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Legislation

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

**EUROPEAN COUNCIL COMMON STRATEGY
of 11 December 1999
on Ukraine**

(1999/877/CFSP)

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, in particular Article 13(2) thereof,

Whereas the Agreement on Partnership and Cooperation (PCA) between the European Communities, their Member States and Ukraine entered into force on 1 March 1998,

HAS ADOPTED THIS COMMON STRATEGY:

PART I

VISION OF THE EUROPEAN UNION FOR ITS PARTNERSHIP WITH UKRAINE

1. The strategic partnership between the European Union (EU) and Ukraine, based on shared values and common interests, is a vital factor enhancing peace, stability and prosperity in Europe. The freedom, independence and stability of Ukraine rank among the greatest achievements in the new Europe rid of old dividing lines. Geography as well as size, the resources of its population as well as its location along the North-South and East-West axes give Ukraine a unique position in Europe and makes it a determinant regional actor.
2. Ukraine enjoys today excellent relations with all its neighbours and has taken important steps in nation-building and towards consolidating its democracy. The fact that Ukraine has since independence been a source of regional stability, despite its domestic difficulties and diversities, is a laudable achievement. The EU welcomes the close involvement of Ukraine in the stabilisation of its region and encourages the strengthening of Ukraine's role in regional cooperation fora. The EU also welcomes Ukraine's commitment to nuclear disarmament as well as its cooperation in the maintenance of European and international peace and security, namely through the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations.
3. The strategic partnership between the EU and Ukraine has been continuously reinforced since the independence of Ukraine. In this context, the Partnership and Cooperation Agreement is a significant achievement. Ukraine was the first of the Newly Independent States to sign such an agreement, thus marking the EU's and Ukraine's wish to strengthen cooperation. Through macro-financial assistance, the Tacis-programme, as well as through bilateral programmes, valuable support is provided by the EU to help Ukraine in her transition and reform process.
4. Following the current enlargement process, some future EU Member States will share an external border with Ukraine. The enlargement of the Union will further enhance economic dynamism and political stability in the region, thus increasing the possibilities for cooperation with Ukraine.
5. The European Union has the following strategic goals with regard to Ukraine:
 - to contribute to the emergence of a stable, open and pluralistic democracy in Ukraine, governed by the rule of law and underpinning a stable functioning market economy which will benefit all the people of Ukraine;
 - to cooperate with Ukraine in the maintenance of stability and security in Europe and the wider world, and in finding effective responses to common challenges facing the continent;

— to increase economic, political and cultural cooperation with Ukraine as well as cooperation in the field of justice and home affairs.

6. The EU acknowledges Ukraine's European aspirations and welcomes Ukraine's pro-European choice. The EU remains firmly committed to working with Ukraine at national, regional and local levels, in order to support a successful political and economic transformation in Ukraine, which will facilitate Ukraine's further rapprochement with the EU. The EU and its Member States offer to share with Ukraine their various experiences in building modern political, economic, social and administrative structures, fully recognising that the main responsibility for Ukraine's future lies with Ukraine itself.

7. The European Council therefore adopts this Common Strategy to strengthen the strategic partnership between the EU and Ukraine. The European Council recognises that a successful, stable and secure Ukraine is in the best of interests of the EU. The legal basis of the relationship between the EU and Ukraine is the Partnership and Cooperation Agreement (PCA). The full implementation of this agreement is a prerequisite for Ukraine's successful integration into the European economy and will also help Ukraine assert its European identity.

8. The EU and its Member States will develop the coordination, coherence and complementarity of all aspects of their policy towards Ukraine. The Union, the Community and its Member States will also work together with and within regional and international organisations as well as with like-minded partners to meet the objectives set out in the PCA and this Common Strategy. The positions taken by the Community and its Member States in all relevant fora will conform to this Common Strategy. The European Council invites Ukraine to work with the EU on the basis of this Common Strategy to the benefit of both.

PART II

PRINCIPAL OBJECTIVES

The European Council has identified the following principal objectives:

- I. Support for the democratic and economic transition process in Ukraine
- II. Ensuring stability and security and meeting common challenges on the European continent
- III. Support for strengthened cooperation between the EU and Ukraine within the context of EU enlargement

I. Support for the democratic and economic transition process in Ukraine

The EU and Ukraine have a common interest in accelerating the democratic and economic transition process in Ukraine. The successful transformation in Ukraine will bring prosperity not only to Ukraine but to the entire region. In order for this transition process to be successful, reforms must take place to consolidate democracy and the rule of law as well as economic and social reform in view of establishing a functioning market economy.

The EU proposes to strengthen cooperation with Ukraine in the following priority areas:

I(i) The consolidation of democracy, the rule of law and public institutions in Ukraine

9. The EU welcomes Ukraine's achievements in laying the foundations of a democratic system namely in establishing a multiparty system and adopting a parliamentary constitution.

The EU acknowledges Ukraine's achievements in maintaining its unity despite the country's diverse make up.

10. The EU supports Ukraine in all its efforts aiming at the consolidation of democracy and good governance, human rights and the rule of law. The Union considers that the rule of law is a prerequisite for the development of a functioning market economy which offers opportunities and benefits to all the citizens of Ukraine. The EU supports Ukraine's efforts to reform the legal system in the framework of the PCA. A properly functioning independent judiciary, a professional police force, the development of a meritocratic, well-trained public administration at national, regional and local levels are all key elements in the effective implementation of government decisions. The EU encourages Ukraine's efforts to develop the efficiency, transparency and democratic character of its public institutions, including the development of free media. These are prerequisites for economic and social development and contribute to the building of a modern civil society.

11. The EU attaches importance to the development of civil society and a competitive, investor friendly business environment in Ukraine and encourages closer links between the peoples and non governmental organisations of the Union and Ukraine. The EU welcomes Ukraine's agreement of a Memorandum of Understanding with the OSCE and strongly recommends Ukraine to work in close cooperation with the OSCE project-coordinator in Ukraine. The EU supports Ukraine's efforts aiming at the protection and promotion of rights of minorities and calls upon Ukraine to continue its good work in this domain, including in cooperation with the High Commissioner for National Minorities.

12. The EU attaches particular importance to close cooperation with Ukraine in the framework of the Council of Europe and the OSCE. In this context, the EU urges Ukraine to fulfill its commitments and to adapt its legislation to meet the norms and standards of the Council of Europe, in particular the obligations to which Ukraine signed up on its accession to the Council of Europe in 1995. The EU takes note of the findings of the OSCE/Office for Democratic Institutions and Human Rights (ODIHR) election monitoring mission on the conduct of the 1999 presidential elections in Ukraine, to the effect that the conduct of these elections failed to meet a number of OSCE commitments and calls on Ukraine to heed the recommendations made by the OSCE monitoring mission in its report with a view to future elections.

I(ii) Support for the economic transition process in Ukraine

13. The EU is committed to supporting Ukraine's efforts in establishing an environment that is conducive to economic activity and will support Ukraine in its economic and social reforms.

14. The EU encourages Ukraine to establish macro-economic policies aiming at price stability, sound public finances and a sustainable current account position. In order to proceed further to price stability it is important that the central bank is allowed to operate independently of political interference. Existing prudential regulations for financial sector supervision need to be strengthened. Tax collection must be improved, and *ad hoc* tax amnesties and tax exemptions for specific sectors of the economy should be avoided.

