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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2571/1999
of 6 December 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 7 December 1999.

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

Done at Brussels, 6 December 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 6 December 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	87,2
	204	71,9
	999	79,6
0707 00 05	052	94,9
	204	83,7
	999	89,3
0709 90 70	052	105,9
	204	141,9
	999	123,9
0805 10 10, 0805 10 30, 0805 10 50	052	23,7
	388	27,1
	508	33,1
	999	28,0
0805 20 10	052	34,0
	204	59,2
	999	46,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	74,1
	999	74,1
0805 30 10	052	41,5
	600	82,2
	999	61,9
0808 10 20, 0808 10 50, 0808 10 90	052	65,1
	400	79,0
	404	72,4
	999	72,2
0808 20 50	064	62,7
	400	89,3
	720	178,5
	999	110,2

⁽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 2572/1999
of 6 December 1999
prohibiting fishing for saithe by vessels flying the flag of Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Council Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 48/1999 of 18 December 1998 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1999 and certain conditions under which they may be fished ⁽³⁾, as last amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for saithe for 1999;
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) According to the information received by the Commission, catches of saithe in the waters of ICES, divisions IIa (EC zone), IIIa, IIIb, c and d (EC zone) and IV by vessels

flying the flag of Sweden or registered in Sweden have exhausted the quota allocated to Sweden for 1999; Sweden has prohibited fishing for this stock from 22 October 1999; this date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of saithe in the waters of ICES, divisions IIa (EC zone), IIIa, IIIb, c and d (EC zone) and IV by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 1999.

Fishing for saithe in the waters of ICES, divisions IIa (EC zone), IIIa, IIIb, c and d (EC zone) and IV by vessels flying the flag of Sweden or registered in Sweden is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 22 October 1999.

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

Done at Brussels, 6 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 1.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 2573/1999
of 6 December 1999
prohibiting fishing for common sole by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 48/1999 of 18 December 1998 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1999 and certain conditions under which they may be fished ⁽³⁾, as last amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for common sole for 1999;
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) According to the information received by the Commission, catches of common sole in the waters of ICES, divisions II and IV by vessels flying the flag of France or

registered in France have exhausted the quota allocated for 1999. France has prohibited fishing for this stock from 25 October 1999. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES, divisions II and IV by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 1999.

Fishing for common sole in the waters of ICES, divisions II and IV by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 25 October 1999.

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

Done at Brussels, 6 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 1.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 2574/1999
of 6 December 1999
prohibiting fishing for common sole by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 48/1999 of 18 December 1998 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1999 and certain conditions under which the may be fished ⁽³⁾, as last amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for common sole for 1999;
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) According to the information received by the Commission, catches of common sole in the waters of ICES, divisions VIIIf and VIIg by vessels flying the flag of

France or registered in France have exhausted the quota allocated for 1999. France has prohibited fishing for this stock from 25 October 1999. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES, divisions VIIIf and VIIg by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 1999.

Fishing for common sole in the waters of ICES, divisions VIIIf and VIIg by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 25 October 1999.

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

Done at Brussels, 6 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 1.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 2575/1999**of 6 December 1999****on the payment of an additional advance on compensatory aid in the banana sector for 1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 14 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1858/93 ⁽³⁾, as last amended by Regulation (EC) No 1467/1999 ⁽⁴⁾, lays down detailed rules for applying Regulation (EC) No 404/93 as regards the system of compensatory aid for loss of income from the marketing of bananas. Article 4 of that Regulation lays down the conditions under which advances on the compensatory aid are paid;
- (2) Commission Regulation (EC) No 1063/1999 of 21 May 1999 fixing the compensatory aid for bananas produced and marketed in the Community in 1998, the time limit for payment of the balance of the aid and the unit value of the advances for 1999 ⁽⁵⁾ fixes the unit value of each advance in respect of the aid yet to be determined for 1999 at EUR 18,34 per 100 kilograms;
- (3) to take account of the difficult financial situation in which Community banana producers find themselves because of an appreciable worsening of the Community market, provision should be made to pay a top-up to the advances paid for the quantities marketed in the Community between 1 January and 31 October 1999, without prejudice to the level of compensatory aid yet to be fixed pursuant to Article 12 of Regulation (EC) No 404/93 and the provisions of Regulation (EEC) No

1858/93. This additional payment should be made conditional on the lodgement of a security in accordance with Regulation (EEC) No 1858/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

The producer Member States shall pay in respect of 1999 an additional advance on the compensatory aid provided for in Article 12 of Regulation (EEC) No 404/93 of EUR 6,55 per 100 kilograms, for quantities marketed in the Community between 1 January and 31 October 1999.

