

Official Journal

of the European Communities

ISSN 0378-6978

L 271

Volume 42

21 October 1999

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2220/1999 of 20 October 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables ...	1
Commission Regulation (EC) No 2221/1999 of 20 October 1999 fixing the maximum export refund for white sugar for the 12th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1489/1999	3
Commission Regulation (EC) No 2222/1999 of 20 October 1999 fixing the representative prices and the additional import duties for molasses in the sugar sector	4
Commission Regulation (EC) No 2223/1999 of 20 October 1999 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	6
Commission Regulation (EC) No 2224/1999 of 20 October 1999 determining the extent to which applications lodged in October 1999 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted	8
Commission Regulation (EC) No 2225/1999 of 20 October 1999 determining the extent to which applications lodged in October 1999 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted	10
Commission Regulation (EC) No 2226/1999 of 20 October 1999 determining the extent to which applications lodged in October 1999 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted	12

Commission Regulation (EC) No 2227/1999 of 20 October 1999 establishing the quantity of certain pigmeat products available for the first quarter of 2000 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia, of the other part	14
Commission Regulation (EC) No 2228/1999 of 20 October 1999 determining the extent to which applications lodged in October 1999 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 October to 31 December 1999	16
Commission Regulation (EC) No 2229/1999 of 20 October 1999 amending Regulation (EC) No 1667/98 increasing to 572 550 tonnes the quantity of barley held by the Swedish intervention agency for which a standing invitation to tender for export has been opened	18
Commission Regulation (EC) No 2230/1999 of 20 October 1999 opening imports of quantities of quality common wheat, on the one hand, and of quality durum wheat, on the other hand, within the framework of tariff quotas provided for in Regulation (EC) No 778/1999	20
Commission Regulation (EC) No 2231/1999 of 20 October 1999 determining the world market price for unginned cotton and the rate for the aid	21
Commission Regulation (EC) No 2232/1999 of 20 October 1999 amending the corrective amount applicable to the refund on cereals	23

II Acts whose publication is not obligatory

Commission

1999/686/EC:

- ★ **Commission Decision of 25 February 1998 concerning aid which Germany intends to grant under the 26th framework plan of the joint scheme for improving regional economic structures with a view to promoting teleworking (26. Rahmenplan der Gemeinschaftsaufgabe 'Verbesserung der regionalen Wirtschaftsstruktur') ⁽¹⁾ (notified under document number C(1998) 585)**

1999/687/EC:

- ★ **Commission Decision of 8 September 1999 relating to a proceeding under Article 81 of the EC Treaty (IV/34.010 — Nederlandse Vereniging van Banken (1991 GSA agreement), IV/33.793 — Nederlandse Postorderbond, IV/34.234 — Verenigde Nederlandse Uitgeversbedrijven and IV/34.888 — Nederlandse Organisatie van Tijdschriften Uitgevers/Nederlandse Christelijke Radio Vereniging) (notified under document number C(1999) 2056)**

1999/688/EC:

- ★ **Commission Decision of 6 October 1999 amending the information contained in the list in the Annex to Commission Regulation (EC) No 2851/98 establishing, for 1999, the list of vessels exceeding 8 m length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds 9 m (notified under document number C(1999) 3192)**

- ★ **Commission Decision of 6 October 1999 amending the information contained in the list in the Annex to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain coastal areas of the Community (notified under document number C(1999) 3193)** 44
-

Corrigenda

- ★ **Corrigendum to Commission Regulation (EC) No 502/1999 of 12 February 1999 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 65 of 12.3.1999)** 47
- ★ **Corrigendum to Decision No 2/1999 of the EU-Slovenia Association Council of 29 April 1999 adopting the terms and conditions for the participation of Slovenia in Community programmes in the fields of training, youth and education (OJ L 256 of 1.10.1999)** 47

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2220/1999
of 20 October 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,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 21 October 1999.

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

Done at Brussels, 20 October 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 20 October 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	113,2
	204	59,6
	999	86,4
0707 00 05	052	68,2
	628	130,8
	999	99,5
0709 90 70	052	58,8
	999	58,8
0805 30 10	052	62,1
	388	65,4
	524	53,9
	528	65,2
	999	61,7
0806 10 10	052	105,4
	064	102,0
	400	230,7
	999	146,0
0808 10 20, 0808 10 50, 0808 10 90	060	46,2
	388	57,5
	400	59,9
	804	31,1
	999	48,7
0808 20 50	052	96,2
	064	57,8
	999	77,0

⁽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 2221/1999
of 20 October 1999**

**fixing the maximum export refund for white sugar for the 12th 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 (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) 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 ⁽²⁾, requires partial invitations to tender to be issued for the export of this sugar;
- (2) 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) following an examination of the tenders submitted in response to the 12th partial invitation to tender, the provisions set out in Article 1 should be adopted;
- (4) Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 12th 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 EUR 52,750/100 kg.

Article 2

This Regulation shall enter into force on 21 October 1999.

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

Done at Brussels, 20 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 172, 8.7.1999, p. 27.

COMMISSION REGULATION (EC) No 2222/1999**of 20 October 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 (EC) No 2038/1999 of 13 September 1999 on the common organization of the market in sugar ⁽¹⁾,

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 ⁽²⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) 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 ⁽³⁾; that price should be fixed for the standard quality defined in Article 1 of the above Regulation;
- (2) the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; 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; the standard quality for molasses is defined in Regulation (EEC) No 785/68;
- (3) 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; 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) 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; offer prices which can be regarded as not representative of actual market trends must also be disregarded;

- (5) 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) 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) 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; 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) 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 21 October 1999.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ 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, 20 October 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⁾	6,10	0,30	—
1703 90 00 ⁽¹⁾	6,93	0,14	—

⁽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 2223/1999**of 20 October 1999****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund;
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;
- (3) the refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽²⁾, as amended by Regulation (EC) No 3290/94 ⁽³⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of

export refunds in the sugar sector ⁽⁴⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

- (4) the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;
- (5) in special cases, the amount of the refund may be fixed by other legal instruments;
- (6) the refund must be fixed every two weeks; whereas it may be altered in the intervening period;
- (7) it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;
- (8) 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 export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 October 1999.

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

Done at Brussels, 20 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 89, 10.4.1968, p. 3.

⁽³⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁴⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**to the Commission Regulation of 20 October 1999 fixing 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	44,77 ⁽¹⁾
1701 11 90 9910	43,06 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	44,77 ⁽¹⁾
1701 12 90 9910	43,06 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4867
	— EUR/100 kg —
1701 99 10 9100	48,67
1701 99 10 9910	49,65
1701 99 10 9950	49,65
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4867

⁽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 19 (4) of Regulation (EC) No 2038/1999.

⁽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 2224/1999
of 20 October 1999**

determining the extent to which applications lodged in October 1999 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 ⁽¹⁾, as amended by Regulation (EC) No 618/98 ⁽²⁾, and in particular Article 4(5) thereof,

- (1) Whereas the applications for import licences lodged for the fourth quarter of 1999 are for quantities less than the quantities available and can therefore be met in full;
- (2) Whereas the surplus to be added to the quantity available for the following period should be determined;
- (3) Whereas, it is appropriate to draw the attention of operators to the fact that licences may only be used for

products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 October to 31 December 1999 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 January to 31 March 2000 applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 21 October 1999.

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

Done at Brussels, 20 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 267, 30.9.1997, p. 58.

⁽²⁾ OJ L 82, 19.3.1998, p. 35.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1999
1	100,0
2	100,0
3	100,0
4	100,0
H1	100,0
H2	100,0
5	100,0
6	100,0
7	100,0
8	100,0
9	100,0
10/11	100,0
12/13	100,0
14	100,0
15	100,0
16	100,0
17	100,0

ANNEX II

(t)

Group No	Total quantity available for the period 1 January to 31 March 1999
1	3 831
2	488,9
3	1 406
4	11 653,4
H1	1 800
H2	375
5	2 700
6	1 787,5
7	7 694,8
8	1 260
9	9 180
10/11	4 715
12/13	2 070
14	270
15	810
16	1 483,9
17	11 250

**COMMISSION REGULATION (EC) No 2225/1999
of 20 October 1999**

determining the extent to which applications lodged in October 1999 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia ⁽¹⁾, and in particular Article 4(4) thereof,

- (1) Whereas the applications for import licences lodged for the fourth quarter of 1999 are for quantities less than the quantities available and can therefore be met in full;
- (2) Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for

products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 October to 31 December 1999 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in the Annex.

2. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 21 October 1999.

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

Done at Brussels, 20 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 85, 27.3.1997, p. 56.

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1999
23	100,00
24	100,00

**COMMISSION REGULATION (EC) No 2226/1999
of 20 October 1999**

determining the extent to which applications lodged in October 1999 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2068/96 ⁽²⁾, and in particular Article 4(4) thereof,

- (1) Whereas the applications for import licences lodged for the fourth quarter of 1999 are for quantities less than the quantities available and can therefore be met in full;
- (2) Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for

products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 October to 31 December 1999 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in the Annex.
2. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 21 October 1999.

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

Done at Brussels, 20 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 156, 23.6.1994, p. 14.

⁽²⁾ OJ L 277, 30.10.1996, p. 12.

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1999
1	100,00

**COMMISSION REGULATION (EC) No 2227/1999
of 20 October 1999**

establishing the quantity of certain pigmeat products available for the first quarter of 2000 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part ⁽¹⁾, as last amended by Regulation (EC) No 691/97 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 January

to 31 March 2000 should be added to the quantities available for the period 1 October to 31 December 1999,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 January to 31 March 2000 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 October 1999.

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

Done at Brussels, 20 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 233, 30.9.1995, p. 45.

⁽²⁾ OJ L 102, 19.4.1997, p. 12.

ANNEX

(t)	
Group	Total quantity available for the period 1 January to 31 March 2000
18	900
19	900
20	180
21	900
22	450

**COMMISSION REGULATION (EC) No 2228/1999
of 20 October 1999**

determining the extent to which applications lodged in October 1999 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 October to 31 December 1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, as last amended by Regulation (EC) No 1409/1999 ⁽²⁾, and in particular Article 5(5) thereof,

- (1) Whereas the applications for import licences lodged for the fourth quarter of 1999 are for quantities less than the quantities available and can therefore be met in full,
- (2) Whereas the surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 October to 31 December 1999 submitted pursuant to Regulation (EC) No 1486/95 shall be met as referred to in the Annex I.

2. During the first 10 days of the period 1 January to 31 March 2000 applications may be lodged pursuant to Regulation (EC) No 1486/95 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 21 October 1999.

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

Done at Brussels, 20 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 145, 29.6.1995, p. 58.