15. The EU strongly encourages Ukraine to intensify its efforts to build a functioning market economy through greater structural, economic and administrative reforms in the context of a comprehensive reform programme agreed with the International Monetary Fund. This should include establishing and enforcing clear property rights, further privatisation, further liberalisation of prices, the raising of communal tariffs for energy, water and rents to full cost recovery levels, restructuring of business, and encouraging the growth of small and medium size enterprises. The overall pace of these reforms needs to be accelerated. As far as sectoral reform is concerned, the agriculture, energy and transport sectors deserve particular attention.

16. The introduction of a land reform process is required to facilitate, *inter alia* the long term lease of land as collateral for loans, paving the way for more investment in the agriculture sector.

17. Attracting and protecting domestic and foreign investment also plays a key role in Ukraine's development. In this context, the EU notes that allegations of corruption and poor governance are damaging to Ukraine's economic reputation. The Union will support Ukraine in developing and adopting the economic policies needed to increase domestic and foreign investment and to meet the requirements of international lenders.

18. In view of Ukraine's heavy debt service obligations, Ukraine's economic recovery will require the continued involvement of private creditors. Collaborative solutions to Ukraine's debt service problems must be found.

19. The EU is fully aware of the fact that Ukraine's economic reforms sometimes have to be pursued in a difficult external environment. EU macro-financial assistance would be pursued as appropriate, in accordance with established criteria and procedures, aiming at supporting macro-economic stabilisation and comprehensive structural reform, consistent with programmes of the International Monetary Fund and the World Bank. The EU will continue to stand ready to support economic reforms in Ukraine in those circumstances. EU macro-financial assistance helps Ukraine to open up its economy, improve economic adjustment, enhance competition, and further integrate the Ukrainian economy into the European and global economy.

20. The EU will support Ukraine through the promotion of progressive approximation of legislation towards that of the EU, especially in such areas as competition policy, standards and certification, intellectual property rights, data protection, customs procedures and environment.

21. In implementing a programme that establishes a functioning market economy, a well targeted social security system must be put in place, so that the social aspects of the transition to a market economy are taken into account.

II. Ensuring stability and security and meeting common challenges on the European continent

The EU and Ukraine have a common interest in the maintenance of stability and security in a free and democratic Europe. The geopolitical situation of Ukraine, situated along the North-South and East-West axes gives Ukraine a unique position in Europe. The EU recognises Ukraine's regional importance. In this context, the EU proposes to strengthen cooperation with Ukraine paying particular attention to nuclear safety and to the strengthening of political dialogue, as provided for in the framework of the PCA, with a view of making it more coherent and operational.

The EU wishes to deepen cooperation with Ukraine in order to find effective responses to common challenges facing the continent on the following issues:

II(i) Cooperation to strengthen stability and security in Europe

22. The EU supports Ukraine's efforts to promote cooperation and stability in its region, including in the context of the Black Sea Economic Cooperation Organisation, the Council of Baltic Sea States and Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova. The EU welcomes the positive development of Ukraine's relationship with all its neighbours and believes it has an interest in those relationships remaining strong and stable. The EU also notes Ukraine's contribution to European stability through its role as an observer to the Stability Pact for South-East Europe.

23. The EU and Ukraine share a common interest in the maintenance of stability and security in a free and democratic Europe. Strengthened mechanisms for consultations between the EU and Ukraine in the framework of the PCA, Council of Europe and United Nations, and strong cooperation between the OSCE and Ukraine, are needed to respond jointly and effectively to European and global security challenges.

24. The EU congratulates Ukraine on its election to the United Nations Security Council (2000-2002). This fact reinforces the need for the EU further to deepen and broaden its political dialogue with Ukraine at official and ministerial level, bilaterally and through EU mechanisms. The adoption of the European Security Charter will enhance the cooperation between the Member States of the OSCE.

25. The EU promotes and supports the dialogue on general and specific issues relating to crisis management and security building as developed over the past years between the Western European Union and Ukraine as well as the intensification of practical cooperation in this field, in particular through the implementation of the action plan recently drawn up between the Western European Union and Ukraine.

26. The EU is also interested in strengthening cooperation with Ukraine in the field of export controls and non-proliferation of weapons of mass destruction and their delivery vehicles, and encourages Ukraine to fulfill its obligations under the Chemical Weapons Convention.

27. Moreover, the EU encourages Ukraine to achieve the goals of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The EU also encourages Ukraine to develop a strategy to combat the destabilising accumulation and the spread of small arms and light weapons.

II(ii) *Cooperation in the field of environment, energy and nuclear safety*

28. The EU will seek to enhance European stability and work with Ukraine in the fields of energy and nuclear safety, by supporting a comprehensive energy sector reform, *inter alia*, by continued cooperation with Ukraine on the implementation of the financial Recovery Plan for the energy sector, including price liberalisation, improved cash collection and privatisation of distribution companies. In this context, the EU will promote the efficient and environmentally responsible use of energy in Ukraine and the strengthening of new energy institutions and authorities and their policy-making capacity.

29. Nuclear safety and the decommissioning of the Chernobyl Nuclear Power Plant are a priority in EU-Ukraine relations. The EU encourages the development of an independent nuclear regulatory authority in Ukraine and urges Ukraine to stand by its commitment to implement the G7/Ukraine Memorandum of Understanding of 1995 on the closure of Chernobyl. In return, the EU will support Ukraine in financing replacement energy generating capacity in Ukraine.

30. The EU is also interested in enhancing cooperation with Ukraine on such issues as radiation protection, waste management, decontamination and dismantling of nuclear installations, and studies in the field of fusion technology. The recently signed cooperation agreements in the fields of nuclear safety and thermonuclear fusion between Euratom and Ukraine will facilitate this cooperation.

31. Moreover, the EU encourages Ukraine to take resolute measures in the field of environmental protection. The protection of public health against pollution of drinking water, air and soil, and the sustainable and responsible use of natural resources as well as the limitation of transboundary pollution of air and water are priorities in this area.

III. **Support for strengthened cooperation between the EU and Ukraine within the context of EU enlargement**

Following the current enlargement process, some future EU Member States will share an external border with Ukraine. The EU wishes to contribute to the mutual benefit of the Union and Ukraine in this process. In this context, the EU proposes strengthened cooperation with Ukraine, paying particular attention to cooperation in the field of justice and home affairs. The EU also encourages Ukraine's participation in regional, European and world structures.

The EU could strengthen cooperation with Ukraine in the following fields:

III(i) *Support for Ukraine's integration into European and world economy*

32. The Union supports Ukraine and urges it to redouble its efforts to meet the requirements of World Trade Organisation membership. The Union encourages Ukraine to take full advantage of the possibilities offered by the PCA to facilitate two-way trade and investment. The Union will also examine the circumstances which might, in addition to the World Trade Organisation (WTO) accession, allow for the future establishment of an EU-Ukraine Free Trade Area, as foreseen in the PCA.

33. In order to facilitate a favourable investment climate in Ukraine, the EU encourages Ukraine to negotiate and ratify further bilateral investment protection agreements with EU Member States so as to stimulate foreign direct investment. The EU also encourages local, regional and national Ukrainian authorities to avail themselves of the opportunities of the new law on public concession to attract investment in public infrastructure and services.

III(ii) *Cooperation in the field of justice and home affairs*

34. The EU and Ukraine have a common interest in developing cooperation to combat illegal immigration and trafficking in human beings. The EU and Ukraine also have a common interest in developing their cooperation in the area of border security and the fight against the common scourges of organised crime, including money laundering and illegal trafficking in weapons and drugs.

35. In view of the current EU enlargement process, the EU will seek to intensify dialogue with Ukraine on the adjustment of Ukraine's visa policy with the EU through the introduction of visa requirements in accordance with EC provisions and

introduction of travel documents which are sufficiently non-forgable.

