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

COUNCIL DECISION
of 13 September 1999
defining 4-MTA as a new synthetic drug which is to be made subject to control measures and criminal penalties

(1999/615/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to Joint Action 97/396/JHA of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs ⁽¹⁾, and in particular Article 5(1) thereof,

Having regard to the initiative of the Commission,

Whereas:

- (1) A report was drawn up, on the basis of Article 4(3) of Joint Action 97/396/JHA, by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on the risk assessment of 4-MTA (P-Methylthioamphetamine or 4-Methylthioamphetamine);
- (2) 4-MTA is an amphetamine derivative which appears to carry a higher risk of acute effects than MDMA (3,4-methylenedioxymethamphetamine) including adverse reactions and overdose. In the European Union, it has been associated with a number of deaths and non-fatal cases requiring hospitalisation;
- (3) 4-MTA has been identified as constituting a public health risk in several Member States. It is at the moment subject to control in two Member States;
- (4) 4-MTA is a potent psychoactive agent not currently listed in any of the Schedules to the 1971 United Nations Convention on Psychotropic Substances which poses a serious threat to public health, comparable to the substances listed in Schedules I or II thereto and has no apparent therapeutic value;
- (5) In some Member States, the trafficking of 4-MTA in combination with other illegal substances has been discovered;

- (6) 4-MTA should be subjected by the Member states to control measures and criminal penalties, as provided for under their legislation complying with their obligations under the 1971 United Nations Convention on Psychotropic Substances with respect to substances listed in Schedules I or II thereto,

HAS DECIDED AS FOLLOWS:

Article 1

Member States shall take the necessary measures, in accordance with their national law, to submit 4-MTA (P-Methylthioamphetamine or 4-Methylthioamphetamine) to control measures and criminal penalties, as provided for under their legislation complying with their obligations under the 1971 United Nations Convention on Psychotropic Substances with respect to substances listed in Schedules I or II thereto.

Article 2

Member States shall, in accordance with the third subparagraph of Article 5(1) of Joint Action 97/396/JHA, take the measures referred to in Article 1 within three months of the date on which this Decision takes effect.

Article 3

This Decision shall be published in the Official Journal.

It shall take effect on the day following that of its publication.

Done at Brussels, 13 September 1999.

For the Council
The President
T. HALONEN

⁽¹⁾ OJ L 167, 25.6.1997, p. 1.

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1960/1999
of 15 September 1999
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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) Whereas, 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 16 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 15 September 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	116,8
	060	49,8
	999	83,3
0707 00 05	628	125,1
	999	125,1
0709 90 70	052	70,6
	999	70,6
0805 30 10	388	83,1
	524	77,2
	528	59,2
	999	73,2
0806 10 10	052	92,9
	064	68,5
	400	237,8
	999	133,1
0808 10 20, 0808 10 50, 0808 10 90	388	60,0
	400	50,3
	508	20,3
	512	61,8
	528	45,5
	800	180,8
	804	76,4
	999	70,7
0808 20 50	052	81,9
	064	45,4
	388	46,9
	720	88,4
	999	65,7
0809 30 10, 0809 30 90	052	104,0
	999	104,0
0809 40 05	052	46,7
	064	46,2
	624	184,9
	999	92,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1961/1999
of 15 September 1999
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2519/98 ⁽⁴⁾, and in particular Article 2 (1) thereof,

- (1) Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question; however, that duty may not exceed the rate of duty in the Common Customs Tariff;
- (2) Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

- (3) Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;
- (4) Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;
- (5) Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;
- (6) Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	39,30	29,30
	medium quality ⁽¹⁾	49,30	39,30
1001 90 91	Common wheat seed	42,04	32,04
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	42,04	32,04
	medium quality	68,65	58,65
	low quality	83,08	73,08
1002 00 00	Rye	83,10	73,10
1003 00 10	Barley, seed	83,10	73,10
1003 00 90	Barley, other ⁽³⁾	83,10	73,10
1005 10 90	Maize seed other than hybrid	102,80	98,09
1005 90 00	Maize other than seed ⁽³⁾	102,80	98,09
1007 00 90	Grain sorghum other than hybrids for sowing	93,95	83,95

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 31 August to 14 September 1999)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	119,28	104,93	98,21	80,01	129,89 (**)	119,89 (**)	86,09 (**)
Gulf premium (EUR/t)	—	7,17	- 0,53	3,50	—	—	—
Great Lakes premium (EUR/t)	7,88	—	—	—	—	—	—

(*) A discount of EUR 10/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 13,98 EUR/t; Great Lakes — Rotterdam: 25,54 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: EUR 0,00/t (HRW2)
EUR 0,00/t (SRW2).

COMMISSION REGULATION (EC) No 1962/1999**of 15 September 1999****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽²⁾,

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

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

a small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 September 1999.

⁽¹⁾ OJ L 177, 1.7.1981, p. 4.

⁽²⁾ OJ L 159, 3.6.1998, p. 38.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,24	0,26	—
1703 90 00 ⁽¹⁾	7,59	0,00	—

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

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

COMMISSION REGULATION (EC) No 1963/1999**of 15 September 1999****fixing the maximum export refund for white sugar for the 7th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1489/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 17(5) (b) thereof,

- (1) Whereas Commission Regulation (EC) No 1489/1999 of 7 July 1999 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;
- (2) Whereas, pursuant to Article 9(1) of Regulation (EC) No 1489/1999 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

- (3) Whereas, following an examination of the tenders submitted in response to the 7th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 7th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1489/1999 the maximum amount of the export refund is fixed at 52,380 EUR/100 kg.

Article 2

This Regulation shall enter into force on 16 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1.7.1981, p. 4.

⁽²⁾ OJ L 159, 3.6.1998, p. 38.

⁽³⁾ OJ L 172, 8.7.1999, p. 27.

COMMISSION REGULATION (EC) No 1964/1999
of 15 September 1999
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 19(4) thereof,

- (1) Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1921/1999 ⁽³⁾;
- (2) Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1921/1999 to the information known to the Commission that the export

refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1921/1999 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1.7.1981, p. 4.

⁽²⁾ OJ L 159, 3.6.1998, p. 38.

⁽³⁾ OJ L 238, 9.9.1999, p. 6.

ANNEX

**to the Commission Regulation of 15 September 1999 altering the export refunds on white sugar and raw sugar
exported in its unaltered state**

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	43,51 ⁽¹⁾
1701 11 90 9910	42,32 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	43,51 ⁽¹⁾
1701 12 90 9910	42,32 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4730
	— EUR/100 kg —
1701 99 10 9100	47,30
1701 99 10 9910	46,00
1701 99 10 9950	46,00
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4730

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 1965/1999
of 14 September 1999
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 955/1999 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1662/1999 ⁽⁴⁾, and in particular Article 173 (1) thereof,

- (1) Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

- (2) Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 14 September 1999.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 162, 29.7.1999, p. 25.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	9,26 55,06 79,71	127,42 60,74 373,55	18,11 7,29 5,98	68,84 17 929,86	3 024,78 20,41	1 540,73 1 856,46
1.30	Onions (other than seed) 0703 10 19	a) b) c)	44,24 263,04 380,80	608,76 290,20 1 784,64	86,53 34,84 28,59	328,90 85 660,58	14 451,00 97,49	7 360,92 8 869,32
1.40	Garlic 0703 20 00	a) b) c)	80,81 480,47 695,57	1 111,97 530,08 3 259,87	158,05 63,64 52,23	600,78 156 469,98	26 396,59 178,08	13 445,65 16 200,95
1.50	Leeks ex 0703 90 00	a) b) c)	26,05 154,89 224,23	358,46 170,88 1 050,85	50,95 20,52 16,84	193,67 50 439,83	8 509,23 57,41	4 334,36 5 222,56
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	55,28 328,68 475,82	760,67 362,61 2 229,99	108,12 43,54 35,73	410,98 107 037,01	18 057,21 121,82	9 197,82 11 082,64
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 354,90 513,78	821,35 391,54 2 407,89	116,74 47,01 38,58	443,77 115 575,96	19 497,74 131,54	9 931,58 11 966,77
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	30,18 179,44 259,77	415,29 197,97 1 217,46	59,03 23,77 19,51	224,37 58 436,63	9 858,30 66,51	5 021,53 6 050,55
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 629,95 911,96	1 457,90 694,99 4 274,01	207,22 83,44 68,48	787,69 205 147,81	34 608,57 233,48	17 628,60 21 241,07
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	60,69 360,85 522,39	835,11 398,10 2 448,23	118,70 47,80 39,22	451,20 117 512,23	19 824,39 133,74	10 097,97 12 167,25
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 907,73 1 314,11	2 100,79 1 001,45 6 158,69	298,60 120,24 98,67	1 135,03 295 610,34	49 869,66 336,44	25 402,15 30 607,59
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,74 187,82	300,25 143,13 880,22	42,68 17,18 14,10	162,22 42 249,41	7 127,50 48,08	3 630,54 4 374,52
1.130	Carrots ex 0706 10 00	a) b) c)	37,08 220,47 319,17	510,23 243,23 1 495,80	72,52 29,20 23,96	275,67 71 796,89	12 112,18 81,71	6 169,59 7 433,87
1.140	Radishes ex 0706 90 90	a) b) c)	117,77 700,23 1 013,71	1 620,55 772,52 4 750,83	230,34 92,75 76,11	875,56 228 034,52	38 469,57 259,53	19 595,28 23 610,77
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	260,81 1 550,71 2 244,92	3 588,82 1 710,80 10 521,05	510,10 205,40 168,56	1 938,99 504 998,58	85 193,59 574,75	43 395,13 52 287,71

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	239,81 1 425,85 2 064,16	3 299,86 1 573,05 9 673,91	469,03 188,87 154,99	1 782,87 464 336,91	78 333,94 528,47	39 901,03 48 077,59
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	66,32 394,32 570,85	912,58 435,03 2 675,34	129,71 52,23 42,86	493,06 128 413,43	21 663,43 146,15	11 034,72 13 295,97
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 357,75	2 170,55 1 034,71 6 363,22	308,51 124,23 101,95	1 172,72 305 427,23	51 525,77 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	391,86 2 329,89 3 372,93	5 392,11 2 570,43 15 807,59	766,41 308,61 253,26	2 913,28 758 746,76	128 001,07 863,55	65 200,02 78 560,88
1.200.2	— other ex 0709 20 00	a) b) c)	212,27 1 262,10 1 827,11	2 920,90 1 392,40 8 562,95	415,16 167,18 137,19	1 578,12 411 012,03	69 338,00 467,78	35 318,76 42 556,31
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	73,06 434,40 628,86	1 005,33 479,24 2 947,23	142,89 57,54 47,22	543,16 141 463,89	23 865,05 161,00	12 156,16 14 647,21
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	66,57 395,81 573,00	916,02 436,67 2 685,43	130,20 52,43 43,02	494,91 128 897,49	21 745,09 146,70	11 076,32 13 346,09
1.230	Chantarelles 0709 51 30	a) b) c)	610,23 3 628,26 5 252,55	8 396,95 4 002,85 24 616,62	1 193,51 480,60 394,39	4 536,75 1 181 570,04	199 331,63 1 344,77	101 533,73 122 340,13
1.240	Sweet peppers 0709 60 10	a) b) c)	81,41 484,04 700,74	1 120,23 534,01 3 284,07	159,22 64,12 52,62	605,24 157 631,74	26 592,58 179,40	13 545,48 16 321,24
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 633,08	1 012,07 482,46 2 967,00	143,85 57,93 47,54	546,81 142 412,66	24 025,11 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	60,08 357,22 517,14	826,72 394,10 2 423,62	117,51 47,32 38,83	446,66 116 331,10	19 625,13 132,40	9 996,47 12 044,96
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 519,05	2 428,42 1 157,63 7 119,19	345,16 138,99 114,06	1 312,04 341 712,93	57 647,19 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	58,30 346,64 501,82	802,23 382,42 2 351,82	114,02 45,91 37,68	433,43 112 884,54	19 043,69 128,48	9 700,30 11 688,10

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	154,62 919,33 1 330,89	2 127,62 1 014,24 6 237,36	302,41 121,77 99,93	1 149,52 299 386,07	50 506,62 340,74	25 726,60 30 998,53
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	108,59 645,65 934,69	1 494,23 712,30 4 380,51	212,38 85,52 70,18	807,31 210 259,56	35 470,92 239,30	18 067,86 21 770,34
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	44,11 262,27 379,68	606,97 289,34 1 779,39	86,27 34,74 28,51	327,94 85 408,87	14 408,53 97,21	7 339,29 8 843,26
2.60.3	— Others 0805 10 50	a) b) c)	54,74 325,47 471,17	753,24 359,07 2 208,21	107,06 43,11 35,38	406,96 105 991,42	17 880,82 120,63	9 107,97 10 974,38
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	74,53 443,14 641,52	1 025,56 488,88 3 006,53	145,77 58,70 48,17	554,09 144 310,20	24 345,22 164,24	12 400,75 14 941,92
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	35,41 210,54 304,79	487,25 232,27 1 428,44	69,26 27,89 22,89	263,26 68 563,32	11 566,68 78,03	5 891,73 7 099,07
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	56,42 335,46 485,64	776,36 370,09 2 275,98	110,35 44,43 36,46	419,45 109 244,35	18 429,59 124,33	9 387,50 11 311,19
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	59,54 354,01 512,49	819,29 390,56 2 401,84	116,45 46,89 38,48	442,65 115 285,52	19 448,74 131,21	9 906,62 11 936,70
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	200,62 1 192,83 1 726,84	2 760,59 1 315,98 8 092,99	392,38 158,00 129,66	1 491,51 388 454,49	65 532,52 442,11	33 380,36 40 220,70
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	26,95 160,24 231,97	370,84 176,78 1 087,16	52,71 21,22 17,42	200,36 52 182,48	8 803,22 59,39	4 484,10 5 402,99
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	49,18 292,41 423,32	676,73 322,60 1 983,92	96,19 38,73 31,79	365,63 95 225,76	16 064,65 108,38	8 182,86 9 859,70
2.100	Table grapes ex 0806 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	16,87 100,30 145,21	232,14 110,66 680,53	32,99 13,29 10,90	125,42 32 664,87	5 510,59 37,18	2 806,93 3 382,13
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	46,48 276,36 400,08	639,58 304,89 1 875,00	90,91 36,61 30,04	345,56 89 997,83	15 182,69 102,43	7 733,62 9 318,40
2.120.2	— other ex 0807 19 00	a) b) c)	96,75 575,25 832,78	1 331,31 634,64 3 902,89	189,23 76,20 62,53	719,29 187 334,12	31 603,39 213,21	16 097,85 19 396,63
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	481,99 2 865,78 4 148,73	6 632,33 3 161,65 19 443,43	942,69 379,60 311,51	3 583,35 933 262,78	157 442,03 1 062,17	80 196,39 96 630,32
2.170	Peaches 0809 30 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.180	Nectarines ex 0809 30 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.190	Plums 0809 40 05	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	551,63 3 279,84 4 748,16	7 590,59 3 618,46 22 252,70	1 078,89 434,44 356,52	4 101,09 1 068 104,62	180 189,94 1 215,63	91 783,51 110 591,89
2.205	Raspberries 0810 20 10	a) b) c)	355,15 2 111,63 3 056,95	4 886,97 2 329,63 14 326,72	694,61 279,70 229,53	2 640,36 687 666,29	116 009,75 782,65	59 091,99 71 201,18
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	981,91 5 838,17 8 451,79	13 511,38 6 440,91 39 610,15	1 920,45 773,32 634,61	7 300,01 1 901 242,88	320 740,90 2 163,84	163 376,08 196 855,28
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	150,27 893,46 1 293,45	2 067,76 985,71 6 061,88	293,90 118,35 97,12	1 117,18 290 963,29	49 085,70 331,15	25 002,82 30 126,43