⁽²⁾ OJ L 164, 30.6.1999, p. 51.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1999
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

ANNEX II

(t)

Group No	Total quantity available for the period 1 January to 31 March 2000
G2	17 712,1
G3	2 358
G4	1 715,3
G5	3 659
G6	9 000
G7	3 153

**COMMISSION REGULATION (EC) No 2229/1999
of 20 October 1999**

amending Regulation (EC) No 1667/98 increasing to 572 550 tonnes the quantity of barley held by the Swedish 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,

Whereas:

- (1) 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) Commission Regulation (EC) No 1667/98 ⁽⁵⁾, as last amended by Regulation (EC) No 2050/1999 ⁽⁶⁾, opened a standing invitation to tender for the export of 439 595 tonnes of barley held by the Swedish intervention agency; whereas, Sweden informed the Commission of the intention of its intervention agency to increase by 132 955 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the Swedish intervention agency for which a standing invitation to tender for export has been opened should be increased to 572 550 tonnes;
- (3) 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 1667/98 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1667/98 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 572 550 tonnes of barley to be exported to all third countries with the exception of the United States of America, Canada and Mexico.

2. The regions in which the 572 550 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, 20 October 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 211, 29.7.1998, p. 17.

⁽⁶⁾ OJ L 255, 30.9.1999, p. 13.

ANNEX

ANNEX I

Place of storage	Quantity (tonnes)
Ättersta	7 584
Brännarp	2 624
Broddbo 1	5 997
Broddbo 2	6 076
Djurön	112 474
Ervalla	934
Falun	878
Fammarp	19 046
Funbo-Lövsta	6 579
Gamleby	2 835
Gårdsjö	2 565
Gävle	10 847
Gimo	23 901
Gistad	3 761
Gullspång	2 391
Halmstad (Engströms)	4 659
Hästholmen	5 089
Helsingborg	37 526
Hova	12 981
Kalmar	15 738
Karlshamn	87 536
Katrineholm	2 068
Köping	24 064
Laholm	2 737
Mariestad	1 956
Mjölby	1 804
Moraby	1 637
Motala	2 807
Norrtälje	10 014
Ornesta	17 988
Österbybruk	10 878
Otterbäcken	4 075
Rimforsa	21 449
Rök	4 994
Signestorp	2 672
Simonstorp	5 022
Skivarp	9 415
Söråker	13 053
Stallarholmen	2 062
Stavreviken	1 479
Stockholm (Kvarnholmen)	29 957
Tjustorp	9 879
Värnamo	5 742
Velanda	10 780
Vimmerby	3 997

**COMMISSION REGULATION (EC) No 2230/1999
of 20 October 1999**

opening imports of quantities of quality common wheat, on the one hand, and of quality durum wheat, on the other hand, within the framework of tariff quotas provided for in Regulation (EC) No 778/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 778/1999 of 15 April 1999 opening and providing for the administration of tariff quotas for 300 000 tonnes of quality wheat and 50 000 tonnes of durum wheat and repealing Regulations (EC) No 529/97 and (EC) No 2228/96 ⁽²⁾ lays down provisions governing imports under these quotas;
- (2) In view of the situation on the Community market for wheat, import licence applications should be called for under the quota of 300 000 tonnes of quality wheat for a given period;
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Article 1

1. Import licence applications may be submitted for quality common wheat falling within CN code 1001 90 99 meeting the criteria laid down in Annex I to Regulation (EC) No 778/1999, from the date of entry into force of this Regulation until the end of the 45th day thereafter.
2. A total of 100 000 tonnes of common wheat may be imported in accordance with this Article.
3. Regulation (EC) No 778/1999 shall apply to such imports.

Article 2

1. Import licence applications may be submitted for quality durum wheat falling within CN code 1001 10 00 meeting the criteria laid down in Annex I to Regulation (EC) No 778/1999 from the date of entry into force of this Regulation until the end of the 45th day thereafter.
2. A total of 50 000 tonnes of durum wheat may be imported in accordance with this Article.
3. Regulation (EC) No 778/1999 shall apply to such imports.

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, 20 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 101, 16.4.1999, p. 36.

COMMISSION REGULATION (EC) No 2231/1999**of 20 October 1999****determining the world market price for unginned cotton and the rate for the aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

differences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Having regard to the Treaty establishing the European Community,

(3) Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

(4) Whereas the second subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1870/1999 ⁽⁶⁾ determined estimated production for the 1999/2000 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 ⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

(1) Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton ⁽⁴⁾, as last amended by Regulation (EC) No 1624/1999 ⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at 19,941 EUR/100 kg.

(2) Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect

2. Advance payment of the aid as indicated in Article 5 (3a), second sentence, of Regulation (EC) No 1554/95 shall be at the rate of:

- EUR 43,626/100 kg in Spain,
- EUR 43,307/100 kg in Greece,
- EUR 86,359/100 kg in other Member States.

Article 2

This Regulation shall enter into force on 21 October 1999.

⁽¹⁾ OJ L 148, 30.6.1995, p. 45.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 190, 4.7.1998, p. 4.

⁽⁴⁾ OJ L 123, 4.5.1989, p. 23.

⁽⁵⁾ OJ L 192, 24.7.1999, p. 39.

⁽⁶⁾ OJ L 230, 31.8.1999, p. 3.

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

Done at Brussels, 20 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2232/1999
of 20 October 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 organisation 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 2195/1999 ⁽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 21 October 1999.

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

Done at Brussels, 20 October 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 267, 15.10.1999, p. 49.

ANNEX

to the Commission Regulation of 20 October 1999 amending the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination ⁽¹⁾	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
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	04	0	0	0	-3,00	-4,00	-4,00	-4,00
	02	0	0	0	-3,00	-4,00	—	—
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	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	-4,11	-5,48	—	—
1101 00 15 9130	01	0	0	0	-3,84	-5,12	—	—
1101 00 15 9150	01	0	0	0	-3,54	-4,72	—	—
1101 00 15 9170	01	0	0	0	-3,27	-4,36	—	—
1101 00 15 9180	01	0	0	0	-3,06	-4,08	—	—
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,

04 Mauritania, Mali, Niger, Senegal, Burkina Faso, The Gambia, Guinea-Bissau, Guinea, Cape Verde, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Democratic Republic of the Congo, Rwanda, Burundi, Angola, Zambia, Malawi, Mozambique, Namibia, Botswana, Zimbabwe, Lesotho, Swaziland, Seychelles, The Comoros, Madagascar, Djibouti, Ethiopia, Eritrea and Mauritius.

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)

COMMISSION

COMMISSION DECISION

of 25 February 1998

concerning aid which Germany intends to grant under the 26th framework plan of the joint scheme for improving regional economic structures with a view to promoting teleworking (26. Rahmenplan der Gemeinschaftsaufgabe 'Verbesserung der regionalen Wirtschaftsstruktur')

(notified under document number C(1998) 585)

(Only the German text is authentic)

(Text with EEA relevance)

(1999/686/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Community, and in particular Articles 92 and 93 thereof,

Having regard to the Agreement establishing the European Economic Area, and in particular Article 62(1)(a) thereof,

Having given notice to the other Member States and the parties concerned to submit their comments within a stated period, in accordance with Article 93(2) of the EC Treaty,

Whereas:

I

On 30 July 1997 the Commission initiated the procedure provided for in Article 93(2) of the EC Treaty with regard to the provisions of the 26th framework plan of the joint Federal Government/Länder scheme for improving regional economic structures concerning the intensities of aid to promote teleworking (section II, point 2.4). Germany was informed of the decision by letter dated 18 August 1997 (SG(97) D/7104). The other Member States and interested parties were invited to submit their comments by way of publication in the *Official Journal of the European Communities* ⁽¹⁾.

Germany submitted its observations by letter dated 17 September 1997. The Commission received no comments from third parties or the other Member States.

The joint (Federal Government/Länder) scheme for improving regional economic structures (Gemeinschaftsaufgabe 'Verbesserung der regionalen Wirtschaftsstruktur') is the main regional aid scheme in Germany. The relevant provisions implementing this general scheme during certain periods are laid down in so-called framework plans (Rahmenpläne). The 26th framework plan, covering the period 1997-2000 (2001), was notified to the Commission on 19 February 1997 pursuant to Article 93(3). The Commission approved all the amendments introduced by this plan, except those relating to the promotion of investment in teleworking. Germany informed the Commission that the plan would not be implemented until the Commission had given its approval.

Under the plan, investment in teleworking jobs would be eligible for regional investment aid provided that both the company investing and the place where the teleworker would be located are in an assisted area. The maximum aid intensity would be established according to the region where the investing company to which the teleworking job will be linked is located. Consequently, in cases where a company located in an assisted area falling under Article 92(3)(a) invested in teleworking jobs in an area falling under Article 92(3)(c), the aid intensity for the Article 92(3)(a) region would apply. The maximum aid intensity in the regions of eastern Germany falling under Article 92(3)(a) is 35 % gross (50 % in case of investments by SMEs); in assisted areas of western Germany falling under Article 92(3)(c), the maximum permissible aid intensity is 18 % gross (28 % in case of investment by SMEs).

⁽¹⁾ OJ C 341, 11.11.1997, p. 4.

The Commission, in opening the procedure, noted that the principal aim of the provisions governing regional investment aid is to promote job creation, improve incomes and foster demand in disadvantaged regions and that, consequently, the maximum aid intensities for investment aid should be determined by reference to the region where the investment was located and the teleworking carried out. It also took the view that the possibility of promoting teleworking jobs in an Article 92(3)(c) region to the same extent as in an Article 92(3)(a) region could mean that the intended incentive effect in the most disadvantaged regions would not be achieved through this type of investment.

III

Germany is of the opinion that investment in teleworking jobs would be most effective in the area where the investing company is located. Therefore, such investment should always qualify for the aid intensities permissible in the area where the investor, and not the job, is located, provided that both areas are assisted area. Companies located in an Article 92(3)(c) assisted area and investing in teleworking jobs in Article 92(3)(a) areas would consequently benefit only from the lower intensity applicable at their place of establishment.

Germany also maintains that there is no risk of aid being diverted from an Article 92(3)(a) area to an Article 92(3)(c) area. Since aid for investment in different *Länder* would always necessitate the cooperation of, and co-financing from, at least two *Länder*, the competent authority in the Article 92(3)(a) area could always make sure that no aid was abusively diverted in favour of job creation in the other *Land*.

Lastly, Germany argued that the positive impact of teleworking on innovation and competitiveness would invariably benefit the investing company, with the amount of investment at the location of the teleworking job generally being rather limited. If certain services supplied by specialised workers were not available in an Article 92(3)(a) area, a company investing in such an area would be obliged to offer them the opportunity to work at their place of residence in an Article 92(3)(c) area in order to obtain their services.

