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Commission

1999/823/EC:

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Notice to readers (see page 3 of the cover)

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2625/1999
of 13 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 14 December 1999.

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

Done at Brussels, 13 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 13 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	103,5
	204	68,0
	624	132,5
	999	101,3
0709 10 00	220	221,9
	999	221,9
0709 90 70	052	109,0
	204	156,7
	999	132,8
0805 10 10, 0805 10 30, 0805 10 50	052	44,0
	204	46,4
	388	35,6
	999	42,0
0805 20 10	052	77,1
	204	49,3
	999	63,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	80,3
	999	80,3
0805 30 10	052	50,3
	600	67,8
	999	59,0
0808 10 20, 0808 10 50, 0808 10 90	400	87,6
	404	70,9
	728	109,8
	999	89,4
0808 20 50	052	142,8
	064	63,4
	400	121,7
	720	85,1
	999	103,3

⁽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 2626/1999**of 13 December 1999****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 2204/1999 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) It is necessary to make a distinction between mushrooms prepared or preserved by vinegar or acetic acid of subheading 2001 90 50 on the one hand and mushrooms otherwise prepared or preserved than by vinegar or acetic acid of subheading 2003 10 on the other hand;
- (2) According to the text of the Harmonised System Explanatory Notes to heading No 2001, amongst other additives, salt can be added to products of that heading. In this case salt has been added for the purposes of the preparation only;
- (3) In order to be able to make the distinction with products of subheading 2003 10, it seems necessary to limit the total content of salt in products of subheading 2001 90 50;
- (4) It seems appropriate to limit the salt content to a maximum of 2,5 % by weight;
- (5) It is necessary to clarify Additional Note No 1 to Chapter 20 to reflect this decision;

(6) Points 3 and 4 of the Annex to Commission Regulation (EC) No 1196/97 ⁽³⁾, that previously served to classify such products on the basis of their vinegar content, irrespective of the salt content, should be repealed;

(7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee;

HAS ADOPTED THIS REGULATION:

Article 1

Additional Note 1 of Chapter 20 of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87 is replaced by:

- ‘1. For the purposes of heading No 2001, vegetables, fruit, nuts and other edible parts of plants prepared or preserved by vinegar or acetic acid must have a content of free, volatile acid of 0,5 % by weight or more, expressed as acetic acid. In addition mushrooms falling under subheading 2001 90 50 should not have a salt content exceeding 2,5 % by weight.’

Article 2

Points 3 and 4 of the Annex to Regulation (EC) No 1196/97 are hereby repealed.

Article 3

This Regulation shall enter into force on the 21st day following that of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 13 December 1999.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 278, 28.10.1999, p. 1.

⁽³⁾ OJ L 170, 28.6.1997, p. 13.

COMMISSION REGULATION (EC) No 2627/1999
of 13 December 1999
closing an invitation to tender for the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas, by Regulation (EC) No 2465/1999 ⁽²⁾, the Commission issued an invitation to tender for the supply of cereals as food aid; whereas the conditions of the supply, as regards lot A

should be reviewed and the invitation to tender for this lot should consequently be closed,

HAS ADOPTED THIS REGULATION:

Article 1

For lot A of the Annex to Regulation (EC) No 2465/1999 the invitation to tender is closed.

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, 13 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 300, 23.11.1999, p. 4.

