referred to in Annex I, point 2(b)(viii), and point 3.

#### Article 4

The Commission may adopt methods to permit verification of compliance of honey with the provisions of this Directive. These methods shall be adopted in accordance with the procedure laid down in Article 7(2). Until the adoption of such methods, Member States shall, whenever possible, use internationally recognised validated methods such as those approved by Codex Alimentarius to verify compliance with the provisions of this Directive.

#### Article 5

For the products defined in Annex I, Member States shall not adopt national provisions not provided for by this Directive.

#### Article 6

The measures necessary for the implementation of this Directive relating to the matters referred to below shall be adopted in accordance with the procedure set out in Article 7(2):

- bringing this Directive into line with general Community legislation on foodstuffs,
- adaptations to technical progress.

#### Article 7

1. The Commission shall be assisted by the Standing Committee on Foodstuffs (hereinafter referred to as 'the Committee') set up by Article 1 of Decision 69/414/EEC <sup>(2)</sup>.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(2)</sup> OJ L 291, 19.11.1969, p. 9.

*Article 8*

Directive 74/409/EEC is hereby repealed with effect from 1 August 2003.

References to the repealed Directive shall be construed as references to this Directive.

*Article 9*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 August 2003. They shall forthwith inform the Commission thereof.

The measures shall be applied so as to:

- authorise the marketing of the products defined in Annex I if they conform to the definitions and rules laid down in this Directive, with effect from 1 August 2003;
- prohibit the marketing of products which fail to conform to this Directive, with effect from 1 August 2004.

However, the marketing of products which fail to conform to this Directive and labelled before 1 August 2004 in accordance with Directive 74/409/EEC shall be permitted until stocks run out.

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

*Article 10*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

*Article 11*

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2001.

*For the Council*

*The President*

C. PICQUÉ

## ANNEX I

## NAMES, PRODUCT DESCRIPTIONS AND DEFINITIONS

1. Honey is the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature.
  2. The main types of honey are as follows:
    - (a) according to origin:
      - (i) blossom honey or nectar honey  
Honey obtained from the nectar of plants;
      - (ii) honeydew honey  
Honey obtained mainly from excretions of plant sucking insects (*Hemiptera*) on the living part of plants or secretions of living parts of plants;
    - (b) according to mode of production and/or presentation:
      - (iii) comb honey  
Honey stored by bees in the cells of freshly built broodless combs or thin comb foundation sheets made solely of beeswax and sold in sealed whole combs or sections of such combs;
      - (iv) chunk honey or cut comb in honey  
Honey which contains one or more pieces of comb honey;
      - (v) drained honey  
Honey obtained by draining decapped broodless combs;
      - (vi) extracted honey  
Honey obtained by centrifuging decapped broodless combs;
      - (vii) pressed honey  
Honey obtained by pressing broodless combs with or without the application of moderate heat not exceeding 45 °C;
      - (viii) filtered honey  
Honey obtained by removing foreign inorganic or organic matter in such a way as to result in the significant removal of pollen.
  3. Baker's honey  
Honey which is (a) suitable for industrial uses or as an ingredient in other foodstuffs which are then processed and (b) may:
    - have a foreign taste or odour, or
    - have begun to ferment or have fermented, or
    - have been overheated.
-

## ANNEX II

## COMPOSITION CRITERIA FOR HONEY

Honey consists essentially of different sugars, predominantly fructose and glucose as well as other substances such as organic acids, enzymes and solid particles derived from honey collection. The colour of honey varies from nearly colourless to dark brown. The consistency can be fluid, viscous or partly to entirely crystallised. The flavour and aroma vary, but are derived from the plant origin.

When placed on the market as honey or used in any product intended for human consumption, honey shall not have added to it any food ingredient, including food additives, nor shall any other additions be made other than honey. Honey must, as far as possible, be free from organic or inorganic matters foreign to its composition. With the exception of point 3 of Annex I, it must not have any foreign tastes or odours, have begun to ferment, have an artificially changed acidity or have been heated in such a way that the natural enzymes have been either destroyed or significantly inactivated.

Without prejudice to Annex I, point 2(b)(viii), no pollen or constituent particular to honey may be removed except where this is unavoidable in the removal of foreign inorganic or organic matter.

When placed on the market as honey or used in any product intended for human consumption, honey must meet the following composition criteria:

## 1. Sugar content

## 1.1. Fructose and glucose content (sum of both)

- |   |                          |
|---|--------------------------|
| — blossom honey   | not less than 60 g/100 g |
| — honeydew honey, blends of honeydew honey with blossom honey | not less than 45 g/100 g |

## 1.2. Sucrose content

- |   |                          |
|---|--------------------------|
| — in general  | not more than 5 g/100 g  |
| — false acacia ( <i>Robinia pseudoacacia</i> ), alfalfa ( <i>Medicago sativa</i> ), Menzies Banksia ( <i>Banksia menziesii</i> ), French honeysuckle ( <i>Hedysarum</i> ), red gum ( <i>Eucalyptus camadulensis</i> ), leatherwood ( <i>Eucryphia lucida</i> , <i>Eucryphia milliganii</i> ), Citrus spp. | not more than 10 g/100 g |
| — lavender ( <i>Lavandula</i> spp.), borage ( <i>Borago officinalis</i> )   | not more than 15 g/100 g |

## 2. Moisture content

- |   |                    |
|---|--------------------|
| — in general  | not more than 20 % |
| — heather ( <i>Calluna</i> ) and baker's honey in general | not more than 23 % |
| — baker's honey from heather ( <i>Calluna</i> )           | not more than 25 % |

## 3. Water-insoluble content

- |                 |                           |
|-----------------|---------------------------|
| — in general    | not more than 0,1 g/100 g |
| — pressed honey | not more than 0,5 g/100 g |

## 4. Electrical conductivity

- |   |                         |
|---|-------------------------|
| — honey not listed below, and blends of these honeys  | not more than 0,8 mS/cm |
| — honeydew and chestnut honey and blends of these except with those listed below  | not more than 0,8 mS/cm |
| — exceptions: strawberry tree ( <i>Arbutus unedo</i> ), bell heather ( <i>Erica</i> ), eucalyptus, lime ( <i>Tilia</i> spp.), ling heather ( <i>Calluna vulgaris</i> ), manuka or jelly bush ( <i>Leptospermum</i> ), tea tree ( <i>Melaleuca</i> spp.) |                         |

## 5. Free acid

- |                 |   |
|-----------------|---|
| — in general    | not more than 50 milli-equivalents acid per 1 000 grammes |
| — baker's honey | not more than 80 milli-equivalents acid per 1 000 grammes |

- 
6. Diastase activity and hydroxymethylfurfural content (HMF) determined after processing and blending
- (a) Diastase activity (Schade scale)
- |   |                 |
|---|-----------------|
| — in general, except baker's honey  | not less than 8 |
| — honeys with low natural enzyme content (e.g. citrus honeys)<br>and an HMF content of not more than 15 mg/kg | not less than 3 |
- (b) HMF
- |  |   |
|--|---|
| — in general, except baker's honey   | not more than 40 mg/kg (subject to<br>the provisions of (a), second indent) |
| — honeys of declared origin from regions with tropical climate<br>and blends of these honeys | not more than 80 mg/kg  |
-

**COUNCIL DIRECTIVE 2001/111/EC**  
**of 20 December 2001**  
**relating to certain sugars intended for human consumption**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) Certain vertical Directives relating to foodstuffs should be simplified in order to take account only of the essential requirements to be met by the products they cover in order that those products may move freely within the internal market, in accordance with the conclusions of the European Council held in Edinburgh on 11 and 12 December 1992, as confirmed by those of the European Council in Brussels on 10 and 11 December 1993.
- (2) Council Directive 73/437/EEC of 11 December 1973 on the approximation of the laws of the Member States concerning certain sugars intended for human consumption <sup>(4)</sup> was justified by the fact that differences between national laws on certain categories of sugar could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market.
- (3) Directive 73/437/EEC was consequently designed to lay down definitions and common rules on the manufacturing characteristics, packaging and labelling of the products concerned so as to ensure their free movement within the Community.
- (4) The Commission intends to propose, as quickly as possible, and at all events before 1 July 2000, the inclusion in Council Directive 80/232/EEC of 15 January 1980 on the approximation of the laws of the Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain prepackaged products <sup>(5)</sup> of a range of nominal weights of the products covered by this Directive.