The additional advance shall be paid on marketed quantities for which applications for compensatory aid have been made in respect of 1999.

The application for payment of the additional advance shall be accompanied by proof that a security of EUR 3,27 per 100 kilograms has been lodged.

Payment shall be made within two months of the entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 6 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 170, 13.7.1993, p. 5.

⁽⁴⁾ OJ L 170, 6.7.1999, p. 7.

⁽⁵⁾ OJ L 129, 22.5.1999, p. 25.

COMMISSION REGULATION (EC) No 2576/1999
of 6 December 1999
on the issue of import licences for garlic originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 857/1999 ⁽²⁾,

Having regard to Council Regulation (EC) No 1040/1999 of 20 May 1999 concerning a protective measure applicable to imports of garlic from China ⁽³⁾, as amended by Regulation (EC) No 2255/1999 ⁽⁴⁾, and in particular Article 1(3) thereof,

- (1) Whereas pursuant to Commission Regulation (EEC) No 1859/93 ⁽⁵⁾, as amended by Regulation (EC) No 1662/94 ⁽⁶⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;
- (2) Whereas Article 1(1) of Regulation (EC) No 1040/1999, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1999 to 31 May 2000;
- (3) Whereas given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 2 December 1999 is in excess of the maximum quantity given in the Annex to

that Regulation for the months of December 1999 and January 2000; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 2 December 1999 and before 1 February 2000 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for from 2 December 1999 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,82037 % of the quantity applied for, having regard to the information available to the Commission on 3 December 1999.

For the abovementioned products applications for import licences lodged after 2 December 1999 and before 1 February 2000 shall be refused.

Article 2

This Regulation shall enter into force on 7 December 1999.

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

Done at Brussels, 6 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 108, 27.4.1999, p. 7.

⁽³⁾ OJ L 127, 21.5.1999, p. 10.

⁽⁴⁾ OJ L 275, 26.10.1999, p. 11.

⁽⁵⁾ OJ L 170, 13.7.1993, p. 10.

⁽⁶⁾ OJ L 176, 9.7.1994, p. 1.

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 23 November 1999**

accepting the extension of the International Coffee Agreement 1994 on behalf of the Community

(1999/803/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(2) and (3), thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The International Coffee Agreement 1994, which the Community approved by Decision 94/570/EC ⁽¹⁾, applied until 30 September 1999 unless extended beyond that date by a decision of the International Coffee Council;
- (2) The International Coffee Council has decided to extend the said Agreement 1994 for two years;
- (3) The Contracting Parties to the aforementioned Agreement have to notify the Secretary-General of the United Nations if they accept the Agreement's extension;
- (4) Such extension is in the Community's interest and the Community should therefore accept it in accordance with Article 47(2) of the Agreement,

HAS DECIDED AS FOLLOWS:

Sole Article

The Community accepts the extension of the International Coffee Agreement 1994 for a further two years, as from 1 October 1999.

The President of the Council is hereby authorised to notify the Secretary-General of the United Nations that the Community has accepted the extension of the said Agreement, with effect from 1 October 1999.

Done at Brussels, 23 November 1999.

For the Council
The President
S. LINDEN

⁽¹⁾ OJ L 222, 26.8.1994, p. 1.

**COUNCIL DECISION
of 29 November 1999**

authorising the French Republic to apply or to continue to apply reductions in, or exemptions from excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC

(1999/804/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils ⁽¹⁾, and in particular Article 8(4),

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions from, or reductions in, excise duties on mineral oils on grounds of specific policy considerations;
- (2) The French authorities have notified the Commission that they wish to apply a differentiated rate of excise duty from 1 January 2000 to premium-grade unleaded petrol containing a potassium-based additive to improve resistance to valve burn-out (or any other additive of equivalent effect);
- (3) The other Member States have been informed thereof;
- (4) The Commission and all the Member States consider that the application of differentiated rate of excise duty to premium-grade unleaded petrol containing additives is justified on environmental policy grounds and that it will not give rise to distortions of competition or hinder the operation of the internal market;
- (5) The Commission regularly reviews reductions and exemptions to check that they are compatible with the operation of the internal market or with Community policy on protection of the environment;