COMMISSION REGULATION (EC) No 2628/1999
of 13 December 1999
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;
- (2) following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries;
- (3) it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾; it is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

This Regulation shall enter into force on the 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, 13 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 10/99
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma. Tel.: (39-6) 65 13 29 88; fax: 65 13 28 44/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designed by the recipient
4. **Country of destination:** Somalia
5. **Product to be mobilized:** maize
6. **Total quantity (tonnes net):** 8 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (II.A.(1)(d))
9. **Packaging** ⁽⁸⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A, 1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A.(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment — fob stowed ⁽⁷⁾
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 24.1-13.2.2000
 - second deadline: 7-27.2.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 4.1.2000
 - second deadline: 18.1.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tender and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. M. T. Vestergaard Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel, tlx: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 31.12.1999, fixed by Commission Regulation (EC) No 2500/1999 (OJ L 304, 27.11.1999, p. 11)

Notes:

- (¹) Supplementary information: André Debongnie (tel.: (32-2) 295 14 65),
Torben Vestergaard (tel.: (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39) is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation.
The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114, 29 April 1991, point II.A(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁷) The quantity and quality control will be carried out for every 2 500 tonnes.
- (⁸) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

COMMISSION REGULATION (EC) No 2629/1999
of 13 December 1999
establishing rules for the management and distribution of textile quotas established for the year
2000 under Council Regulation (EC) No 517/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules ⁽¹⁾, as last amended by Commission Regulation (EC) No 2542/1999 ⁽²⁾, and in particular Articles 17(3), 17(6) and 21(2) and 3 thereof, in conjunction with Article 25(3) thereof,

- (1) Whereas the Council, through Regulation (EC) No 517/94, established quantitative restrictions on imports of certain textile products originating in certain third countries and envisaged, in Article 17(2), that these quotas would be allocated in chronological order of receipt of notifications from the Member States according to the principle of first come, first served;
- (2) Whereas Article 17(3) of Regulation (EC) No 517/94 stipulates that it is possible, in certain circumstances, to make use of allocation methods which differ from the method based exclusively on the chronological order of receipt of notifications from Member States, as well as to envisage the division of the quotas into tranches or to set aside part of a specific quantitative limit exclusively for applications which are backed up by proof of the results of previous imports;
- (3) Whereas it is advisable, in order not to affect unduly the continuity of trade flows, to adopt rules for management and distribution of the quotas established for 2000 under Regulation (EC) No 517/94 before the quota year begins;
- (4) Whereas the measures contained in Commission Regulation (EC) No 2650/98 ⁽³⁾ establishing rules for the management and distribution of textiles quotas established for the year 1999 pursuant to Regulation (EC) No 517/94 proved to be satisfactory;
- (5) Whereas in order to satisfy the greatest possible number of operators it therefore seems appropriate to make the 'first come, first served' allocation method based on the chronological order of receipt of the notifications from Member States more flexible by placing a ceiling on the

quantities which can be allocated to each operator by that method;

- (6) Whereas efforts should nevertheless be made to guarantee a degree of continuity in trade; whereas this consideration and the desirability of efficient quota administration make it appropriate for operators to be allowed to make their initial import authorisation application for 2000 equivalent to the quantity (for each textile category and each third country) which they imported in 1999;
- (7) Whereas for optimum use of the quantities it is appropriate to envisage that each operator, after 50 % utilisation of a licence, can introduce a new request for a licence, not exceeding a predetermined quantity, provided quantities are available in the quotas;
- (8) Whereas it is appropriate for the sake of sound administration to make import authorisations valid for nine months from the date of issue and to stipulate that the Member States can issue licences only after being notified of the Commission's decision and only if an operator can prove the existence of a contract and certify (except where specifically provided otherwise) that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned; whereas the competent national authorities are however authorised, in response to importers' applications, to extend by three months and up to 31 March 2001 licences of which at least 50 % has been used by the application date;
- (9) Whereas in order to obviate any potential problems caused by the possible impact of a millenium bug on computer systems the import authorisations shall start to be allocated in December 1999;
- (10) Whereas the measures contained in this Regulation are in accordance with the opinion expressed by the Committee established by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation specifies certain rules concerning the management of quantitative quotas established by Regulation (EC) No 517/94 and applicable for 2000.

⁽¹⁾ OJ L 67, 10.3.1994, p. 1.

⁽²⁾ OJ L 307, 2.12.1999, p. 14.