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	52,98 315,00 456,03	729,02 347,53 2 137,21	103,62 41,73 34,24	393,88 102 583,58	17 305,92 116,75	8 815,13 10 621,54
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	317,58 1 888,24 2 733,57	4 370,00 2 083,19 12 811,15	621,13 250,11 205,25	2 361,05 614 920,63	103 737,51 699,85	52 840,87 63 669,07
2.250	Lychees ex 0810 90 30	a) b) c)	176,04 1 046,69 1 515,26	2 422,36 1 154,75 7 101,44	344,30 138,64 113,77	1 308,77 340 860,97	57 503,47 387,94	29 290,59 35 292,85

COMMISSION REGULATION (EC) No 1966/1999**of 15 September 1999****amending Regulation (EC) No 1758/98 increasing to 3 150 000 tonnes the quantity of wheat of breadmaking quality held by the French intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾, and in particular Article 5 thereof,

- (1) Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 39/1999⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;
- (2) Whereas Commission Regulation (EC) No 1758/98⁽⁵⁾, as last amended by Regulation (EC) No 1794/1999⁽⁶⁾, opened a standing invitation to tender for the export of 2 650 000 tonnes of wheat of breadmaking quality held by the French intervention agency; whereas France informed the Commission of the intention of its intervention agency to increase by 500 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of wheat of breadmaking quality held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 3 150 000 tonnes;
- (3) Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quant-

ities in store; whereas Annex I to Regulation (EC) No 1758/98 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1758/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 3 150 000 tonnes of wheat of breadmaking quality to be exported to all third countries.
2. The regions in which the 3 150 000 tonnes of wheat of breadmaking quality are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 221, 8.8.1998, p. 3.

⁽⁶⁾ OJ L 216, 14.8.1999, p. 3.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Amiens	294 000
Bordeaux	20 000
Châlons	197 000
Clermont-Ferrand	9 000
Dijon	91 000
Lille	541 000
Lyon	47 000
Nancy	32 000
Nantes	44 000
Orléans	781 000
Paris	291 000
Poitiers	224 000
Rennes	49 000
Rouen	530 000

COMMISSION REGULATION (EC) No 1967/1999**of 15 September 1999****amending Regulation (EC) No 1760/98 increasing to 2 838 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 5 thereof,

- (1) Whereas Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 39/1999 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;
- (2) Whereas Commission Regulation (EC) No 1760/98 ⁽⁵⁾, as last amended by Regulation (EC) No 1667/1999 ⁽⁶⁾, opened a standing invitation to tender for the export of 2 538 000 tonnes of barley held by the French intervention agency; whereas, France informed the Commission of the intention of its intervention agency to increase by 300 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 2 838 000 tonnes;
- (3) Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities

in store; whereas Annex I to Regulation (EC) No 1760/98 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1760/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 2 838 000 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.

2. The regions in which the 2 838 000 tonnes of barley are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 221, 8.8.1998, p. 13.

⁽⁶⁾ OJ L 197, 29.7.1999, p. 36.

ANNEX

'ANNEX I

(tonnes)	
Place of storage	Quantity
Amiens	109 500
Châlons	254 000
Dijon	167 000
Lille	622 554
Nantes	37 000
Nancy	89 000
Orléans	551 500
Paris	151 500
Poitiers	232 000
Rouen	622 546
Toulouse	1 400'

COMMISSION REGULATION (EC) No 1968/1999
of 10 September 1999
suspending the introduction into the Community of specimens of certain species of wild fauna and flora

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ⁽¹⁾, as last amended by Commission Regulation (EC) No 2214/98 ⁽²⁾, and in particular Article 19, point 2, thereof,

After consulting the Scientific Review Group,

- (1) Whereas Article 4(6) of Regulation (EC) No 338/97 provides for the establishment by the Commission of general restrictions, or restrictions relating to certain countries of origin, on the introduction into the Community of specimens of species and lays down the criteria for such restrictions;
- (2) Whereas the list of such restrictions has been last established with Commission Regulation (EC) No 2473/98 ⁽³⁾ as amended by Commission Regulation (EC) No 250/1999 ⁽⁴⁾; whereas this list now needs to be revised on the basis of the first paragraph of Article 4(6) of Regulation (EC) No 338/97; whereas in the interest of clarity the list set out in Regulation No 2473/98 should be replaced in its entirety; whereas Regulation No 2473/98 should accordingly be repealed;
- (3) Whereas the countries of origin of the species subject to these restrictions were consulted;

(4) Whereas Article 41 of Commission Regulation (EC) No 939/97 ⁽⁵⁾, as last amended by Regulation (EC) No 1006/98 ⁽⁶⁾, contains provisions for the implementation by the Member States of the restrictions established by the Commission;

(5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of Article 41 of Regulation (EC) No 939/97, the introduction into the Community of specimens of the species of wild fauna and flora mentioned in the Annex to this Regulation is hereby suspended.

Article 2

Regulation (EC) No 2473/98 is hereby repealed.

Article 3

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

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

Done at Brussels, 10 September 1999.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

⁽²⁾ OJ L 171, 7.7.1999, p. 5.

⁽³⁾ OJ L 308, 18.11.1998, p. 18.

⁽⁴⁾ OJ L 29, 3.2.1999, p. 5.

⁽⁵⁾ OJ L 140, 30.5.1997, p. 9.

⁽⁶⁾ OJ L 145, 15.5.1998, p. 3.

ANNEX

Specimens of species included in Annex B to Regulation (EC) No 338/97 whose introduction into the Community is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
FAUNA				
MAMMALIA				
CARNIVORA				
Felidae				
<i>Lynx lynx</i>	Wild	All	Azerbaijan, Moldova, Lithuania, Ukraine	a