- (6) The French Republic has requested authorisation to apply a differentiated rate of excise duty to premium-grade unleaded petrol containing additives from 1 January 2000; the Council is to review its application on the basis of a report from the Commission no later than 31 December 2002, when the authorisation granted by this Decision expires,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 8(4) of Directive 92/81/EEC and without prejudice to the obligations laid down in Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils ⁽²⁾, and in particular the minimum rates laid down in Articles 3 and 4 thereof, the French Republic is hereby authorised to apply a differentiated rate of excise duty from 1 January 2000 to premium-grade unleaded petrol containing a potassium-based additive to improve resistance to valve burn-out (or any other additive of equivalent effect) until 31 December 2002.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 29 November 1999.

For the Council
The President
S. NIINISTÖ

⁽¹⁾ JO L316, 31.10.1992, p. 12 Directive as last amended by Directive 94/74/EC (OJL 365, 31.12.1994, p. 46)

⁽²⁾ OJ L 316, 31.10.1992, p. 19.

**COUNCIL DECISION
of 29 November 1999**

authorising the Federal Republic of Germany to apply or to continue to apply reductions in, or exemptions from, excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC

(1999/805/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils ⁽¹⁾, and in particular Article 8(4),

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions from, or reductions in, excise duties on mineral oils on grounds of specific policy considerations;
- (2) The German authorities have notified the Commission that they wish to apply a differentiated rate of excise duty from 1 April 1999 to heating fuel used by manufacturing industries;
- (3) The other Member States have been informed thereof;
- (4) The Commission and all the Member States consider that the application of differentiated rate of excise duty to heating fuel used by manufacturing industries is justified on environmental policy grounds as a result of environmental tax reforms and that it will not give rise to distortions of competition or hinder the operation of the internal market;
- (5) The Commission regularly reviews reductions and exemptions to check that they are compatible with the operation of the internal market or with Community policy on protection of the environment;

- (6) The Federal Republic of Germany has requested authorisation to apply differentiated rate of excise duty to heating fuel used by manufacturing industries from 1 April 1999; the Council is to review its application on the basis of a report from the Commission no later than 31 December 1999, when the authorisation granted by this Decision expires,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 8(4) of Directive 92/81/EEC and with the obligations laid down in Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils ⁽²⁾, and in particular the minimum rates laid down in Articles 3 and 4 thereof, the Federal Republic of Germany shall be authorised to apply a differentiated rate of excise duty until 31 December 1999 to heating fuel used by manufacturing industries.

Article 2

This Decision shall apply as from 1 April 1999.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 November 1999.

For the Council
The President
S. NIINISTÖ

⁽¹⁾ OJ L 316, 31.10.1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

⁽²⁾ OJ L 316, 31.10.1992, p. 19.

**COUNCIL DECISION
of 29 November 1999**

authorising the Italian Republic to apply or to continue to apply reductions in, or exemptions from, excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC

(1999/806/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils ⁽¹⁾ and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions from, or reductions in, excise duties on grounds of specific policy considerations;
- (2) The Italian authorities have notified the Commission that they wish to apply, to certain particularly disadvantaged geographical areas, reduced excise duty rates for heating gas oil and LPG used for heating and distributed through networks of such areas;
- (3) The other Member States have been informed thereof;
- (4) The Commission and all the Member States accept that the application of reduced rates on excise duties on heating gas oil and LPG used for heating and distributed through the networks of the said areas is justified on environmental and social policy grounds and that it will not give rise to distortions of competition or hinder the operation of the internal market;
- (5) The Commission regularly reviews excise duty reductions and exemptions to check that they are compatible with the operation of the internal market or with Community policy on protection of the environment;

- (6) Italy has requested authorisation to apply reduced rates on excise duties on heating gas oil and LPG used for heating and distributed through networks of the areas concerned from 1 January 1999; the Council is to review its application on the basis of a report from the Commission before 31 December 1999, when the authorisation granted by this Decision expires,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 8(4) of Directive 92/81/EEC and with the obligations laid down in Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oil ⁽²⁾, and in particular the minimum rates laid down in Articles 5 and 7 thereof, Italy is hereby authorised to apply until 31 December 1999 and in certain particularly disadvantaged geographical areas reduced rates of excise duty on heating gas oil and LPG used for heating and distributed through the networks of such areas.