⁽³⁾ OJ L 335, 10.12.1998, p. 43.

Article 2

The quotas referred to in Article 1 and shown in Annexes IIIB and IV to Regulation (EC) No 517/94 shall be allocated on a 'first come, first served' basis according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator stipulated in the Annex hereto.

These maximum quantities shall not, however, apply to operators able to prove to the competent national authorities when making their first application for 2000 that they imported, for given categories, given third countries and under import licences granted to them for 1999, more than the maximum quantities specified for each category. In the case of such operators, the competent authorities may authorise imports of no more than the quantities imported in 1999 for given third countries and given categories, provided that enough quota is available.

Article 3

Any importer who has used 50 % or more of the amount allocated to him through a licence under this Regulation may make a further application for a licence, for the same category and country of origin, for amounts not exceeding the maximum quantities laid down in the Annex hereto, provided that enough of the quota is available.

Article 4

The requests for import authorisations can be submitted to the Commission as of 20 December 1999 at 10 a.m., Brussels time. Import authorisations shall be valid for nine months from the date of issue, but not earlier than 1 January 2000, and in no case later than 31 December 2000. On licences issued before 1 January 2000, the competent authorities of the Member States will indicate in box 13 (further particulars): 'This license is valid from 1 January 2000.'

At the importer's request, the competent national authorities may, however, grant a three-month extension for licences which are at least 50 % used up at the time of the request. The extension must in no case last beyond 31 March 2001.

The competent authorities of the Member States shall issue authorisations only after being notified of the Commission's decision and only if an operator can prove the existence of a contract and, without prejudice to the provisions of Article 3, certify in writing that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned.

Article 5

This Regulation shall enter into force on 1 January 2000.

Article 4 shall apply as from 20 December 1999.

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

Done at Brussels, 13 December 1999.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

Maximum amounts referred to in Article 2

Country concerned	Category	Unit	Maximum amount
North Korea	1	kilograms	5 000
	2	kilograms	5 000
	3	kilograms	5 000
	4	pieces	5 000
	5	pieces	5 000
	6	pieces	5 000
	7	pieces	5 000
	8	pieces	5 000
	9	kilograms	5 000
	12	pairs	5 000
	13	pieces	5 000
	14	pieces	5 000
	15	pieces	5 000
	16	pieces	5 000
	17	pieces	5 000
	18	kilograms	5 000
	19	pieces	5 000
	20	kilograms	5 000
	21	pieces	5 000
	24	pieces	5 000
	26	pieces	5 000
	27	pieces	5 000
	28	pieces	5 000
	29	pieces	5 000
	31	pieces	5 000
	36	kilograms	5 000
	37	kilograms	5 000
	39	kilograms	5 000
	59	kilograms	5 000
	61	kilograms	5 000
	68	kilograms	5 000
	69	pieces	5 000
	70	pieces	5 000
	73	pieces	5 000
	74	pieces	5 000
	75	pieces	5 000
	76	kilograms	5 000
	77	kilograms	2 500
	78	kilograms	2 500
	83	kilograms	5 000
	87	kilograms	5 000

Country concerned	Category	Unit	Maximum amount
	109	kilograms	5 000
	117	kilograms	5 000
	118	kilograms	5 000
	142	kilograms	5 000
	151A	kilograms	5 000
	151B	kilograms	5 000
	161	kilograms	5 000
Republic of Bosnia-Herzegovina	1	kilograms	20 000
	2	kilograms	20 000
	2a	kilograms	5 000
	3	kilograms	5 000
	5	pieces	5 000
	6	pieces	5 000
	7	pieces	5 000
	8	pieces	5 000
	9	kilograms	5 000
	15	pieces	5 000
	16	pieces	5 000
	67	kilograms	5 000
Croatia	1	kilograms	20 000
	2	kilograms	20 000
	2a	kilograms	5 000
	3	kilograms	5 000
	5	pieces	5 000
	6	pieces	5 000
	7	pieces	5 000
	8	pieces	5 000
	9	kilograms	5 000
	15	pieces	5 000
	16	pieces	5 000
	67	kilograms	5 000
Federal Republic of Yugoslavia	1	kilograms	20 000
	2	kilograms	20 000
	2a	kilograms	5 000
	3	kilograms	5 000
	5	pieces	5 000
	6	pieces	5 000
	7	pieces	5 000
	8	pieces	5 000
	9	kilograms	5 000
	15	pieces	5 000
	16	pieces	5 000
	67	kilograms	5 000