Specimens of species included in Annex B to Regulation (EC) No 338/97 whose introduction into the Community is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
FAUNA				
MAMMALIA				
MONOTREMATA				
Tachyglossidae				
<i>Zaglossus bruijni</i>	Wild	All	All	b
PRIMATES				
Loridae				
<i>Arctocebus aureus</i>	Wild	All	Central African Republic, Gabon	b
<i>Arctocebus calabarensis</i>	Wild	All	Nigeria	b
<i>Nycticebus pygmaeus</i>	Wild	All	All	b
Galagidae				
<i>Euoticus pallidus</i> (synonym <i>Galago elegantulus pallidus</i>)	Wild	All	Nigeria	b
<i>Galago matschiei</i> (synonym <i>G. inustus</i>)	Wild	All	Rwanda	b
<i>Galago senegalensis</i>	Wild	All	Djibouti	b
<i>Galagoides demidoff</i> (synonym <i>Galago demidovii</i>)	Wild	All	Burkina Faso, Central African Republic, Kenya, Senegal	b
<i>Galagoides zanzibaricus</i> (synonym <i>Galago zanzibaricus</i>)	Wild	All	Malawi	b
Callitricidae				
<i>Callithrix argentata</i>	Wild	All	Paraguay	b
<i>Callithrix geoffroyi</i> (synonym <i>C. jacchus geoffroyi</i>)	Wild	All	Brazil	b
<i>Saguinus labiatus</i>	Wild	All	Colombia	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Cebidae				
<i>Alouatta fusca</i>	Wild	All	All	b
<i>Alouatta seniculus</i>	Wild	All	Trinidad and Tobago	b
<i>Ateles belzebuth</i>	Wild	All	All	b
<i>Ateles fusciceps</i>	Wild	All	All	b
<i>Ateles geoffroyi</i>	Wild	All	All	b
<i>Callicebus torquatus</i>	Wild	All	Ecuador	b
<i>Cebus albifrons</i>	Wild	All	Guyana	b
<i>Cebus capucinus</i>	Wild	All	Belize, Venezuela	b
<i>Cebus olivaceus</i>	Wild	All	Peru	b
<i>Chiropotes satanas</i>	Wild	All	Brazil	b
<i>Lagothrix lagothricha</i>	Wild	All	All	b
Cercopithecidae				
<i>Allenopithecus nigroviridis</i>	Wild	All	All	b
<i>Cercocebus torquatus</i>	Wild	All	Côte d'Ivoire	b
<i>Cercopithecus ascanius</i>	Wild	All	Burundi	b
<i>Cercopithecus cephus</i>	Wild	All	Central African Republic	b
<i>Cercopithecus dryas</i> (including <i>C. salongo</i>)	Wild	All	Democratic Republic of Congo	b
<i>Cercopithecus erythrogaster</i>	Wild	All	All	b
<i>Cercopithecus erythrotis</i>	Wild	All	All	b
<i>Cercopithecus hamlyni</i>	Wild	All	All	b
<i>Cercopithecus pogonias</i>	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b
<i>Cercopithecus preussi</i> (synonym <i>C. lhoesti preussi</i>)	Wild	All	Cameroon, Equatorial Guinea	b
<i>Colobus guereza</i>	Wild	All	Equatorial Guinea	b
<i>Colobus polykomos</i>	Wild	All	Côte d'Ivoire, Ghana, Nigeria	b
<i>Lophocebus albigena</i> (synonym <i>Cercocebus albigena</i>)	Wild	All	Kenya, Nigeria	b
<i>Macaca arctoides</i>	Wild	All	India, Malaysia, Thailand	b
<i>Macaca assamensis</i>	Wild	All	Nepal	b
<i>Macaca cyclopis</i>	Wild	All	All	b
<i>Macaca fascicularis</i>	Wild	All	Bangladesh, India	b
<i>Macaca maura</i>	Wild	All	Indonesia	b
<i>Macaca nemestrina</i>	Wild	All	China	b
<i>Macaca nemestrina pagensis</i>	Wild	All	Indonesia	b
<i>Macaca nigra</i>	Wild	All	Indonesia	b
<i>Macaca ochreata</i>	Wild	All	Indonesia	b
<i>Macaca sylvanus</i>	Wild	All	Algeria, Morocco	b
<i>Papio hamadryas</i>	Wild	All	Guinea-Bissau, Liberia, Libya	b
<i>Procolobus badius</i> (synonym <i>Colobus badius</i>)	Wild	All	All	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Procolobus verus</i> (synonym <i>Colobus verus</i>)	Wild	All	Benin, Côte d'Ivoire, Ghana, Sierra Leone, Togo	b
<i>Trachypithecus phayrei</i> (synonym <i>Presbytis phayrei</i>)	Wild	All	Cambodia, China, India	b
<i>Trachypithecus vetulus</i> (synonym <i>Presbytis senex</i>)	Wild	All	Sri Lanka	b
XENARTHRA				
Myrmecophagidae				
<i>Myrmecophaga tridactyla</i>	Wild	All	Belize, Uruguay	b
PHOLIDOTA				
Manidae				
<i>Manis crassicaudata</i>	Wild	All	China	b
<i>Manis javanica</i>	Wild	All	Bangladesh, China, Laos, Singapore	b
<i>Manis pentadactyla</i>	Wild	All	Bangladesh, Thailand	b
<i>Manis temminckii</i>	Wild	All	South Africa	b
<i>Manis tetradactyla</i>	Wild	All	Nigeria	b
RODENTIA				
Sciuridae				
<i>Ratufa affinis</i>	Wild	All	Singapore	b
<i>Ratufa bicolor</i>	Wild	All	China	b
CARNIVORA				
Canidae				
<i>Chrysocyon brachyurus</i>	Wild	All	Bolivia, Peru	b
Viverridae				
<i>Cynogale bennettii</i>	Wild	All	Brunei, China, Indonesia, Malaysia, Singapore, Thailand, Vietnam	b
<i>Eupleres goudotii</i>	Wild	All	Madagascar	b
<i>Fossa fossana</i>	Wild	All	Madagascar	b
Felidae				
<i>Leptailurus serval</i>	Wild	All	Algeria	b
<i>Oncifelis colocolo</i>	Wild	All	Chile	b
<i>Prionailurus bengalensis</i>	Wild	All	Macao	b
PERISSODACTYLA				
Equidae				
<i>Equus zebra hartmannae</i>	Wild	All	Angola	b
ARTIODACTYLA				
Hippopotamidae				
<i>Hexaprotodon liberiensis</i> (synonym <i>Choeropsis liberiensis</i>)	Wild	All	Côte d'Ivoire, Guinea, Guinea-Bissau, Nigeria, Sierra Leone	b
<i>Hippopotamus amphibius</i>	Wild	All	Gambia, Liberia, Niger, Nigeria, Sierra Leone	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Camelidae				
<i>Lama guanicoe</i>	Wild	All, except — specimens that form part of the registered stock in Argentina, provided that permits are confirmed by the Secretariat before being accepted by the Member State of import. — products obtained from the shearing of live animals carried out under the approved management programme, appropriately marked and registered. — non-commercial exports of limited quantities of wool for industrial testing, up to 500 kg annually.	Argentina	b
Moschidae				
<i>Moschus chrysogaster</i>	Wild	All	China	b
<i>Moschus berezovski</i>	Wild	All	China	b
<i>Moschus fuscus</i>	Wild	All	China	b
<i>Moschus moschiferus</i>	Wild	All	China, Russian Federation	b
Bovidae				
<i>Ovis ammon</i> (except subspecies <i>nigrimontana</i> and <i>hodgsonii</i>)	Wild	All	All range States	b
AVES				
CICONIIFORMES				
Balaenicipitidae				
<i>Balaeniceps rex</i>	Wild	All	Zambia	b
ANSERIFORMES				
Anatidae				
<i>Anas bernieri</i>	Wild	All	Madagascar	b
FALCONIFORMES				
Accipitridae				
<i>Accipiter brachyurus</i>	Wild	All	Papua New Guinea	b
<i>Accipiter gundlachi</i>	Wild	All	Cuba	b
<i>Accipiter imitator</i>	Wild	All	Papua New Guinea, Solomon Islands	b
<i>Buteo galapagoensis</i>	Wild	All	Ecuador	b
<i>Buteo ridgwayi</i>	Wild	All	Dominican Republic, Haiti	b
<i>Erythrorhynchus radiatus</i>	Wild	All	Australia	b
<i>Gyps coprotheres</i>	Wild	All	Mozambique, Namibia, Swaziland	b
<i>Harpyopsis novaeguineae</i>	Wild	All	Indonesia, Papua New Guinea	b
<i>Leucopternis lacemulata</i>	Wild	All	Brazil	b
<i>Leucopternis occidentalis</i>	Wild	All	Ecuador, Peru	b
<i>Lophoictinia isura</i>	Wild	All	Australia	b
<i>Spizaetus bartelsi</i>	Wild	All	Indonesia	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Falconidae				
<i>Falco deiroleucus</i>	Wild	All	Belize, Guatemala	b
<i>Falco fasciinucha</i>	Wild	All	Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, Sudan, Tanzania, Zambia, Zimbabwe	b
<i>Falco hypoleucus</i>	Wild	All	Australia, Papua New Guinea	b
<i>Micrastur plumbeus</i>	Wild	All	Colombia, Ecuador	b
GALLIFORMES				
Phasianidae				
<i>Polyplectron schleiermacheri</i>	Wild	All	Indonesia, Malaysia	b
GRUIFORMES				
Gruidae				
<i>Balearica pavonina</i>	Wild	All	Guinea, Mali	b
<i>Balearica regulorum</i>	Wild	All	Angola, Botswana, Burundi, Democratic Republic of Congo, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, South Africa, Swaziland, Uganda, Zambia, Zimbabwe	b
<i>Grus carunculatus</i>	Wild	All	All	b
COLUMBIFORMES				
Columbidae				
<i>Goura cristata</i>	Wild	All	Indonesia	b
<i>Goura scheepmakeri</i>	Wild	All	Indonesia	b
<i>Goura victoria</i>	Wild	All	Indonesia	b
PSITTACIFORMES				
Psittacidae				
<i>Agapornis fischeri</i>	Wild	All	Tanzania	b
	Ranched	All	Mozambique	b
<i>Agapornis lilianae</i>	Wild	All	Tanzania	b
<i>Agapornis nigrigenis</i>	Wild	All	All	b
<i>Agapornis pullarius</i>	Wild	All	Angola, Kenya, Togo	b
<i>Agapornis roseicollis</i>	Wild	All	Botswana	b
<i>Amazona agilis</i>	Wild	All	Jamaica	b
<i>Amazona auropalliata</i>	Wild	All	Honduras	b
<i>Amazona autumnalis</i>	Wild	All	Brazil, Ecuador	b
<i>Amazona collaria</i>	Wild	All	Jamaica	b
<i>Amazona mercenaria</i>	Wild	All	Venezuela	b
<i>Amazona oratrix</i>	Wild	All	Belize, Guatemala, Honduras, Mexico	b
<i>Amazona xanthops</i>	Wild	All	Bolivia, Paraguay	b
<i>Ara ararauna</i>	Wild	All	Trinidad and Tobago	b
<i>Ara chloropterus</i>	Wild	All	Argentina, Panama	b
<i>Ara couloni</i>	Wild	All	Bolivia, Brazil	b
<i>Ara severa</i>	Wild	All	Guyana	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Aratinga acuticaudata</i>	Wild	All	Uruguay	b
<i>Aratinga aurea</i>	Wild	All	Argentina	b
<i>Aratinga auricapilla</i>	Wild	All	All	b
<i>Aratinga erythrogenys</i>	Wild	All	Peru	b
<i>Aratinga euops</i>	Wild	All	Cuba	b
<i>Aratinga solstitialis</i>	Wild	All	Venezuela	b
<i>Bolborhynchus ferrugineifrons</i>	Wild	All	Colombia	b
<i>Cacatua sanguinea</i>	Wild	All	Indonesia	b
<i>Cacatua sulphurea</i>	Wild	All	Indonesia	b
<i>Charmosyna amabilis</i>	Wild	All	Fiji	b
<i>Charmosyna diadema</i>	Wild	All	All	b
<i>Cyanoliseus patagonus</i>	Wild	All	Chile, Uruguay	b
<i>Deroptyus accipitrinus</i>	Wild	All	Brazil, Peru	b
<i>Eclectus roratus</i>	Wild	All	Indonesia, Solomon Islands	b
<i>Enicognathus leptorhynchus</i>	Wild	All	Chile	b
<i>Eunymphicus cornutus</i>	Wild	All	New Caledonia	b
<i>Forpus xanthops</i>	Wild	All	Peru	b
<i>Geoffroyus heteroclitus</i>	Wild	All	Solomon Islands	b
<i>Hapalopsittaca amazonina</i>	Wild	All	All	b
<i>Hapalopsittaca fuertesi</i>	Wild	All	Colombia	b
<i>Hapalopsittaca pyrrhops</i>	Wild	All	All	b
<i>Leptosittaca branickii</i>	Wild	All	All	b
<i>Lorius albidinuchus</i>	Wild	All	Papua New Guinea	b
<i>Lorius chlorocercus</i>	Wild	All	Solomon Islands	b
<i>Lorius domicella</i>	Wild	All	Indonesia	b
<i>Lorius lory</i>	Wild	All	Indonesia	b
<i>Micropsitta bruijnii</i>	Wild	All	Solomon Islands	b
<i>Micropsitta finschii</i>	Wild	All	Solomon Islands	b
<i>Nannopsittaca dachilleae</i>	Wild	All	Bolivia, Peru	b
<i>Nannopsittaca panychlora</i>	Wild	All	Brazil, Guyana	b
<i>Neophema splendida</i>	Wild	All	Australia	b
<i>Pionites leucogaster</i>	Wild	All	Brazil, Ecuador	b
<i>Pionopsitta pulchra</i>	Wild	All	All	b
<i>Pionopsitta pyralia</i>	Wild	All	All	b
<i>Pionus chalcopterus</i>	Wild	All	Peru	b
<i>Pionus senilis</i>	Wild	All	Guatemala, Honduras, Panama	b
<i>Pionus tumultuosus</i>	Wild	All	Colombia, Ecuador, Venezuela	b
<i>Poicephalus crassus</i>	Wild	All	All	b
<i>Poicephalus cryptoxanthus</i>	Wild	All	Tanzania	b
<i>Poicephalus gulielmi</i>	Wild	All	Equatorial Guinea	b
<i>Poicephalus meyeri</i>	Wild	All	Eritrea, Ethiopia, Tanzania	b
<i>Poicephalus robustus</i>	Wild	All	Botswana, Côte d'Ivoire, Gambia, Ghana, Guinea-Bissau, Mali, Namibia, Nigeria, Senegal, South Africa, Swaziland, Togo	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Poicephalus rufiventris</i>	Wild	All	Tanzania	b
<i>Poicephalus senegalus</i>	Wild	All	Burkina Faso, Chad, Liberia, Mali, Mauritania, Niger, Sierra Leone	b
<i>Polytelis alexandrae</i>	Wild	All	Australia	b
<i>Prioniturus luconensis</i>	Wild	All	Philippines	b
<i>Prosopeia personata</i>	Wild	All	Fiji	b
<i>Prosopeia splendens</i>	Wild	All	Fiji	b
<i>Prosopeia tabuensis</i>	Wild	All	All	b
<i>Psittacula alexandri</i>	Wild	All	Indonesia	b
<i>Psittacula cyanocephala</i>	Wild	All	Bangladesh	b
<i>Psittacula finschii</i>	Wild	All	Bangladesh, Cambodia	b
<i>Psittacula intermedia</i>	Wild	All	India	b
<i>Psittacula roseata</i>	Wild	All	China	b
<i>Psittaculirostris edwardsii</i>	Wild	All	Indonesia	b
<i>Psittacus erithacus</i>	Wild	All	Angola, Benin, Burundi, Central African Republic, Equatorial Guinea, Mali, São Tomé and Príncipe, Tanzania, Togo	b
<i>Psitteuteles goldiei</i>	Wild	All	Indonesia	b
<i>Psittinus cyanuras</i>	Wild	All	Vietnam	b
<i>Psittrichas fulgidus</i>	Wild	All	All	b
<i>Pyrrhura albipectus</i>	Wild	All	Ecuador	b
<i>Pyrrhura calliptera</i>	Wild	All	Colombia	b
<i>Pyrrhura hoematotis</i>	Wild	All	Venezuela	b
<i>Pyrrhura leucotis</i>	Wild	All	Brazil	b
<i>Pyrrhura molinae</i>	Wild	All	Paraguay	b
<i>Pyrrhura orcesi</i>	Wild	All	Ecuador	b
<i>Pyrrhura picta</i>	Wild	All	Bolivia, Colombia	b
<i>Pyrrhura viridicata</i>	Wild	All	Colombia	b
<i>Tanygnathus gramineus</i>	Wild	All	Indonesia	b
<i>Tanygnathus sumatranus</i>	Wild	All	Indonesia	b
<i>Touit melanonotus</i>	Wild	All	Brazil	b
<i>Touit surda</i>	Wild	All	Brazil	b
<i>Trichoglossus euteles</i>	Wild	All	Indonesia	b
<i>Trichoglossus haematodus</i>	Wild	All	Solomon Islands	b
<i>Trichoglossus johnstoniae</i>	Wild	All	Philippines	b
<i>Trichoglossus ornatus</i>	Wild	All	Indonesia	b
<i>Trichoglossus rubiginosus</i>	Wild	All	Federated States of Micronesia	b
<i>Triclaria malachitacea</i>	Wild	All	Argentina, Brazil	b
CUCULIFORMES				
Musophagidae				
<i>Tauraco fischeri</i>	Wild	All	Tanzania	b
<i>Tauraco ruspolii</i>	Wild	All	Ethiopia	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
STRIGIFORMES				
<i>Tytonidae</i>				
<i>Phodilus prigoginei</i>	Wild	All	Democratic Republic of Congo	b
<i>Tyto aurantia</i>	Wild	All	Papua New Guinea	b
<i>Tyto inexpectata</i>	Wild	All	Indonesia	b
<i>Tyto manusi</i>	Wild	All	Papua New Guinea	b
<i>Tyto nigrobrunnea</i>	Wild	All	Indonesia	b
<i>Tyto sororcula</i>	Wild	All	Indonesia	b
<i>Strigidae</i>				
<i>Bubo philippensis</i>	Wild	All	Philippines	b
<i>Bubo vosseleri</i>	Wild	All	Tanzania	b
<i>Glaucidium albertinum</i>	Wild	All	Democratic Republic of Congo, Rwanda	b
<i>Ketupa blakistoni</i>	Wild	All	China, Japan, Russian Federation	b
<i>Ketupa ketupu</i>	Wild	All	Singapore	b
<i>Nesasio solomonensis</i>	Wild	All	Papua New Guinea, Solomon Islands	b
<i>Ninox affinis</i>	Wild	All	India	b
<i>Ninox rudolfi</i>	Wild	All	Indonesia	b
<i>Otus angelinae</i>	Wild	All	Indonesia	b
<i>Otus fuliginosus</i>	Wild	All	Philippines	b
<i>Otus longicornis</i>	Wild	All	Philippines	b
<i>Otus magicus</i>	Wild	All	Seychelles	b
<i>Otus mindorensis</i>	Wild	All	Philippines	b
<i>Otus mirus</i>	Wild	All	Philippines	b
<i>Otus pauliani</i>	Wild	All	Comoros	b
<i>Otus rutilus</i>	Wild	All	Comoros	b
<i>Scotopelia ussheri</i>	Wild	All	Côte d'Ivoire, Ghana, Guinea, Liberia, Sierra Leone	b
<i>Strix davidi</i>	Wild	All	China	b
CORACIIFORMES				
<i>Bucerotidae</i>				
<i>Buceros rhinoceros</i>	Wild	All	Thailand	b
PASSERIFORMES				
<i>Pittidae</i>				
<i>Pitta nympha</i>	Wild	All	All	b
REPTILIA				
TESTUDINES				
<i>Emydidae</i>				
<i>Trachemys scripta elegans</i>	All live	All	All	d
<i>Testudinidae</i>				
<i>Geochelone carbonaria</i>	Wild	All	Argentina, Panama	b
<i>Geochelone chilensis</i>	Wild	All	Argentina	b
	Wild	Live	All	c

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Geochelone denticulata</i>	Wild	All	Bolivia, Ecuador	b
	Wild	Live	All	c
<i>Geochelone elegans</i>	Wild	All	Bangladesh, Pakistan	b
	Wild	Live	All	c
<i>Geochelone gigantea</i>	Wild	All	Seychelles	b
<i>Geochelone pardalis</i>	Wild	All	Mozambique, Namibia, Swaziland, Tanzania	b
	Ranched	All	Mozambique	b
<i>Geochelone platynota</i>	Wild	All	Myanmar	b
<i>Geochelone sulcata</i>	Wild	All	All	b
<i>Gopherus agassizii</i>	Wild	All	All	b
<i>Gopherus berlandieri</i>	Wild	All	All	b
<i>Gopherus polyphemus</i>	Wild	All	United States of America	b
<i>Homopus aerolatus</i>	Wild	Live	All	c
<i>Homopus boulengeri</i>	Wild	Live	All	c
<i>Homopus femoralis</i>	Wild	Live	All	c
<i>Homopus signatus</i>	Wild	All	Namibia	b
	Wild	Live	All	c
<i>Indotestudo elongata</i>	Wild	All	Bangladesh, India	b
<i>Indotestudo forstenii</i>	Wild	All	All range States	b
<i>Kinixys belliana</i>	Wild	All	Burundi, Central African Republic, Côte d'Ivoire, Djibouti, Liberia, Madagascar, Mauritania, Mozambique	b
	Ranched/captive-bred origin	All	Benin, Mozambique	b
	Wild	Live	All	c
<i>Kinixys erosa</i>	Wild	All	Benin, Guinea-Bissau, Togo	b
	Wild	Live	All	c
<i>Kinixys homeana</i>	Ranched/captive-bred origin	All	Benin	b
	Wild	Live	All	c
<i>Kinixys natalensis</i>	Wild	All	Mozambique, South Africa, Swaziland	c
	Wild	Live	All	c
<i>Manouria emys</i>	Wild	All	Bangladesh, Brunei, Cambodia, China, India, Indonesia, Laos, Myanmar, Thailand, Vietnam	b
	Wild	Live	All	c
<i>Manouria impressa</i>	Wild	All	All	b
	Wild	Live	All	c
<i>Psammobates spp.</i>	Wild	Live	All	c
<i>Pyxis arachnoides</i>	Wild	All	All	b
	Wild	Live	All	c
<i>Testudo horsfieldii</i>	Wild	All	China, Pakistan	b
	Wild	Live	All	c