Article 2

This Decision shall apply from 1 January 1999.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 29 November 1999.

For the Council
The President
S. NIINISTÖ

⁽¹⁾ OJ L 316, 31.10.1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

⁽²⁾ OJ L 316, 31.10.1992, p. 19.

COMMISSION

COMMISSION DECISION

of 17 November 1999

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 1999

(notified under document number C(1999) 3772)

(Only the French text is authentic)

(1999/807/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular the first subparagraph of Article 11(3) thereof,

(1) Whereas Commission Decision 93/522/EEC ⁽³⁾, as last amended by Decision 96/633/EC ⁽⁴⁾ defines the measures eligible for Community financing under programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

(2) Whereas specific growing conditions in the French overseas departments call for particular attention; whereas measures concerning crop production, in particular plant health measures, must be adopted or strengthened in those regions;

(3) Whereas the plant health measures to be adopted or strengthened are particularly costly;

(4) Whereas a programme of measures has been presented to the Commission by the competent French authorities; whereas this programme specifies the objectives to be achieved, the operations to be carried out, their duration and their cost with a view to a possible Community financial contribution;

(5) Whereas the Community's financial contribution may cover up to 60 % of eligible expenditure, protective measures for bananas being excluded;

(6) Whereas the plant protection operations in the French overseas departments provided for in the Single Programme Documents for the period 1994/1999 and financed from the Structural Funds cannot be the same as those contained in this programme;

(7) Whereas the operations provided for in the European Community framework programme for research and technological development cannot be the same as those contained in this programme;

(8) Whereas the technical information provided by France has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively;

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

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 251, 8.10.1993, p. 35.

⁽⁴⁾ OJ L 283, 5.11.1996, p. 58.

HAS ADOPTED THIS DECISION:

Article 1

A Community financial contribution to the official programme for the control of organisms harmful to plants and plant products in the French overseas departments presented by France for 1999 is hereby approved.

Article 2

The official programme shall consist of four subprogrammes:

1. a subprogramme drawn up for the department of Guadeloupe in four parts:
 - evaluation structures, analysis and diagnostics of phytosanitary risks,
 - control of main harmful organisms,
 - 'labo vert',
 - regional structure of experimentation and application of techniques in crop protection;
2. a subprogramme drawn up for the department of Guyana in three parts:
 - evaluation structures, analysis and diagnostics of phytosanitary risks,
 - management of control methods for main harmful organisms,
 - development of techniques for biological crop control;
3. a subprogramme drawn up for the department of Réunion in three parts:
 - evaluation structures, analysis and diagnostics of phytosanitary risks,
 - development of control methods for main harmful organisms,
 - applied research on harmful organisms;
4. a subprogramme drawn up for the department of Martinique in three parts:
 - development of efforts for detection of harmful organisms,
 - control of main harmful organisms,
 - biological and integrated crop control.

Article 3

The Community's financial contribution to the programme in 1999 presented by France shall be 60 % of expenditure related

to eligible measures as defined by Commission Decision 93/522/EEC, with a maximum of EUR 700 000 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision.

Article 4

An advance of EUR 300 000 shall be paid to France.

Article 5

The Community assistance shall relate to expenditure on eligible measures associated with the operations covered by the programme for which provisions are adopted by France and for which the necessary financial resources are committed between 1 October and 31 December 1999. The final date for payments in connection with the operations shall be 30 September 2000; unjustified delay shall entail loss of entitlement to Community financing.

Should any extension of the deadline for payment become necessary, the competent official authorities shall submit a request along with the necessary justification, before the final date laid down.

Article 6

Provisions on the financing of the programme, compliance with Community policies and the information to be supplied to the Commission by France shall be as set out in Annex II.

Article 7

Any public contracts connected with investments covered by this Decision shall be subject to Community law.

Article 8

This Decision is addressed to the French Republic.