(5) Directive 73/437/EEC should be recast in order to make the rules on manufacturing and marketing conditions relating to certain sugars intended for human consumption more accessible and, furthermore, in order to bring it into line with general Community legislation on foodstuffs, particularly legislation on labelling, colouring matter and other authorised additives, extraction solvents and methods of analysis.

(6) The general food-labelling rules laid down in Directive 2000/13/EC of the European Parliament and of the Council <sup>(6)</sup> should apply subject to certain conditions.

(7) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary in order to achieve the said objective.

(8) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(7)</sup>.

(9) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

This Directive shall apply to the products defined in Part A of the Annex.

However, this Directive shall not apply to the products defined in Part A of the Annex when they take the following forms: icing sugars, candy sugars, sugars in loaf form.

<sup>(1)</sup> OJ C 231, 9.8.1996, p. 6.

<sup>(2)</sup> OJ C 279, 1.10.1999, p. 90.

<sup>(3)</sup> OJ C 56, 24.2.1997, p. 20.

<sup>(4)</sup> OJ L 356, 27.12.1973, p. 71. Directive as amended by the 1985 Act of Accession.

<sup>(5)</sup> OJ L 51, 25.2.1980, p. 1. Directive as last amended by Directive 87/356/EEC (OJ L 192, 11.7.1987, p. 48).

<sup>(6)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(7)</sup> OJ L 184, 7.7.1999, p. 23.



*Article 2*

Directive 2000/13/EC shall apply to the products defined in Part A of the Annex hereto subject to the following conditions and derogations:

1. Without prejudice to point 5 below, the product names listed in Part A of the Annex shall apply only to the products referred to therein and shall be used in trade to designate them.

The product name referred to in point 2 of Part A of the Annex may also be used to designate the product referred to in point 3 thereof.

However,

- the products defined in Part A of the Annex may, in addition to the compulsory product name, also bear qualifying terms commonly used in the various Member States;
- the product names may also be used in product names made up to designate other products, in accordance with custom,

provided that such names are not liable to mislead the consumer.

2. For pre-packaged products weighing less than 20 g, the net weight need not be indicated on the labelling.
3. The labelling shall indicate the dry matter and invert sugar content of sugar solution, invert sugar solution and invert sugar syrup.
4. The labelling shall include the qualifying term 'crystallised' for invert sugar syrup incorporating crystals in the solution.
5. Where the products referred to in points 7 and 8 of Part A of the Annex contain fructose in proportions greater than 5 % on a dry matter basis, they shall, in respect of their product name and as ingredients, be labelled as 'glucose-fructose syrup' or 'fructose-glucose syrup' and 'dried glucose-fructose syrup' or 'dried fructose-glucose syrup', respectively, to reflect whether the glucose component or the fructose component is in greater proportion.

*Article 3*

For the products defined in the Annex, Member States shall not adopt national provisions not provided for by this Directive.

*Article 4*

The measures necessary for the implementation of this Directive relating to the matters referred to below shall be

adopted in accordance with the regulatory procedure set out in Article 5(2):

- bringing this Directive into line with general Community legislation on foodstuffs,
- adaptations to technical progress.

*Article 5*

1. The Commission shall be assisted by the Standing Committee on Foodstuffs (hereinafter referred to as 'the Committee') set up by Article 1 of Decision 69/414/EEC<sup>(1)</sup>.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 6*

Directive 73/437/EEC is hereby repealed with effect from 12 July 2003.

References to the repealed Directive shall be construed as references to this Directive.

*Article 7*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 12 July 2003. They shall forthwith inform the Commission thereof.

The measures shall be applied so as to:

- authorise the marketing of the products defined in Part A of the Annex if they conform to the definitions and rules laid down in this Directive, with effect from 12 July 2003;
- prohibit the marketing of products which fail to conform to this Directive, with effect from 12 July 2004;

However, the marketing of products which fail to conform to this Directive but which were labelled before 12 July 2004 in accordance with Directive 73/437/EEC shall be permitted until stocks run out.

When Member States adopt these measures, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such reference shall be adopted by Member States.

<sup>(1)</sup> OJ L 291, 19.11.1969, p. 9.

*Article 8*

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

*Article 9*

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2001.

*For the Council*

*The President*

C. PICQUÉ

---

## ANNEX

## A. PRODUCT NAMES AND DEFINITIONS

1. **Semi-white sugar**

Purified and crystallised sucrose of sound and fair marketable quality with the following characteristics:

- |                          |                                |
|--------------------------|--------------------------------|
| (a) polarisation         | not less than 99,5 °Z          |
| (b) invert sugar content | not more than 0,1 % by weight  |
| (c) loss on drying       | not more than 0,1 % by weight. |

2. **Sugar or white sugar**

Purified and crystallised sucrose of sound and fair marketable quality with the following characteristics:

- |                          |  |
|--------------------------|--|
| (a) polarisation         | not less than 99,7 °Z  |
| (b) invert sugar content | not more than 0,04 % by weight   |
| (c) loss on drying       | not more than 0,06 % by weight   |
| (d) type of colour       | not more than nine points determined in accordance with point (a) of Part B. |

3. **Extra-white sugar**

The product having the characteristics referred to in point 2(a), (b) and (c) and in respect of which the total number of points determined according to the provisions of Part B does not exceed eight, and not more than:

- four for the colour type,
- six for the ash content,
- three for the colour in solution.

4. **Sugar solution <sup>(1)</sup>**

The aqueous solution of sucrose with the following characteristics:

- |   |  |
|---|--|
| (a) dry matter  | not less than 62 % by weight   |
| (b) invert sugar content (ratio of fructose to dextrose: 1,0 ± 0,2) | not more than 3 % by weight of dry matter  |
| (c) conductivity ash  | not more than 0,1 % by weight of dry matter, determined in accordance with point (b) of Part B |
| (d) colour in solution  | not more than 45 ICUMSA units.   |

5. **Invert sugar solution <sup>(1)</sup>**

The aqueous solution of sucrose partially inverted by hydrolysis, in which the proportion of invert sugar does not predominate, with the following characteristics:

- |  |   |
|--|---|
| (a) dry matter   | not less than 62 % by weight  |
| (b) invert sugar content ratio of fructose to dextrose (1,0 ± 0,1) | more than 3 % but not more than 50 % by weight of dry matter                                    |
| (c) conductivity ash   | not more than 0,4 % by weight of dry matter, determined in accordance with point (b) of Part B. |

6. **Invert sugar syrup <sup>(1)</sup>**

The aqueous solution, which has possibly been crystallised, of sucrose that has been partly inverted via hydrolysis, in which the invert sugar content (fructose/dextrose quotient 1,0 ± 0,1), must exceed 50 % by weight of dry matter, but which must otherwise meet the requirements laid down in point 5(a) and (c).