III(iii) *Regional and cross-border cooperation with neighbouring countries*

36. The EU encourages the development and strengthening of regional and cross-border cooperation initiatives involving Ukraine and its neighbouring countries. In this context, the EU will put increased emphasis on border management issues.

37. As to the development of infrastructure networks, especially in the fields of transport, telecommunications, electricity and energy-pipelines, the EU, through Tacis, pays particular attention to regional initiatives, such as Inogate (Interstate Oil and Gas Transport to Europe) and Traceca (Transport Corridor Europe Caucasus Central Asia), with the aim of improving economic cooperation in the region. The EU will explore the scope for working towards linking the Ukrainian transportation systems (road and rail) with the Trans-European networks, and will seek mutually satisfactory ways to address transport issues. In so doing so, special care will be taken to reinforce coordination with other donors and with international financial institutions, as well as to stimulate the involvement of the private sector, which will be crucial to the success of this endeavour.

INSTRUMENTS AND MEANS

General provisions

38. This Common Strategy shall be implemented in accordance with the applicable procedures of the Treaties. The Council and the Commission shall in accordance with Articles 3 and 13 of the Treaty on European Union ensure the unity, consistency and effectiveness of the Union's actions in implementing this Common Strategy.

39. The EU will contribute to the cited objectives of this Common Strategy by making appropriate use of all relevant instruments and means available to the Union, the Community and to the Member States.

40. In accordance with Articles 18 and 26 of the Treaty on European Union, the Secretary-General of the Council, High Representative for the Common Foreign and Security Policy (CFSP), in the framework of his obligations under the Treaties, shall assist the Council and the Presidency in implementing this Common Strategy with regard to those objectives and initiatives falling under the CFSP. The Commission shall be fully associated in accordance with Articles 18 and 27 of the Treaty on European Union.

The Council, the Commission and Member States

41. The Council, the Commission and Member States shall:

- review, according to their powers and capacities, existing actions, programmes, instruments, and policies to ensure their consistency with this Common Strategy, based on the

principle objectives in Part II and taking due account of the specific initiatives in Part III;

- make full and appropriate use of existing instruments and means, in particular the PCA, as well as all relevant EU and Member States programmes, and to develop and maintain to this end an indicative inventory of the resources of the Union, the Community and Member States through which the Common Strategy will be implemented.

Coordination

42. Member States shall make additional efforts to coordinate their actions *vis-à-vis* Ukraine, including in regional and international organisations such as the Council of Europe, the UN, the OSCE, the DECD and the International Financial Institutions (IFIs), and including coordination with the Community where it has competencies.

43. Coordination between the Member States and the Commission shall also be consolidated, including through regular consultations between their respective representatives in Ukraine.

44. The Council, the Commission and Member States shall work towards more effective cooperation with regional and international organisations, and will seek with other like-minded countries to achieve the objectives of the Strategy.

45. The European Union will invite the candidate countries in the accession process launched in the Luxembourg European Council in December 1997 to associate themselves within the framework of this Common Strategy.

Implementation and review

46. The Council shall:

- ensure that each incoming Presidency presents to the Council, in the framework of its general programme, a work plan for the implementation of this Common Strategy, based on the principle objectives in Part II and taking due account of the specific initiatives in Part III,
- review and evaluate the EU's action under this Strategy and report to the European Council on progress towards its objectives not less than annually,
- review the situation in Ukraine and the state of Ukraine's cooperation in the implementation of this Strategy, including through periodic reports by the Heads of Mission, and make an assessment in its report to the European Council,
- where necessary, submit recommendations for amendments to Part II and III of this Strategy to the European Council.

PART III**SPECIFIC INITIATIVES**

The following specific initiatives shall be pursued not precluding possible new initiatives:

The consolidation of democracy, the rule of law and public institutions in Ukraine

50. The EU will undertake efforts to foster democracy, good governance, human rights and the rule of law in Ukraine, by:

- supporting Ukraine's efforts to observe its international democratic and human rights obligations in accordance with the Dublin conclusions, in particular with regard to the abolition of death penalty, the promotion of good governance, and an effective and transparent legal system as well as democratic local self government, inter alia, in cooperation with the Council of Europe and the OSCE,
- establishing a regular dialogue between the ombudsman-institutions of the EU Member States and Ukraine in order to strengthen the role of this institution in Ukraine,
- encouraging Ukraine to sign, ratify and implement the relevant international instruments in the field of Human Rights, especially the second Optional Protocol of the United Nations Convention on Civil and Political Rights and the sixth Additional Protocol of the European Convention on Human Rights and Fundamental Freedoms as well as the United Nations Convention on the Status of Refugees,
- increasing cooperation among journalists and relevant authorities in order to contribute to the development of free media. The Commission in cooperation with the Member States will investigate the possibility of assisting in

47. The Commission will contribute to the above within its powers.

Cooperation with Ukraine

48. The EU and its Member States will work closely together with Ukraine to implement this Common Strategy, in particular through the PCA and its institutions.

Specific initiatives

49. The EU shall pursue the specific initiatives set out in Part III of this Common Strategy which are based on the principal objectives identified in Part II. These initiatives shall be adapted when necessary and do not preclude possible new initiatives during the duration of this Common Strategy. The Council, the Commission and the Member States shall, in accordance with their respective powers and capacities, support and work towards the achievement of these specific initiatives.

the transmission of a programme, such as Euronews, on Ukrainian television. Work will begin by June 2000.

Support of the economic transition process in Ukraine

51. The EU will help Ukraine advance the process of economic reform by enhancing the impact of economic policy advice, including through appropriate high-level dialogue, in the framework of the PCA, so as to promote the development of a modern, liberal market economy.

52. The EU stands ready to provide technical assistance in support of Ukraine's economic and social reform process provided that Ukraine takes steps designed to establish the necessary conditions to make reform possible. The EU will examine the possibility of providing technical assistance to Ukraine with a view of:

- supporting the development of a transparent and stable legal, regulator and institutional framework in Ukraine designed to promote increased economic activity and domestic and foreign investment. The Commission in cooperation with Member States and other competent bodies will prepare a report with regard to this initiative by December 2000,
- promoting the progressive approximation of Ukrainian legislation to that of the EU and its implementation, in particular in the areas of competition policy, financial services, standards and certification, fiscal policy as well as employment and intellectual property rights. The Commission is invited to make adequate proposals to this end by June 2000,

- supporting the development of the health system, in particular public health awareness and education with a view to restricting the spread of communicable diseases. The Commission in cooperation with the Member States and other competent bodies will prepare a report with regard to this initiative by June 2001.

53. The Member States will consider means to assist Ukraine in:

- supporting the development of a well-targeted social security system, in particular addressing the social assistance and pension systems,
- supporting social dialogue and the adherence to and implementation of the International Labour Organisation Labour Standards, in particular the seven core Labour Standards. As far as ratification and implementation of legislation in the employment field is concerned, particular attention will be paid to gender equality.