Done at Brussels, 17 November 1999.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 1999

(EUR)

	Eligible expenditures 1999		
	EC	National	Total
Guadeloupe	153 120	102 080	255 200
Guyana	121 560	81 040	202 600
Martinique	235 970	157 250	393 220
Réunion	189 350	126 230	315 580
Total	700 000	466 600	1 166 600

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. PROVISIONS ON FINANCIAL IMPLEMENTATION

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitment and payments

2. France shall guarantee that all public and private bodies involved in the management and implementation of all operations part-financed by the Community shall keep suitable accounting records of all transactions in order to facilitate the verification of expenditure by the Community and the national inspection authorities.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment will be made when the decision approving assistance is adopted by the Commission under the procedure provided for in Article 16a of Council Directive 77/93/EEC ⁽¹⁾, as last amended by Commission Directive 1999/53/EC ⁽²⁾.
5. Following commitment, an initial advance of EUR 300 000 shall be paid.
6. The balance of the amount committed shall be paid as two equal payments, each of EUR 200 000. The first instalment of the balance shall be paid upon presentation to and approval by the Commission of an interim activity report. The second and final instalment of the balance shall be paid upon presentation to and approval by the Commission of a final activity report and a detailed breakdown of the total expenditure incurred.

Authorities responsible for the implementation of the programme:

— Central administration:

Ministère de l'Agriculture et de la Pêche
Sous-Direction de la Protection des Végétaux
175 rue du Vaugirard
F-75732 Paris Cedex 15

— Local administration:

— Guadeloupe:

Ministère de l'Agriculture et de la Pêche
Direction de l'Agriculture et de la Forêt
Jardin Botanique
F-97109 Basse Terre Cedex

— Martinique:

Ministère de l'Agriculture et de la Pêche
Direction de l'Agriculture et de la Forêt
Jardin Desclieux
B.P. 642
F-97262 Fort de France Cedex

— Guyana:

Ministère de l'Agriculture et de la Pêche
Direction de l'Agriculture et de la Forêt
Cité Rebard
Route de Baduel
B.P. 746
F-97305 Cayenne Cedex

— Réunion:

Ministère de l'Agriculture et de la Pêche
Direction de l'Agriculture et de la Forêt
Parc de la Providence
F-97489 Saint Denis de la Réunion

⁽¹⁾ OJ L 26, 31.1.1977, p. 20.

⁽²⁾ OJ L 142, 5.6.1999, p. 29.

7. The actual expenditure incurred shall be notified to the Commission broken down by type of action or subprogramme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If France keeps suitable computerized accounts this will be acceptable.
8. All payments of aid granted by the Community under this Decision shall be made to the authority designated by France, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in EURO.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in EURO. Payment shall be made to the following account:

Ministère du Budget
Direction de la Comptabilité Publique
Agence Comptable Centrale du Trésor
139, rue de Bercy
F-75572 Paris Cedex 12
N° E 478 98 Divers

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. France and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment France shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. France shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case, asking France or the other authorities designated by France for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated at point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated at point 8 does not reimburse the Community, France shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by France in order to ensure that any irregularity in the provision of assistance programme is detected. France shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment

I. Monitoring committee

1. Establishment

Independent of the financing of this action, a monitoring committee for the programme shall be set up, composed of representatives of France and the Commission. It shall review implementation of the programme regularly and, in appropriate cases, propose any adjustments required.

2. The Committee shall establish its own internal procedures within one month of the notification of the present decision to France.

3. Competence of Monitoring Committee

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch with respect to the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme should the information furnished periodically by the interim monitoring and assessment indicators reveal a delay,
- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a subprogramme or measure for the entire period, and 20 % for any financial year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,
- shall give its opinion on the final draft report,
- shall report regularly, and at least twice during the relevant period, to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred.

II. Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. By continuous monitoring is meant an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realisation.
3. Continuous assessment of a programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of programme

4. France shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission on 31 December 2000 at the latest and shall thereafter be presented to the Standing Committee on Plant Health as soon as possible after that date.

5. The Commission may jointly with France call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment referred to in point 3. He may submit proposals for adjustment the sub-programmes and/or measures, and amending the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall give an opinion on the administrative measures to be taken.

C. Information and publicity

In the framework of this action, the agency appointed as responsible for the programme shall ensure that it is adequately publicised.

It shall in particular take action:

- to make potential recipients and professional organisations aware of the possibilities offered under the programme measures,
- to make the general public aware of the Community's role in the programme.

France and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the monitoring committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the monitoring committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by France.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the 'supplies' and 'works' Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings will be those in force on the date of notification of this Decision.

2. Protection of the environment

(a) General information:

- description of the main environmental features and problems of the region concerned, giving, *inter alia*, a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry of the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) Description of planned activities

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Notice C(88) 2510 to the Member States on monitoring compliance with public procurement rules in the case of projects and programmes financed by the Structural Funds and financial instruments (OJ C 22, 8.1.1989, p. 3).