<sup>(1)</sup> The description 'white' is reserved for:

(a) sugar solution where the colour in solution does not exceed 25 ICUMSA units determined in accordance with the method specified in point (c) of Part B;  
 (b) invert sugar solution and invert sugar syrup of which:  
 — the conductivity ash content does not exceed 0,1 %, and  
 — the colour in solution does not exceed 25 ICUMSA units determined in accordance with the method specified in point (c) of Part B.

**7. Glucose syrup**

The purified and concentrated aqueous solution of nutritive saccharides obtained from starch and/or inulin, with the following characteristics:

- |                         |   |
|-------------------------|---|
| (a) dry matter          | not less than 70 % by weight  |
| (b) dextrose equivalent | not less than 20 % by weight of dry matter and expressed as D-glucose |
| (c) sulphated ash       | not more than 1 % by weight of dry matter.                            |

**8. Dried glucose syrup**

Partially dried glucose syrup with at least 93 % by weight of dry matter, but which must otherwise meet the requirements laid down in point 7(b) and (c).

**9. Dextrose or dextrose monohydrate**

Purified and crystallised D-glucose containing one molecule of water of crystallisation, with the following characteristics:

- |                          |   |
|--------------------------|---|
| (a) dextrose (D-glucose) | not less than 99,5 % by weight of dry matter  |
| (b) dry matter           | not less than 90 % by weight                  |
| (c) sulphated ash        | not more than 0,25 % by weight of dry matter. |

**10. Dextrose or dextrose anhydrous**

Purified and crystallised D-glucose not containing water of crystallisation, with at least 98 % by weight of dry matter, but which must otherwise meet the requirements laid down in point 9(a) and (c).

**11. Fructose**

Purified crystallised D-fructose with the following characteristics:

- |                  |  |
|------------------|--|
| fructose content | 98 % minimum   |
| glucose content  | 0,5 % maximum  |
| loss on drying   | not more than 0,5 % by weight  |
| conductivity ash | not more than 0,1 % by weight determined in accordance with point (b) of Part B. |

**B. METHOD OF DETERMINING THE COLOUR TYPE, CONDUCTIVITY ASH CONTENT AND THE COLOUR IN SOLUTION OF SUGAR (WHITE) AND OF EXTRA-WHITE SUGAR DEFINED IN POINTS 2 AND 3 OF PART A**

'Point' corresponds:

- (a) in the case of the colour type, to 0,5 units, calculated by the method of the Brunswick Institute for Agricultural and Sugar Industry Technology, as set out in Chapter A, paragraph 2, of the Annex to Commission Regulation (EEC) No 1265/69 of 1 July 1969 establishing methods for determining the quality of sugar bought in by intervention agencies <sup>(1)</sup>;
- (b) in the case of ash content, to 0,0018 % calculated by the method of the International Commission for Uniform Methods of Sugar Analysis (ICUMSA) as set out in Chapter A, paragraph 1, of the Annex to Regulation (EEC) No 1265/69;
- (c) in the case of the colour in solution, to 7,5 units calculated by the ICUMSA method as set out in Chapter A, paragraph 3, of the Annex to Regulation (EEC) No 1265/69.

<sup>(1)</sup> OJ L 163, 1.7.1969, p. 1.

**COUNCIL DIRECTIVE 2001/112/EC  
of 20 December 2001**

**relating to fruit juices and certain similar products intended for human consumption**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) Certain vertical Directives relating to foodstuffs should be simplified in order to take account only of the essential requirements to be met by the products they cover in order that those products may move freely within the internal market, in accordance with the conclusions of the Edinburgh European Council on 11 and 12 December 1992, as confirmed by those of the Brussels European Council on 10 and 11 December 1993.
- (2) Council Directive 93/77/EEC of 21 September 1993 relating to fruit juices and certain similar products <sup>(4)</sup> was intended to codify Directive 75/726/EEC <sup>(5)</sup> on the same subject.
- (3) Directives 75/726/EEC and 93/77/EEC had been justified by the fact that differences between national laws concerning fruit juices and nectars intended for human consumption could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market.
- (4) The said Directives had consequently laid down common rules governing the composition, use of reserved descriptions, manufacturing specifications and labelling of the products concerned, in order to ensure their free movement within the Community.
- (5) For the sake of clarity, Directive 93/77/EEC should be recast in order to make the rules on manufacturing and marketing conditions for fruit juices and certain similar products more accessible.
- (6) Directive 93/77/EEC should also be brought into line with general Community legislation on foodstuffs, particularly legislation on labelling, colouring matter, sweeteners and other authorised additives.

(7) Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(6)</sup>, and in particular Article 7(2) and (5) thereof, should apply subject to certain conditions. It should be clearly indicated when a product is a mixture of fruit juice and fruit juice from concentrate, and, for fruit nectar, when it is obtained entirely or partly from a concentrated product. The list of ingredients in the labelling bears the names of both the fruit juices and fruit juices from concentrate used.

(8) Subject to Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs <sup>(7)</sup>, the addition of vitamins to the products defined by this Directive is permitted in some Member States. However, the extension of this possibility to the whole of the Community is not envisaged. Therefore, Member States are free to authorise or prohibit the addition of vitamins and also minerals as part of the manufacturing process. In all circumstances, however, the principle of the free movement of products within the Community should be observed in accordance with the rules and principles laid down in the Treaty.

(9) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary in order to achieve the said objective.

(10) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(8)</sup>.

(11) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

<sup>(1)</sup> OJ C 231, 9.8.1996, p. 14.

<sup>(2)</sup> OJ C 279, 1.10.1999, p. 92.

<sup>(3)</sup> OJ C 56, 24.2.1997, p. 20.

<sup>(4)</sup> OJ L 244, 30.9.1993, p. 23. Directive as last amended by the 1994 Act of Accession.

<sup>(5)</sup> OJ L 311, 1.12.1975, p. 40.

<sup>(6)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(7)</sup> OJ L 276, 6.10.1990, p. 40.

<sup>(8)</sup> OJ L 184, 7.7.1999, p. 23.

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

This Directive shall apply to the products defined in Annex I.

#### Article 2

Member States may, subject to Directive 90/496/EEC, authorise the addition of vitamins and minerals to the products defined in part I of Annex I hereto.

#### Article 3

Directive 2000/13/EC shall apply to the products defined in Annex I, subject to the following conditions:

1. (a) The product names listed in Annex I shall apply only to the products referred to therein and shall, without prejudice to subparagraph (b), be used in trade to designate them.
- (b) As an alternative to the product names referred to in subparagraph (a), Annex III provides a list of particular designations. These designations may be used in the language and under the conditions laid down in Annex III.
2. If the product comes from a single kind of fruit, the name of the latter shall be substituted for the word 'fruit'.
3. For products manufactured from two or more fruits, except where lemon juice is used under the conditions laid down in part II.1 of Annex I, the product names shall be supplemented by a list of the fruits used, in descending order of the volume of the fruit juices or purées included. However, in the case of products manufactured from three or more fruits, the indication of the fruits used may be replaced by the words 'several fruits' or a similar wording, or by the number of fruits used.
4. For fruit juices which have been sweetened by the addition of sugars, the sales name shall include the word 'sweetened' or 'with added sugar', followed by an indication of the maximum quantity of sugar added, calculated as dry matter and expressed in grams per litre.
5. The restoration of the products defined in part I of Annex I to their original state, by means of the substances strictly necessary for this operation, shall not entail an obligation to enter on the labels a list of the ingredients used for this purpose.