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Pelomedusidae</i>				
<i>Erymnochelys madagascariensis</i>	Wild	All	Madagascar	b
<i>Peltocephalus dumerilianus</i>	Wild	All	Peru	b
<i>Podocnemis erythrocephala</i>	Wild	All	Colombia, Venezuela	b
<i>Podocnemis expansa</i>	Wild	All	Colombia, Ecuador, Guyana, Peru, Trinidad and Tobago, Venezuela	b
<i>Podocnemis lewyana</i>	Wild	All	All	b
<i>Podocnemis sextuberculata</i>	Wild	All	Peru	b
<i>Podocnemis unifilis</i>	Wild	All	Suriname	b
CROCODYLIA				
<i>Alligatoridae</i>				
<i>Caiman crocodilus crocodilus</i>	Wild	All	Bolivia, Ecuador, Peru, Trinidad and Tobago	b
<i>Caiman crocodilus fuscus</i>	Wild	All	Belize, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Venezuela	b
<i>Caiman yacare</i>	Wild	All	Argentina	b
<i>Palaeosuchus trigonatus</i>	Wild	All	Guyana	b
SAURIA				
<i>Agamidae</i>				
<i>Uromastyx acanthinurus</i>	Wild	All	Egypt, Sudan	b
<i>Uromastyx aegyptius</i>	Wild	All	Egypt	b
<i>Uromastyx maliensis</i>	Wild	All	All	b
<i>Uromastyx ocellatus</i>	Wild	All	Djibouti, Egypt, Ethiopia, Saudi Arabia, Yemen	b
<i>Uromastyx thomasi</i>	Wild	All	Oman	b
<i>Chamaeleonidae</i>				
<i>Chamaeleo angeli</i>	Wild	Wild	Madagascar	b
<i>Chamaeleo antimena</i>	Wild	Wild	Madagascar	b
<i>Chamaeleo balteatus</i>	Wild	All	Madagascar	b
<i>Chamaeleo belalandaensis</i>	Wild	All	Madagascar	b
<i>Chamaeleo bifidus</i>	Wild	All	Madagascar	b
<i>Chamaeleo boettgeri</i>	Wild	All	Madagascar	b
<i>Chamaeleo brevicornis</i>	Wild	All	Madagascar	b
<i>Chamaeleo campani</i>	Wild	All	Madagascar	b
<i>Chamaeleo capuroni</i>	Wild	All	Madagascar	b
<i>Chamaeleo cucullatus</i>	Wild	All	Madagascar	b
<i>Chamaeleo fallax</i>	Wild	All	Madagascar	b
<i>Chamaeleo furcifer</i>	Wild	All	Madagascar	b
<i>Chamaeleo gallus</i>	Wild	All	Madagascar	b
<i>Chamaeleo gastrotaenia</i>	Wild	All	Madagascar	b
<i>Chamaeleo globifer</i>	Wild	All	Madagascar	b
<i>Chamaeleo guibei</i>	Wild	All	Madagascar	b
<i>Chamaeleo hilleniusi</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Chamaeleo labordi</i>	Wild	All	Madagascar	b
<i>Chamaeleo linotus</i>	Wild	All	Madagascar	b
<i>Chamaeleo malthe</i>	Wild	All	Madagascar	b
<i>Chamaeleo minor</i>	Wild	All	Madagascar	b
<i>Chamaeleo monoceras</i>	Wild	All	Madagascar	b
<i>Chamaeleo nasutus</i>	Wild	All	Madagascar	b
<i>Chamaeleo oshaughnessyi</i>	Wild	All	Madagascar	b
<i>Chamaeleo parsonii</i>	Wild	All	Madagascar	b
<i>Chamaeleo petteri</i>	Wild	All	Madagascar	b
<i>Chamaeleo peyrieresi</i>	Wild	All	Madagascar	b
<i>Chamaeleo rhinocerotus</i>	Wild	All	Madagascar	b
<i>Chamaeleo tsaratananensis</i>	Wild	All	Madagascar	b
<i>Chamaeleo tuzetae</i>	Wild	All	Madagascar	b
<i>Chamaeleo willsii</i>	Wild	All	Madagascar	b
Gekkonidae				
<i>Phelsuma abbotti</i>	Wild	All	Madagascar	b
<i>Phelsuma antanosy</i>	Wild	All	Madagascar	b
<i>Phelsuma barbouri</i>	Wild	All	Madagascar	b
<i>Phelsuma befortakensis</i>	Wild	All	Madagascar	b
<i>Phelsuma breviceps</i>	Wild	All	Madagascar	b
<i>Phelsuma cepedianana</i>	Wild	All	Madagascar	b
<i>Phelsuma chekei</i>	Wild	All	Madagascar	b
<i>Phelsuma dubia</i>	Wild	All	Madagascar, Mozambique, Tanzania	b
<i>Phelsuma edwardnewtonii</i>	Wild	All	Mauritius	b
<i>Phelsuma flavigularis</i>	Wild	All	Madagascar	b
<i>Phelsuma guimbeaui</i>	Wild	All	Mauritius	b
<i>Phelsuma guttata</i>	Wild	All	Madagascar	b
<i>Phelsuma klemmeri</i>	Wild	All	Madagascar	b
<i>Phelsuma leiogaster</i>	Wild	All	Madagascar	b
<i>Phelsuma minuthi</i>	Wild	All	Madagascar	b
<i>Phelsuma modesta</i>	Wild	All	Madagascar	b
<i>Phelsuma mutabilis</i>	Wild	All	Madagascar	b
<i>Phelsuma pronki</i>	Wild	All	Madagascar	b
<i>Phelsuma pusilla</i>	Wild	All	Madagascar	b
<i>Phelsuma seippi</i>	Wild	All	Madagascar	b
<i>Phelsuma serratICAUDA</i>	Wild	All	Madagascar	b
<i>Phelsuma standingi</i>	Wild	All	Madagascar	b
<i>Phelsuma trilineata</i>	Wild	All	Madagascar	b
Iguanidae				
<i>Conolophus pallidus</i>	Wild	All	Ecuador	b
<i>Conolophus subcristatus</i>	Wild	All	Ecuador	b
<i>Iguana iguana</i>	Wild	All	El Salvador	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Helodermatidae				
<i>Heloderma horridum</i>	Wild	All	Guatemala, Mexico	b
<i>Heloderma suspectum</i>	Wild	All	Mexico, United States of America	b
Scincidae				
<i>Corucia zebrata</i>	Wild	All	Solomon Islands	b
Varanidae				
<i>Varanus albigularis</i>	Wild	All	Democratic Republic of Congo, Djibouti, Eritrea, Kenya, Lesotho, Mozambique, Swaziland, Uganda	b
<i>Varanus baritji</i>	Wild	All	Australia	b
<i>Varanus beccarii</i>	Wild	All	Indonesia	b
<i>Varanus bogerti</i>	Wild	All	Papua New Guinea	b
<i>Varanus dumerilii</i>	Wild	All	Brunei, Indonesia	b
<i>Varanus exanthematicus</i>	Wild	All	Angola, Benin, Burkina Faso, Burundi, Democratic Republic of Congo, Djibouti, Kenya, Liberia, Malawi, Niger, Rwanda	b
	Ranched	All	Benin, Togo	b
<i>Varanus glauerti</i>	Wild	All	Australia	b
<i>Varanus indicus</i>	Wild	All	Australia, Marshall Islands, Solomon Islands	b
<i>Varanus irrawadicus</i>	Wild	All	China	b
<i>Varanus jobiensis</i> (synonym <i>V. karlschmidti</i>)	Wild	All	Indonesia, Papua New Guinea	b
<i>Varanus kingorum</i>	Wild	All	Australia	b
<i>Varanus niloticus</i>	Wild	All	Burkina Faso, Burundi, Djibouti, Egypt, Equatorial Guinea, Lesotho, Mauritania, Mozambique, Rwanda, Swaziland	b
	Ranched	All	Benin, Togo	b
<i>Varanus panoptes</i>	Wild	All	Indonesia	b
<i>Varanus pilbarensis</i>	Wild	All	Australia	b
<i>Varanus rudicollis</i>	Wild	All	Philippines	b
<i>Varanus salvadorii</i>	Wild	All	Indonesia, Papua New Guinea	b
<i>Varanus salvator</i>	Wild	All	Bangladesh, Brunei, Cambodia, China, India, Myanmar, Philippines, Singapore, Vietnam	b
<i>Varanus similis</i>	Wild	All	Papua New Guinea	b
<i>Varanus telenestis</i>	Wild	All	Papua New Guinea	b
<i>Varanus teriae</i>	Wild	All	Australia	b
<i>Varanus yemenensis</i>	Wild	All	Saudi Arabia, Yemen	b
SERPENTES				
Boidae				
<i>Boa constrictor</i>	Wild	All	Costa Rica, El Salvador, Honduras, Peru	b
<i>Eryx colubrinus</i>	Wild	All	Tanzania	b
<i>Eunectes barbouri</i>	Wild	All	Brazil	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Eunectes deschauenseei</i>	Wild	All	Brazil	b
<i>Eunectes murinus</i>	Wild	All	Paraguay	b
<i>Eunectes notaeus</i>	Wild	All	Bolivia, Uruguay	b
<i>Python anchietae</i>	Wild	All	All	b
<i>Python curtus</i>	Wild	All	Brunei	b
<i>Python molurus</i>	Wild	All	China, Laos, Vietnam	b
<i>Python regius</i>	Wild	All	Central African Republic, Congo, Equatorial Guinea, Gabon, Liberia	b
<i>Python reticulatus</i>	Wild	All	Bangladesh, Cambodia, India, Singapore	b
<i>Python sebae</i>	Wild	All	Mauritania, Mozambique, South Africa	b
	Ranched	All	Benin, Mozambique	b
Colubridae				
<i>Ptyas mucosus</i>	Wild	All	China	b
	Wild	All, except specimens from the marked and registered stockpiles of 102 285 skins that were acquired before 30 September 1993 provided that the CITES secretariat has confirmed the validity of the Indonesian export permit	Indonesia	b
AMPHIBIA				
ANURA				
Ranidae				
<i>Rana catesbeiana</i>	All	All	All	d
ARTHROPODA				
INSECTA				
LEPIDOPTERA				
Papilionidae				
<i>Ornithoptera croesus</i>	Wild	All	Indonesia	b
<i>Ornithoptera meridionalis</i>	Wild	All	Indonesia	b
<i>Ornithoptera urvillianus</i>	Wild	All	Solomon Islands	b
<i>Ornithoptera tithonus</i>	Wild	All	Indonesia	b
<i>Ornithoptera victoriae</i>	Wild	All	Solomon Islands	b
<i>Troides andromache</i>	Wild	All	Indonesia	b
	Ranched	All	Indonesia	b
MOLLUSCA				
BIVALVIA				
VENEROIDA				
Tridacnidae				
<i>Hippopus hippopus</i>	Wild	All	Federated States of Micronesia, Vanuatu	b
<i>Tridacna deresa</i>	Wild	All	Tonga	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Tridacna gigas</i>	Wild	All	Guam, Federated States of Micronesia, Fiji, Indonesia, Marshall Islands, Palau, Papua New Guinea, Vanuatu	b
<i>Tridacna rosewateri</i>	Wild	All	Mauritius	b
<i>Tridacna squamosa</i>	Wild	All	Tonga	b
<i>Tridacna tevoroa</i>	Wild	All	All	b
MESOGASTROPODA				
Strombidae				
<i>Strombus gigas</i>	Wild	All	Antigua and Barbuda, Dominica, Mexico, Saint Lucia, Trinidad and Tobago	b
CNIDARIA				
SCLERACTINIA				
Caryophyllidae				
<i>Catalaphyllia jardinei</i>	Wild	All	Indonesia	b
FLORA				
Amaryllidaceae				
<i>Galanthus nivalis</i>	Wild	All	Bosnia and Herzegovina, Bulgaria, Czech Republic, Moldova, Slovakia, Switzerland, Ukraine	b
Euphorbiaceae				
<i>Euphorbia millotii</i>	Wild	All	Madagascar	b
Orchidaceae				
<i>Aceras anthropophorum</i>	Wild	All	Turkey	b
<i>Aeranthus henrici</i>	Wild	All	Madagascar	b
<i>Anacamptis pyramidalis</i>	Wild	All	Estonia, Slovakia, Switzerland, Turkey	b
<i>Barlia robertiana</i>	Wild	All	Malta, Turkey	b
<i>Cephalanthera damasonium</i>	Wild	All	Poland, Slovakia	b
<i>Cephalanthera rubra</i>	Wild	All	Latvia, Lithuania, Norway, Poland, Slovakia	b
<i>Cypripedium japonicum</i>	Wild	All	Poland, Slovakia, China, Democratic People's Republic of Korea, Japan, Republic of Korea	b
<i>Cypripedium macranthos</i>	Wild	All	China, Democratic People's Republic of Korea, Japan, Republic of Korea, Russian Federation	b
<i>Cypripedium margaritaceum</i>	Wild	All	China	b
<i>Cypripedium micranthum</i>	Wild	All	China	b
<i>Dactylorhiza fuchsii</i>	Wild	All	Czech Republic, Poland	b
<i>Dactylorhiza incarnata</i>	Wild	All	Norway, Slovakia	b
<i>Dactylorhiza latifolia</i>	Wild	All	Norway, Poland, Slovakia	b
<i>Dactylorhiza maculata</i>	Wild	All	Czech Republic, Lithuania, Norway, Poland	b
<i>Dactylorhiza romana</i>	Wild	All	Turkey	b
<i>Dactylorhiza russowii</i>	Wild	All	Czech Republic, Lithuania, Norway, Poland	b
<i>Dactylorhiza traunsteineri</i>	Wild	All	Liechtenstein, Poland	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Dendrobium bellatulum</i>	Wild	All	Cambodia, China, India, Lao People's Democratic Republic, Myanmar, Thailand, Vietnam	b
<i>Gymnadenia conopsea</i>	Wild	All	Czech Republic, Lithuania, Slovakia	b
<i>Himantoglossum hircinum</i>	Wild	All	Czech Republic, Hungary, Switzerland	b
<i>Nigritella nigra</i>	Wild	All	Norway	b
<i>Ophrys apifera</i>	Wild	All	Hungary	b
<i>Ophrys holoserica</i>	Wild	All	Turkey	b
<i>Ophrys insectifera</i>	Wild	All	Czech Republic, Hungary, Latvia, Liechtenstein, Norway, Romania, Slovakia	b
<i>Ophrys pallida</i>	Wild	All	Algeria	b
<i>Ophrys scolopax</i>	Wild	All	Hungary, Romania	b
<i>Ophrys sphegodes</i>	Wild	All	Hungary, Romania, Switzerland	b
<i>Ophrys tenthredinifera</i>	Wild	All	Malta, Turkey	b
<i>Ophrys umbilicata</i>	Wild	All	Turkey	b
<i>Orchis coriophora</i>	Wild	All	Poland, Russian Federation, Switzerland	b
<i>Orchis italica</i>	Wild	All	Malta, Turkey	b
<i>Orchis laxiflora</i>	Wild	All	Switzerland	b
<i>Orchis mascula</i>	Wild	All	Estonia, Lithuania, Poland	b
<i>Orchis militaris</i>	Wild	All	Lithuania, Poland, Slovakia	b
<i>Orchis morio</i>	Wild	All	Estonia, Lithuania, Poland, Slovakia, Turkey	b
<i>Orchis pallens</i>	Wild	All	Hungary, Poland, Russian Federation, Slovakia	b
<i>Orchis papilionacea</i>	Wild	All	Romania, Slovenia	b
<i>Orchis provincialis</i>	Wild	All	Switzerland	b
<i>Orchis punctulata</i>	Wild	All	Turkey	b
<i>Orchis purpurea</i>	Wild	All	Poland, Slovakia, Switzerland, Turkey	b
<i>Orchis simia</i>	Wild	All	Bosnia and Herzegovina, Croatia, Macedonia, Romania, Slovenia, Switzerland, Turkey, Yugoslavia	b
<i>Orchis tridentata</i>	Wild	All	Czech Republic, Slovakia, Turkey	b
<i>Orchis ustulata</i>	Wild	All	Estonia, Latvia, Lithuania, Poland, Russian Federation, Slovakia	b
<i>Serapias cordigera</i>	Wild	All	Turkey	b
<i>Serapias lingua</i>	Wild	All	Malta	b
<i>Serapias parviflora</i>	Wild	All	Turkey	b
<i>Serapias vomeracea</i>	Wild	All	Malta, Switzerland, Turkey	b
<i>Spiranthes spiralis</i>	Wild	All	Czech Republic, Liechtenstein, Poland, Switzerland	b
Primulaceae				
<i>Cyclamen intaminatum</i>	Wild	All	Turkey	b
<i>Cyclamen mirabile</i>	Wild	All	Turkey	b
<i>Cyclamen parviflorum</i>	Wild	All	Turkey	b
<i>Cyclamen persicum</i>	Wild	All	Turkey	b
<i>Cyclamen pseudibericum</i>	Wild	All	Turkey	b
<i>Cyclamen trochopteranthum</i>	Wild	All	Turkey	b