Cooperation to strengthen stability and security in Europe

54. The EU will consider ways to give more continuity, flexibility and substance to the cooperation with Ukraine on stability and security in Europe and to render it more operational and effective, within the framework of the existing political dialogue, as instituted under the PCA, by:

- exploring the possibilities of establishing regular expert level Troika dialogue meetings with Ukraine in the margins of CFSP working groups on disarmament, non-proliferation, export of conventional arms with a view to organising the first meetings during the year 2000/first semester 2000. The dialogue within these groups will aim to set up cooperation between the EU and Ukraine in the following fields: non-proliferation of weapons of mass destruction, including chemical weapons and small arms and light weapons on the basis of the joint action on small arms (1999/34/CFSP),
- considering the possibility of intensifying the dialogue between the EU and Ukraine to promote responsibility and transparency in transfers of conventional arms, making full use of the EU Code of Conduct where appropriate,
- exploring the possibilities for closer cooperation in conflict prevention and crisis management, *inter alia*, in the framework of relevant international organisations, such as the United Nations and the OSCE, and in seeking a political settlement to conflicts in the region. Periodic meetings between Ukraine and the Troika of the OSCE Working Group would help achieve this. One of the aims would be to work with Ukraine to develop joint foreign policy initiatives in the area of conflict prevention and crisis management with regard to specific third countries and regions, especially in areas adjacent to Ukraine.

55. The EU will, as soon as the year 2000, take up the following specific initiatives concerning the strengthening of security and stability in Europe:

- consider facilitating the participation of Ukraine when the EU avails itself of the Western European Union for missions within the range of the Petersberg tasks,
- consider means to assist Ukraine in fulfilling the obligations of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction,
- consider means to initiate cooperation between the EU and Ukraine on prevention of trafficking of small arms, which is a source of instability for Ukraine and other States of the region. The EU could after identification and analysis of the situation and needs in the region, draw up a Joint Action on this subject with a view to:
 1. reinforce control capacities of police and/or local custom services;
 2. tackle this specific type of criminality in training courses;
 3. develop exchange of information between the EU and Europol Member States in order to improve the analysis on criminal activity concerning small arms.

Cooperation in the field of environment, energy and nuclear safety

56. The Community stands ready to support the efforts of the special Task Force established to support the Ukrainian authorities in their effort to reform the energy sector.

57. The Community support to the G7 Action Plan includes a contribution to financing the short term safety improvements of Chernobyl via the Nuclear Safety Account managed by the European Bank for Reconstruction and Development before closure, decommissioning, addressing the social consequences of closure, contributing to the Shelter Implementation Plan and participating in the financing of substitution facilities in line with previous commitments compensating for Ukraine's energy losses, provided that all necessary due diligence procedures can be concluded satisfactorily, including the establishment of an agreed position regarding the loan conditionality and the wording of the loan and guarantee agreement and provided that Ukraine stands by its commitment to implement the 1995 Memorandum of Understanding.

58. The EU will seek to support Ukraine in its effort to reduce the negative impact on public health of the environmental situation in Ukraine — notably as regards the quality of drinking water, waste water treatment, waste collection and disposal as well as air pollution. The EU will support institutional reform in the public utilities responsible for environmental services, other technical assistance projects and environmental investments.

59. The next 'Environment for Europe' conference will be held in September 2002 in Kyiv and will provide the opportunity to increase awareness in Ukraine of environmental issues. Member States and the Commission will consider the possibility of offering technical assistance/support to the Ministry of Environmental Protection and Nuclear Safety with the preparation and planning of the conference.

Support for Ukraine's integration into European and world economy

60. The EU remains ready to maintain and, if appropriate, to enhance its support for Ukraine's efforts to meet the requirements of WTO accession. Special attention will be given to removing obstacles to trade and investment in Ukraine, starting with the elimination of trade measures incompatible with PCA and WTO.

61. The EU will examine the circumstances which might, in addition to WTO accession, allow for the future establishment of an EU-Ukraine Free Trade Area as provided for in Article 4 of the PCA. The on-going joint economic feasibility study of the Free Trade Area will provide important input to evaluate the situation.

62. The Commission will examine ways to deepen the investment dialogue with Ukraine in the framework of the PCA Sub-Committee on trade and investment and will report to the Council by June 2000.

Cooperation in the field of justice and home affairs

63. In view of the EU's current enlargement process, also taking into account Ukraine's position as an important transit country providing a conduit for the cross-border flow of a wide range of non-legal activities, the EU and Ukraine have a particular interest in stepping up cooperation in the field of justice and home affairs. The EU proposes to concentrate its efforts with a view to:

- assessing the scale of illegal immigration via Ukraine. The Member States in association with the Commission will produce a strengths/weaknesses/opportunities/threats ('SWOT') analysis of the existing mechanisms to combat these problems by the end of 2000; where weaknesses are identified, the EU will consider remedial action,
- improving cooperation regarding the readmission of own nationals, persons without nationality and third country nationals, including the conclusion of a readmission agreement,
- supporting a full application of the Geneva Convention, including the right to seek asylum and respect for the principles of non-refoulement,
- establishing a regular dialogue between the judicial authorities of the Member States and Ukraine in civil and criminal matters, including by encouraging Ukraine to sign, ratify

and implement key conventions, such as the United Nations Convention on Transnational Organised Crime,

- offering to provide practical help to Ukraine in implementing its legislation on money laundering as soon as it is enacted,
- establishing cooperation between EU Member States' law enforcement agencies, Europol and Ukrainian law enforcement authorities.

64. An informal network will be established in Kyiv consisting of EU Member States Embassies, Commission and relevant international organisation representatives in order to improve the exchange and analysis of information in justice and home affairs. A dialogue, within the framework of the PCA, between the Member States, the Commission, including the liaison officers in Kyiv and competent Ukrainian bodies will make it possible to analyse Ukraine's requirements in this area more precisely. A report will be submitted to the Council by the end of 2000.

Regional and cross-border cooperation with neighbouring countries

65. The EU will seek to encourage the development and strengthening of regional and cross-border cooperation initiatives involving Ukraine and its neighbouring countries, by:

- making targeted use of existing cross-border cooperation, regional and inter-State programmes. In this context, special attention will be devoted to border management issues, including the technical modernisation of border crossing points on Ukraine's borders with Hungary, Poland, Romania and Slovakia,
- further developing Tacis programmes aimed at improving the development of infrastructure networks, such as Inogate and Traceca in order to improve economic cooperation in the region.

Cooperation in the fields of culture, twinning and exchange programmes

66. The EU will support the fostering of closer links between public institutions, civil society and non governmental organisations of the Union and Ukraine, by:

- promoting educational and scientific exchange programmes between schools, universities and research institutes, also paying due attention to the Science and Technology Centre in Ukraine,
- promoting twinning programmes between national, regional and local administrations as well as professional associations, trade unions, non-governmental organisations and the media.

The Commission and the Member States will coordinate their programmes. The Commission will study the possibility of bringing Community programmes into play for this purpose (Takis, Tempus and Democracy). The Member States' bilateral instruments will also be used.

On the basis of an inventory of existing instruments (to be drawn up by the Commission in cooperation with the General Secretariat of the Council) and an identification mission to Ukraine, the Commission will report to the Council by June 2000 and will thereafter submit proposals for action as appropriate.

PART IV

Duration

67. This Common Strategy shall apply from the date of its publication for an initial period of four years. It may be prolonged, reviewed and, if necessary, adapted by the European Council on the recommendation of the Council.

Publication

68. This Common Strategy shall be published in the Official Journal.

Done at Helsinki, 11 December 1999.

For the European Council
The President
P. LIPPONEN

European Council Declaration on the Common Strategy on Ukraine

The Council acts by qualified majority when adopting joint actions, common positions or any other decisions within the scope of Title V of the Treaty on European Union (Common Foreign and Security Policy), on the basis of the Common Strategy.

Acts adopted outside the scope of Title V of the Treaty on European Union shall continue to be adopted according to the appropriate decision-making procedures provided by the relevant provisions of the Treaties, including the Treaty establishing the European Community and Title VI of the Treaty on European Union.