IV

The provision whereby aid intensities for investment in teleworking jobs that exceed the maximum level are allowed in the region where the teleworking job would be located cannot be

deemed compatible with the common market. The particularly high aid intensities permissible with a view to promoting regional development in disadvantaged areas falling under Article 92(3)(a) are designed to provide an effective remedy for the abnormally low standard of living and serious level of underemployment in those areas. Consequently, only measures that contribute towards a higher standard of living and job creation in an Article 92(3)(a) area are eligible for investment aid up to an intensity permissible solely for such an area. Investment made by companies in such disadvantaged areas with a view to installing the technical equipment and links for teleworking jobs in another assisted area eligible only for assistance under Article 92(3)(c) does not increase the level of employment and the general standard of living in the Article 92(3)(a) area. Employment increases only in the area where the employee is located and the main impact on regional per capita GDP is felt primarily at the location where the employee spends his income.

It is true that access to skilled manpower can be a crucial factor determining the innovativeness and competitiveness of companies investing in Article 92(3)(a) regions. If such specialists are not available on the local job market and cannot be tempted to move from other areas by the offer of attractive wages, teleworking opportunities are clearly an option for connecting the company to resources that already exist in more developed areas.

However, the main impact this has on regional per capita GDP and on the level of employment would be felt in regions where the teleworker is located, provided there is no serious underemployment, and where he spends his income. This observation forms the basis for the Commission recommendation on promoting teleworking in disadvantaged regions so as to enable employees to offer their services to companies in more developed regions without leaving their place of residence. In this way, the population in disadvantaged regions could be stabilised and regional GDP increased by the teleworker's income ⁽¹⁾.

Germany apparently assumes that the authorities in an Article 92(3)(a) region would always expect from the authorities in the region where the job was to be located a contribution towards investment aid reflecting the scale of investment undertaken there.

The provision in question would therefore allow Article 92(3)(c) regions to grant aid for promoting teleworking jobs in their region at an intensity permissible only in Article 92(3)(a) regions. Such an option would, however, diminish the intended incentive effect of the increased level of investment aid in the most disadvantaged regions and could contribute towards a scenario whereby investment would go primarily into jobs for less skilled employees while better skilled employees who,

⁽¹⁾ Study on the White Paper in: *Social Europe*, 3/95.

because of their position on the labour market, have no need to move to a less attractive area would remain in more developed regions. As a result, it would mainly be persons earning above average wages and with skills in the engineering, software, management and consultancy sectors who would have no incentive to move to disadvantaged regions and thereby to contribute towards a balanced socio-economic development of those regions.

V

The Commission therefore concludes that the provision of the 26th framework plan of the joint scheme for improving regional economic structures that permits aid intensities for investments in teleworking jobs in excess of the maximum intensity allowed in the region where the relevant job would be located is not compatible with the common market and should not, therefore, be put into effect,

HAS ADOPTED THIS DECISION:

Article 1

In so far as it permits aid intensities for investments in teleworking jobs in excess of the maximum intensity in the region where a teleworking job is to be located, the 26th framework plan of the joint scheme (Gemeinschaftsaufgabe) for improving regional economic structures is not compatible with the common market.

Article 2

The arrangement referred to in Article 1 shall not be implemented. Germany shall recover any aid that may have been granted while the arrangement described in Article 1 was being provisionally applied. Repayment shall be made in accordance with the procedures and provisions of German law, together with interest, based on the interest rate used as reference rate in the assessment of regional aid schemes, running from the date on which the aid was granted (and including that date).

Article 3

Germany shall inform the Commission within two months of being notified of this Decision of the measures taken to comply herewith.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 25 February 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 8 September 1999

relating to a proceeding under Article 81 of the EC Treaty

(IV/34.010 — Nederlandse Vereniging van Banken (1991 GSA agreement), IV/33.793 — Nederlandse Postorderbond, IV/34.234 — Verenigde Nederlandse Uitgeversbedrijven and IV/34.888 — Nederlandse Organisatie van Tijdschriften Uitgevers/Nederlandse Christelijke Radio Vereniging)

(notified under document number C(1999) 2056)

(Only the Dutch text is authentic)

(1999/687/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 17 of 6 February 1962, the First Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by Regulation (EC) No 1216/1999 ⁽²⁾, and in particular Article 2 thereof,

Having regard to the application for negative clearance and the notification with a view to an exemption submitted on 10 July 1991 under Articles 2 and 4 of Regulation No 17,

Having regard to the complaints lodged on 21 January 1991, 7 June 1991, 13 September 1991, 10 February 1992 and 31 October 1993 under Article 3 of Regulation No 17,

Having regard to the Commission Decision of 11 June 1993 to initiate proceedings in this case,

Having given interested parties the opportunity of being heard on the matters to which the Commission has taken objection in accordance with Article 19(1) of Regulation No 17 in conjunction with Commission Regulation No 99/63/EEC of 25 July 1963 on the hearings provided for in Article 19(1) and (2) of Council Regulation No 17 ⁽³⁾,

Having invited interested third parties ⁽⁴⁾ to submit their observations in accordance with Article 19(3) of Regulation No 17 with regard to the Commission's intention to adopt a positive standpoint on the notified agreement,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

I. THE FACTS

The notification

- (1) On 10 July 1991 the Nederlandse Vereniging van Banken (Dutch Association of Banks, 'the NVB') notified, on behalf of its members, an agreement concerning the introduction of a joint payment and acceptance giro procedure ('the GSA agreement' or 'the 1991 GSA agreement') with a request for negative clearance or for

exemption under Article 81(3) of the EC Treaty ⁽⁵⁾. The acceptance giro is a payment instrument that is widely used by payees for regular payments by their customers, for example energy and telephone bills, insurance premiums and subscriptions.

- (2) The notification in fact relates to an amended version of an earlier GSA agreement, the 1985 GSA agreement. The amendment concerns in particular the introduction of an interbank commission payable for the processing of acceptance giro forms and amounting to NLG 0,30 (EUR 0,14) per processed form. Under the 1991 GSA agreement the interbank commission is to be paid by the collecting party's bank (the payee bank) to the purchaser's bank (the drawee bank). The commission is intended to cover part of the cost to the drawee bank of processing acceptance giro forms.

The complaints

- (3) Between 1991 and 1993 the Commission received several complaints from major users of the acceptance giro system, namely from the Dutch mail order association (the Nederlandse Postorderbond) ⁽⁶⁾, an organisation which promotes the interests of road users (ANWB), an umbrella organisation of mainly national charities (the Centraal Bureau Fondsenwerving), an enterprise involved in publishing periodicals and specialist journals (the Verenigde Nederlandse Uitgeversbedrijven (VNU)) ⁽⁷⁾, an organisation which promotes the interests of magazine publishers (the Nederlandse Organisatie van Tijdschriften Uitgevers (NOTU)) and a broadcasting organisation (the Nederlandse Christelijke Radio Vereniging (NCRV)) ⁽⁸⁾.

⁽¹⁾ OJ L 13, 21.2.1962, p. 204/62.

⁽²⁾ OJ L 148, 15.6.1999, p. 5.

⁽³⁾ OJ L 127, 20.8.1963, p. 2268/63.

⁽⁴⁾ OJ C 273, 9.9.1997, p. 12.

⁽⁵⁾ The NVB notified the 1991 GSA agreement on behalf of its members, but it is not a party to the agreement. It signed the agreement to acknowledge that it had been apprised of the contents.

⁽⁶⁾ Complaint of 21 January 1991 (Case IV/33.793).

⁽⁷⁾ Complaints of 7 June 1991, 13 September 1991 and 10 February 1992 (Case IV/34.234).

⁽⁸⁾ Joint complaint of 21 October 1993 (Case IV/34.888).

- (4) The complaints are directed in particular against the restrictive effects of the interbank commission in the GSA agreement, which is fixed multilaterally and, according to the complainants, should be regarded as a price-fixing agreement between the banks within the meaning of Article 81(1). Some complainants consider that what they regard as the systematic passing-on of the interbank commission by payee banks to business customers using the acceptance giro system constitutes a concerted practice within the meaning of that Article. Some complainants also allege that the major banks have abused an individual or joint dominant position in breach of Article 82 of the Treaty by imposing unfair charges on business customers using acceptance giros.

The parties to the notified agreement

- (5) The GSA agreement was signed by ABN AMRO Bank NV, Coöperatieve Centrale Raiffeisen-Boerenleenbank BA, ING Bank NV (formerly NMB Postbank Groep NV), Postbank NV (which since 1992 has formed part of ING Bank but operates under its own name), Nederlandse Spaarbankbond and Interpay/BankGiroCentrale (formerly BankGiroCentrale). In addition, a large number of banks (58 by the end of 1997) have signed an accession declaration in which they state that they accept all the rights and obligations stemming from the GSA agreement vis-à-vis the signatories of that agreement and the other banks that have signed an accession declaration. The names of all the banks which have signed the GSA agreement are given in Annex I.
- (6) ABN AMRO Bank NV ('ABN AMRO') is a wholly owned subsidiary of ABN AMRO Holding NV, which was set up following a merger of Algemene Bank Nederland NV (ABN Bank) and Amsterdam-Rotterdam Bank NV (AMRO Bank). In 1998 the number of account holders was approximately 3,85 million, including about 270 000 business account holders. ABN AMRO's total assets amounted to NLG 836,4 billion (EUR 380,2 billion) in 1997. This means that ABN AMRO is the largest bank in the Netherlands in terms of total assets ⁽⁹⁾.
- (7) Coöperatieve Centrale Raiffeisen-Boerenleenbank BA ('Rabobank') is a cooperative in the capital of which 445 banks have stakes. Each of those banks has the legal status of a cooperative. The bank's business borrowers are automatically members of the association. Private

individuals may also join. The number of account holders with Rabobank in 1998 was some 6,1 million, including 600 000 business account holders. At the end of 1998 total assets amounted to NLG 423 billion (EUR 192,3 billion). Rabobank is the second largest bank in the Netherlands in terms of total assets ⁽¹⁰⁾.

- (8) ING Bank was created on 1 January 1992 following a merger between insurance company Nationale Nederlanden NV and the NMB-Postbank Groep. The latter was itself set up as the result of a merger three years previously between Nederlandsche Middenstandsbank NV (NMB) and the former state enterprise Postbank. In 1998 ING Bank had about 1,2 million private account holders and some 205 000 business account holders. Postbank, which forms part of the ING Bank but operates under its own name and has its own giro circuit, had 7,1 million private account holders and 560 000 business account holders in 1998. ING Bank's consolidated total assets (including BBL) amounted to approximately NLG 630 billion (EUR 286,5 billion) in 1998 ⁽¹¹⁾.
- (9) The Nederlandse Spaarbankbond is an association of savings banks. The five affiliated savings banks, namely Fortis Bank, SNS Bank Nederland, Samenwerkende Groninger Bondsspaarbanken, Stichting Nutsspaarbank and Stichting Bondsspaarbank are autonomous. The Nederlandse Spaarbankbond signed the 1991 GSA agreement on behalf of its affiliated banks. The number of account holders is about 2,5 million in total. The combined total assets of the affiliated savings banks amounted to some NLG 115 billion (EUR 52,3 billion) in 1998 ⁽¹²⁾.
- (10) Interpay Nederland (Interpay) is a facility for payment transfers between the banks and the giro establishments, including the centralised processing of transfer payments. Interpay is a joint undertaking operated by virtually all the general banks, Rabobank and the members of the Nederlandse Spaarbankbond. It was set up on 1 January 1994 following a merger between Bank Giro Centrale (BGC) (the original GSA agreement signatory, responsible for the processing of giro transactions), BeaNet (processing of transactions via automatic teller machines) and Eurocard Nederland (processing of credit card transactions). Interpay manages the payment circuit of the banks, with the exception of Postbank NV which, as mentioned above, has its own giro circuit. However, as part of moves to set up a national payment circuit, the connection between the Interpay circuit and the Postbank circuit has been significantly upgraded. In 1998 almost 2 billion giro transactions were performed via Interpay BGC involving a total amount of NLG 2 728 billion (EUR 1 240 billion). The number of acceptance giros processed in 1998 was 217 million, with a value of NLG 84,9 billion (EUR 38,6 billion). About 70 banks participate in Interpay ⁽¹³⁾.