COMMISSION REGULATION (EC) No 1969/1999
of 15 September 1999
amending Council Regulation (EC) No 2505/96 regarding an increase of certain autonomous
Community tariff quotas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2505/96 of 20 December 1996 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products ⁽¹⁾, as last amended by Commission Regulation (EC) No 1644/1999 ⁽²⁾, and in particular Article 6 thereof,

- (1) Whereas the quota amount for certain autonomous Community tariff quotas is insufficient to meet the needs of the Community industry; whereas, consequently, the quota amount should be increased taken into the provisions of Article 6 of Regulation (EC) No 2505/96; whereas that Regulation should be amended accordingly, with effect from 1 January 1999 so as to insure uninterrupted use of these quotas;

- (2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

For the quota period from 1 January to 31 December 1999, Annex I to Regulation (EC) No 2505/96 shall be amended as follows:

- order number '09.2711': the amount of the tariff quota shall be altered to '925 000 tonnes'.

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 1 January 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 345, 31.12.1996, p. 1.

⁽²⁾ OJ L 195, 28.7.1999, p. 6.

COMMISSION REGULATION (EC) No 1970/1999

of 15 September 1999

amending Annex III to Council Regulation (EC) No 1294/1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1294/1999 of 15 June 1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia ⁽¹⁾ and in particular Article 8(3) thereof,

- (1) Whereas Germany has requested that, in addition to the authorities already listed, the *Landeszentralbank in Nordrhein-Westfalen* be listed as competent authority, that the address of the *Landeszentralbank in Rheinland-Pfalz und im Saarland* be corrected and that the list of competent authorities be made to reflect the attribution of powers;
- (2) Whereas Italy has requested that the name and address of the competent authority be amended;
- (3) Whereas the United Kingdom has requested that, in addition to the Bank of England, the Treasury be listed as competent authority;
- (4) Whereas it is thus necessary to amend Annex III to Regulation (EC) No 1294/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1294/1999 shall be amended as follows:

1. under the heading 'Germany',
 - at the beginning, shall be inserted:

'1. For examinations of the status of banks:';
 - before 'Landeszentralbank in Rheinland-Pfalz und im Saarland', shall be inserted:

'Landeszentralbank in Nordrhein-Westfalen
Postfach 10 11 48
40002 Düsseldorf

Tel: 02 11/8 74 - 23 73/31 59

Fax: 02 11/8 74 - 23 78';

- the address of 'Landeszentralbank in Rheinland-Pfalz und im Saarland' shall be corrected to read:

'Landeszentralbank in Rheinland-Pfalz und im Saarland
Postfach 30 09

55020 Mainz

Tel: 0 61 31/3 77 - 4 10/4 16

Fax: 0 61 31/3 77 - 4 24';

- before 'Bundesausfuhramt', shall be inserted:

'2. For examinations of the status of companies, undertakings, entities and institutions other than banks:';

2. under the heading 'Italy', the name and address of the competent authority shall be replaced by:

'Ministero del Commercio Estero
Direzione Generale per la Politica Commerciale e per la
Gestione del Regime degli Scambi
Divisione IV (UOPAT)

Viale America, 341

I-00144 Roma

Tel: (39 6) 59 93 24 39

Fax: (39 6) 59 64 75 06.';

3. under the heading 'United Kingdom', shall be added:

'HM Treasury
International Financial Services
Parliament Street
London SW1P 3AG
Tel: (44171) 270 55 50
Fax: (44171) 270 43 65'.

Article 2

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

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

Done at Brussels, 15 September 1999.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ L 153, 19.6.1999, p. 63.

COMMISSION REGULATION (EC) No 1971/1999**of 15 September 1999****amending the Annex to Commission Regulation (EC) No 1084/1999 establishing the list of competent authorities referred to in Article 2 of Council Regulation (EC) No 900/1999 prohibiting the sale and supply of petroleum and petroleum products to the Federal Republic of Yugoslavia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 900/1999 of 29 April 1999 prohibiting the sale, supply and export of petroleum and petroleum products to the Federal Republic of Yugoslavia ⁽¹⁾ and in particular Article 6 thereof,

- (1) Whereas Greece has requested that, in addition to the Sanctions Bureau of the Ministry of Foreign Affairs, another authority be listed as competent authority;
- (2) Whereas it is thus necessary to amend the list of competent authorities established by Commission Regulation (EC) No 1084/1999 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 1084/1999, under the heading 'Greece', shall be added:

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων
Δ/ση Διαδικασιών Εξωτερικού Εμπορίου
Κα Μπάρτζη-Κος Ιγγλέσης
οδ. Κορνάρου 1
GR-105 63 Αθήνα

Ministry of National Economy
General Secretariat of International Economic Relations
Directorate of External Trade
Mrs Bartzi or Mr Iglesias
1, Kornarou Street
GR-105 63 Athens
Tel: (30-1) 328 60 51-53
Fax: (30-1) 328 60 94, 328 60 59'.

*Article 2*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 15 September 1999.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ L 114, 1.5.1999, p. 7.⁽²⁾ OJ L 131, 27.5.1999, p. 29.

COMMISSION REGULATION (EC) No 1972/1999**of 15 September 1999****amending Regulation (EEC) No 3600/92 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 1999/1/EC ⁽²⁾, and in particular Article 8(2) thereof,

- (1) Whereas the re-evaluation of active substances already on the market two years after notification of Directive 91/414/EEC under Article 8(2) of that Directive is organised by the Commission in a collaborative and coordinated programme established in Commission Regulation (EEC) No 3600/92 ⁽³⁾, as last amended by Regulation (EC) No 1199/97 ⁽⁴⁾, within which Member States undertake specific tasks contributing to the scientific and technical assessment which are the basis for regulatory decisions taken at Community level;
- (2) Whereas it is necessary that any interested parties have access as early as possible to updated information concerning tests and studies on which claims for data protection have been presented as well as concerning tests and studies which may be required at a later stage in order to finalise the evaluation and decision making on the active substance concerned; whereas this information should be made available by the rapporteur Member State;
- (3) Whereas Commission Regulation (EEC) No 3600/92 should therefore be amended to ensure access to such information to any interested parties;

- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS REGULATION:

Article 1

The second sentence of the second subparagraph of Article 7(3) of Regulation (EEC) No 3600/92 is amended as follows:

‘The Rapporteur Member State shall make available at specific request or keep available for consultation by interested parties the following:

- the information referred to in point (d) of paragraph 1, except the elements thereof which have been accepted as confidential in accordance with Article 14 of the Directive;
- the name of the active substance;
- the content of the pure active substance in the manufactured material;
- the list of any data required for consideration of the possible inclusion of the active substance into Annex I to the Directive, first as contained in the rapporteur's report and secondly as finalised after the consultation by the Commission of the experts referred to in the next subparagraph.’

Article 2

This Regulation shall enter into force on 1 October 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 230, 9.8.1991, p. 1.

⁽²⁾ OJ L 21, 28.1.1999, p. 21.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 170, 28.6.1997, p. 19.

COMMISSION REGULATION (EC) No 1973/1999
of 15 September 1999
on the issuing of A1 export licences for fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1303/1999 ⁽²⁾, and in particular Article 2(3) thereof,

- (1) Whereas Commission Regulation (EC) No 1926/1999 ⁽³⁾, sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;
- (2) Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;
- (3) Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were issued without restriction for hazelnuts in

shell and apples in response to applications submitted since 9 September 1999; whereas, therefore, percentages should be fixed for the issuing of licences for quantities applied for on 9 September 1999 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for hazelnuts in shell and apples for which applications were submitted on 9 September 1999 pursuant to Article 1 of Regulation (EC) No 1926/1999 shall be issued for 67,0 % for hazelnuts in shell and 22,5 % for apples of the quantities applied for.

Applications for A1 export licences submitted after 9 September 1999 and before 9 November 1999 for these products shall be rejected.

Article 2

This Regulation shall enter into force on 16 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 155, 22.6.1999, p. 29.

⁽³⁾ OJ L 238, 9.9.1999, p. 20.

COMMISSION REGULATION (EC) No 1974/1999**of 15 September 1999****fixing the time limit for the submission of applications for private storage aid in respect of pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and in particular Article 4(6) thereof,

- (1) Whereas private storage aid granted pursuant to Commission Regulation (EC) No 2042/98 of 25 September 1998 on special conditions for the granting of private storage aid for pigmeat ⁽²⁾, as amended by Regulation (EC) No 2619/98 ⁽³⁾, has had a favourable effect on the pigmeat market; whereas an actual stabilization of prices is expected; whereas the granting of

private storage aid for pigmeat should therefore be suspended;

- (2) Whereas the Management Committee for Pigmeat has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The time limit for the submission of applications for private storage aid for pigmeat shall be 17 September 1999.

Article 2

This Regulation shall enter into force on 16 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 263, 26.9.1998, p. 12.

⁽³⁾ OJ L 329, 5.12.1998, p. 9.

COMMISSION REGULATION (EC) No 1975/1999
of 15 September 1999
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(8) thereof,

- (1) Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1935/1999 ⁽³⁾;
- (2) Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

- (3) Whereas the corrective amount must be fixed according to the same procedure as the refund; whereas it may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a),(b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 240, 10.9.1999, p. 18.

ANNEX

**to the Commission Regulation of 15 September 1999 amending the corrective amount applicable to the refund
on cereals**

(EUR/t)

Product code	Destination ⁽¹⁾	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	-1,00	-2,50	-6,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	-1,37	-4,11	-6,85	—	—
1101 00 15 9130	01	0	0	-1,28	-3,84	-6,40	—	—
1101 00 15 9150	01	0	0	-1,18	-3,54	-5,90	—	—
1101 00 15 9170	01	0	0	-1,09	-3,27	-5,45	—	—
1101 00 15 9180	01	0	0	-1,02	-3,06	-5,10	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	0	0	—	—
1103 11 10 9400	01	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 USA, Canada and Mexico.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

II

(Acts whose publication is not obligatory)

COUNCIL

**RULES OF PROCEDURE OF THE EU-KAZAKHSTAN COOPERATION COUNCIL
of 20 July 1999**

(1999/616/EC)

THE COOPERATION COUNCIL,

Having regard to the Agreement on Partnership and Co-operation between the European Communities and their Member States of the one part, and the Republic of Kazakhstan, of the other part ⁽¹⁾, signed in Brussels on 23 January 1995, hereinafter referred to as Agreement and in particular Articles 76 to 80 thereof,

Whereas that Agreement entered into force on 1 July 1999,

HAS ESTABLISHED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Presidency

The Cooperation Council shall be presided over alternately for periods of twelve months by a member of the Council of the European Union, on behalf of the Communities and its Member States, and a member of the Government of the Republic of Kazakhstan. However, the first period of the Presidency shall begin on the date of the first Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Cooperation Council shall meet regularly at ministerial level once a year. At the request of either Party, special sessions of the Council may be held if the Parties so agree.