COMMISSION REGULATION (EC) No 2630/1999
of 13 December 1999
amending Commission Regulation (EC) No 1702/1999 as regards the fixing of the date for
requesting certificates under Regulation (EC) No 1222/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2491/98 ⁽²⁾, and in particular the first subparagraph of Article 8(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1702/1999 ⁽³⁾ has amended Regulation (EC) No 1222/94 ⁽⁴⁾, which lays down, in respect of certain agricultural products exported in the form of goods not covered by Annex I (formerly Annex II) to the Treaty, common detailed rules for the application of the system of granting export refunds.
- (2) Pursuant to Regulation (EC) No 1702/1999, the certificates referred to in the new Articles 6a to 6i of Regulation (EC) No 1222/1994 may be requested as from 1 December 1999.
- (3) The transmission of data relating to the certificates is essential for the sound management of the refunds granted in respect of goods falling outside Annex I. In

that regard, the changeover from 1999 to 2000 could lead to disruptions, the nature and intensity of which cannot be predicted nor resolved in advance. As the first certificates cannot be issued before December 1999, their issue could be disrupted from the end of December and such disruption could continue into January. It is therefore appropriate to postpone the date from which certificates may be requested, to 1 February 2000.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions relating to trade in processed agricultural products not covered by Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The third indent of the third paragraph of Article 3 of Regulation (EC) No 1702/1999 is replaced by the following:

‘— the certificates referred to in Article 1(5) may be requested with effect from 1 February 2000.’

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, 13 December 1999.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 309, 19.11.1998, p. 28.

⁽³⁾ OJ L 201, 31.7.1999, p. 30.

⁽⁴⁾ OJ L 136, 31.5.1994, p. 5.

**COMMISSION REGULATION (EC) No 2631/1999
of 13 December 1999**

amending Regulation (EC) No 2508/97 as regards the detailed rules for the application to milk and milk products of the schemes provided for in the Europe Agreement between the Community and the Republic of Lithuania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 98/677/EC of 18 May 1998 on the conclusion of a Protocol adjusting trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements ⁽¹⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2508/97 ⁽²⁾, as last amended by Regulation (EC) No 1643/1999 ⁽³⁾, lays down, *inter alia*, the detailed rules for the application to milk and milk products of the schemes provided for in the Europe Agreement between the Community and the

Republic of Lithuania. Because of the conclusion of the Protocol referred to in Decision 98/667/EC, which replaces the combined nomenclature code applying to cheeses originating in Lithuania, the Annex to the Regulation must be amended with effect from the next application period for import licences.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I, part I (Lithuania), of Regulation (EC) No 2508/97 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 13 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 321, 30.11.1998, p. 1.

⁽²⁾ OJ L 345, 16.12.1997, p. 31.

⁽³⁾ OJ L 195, 28.7.1999, p. 5.