⁽¹⁰⁾ Letter from Rabobank dated 17 February 1999.

⁽¹¹⁾ Letter from ING dated 17 February 1999.

⁽¹²⁾ Letter from the Nederlandse Spaarbankbond dated 18 February 1999.

⁽¹³⁾ Letter from the NVB's lawyer dated 27 March 1997 and letter from Interpay dated 18 February 1999.

⁽⁹⁾ Letter from the NVB dated 25 March 1997 (file 34.010, p. 711) and letter from ABN AMRO dated 11 February 1999.

- (11) The NVB was set up on 8 May 1989 with the object of promoting the interests, both national and international, of credit institutions operating in the Netherlands and of Dutch banking in general. Virtually all banks operating in the Netherlands, including establishments of foreign banks, are members of the NVB. The NVB notified the GSA agreement on behalf of its members but is not a party to it.

The acceptance giro system

General

- (12) The notification and complaints concern the Dutch acceptance giro system. This system is intended for domestic business payments, i.e. payments between drawees and (business) payees with accounts in the Netherlands, carried out on a regular, mandatory basis in situations involving companies with a relatively large and established customer base and in which the payer and the payee do not come into direct contact with each other. Examples include payment of subscriptions, energy and telephone bills, instalment payments, insurance premiums, etc. Acceptance giros are thus not used by the retail trade and hotels and restaurants, where drawees and payees are in direct contact with each other.

Operation of the acceptance giro system

- (13) The acceptance giro system, which was launched on the market at the end of the 1970s as a joint payment product of Postbank and the other banks, works as follows (see plan in Annex II). A firm which decides to make use of the acceptance giro system (the payee or creditor) concludes a contract with its bank (the payee bank). The contract specifies the conditions under which the firm can make use of the acceptance giro system. When the product or service is supplied, or immediately thereafter, the firm sends the customer (the drawee) an acceptance giro form. The acceptance giro forms, which the payee can order in standard form from the bank or direct from the printers, are, as far as possible, precoded by the firm. Most precoded forms show the account number of the firm, the account number of the customer, the amount payable and the payment details.

This information is also indicated on the acceptance giro form in numerical codes. The customer has only to add his signature and to send the signed form to his own bank.

- (14) The customer's bank (the drawee bank) converts the codes into electronic data by means of special optical readers and debits the customer's account. Automation of processing increases in proportion to the amount of additional information that is entered in coded form. Unencoded data has to be manually processed into electronic form ⁽¹⁴⁾.
- (15) The drawee bank then passes the electronic data required for crediting the firm's account on to the appropriate giro clearing institute, i.e. the giro clearing office of Postbank or Interpay (for the remaining banks). No distinction is made between intra-bank transactions (i.e. in which the payee and drawee have the same bank) and inter-bank transactions. The banks maintain that this prevents fragmentation of information. The central giro offices sort all the acceptance giro transactions received by payee account and send the information, if necessary via the corresponding giro circuit, to the relevant payee banks.

Advantages of the acceptance giro system

- (16) The advantage of the acceptance giro system over other payment instruments, such as ordinary transfers and cheques, is that forms can be processed and transfers effected on a largely automated basis. This means that processing costs less and is effected more quickly. The acceptance giro system also has significant administrative advantages for payees who operate with an automated accounting system. They can have data relating to the processed acceptance giro forms supplied by the bank by electronic medium (tape or diskette) and keep their own financial records on an automated basis. This allows substantial savings, since payments no longer have to be entered separately in the firm's own financial records. In addition, payees receive their money more quickly.

Development of the acceptance giro system

- (17) The acceptance giro is widely used as a payment medium in the Netherlands. In 1998, about 217 million acceptance giro transactions involving a total amount of approximately NLG 84,9 billion (EUR 38,9 billion) were processed by Interpay BGC ⁽¹⁵⁾. In 1998, Postbank's giro clearing office processed [...] (*) acceptance giros involving a total amount of [...] * ⁽¹⁶⁾. In the period 1985 to 1998, the number of firms that had concluded a contract for the use of acceptance giro forms rose from 54 140 to 97 676 ⁽¹⁷⁾.

⁽¹⁴⁾ Several banks are currently perfecting more advanced image technology to replace optical reading systems. Since the beginning of 1996 payees wishing to receive an acceptance giro document back after processing (users of acceptance giros with many attachments) have been sent image prints of acceptance giros converted into electronic data (Interpay 1996 annual report).

⁽¹⁵⁾ Letter from Interpay dated 18 February 1999.

(*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets and marked with an asterisk.

⁽¹⁶⁾ Letter from ING Bank dated 17 February 1999.

⁽¹⁷⁾ See footnote 8, the letter from Interpay dated 18 February 1999 and the letter from ING Bank dated 17 February 1999.

- (18) The three largest banks participating in the acceptance giro system are Postbank, ABN AMRO and Rabobank. In 1998, according to their own figures, these three banks accounted for about 91 % of acceptance giro contracts, 86 % of debit transactions, 70 % of credit transactions, 87 % of the value of debit transactions and 50 % of the value of credit transactions ⁽¹⁸⁾.

The introduction of interbank commission

- (19) According to the NVB, which, as stated above, notified the GSA agreement on behalf of the banks, the upgrading of connections between the two giro payment circuits in the Netherlands, namely the Interpay circuit (originally the Bank Giro Centrale) and the Postbank circuit, as part of moves to set up a national payment circuit, led to increased use of acceptance giros (and thus also to an increase in the absolute amounts of processing costs) ⁽¹⁹⁾. The NVB argued that, in order to ensure the optimal functioning of a single circuit, the drawee bank should conduct certain services on the payee bank's behalf, i.e. the conversion of written payment orders into electronic transactions. According to the NVB, the GSA agreement (and in particular the uniform interbank commission which it provides for) is an acknowledgement that the payee bank benefits from services effected by the drawee bank and should make a proportional contribution to the costs incurred as a result of those services ⁽²⁰⁾.

The agreement originally notified

- (20) The GSA agreement, which entered into force on 1 July 1991 for an indefinite period, is in fact an amended version of the 1985 GSA agreement, which was not notified to the Commission as such. The amendment relates in particular to the introduction of a uniform commission payable by the payee bank for the processing, by the drawee bank, of acceptance giro forms and amounting to NLG 0,30 (EUR 0,14) per processed form ('the interbank commission'). It is also stipulated that the participating banks are completely free to charge banks other than the payee bank for processing acceptance giro forms.

⁽¹⁸⁾ See footnote 8.

⁽¹⁹⁾ The process of bringing the banks' payment circuits via Interpay and the Postbank circuit closer together culminated in 1997 in the setting-up of the national payment circuit (*Nationaal Betalings Circuit*) (NVB 1998 annual report).

⁽²⁰⁾ Clarifications to the notification of 10 July 1991 and supplementary clarifications of 17 September 1991.

- (21) The level of the interbank commission was established in 1991 on the basis of the actual costs of electronic conversion of the payment information by the bank which, according to the NVB, had the most efficient processing methods. Since the banks assume that the advantages of processing by the drawee bank are of equal benefit to the payee and to the drawee bank, the interbank commission is set at half of the drawee bank's processing costs.
- (22) The GSA agreement also stipulates that participants must use certain forms and specifications in the technical exchange which takes place. A number of subjects are also indicated for which further rules must be adopted. These specifications and rules do not form part of the notification and are therefore not included in these proceedings.
- (23) The version originally notified stipulated that participants should refrain from conferring particular advantages on payees in connection with credit payments to a specific account. The participants were originally prohibited from introducing their own acceptance giro procedure during the term of the agreement.
- (24) In contrast to the 1985 GSA agreement, the notified GSA agreement was signed by individual banks rather than by the NVB. A secretariat, the BGC, ensures that the agreement is complied with.

Amendments to the originally notified agreement following discussions with the Commission

- (25) At the beginning of 1992, during discussions with the banks involved in the GSA agreement, the Commission department concerned stated that it objected to three aspects of the agreement which restricted competition and which would at all events prevent the granting of exemption. First, there was the ban on granting payees particular advantages in connection with the holding of a particular credit account (Article 4); secondly, there was the ban on participants introducing their own acceptance giro procedures (Article 14); and thirdly, there was the uniform interbank commission (Article 5).
- (26) According to the banks, the first two provisions were included in the earlier GSA agreement in order to ensure that the two giro circuits, i.e. the Postbank circuit on the one hand and the BGC on the other, were linked as far as the acceptance giro integrated payment system was concerned. Both of these provisions were deemed by the parties to be no longer essential and were subsequently scrapped with effect from 26 March 1992.

- (27) The third provision (fixed interbank commission) was also amended with effect from 26 March 1992. Individual banks were in future to be allowed to agree bilaterally a lower amount than NLG 0,30 (EUR 0,14) as reimbursement for processing an acceptance giro form. The fixed interbank commission was thus made a maximum. It was stressed that both drawee and payee banks were free to charge other parties concerned costs for processing acceptance giro forms. Article 5 as amended reads as follows:

'By way of reimbursement of the costs incurred by the drawee institution in the processing, also on behalf of the payee institution, of acceptance giro forms within the framework of the GSA, an amount of NLG 0,30 shall be charged by the drawee institution per processed acceptance giro form to the payee institution, unless a lower amount is agreed bilaterally by individual banks.

This amount has been established on the basis of the costs associated with the most efficient means of processing acceptance giro forms and shall be adjusted in the event of these costs being shown to have changed. A decision on that subject can be taken on a proposal from each of the institutions participating in the GSA; this proposal should be accompanied by documentary evidence of the change in the aforementioned costs.

The reimbursement of costs pursuant to this Article shall leave the individual institutions participating in the GSA (drawee and payee institutions) free in the policy they pursue with respect to the charging to others of costs associated with the processing of acceptance giro forms under the GSA.'