COMMISSION DECISION
of 17 November 1999
on the Community's financial contribution to a programme for the control of organisms harmful to
plants and plant products in Madeira for 1999

(notified under document number C(1999) 3773)

(Only the Portuguese text is authentic)

(1999/808/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Commission Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 33(3) thereof,

(1) Whereas Commission Decision 93/522/EEC ⁽³⁾, as amended by Decision 96/633/EC ⁽⁴⁾, defines what measures are eligible for Community financing as regards programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

(2) Whereas specific agricultural production conditions in Madeira call for particular attention, and action must be taken or reinforced as regards crop production, in particular the phytosanitary aspects for this region;

(3) Whereas the action to be taken or reinforced on the phytosanitary side is particularly costly;

(4) Whereas the programme of action is to be presented to the Commission by the relevant Portuguese authorities; whereas this programme specifies the objectives to be achieved, the measures to be carried out, their duration and their cost so that the Community may contribute to financing them;

(5) Whereas the Community's financial contribution may cover up to 75 % of eligible expenditure, protective measures for bananas excluded;

(6) Whereas the plant protection operations in Madeira provided for in the operational programme and the Community initiative REGIS II for the period 1994 to 1999 and financed from the Structural Funds cannot be the same as those contained in this programme;

(7) Whereas the operations provided for in the European Community framework programme for research and

technological development cannot be the same as those contained in this programme;

(8) Whereas the measures foreseen in the environmental programme approved for the Region of Madeira in the framework of Council Regulation (EEC) No 2078/92 ⁽⁵⁾, as amended by Regulation (EC) No 2772/95 ⁽⁶⁾, cannot be the same as those contained in this programme;

(9) Whereas the technical information provided by Portugal has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively;

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

HAS ADOPTED THIS DECISION:

Article 1

The Community's financial contribution to the official programme for the control of organisms harmful to plants and plant products on the Island of Madeira presented for 1999 by the relevant Portuguese authorities is hereby approved.

Article 2

The official programme is made up of two sub-programmes:

1. a sub-programme for the autocidal control of the fruit fly (*Ceratitis capitata* Wied);
2. a sub-programme for the control of the white citrus fly (*Aleurothrixus floccosus* Maskell).

Article 3

The Community's financial contribution to the programme in 1999 presented by Portugal shall be 75 % of expenditure related to eligible measures as defined by Commission Decision 93/522/EEC with a maximum of EUR 400 000 (VAT excluded).

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 251, 8.10.1993, p. 35.

⁽⁴⁾ OJ L 283, 5.11.1996, p. 58.

⁽⁵⁾ OJ L 215, 30.7.1992, p. 85.

⁽⁶⁾ OJ L 288, 1.12.1995, p. 35.

The schedule of programme costs and their financing is set out as Annex I to this Decision.

Article 4

A first instalment of EUR 200 000 shall be paid to Portugal immediately after the official notification of the present Decision.

Article 5

The Community assistance shall relate to the eligible measures associated with the operations covered by the programme set up in Portugal by provisions for which the necessary financial resources have been committed between 1 January 1999 and 31 December 1999. The final date for payments in connection with the operations shall be 31 March 2000, and non-compliance without justification of delay shall entail loss of entitlement to Community financing.

In the case where a request for extension of the final date for payment is necessary, the responsible official authorities have to introduce this request before the final date and present the justification concerning this request.

Article 6

Specific provisions relating to the financing of the programme, provisions on compliance with Community policies and the information to be provided to the Commission by Portugal are set out in Annex II.

Article 7

Any public contracts in connection with investments covered by this Decision shall be subject to Community law.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 17 November 1999.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 1999

(in EUR)

	Eligible expenditure 1999		
	EC	Madeira	Total
<i>Ceratitis capitata</i>	369 325	123 108	492 433
<i>Aleurothrixus floccosus</i>	30 675	10 226	40 901
Total	400 000	133 334	533 334

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on the financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitment and payments

2. Portugal guarantees that, for all action co-financed by the Community, all public and private bodies involved in its management and implementation shall keep accounts in standard form of all transactions in order to facilitate monitoring of expenditure by the Community and the national authorities responsible for surveillance.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment will be made when the decision approving assistance is adopted by the Standing Committee on Plant Health under procedure Article 16a(a) of Council Directive 77/93/EEC ⁽¹⁾, as last amended by Commission Directive 1999/53/EC ⁽²⁾.
5. The first instalment of EUR 200 000 shall be paid to Portugal immediately after the official notification of the present Decision.
6. The balance of the amount committed of EUR 200 000 is paid on presentation to the Commission the final activity report and the detailed total expenditure incurred and after it has been approved by the Commission.