COUNCIL JOINT ACTION
of 17 December 1999
establishing a European Union Cooperation Programme for Non-proliferation and Disarmament in
the Russian Federation

(1999/878/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Common Strategy of the European Union on Russia ⁽¹⁾ adopted by the European Council on 4 June 1999 which *inter alia* expressed the European Union's commitment to promote disarmament and curbing of the proliferation of weapons of mass destruction (WMD), support for arms control, the implementation of existing agreements and the strengthening of export controls,

Having regard to the Treaty on European Union (TEU), and in particular Article 14, in conjunction with Article 23(2) thereof,

Whereas:

- (1) The Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part ⁽²⁾ promotes *inter alia* an increasing convergence of positions on international issues of mutual concern thus increasing security and stability;
- (2) The Union is prepared to promote cooperative risk reduction activities and the safe and secure dismantlement of WMD-related resources in Russia;
- (3) Such activities would take place in parallel with activities carried out by the European Community and bilaterally by the Member States;
- (4) All such activities should be coordinated to the greatest possible extent to avoid unnecessary duplication;
- (5) European Union activities can also be undertaken in cooperation with other countries;
- (6) The Commission has agreed to be entrusted with certain tasks necessary for the implementation of this Joint Action,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

1. A European Union Cooperation Programme for non-proliferation and disarmament in the Russian Federation (hereinafter referred to as 'the Programme') is hereby established.
2. The objective of the Programme is to support the Russian Federation in its efforts towards arms control and disarmament and, to that end:

- to cooperate with the Russian Federation in the latter's pursuit of a safe, secure and environmentally sound dismantlement and/or reconversion of infrastructure and equipment linked to its WMD;
- to provide a legal and operational framework for an enhanced European Union role in cooperative risk reduction activities in the Russian Federation through project-orientated cooperation;
- to promote coordination as appropriate of programmes and projects in this field at Community, Member State and international level.

Article 2

1. The Programme shall contribute in the first phase to:
 - a chemical weapons pilot destruction plant situated in Gorny, Saratov region, Russia;
 - a set studies and experimental studies on plutonium transport, storage and disposition;

A full description of the activities above is set out respectively in Annexes I and II.

2. Other projects to be funded under the Programme (in the biological, chemical and nuclear fields) in the future shall be determined by the Council, on a recommendation of a Member State and/or the Commission.

Article 3

1. The Council shall entrust the Commission, for the duration of the Programme and subject to Article 5, with the task of preparing the projects to be approved, as well as with supervising their proper implementation. The Commission shall report to the Council, on a regular basis and as the need arises, under the authority of the Presidency assisted by the Secretary-General of the Council, High Representative for the CFSP.

2. The Commission shall be assisted by a unit of experts. The number of members of the unit and the expertise required from them, as well as a definition of their tasks are set out in the terms of reference appearing in Annex III. The Commission shall establish as appropriate a Task Force in Moscow, in order to:

- operate in close coordination with personnel working under Community funded projects;
- as appropriate, carry out feasibility studies;

⁽¹⁾ OJ L 157, 24.6.1999, p. 1.

⁽²⁾ OJ L 327, 28.11.1997, p. 3.

- liaise with the local authorities and with the representatives of other contributing countries;
- negotiate with the local authorities the arrangements necessary for the implementation of the Programme;
- monitor the expenditure of the funds committed for the implementation of the Programme;
- assist Member States in identifying and implementing bilateral projects.

Article 4

1. The financial reference amount intended to cover the costs related to the establishment of the Programme shall be as follows:
 - EUR 8 900 000 for the years 1999 and 2000.
2. The expenditure financed by the amounts stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget
3. The European Union shall finance the infrastructure and current expenditure of the Programme.
4. The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Joint Action, where appropriate by pertinent Community measures.
5. The Council and the Commission shall ensure appropriate coordination between the Programme, Community assistance and the bilateral assistance provided by the Member States.
6. This Joint Action shall be the subject to bilateral consultations with Russia and other partners within the framework of existing political dialogue meetings.

Article 5

1. The Council shall review annually the actions taken pursuant to this Programme and shall take the necessary decisions for the continuation of the Programme beyond 31 December 2001. This review shall also assess Russian capabilities to absorb and utilise increased assistance.
2. Independent evaluations and audit shall be conducted at periodic stages, depending on progress.
3. The Council may suspend the Programme if the Russian Federation fails:
 - to cooperate fully with the implementation of the programme;
 - to allow European Union monitoring and/or periodical external evaluations and audit to that effect.

Article 6

This Joint Action shall enter into force on the date of its adoption.

It shall expire on the date of expiry of the European Union Common Strategy on Russia unless the Council decides otherwise in accordance with Article 5(1) of this Joint Action.

Article 7

This Joint Action shall be published in the Official Journal.

Done at Brussels, 17 December 1999.

For the Council
The President
K. HEMILÄ

ANNEX I

EU-Russia chemical weapons destruction project in Gorny**1. Background**

In the framework of the implementation of the Chemical Weapons Convention (CWC), the Russian Federation is committed to construct an industrial pilot chemical weapons destruction facility at Gorny.

The facility at Gorny (Saratov region) is one out of seven sites in the Russian Federation earmarked for the destruction of chemical weapons. It is foreseen that the Gorny facility will process (destroy or recycle) 225 tonnes of lewisite, 690 tonnes of yperite and 210 tonnes of a lewisite-yperite mixture. This represents about 2,9 % of total stocks earmarked by Russia for destruction under the Chemical Weapons Convention.

The Chemical Weapons Convention stipulates the total elimination of chemical weapons by 2007. However, against the background of financial and economic problems the Russian Federation faces, this task is very complex and surely requires expanded international support in view of meeting the commitments taken under the convention.

The site comprises a destruction and detoxification processing line for the detoxification and recycling of specific mixtures. The technology for the destruction of lewisite on the basis of hydrolyse and electrolyse is established, leaving arsine as end-product to be further utilised for industrial purposes. Some technical problems concerning the destruction of yperite and yperite/lewisite mixture require some further research.

Russian legislation stipulates that the construction of related social infrastructure must precede the construction of the destruction facility itself. This law has been followed by the Gorny project. Much attention has been attached to confidence building measures, including the establishment of an environmental monitoring mechanism, and related projects to establish social acceptability of the destruction facility in the community. Measures comprise, among others, the purification of water for the facility and the village, air purification, housing for military officers, soldiers and workers, medical doctors and teachers. Delegations from Kambarka have visited the Gorny site. In particular, social acceptability measures are considered as standard setting and have contributed to change public opinion in Kambarka for the better.

The international community is assisting Russia in its efforts to implement the CWC. In particular at Gorny a Russia-Germany joint chemical weapons destruction project supports the establishment of the destruction facility since 1993. Gorny production principles will be replicated at the Kambarka facility, where the same types of weapons are stored and the same storage method applied. The Gorny facility plays thus an important role in catalysing chemical weapons destruction in selected other sites. 6 400 tonnes of chemical weapons will be destroyed in Kambarka. So far, 48,5 million DM was spent on the German side for engineering, materials and special equipment. Support is provided on the basis of annual appropriations from the German Federal budget.

The Russian Federation takes over the funding of infrastructure, construction and deliveries. For the first time, in 1999, the Russian contribution to the project outweighed the German contribution considerably. All 1999 budgetary means earmarked for chemical weapons destruction were allocated to the Gorny project.

2. Status of construction and agenda for the finalisation of the Gorny facility

Progress has been evaluated and documented by the German side in August 1999. The report is very positive. Construction advances rapidly. The 'point of no return' was apparently passed. The finalisation of the lewisite destruction facility is foreseen for the end of 2000, and the finalisation of the yperite and lewisite/yperite mixtures destruction facility is foreseen for the end of 2001.