Unless otherwise agreed by the Parties, each session of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties.

The meetings of the Cooperation Council are jointly convened by the Secretaries of the Cooperation Council.

⁽¹⁾ OJ L 196, 28.7.1999, p. 1.

Article 3

Representation

The members of the Cooperation Council may be represented if they are prevented from attending.

Each member may normally be represented by the Head of the Representation to the European Communities or the Permanent Representation to the European Union or a senior official.

In all other cases, a member wishing to be represented shall notify the Chairman of the name of his representative before the meeting at which he is to be so represented.

The representative of a member of the Cooperation Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Cooperation Council may be accompanied by officials.

Before each meeting, the Chairman of the Cooperation Council shall be informed of the intended composition and of the Head of the Delegation of each Party.

The Cooperation Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Mission of the Republic of Kazakhstan to the European Communities shall act jointly as Secretaries of the Cooperation Council.

*Article 6***Documents**

When the deliberations of the Cooperation Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Cooperation Council by the two Secretaries.

*Article 7***Correspondence**

All correspondence addressed to the Cooperation Council or to the Chairman of the Council shall be forwarded to both Secretaries of the Cooperation Council.

The two Secretaries shall ensure that correspondence is forwarded to the Chairman of the Cooperation Council and, where appropriate, circulated as documents referred to in Article 6 to other members of the Commission Council. Correspondence circulated shall be sent to the General Secretariat of the Commission of the European Communities, the Permanent Representations of the EU Member States and the Mission of the Republic of Kazakhstan to the European Communities.

Correspondence from the Chairman of the Cooperation Council shall be sent to the recipients by the respective Secretary and, where appropriate, circulated as documents referred to in Article 6 to the other members of the Cooperation Council at the addresses indicated in the preceding paragraph.

*Article 8***Agenda for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Council on the basis of suggestions by the Parties. It shall be forwarded by the corresponding secretary to the addressees referred to in Article 7 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two Secretaries not later than 21 days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. In agreement with the Parties, the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

*Article 9***Minutes**

Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda

- the documentation submitted to the Cooperation Council;
- statements the entry of which has been requested by a member of the Cooperation Council;
- the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

The minutes shall also include a list of members of the Cooperation Council or their representatives who participated at the meeting.

The draft minutes shall be submitted to the Cooperation Council for approval at its next meeting. The draft minutes also can be agreed in writing by both Parties. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and be filed by the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 7.

*Article 10***Recommendations**

1. The Cooperation Council shall make its recommendations by common agreement between the Parties.

During the inter-sessional period, the Cooperation Council may make recommendations by written procedure if both Parties so agree. A written procedure consists of an exchange of notes between the two Secretaries, acting in agreement with the Parties.

2. The recommendations of the Cooperation Council within the meaning of Article 76 of the Agreement shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by a description of their subject.

The recommendations of the Cooperation Council shall be authenticated by the two Secretaries and two authentic copies signed by Heads of delegation of the two Parties.

Recommendations shall be forwarded to each of the addressees referred to in Article 7 above as documents of the Cooperation Council.

*Article 11***Publicity**

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

Each Party may decide on the publication of the recommendations of the Cooperation Council in its respective official publication.

*Article 12***Languages**

The official languages of the Cooperation Council shall be the official languages of the Parties.

The Cooperation Council shall normally base its deliberations on documentation prepared in these languages.

*Article 13***Expenses**

The European Communities and the Republic of Kazakhstan shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpretation at meetings, translation and reproduction of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the languages of the European Communities into Kazakh or Russian, which shall be borne by the Republic of Kazakhstan.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

*Article 14***Committee**

1. The Cooperation Committee is hereby established in accordance with Article 78 of the Agreement in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the Commission of the European Communities and of representatives of the members of the Council of the European Union on the one hand, and of representatives of the Government of the Republic of Kazakhstan on the other, normally at senior civil servant level.

2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, monitor the implementation of the recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the Partnership and the proper functioning of the Agreement. It shall consider any matter referred to it by the Cooperation Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit any proposals of recommendations for adoption to the Cooperation Council.

3. The rules of procedure of the Cooperation Committee are attached as Annex to the present rules of procedure.

Done at Brussels, 20 July 1999.

For the Cooperation Council
The President

ANNEX

RULES OF PROCEDURE OF THE EU-KAZAKHSTAN COOPERATION COMMITTEE

*Article 1***Presidency**

The Cooperation Committee shall be presided over alternately for periods of 12 months by a representative of the Commission of the European Communities, on behalf of the Communities and their Member States, and a representative of the Government of the Republic of Kazakhstan. The first period of the Presidency shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year. For that period and thereafter for each 12 months period, the Cooperation Committee shall be chaired by the Party which holds the Presidency of the Cooperation Council.

*Article 2***Meetings**

The Cooperation Committee shall meet once a year and when circumstances require with the agreement of the Parties.

Each meeting of the Cooperation Committee shall be held at a time and place agreed by the Parties.

The meetings of the Cooperation Committee are jointly convened by both Secretaries.

*Article 3***Delegations**

Before each meeting, the Chairman of the Cooperation Committee shall be informed of the intended composition and the Head of the Delegation of each Party.

*Article 4***Secretariat**

An official of the Commission of the European Communities and an official of the Government of the Republic of Kazakhstan shall act jointly as Secretaries of the Cooperation Committee.

All correspondence to and from the Chairman of the Cooperation Committee provided for in this Annex shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and the Chairman of the Cooperation Council and where appropriate, to the members of the Cooperation Committee.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

*Article 6***Agenda for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Committee. It shall be forwarded to the Chairman and Secretaries of the Cooperation Council as well as to the members of the Cooperation Committee not later than fifteen days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion in the agenda not later than twenty-one days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. In agreement with the Parties the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

3. The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Cooperation Committee.

Upon adoption by the Cooperation Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to the Chairman and Secretaries of the Cooperation Council and to the members of the Cooperation Committee.

*Article 8***Recommendations**

The Cooperation Committee shall not make recommendations except in the specific cases where it is empowered by the Cooperation Council under Article 78(2) of the Agreement. In such cases, these acts shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by description of their subject. Recommendations shall be made by common agreement between the Parties.

Recommendations of the Cooperation Committee shall be forwarded to the Chairman and Secretaries of the Cooperation Council and to the members of the Cooperation Committee. Each Party may decide on the publication of the recommendations of the Cooperation Committee in its respective official publication.

The recommendations of the Cooperation Committee shall be signed by the Chairman and the Secretaries.

Article 9

Expenses

The European Communities and the Republic of Kazakhstan shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee and of its subcommittees and working groups, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the languages of the European Communities into Kazakh or Russian, which shall be borne by the Republic of Kazakhstan.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 10

Subcommittees

The Cooperation Committee may establish subcommittees and define their terms of reference. They shall be considered to work under the authority of the Cooperation Committee, to which they shall report after each one of their meetings. Subcommittees shall not make recommendations.

The Cooperation Committee may modify the terms of reference of any subcommittees or set up further subcommittees to assist it in carrying out its duties.

**RULES OF PROCEDURE OF THE EU-KYRGYZSTAN COOPERATION COUNCIL
of 20 July 1999**

(1999/617/EC)

THE COOPERATION COUNCIL,

Having regard to the Agreement on Partnership and Co-operation between the European Communities and their Member States of the one part, and the Kyrgyz Republic, of the other part ⁽¹⁾, signed in Brussels on 9 February 1995, hereinafter referred to as Agreement and in particular Articles 75 to 79 thereof,

Whereas that Agreement entered into force on 1 July 1999,

HAS ESTABLISHED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Presidency

The Cooperation Council shall be presided over alternately for periods of twelve months by a member of the Council of the European Union, on behalf of the Communities and its Member States, and a member of the Government of the Kyrgyz Republic. However, the first period of the Presidency shall begin on the date of the first Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Cooperation Council shall meet regularly at ministerial level once a year. At the request of either Party, special sessions of the Council may be held if the Parties so agree.

Unless otherwise agreed by the Parties, each session of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties.

The meetings of the Cooperation Council are jointly convened by the Secretaries of the Cooperation Council.

Article 3

Representation

The members of the Cooperation Council may be represented if they are prevented from attending.

Each member may normally be represented by the Head of Mission to the European Communities or the Permanent Representation to the European Union or a senior official.

In all other cases, a member wishing to be represented shall notify the Chairman of the name of his representative before the meeting at which he is to be so represented.

The representative of a member of the Cooperation Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Cooperation Council may be accompanied by officials.

Before each meeting, the Chairman of the Cooperation Council shall be informed of the intended composition and of the Head of the Delegation of each Party.

The Cooperation Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Mission of the Kyrgyz Republic to the European Communities shall act jointly as Secretaries of the Cooperation Council.

Article 6

Documents

When the deliberations of the Cooperation Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Cooperation Council by the two Secretaries.

Article 7

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All correspondence addressed to the Cooperation Council or to the Chairman of the Council shall be forwarded to both Secretaries of the Cooperation Council.

The two Secretaries shall ensure that correspondence is forwarded to the Chairman of the Cooperation Council and, where appropriate, circulated as documents referred to in Article 6 to other members of the Commission Council. Correspondence circulated shall be sent to the General Secretariat of the Commission, the Permanent Representations of the EU Member States and the Mission of the Kyrgyz Republic to the European Communities.

Correspondence from the Chairman of the Cooperation Council shall be sent to the recipients by the respective Secretary and, where appropriate, circulated as documents referred to in Article 6 to the other members of the Cooperation Council at the addresses indicated in the preceding paragraph.

⁽¹⁾ OJ L 196, 28.7.1999, p. 46.

*Article 8***Agenda for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Council on the basis of suggestions by the Parties. It shall be forwarded by the corresponding secretary to the addressees referred to in Article 7 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two Secretaries not later than 21 days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. In agreement with the Parties, the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

*Article 9***Minutes**

Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda

- the documentation submitted to the Cooperation Council;
- statements the entry of which has been requested by a member of the Cooperation Council;
- the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

The minutes shall also include a list of members of the Cooperation Council or their representatives who participated at the meeting.

The draft minutes shall be submitted to the Cooperation Council for approval at its next meeting. The draft minutes also can be agreed in writing by both Parties. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and be filed by the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 7.

*Article 10***Recommendations**

1. The Cooperation Council shall make its recommendations by common agreement between the Parties.

During the inter-sessional period, the Cooperation Council may make recommendations by written procedure if both Parties so agree. A written procedure consists of an exchange of notes between the two Secretaries, acting in agreement with the Parties.

2. The recommendations of the Cooperation Council within the meaning of Article 75 of the Agreement shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by a description of their subject.

The recommendations of the Cooperation Council shall be authenticated by the two Secretaries and two authentic copies signed by Heads of delegation of the two Parties.

Recommendations shall be forwarded to each of the addressees referred to in Article 7 above as documents of the Cooperation Council.

*Article 11***Publicity**

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

Each Party may decide on the publication of the recommendations of the Cooperation Council in its respective official publication.

*Article 12***Languages**

The official languages of the Cooperation Council shall be the official languages of the Parties.

The Cooperation Council shall normally base its deliberations on documentation prepared in these languages.

*Article 13***Expenses**

The European Communities and the Kyrgyz Republic shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpretation at meetings, translation and reproduction of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the languages of the European Communities into Kyrgyz or Russian, which shall be borne by the Kyrgyz Republic.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

*Article 14***Committee**

1. The Cooperation Committee is hereby established in accordance with Article 77 of the Agreement in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the Commission of the European Communities and of representatives of the members of the Council of the European Union on the one hand, and of representatives of the Government of the Kyrgyz Republic on the other, normally at senior civil servant level.

2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, monitor the implementation of the recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the Partnership and the proper functioning of the Agreement. It shall consider any matter referred to it by the Cooperation Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit any proposals of recommendations for adoption to the Cooperation Council.

3. The rules of procedure of the Cooperation Committee are attached as Annex to the present rules of procedure.

Done at Brussels, 20 July 1999.

For the Cooperation Council

The President

ANNEX

RULES OF PROCEDURE OF THE EU-KYRGYZSTAN COOPERATION COMMITTEE

Article 1

Presidency

The Cooperation Committee shall be presided over alternately for periods of 12 months by a representative of the Commission of the European Communities, on behalf of the Communities and their Member States, and a representative of the Government of the Kyrgyz Republic. The first period of the Presidency shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year. For that period and thereafter for each 12 months period, the Cooperation Committee shall be chaired by the Party which holds the Presidency of the Cooperation Council.

Article 2

Meetings

The Cooperation Committee shall meet once a year and when circumstances require with the agreement of the Parties.

Each meeting of the Cooperation Committee shall be held at a time and place agreed by the Parties.

The meetings of the Cooperation Committee are jointly convened by both Secretaries.

Article 3

Delegations

Before each meeting, the Chairman of the Cooperation Committee shall be informed of the intended composition and the Head of the Delegation of each Party.

Article 4

Secretariat

An official of the Commission of the European Communities and an official of the Government of the Kyrgyz Republic shall act jointly as Secretaries of the Cooperation Committee.

All correspondence to and from the Chairman of the Cooperation Committee provided for in this Annex shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and the Chairman of the Cooperation Council and where appropriate, to the members of the Cooperation Committee.

Article 5

Publicity

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

Article 6

Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Committee. It shall be forwarded to the Chairman and Secretaries of the Cooperation Council as well as to the members of the Cooperation Committee not later than fifteen days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion in the agenda not later than twenty-one days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. In agreement with the Parties the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

3. The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

Article 7

Minutes

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Cooperation Committee.

Upon adoption by the Cooperation Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to the Chairman and Secretaries of the Cooperation Council and to the members of the Cooperation Committee.

Article 8

Recommendations

The Cooperation Committee shall not make recommendations except in the specific cases where it is empowered by the Cooperation Council under Article 77(2) of the Agreement. In such cases, these acts shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by description of their subject. Recommendations shall be made by common agreement between the Parties.

Recommendations of the Cooperation Committee shall be forwarded to the Chairman and Secretaries of the Cooperation Council and to the members of the Cooperation Committee. Each Party may decide on the publication of the recommendations of the Cooperation Committee in its respective official publication.