Authorities responsible for the implementation of the programme

— Central administration:

Direcção-Geral de Protecção das Culturas
Quinta do Marquês
P-2780 Oeiras

— Local administration:

Região Autónoma da Madeira
Secretaria Regional da Agricultura, Florestas e Pescas
Direcção Regional da Agricultura
Av. Arriaga, 21 A
Edifício Golden Gate, 4.º piso
P-9000 Funchal

7. The actual expenditure incurred shall be notified to the Community broken down by type of action or subprogramme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If Portugal keeps suitable computerised accounts this will be acceptable.
8. All payments of aid granted by the Community under this Decision shall be made to the authority designated by Portugal, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in ecu.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in euro. Payment shall be made to the following account:

Banco BPI
No de conta 0010 370 03221820001
Titular: Governo da Região Autónoma da Madeira
Endereço: Av. de Zarco
P-9000 Funchal

⁽¹⁾ OJ L 26, 31.1.1977, p. 20.

⁽²⁾ OJ L 142, 5.4.1999, p. 29.

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. Portugal and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment Portugal shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. Portugal and the recipients of aid shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case within the partnership framework, asking Portugal or the other authorities designated by Portugal for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, Portugal shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by Portugal in order to ensure that any irregularity in the provision of the assistance programme is detected. Portugal shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment*I. Monitoring Committee***1. Establishment**

Independent of the financing of this action, a monitoring committee for the programme shall be set up by Portugal and the Commission. It shall regularly review implementation of the programme and, in appropriate cases, propose any adjustments required.

2. The Committee shall establish its own internal procedures within one month of the notification of the present decision to Portugal.

3. Competence of Monitoring Committee

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch on respect for the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme in the light of the information furnished periodically by the interim monitoring and assessment indicators,

- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a subprogramme or measure for the entire period, or 20 % for any year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the operational programme,
- shall give its opinion on draft final reports,
- shall report regularly to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred, at least twice during the relevant period.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. By continuous monitoring is meant an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realisation.
3. Continuous assessment of the programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. Portugal shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission before 31 March 2000 and shall thereafter be presented to the Standing Committee on Plant Health as soon as possible after this date.

5. The Commission may jointly with Portugal call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment defined at point 3. He may submit proposals for adjustment of the subprogrammes and/or measures, modification of the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall issue an opinion on the administrative measures to be taken. To guarantee the assessor's impartiality the Commission will not pay the entire cost of employing him.

C. **Information and publicity**

In the framework of this programme, the agency appointed as responsible for the programme shall ensure that it is adequately publicised.

It shall in particular take action to:

- make potential recipients and professional organisations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

Portugal and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the Monitoring Committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the Monitoring Committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by Portugal.

1. Award of public contracts

The public contracts ⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the supplies and works Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By a single piece of work is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings in force are the ones at the date of the notification of this Decision.

2. Protection of the environment

(a) General information

- description of the main environmental features and problems of the region concerned, giving a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry of the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) Description of planned activities

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Notice C(88) 2510 to the Member States, on monitoring of compliance with procurement rules in the case of projects and programmes financed by the Structural Funds and financial instruments (OJ C 22, 28.1.1989, p. 3).

COMMISSION DECISION

of 25 November 1999

laying down provisions for implementing the Order of the President of the Court of First Instance of the European Communities of 29 September 1999 in Case T-44/98 RII

(notified under document number C(1999) 3882)