Currently, 50 — 60 % of equipment is already delivered and stored at the Gorny facility. Installation depends on the finalisation of relevant buildings. Construction has been completed up to about 90 %.

According to German assessments, additional funding in the order of EUR 15 million is required for purchase of equipment in the next two years to come. The Russian delegation clarified that the Russian Federation is fully committed to chemical weapons destruction. Swift foreign assistance can speed up the process and free funds for the remaining six sites on which parallel activities are being prepared.

As regards Gorny, the launch of chemical weapons destruction in April 2001 seems realistic (instead of 1999 as foreseen by the original master plan). According to Russian indications, this is due to the delayed ratification of the Chemical Weapons Convention and lack of budgetary resources.

A European project would be highly welcome by the Russian authorities in view of addressing specific bottlenecks in finalising the facility and making it operational.

3. Components of the EU-Russia chemical weapons destruction project in Gorny

The Commission hosted an ad hoc experts meeting on 19 November 1999 in Brussels. Russian and German experts and project managers agreed on three project components to be addressed and funded as a matter of priority, thus allowing smooth continuation of the project according to schedule. Project components were identified, in order of priority, as follows:

1999 EU-Russian Chemical Weapons Destruction Project Gorny		
Component	Project Title	Cost estimate (in millions of euro)
Component 1	Final fitting and technical installation of equipment, establishment of connections (incl. pipes, electrical systems, canalisation...) and related engineering	Up to 1,65
Component 2	Purchase of filter boxes for air purification related to the chemical destruction process	Up to 2,9
Component 3	Special equipment for draining technological transportation containers from storage to destruction line	Up to 1,25

Further details:

Component 1: Main equipment parts are available. Construction of buildings ('building 1/1 ') is well advanced. Special expertise is required for the final installation and fitting of equipment and related connections. Supervision of works is to be contracted out to a European integrator. Sub-contracts are to be concluded by the European integrator with Russian companies for implementation purposes.

Component 2: Filter boxes are to be installed in view of limiting air pollution through by-products set free in the destruction and recycle process. Boxes include coal fillings and special equipment for filling/emptying the filters with coal.

Component 3: Given the high risks related to the transportation of chemical weapons of mass destruction, specific equipment is required for the transportation from interim storage at the facility to the destruction line.

Procurement: Components 2 and 3 are to be tendered according to EU procurement legislation. Given the technological and technical specifics of the equipment already delivered for the destruction line, Component 1 is to be contracted out on the basis of a direct agreement to the company that has produced and delivered the equipment to be installed. Final decision on the funding of the three components will be taken against the availability of sufficient financial resources under the Joint Action.

Project management: In order to ensure compatibility and complementarity of the EU-Russia Gorny chemical weapons destruction project with main Russia-Germany project, the management of the EU-Russia project is to be entrusted to the German project manager ('Auswärtiges Amt' (Foreign Office) in cooperation with 'Bundesamt für Wehrtechnik und Beschaffung' (Federal Office for Arms Technology and Procurement)) in close cooperation with the Ministry of Defence of the Russian Federation as a state customer for this facility. Close consultation with and regular reporting to the Head of the Policy and Project coordination section appointed under the Joint Action (Annex III) is to be ensured. The latter is to be associated to all bilateral meetings and consultations related to the EU-Russia project.

ANNEX II

EU-Russia Nuclear weapons related action

1. Background

The proper management of the weapons plutonium released by the disarmament is of critical importance in the framework of the non-proliferation objective.

The European Commission has, since 1993 and reinforced by the conclusions on plutonium management of the G8 NPEG meeting of Paris in October 1996, started discussions with the Russian Minatom (owner of the plutonium once released by the Ministry of Defence) with the objective of analysing the different ways of using the plutonium as fuel for reactors. Different study projects were financed, mainly through the International Science and Technology Centre. A coordination mechanism was established through a Contact Expert Group, assembling the concerned Russian organisations, western partners and representatives of other main international programs working with the Russians on the subject (France-Germany-Russian Federation (RF), United States-Russian Federation, Japan (J)-Russian Federation programmes).

As a result of this coordination activity, the Community is able to propose a specific set of studies and experimental studies which would clearly support the Russian side in proceeding on a timely basis with the disposition of their weapons grade plutonium.

2. Set of studies and experimental studies

2.1. Drafting of a detailed Short Term Action Plan for the Pu disposition

The political agenda (on going United States-Russian Federation negotiations and the discussions at the G8 NPEG level) considers the year 2008 to start the commercial operation of plants with fuel containing ex-weapons plutonium.

A workshop organised jointly by the Commission and Minatom end October 1999 has shown that different partial action plans were developed by different organizations within different programs, but that there is a clear need to assemble all the pieces, to establish consistency between the projects and to fill the gaps, in order to get a fully integrated, exhaustive and agreed (by all concerned) plan for action. Such a plan must include the licensing aspects and therefore must involve, as main players, the plant operators (who will have the responsibility of using plutonium in their reactors) and the safety authority (who will have the responsibility of authorising the plant operation with plutonium fuel).

The study supports the designated Russian organisations (in line with the share of responsibilities for licensing) in drafting such an integrated action plan. EU specialists having the expertise of designing, licensing and operating reactor fuel with plutonium would be contracted to work with the Russian counterparts.

The result could be the integrated, detailed and agreed action plan. Such a plan would then be recognised at international level, including at G8 level and foster the timely implementation of the political agenda.

Duration: 9 months, Budget: up to EUR 500 000.

2.2. Support for defined Russian organisations to build their tools and expertise required for the licensing of short term plutonium disposition in Russia.

There is no reason to wait for the action plan to be finalised to launch some specific studies and experimental studies which already today are recognised by specialists as being on the critical path for the timely achievement of the political agenda. Among them two might be retained:

- Support to the Russian side (MINATOM, IPPE, Kurchatov Institute) to design a required experimental critical facility (not existing today) to validate the use of plutonium as fuel for VVER reactors, and certify the calculation codes.

Duration: 1,5 years, Budget: up to EUR 1 million.

- Support to the Russian side (MINATOM, RIAR) for irradiation experiments in existing research reactors. This would be particularly important to support the timely usage of lead test assemblies at the Balakovo reactors.

Duration: 1 year, Budget: up to EUR 300 000.

2.3. Study of the ways and means for transport and intermediate storage of the weapons grade Plutonium.

The study would mainly analyse the technical feasibility for transport and storage in existing installations and/or in new purpose-built installations. The economic aspects (costs) and non-proliferation aspects (risks of diversion and safeguards requirements) would be analysed in depth. As a result recommendations would be made for the most effective and safest ways to transport and store the plutonium on an interim basis.

Duration: 1 year, Budget: up to EUR 200 000.

2.4. Medium term perspective for plutonium disposition.

The Gas Turbine Modular Helium Temperature Reactor (GT MHR) is an advanced development based on proven technology. Its ability to work without uranium (only plutonium) makes it highly efficient as plutonium burner. Moreover, it presents inherent safety characteristics and a high efficiency (50 %) for electricity and heat production.

Such a reactor is envisaged to be built at Tomsk to replace the Military Reactors still producing Weapons Plutonium and which can not be stopped as they also produce heat for the local community. An international Consortium grouping European Union, Russian, United States and Japanese industries has been created to support the development and the demonstration of key technologies, including on the fuel design side.