The addition to fruit juice of extra pulp or cells as defined in Annex II shall be indicated on the labelling.

6. Without prejudice to Article 7(2) and (5) of Directive 2000/13/EC for mixtures of fruit juice and fruit juice from

concentrate, and for fruit nectar obtained entirely or partly from one or more concentrated products, the labelling shall bear the words 'made with concentrate(s)' or 'partially made with concentrate(s)', as appropriate. That information shall be entered close to the product name, standing out well from any background, in clearly visible characters.

7. For fruit nectars, the labelling shall indicate the minimum content of fruit juice, fruit purée or any mixture of those ingredients, by the declaration 'fruit content: ... % minimum'. That information shall be located in the same field of vision as the product name.

#### Article 4

The labelling of concentrated fruit juice referred to in part I point 2 of Annex I not intended for delivery to the final consumer shall bear a reference indicating the presence and quantity of added sugars, or added lemon juice or acidifying agents as permitted by Directive 95/2/EC of the European Parliament and of the Council of 20 February 1995 on food additives other than colours and sweeteners <sup>(1)</sup>. This reference shall appear on the packaging, on a label attached to the packaging or on an accompanying document.

#### Article 5

For the products defined in Annex I, Member States shall not adopt national provisions not provided for by this Directive.

#### Article 6

Without prejudice to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption <sup>(2)</sup>, only the treatments and substances listed in part II of Annex I and the raw materials complying with Annex II may be used to manufacture the products defined in part I of Annex I. Moreover, fruit nectars shall comply with the provisions of Annex IV.

#### Article 7

The measures necessary for the implementation of this Directive relating to the matters referred to below shall be adopted in accordance with the regulatory procedure referred to in Article 8(2):

- bringing this Directive into line with general Community legislation on foodstuffs,
- adaptations to technical progress.

<sup>(1)</sup> OJ L 61, 18.3.1995, p. 1. Directive as last amended by Directive 98/72/EC (OJ L 295, 4.11.1998, p. 18).

<sup>(2)</sup> OJ L 40, 11.2.1989, p. 27. Directive as amended by Directive 94/34/EC (OJ L 237, 10.9.1994, p. 1).

*Article 8*

1. The Commission shall be assisted by the Standing Committee on Foodstuffs (hereinafter referred to as 'the Committee') set up by Article 1 of Decision 69/414/EEC <sup>(1)</sup>.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 9*

Directive 93/77/EEC is hereby repealed with effect from 12 July 2003.

References to the repealed Directive shall be construed as references to this Directive.

*Article 10*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 12 July 2003. They shall forthwith inform the Commission thereof.

The measures shall be applied so as to:

- authorise the marketing of the products defined in Annex I if they comply with the definitions and rules laid down in this Directive, with effect from 12 July 2003,

- prohibit the marketing of products which fail to comply with this Directive, with effect from 12 July 2004.

However, the marketing of products which fail to comply with this Directive but which were labelled before 12 July 2004 in accordance with Directive 93/77/EEC may continue until stocks run out.

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

*Article 11*

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

*Article 12*

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2001.

*For the Council*

*The President*

C. PICQUÉ

---

<sup>(1)</sup> OJ L 291, 19.11.1969, p. 9.

## ANNEX I

**PRODUCT NAMES, DEFINITIONS OF PRODUCTS AND CHARACTERISTICS****I. DEFINITIONS****1. (a) Fruit juice**

The fermentable but unfermented product obtained from fruit which is sound and ripe, fresh or preserved by chilling, of one or more kinds mixed together, having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes. Flavour, pulp and cells from the juice which are separated during processing may be restored to the same juice.

In the case of citrus fruits, the fruit juice must come from the endocarp. Lime juice, however, may be obtained from the whole fruit, by suitable production processes whereby the proportion of constituents of the outer part of the fruit is reduced to a minimum.

**(b) Fruit juice from concentrate**

The product obtained by replacing in the concentrated fruit juice water extracted from that juice during concentration, and restoring the flavours, and, if appropriate, pulp and cells lost from the juice but recovered during the process of producing the fruit juice in question or of fruit juice of the same kind. The water added must display appropriate characteristics, particularly from the chemical, microbiological and organoleptic viewpoints, in such a way as to guarantee the essential qualities of the juice.

The product thus obtained must display organoleptic and analytical characteristics at least equivalent to those of an average type of juice obtained from fruits of the same kind within the meaning of (a).

**2. Concentrated fruit juice**

The product obtained from fruit juice of one or more kinds by the physical removal of a specific proportion of the water content. Where the product is intended for direct consumption that removal will be of at least 50 %.

**3. Dehydrated/powdered fruit juice**

The product obtained from fruit juice of one or more kinds by the physical removal of virtually all the water content.

**4. Fruit nectar**

- (a) The fermentable but unfermented product obtained by adding water and sugars and/or honey to the products defined in points 1, 2 and 3, to fruit puree or to a mixture of those products, that product, moreover, meeting the requirements of Annex IV.

The addition of sugars and/or honey is permitted up to 20 % of the total weight of the finished product.

Where fruit nectars are manufactured without added sugar or with low energy value, sugars may be replaced wholly or partially by sweeteners, in accordance with Directive 94/35/EC of the European Parliament and of the Council of 30 June 1994 on sweeteners for use in foodstuffs <sup>(1)</sup>.

- (b) By way of derogation from (a), fruits listed in parts II and III of Annex IV and apricots can be used, individually or mixed together, to manufacture nectars without the addition of sugar, honey and/or sweeteners.

**II. AUTHORISED INGREDIENTS, TREATMENTS AND SUBSTANCES****1. Authorised ingredients**

- Pursuant to Article 2, the addition of vitamins and minerals may be authorised in the case of the products defined in Part I, subject to Directive 90/496/EEC.
- Flavour, pulp and cells restored to fruit juice defined in part I.1(a) must have been separated from that juice during processing, whereas flavour, pulp and cells restored to fruit juice defined in part I.1(b) may also be from fruit juice of the same kind.

For grape juice only, salts of tartaric acids may be restored.

<sup>(1)</sup> OJ L 237, 10.9.1994, p. 3. Directive as amended by Directive 96/83/EC (OJ L 48, 19.2.1997, p. 16).



- For products defined in part I.1, 2 and 3, other than pear or grape juice, the addition of sugars is authorised
  - for regulating acidic taste, the quantity of sugars added, expressed as dry matter, may not exceed 15 g per litre of juice,
  - for sweetening purposes, the quantity of sugars added, expressed as dry matter, may not exceed 150 g per litre of juiceprovided that the total amount of sugar added for both regulating acidic taste and sweetening purposes may not exceed 150 g per litre.
- For products defined in part I.1, 2, 3 and 4, in order to regulate acidic taste, the addition of lemon juice and/or concentrated lemon juice up to 3 g per litre of juice, expressed as anhydrous citric acid, is authorised.
- Carbon dioxide, as an ingredient, is authorised.

The addition of both sugars and lemon juice, whether concentrated or not, or acidifying agents as permitted by Directive 95/2/EC to the same fruit juice is prohibited.