The recommendations of the Cooperation Committee shall be signed by the Chairman and the Secretaries.

Article 9

Expenses

The European Communities and the Kyrgyz Republic shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee and of its subcommittees and working groups, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the languages of the European Communities into Kyrgyz or Russian, which shall be borne by the Kyrgyz Republic.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 10

Subcommittees

The Cooperation Committee may establish subcommittees and define their terms of reference. They shall be considered to work under the authority of the Cooperation Committee, to which they shall report after each one of their meetings. Subcommittees shall not make recommendations.

The Cooperation Committee may modify the terms of reference of any subcommittees or set up further subcommittees to assist it in carrying out its duties.

COMMISSION

COMMISSION DECISION

of 20 July 1999

on a procedure relating to the application of Council Regulation (EEC) No 2299/89

(Electronic ticketing)

(notified under document number C(1999) 2068)

(Only the German text is authentic)

(Text with EEA relevance)

(1999/618/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2299/89 of 24 July 1989 on the code of conduct for computerised reservation systems ⁽¹⁾, as last amended by Regulation (EC) No 323/1999 ⁽²⁾, and in particular Article 16(2) thereof,

Having given the undertaking concerned the opportunity to make known its views on the objections raised by the Commission, pursuant to Article 19(1) of Regulation (EEC) No 2299/89,

Whereas:

on 20 January 1997 requesting it to submit its observations within one month. Lufthansa submitted its observations on 19 February 1997.

- (2) SABRE complained that Lufthansa had failed to provide SABRE with the necessary information and technical specifications to be able to issue electronic tickets for Lufthansa which severely undermines SABRE's ability to attract and retain subscriber accounts in Germany. SABRE has developed its own electronic ticketing function that operates in accordance with industry standards agreed by all airline members of IATA (International Air Transport Association). SABRE considered that the effect of the above actions by Lufthansa is to prevent effective competition in the German CRS market.

I. BACKGROUND, FACTS AND PROCEDURE

1. The complaint

- (1) In a letter of 9 January 1997, the system vendor SABRE Travel Information Network ('SABRE') complained that Deutsche Lufthansa AG ('Lufthansa') is infringing Regulation (EEC) No 2299/89 (code of conduct) in that it offers incentives to corporate clients using electronic tickets for domestic travel on Lufthansa flights. This, it alleged, results in corporate clients only dealing with travel agents using the computerised reservation system (CRS) START Amadeus, of which Lufthansa is part owner, since it is the only system that can issue electronic tickets. A copy of the complaint was sent to Lufthansa

- (3) After a preliminary assessment of the complaint the Commission issued a Statement of Objections against Lufthansa dated 16 December 1997. Lufthansa replied on 3 March 1998. Lufthansa's principal arguments were that the incentives were intended to encourage consumer and subscriber acceptance of the electronic ticket rather than to prejudice competing CRSs and that a new technological product requires a transition period before it could be offered to all other CRSs. Furthermore, the airline made a distinction between a ticket and an air transport product for the purposes of the code, arguing that tickets did not come under the scope of Article 8(1) which prohibits incentives. Lufthansa also raised issues concerning its rights of defence and requested an oral hearing.

⁽¹⁾ OJ L 220, 29.7.1989, p. 1.

⁽²⁾ OJ L 40, 13.2.1999, p. 1.

- (4) By letter of 21 April 1999, SABRE informed the Commission that the issues forming the basis of the original complaint had been satisfactorily overcome by way of a new commercial agreement with Lufthansa.

2. The parties

- (5) The CRS known as 'SABRE' is owned and operated by SABRE Travel Information Network of Dallas, Texas, United States of America. SABRE Travel Information Network is itself 80 % owned by AMR Corporation which is also owner of American Airlines. Its share of the world CRS market is estimated to be 26,1 % (by number of travel agency locations). Its share of the German CRS market is estimated to be 5,1 %.
- (6) Lufthansa is based in Cologne in Germany and is the largest airline in the Community. In 1997 its turnover was DEM 23 149 million.
- (7) Lufthansa owns 29,2 % of the capital of Amadeus Global Travel Distribution SA ('AGTD') which owns and operates the CRS commonly known as 'Amadeus'. Lufthansa also owns 50 % of the capital of START Holding GmbH. START Holding GmbH in turn owns 95 % of START Amadeus Vertrieb GmbH ('START Amadeus') which is solely responsible for marketing the Amadeus CRS in Germany. The remaining 5 % of START Amadeus is owned by members of the AGTD group. The Amadeus share of the world CRS market is estimated to be 33,8 % (by number of travel agency locations). The START Amadeus share of the German CRS market is estimated to be 88,6 %.

3. The code of conduct

- (8) The code of conduct was adopted by the Council to regulate a sector that plays an essential role in the distribution of air transport products. The code ensures that the operation of CRSs does not discriminate between carriers participating in their facilities both in terms of the technical functions offered to carriers and the fees for those services. It also prevents owner carriers from refusing to distribute their products through competing CRSs thereby limiting the attractiveness of the latter in the market place.

4. The facts

a) Electronic ticketing

- (9) Electronic ticketing is a recent development in the air transport industry designed to eliminate the need for paper based ticketing and to facilitate the check-in procedures at airports. Electronic tickets are effectively travel documents that only exist in a carrier's internal reservation system. On check-in at the airport counter

upon identification, the passenger is issued a boarding pass by reference to the record in the carrier's system and not by reference to a conventional paper-based ticket. IATA estimates that the cost of the conventional paper ticket is typically USD 8 whereas an electronic ticket costs between USD 1 and USD 2. The economies arising from the adoption of electronic ticketing have led to the rapid growth of its use. The largest US carrier, United Airlines, used electronic tickets for 40 % of its domestic services in 1996.

b) CRSs

- (10) A CRS is a computer system containing information about, *inter alia*, air carriers' schedules, availability, fares, and related services, with or without facilities through which reservations may be made, or tickets may be issued, to the extent that some or all of these services are made available to subscribers. It is estimated that over 85 % of all IATA travel agency sales of scheduled air services are made through CRSs. Therefore, a CRS is an essential tool for the travel agent.
- (11) Unlike the other CRSs operating in the Community (Galileo, SABRE and Worldspan) Amadeus does not have its own ticketing function, and therefore ticketing is carried out on its behalf by its local distribution company, which in Germany is START Amadeus. START Amadeus provides the interface between travel agents in Germany and the Amadeus CRS. When dealing with a customer, a travel agent logs on to START Amadeus to obtain information on schedules, availabilities and fares from the Amadeus central core. It then enters the booking data through the START Amadeus interface to Amadeus, which then returns certain elements of the data to a separate function in START Amadeus to enable it to generate a ticket and carry out the associated accounting operations.

c) Development of electronic ticketing by Lufthansa

- (12) In response to the SABRE complaint, Lufthansa stated in its letter of 19 February 1997 that the introduction of electronic ticketing (ETIX) is a very complex project and therefore Lufthansa decided to implement it in three phases: phase 1 as from 1 March 1996 for the German market, including for START Amadeus the most widely used ticketing system in Germany ('ETIX für den deutschen Markt... ETIX über das am meisten verbreitete Ticketing-System in Deutschland (START Amadeus)'); phase 2 as from 1 November 1996 for international on-line flights; phase 3 as from 1997, expansion to computer reservation systems. Lufthansa stated that the first two phases were necessary to maximise the volume of ETIX in order to amortise the relatively large development costs.

- (13) Lufthansa went further in its letter to the Commission of 14 May 1997 where it stated that 'Temporary focusing on extending the existing Lufthansa/START Amadeus interface was the only technical and economically justifiable way of expanding the pilot phase.'
- (14) Lufthansa developed its electronic ticketing functionality from its existing airport check-in programme. As a pilot phase during the period May to December 1995 ETIX was initially offered to a limited group of 600 travel agents in Germany. In order to extend the number of agents in as short a time as possible, in March 1996 it then transferred the functionality to START Amadeus (phase 1).
- (15) In its letter of 14 May 1997, Lufthansa stated that 'Lufthansa is currently in the last phase of introducing the product. Once the technical conditions for the international use of ETIX are established Lufthansa will operate ETIX via other CRS systems.'
- (16) In July 1996, Lufthansa announced that it would reduce its commission to travel agents in Germany for sales of tickets for travel wholly within the German domestic market. However, in its letter to the Commission dated 14 May 1997, Lufthansa contradicts SABRE's assertion that travel agents are being offered incentives to use ETIX when it states that '... so far there has been no agency promotion. To date agencies have merely been promised an ETIX incentive, this being due to start as from July 1997.'
- (17) At a meeting held with Commission representatives on 25 July 1997, representatives of Lufthansa confirmed that commission payments of 0,5 % of the price of each electronic ticket sold for travel within Germany and to London and Paris have been made to travel agents in Germany since 1 July 1997. In its letter of 27 August 1997, Lufthansa stated that a corporate client incentive scheme was implemented on 1 January 1997. The incentive was 1 % of gross ETIX revenue on amounts exceeding DEM 50 000; 1,5 % for revenues greater than DEM 2,5 million and 2 % for revenues exceeding DEM 5 million.
- (18) In the absence of the ETIX facility being available to SABRE and any other CRS operating in Germany, only those travel agents subscribing to the START Amadeus service were able to benefit from the additional commission payments.
- (19) At a subsequent meeting with Commission representatives, in June 1998, the issue of the incentives was discussed again. Lufthansa now explained that, with effect from May 1998, six months after the Statement of Objections was issued, commission payments to travel agents had actually been increased from 0,5 % to 1 %. Furthermore, for internal German flights, a discount of DEM 10 had been offered to any passenger purchasing an electronic ticket since January 1998, although the corporate client scheme was ended in the same month. These increases in incentives had been made to encourage higher levels of ETIX sales which to date, according to Lufthansa, had been substantially less than their potential.
- d) *IATA industry standards*
- (20) Independently of the development of electronic ticketing by Lufthansa, and in response to a recognised need for an industry-wide standard for electronic ticketing, IATA has published an industry standard method of interfacing CRSs and airline systems for issuing electronic tickets. The standards were developed by IATA working groups over a two-year period. The airlines present at the IATA Passenger Services Conference in Los Angeles in October 1996 unanimously (including Lufthansa) adopted the Electronic Ticketing Resolutions Nos 722f and 722g ⁽¹⁾. A fundamental component in creating an industry standard was to establish the Electronic Data Interchange for Administration Commerce and Transport ('EDIFACT') message standard for the transmission of ETIX data elements. The resolutions were scheduled to become effective on 1 January 1997. In its letter of 14 May 1997, Lufthansa accepted that the standards 'have been valid as from 1 January 1997'.
- (21) Even before the IATA resolutions were adopted, SABRE's system used the 'EDIFACT' message standard which was in accordance with the domestic US ATA standard. It was an enhanced version of this EDIFACT standard which was subsequently incorporated into the ETIX standard by the IATA resolutions. By contrast, Lufthansa's ETIX standard through START Amadeus was purely an in-house system which did not use the EDIFACT standard at all.
- (22) In its letter of 14 May 1997, Lufthansa stated that 'Lufthansa had at no time abolished or ignored IATA standards.... At the time of developing ETIX Lufthansa could not have circumvented any standards since none existed.' It considers that the solution it developed for electronic ticketing was chosen because it was a high quality product. Lufthansa also states in its letter of 14 May 1997 that 'Lufthansa has at no time refused to adapt the system to the IATA standards.... Lufthansa is still interested in cooperation. Experience gained in the interim will make this easier.' In its reply to the Statement of Objections, Lufthansa claimed: 'Once it emerged that an IATA standard for Electronic ticketing would be adopted, Lufthansa began to implement this standard on the basis of the experience of its own ETIX system.'
- (23) Yet on the first day (1 January 1997) that the IATA ETIX resolutions were accepted by Lufthansa as having come into force, it introduced the first of the incentives, linked to an internal ETIX system exclusive to START Amadeus.

⁽¹⁾ IATA Resolution 722f: *Electronic Ticketing/Electronic Miscellaneous Documents* — Airline. IATA Resolution 722g: *Electronic Ticket/Electronic Miscellaneous Documents* — Neutral.

e) *Contacts between Lufthansa and SABRE and other system vendors*

(24) SABRE asserts that it has attempted to reach agreement with Lufthansa on the possibility of its subscribers issuing electronic tickets on Lufthansa flights. Meetings took place in June 1995, in April 1996 and on two subsequent occasions, to discuss the SABRE electronic ticketing product. In September of 1996 Lufthansa indicated its willingness to start discussions on the subject at the beginning of 1997. The first meeting took place on 13 January 1997 (see below).

(25) Lufthansa further states that, at the meeting held on 13 January 1997, SABRE acknowledged its understanding of the approach adopted by Lufthansa in defining its priorities for the development of electronic ticketing. It also considers that electronic ticketing is only a ticketing functionality and thus independent from the usual CRSs.

(26) In its observations dated 21 March 1997 on the Lufthansa response, SABRE restated the arguments set out in its original complaint. SABRE also added, at the meeting of 13 January 1997, that it fully understood the prioritisation process adopted by Lufthansa but it did not indicate its acceptance of it. Furthermore, during the course of the same meeting it reminded Lufthansa that it had been ready to initiate ETIX development with Lufthansa for more than a year, but that cooperation was not forthcoming.

(27) In November 1997, SABRE and Lufthansa reached agreement for the implementation of electronic ticketing. Under this agreement, Lufthansa was to ensure that all the necessary work to be carried out on its part would be done to ensure implementation could be completed by 30 September 1998 at the latest. However if SABRE informed Lufthansa in writing that implementation could be completed by 30 June 1998, Lufthansa would dedicate the resource necessary to meet this earlier date. As SABRE did not issue such a notice, Lufthansa therefore completed its part of the work on 14 September 1998.

(28) SABRE then proceeded to carry out the necessary testing after which, on 8 December 1998, the ETIX function became operational in the SABRE CRS.

(29) As regards other CRSs, Lufthansa reached agreement on a timetable for installation with one system vendor in September 1997 and testing was expected to begin in March 1998. As yet implementation has still not been completed however. In November 1997 it had written

to the other two system vendors requesting them to implement the ETIX function into their systems. Agreements were reached during 1998 and implementation is foreseen to be completed during the course of this year.

(30) In a letter dated 2 November 1998, Lufthansa informed the Commission that it would cease all incentives linked to electronic tickets at the end of 1998.