ANNEX

I. Products originating in Lithuania

Serial No	CN code	Description (1)	Applicable rate of duty (% of MFN duty)	Annual quantity (tonnes)			
				from 1.7.1997 to 30.6.1998	from 1.7.1998 to 30.6.1999	from 1.7.1999 to 30.6.2000	from 1.7.2000
09.4554	0402 10 19 0402 21 19	Skimmed-milk powder Whole milk powder	20	3 850	4 025	4 200	4 375
09.4567	0402 99 11	Milk or cream, condensed, with added sugar	20	240	260	280	300
09.4556	0405 10 11 0405 10 19	Butter	20	1 320	1 380	1 440	1 500
09.4557	0406 90	Cheeses	20	1 540	1 610	1 680	1 750'

COMMISSION REGULATION (EC) No 2632/1999
of 13 December 1999
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 2125/1999 ⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;
- (2) the application of Article 6(2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to buying in the quantities necessary to ensure reasonable

support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 14 December 1999.

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

Done at Brussels, 13 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1998, p. 17.

⁽³⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁴⁾ OJ L 261, 7.10.1999, p. 11.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89
Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-Membros ou regiões de Estados-Membros e grupos de qualidades referidos no n.º 1 do artigo 1.º do Regulamento (CEE) n.º 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmit
Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lidstaat of gebied van een lidstaat	Categorie A			Categorie C		
Estados-Membros ou regiões de Estados-Membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
België-Belgique		×				
Danmark		×				
France						×
Ireland				×	×	×
Northern Ireland				×	×	×

**COMMISSION REGULATION (EC) No 2633/1999
of 13 December 1999**

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas:

pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 14 December 1999.

It shall apply from 15 to 28 December 1999.

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

Done at Brussels, 13 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

(EUR/100 pieces)

Period from 15 to 28 December 1999				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	15,34	9,83	40,61	13,34
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	8,39	16,21	12,66	11,22
Morocco	13,04	12,85	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 November 1999

confirming the measures notified by the Netherlands pursuant to Article 6(6) of Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste

(notified under document number C(1999) 3818)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(1999/823/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste ⁽¹⁾, and in particular Article 6(6) thereof,

Having verified, in cooperation with the Member States, that the conditions established in Article 6(6) are met,

Whereas:

quantified targets to be achieved by Member States for recovery and recycling of packaging waste.

- (2) Article 6(1)(a) establishes that, no later than 30 June 2001, between 50 % as a minimum and 65 % as a maximum by weight of the packaging waste will be recovered. Pursuant to Article 6(1)(b), within this general target, and within the same time limit, between 25 % as a minimum and 45 % as a maximum by weight of the totality of packaging materials contained in packaging waste will be recycled, with a minimum of 15 % by weight for each packaging material.

- (3) Article 6(6) introduces a monitoring procedure to ensure coherence between the different strategies chosen by Member States, particularly with a view to ensure that targets set in one Member State do not hinder compliance by other Member States with the Directive or represent distortions of the internal market.

- (4) Under that provision, the Commission is to confirm such measures after appropriate verification.

2. The measures notified

- (5) The Netherlands transposed Directive 94/62/EC by means of a Regulation (hereafter 'the Regulation'), published in the *Staatscourant* on 4 July 1997 and entered into force on 1 August 1997.

I. PROCEDURE

1. Directive 94/62/EC

- (1) Directive 94/62/EC, based on Article 95 (ex Article 100a) of the Treaty, aims to harmonise national measures concerning the management of packaging and packaging waste in order to prevent any impact thereof on the environment or to reduce such an impact, thus providing a high level of environmental protection, and to ensure the functioning of the internal market and to avoid obstacles to trade as well as distortions and restrictions of competition within the Community. To this end, Article 6(1) of the Directive lays down, *inter alia*,

⁽¹⁾ OJ L 365, 31.12.1994, p. 10.