## 2. Authorised treatments and substances

- Mechanical extraction processes.
  - The usual physical processes, including in-line water extraction (diffusion) of the edible part of fruits other than grapes for the manufacture of concentrated fruit juices, provided that the concentrated fruit juices thus obtained comply with part I.1. The use of certain processes and treatments may be limited or prohibited in accordance with the procedure laid down in Article 8(2).
  - For grape juice, where sulfitation with sulphur dioxide of the grapes has been used, desulfitation by physical means is authorised, provided that the total quantity of SO<sub>2</sub> present in the final product does not exceed 10 mg/l.
  - Pectolytic enzymes.
  - Proteolytic enzymes.
  - Amylolytic enzymes.
  - Edible gelatine.
  - Tannins.
  - Bentonite.
  - Silicon aerogel.
  - Charcoal.
  - Chemically inert filtration adjuvant and precipitation agents (e.g. perlite, washed diatomite, cellulose, insoluble polyamide, polyvinylpyrrolidone, polystyrene), which comply with the Community Directives on materials and articles intended to come into contact with foodstuffs.
  - Chemically inert adsorption adjuvants which comply with the Directives on materials and articles intended to come into contact with foodstuffs, and which are used to reduce the limonoid and naringin content of citrus juice without significantly affecting the limonoid glucosides, acid, sugars (including oligosaccharides) or mineral content.
-

## ANNEX II

## DEFINITIONS OF RAW MATERIALS

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

## 1. Fruit

All fruits. For the purposes of this Directive, tomatoes are not regarded as fruit.

## 2. Fruit purée

The fermentable but unfermented product obtained by sieving the edible part of whole or peeled fruit without removing the juice.

## 3. Concentrated fruit purée

The product obtained from fruit purée by the physical removal of a specific proportion of its water content.

## 4. Sugars

For the production of:

## (a) fruit nectars:

- sugars as defined by Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption <sup>(1)</sup>,
- fructose syrup,
- sugars derived from fruits;

## (b) fruit juice from concentrate:

- sugars as defined by Directive 2001/111/EC,
- fructose syrup;

## (c) fruit juices: the sugars listed in (b) containing less than 2 % water.

## 5. Honey:

The product defined by Council Directive 2001/110/EC of 20 December 2001 relating to honey <sup>(2)</sup>.

## 6. Pulp or cells

The products obtained from the edible parts of fruit of the same kind without removing the juice. Furthermore, for citrus fruit, pulp or cells are the juice sacs obtained from the endocarp.

---

<sup>(1)</sup> See page 53 of this Official Journal.

<sup>(2)</sup> See page 47 of this Official Journal.

## ANNEX III

## PARTICULAR DESIGNATIONS FOR CERTAIN PRODUCTS LISTED IN ANNEX I

- (a) 'vruchtendrank', for fruit nectars;
  - (b) 'Süßmost'

The designation 'Süßmost' may be used only in conjunction with the product names 'Fruchtsaft' or 'Fruchtnektar';

    - for fruit nectar obtained exclusively from fruit juices, concentrated fruit juices or a mixture of these products, unpalatable in the natural state because of their high natural acidity,
    - for fruit juice obtained from pears, with the addition of apples where appropriate, but with no added sugar;
  - (c) 'succo e polpa' or 'sumo e polpa', for fruit nectars obtained exclusively from fruit puree and/or concentrated fruit puree;
  - (d) 'æblemost', for apple juice with no added sugar;
  - (e) — 'sur ... saft', together with the name (in Danish) of the fruit used, for juices with no added sugar obtained from blackcurrants, cherries, redcurrants, whitecurrants, raspberries, strawberries or elderberries,
    - 'sød ... saft' or 'sødet ... saft' together with the name (in Danish) of the fruit used, for juices obtained from this fruit, with more than 200 g of added sugar per litre;
  - (f) 'äpplemust', for apple juice with no added sugar;
  - (g) 'mosto', synonym of grape juice.
-

## ANNEX IV

## SPECIAL PROVISIONS RELATING TO FRUIT NECTARS

Fruit nectars made from	Minimum juice and/or purée content (% by volume of finished product)
<b>I. Fruits with acidic juice unpalatable in the natural state</b>	
Passion fruit	25
Quito naranjillos	25
Blackcurrants	25
Whitecurrants	25
Redcurrants	25
Gooseberries	30
Sallow-thorn berries	25
Sloes	30
Plums	30
Quetsches	30
Rowanberries	30
Rose hips	40
Sour cherries	35
Other cherries	40
Bilberries	40
Elderberries	50
Raspberries	40
Apricots	40
Strawberries	40
Mulberries/blackberries	40
Cranberries	30
Quinces	50
Lemons and limes	25
Other fruits belonging to this category	25
<b>II. Low-acid, pulpy or highly flavoured fruits with juice unpalatable in the natural state</b>	
Mangoes	25
Bananas	25
Guavas	25
Papayas	25
Lychees	25
Azeroles (Neapolitan medlars)	25
Soursop	25
Bullock's heart or custard apple	25
Sugar apples	25
Pomegranates	25
Cashew fruits	25
Spanish plums	25
Umbu	25
Other fruits belonging to this category	25

Fruit nectars made from	Minimum juice and/or purée content (% by volume of finished product)
<b>III. Fruits with juice palatable in the natural state</b>	
Apples	50
Pears	50
Peaches	50
Citrus fruits except lemons and limes	50
Pineapples	50
Other fruits belonging to this category	50

**COUNCIL DIRECTIVE 2001/113/EC****of 20 December 2001****relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) Certain vertical Directives relating to foodstuffs should be simplified in order to take account only of the essential requirements to be met by the products they cover so that those products may move freely within the internal market, in accordance with the conclusions of the European Council meeting in Edinburgh on 11 and 12 December 1992, as confirmed by those of the European Council meeting in Brussels on 10 and 11 December 1993.
- (2) Council Directive 79/693/EEC of 24 July 1979 on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut purée <sup>(4)</sup> was justified by the fact that differences between national laws relating to the products concerned could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market.
- (3) Directive 79/693/EEC was consequently designed to lay down definitions and common rules governing composition, manufacturing specifications and labelling of the products concerned, so as to ensure their free movement within the Community.
- (4) Directive 79/693/EEC should be brought into line with general Community legislation on foodstuffs, and in particular legislation on labelling, colouring agents, sweeteners and other authorised additives and, for the sake of clarity, should be recast in order to make the rules on the conditions for the production and

marketing of fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption more accessible.

- (5) The general food-labelling rules laid down in Directive 2000/13/EC of the European Parliament and of the Council <sup>(5)</sup> should apply subject to certain conditions.
- (6) In order to take account of existing national traditions in the making of fruit jams, jellies and marmalades and sweetened chestnut purée, it is necessary to maintain existing national regulations authorising the marketing of such products with a reduced sugar content.
- (7) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary in order to achieve the said objective.
- (8) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(6)</sup>.
- (9) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

This Directive shall apply to the products defined in Annex I.

It shall not apply to products intended for the manufacture of fine bakery wares, pastries or biscuits.

<sup>(1)</sup> OJ C 231, 9.8.1996, p. 27.

<sup>(2)</sup> OJ C 279, 1.10.1999, p. 95.

<sup>(3)</sup> OJ C 56, 24.2.1997, p. 20.

<sup>(4)</sup> OJ L 205, 13.8.1979, p. 5. Directive as last amended by Directive 88/593/EEC (OJ L 318, 25.11.1988, p. 44).

<sup>(5)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(6)</sup> OJ L 184, 17.7.1999, p. 23.

*Article 2*

Directive 2000/13/EC shall apply to the products defined in Annex I hereto, subject to the following conditions:

1. The product names listed in Annex I shall apply only to the products referred to therein and shall be used in trade to designate them.

The product names used in Annex I may, however, be used in addition to the name and in accordance with practices used to designate other products which cannot be confused with those defined in Annex I.