(31) Subsequently, by letter of 21 April 1999, SABRE informed the Commission explaining that a new commercial agreement with Lufthansa, designed to resolve all the issues that SABRE had raised in the original complaint, had been signed on 2 April 1999.

II. LEGAL ASSESSMENT

(32) In the reply to the Statement of Objections, Lufthansa claimed that the same procedural guarantees and defence rights as are acknowledged in competition law procedures and enshrined in Council Regulations (EEC) No 17/62 ⁽¹⁾, (EEC) No 1017/68 ⁽²⁾ and (EEC) No 3975/87 ⁽³⁾ apply to the code of conduct. In seeking to apply these provisions the airline requested an oral hearing in the form laid down for procedures pursuant to Regulation No 99/63/EEC ⁽⁴⁾.

(33) This case has not been addressed pursuant to Articles 81 and 82 of the Treaty, the procedure for which is set out by the abovementioned Regulations, but under the code of conduct. The code does not provide for the same procedures but the Commission has taken care to ensure an equivalent level of protection for the rights of defence.

(34) In accordance with Article 19(1) of the code of conduct Lufthansa was served notice of the Commission's objections. In February 1998 Lufthansa was given access to the Commission's file in order to prepare its reply to the Statement of Objections. After its reply to the Statement of Objections, the Commission, by letter of 4 May 1998, offered Lufthansa the opportunity to amplify its views orally but the airline did not take up this offer.

Application of the code of conduct for CRSs

a) *The code of conduct for CRSs*

(35) Article 11 of the code provides that the Commission, acting on receipt of a complaint or on its own initiative, shall initiate procedures to terminate infringement of the provisions of the Regulation. Accordingly it has examined the SABRE complaint against Lufthansa concerning alleged infringements of Article 8 of the code in accordance with Article 11.

⁽¹⁾ OJ 13, 21.2.1962, pp. 204/62.

⁽²⁾ OJ L 175, 23.7.1968, p. 1.

⁽³⁾ OJ L 274, 31.12.1987, p. 1.

⁽⁴⁾ OJ 127, 20.8.1963, pp. 2268/63.

b) *The scope of the code of conduct for CRSs*

i) START Amadeus

- (36) At the outset it is necessary to determine whether the ticket issuing facility in question here forms part of the 'computer reservation system' (CRS) for the purposes of the code and the position of START Amadeus under the code.

Article 2(f) of the code defines a CRS as:

'a computerised system containing information about, *inter alia*, air carriers'

- schedules,
- availability,
- fares, and
- related services,

with or without facilities through which:

- reservations may be made, or
- tickets may be issued,

to the extent that some or all of these services are made available to subscribers.'

Article 2(g) provides that 'distribution facilities' means facilities provided by a system vendor for the provision of information about air carriers' schedules, availability, fares and related services and for making reservations and/or issuing tickets, and for any other related services.

Pursuant to Article 2(h), 'System vendor' means any entity and its affiliates which is or are responsible for the operation or marketing of a CRS.

And lastly, pursuant to Article 2(1), 'Subscriber' means a person or an undertaking, other than a participating carrier, using the distribution facilities for air transport products of a CRS under contract or other arrangement with a system vendor.

- (37) START Amadeus is solely responsible for the marketing in Germany of the Amadeus CRS and is thus a system vendor within the meaning of Article 2(h). The distribution facilities offered by START Amadeus to subscribers include not only information on schedules, availability and fares (obtained from the Amadeus central core operated by AGTD) but also facilities for issuing tickets. In so far as these latter facilities are 'made available to subscribers', in the words of the last line of Article 2(f), they also form part of the computer reservation system as defined by the code.

- (38) Furthermore, on 18 July 1995, the Commission wrote to START Amadeus informing it that as it acted as a ticket issuer on behalf of the CRS Amadeus, it fell within the scope of the code, and informing it that it was under the obligation to submit its ticketing activities to annual audit as required by Article 21a of the code which requires a system vendor to ensure the 'technical compliance of its CRS' with certain articles of the code. In its letter of 29 November 1995, START Amadeus informed the Commission of the name of the auditor it had appointed to ensure compliance of its system with the code. For the purposes of the assessment of the complaint, the CRS in question is that distributed in the German market by the system vendor START Amadeus.

ii) Lufthansa

- (39) Article 2(i) defines a parent carrier as 'any air carrier which directly or indirectly, alone or jointly with others, owns or effectively controls a system vendor, as well as any air carrier which it owns or effectively controls'. Since Lufthansa owns 50 % of Start Holding GmbH which in turn owns 95 % of START Amadeus, it indirectly, and jointly with others, owns START Amadeus and is therefore a parent carrier.

iii) Article 2(a), (b) and (c) — air transport product

- (40) Article 2(c) defines air transport product as 'both unbundled and bundled air transport products'.
- (41) Article 2(a) defines an unbundled air transport product as 'the carriage by air of a passenger between two airports including any related ancillary services and additional benefits offered for sale and/or sold as an integral part of that product'.
- (42) Article 2(b) defines a bundled air transport product as 'a pre-arranged combination of an unbundled air transport product with other services not ancillary to air transport, offered for sale and/or sold at an inclusive price'.

c) Article 8(1)

- (43) The relevant Article states that:

'A parent carrier shall neither directly nor indirectly link the use of any specific CRS by a subscriber with the receipt of any commission or other incentive or disincentive for the sale of air transport products available on its flights.'

- (44) One of the Commission's conclusions in the Statement of Objections was that incentives operating through electronic tickets, when the functionality was only available to START Amadeus subscribers, constituted an infringement of Article 8(1).
- (45) In its reply Lufthansa contested that an airline ticket, electronic or otherwise, was an 'air transport product' as defined under Article 2 and hence did not fall within the scope of Article 8(1). Reference was made to the original article 8(1), before the code revision in 1993 ⁽¹⁾, which had also referred to tickets as well as air transport products and thus concluded that this did indeed constitute a distinction.
- (46) However, Article 8(1) refers to the sale of an air transport product, i.e. the fact that a service provider (the carrier) concludes (directly or through a travel agent) a transport contract with a customer by which the carrier commits itself to transport the passenger and the customer accepts to pay a price. The conclusion of this contract between the parties is usually materialised by the act of issuing a ticket, regardless of the format of that ticket (paper format or electronic). Therefore, the act of issuing a ticket, even if not part of the performance of the air transport service, is an integral part of the act of selling this transport service and accordingly falls under the scope of Article 8(1).
- (47) Furthermore, any interpretation of the term 'products' to exclude the electronic ticketing would deprive Article 8(1) of a large part of its intended effect. In addition, the Commission is of the view that it is paradoxical that Lufthansa, in order to support its argument, pleads in aid the text of the former Article 8(1), which text has clearly been replaced in 1993 by the new text which drops any distinction between air transport products and ticketing.
- (48) Article 8(1) of the code is aimed at preventing a parent carrier of a system vendor from distorting competition between CRSs by the granting of incentives to subscribers (travel agents) to use its own system.
- (49) The action of Lufthansa in only collaborating, in its role as parent carrier, with START Amadeus for the introduction of electronic ticketing clearly disadvantages all other CRSs in the German CRS market and means that the commissions and incentives offered by Lufthansa for the use of electronic ticketing could only be earned by those using the services of START Amadeus. Lufthansa believed that the incentives were not linked to the use of START Amadeus because sales of its air transport products through other (i.e. conventional) tickets in START Amadeus would not give rise to these incentives. Moreover, it took the view that these incentives were not inducements to use START Amadeus since they were offered to all travel agents regardless of the CRS used. However, Lufthansa was fully aware that its announcement to offer incentives to subscribers to issue electronic tickets could only have been taken up by subscribers to the system of which it was a parent carrier. All the subscribers to other CRSs operating in Germany would not have been able to benefit from this incentive scheme.
- (50) Lufthansa claimed that the incentives were needed for ensuring a successful introduction of the ETIX, that cooperation was necessary both from a technical perspective and also for travel agents to encourage customers to use electronic tickets and that the same argument applies to corporate clients and passengers in general. Lufthansa added that, despite these incentives, the take up of ETIX sales was very low. However, whether an inducement was required to launch electronic ticketing or not (which may be questioned), the code of conduct in any event simply prohibits linking the use of a specific CRS with the receipt of incentives for whatever reason they were allegedly introduced. Whether these incentives constituted an expense or simply passed on a cost saving, Lufthansa was under a duty not to limit their availability to its own CRS START Amadeus. There is thus no need for any teleological interpretation of Article 8 by reference to Article 3 of the Treaty as Lufthansa alleged.
- (51) Therefore Lufthansa has infringed Article 8(1) of the code by directly or indirectly linking the use of the CRS START Amadeus by a subscriber with the receipt of a commission or other incentive for the sale of air transport products available on its German domestic flights and those between Germany and London and Paris.
- (52) The corporate client incentive scheme ran from 1 January 1997 until 31 December 1997, the travel agent incentive scheme ran from 1 July 1997 until 31 December 1998 and the passenger discount scheme ran from 1 January 1998 until 31 December 1998. However, Lufthansa had given SABRE the possibility to offer electronic ticketing by 30 June 1998, in consequence after this date SABRE could have offered electronic tickets on Lufthansa flights and therefore Lufthansa was no longer linking the use of the specific CRS START Amadeus to the receipt of an incentive. The period encompassing the infringement was thus from 1 January 1997 until 30 June 1998.

⁽¹⁾ OJ L 278, 11.11.1993, p. 1.

III. CONCLUSION

- (53) Lufthansa has offered incentives when selling air transport products through the use of electronic tickets. The beneficiaries of these have been travel agents in Germany in the case of German domestic flights and services to London and Paris and corporate clients for German domestic flights. There has also been an incentive to all passengers for internal German flights in the form of a specific discount of DEM 10.
- (54) Lufthansa has developed an electronic ticketing functionality that has until 30 June 1998 been only available to START Amadeus and not to competing CRSs. Therefore, the possibility to offer electronic tickets was only available to those travel agents that subscribe to START Amadeus, of which Lufthansa is a parent carrier. In these circumstances, the Commission considers that Lufthansa is in breach of Article 8(1) of the code by indirectly linking the use of START Amadeus with the receipt of a commission or other incentive.

and passengers and thus bring about technical progress and that all incentives ceased at the end of 1998.

- (57) Therefore the Commission concludes that the infringement is relatively minor. The Commission also acknowledges that this is the first case in which the code of conduct has led to a formal decision.
- (58) On the other hand, the Commission also notes that Lufthansa actually increased the incentives in respect of electronic tickets both in value and in number since the Statement of Objections was issued.
- (59) As to the duration of the infringement, this was relatively short composed of 12 months of corporate incentives, 12 months of travel agents' incentives and six months of passenger discounts.
- (60) The Commission considers that this infringement justifies the imposition of a token fine upon Lufthansa under Article 16(2) of the code,

HAS ADOPTED THIS DECISION:

Article 16(2) of the code

- (55) Pursuant to Article 16(2) of the code the Commission may impose a fine on system vendors, parent carriers and participating carriers and/or subscribers of up to 10 % of the annual turnover for the relevant activity ⁽¹⁾ of the undertaking concerned. In fixing the amount of the fine, regard shall be given to both the seriousness and duration of the infringement.
- (56) In assessing the gravity of the infringement, account must be taken of its nature and its actual impact on the market. The nature of the infringement was the creation of an indirect, not direct, link between receipt of a commission and the use of a specific CRS. Although such action has been to the exclusion and therefore disadvantage of the other CRSs, as to the impact on the actual market, the Commission does not consider that the disadvantage towards the other CRSs was such as to create an insurmountable handicap on their commercial activities in the market concerned. Nor have some other system vendors clearly demonstrated an overall urgency to implement the electronic ticketing function into their systems as early and as quickly as possible. Furthermore, the Commission also notes Lufthansa's opinion that the incentives were necessary in order to encourage market acceptance of this new type of ticket by both subscribers

⁽¹⁾ In a letter dated 27 August 1997, Lufthansa explained that 'included in the incentive scheme (for electronic tickets) is travel within Germany and travel to London and Paris'. This is taken as being the relevant activity in this case.

Article 1

Lufthansa AG has infringed Article 8(1) of the code of conduct for CRSs by indirectly linking the use of START Amadeus with the receipt of a commission or other incentive.

The period of the infringement is from 1 January 1997 until 31 December 1997, as far as incentives to corporate clients are concerned, and, as far as travel agents more generally are concerned, from 1 July 1997 until 30 June 1998. In the case of the passenger discount, the period ran from 1 January 1998 until 30 June 1998.

Article 2

1. A fine of EUR 10 000 Euro is hereby imposed against Lufthansa AG for the infringement referred to in Article 1.

2. This fine shall be paid, in euro, within three months of the date of notification of this Decision into bank account No 310-0933000-43 of the European Commission, Banque Bruxelles Lambert, Agence Européenne, Rond-Point Schuman 5, B-1040 Brussels.

After expiry of that period, interest shall be automatically payable on the fine at the rate charged by the European Central Bank to its repo operations on the first working day of the month in which this Decision is adopted, plus 3,5 percentage points, namely 6 %.

Article 3

This Decision is addressed to Deutsche Lufthansa AG, Von-Gablenz-Strasse 2-6, D-50679 Cologne, Germany.

Done at Brussels, 20 July 1999.

For the Commission

Neil KINNOCK

Member of the Commission

CORRIGENDA**Corrigendum to Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period**

(Official Journal of the European Communities L 161 of 26 June 1999)

On page 92, in Article 12(2):

for: '2. The Commission shall adopt the detailed financial rules in accordance with the procedure laid down in Article 13 of Regulation (EC) No 1260/1999. They shall relate, in particular, to appropriate provisions to ensure compliance with budgetary discipline.'

read: '2. The Commission shall adopt the detailed financial rules in accordance with the procedure laid down in Article 13 of Regulation (EC) No 1258/1999. They shall relate, in particular, to appropriate provisions to ensure compliance with budgetary discipline.'

Corrigendum to Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST)

(Official Journal of the European Communities L 167 of 2 July 1999)

On page 35, in the Annex, Clause 5 (1)(b)(ii):

for: '(ii)72 hours in any seven-day period.'

read: '(ii)77 hours in any seven-day period.'

Corrigendum to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP

(Official Journal of the European Communities L 175 of 10 July 1999)

On page 44, in Article 2, second and third lines:

for: 'to comply with this Directive by 10 July 1999,'

read: 'to comply with this Directive by 10 July 2001,'.