- (6) Article 3 of the Regulation requires producers and importers, with effect from 1 August 1998, to recover 65 % of the packaging waste and to recycle 45 % of the totality of packaging materials contained in packaging waste, with a minimum of 15 % by weight for each packaging material. There are three possibilities to fulfil this obligation.
- (a) Producer/importers may fulfil the obligation individually. In such case, Article 6 of the Regulation establishes that they notify the Minister on an individual basis how the packaging waste will be taken back, recovered and recycled.
- (b) Producer/importers may jointly notify to the Minister how they intend to fulfil the obligations of Article 3 (Article 9 of the Regulation). This means that they demonstrate that they are affiliated to an organisation of producers and importers which fulfils these obligations on their behalf. They still have, individually, the obligation to achieve the recovery and recycling targets, but they are no longer subject to an individual obligation of notification to the Minister.
- (c) Producers/importers who are signatory to a covenant between public authorities and economic operators of the packaging chain, in which binding agreements have been made on the implementation of the obligations set out in the Regulation, are released from the individual obligations set out in Articles 3 to 9 of the Regulation (Article 2 of the Regulation). Although the obligation to fulfil the recovery and recycling targets remains valid, producers and importers signatory to the covenant are released from the notification and reporting obligations set out in the Regulation. In addition, producers/importers signatory to the covenant have to achieve higher recycling targets than those set out in the Regulation. The whole idea behind this option is to aim at higher targets at the lowest possible administrative cost.
- (7) Article 2 of the Regulation has been implemented by means of the 'Packaging Covenant II' (hereafter 'the Covenant'). Certain provisions contained in the Covenant exceed the targets set out in Article 6(1) of Directive 94/62/EC and they are therefore the main subject of this Decision.
- (8) A draft 'Packaging Covenant II' was notified to the Commission on 25 August 1997 (notification 97/0576/NL), in the context of the procedure established by Directive 83/189/EEC⁽¹⁾. This Covenant consists of a general covenant and a number of subcovenants. The overall objective of the general covenant is to minimise the amount of packaging waste which needs to be disposed of. To this end, the Covenant establishes that by 30 June 2001 at least 65 % of packaging materials contained in the packaging waste must be recycled. Specific targets for each specific packaging material are laid down in the respective sub-covenants (85 % for paper, 90 % for glass, 80 % for metals, 27 % for plastics and 15 % for wood).
- (9) Commenting on the notification of the draft covenant, on 26 November 1997, the Commission asked the Netherlands to confirm the intention to invoke Article 6(6) and to provide information on the expected recycling target as well as on the measures taken to avoid compliance problems of other Member States with the Directive, trade restrictions and market distortions.
- (10) On 19 November 1997, the United Kingdom also commented on this notification, requiring 'additional information' seeking to demonstrate that the conditions laid down in Article 6(6) are complied with.
- (11) The 'Packaging Covenant II' was signed on 15 December 1997.
- (12) By letter of 18 March 1998, reacting to the comments of the Commission and the United Kingdom, the Netherlands informed that material recycling had already attained the overall rate of 51 % and that existing recycling capacities were considered to be largely sufficient in order to exceed the maximum recycling target set by the Directive. For further details, the Netherlands referred to a specific letter addressed to the Commission on 26 February 1998. In this letter, the Netherlands confirmed its intention to reach a recycling target of 65 % by the year 2001. The Netherlands pointed at the fact that recyclable packaging is subject to the rules on free circulation, which makes it difficult to exactly monitor which part of the existing Dutch recycling capacities is used for recycling Dutch waste as well as which part of Dutch waste is recycled abroad. The Netherlands referred to the discussion in the Article 21 Committee on 21 April 1997, where a general consensus was reached about the primary role which should be played by those Member States fearing that their compliance with the Directive would be hindered by measures which were adopted by other Member States. In any case, in order to give an insight about the existing recycling capacities in the Netherlands, the following table was provided, which shows that there is enough capacity to treat the additional packaging to be recycled by 2001.

⁽¹⁾ OJ L 109, 26.4.1983, p. 8. This Directive has been amended by Directive 98/34/EC (OJ L 204, 21.7.1998, p. 37).