2. The product names shall be supplemented by an indication of the fruit or fruits used, in descending order of weight of the raw materials used. However, for products manufactured from three or more fruits, the indication of the fruits used may be replaced by the words 'mixed fruit' or a similar wording, or by the number of fruits used.
3. The labelling shall indicate the fruit content by including the words 'prepared with ... g of fruit per 100 g' of the finished product, after deduction of the weight of water used in preparing the aqueous extracts, if appropriate.
4. The labelling shall indicate the total sugar content by the words 'total sugar content ... g per 100 g', the figure indicated representing the value determined by refractometer at 20 °C for the finished product, subject to a tolerance of  $\pm 3$  refractometric degrees.

The sugar content need not, however, be indicated where a nutrition claim is made for sugars on the labelling pursuant to Directive 90/496/EEC<sup>(1)</sup>.

5. The particulars referred to in point 3 and the first subparagraph of point 4 shall appear in the same visual field as the product name and in clearly visible characters.
6. Where the residual content of sulphur dioxide is more than 10 mg/kg, its presence shall be indicated on the list of ingredients by way of derogation from Article 6(4) of Directive 2000/13/EC.

*Article 3*

For the products defined in Annex I, Member States shall not adopt national provisions not provided for by this Directive.

*Article 4*

Without prejudice to Directive 89/107/EEC<sup>(2)</sup> or to provisions adopted in order to give it effect, only the ingredients listed in Annex II hereto and raw materials which comply with Annex III hereto may be used in the manufacture of the products defined in Annex I hereto.

<sup>(1)</sup> OJ L 276, 6.10.1990, p. 40.

<sup>(2)</sup> OJ L 40, 11.2.1989, p. 27. Directive as amended by Directive 94/34/EC (OJ L 237, 10.9.1994, p. 1).

*Article 5*

The measures necessary for the implementation of this Directive relating to the matters referred to below shall be adopted in accordance with the regulatory procedure referred to in Article 6(2):

- bringing this Directive into line with general Community legislation on foodstuffs,
- adaptations to technical progress.

*Article 6*

1. The Commission shall be assisted by the Standing Committee on Foodstuffs (hereinafter referred to as 'the Committee') set up by Article 1 of Decision 69/414/EEC<sup>(3)</sup>.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 7*

Directive 79/693/EEC is hereby repealed with effect from 12 July 2003.

References to the repealed Directive shall be construed as references to this Directive.

*Article 8*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 12 July 2003. They shall forthwith inform the Commission thereof.

The measures shall be applied so as to:

- authorise the marketing of the products defined in Annex I if they comply with the definitions and rules laid down in this Directive, with effect from 12 July 2003,
- prohibit the marketing of products which do not comply with this Directive, with effect from 12 July 2004.

However, the marketing of products which fail to conform to this Directive but which were labelled before 12 July 2004 in accordance with Directive 79/693/EEC shall be permitted until stocks run out.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such reference shall be adopted by Member States.

<sup>(3)</sup> OJ L 291, 19.11.1969, p. 9.

*Article 9*

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

*Article 10*

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2001.

*For the Council*

*The President*

C. PICQUÉ

---



## ANNEX I

## NAMES, PRODUCT DESCRIPTIONS AND DEFINITIONS

## I. DEFINITIONS

- 'Jam' is a mixture, brought to a suitable gelled consistency, of sugars, the pulp and/or purée of one or more kinds of fruit and water. However, citrus jam may be obtained from the whole fruit, cut into strips and/or sliced. The quantity of pulp and/or purée used for the manufacture of 1 000 g of finished product must not be less than:

- 350 g as a general rule,
- 250 g for redcurrants, rowanberries, sea-buckthorns, blackcurrants, rosehips and quinces,
- 150 g for ginger,
- 160 g for cashew apples,
- 60 g for passion fruit.

- 'Extra jam' is a mixture, brought to a suitable gelled consistency, of sugars, the unconcentrated pulp of one or more kinds of fruit and water. However, rosehip extra jam and seedless raspberry, blackberry, blackcurrant, blueberry and redcurrant extra jam may be obtained entirely or in part from unconcentrated purée of the respective fruits. Citrus extra jam may be obtained from the whole fruit, cut into strips and/or sliced.

The following fruits may not be used mixed with others in the manufacture of extra jam: apples, pears, clingstone plums, melons, water-melons, grapes, pumpkins, cucumbers and tomatoes.

The quantity of pulp used for the manufacture of 1 000 g of finished product must not be less than:

- 450 g as a general rule,
- 350 g for redcurrants, rowanberries, sea-buckthorns, blackcurrants, rosehips and quinces,
- 250 g for ginger,
- 230 g for cashew apples,
- 80 g for passion fruit.

- 'Jelly' is an appropriately gelled mixture of sugars and the juice and/or aqueous extracts of one or more kinds of fruit.

The quantity of juice and/or aqueous extracts used in the manufacture of 1 000 g of finished product must not be less than that laid down for the manufacture of jam. These quantities are calculated after deduction of the weight of water used in preparing the aqueous extracts.

- In the case of 'extra jelly', however, the quantity of fruit juice and/or aqueous extracts used in the manufacture of 1 000 g of finished product must not be less than that laid down for the manufacture of extra jam. These quantities are calculated after deduction of the weight of water used in preparing the aqueous extracts. The following fruits may not be used mixed with others in the manufacture of extra jelly: apples, pears, clingstone plums, melons, water-melons, grapes, pumpkins, cucumbers and tomatoes.

- 'Marmalade' is a mixture, brought to a suitable gelled consistency, of water, sugars and one or more of the following products obtained from citrus fruit: pulp, purée, juice, aqueous extracts and peel.

The quantity of citrus fruit used in the manufacture of 1 000 g of finished product must not be less than 200 g of which at least 75 g must be obtained from the endocarp.

- The name 'jelly marmalade' may be used where the product contains no insoluble matter except possibly for small quantities of finely sliced peel.

- 'Sweetened chestnut purée' is a mixture, brought to a suitable consistency, of water, sugar and at least 380 g of chestnut (*Castanea sativa*) purée for 1 000 g of finished product.

- II. Products defined in part I must have a soluble dry matter content of 60 % or more as determined by refractometer, except for those products in respect of which sugars have been wholly or partially replaced by sweeteners.

Without prejudice to Article 5(1) of Directive 2000/13/EC, Member States may, however, in order to take account of certain particular cases, authorise the reserved names for products defined in part I which have a soluble dry matter content of less than 60 %.

- III. Where fruits are mixed together, the minimum contents laid down in part I for different kinds of fruit must be reduced in proportion to the percentages used.

## ANNEX II

The following additional ingredients may be used in the products defined in Annex I:

- honey as defined in Council Directive 2001/110/EC of 20 December 2001 relating to honey <sup>(1)</sup>: in all products as a total or partial substitute for sugars,
  - fruit juice: only in jam,
  - citrus fruit juice: in products obtained from other types of fruit: only in jam, extra jam, jelly and extra jelly,
  - red fruit juices: only in jam and extra jam manufactured from rosehips, strawberries, raspberries, gooseberries, redcurrants, plums and rhubarb,
  - red beetroot juice: only in jam and jelly manufactured from strawberries, raspberries, gooseberries, redcurrants and plums,
  - essential oils of citrus fruits: only in marmalade and jelly marmalade,
  - edible oils and fats as anti-foaming agents: in all products,
  - liquid pectin: in all products,
  - citrus peel: in jam, extra jam, jelly and extra jelly,
  - leaves of *Pelargonium odoratissimum*: in jam, extra jam, jelly and extra jelly, where they are made from quince,
  - spirits, wine and liqueur wine, nuts, aromatic herbs, spices, vanilla and vanilla extracts: in all products,
  - vanilline: in all products.
- 

<sup>(1)</sup> See page 47 of this Official Journal.