Procedure

Rejection of the request for interim measures

- (28) In its decision of 7 February 1992, the Commission rejected a request by one of the complainants, the Nederlandse Postorderbond, for interim measures. The Commission held that the view that merely applying the GSA agreement caused serious prejudice to the members of the Nederlandse Postorderbond was incorrect, since the passing on of the interbank commission was left to the relevant banks to decide individually. The Commission also took the *prima facie* view that it was not plausible that the Dutch banks had agreed, or had come to a concerted practice amongst themselves, to pass on the interbank commissions in all cases to the payees. The Commission also held that there was no question of serious and irreparable damage being done, since the

members of the Nederlandse Postorderbond could pass on the charges made by the banks in whole or in part to their customers or, through proceedings before a national court, could claim them back if it was established that they were unlawful. No appeal was lodged against this decision.

Statement of objections of 14 June 1993

- (29) On 14 June 1993 the Commission sent the NVB a statement of objections in which it argued that the multilaterally fixed interbank commission in the GSA agreement constituted an infringement of Article 81(1) of the Treaty and that the conditions for exemption under Article 81(3) were not satisfied. The Commission withdrew this statement of objections on 20 June 1997.

Observations by interested third parties

- (30) In a notice, which was published on 9 September 1997, pursuant to Article 19(3) of Regulation No 17, the Commission stated that it intended to take a favourable view of the agreement notified. The Commission referred in particular in this context to the decision of the banks formally to inform business users of the default nature and the amount of the interbank fee as well as any changes to it. Moreover, the Commission referred to the decision of the banks, at the Commission's request, to review the amount of the interbank fee periodically in light of a report by an independent expert as to the cost price using the most efficient processing method.

Following this published notice the Commission has received (joint) observations from the Nederlandse Postorderbond, the ANWB, the Centraal Bureau Fondsen Werving, the Verenigde Nederlandse Uitgeversbedrijven, the Nederlandse Organisatie van Tijdschriften Uitgevers and the Nederlandse Christelijke Radio Vereniging (all complainants in this case, see recital 3, and henceforth referred to as 'the complainants')⁽²¹⁾. These observations were endorsed by the OverlegOrgaan Nutsvoorzieningen and the Gebruikersplatform Betalingsverkeer.

- (31) The complainants' observations can be summarised as follows. First, they take the view that, in principle, the interbank commission in the GSA agreement is inconsistent with Directive 97/5/EC of the European Parliament and of the Council of 27 January 1997 on cross-border credit transfers⁽²²⁾, which assumes that the originator bears the costs associated with a transfer unless he has agreed otherwise with his bank. The complainants also take the view that there were no legitimate grounds for introducing the interbank commission, and that, in particular, the merger of the two payment circuits operating in the Netherlands did not constitute legitimate grounds for doing so. They also deny that the payee bank benefits from services carried out by the drawee bank. In their view, the costs associated with the processing of the payment order up to the point where payment can be made should properly be borne by the drawee bank. The complainants argue that an inverse cost incentive is created because the costs that should be borne by the originator are transferred to the payee.

⁽²¹⁾ Letter of 14 October 1997 (file 33.793, p. 794).

⁽²²⁾ OJ L 43, 14.2.1997, p. 25.

II. LEGAL ASSESSMENT

Relevant market

Relevant product market

- (32) The acceptance giro system is subject to competition from other payment systems only to a very limited extent. Since the acceptance giro is designed for situations in which the creditor and drawee are not in direct contact with each other ('distance payments'), over-the-counter payments, such as notes and coins and payment cards such as the 'PINpas' national debit card and the 'chipknip' and 'chipper' national electronic purses do not provide a real alternative to the acceptance giro system. Payment instruments which in principle are suitable for distance payments are: transfer payments (simple bank credit transfer orders); cheques; electronic banking; and direct debit. However, with the exception up to a point of direct debit, none of those payment instruments can be regarded as a real alternative to the acceptance giro for the following reasons.
- (33) Transfers and cheques, in which paper orders are used, do not provide a real alternative because the associated processing costs are relatively high. It is relatively costly to convert written information into electronic data for the purposes of processing the transaction by computer. In addition, compared with acceptance giros, these two payment instruments entail significant administrative disadvantages for payees. Electronic banking is not a real option either, given that the number of private customers with the necessary equipment (PC with modem) is still relatively small.
- (34) Only the direct debit system provides any sort of viable alternative to the acceptance giro system. Like the acceptance giro, the direct debit system is ideally suited to payments that have to be made on a regular basis. Under this system, the customer authorises the payee to debit his account direct, without a prior order, for certain payments. If necessary, the customer can subsequently cancel such debit payments.
- (35) However, there are differences between the acceptance giro and the direct debit system. In general, retail banks offer both acceptance giros and direct debit. From the banks' viewpoint, however, it is considerably cheaper to process direct debit orders than acceptance giro transfers because the relevant payment data have been supplied

electronically by the payees and therefore do not have to be converted into electronic form. Direct debit transactions are effected on a fully electronic basis and no forms are involved. This explains why banks can offer direct debit more cheaply to payees than acceptance giros.

- (36) Each of the two payment instruments has other characteristics which may lead drawees to prefer to pay by acceptance giro or by direct debit. The following considerations may play a part in this. First, with the acceptance giro system, the customer must sign an acceptance giro form and send it to his bank prior to each payment. The customer may also opt to go in person with the acceptance giro form to his bank and pay the amount owed, subject to extra costs, in cash (for example, if the current account balance is insufficient). The customer thus retains more control over the time and manner of payment than in the case of direct debit, in which control is exercised purely *a posteriori*. Some customers will for that reason prefer the acceptance giro system to direct debit. An advantage of direct debiting for customers (and payees) is that payment is always made on time, thus avoiding penalties for late payment, and the customers do not have to take any action themselves.
- (37) The drawee's choice of payment system may also depend on the relationship between the customer and the company in question. In practice, customers tend to be willing to use the direct debit system where they have a longstanding relationship with the company and have a high degree of confidence in it, as in the case of the utilities. In other cases in which the relationship is more short term, as with magazine subscriptions, direct debit is far less widely used. In some situations, as in the case of monthly mortgage payments and payment of premiums to certain insurance companies, the customer does not have the choice and direct debit is mandatory.
- (38) In view of the different characteristics referred to above, direct debit cannot be regarded as a substitute for acceptance giros. However, in addition to these different characteristics, price is also a factor that needs to be taken into account⁽²³⁾. Differences in the charges made by the banks and/or payees to their customers (drawees) for the use of the two payment systems may also be a factor influencing the customer's choice between the acceptance giro system and the direct debit system. Shortly after the GSA agreement entered into force in July 1991, the banks proceeded to charge their customers (payees) for using acceptance giros. Some payees, such as many mail order companies and newspaper and magazine publishers, pass on the charges in full or in part by differentiating their prices according to whether their customers use acceptance giros or direct debit. One way of doing this is to offer a reduction to customers paying by direct debit. If it is cheaper for them to pay by direct debit than by

⁽²³⁾ Commission notice on the definition of the relevant market for the purposes of Community competition law (OJ C 372, 9.12.1997, p. 5).

acceptance giro, it may be assumed that a number of customers (drawees) will overcome their objections to the direct debit system. However, no statistics are available to illustrate this, partly because not all payees levy identifiable charges for the use of acceptance giros and because, even where they do so, these charges are mostly modest.

(39) However, it is known that the use of acceptance giros has gradually tailed off since 1992. The number of acceptance giro orders (including fund-raising acceptance orders) processed by Interpay/BGC in 1991 was approximately 237 million (with a total value of NLG 101 billion), whereas by 1998 it was about 217 million (a decline of approximately 7,6 % in four years). Over the same period the use of direct debit increased substantially. In 1991 the number of direct debit orders was approximately 227 million (with a total value of about NLG 224 billion) in 1991: by 1998 it was in the region of 534 million (an increase of approximately 135 %) ⁽²⁴⁾. The increased use of direct debit can be attributed to information campaigns conducted by banks and payees with the slogan *Betaal op maat* (made-to-measure payments) designed to promote the use of cheaper payment instruments. According to Interpay, the increase in the use of direct debit has taken place at the expense of acceptance giros, particularly in the case of private drawees, and at the expense of manual transfers ⁽²⁵⁾.

(40) In conclusion, notwithstanding the different characteristics of the acceptance giro and direct debit systems, it can be accepted that, in the event of the cost of acceptance giros increasing in relation to that of direct debit, a certain proportion of drawees will change to direct debit. The gradual decline in the number of acceptance giro transactions since 1992, shortly after acceptance giro charges were first introduced for payees (with the consequent possibility of those charges being passed on to drawees) would tend to confirm this scenario. Also relevant is the fact that the *Betaal op maat* promotional campaign conducted by banks and payees, apparently with a degree of success, led to a downturn in the number of acceptance giros and an increase in direct debit. Accordingly, direct debit should be regarded as a limited substitute for acceptance giros. Acceptance giros and direct debit can therefore be regarded as forming the relevant product market.

Relevant geographic market

(41) Given that the acceptance giro is a domestic payment system, i.e. designed for payments between drawees and payees with an account with a Netherlands-based bank which participates in the acceptance giro system, the relevant geographic market is the Netherlands market.

Article 81(1)

Agreement between undertakings

(42) The banks which have signed the GSA agreement or an accession declaration are undertakings within the meaning of Article 81(1). Accordingly, the GSA agreement is an agreement between undertakings within the meaning of Article 81(1).

Restriction of competition

Relationships within the four party agreement

(43) As in most payment systems, there are in principle four parties involved in the acceptance giro system: the drawee (the originator), the creditor (the beneficiary/payee), the drawee bank and the payee bank ⁽²⁶⁾. Each party is in direct contact with two other parties. For example, the payee bank has a direct relationship with the drawee bank, which is laid down in the GSA agreement, and, a direct relationship with the payee, which is laid down in the acceptance giro contract. The various relationships within the four-party payment system should be considered on an overall basis. Price agreements in one of these relationships can have a knock-on effect on the other relationships and thus have consequences for the use of the payment system itself.

(44) The notified agreement on the charging of processing costs for acceptance giros directly concerns the relationship between the payee and drawee banks (the interbank relationship). However, the interbank price agreement can also have repercussions on the relationship between the payee bank and the payee, and on that between the payee and the drawee, and hence on the operation of the acceptance giro system itself. The payee bank may decide to pass on the costs of the interbank commission by increasing the commission it charges to the payee. In turn, the payee may decide to pass on these extra costs to the customer who uses the acceptance giro. In that case customers may decide to switch to another payment system offered by their bank or by one of its competitors.

(45) This potential chain of actions and reactions is a characteristic of payment systems such as the acceptance giro system which should be taken into account when investigating the existence of restrictions on competition: a price restriction in one of the four relationships in a payment system, such as a multilateral interbank commission, cannot be adequately assessed merely by examining the effects on that relationship. It is also necessary to examine the effects on all the relationships and on the payment system as a whole.