	Glass	Paper/board	Metals	Plastics
Production capacity in NL in 1996 (Thousand tonnes)	820	2 824	6 000	3 000
Use of recyclates in 1996 (Thousand tonnes)	400	2 106	1 500	300
Quantity of packaging put on the market in 1996 (Thousand tonnes)	472	1 401	214	613
Quantity of packaging materially recycled in 1996 (Thousand tonnes)	338	865	126	67
Percentage of packaging materially recycled in 1996	72	62	59	11
Intended percentage of packaging waste to be recycled in 2001	90	85	80	35
Intended quantity of packaging waste to be recycled in 2001 (Thousand tonnes)	425	1 191	171	214
Additional quantity of packaging to be materially recycled in 2001 compared to 1996 (Thousand tonnes)	87	326	45	147

3. Opinions

(13) Article 6(6) states that the Commission shall take a decision, after a verification of the measures in co-operation with Member States. To this end, the Commission consulted the Member States on this notification in the context of the Committee established by Article 21 of Directive 94/62/EC. A discussion within this Committee was held on 6 July 1999. Member States were then invited to send written comments to the Commission by 20 July 1999.

(14) The United Kingdom pointed at the difficulties to assess in practice the effects of measures exceeding the maximum targets of Directive 94/62/EC but did not foresee any significant problem in relation to the Dutch notification. Italy stated that it is important that the Commission carries out the necessary analysis to make sure that the conditions laid down in Article 6(6) of Directive 94/62/EC are fulfilled. Provided the Commission agrees with the Dutch measures, Italy would not raise objections. Belgium requested the Commission to make sure that the comparability of Dutch targets with the targets of the Directive is ensured. In particular Belgium asked the Netherlands to clarify if the recycling targets set out in the Covenant also include reuse of packaging. The Netherlands confirmed that, in line with Directive 94/62/EC, its recycling targets do not include the reuse of packaging. In conclusion, no Member State contended that the Dutch measures could create internal market distortions or hinder compliance by other Member States with the Directive.

II. ASSESSMENT

(15) Article 6(6) of Directive 94/62/EC allows Member States to go beyond targets set in Article 6(1)(a) and 6(1)(b) if the Member State provides to this effect appropriate capacities for recycling and recovery. The measures must be taken in the interest of a high level of environmental

protection and on the condition that they avoid distortions of the internal market and do not hinder compliance by other Member States with the Directive. Nor may they constitute an arbitrary means of discrimination or a disguised restriction on trade between Member States.

(16) In this case, the Netherlands have asked for a derogation from Article 6(1)(b).

(17) The Commission has consulted the Member States and no objections to the Dutch measures have been raised.

a) Appropriate capacities for recovery and recycling

(18) This requirement is interpreted by the Commission as not imposing on Member States total self sufficiency with respect to recycling and recovery. Member States may also have recourse to capacities located in other Member States and third countries in order to fulfil their recycling and recovery targets. This, however, makes it difficult to carry out a precise quantification of available capacities, since recycling takes place in an open international market.

(19) This criterion serves also the purpose of ensuring that measures taken in one Member State do not result in problems of compliance with the Directive for other Member States; therefore it should be seen in conjunction with the other criteria laid down in Article 6(6). In practice, compliance with this criterion is a signal for compliance with criteria (b) and (c) below. In particular, if targets are set exceeding those laid down in Article 6(1), it should be ensured that this is not to the detriment of collection and recycling schemes in other Member States.

(20) As regards the Dutch notified measures, the information provided by the Dutch Government to the Commission and to the other Member States indicated that the exceeding of the targets of Directive 94/62/EC does not exert as a consequence any disturbance on the market for recyclates in other Member States.

(21) More specifically, the information provided by the Netherlands and summarised in the above table indicate that a recycling rate of 72 % of glass packaging, 62 % of paper/board packaging, 59 % of metal packaging and 11 % of plastic packaging had already been achieved in 1996 and that no capacity problems exist for absorbing additional quantities of packaging to be materially recycled in 2001. The present production capacity in these sectors allows to considerably increase the recycling rates of packaging without having to necessarily use recycling capacities located outside the Dutch territory.