(1999/809/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) On 30 April 1999 the President of the Court of First Instance of the European Communities issued an order in Case T-44/98 RII (*Emesa Sugar (Free Zone) NV* (hereinafter referred to as 'Emesa') v *Commission of the European Communities*) suspending the application, as regards Emesa, of Article 108b of Council Decision 91/482/EEC on the association of the overseas countries and territories with the European Economic Community ⁽¹⁾, as last amended by Decision 97/803/EC ⁽²⁾ (hereinafter referred to as the 'OCT Decision'), of Commission Regulation (EC) No 2553/97 of 17 December 1997 on rules for issuing import licences for certain products covered by CN codes 1701, 1702, 1703 and 1704 and qualifying as ACP/OCT originating products ⁽³⁾, and of the Commission Decision of 23 December 1997 (VI/51329) ⁽⁴⁾, (hereinafter referred to as the 'Order').
- (2) The Order authorised Emesa until 31 October 1999 to import ground sugar originating in the OCTs in accordance with Article 6 of Annex II to Decision 91/482/EEC, on the conditions set out in that Decision as it applied up to 30 November 1997 and subject to certain requirements and restrictions.
- (3) In order to enable Emesa to carry out the transactions for which it was authorised under the Order, the Commission adopted Decision 1999/422/EC of 24 June 1999 laying down measures for the application of the Order of the President of the Court of First Instance of the European Communities of 30 April 1999 in Case T-44/98 RII ⁽⁵⁾.
- (4) Sugar importation authorised by the Order covers the period up to 31 October 1999. Before that date the Court of Justice handed down no judgment in Case C-17/98 concerning the legality of Article 108b of the OCT Decision. At Emesa's request, on 29 September 1999 the President of the Court of First Instance delivered a new Order (hereinafter referred to as the 'second

order') authorising Emesa to import a further quantity of ground sugar originating in the OCTs in accordance with Article 6 of Annex II to the OCT Decision over the period 31 October 1999 to 29 February 2000, on the conditions set out in that Decision as it applied up to 30 November 1997 and subject to certain requirements and restrictions.

- (5) In order to enable Emesa to carry out the transactions for which it received authorisation under the second Order, implementing provisions to be applied by the Member States and Emesa should be laid down,

HAS ADOPTED THIS DECISION:

Article 1

Emesa Sugar (Free Zone) NV, a company set up under Aruban law and established in Oranjestad, Aruba, is hereby authorised to import into the Community over the period 1 November 1999 to 29 February 2000 7 500 tonnes of ground sugar originating in the OCTs in accordance with Article 6 of Annex II to Decision 91/482/EEC, subject to the following conditions:

1. Importation shall be conditional on the issue of import licences; the competent authorities in the Member States shall issue licences in accordance with the applicable provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁶⁾, as last amended by Regulation (EC) No 1127/1999 ⁽⁷⁾.

Box 24 of licences shall contain the entry 'Order of the President of the Court of First Instance of the European Communities of 29 September 1999 in Case T-44 RII'.

Emesa shall lodge a security of EUR 3/tonne, which shall be released if the goods are imported in accordance with the import licence.

2. Sugar originating in the OCTs and imported into the Community in accordance with the Order shall be sold at a price at least equal to EUR 63,19 per 100 kg of standard quality white sugar as defined in Council Regulation (EEC) No 793/72 ⁽⁸⁾.

⁽¹⁾ OJ L 263, 19.9.1991, p. 1.

⁽²⁾ OJ L 329, 29.11.1997, p. 50.

⁽³⁾ OJ L 349, 19.12.1997, p. 26.

⁽⁴⁾ Not published in the *Official Journal of the European Communities*.

⁽⁵⁾ OJ L 163, 29.6.1999, p. 83.

⁽⁶⁾ OJ L 331, 2.12.1988, p. 1.

⁽⁷⁾ OJ L 135, 29.5.1999, p. 48.

⁽⁸⁾ OJ L 94, 21.4.1972, p. 1.

In addition to the security provided for in the last subparagraph of point 1, at the latest on the day on which the sugar is declared to the customs authorities Emesa shall lodge a bank guarantee of USD 28/tonne at the customs office where the formalities of release for free circulation are completed.

The security shall be released by order of the President of the Court in favour of Emesa if the Court of Justice of the European Communities declares, in its judgment in Case C-17/98, that Article 108b of Decision 91/482/EEC is void.

Article 2

Import licences shall be issued and the goods shall be imported by 29 February 2000 at the latest. However, Emesa may release up to 7 500 tonnes of sugar delivered free on board to it before 29 February 2000 for free circulation within the customs territory of the Community.

Article 3

Emesa shall not submit any import licence applications under Regulation (EC) No 2553/97.

Article 4

Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 955/1999 ⁽²⁾, shall apply provided it does not conflict with the provisions of this Decision.

Article 5

This Decision is addressed to the Member States and Emesa Sugar (Free Zone) NV.

Done at Brussels, 25 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.