## ANNEX III

## A. DEFINITIONS

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

## 1. Fruit:

- fresh, sound fruit, free from deterioration, containing all its essential constituents and sufficiently ripe for use, after cleaning, removal of blemishes, topping and tailing,
- for the purposes of this Directive, tomatoes, the edible parts of rhubarb stalks, carrots, sweet potatoes, cucumbers, pumpkins, melons and water-melons are considered to be fruit,
- 'ginger' means the edible root of the ginger plant in a fresh or preserved state. Ginger may be dried or preserved in syrup.

## 2. (Fruit) pulp:

The edible part of the whole fruit, if appropriate, less the peel, skin, seeds, pips and the like, which may have been sliced or crushed but which has not been reduced to a purée.

## 3. (Fruit) purée:

The edible part of the whole fruit, if necessary, less the peel, skin, seeds, pips and the like, which has been reduced to a purée by sieving or a similar process.

## 4. Aqueous extracts (of fruit):

The aqueous extract of fruits which, subject to the losses necessarily occurring in proper manufacturing, contains all the water-soluble constituents of the fruit used.

## 5. Sugars

Authorised sugars are:

1. the sugars as defined in Directive 2001/111/EC <sup>(1)</sup>;
2. fructose syrup;
3. sugars extracted from fruit;
4. brown sugar.

## B. TREATMENT OF RAW MATERIALS

## 1. The products defined in items 1, 2, 3 and 4 of part A may be treated in the following ways:

- heated, chilled or frozen,
- freeze-dried,
- concentrated, to the extent that is technically possible,
- with the exception of the raw materials used in the manufacture of 'extra' products: the use of sulphur dioxide (E 220) or its salts (E 221, E 222, E 223, E 224, E 226 and E 227) as an aid to manufacture provided that the maximum sulphur-dioxide content laid down in Directive 95/2/EC is not exceeded in the products defined in part I of Annex I.

## 2. Apricots and plums to be used in the manufacture of jam may also be treated by other drying processes apart from freeze-drying.

## 3. Citrus peel may be preserved in brine.

---

<sup>(1)</sup> See page 53 of this Official Journal.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 11 January 2002

**laying down special conditions for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Uruguay**

(notified under document number C(2001) 4982)

(Text with EEA relevance)

(2002/19/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of bivalve molluscs <sup>(1)</sup>, as last amended by Council Directive 97/79/EC <sup>(2)</sup>, and in particular Article 9(3)(b) thereof,

Whereas:

- (1) A Commission expert has conducted an inspection visit to Uruguay to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The provisions of legislation of Uruguay make the 'Dirección Nacional de Recursos Acuáticos (Dinara) of the Ministerio de Ganadería, Agricultura y Pesca' responsible for inspecting the health of bivalve molluscs, echinoderms, tunicates and marine gastropods and for monitoring the hygiene and sanitary conditions of production. The same legislation empowers Dinara to authorize or prohibit the harvesting of bivalve molluscs, echinoderms, tunicates and marine gastropods from certain zones.
- (3) Dinara and its laboratories are capable of effectively verifying the application of the laws in force in Uruguay.
- (4) The competent authorities of Uruguay have undertaken to communicate regularly and quickly to the Commission data on the presence of plankton containing toxins in the harvesting zones.

- (5) The competent authorities of Uruguay have provided official assurances regarding compliance with the requirements specified in Chapter V of the Annex to Directive 91/492/EC and with requirements equivalent to those prescribed in that Directive for the classification of production and relaying zones, approval of dispatch and purification centres and public health control and production monitoring.
- (6) Uruguay is eligible for inclusion in the list of third countries fulfilling the conditions of equivalence referred to in Article 9(3)(a) of Directive 91/492/EEC.
- (7) Uruguay wishes to export to the Community frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods which have been sterilised or heat-treated in accordance with the requirements of Commission Decision 93/25/EEC <sup>(3)</sup>, amended by Decision 97/275/EC <sup>(4)</sup>. For this purpose, the production areas from which bivalve molluscs, echinoderms, tunicates and marine gastropods may be harvested and exported to the Community should be designated.
- (8) The special import conditions should apply without prejudice to decisions taken pursuant to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products <sup>(5)</sup>, as last amended by Directive 98/45/EC <sup>(6)</sup>.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 1.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 16, 25.1.1993, p. 22.

<sup>(4)</sup> OJ L 108, 25.4.1997, p. 52.

<sup>(5)</sup> OJ L 46, 19.2.1991, p. 1.

<sup>(6)</sup> OJ L 189, 3.7.1998, p. 12.

HAS ADOPTED THIS DECISION:

consumption must originate in the authorised production areas listed in the Annex to this Decision.

*Article 1*

The 'Dirección Nacional de Recursos Acuáticos (Dinara) del Ministerio de Ganadería, Agricultura y Pesca' shall be the competent authority in Uruguay for verifying and certifying that bivalve molluscs, echinoderms, tunicates and marine gastropods fulfil the requirements of Directive 91/492/EEC.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2002.

*Article 2*

Bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Uruguay and intended for human

*For the Commission*

David BYRNE

*Member of the Commission*

ANNEX

**PRODUCTION AREAS IN COMPLIANCE WITH THE PROVISIONS OF DIRECTIVE 91/492/EEC**

Code	Identification	Classification <sup>(1)</sup>
A	35° 05' S — 55° 12' W	a
	35° 11' S — 55° 14' W	
	35° 05' S — 55° 00' W	
	35° 03' S — 55° 00' W	
	35° 03' S — 54° 21' W	
	35° 11' S — 54° 21' W	
B	34° 59' S — 54° 30' W	a
	34° 46' S — 54° 00' W	
	35° 59' S — 54° 00' W	
C	34° 45' S — 53° 46' W	a
	34° 52' S — 53° 38' W	
	34° 05' S — 52° 51' W	
	34° 10' S — 52° 44' W	

<sup>(1)</sup> Classification corresponding to criteria laid down in point 1 of Chapter 1 of the Annex to Directive 91/492/EEC.

**COMMISSION DECISION**  
**of 11 January 2002**  
**amending Decision 96/606/EC laying down special conditions governing imports of fishery and aquaculture products originating in Uruguay**

(notified under document number C(2001) 4983)

(Text with EEA relevance)

(2002/20/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11(5) thereof,

Whereas:

(1) Commission Decision 96/606/EC of 11 October 1996 laying down special conditions governing imports of fishery and aquaculture products originating in Uruguay <sup>(3)</sup>, states that the 'Ministerio de Ganadería, Agricultura y Pesca — Instituto Nacional de Pesca (INAPE)' is to be the competent authority in Uruguay for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

(2) Following a restructuring of the Uruguayan administration, the competent authority for issuing health certificates for fishery products has changed to the 'Dirección Nacional de Recursos Acuáticos (Dinara) del Ministerio de Ganadería, Agricultura y Pesca'. This new authority is capable of effectively verifying the application of the laws in force.

(3) Furthermore, since Uruguay wishes to export to the Community frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods and the Competent authorities of this country have given the guarantee that these products will be either sterilised, or heat-treated according to the requirements of Commission Decision 93/25/EEC of 11 December 1992 approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods <sup>(4)</sup>, as amended by Decision 97/

275/EC <sup>(5)</sup>, the Commission has adopted Decision 2002/19/EC laying down special conditions for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Uruguay <sup>(6)</sup>.

(4) The wording of Decision 96/606/EC should be aligned on the wording of more recently adopted Commission Decisions, laying down special conditions governing imports of fishery and aquaculture products originating in certain third countries.