A specific analysis should be performed to determine the fuel and reactor design specifics required to maximise the effectiveness of plutonium burning. As a result, an action plan should be drafted allowing the definition of future priorities for further projects and supporting the decision on larger investments for the future development.

Duration: 1 year, Budget: up to EUR 300 000.

ANNEX III

Terms of Reference for a unit of experts under the EU Cooperation Programme for non-proliferation and disarmament in the Russian Federation

The Commission is entrusted with setting up a unit of experts under, and for the duration of, the EU Cooperation Programme for non-proliferation and disarmament in the Russian Federation, which will comprise a Policy and Project Coordination Section at the Commission in Brussels and a project assistance team based in Moscow, reporting to the Policy and Project Coordination Section at Brussels.

Experts for the Unit will be identified and appointed by the Commission. The decision will be taken in close cooperation with Member States and the Secretary General/High Representative (SG/HR), on the basis of job descriptions and selection criteria to be drafted by the Commission.

Required experts' qualifications would comprise the following elements:

The Policy and Project Coordination Section in Brussels will comprise 4 EU experts, including the Head of Section, to be administratively supported by one secretary. The Moscow based project assistance team will comprise one EU expert and one local Russian technical expert.

The Head of Section will assume overall responsibility for the implementation of the Joint Action. He will maintain close relations with the EU Presidency, the Member States and the SG/HR, according to detailed rules to be agreed upon.

Tasks related to policy and project coordination and development comprise *inter alia* the following:

- support coordination of assistance projects and related policies at Community and Member States levels;
- function as point of contact for international initiatives, supported by the Commission Joint Research Centre;
- establish a database of projects funded by the European Union and Member States;
- establish and maintain a database on EU experts, broken down by policy areas;
- establishing a network of Member States points of contact, supplementing the competent Council working groups as regards the implementation of the Joint Action and related activities;
- prepare and submit quarterly progress reports.

Sectoral tasks will cover *inter alia* the following:

- drawing up a comprehensive sector report;
- providing an in-depth analysis on sectoral core problems;
- identifying projects to address core problems;
- preparing projects to be submitted to the Council in view of possible future funding under follow-up measures to the Joint Action;
- finalising and implementing projects identified for funding, as appropriate, in close cooperation with the Moscow based project assistance team.

Specific tasks of the Moscow based project assistance team will comprise:

- close cooperation with personnel working under EU funded projects;
 - as appropriate, support to the elaboration of feasibility studies;
 - liaise with the local authorities and with the representatives of other contributing countries;
 - negotiate with the local authorities the administrative arrangements necessary for the implementation of the Programme;
 - assist Member States in identifying and implementing bilateral projects;
 - facilitating specialised technical assistance.
-

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2745/1999
of 17 December 1999
amending Regulation (EC) No 2505/96 opening and providing for the administration of auto-
nomous Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

(5) Regulation (EC) No 2505/96 should therefore be amended,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

Article 1

Whereas:

(1) By virtue of Regulation (EC) No 2505/96 ⁽¹⁾, the Council opened Community tariff quotas for certain agricultural and industrial products; Community demand for the products in question should be met under the most favourable conditions; Community tariff quotas should therefore be opened at reduced or zero rates of duty for appropriate volumes, and increased or extended in the case of certain existing tariff quotas, while avoiding any disturbance to the markets for these products;

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

- order number 09.2711: the amount of the tariff quota shall be altered to 1 035 000 tonnes,
- order number 09.2939: the amount of the tariff quota shall be altered to 135 000 000 units,
- order number 09.2943: the amount of the tariff quota shall be altered to 60 000 000 units,
- order number 09.2944: the amount of the tariff quota shall be altered to 48 000 000 units,
- order number 09.2959: the amount of the tariff quota shall be altered to 60 000 tonnes,
- order number 09.2966: the amount of the tariff quota shall be altered to 12 000 tonnes.

(2) It is no longer in the Community's interest to maintain a Community tariff quota on some of the products covered by the above Regulation, and those products should therefore be removed from the table in Annex I;

(3) In view of the large number of amendments coming into effect on 1 January 2000 and in order to clarify matters for the user, the table in Annex I to the above Regulation should be replaced by the table in the Annex to this Regulation;

Article 2

The table in Annex I to Regulation (EC) No 2505/96 shall be replaced by the table set out in the Annex to this Regulation.

(4) Having regard to the economic importance of the said Regulation for European industry and the requirement that it enter into force on 1 January 2000, it is necessary to invoke the ground of urgency referred to in point I(3) of the additional Protocol to the Treaty of Amsterdam on the role of national parliaments in the European Union;

Article 3

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

It shall apply from 1 January 2000, except for Article 1 which shall apply from 1 January 1999.

⁽¹⁾ OJ L 345, 31.12.1996, p. 1. Regulation as last amended by Regulation (EC) No 1969/1999 (OJ L 244, 16.9.1999, p. 38).

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

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

ANNEX

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2703	ex 2852 30 00	10	Vanadium oxides and hydroxides, only for the production of alloys (a)	13 000 tonnes	0	1.1.-31.12.
09.2711	7202 41 10 7202 41 91 7202 41 99	—	Ferro-chromium containing by weight more than 4 % of carbon for the manufacture of iron or steel of Chapter 72 of Combined Nomenclature (a)	1 035 000 tonnes	0	1.1.-31.12.
09.2713	ex 2008 60 19 ex 2008 60 39	10 11/19	Sweet cherries, marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight	2 000 tonnes	10 ⁽¹⁾ 10	1.1.-31.12
09.2719	ex 2008 60 19 ex 2008 60 39	20 20	Sour cherries (<i>Prunus cerasus</i>), marinated in alcohol, of a diameter not exceeding 19,9 mm, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight	2 000 tonnes	10 ⁽¹⁾ 10	1.1.-31.12.
09.2727	ex 3902 90 90	93	Synthetic poly-alpha-olefin having a viscosity of not less than $38 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) at 100 °C, measures using the ASTM D 445 method	7 500 tonnes	0	1.1.-31.12.
09.2729	ex 0811 90 95	10	Boysenberries, preserved by freezing, not containing added sugar, for the processing industry (a)	1 500 tonnes	12	1.1.-31.12.
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % by weight of chromium	35 000 tonnes	0	1.1.-31.12.
09.2809	ex 3802 90 00	10	Acid-activated montmorillonite for the manufacture of self-copy paper (a)	10 000 tonnes	0	1.1.-31.12.
09.2829	ex 3824 90 95	19	Solid extract of the residual insoluble in aliphatic solvents obtained during the extraction of resin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight — an acid number not exceeding 110, and — melting point of not less than 100 °C	1 600 tonnes	0	1.1.-31.12.
09.2837	ex 2903 49 80	10	Bromochloromethane	700 tonnes	0	1.1.-31.12.
09.2841	ex 2712 90 99	10	Blend of 1-alkenes containing 80 % by weight or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	10 000 tonnes	0	1.1.-31.12.