⁽²⁴⁾ BGC 1993 annual report, Interpay 1996 annual report, letter from Interpay dated 18 February 1999.

⁽²⁵⁾ Interpay 1996 annual report, pp. 30-31.

⁽²⁶⁾ The drawee bank and payee bank may be one and the same, in which case the transaction is an intrabank transaction.

Multilateral interbank commission

(46) Technically speaking, a uniform acceptance giro system, i.e. a payment system which payees and drawees can use irrespective of the bank with which they have an account, can exist only on a specific multilateral basis. Accordingly, joint agreements on technical specifications and procedural aspects of transaction processing are necessary in order to ensure that the system functions properly. In practice, it is also necessary for the banks involved in the transaction to reach an agreement on the levying of charges: whether to charge or not, and, in the affirmative, how much. In view of the particular characteristics of a payment system such as the acceptance giro system, it goes without saying that such negotiations have to be conducted in advance before the payment system is actually used by the banks to process their customers' payment transactions. The nature of a payment system means that, as from the time at which the payment transaction is launched, the drawees and payees need to be certain that it will be implemented immediately by the banks concerned. Since the choice of banks implementing the transaction is determined by their respective account holders using the acceptance giro product, the banks are from that time obliged to cooperate with each other as partners. Price negotiations can therefore be effective only in so far as they take place beforehand. If the banks decide to introduce an interbank commission, agreement on the amount can in principle be reached either bilaterally or multilaterally.

(47) In the present case the banks have decided to impose a uniform multilateral charge; this charge has been a maximum since 1992. It is also possible that a number of banks might take the lead by agreeing bilateral charges, and that other banks might then seek to associate themselves with one of those banks, with the result that the bilateral charges also applied to them⁽²⁷⁾. The banks might also agree multilaterally on a formula for calculating interbank commission with varying parameters between banks⁽²⁸⁾.

(48) The Commission takes the view that an agreement on a bilateral interbank charge will normally fall outside the scope of Article 81(1). By contrast, an agreement on a multilateral interbank charge is a restriction of competition caught by Article 81(1) in so far as it significantly limits the freedom of banks to determine

their own charging policy⁽²⁹⁾. It follows that the multilaterally established interbank commission referred to in Article 5 of the GSA agreement results in competition being restricted within the meaning of Article 81(1) because it limits the freedom of the banks participating in the agreement to determine, on a bilateral basis, the amount of commission charged for processing acceptance giro forms⁽³⁰⁾.

(49) Practice shows that bilateral negotiations on interbank commission for the electronic processing of acceptance giros are technically possible. Before the GSA agreement entered into force, bilateral agreements had been concluded between some major banks on payment of these costs.

(50) Since the fixed tariff was changed to a maximum tariff on 26 March 1992, the banks participating in the GSA agreement have had the option of agreeing, on a bilateral basis, a (lower) interbank commission for processing acceptance giro forms. To date, however, none of the participating banks has taken up this option. In other words, the change in the interbank commission from a fixed charge to a maximum charge has not had any practical impact.

(51) In its notice on cross-border credit transfers the Commission states that a restriction of competition of the kind represented by the uniform interbank commission will probably also have a negative impact on the banks' behaviour vis-à-vis their customers. In the acceptance giro system, the interbank commission has a restrictive effect on the relationship between the (payee) banks and their customers in so far as it has been established that the payee banks systematically pass on the interbank commission for which they are liable to their customers (the payees). The tariffs charged to payees by the various banks for processing acceptance giro forms are not uniform, but they are structurally increased in fairly uniform fashion by virtue of the fact that the interbank commission is passed on. Thus the interbank charge operates de facto as a minimum level for customer charges.

(52) It emerges from the replies received to a request for information dated 23 December 1993 sent to the three largest banks that none of the three banks made a direct charge to its business customers for using acceptance giros, and that subsequently a charge of NLG 0,45 (notification without attachments) was introduced by ABN AMRO with effect from 1 July 1991 (the date on which the 1991 GSA agreement came into effect), by Rabobank with effect from 1 September 1991 (in this instance the charge of NLG 0,45 was a minimum, the charge depending on quantity, type and information to be provided), and by the former NMB Postbank Groep with effect from 1 January 1992⁽³¹⁾. NMB Postbank

⁽²⁹⁾ Commission notice on the application of the EC competition rules to cross-border credit transfers (OJ C 251, 27.9.1995, p. 3) point 40.

⁽³⁰⁾ See Nederlandse Vereniging van Banken, Commission Decision 89/512/EEC (OJ L 253, 30.8.1989, p. 1) paragraph 56. The NVB's challenge to this Decision was held inadmissible by the Court of First Instance on 17 September 1992 (Case C-138/89 [1992] ECR II-2181).

⁽³¹⁾ The replies of various banks to the request for information of 5 August 1997 and 18 January 1999 showed that, in 1997 to 1999, virtually all these banks continued to charge a standard charge of NLG 0,45 (notification without attachments), although in practice some deviation from the standard charge was possible.

⁽²⁷⁾ As was the case prior to the entry into force of the 1991 GSA agreement.

⁽²⁸⁾ As was the case in the Netherlands for ATMs until 1998.

explicitly stated that business clients would be charged half of the costs of processing acceptance giros electronically, i.e. the amount of the interbank commission ⁽³²⁾. Documents in the file show that Rabobank and ABN AMRO and other participants in the GSA agreement also passed on the interbank commission in full ⁽³³⁾.

- (53) There is nothing to show that the banks have concluded agreements calling for the systematic passing on of the interbank commission. The GSA agreement explicitly allows them to decide autonomously whether to pass this commission on or not. However, in so far as banks do decide on an individual basis to pass on the tariff in question, this is a direct result of the existence of the GSA agreement, since it provides the crediting bank with an economic cost item which did not previously exist. Without an interbank tariff there is nothing to pass on. To that extent the agreed interbank commission has a restrictive effect on the relationship between the crediting bank and the payee.

- (54) The restrictive effect of the multilateral interbank commission on the relationship between the payee bank and the customer is amplified by the fact that each of the participating banks in intrabank acceptance giro transactions has applied the same charge to their customers (payees) as for interbank acceptance giro transactions, even though the GSA agreement applies only to interbank transactions. This makes it impossible for business payees to avoid paying charges for using acceptance giro forms. In the event of no charges being made or of a low charge for intrabank acceptance giro transfers, they would have had the option of opening an account with several banks in order to reinforce the intrabank character of their payment flows and thus to avoid the (higher) charges for interbank acceptance giro transfers.

- (55) The restriction of competition is appreciable in so far as all the banks which participate in the acceptance giro system in the Netherlands are bound by the GSA agreement. The agreement covers the whole of the market. Sufficiently strong competition between systems can limit the consequences of an interbank tariff for customer charges, at least in so far as no comparable interbank tariffs exist in the other systems ⁽³⁴⁾. However,

the sole alternative to the acceptance giro system, namely the limited alternative of direct debit, also charges interbank commission.

- (56) Accordingly, the GSA agreement is an agreement that has as its object and effect the prevention, restriction or distortion of competition through the direct or indirect fixing of purchase and selling prices within the meaning of Article 81(1)(a).

In the notice pursuant to Article 19(3) of Regulation No 17, the Commission stated that it intended to take a favourable view of the GSA agreement. In light of the judgment of the Court of Justice of 21 January 1999 in Joined Cases C-215/96 and C-216/96 *Bagnasco v Banca Popolare di Novara* ⁽³⁵⁾, the Commission has come to the conclusion that the GSA agreement does not fall within the scope of Article 81(1), since the requirement of an appreciable effect on trade between Member States is not fulfilled. The reasons are as follows.

Effect on trade between Member States

General

- (57) The Court of Justice has consistently held that, in order for an agreement between undertakings to affect trade between Member States, it must be possible to foresee with a sufficient degree of probability on the basis of a set of objective factors of law or fact that it may have an influence, direct or indirect, actual or potential, on the pattern of trade between Member States, such as might prejudice the realisation of the aim of a single market in all the Member States ⁽³⁶⁾. The effect on trade between Member States is normally the result of a combination of several factors which, taken separately, are not necessarily decisive ⁽³⁷⁾.
- (58) The Court has likewise consistently held that Article 81(1) of the Treaty applies only to agreements which can be shown to be capable of appreciably affecting trade between Member States ⁽³⁸⁾.
- (59) As to whether in the light of the case-law of the Court of Justice the GSA agreement, and the provisions on the interbank commission in particular, are capable of affecting trade between Member States, the following factors should be taken into consideration.

⁽³²⁾ Enclosure 8 to the reply of the NMB Postbank Groep of 29 January 1992. See also the letter from ING Bank to a business customer dated 21 January 1993.

⁽³³⁾ See letters to business customers of ABN AMRO dated 18 October 1991 and 24 October 1991, the letter from ABN Bank Nederland dated 4 July 1991, the letter from Rabobank Heerlen dated 31 March 1992, the letter from Hollandse Koopmansbank dated 6 February 1992, the letter from Bank Mendes Gans NV dated 18 December 1991 and the letter from Commerzbank Nederland NV dated 13 November 1993.

⁽³⁴⁾ See in this connection paragraphs 41 and 42 of the notice on cross-border credit transfers (footnote 29).

⁽³⁵⁾ Not yet published in the ECR.

⁽³⁶⁾ See *inter alia* Case 42/84 *Remia v Commission* [1985] ECR 2545.

⁽³⁷⁾ See *inter alia* Case 250/92 *Gottrup-Klim v Dansk Landbrugs Grovareselskab* [1994] ECR I-5641, paragraph 54.

⁽³⁸⁾ See *inter alia* Case 219/95 *Ferriere Nord v Commission* [1997] ECR I-4411, paragraph 19.

The GSA agreement extends over the whole of the territory of the Netherlands

- (60) It can be accepted that the GSA agreement, and in particular the interbank commission to which it refers, extends over the whole of the territory of the Netherlands. All banks wishing to offer the acceptance giro in the Netherlands will be obliged in practice to sign up to the GSA agreement. Since payees and drawees do not necessarily have an account with the same bank, banks will have to be certain that the acceptance giro form used by their customer will also be accepted by the bank of their customer's counterparty.
- (61) The Court of Justice has ruled in a number of cases that behaviour restricting competition and extending over the whole of the territory of a Member State by its very nature has the effect of reinforcing the compartmentalisation of markets on a national basis, thereby holding up the economic interpenetration which the Treaty is designed to bring about⁽³⁹⁾. However, this is not in itself sufficient to show that there is an appreciable effect on trade between Member States. Other factors also have to be taken into account. The following facts are of relevance in that connection⁽⁴⁰⁾.