(5) Decision 96/606/EC should therefore be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 96/606/EC is amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

The "Dirección Nacional de Recursos Acuáticos (Dinara) del Ministerio de Ganadería, Agricultura y Pesca" shall be the competent authority in Uruguay for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.;

2. in Article 2 point 3 is replaced by the following:

'3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word "URUGUAY" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters';

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 269, 22.10.1996, p. 18.

<sup>(4)</sup> OJ L 16, 25.1.1993, p. 22.

<sup>(5)</sup> OJ L 46, 19.2.1991, p. 1.

<sup>(6)</sup> See page 73 of this Official Journal.

3. in Article 3 paragraph 2 is replaced by the following:

‘2. Certificates must bear the name, capacity and signature of the representative of the Dinara and the latter's official stamp in a colour different from that of other endorsements.’;

4. Annex A is replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

\_\_\_\_\_

## ANNEX

## ‘ANNEX A

**HEALTH CERTIFICATE**

for fishery and aquaculture products originating in Uruguay and intended for export to the European Community

Reference No: .....

Country of dispatch: URUGUAY

Competent authority: Dirección Nacional de Recursos Acuáticos (Dinara) de la Secretaria de Salud

**I. Details identifying the fishery products**

- Description of fishery/aquaculture products <sup>(1)</sup>: .....
- species (scientific name): .....
- presentation of product and type of treatment <sup>(2)</sup>: .....
- Code number (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

**II. Origin of products**

Name(s) and official approval number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the DINARA for export to the EC:

.....  
 .....

**III. Destination of products**

The products are dispatched:

from: .....  
 (place of dispatch)

to: .....  
 (country and place of destination)

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

Name of consignee and address at place of destination: .....

.....

<sup>(1)</sup> Delete wherer applicable.

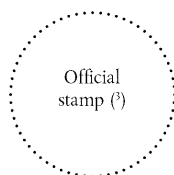
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.



**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
  4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  5. do not come from toxic species or species containing biotoxins;
  6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto;
  7. in addition, where the fishery products are frozen or processed bivalve molluscs: the molluscs were obtained from approved production areas laid down by the Annex to Commission Decision 2002/19/EC laying down special conditions for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Uruguay and which have been sterilised or heat-treated according to the requirements of Decision 93/25/EEC.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/492/EC, 91/493/EEC and 92/48/EEC and Decisions 93/25/EEC, 96/606/EC and 2002/19/EC.

Done at ..... on .....  
(Place) (Date)



.....  
(Signature of official inspector) (³)

.....  
(Name in capital letters, capacity and qualifications of person signing)

(³) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

## COMMISSION DECISION

of 11 January 2002

**amending Decision 97/20/EC establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods, to include Uruguay**

(notified under document number C(2001) 4984)

(Text with EEA relevance)

(2002/21/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs <sup>(1)</sup>, as last amended by Council Directive 97/79/EC <sup>(2)</sup>, and in particular Article 9(3)(a) thereof,

Whereas:

- (1) Commission Decision 97/20/EC <sup>(3)</sup>, as last amended by Decision 2001/675/EC <sup>(4)</sup>, establishes the list of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form are authorised for human consumption. Part I of the Annex lists the names of the countries and territories covered by a specific Decision under Directive 91/492/EEC and part II names those qualifying under Article 2(2) of Council Decision 95/408/EC <sup>(5)</sup>, as last amended by Decision 2001/4/EC <sup>(6)</sup>.
- (2) Commission Decision 2002/19/EC <sup>(7)</sup> lays down special conditions for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods originating in

Uruguay, therefore Decision 97/20/EC should be amended to include Uruguay in part I of the list.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 97/20/EC is replaced by the Annex to the present Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2002.

*For the Commission*

David BYRNE

*Member of the Commission*<sup>(1)</sup> OJ L 268, 24.9.1991, p. 1.<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.<sup>(3)</sup> OJ L 6, 10.1.1997, p. 46.<sup>(4)</sup> OJ L 236, 5.9.2001, p. 16.<sup>(5)</sup> OJ L 243, 11.10.1995, p. 17.<sup>(6)</sup> OJ L 2, 5.1.2001, p. 21.<sup>(7)</sup> See page 73 of this Official Journal.

## ANNEX

**List of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form for human consumption are authorised**

## I. Third countries which have been the subject of a specific decision based on Directive 91/492/EEC:

AU	AUSTRALIA
CL	CHILE
JM	JAMAICA (only for marine gastropods)
KR	SOUTH KOREA
MA	MOROCCO
PE	PERU
TH	THAILAND
TN	TUNISIA
TR	TURKEY
UY	URUGUAY
VN	SOCIALIST REPUBLIC OF VIETNAM.

## II. Third countries, which may be the subject of a provisional decision, based on Decision 95/408/EC:

CA	CANADA
GL	GREENLAND
NZ	NEW ZEALAND
US	UNITED STATES OF AMERICA.

---

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

**COUNCIL COMMON POSITION**  
**of 11 January 2002**  
**concerning a prohibition on imports of rough diamonds from Sierra Leone**  
(2002/22/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 5 July 2000 the United Nations Security Council adopted Resolution 1306(2000) prohibiting the direct or indirect import of all rough diamonds from Sierra Leone for an initial period of 18 months, while exempting imports of rough diamonds whose origin is certified by the Government of Sierra Leone.
- (2) On 2 July 2000 the Council adopted Common Position 2000/455/CFSP<sup>(1)</sup> so as to implement Resolution 1306(2000). That Common Position expired on 5 January 2002.
- (3) On 19 December 2001 the United Nations Security Council adopted Resolution 1385(2001) whereby the measures imposed by Resolution 1306(2000) are to remain in force until 5 December 2002. A new Common Position must therefore be adopted.
- (4) Action by the Community is needed in order to implement the required measures,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

The direct or indirect import of all rough diamonds from Sierra Leone to the Community shall be prohibited under the conditions set out in UNSCR 1306(2000) and 1385(2001).

*Article 2*

Rough diamonds controlled by the Government of Sierra Leone through the Certificate of Origin regime consistent with paragraph 5 of Resolution 1306(2000) shall continue to be exempt from the measure referred to in Article 1.

*Article 3*

This Common Position shall be reviewed as the need arises.

*Article 4*

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

It shall be applicable from 5 January 2002.

It shall expire on 5 December 2002.

*Article 5*

This Common Position shall be published in the Official Journal.

Done at Brussels, 11 January 2002.

*For the Council*

*The President*

J. PIQUÉ I CAMPS

---

<sup>(1)</sup> OJ L 183, 22.7.2000, p. 2.

**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 2065/2001 of 22 October 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products**

*(Official Journal of the European Communities L 278 of 23 October 2001)*

On page 7, in Article 4(1), seventh indent, ‘— in Italian:’

*for:* “... prodotto della pesca ...” or “... prodotto della pesca in acque dolci ...” or “... prodotto di acquacoltura ...”,

*read:* “... pescato ...” or “... pescato in acque dolci ...” or “...allevato ...”;

and on page 8 in the second paragraph of Article 10:

*for:* ‘... products placed on the market or labelled prior to that date and packages which do not comply ...’,

*read:* ‘... products placed on the market or labelled prior to that date and packaging which do not comply ...’.

---

**Corrigendum to Council Regulation (EC) No 2432/2001 of 20 November 2001 amending and updating Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology**

*(Official Journal of the European Communities L 338 of 20 December 2001)*

On page 102, at the top of the page, on the left-hand side:

*for:* ‘2B007’

*read:* ‘3A002’.

---