(22) The Commission finds that the Netherlands provides appropriate capacities for recycling.

b) Potential distortions of the internal market

(23) The Commission has assessed the measures as notified by the Netherlands and finds that the recycling rates laid down in the Covenant do not appear to cause, at present, distortions of the internal market. This Decision is without prejudice to the full application of Community law, particularly as regards the free movement of goods. The consultation of the other Member States revealed that no Member State considers that the Dutch measure could lead to market distortions.

(24) The Commission does not dispose of any other element showing that the Dutch recycling targets would lead arbitrarily to market distortions.

c) Non-hindrance of compliance by other Member States with the Directive

(25) The purpose of this criterion is to avoid recycling and recovery capacities of Member States being filled up by packaging waste collected in other Member States. This is particularly relevant for those Member States which have not yet started recycling of packaging waste on a large scale and where the infrastructure for collection is still to be set up or completed.

(26) The assessment of the notified measures in light of this criterion should primarily be made taking into account the opinion of the Member States whose compliance with the targets of the Directive could be endangered by measures set up in other Member States. No Member State expressed concern that the compliance with the Directive could be hindered by the measures notified by the Netherlands. The Commission has not either become

aware or been made aware of any compliance problem caused by the Dutch measures to other Member States.

(27) In assessing whether exceeding the recycling target by the Netherlands could result in recycling capacities in other Member States being exploited, thereby resulting in potential compliance problems by other Member States with the targets of the Directive, the Commission also takes into account the fact that the Netherlands produce in total less than 5 % of the packaging waste produced in the Community. Therefore, in the Commission's view, taking also into account the high recycling rates already achieved in the Netherlands, there is no real risk that this would result in problems for other Member States in complying with the targets of Directive 94/62/EC.

d) No arbitrary means of discrimination

(28) The Dutch measures apply without distinction to all packaging waste, whether arising from domestic or imported products. The Commission has consulted the Member States: the information obtained is not indicative of any arbitrary discrimination.

e) No disguised restriction on trade between Member States

(29) This concept refers to possible restrictions on imports of products from other Member States and to indirect protection of domestic production. Wastes are goods which fall under the scope of Articles 28 to 30 of the Treaty and consequently measures taken in the field of waste management are also capable, in certain circumstances, of restricting trade or protecting domestic production. The Commission therefore needs to assess whether unwished effects are avoided by setting targets in such a way that no indirect favourisation of domestic production or distribution occurs. However, the content of the Dutch measures and their application do not seem to allow for the conclusion that restriction on trade are caused by the Dutch notified measures.

III. CONCLUSION

(30) The Commission, in the light of the information provided by the Netherlands and of the outcome of the consultation of the Member States described in the above considerations, concludes that the measures notified by the Netherlands pursuant to Article 6(6) of Directive 94/62/EC should be confirmed since it has been verified that:

- appropriate capacities for recycling exist in the Netherlands,
- the measures do not lead to distortions of the internal market,

- the measures do not hinder compliance by other Member States with the Directive,
- the measures do not constitute an arbitrary means of discrimination,
- the measures do not constitute a disguised restriction on trade between Member States,

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 22 November 1999.

HAS ADOPTED THIS DECISION:

Article 1

The measures notified by the Netherlands which exceed the maximum recycling target laid down in Article 6(1)(b) of Directive 94/62/EC are hereby confirmed.

For the Commission

Margot WALLSTRÖM

Member of the Commission

NOTICE TO READERS

Subject: Monthly Indexes

The April 1999 editions of the OJ 'L' and 'C' monthly alphabetical index and the methodological table are now available.

EUR-OP aims to produce all subsequent editions rapidly, at two-week intervals, and to be up to date early in the year 2000.

We regret the long delays which were caused by internal changes in production methods, and are confident that these problems will not re-appear with the year 2000 subscriptions.

We apologise for any inconvenience caused.