Economic activities concerned by acceptance giros

- (62) Participation in the acceptance giro system is not limited to firms (payees) and individuals (originators) based in the Netherlands, but is open to anyone holding an account with a bank participating in the acceptance giro system. However, the economic activities concerned by payment by acceptance giro are largely limited to Netherlands territory, either by contractual provisions, or by their very nature, as in the case of supplies of goods and services (gas, electricity, or telephone)⁽⁴¹⁾. As regards demand for acceptance giros (i.e. customers, payees and drawees, who use acceptance giros as a payment instrument), it must accordingly be concluded

that the cross-border nature of acceptance giros is very limited.

Participation of non-Netherlands banks

- (63) Consideration has to be given not just to the demand for the acceptance giro product but also to supply, that is to say to the banks that offer acceptance giros. It is clear that branches⁽⁴²⁾ and subsidiaries⁽⁴³⁾ of non-Netherlands banks have participated in the acceptance giro system to a significant extent. According to the NVB, at the end of 1997 there were 58 banks participating in the acceptance giro system, of which 27 were foreign banks. Of those foreign banks, 11 were from Member States of the Community (six subsidiaries and five branches). However, the proportion of the acceptance giro system accounted for by those foreign banks was relatively modest. Of a total of almost 100 000 acceptance giro contracts in 1997, the overwhelming majority (about 91 %) were conducted on behalf of the major banks (ABN AMRO, Rabo, ING Bank and Postbank). Foreign banks accounted for less than 1 % of the acceptance giro contracts concluded. They also accounted for a very modest share of the acceptance giro transactions processed: less than 1 % for debits and less than 5 % for credits⁽⁴⁴⁾.

Importance of participation in the GSA agreement for non-Netherlands banks

- (64) At mid-1997 a total of 115 banks were active on the Netherlands market, of which 68 were Netherlands banks and 47 foreign (19 banks from other Member States and 28 from third countries)⁽⁴⁵⁾. About one third of the foreign banks active in the Netherlands do not offer the acceptance giro product. As regards the 27 foreign banks which do offer the product and which have signed the GSA agreement, it can hardly be said that the opportunity to offer the product was an important factor when they decided to enter the Netherlands market, given its relatively limited importance to them (see recital 63).
- (65) In conclusion, in the light of the above factors, taken together, it cannot be said that the GSA agreement is capable of appreciably affecting trade between Member States,

⁽³⁹⁾ See *inter alia* judgment of the Court of Justice in Case 8/72 *Vereeniging van Cementhandelaren v Commission* [1972] ECR 977, paragraph 29, judgment of the Court of First Instance in Case T-29/92 *SPO v Commission* [1995] ECR II-289, paragraph 229.

⁽⁴⁰⁾ See footnote 34.

⁽⁴¹⁾ See ABI, Commission Decision 87/103/EEC (OJ L 43, 13.2.1987, p. 51) recited 37.

⁽⁴²⁾ As a result of the strong financial ties between foreign parent companies and their branches in the Netherlands, branches must be seen as an extension of the relevant parent companies irrespective of their legal status. The activities of these branches must accordingly be seen as a part of the trade between Member States. See judgment of the Court of Justice in Case 45/85 *Verband der Sachversicherer v Commission* [1987] ECR 458.

⁽⁴³⁾ Subsidiaries of foreign banks based in the Netherlands are regarded as foreign banks by De Nederlandsche Bank where non-residents have a shareholding of at least 50 % (see DNB 1991 annual report and DNB's reply to the request for information dated 5 August 1997). The NVB itself also uses this definition (see NVB 1998 annual report, p. 54). The *Bagnasco* judgment (see footnote 35) demonstrates that the Court regards the participation not just of branches but also of subsidiaries of foreign banks as being relevant to the issue of whether trade between Member States has been affected.

⁽⁴⁴⁾ Letters from the NVB dated 25 March 1997 and 8 March 1999.

⁽⁴⁵⁾ These were general banks, cooperative banks, savings banks and mortgage banks (Annex VI to the letter from the NVB dated 18 July 1997).

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the facts in its possession, there are no grounds under Article 81(1) of the Treaty for action on the part of the Commission in respect of the 1991 GSA agreement notified by the Nederlandse Vereniging van Banken (NVB).

Article 2

This Decision is addressed to:

De Nederlandse Vereniging van Banken
Singel 236
NL-1016 AB Amsterdam

Done at Brussels, 8 September 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX I

Overview of banks participating in the GSA agreement

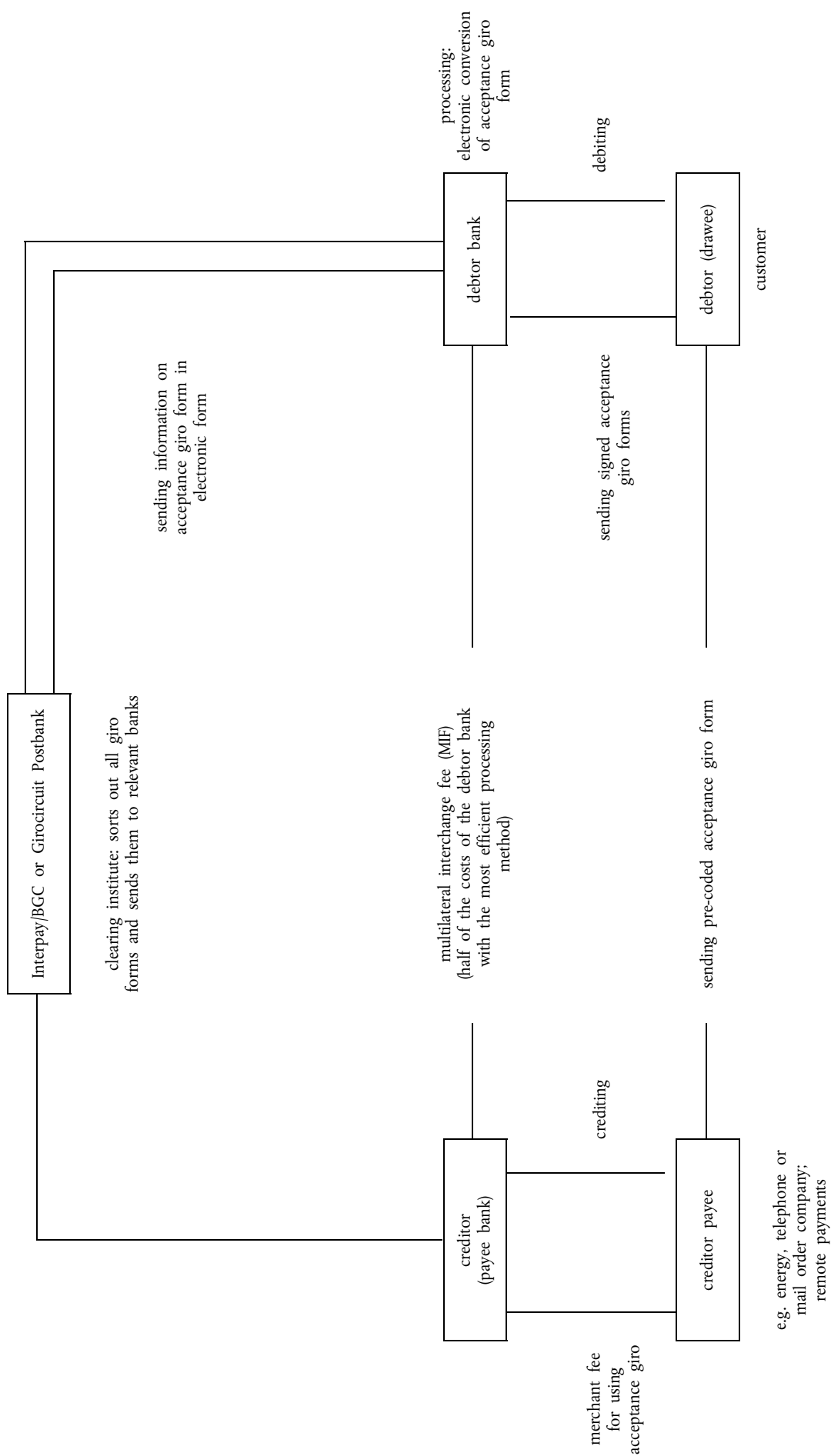
(at 31.12.1997)

- | | |
|---|--|
| 1. ABN AMRO Bank NV | 30. FGH Bank NV |
| 2. Aegon Bank NV | 31. Fortis Bank Nederland NV |
| 3. Asahi Bank (Nederland) NV | 32. Frieslandbank NV |
| 4. ASR Bank NV | 33. Fuji Bank Nederland NV |
| 5. AVCB Bank NV | 34. Generale Bank Nederland NV |
| 6. Banco di Brasil SA | 35. GWK Bank NV |
| 7. Banco do Estado de São Paulo SA | 36. Hollandse Koopmansbank NV |
| 8. Banco Exterior de España SA | 37. ING Bank NV |
| 9. Bank Bercoop NV | 38. Kas-Associatie NV |
| 10. Bank Brussel Lambert NV | 39. KBC Bank Nederland NV |
| 11. Bank Insinger de Beaufort NV | 40. Koçbank Nederland NV |
| 12. Bank Labouchere NV | 41. Korea Exchange Bank |
| 13. Bank Mendes Gans NV | 42. Lloyds Bank PLC |
| 14. NV Bank Nederlandse Gemeenten | 43. MeesPierson NV |
| 15. Bank of America NT & SA | 44. National Bank of Greece |
| 16. Bank of Tokyo-Mitsubishi (Holland) NV | 45. Nederlandse Waterschapsbank NV |
| 17. Banque Artesia Nederland NV | 46. OHRA Bank NV |
| 18. Barclays Bank PLC | 47. OV-Bank NV |
| 19. Chang Hwa Commercial Bank (Europe) NV | 48. Postbank NV |
| 20. Citibank NA | 49. Rabobank Nederland |
| 21. Commerzbank Nederland NV | 50. Roparco NV |
| 22. Crediet & Effectenbank NV | 51. San Paolo Bank |
| 23. Dai-Ichi Kangyo Bank Nederland NV | 52. SBS-Agro Bank Nederland NV |
| 24. NV De Indonesische Overzeese Bank | 53. SNS Bank Nederland NV |
| 25. De Nederlandsche Bank | 54. Staal Bankiers NV |
| 26. Delta Lloyd Bank NV | 55. Theodoor Gilissen Bankiers NV |
| 27. Demir-Halk Nederland NV | 56. Tokai Bank Nederland NV |
| 28. Deutsche Bank AG | 57. Triodosbank NV |
| 29. F. van Lanschot Bankiers NV | 58. United Garanti Bank International NV |
-

ANNEX II

Joint payment and acceptance giro procedure

('GSA')



COMMISSION DECISION

of 6 October 1999

amending the information contained in the list in the Annex to Commission Regulation (EC) No 2851/98 establishing, for 1999, the list of vessels exceeding 8 m length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds 9 m

(notified under document number C(1999) 3192)

(1999/688/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3554/90 of 10 December 1990 adopting provisions for the establishment of the list of vessels exceeding 8 m length overall which are permitted to fish for sole within certain areas of the Community using beam trawls whose aggregate length exceeds 9 m ⁽²⁾, as amended by Regulation (EC) No 3407/93 ⁽³⁾, and in particular Article 2 thereof,

- (1) Whereas Commission Regulation (EC) No 2851/98 ⁽⁴⁾ establishes, for 1999, the list of vessels exceeding 8 m length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds 9 m, as provided for in Article 10(3)(c) of Regulation (EC) No 894/97;
- (2) Whereas authorities of the Member States concerned have applied for the information in the above list to be amended; whereas the said authorities have provided all

the information supporting their applications under Article 2 of Regulation (EEC) No 3554/90; whereas it has been found that the information complies with the requirements; whereas, therefore, the information in the list annexed to the Regulation should be amended,

HAS ADOPTED THIS DECISION:

Article 1

The information in the list annexed to Regulation (EC) No 2851/98 is amended as shown in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 132, 23.5.1997, p. 1.

⁽²⁾ OJ L 346, 11.12.1990, p. 11.

⁽³⁾ OJ L 310, 14.12.1993, p. 19.

⁽⁴⁾ OJ L 358, 30.12.1998, p. 45.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA

A. **Datos que se retiran de la lista — Oplysninger, der skal slettes i listen — Aus der Liste herauszunehmende Angaben — Στοιχεία που διαγράφονται από τον κατάλογο — Information to be deleted from the list — Renseignements à retirer de la liste — Dati da togliere dall'elenco — Inlichtingen te schrappen uit de lijst — Informaões a retirar da lista — Luettelosta poistettavat tiedot — Uppgifter som skall tas bort från förteckningen**

1	2	3	4	5
---	---	---	---	---

BÉLGICA — BELGIEN — BELGIEN — БЕЛГИО — BELGIUM — BELGIQUE — BELGIO — BELGIË — BÉLGICA — BELGIA — BELGIEN

N	88	Nova Cura	OPDJ	Nieuwpoort	104
O	20	Goewind	OPAT	Oostende	110
O	782	Nancy	OQFD	Oostende	110

DINAMARCA — DANMARK — DÄNEMARK — ΔΑΝΙΑ — DENMARK — DANEMARK — DANIMARCA — DENEMARKEN — DINAMARCA — TANSKA — DANMARK

E	385	Bianca	OXRV	Esbjerg	125
---	-----	--------	------	---------	-----

ALEMANIA — TYSKLAND — DEUTSCHLAND — ΓΕΡΜΑΝΙΑ — GERMANY — ALLEMAGNE — GERMANIA — DUTSLAND — ALEMANHA — SAKSA — TYSKLAND

BOR	1	Friesland	DIRQ	Borkum	107
CUX	4	Nordergründe	DFPD	Cuxhaven	220
FRI	36	Heimatland	DIUP	Friedrichskoog	131
FRI	86	Sirius	DB5381	Friedrichskoog	151
OTT	1	Mareike	DIRQ	Otterndorf	107
SC	10	Amrumbank	DIRT	Büsum	220
ST	6	Hilke-Maritta	DNHA	Tönning	221
VAR	18	Helga	—	Varel	109

B. **Datos que se añaden a la lista — Oplysninger, der skal anføres i listen — In der Liste hinzufügende Angaben — Στοιχεία που προστίθενται στον κατάλογο — Information to be added to the list — Renseignements à ajouter à la liste — Dati da aggiungere all'elenco — Inlichtingen toe te voegen aan de lijst — Informaões a aditar à lista — Luetteloon lisättävät tiedot — Uppgifter som skall läggas till i förteckningen**

1	2	3	4	5
---	---	---	---	---

BÉLGICA — BELGIEN — BELGIEN — БЕЛГИО — BELGIUM — BELGIQUE — BELGIO — BELGIË — BÉLGICA — BELGIA — BELGIEN

N	88	Nova Cura	OPDJ	Nieuwpoort	218
N	782	De Norma	OQFD	Nieuwpoort	208
O	20	Mietje	OPAT	Oostende	216

DINAMARCA — DANMARK — DÄNEMARK — ΔΑΝΙΑ — DENMARK — DANEMARK — DANIMARCA — DENEMARKEN — DINAMARCA — TANSKA — DANMARK

E	248	Nette Rauhe	OZTV	Esbjerg	195
HV	16	Kathrine	OZUL	Havnsø	220
RI	78	Dorte Kathrine	OU7729	Hvide Sande	198

1	2	3	4	5
---	---	---	---	---

ALEMANIA — TYSKLAND — DEUTSCHLAND — IEPMANIA — GERMANY — ALLEMAGNE — GERMANIA —
DUITSLAND — ALEMANHA — SAKSA — TYSKLAND

BÜS	1	Friesland	DIRQ	Büsum	107
DOR	6	Heimatland	DIUP	Dorum	131
NEU	236	Sirius	DB5381	Neuharlingersiel	151
SAS	106	Vinetabank	DNHA	Sassnitz	221
SU	14	Madonna	DFPD	Nordstrand	220
VAR	18N	Helga	—	Varel	109

COMMISSION DECISION

of 6 October 1999

amending the information contained in the list in the Annex to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain coastal areas of the Community

(notified under document number C(1999) 3193)

(1999/689/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain coastal areas of the Community ⁽²⁾, as last amended by Regulation (EC) No 3410/93 ⁽³⁾, and in particular Article 3 thereof,

Whereas authorities of the Member States concerned have applied for the information in the list provided for in Article 10(3)(b) of Regulation (EC) No 894/97 to be amended; whereas the said authorities have provided all the information supporting their applications pursuant to Article 3 of Regulation (EEC) No 55/87; whereas it has been found that the information complies with the requirements and whereas,

therefore, the information in the list annexed to the Regulation should be amended,

HAS ADOPTED THIS DECISION:

Article 1

The information in the list annexed to Regulation (EEC) No 55/87 is amended as shown in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 132, 23.5.1997, p. 1.

⁽²⁾ OJ L 8, 10.1.1987, p. 1.

⁽³⁾ OJ L 310, 14.12.1993, p. 27.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA

A. **Datos que se retiran de la lista — Oplysninger, der skal slettes i listen — Aus der Liste herauszunehmende Angaben — Στοιχεία που διαγράφονται από τον κατάλογο — Information to be deleted from the list — Renseignements à retirer de la liste — Dati da togliere dall'elenco — Inlichtingen te schrappen uit de lijst — Informações a retirar da lista — Luettelosta poistettavat tiedot — Uppgifter som skall tas bort från förteckningen**

1	2	3	4	5
---	---	---	---	---

BÉLGICA — BELGIEN — BELGIEN — БЕЛГІО — BELGIUM — BELGIQUE — BELGIO — BELGIË — BÉLGICA — BELGIA — BELGIEN

N	88	Nova Cura	OPDJ	Nieuwpoort	104
O	20	Goewind	OPAT	Oostende	110
O	782	Nancy	OQFD	Oostende	110
Z	93	Aalscholver	OPDO	Zeebrugge	220

DINAMARCA — DANMARK — DÄNEMARK — ΔΑΝΙΑ — DENMARK — DANEMARK — DANIMARCA — DENEMARKEN — DINAMARCA — TANSKA — DANMARK

E	385	Bianca	OXRV	Esbjerg	125
---	-----	--------	------	---------	-----

ALEMANIA — TYSKLAND — DEUTSCHLAND — ΓΕΡΜΑΝΙΑ — GERMANY — ALLEMAGNE — GERMANIA — DUTSLAND — ALEMANHA — SAKSA — TYSKLAND

BOR	1	Friesland	DIRQ	Borkum	107
CUX	4	Nordergründe	DFPD	Cuxhaven	220
FRI	36	Heimatland	DIUP	Friedrichskoog	131
FRI	86	Sirius	DB5381	Friedrichskoog	151
OTT	1	Mareike	DIRQ	Otterndorf	107
SH	19	Brodwinner	DMEK	Heiligenhafen	221
ST	6	Hilke-Maritta	DNHA	Tönning	221
VAR	18	Helga	—	Varel	109

B. **Datos que se añaden a la lista — Oplysninger, der skal anføres i listen — In die Liste hinzuzufügende Angaben — Στοιχεία που προστίθενται στον κατάλογο — Information to be added to the list — Renseignements à ajouter à la liste — Dati da aggiungere all'elenco — Inlichtingen toe te voegen aan de lijst — Informações a aditar à lista — Luetteloon lisättävät tiedot — Uppgifter som skall läggas till i förteckningen**

1	2	3	4	5
---	---	---	---	---

BÉLGICA — BELGIEN — BELGIEN — БЕЛГІО — BELGIUM — BELGIQUE — BELGIO — BELGIË — BÉLGICA — BELGIA — BELGIEN

BOU	4	Astrid	OPAD	Boekhout	79
N	88	Nova Cura	OPDJ	Nieuwpoort	218
N	93	Aalscholver	OPDO	Nieuwpoort	220
N	736	Lucky	OQDJ	Nieuwpoort	221
N	782	De Norma	OQFD	Nieuwpoort	208
O	20	Mietje	OPAT	Oostende	216
O	49	Steve	OPBW	Oostende	144
O	349	Wilma	OPNK	Oostende	221
Z	38	Manta	OPBL	Zeebrugge	220
Z	300	Veerman	OPLN	Zeebrugge	220

1	2	3	4	5	
DINAMARCA — DANMARK — DÄNEMARK — ΔANIA — DENMARK — DANEMARK — DANIMARCA — DENEMARKEN — DINAMARCA — TANSKA — DANMARK					
E	248	Nette Rauhe	OZTV	Esbjerg	195
HV	16	Kathrine	OZUL	Havnsø	220
RI	78	Dorte Kathrine	OU7729	Hvide Sande	198
ALEMANIA — TYSKLAND — DEUTSCHLAND — ΓΕΡΜΑΝΙΑ — GERMANY — ALLEMAGNE — GERMANIA — DUITSLAND — ALEMANHA — SAKSA — TYSKLAND					
BÜS	1	Friesland	DIRQ	Büsum	107
DOR	6	Heimatland	DIUP	Dorum	131
NEU	236	Sirius	DB5381	Neuharlingersiel	151
NG	16	Nannette	DMHM	Emden	221
SU	14	Madonna	DFPD	Nordstrand	220
VAR	18N	Helga	—	Varel	109

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 502/1999 of 12 February 1999 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code**

(Official Journal of the European Communities L 65 of 12 March 1999)

On page 28, in Annex III:

for: 'Annex 38a',

read: 'Annex 37c'.

Corrigendum to Decision No 2/1999 of the EU-Slovenia Association Council of 29 April 1999 adopting the terms and conditions for the participation of Slovenia in Community programmes in the fields of training, youth and education

(Official Journal of the European Communities L 256 of 1 October 1999)

On page 71, Annex II, point 4, first line:

for: '... an amount of EUR 856 000 will cover ...',

read: '... an amount of EUR 56 000 will cover ...'.