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals (a) (b)	700 tonnes	0	1.1.-31.12.
09.2851	ex 2907 12 00	10	o-Cresol having a purity of not less than 98,5 % by weight	13 000 tonnes	0	1.1.-31.12.
09.2853	ex 2930 90 70	35	Glutathione	15 tonnes	0	1.1.-31.12.
09.2859	ex 2909 49 90	10	2,2'-Isopropylidene-bis (p-phenyleneoxy) diethanol, in solid form	1 300 tonnes	0	1.1.-31.12.
09.2867	ex 3207 40 80	10	Glass granulate, containing by weight: — 73 % or more but not more than 77 % of silicon dioxide, — 12 % or more but not more than 18 % of diboron trioxide and — 4 % or more but not more than 8 % of polyethylene glycol	310 tonnes	0	1.1.-31.12.
09.2881	ex 3901 90 90	92	Chlorosulphonated polyethylene	6 000 tonnes	0	1.1.-31.12.
09.2889	3805 10 90	—	Sulphate turpentine	20 000 tonnes	0	1.1.-31.12.
09.2913	ex 2401 10 41 ex 2401 10 49 ex 2401 10 50 ex 2401 10 70 ex 2401 10 90 ex 2401 20 41 ex 2401 20 49 ex 2401 20 50 ex 2401 20 70 ex 2401 20 90	10 10 10 10 10 10 10 10 10 10	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than 450 €/100 kg net weight, for use as binder or wrapper for the manufacture of products falling within subheading 2402 10 00 (a)	6 000 tonnes	0	1.1.-31.12.
09.2914	ex 3824 90 95	26	Aqueous solution containing by weight not less than 40 % of dry betaine-extract and 5 % or more but not more than 30 % by weight of organic or inorganic salts	38 000 tonnes	0	1.1.-31.12.
09.2915	ex 3824 90 95	27	Silicon dioxide having a purity of 99 % or more by weight, in the form of spherical particles dispersed in monoethylene glycol	60 tonnes	0	1.1.-31.12.
09.2917	2930 90 14	—	Cystine	600 tonnes	0	1.1.-31.12.
09.2918	ex 2910 90 00	50	1,2-Epoxybutan	500 tonnes	0	1.1.-31.12.
09.2919	ex 8708 29 90	10	Foldings bellows for the manufacture of articulated buses (a)	2 600 units	0	1.1.-31.12.
09.2933	ex 2903 69 90	30	1,3-Dichlorobenzene	2 600 tonnes	0	1.1.-31.12.
09.2935	3806 10 10	—	Rosin and resin acids, obtained from fresh oleoresins	60 000 tonnes	0	1.1.-30.6.
09.2935	3806 10 10	—	Rosin and resin acids, obtained from fresh oleoresins	50 000 tonnes	0	1.7.-31.12.
09.2936	ex 3815 90 90	45	Catalyst, in the form of powder, consisting of mixed vanadium and phosphorus oxides, containing by weight not more than 0,5 % of one of the following elements: lithium, potassium, sodium, cadmium or zinc, for use in the manufacture of maleic anhydride from butane (a)	100 tonnes	0	1.1.-30.6.2000

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2939	ex 8543 89 95	43	Voltage controlled oscillator (VCO), other than temperature compensated oscillators, consisting of active and passive elements mounted on a printed circuit, contained in a housing bearing: — an identification marking consisting of or including one of the following alphanumeric combinations: 1012TDK, 1019TDK, EK304, MQC403, MQC404, MQE001, MQE041, MQE042, MQE051, MQE201, MQE411, MQE501, URAE8X956A, URAB8, URAE8X960A, VD2S40, VD2S41, VD5S07 — or other identification markings relating to devices complying with the abovementioned description	135 000 000 units	0	1.1.-31.12.
09.2945	ex 2940 00 90	10	D-Xylose	800 tonnes	0	1.1.-31.12.
09.2947	ex 3904 69 90	95	Poly(vinylidene fluoride), in powder form, for the preparation of paint or varnish for coating metal (a)	1 300 tonnes	0	1.1.-31.12.
09.2949	ex 8543 89 95	44	Temperature compensated oscillator, comprising a printed circuit on which are mounted at least a piezo-electric crystal and an adjustable capacitor, contained in a housing bearing: — an identification marking consisting of or including one of the following alphanumeric combinations: 3211A-ANF50, 5111B-ANL51, TCXO-111, TXO2603 — or other identification markings relating to devices complying with the abovementioned description	12 000 000 units	0	1.1.-31.12.
09.2950	ex 2905 50 20	20	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90 (a)	4 000 tonnes	0	1.1.-31.12.
09.2954	ex 2926 90 99	55	3-[Trifluoromethyl] phenylacetonitrile	100 tonnes	0	1.1.-31.12.
09.2955	ex 2932 19 00	60	Flurtamone (ISO)	200 tonnes	0	1.1.-31.12.
09.2957	ex 8507 90 98	10	Stamped cylindrical can, in non-alloy steel, post-nickel-plated, for an accumulator, of a diameter of 13 mm or more but not exceeding 17 mm, and of a height of 27 mm or more but not exceeding 70 mm	70 000 000 units	0	1.1.-31.12.
09.2959	ex 4804 41 91 ex 4804 41 99 ex 4804 51 90	10 10 10	Kraft paper and paperboard, weighing more than 150 g/m ² , only consisting of unbleached virgin fibres obtained by the chemical sulphate process, for the manufacture of products falling within heading 3921 (a)	45 000 tonnes	0	1.1.-31.12.
09.2964	ex 5502 00 80	20	Filament tow of cellulose produced by organic solvent spinning (Lyocell), for use in the paper industry (a)	1 200 tonnes	0	1.1.-31.12.

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2966	ex 2839 19 00	20	Crystalline disodium disilicate, containing by weight: — 59 % or more of silicon dioxide, and — 30 % or more of disodium oxide	12 000 tonnes	0	1.1.-31.12.
09.2975	ex 2918 30 00	10	Benzophenone-3,3':4,4'-tetracarboxylic dianhydride	500 tonnes	0	1.1.-31.12.
09.2976	ex 8407 90 10	10	Four-stroke petrol engines of a cylinder capacity not exceeding 250 cc, for use in the manufacture of lawn-mowers of sub-heading 8433 11 (a)	900 000 units	0	1.1.-31.12.
09.2977	ex 3204 17 00	20	Dye C.I.Pigment Blue 61	600 tonnes	0	1.1.-31.12.
09.2978	ex 4804 52 90	10	Kraft paper and paperboard, bleached uniformly throughout the mass, weighing 250 g/m ² or more, for use in the manufacture of liquid food containers (a)	48 000 tonnes	0	1.1.-31.12.
09.2979	ex 7011 20 00	15	Glass face-plate with a diagonal measurement from the outer edge to the outer edge of 80,9 (± 0,2) cm and having a light transmission of 80 % (± 2 %) by a glass thickness of 11,43 mm	200 000 units	0	1.1.-31.12.
09.2980	ex 4810 32 10 ex 4810 32 90	10 10	Kraft paper and paperboard, in rolls, bleached uniformly throughout the mass, coated on one side with kaolin and/or calcium carbonate, weighing more than 150 g/m ² but less than 400 g/m ² , for use in the manufacture of liquid food containers (a)	52 000 tonnes	0	1.1.-31.12.
09.2981	ex 8407 90 80 ex 8407 90 90	10 10	Spark-ignition reciprocating or rotary internal combustion piston engines, having a cylinder capacity of not less than 300 cc and a power of not less than 6 but not exceeding 15,5 kW, for the manufacture of self-propelled lawn mowers, with a seat (tractor mowers) of sub-heading 8433 11 51 (a)	210 000 units	0	1.1.-31.12.
09.2982	ex 2903 69 90	20	1,2-Bis (pentabromophenyl) ethane	4 500 tonnes	0	1.1.-31.12.
09.2983	ex 2909 30 38	10	Bis (pentabromophenyl) ether	6 500 tonnes	0	1.1.-31.12.
09.2984	ex 4811 29 00	10	Kraft paper comprising predominantly of pulped virgin fibres obtained from the chemical sulphate process, coated on one side with a (waxy) maize-starch based adhesive: — not reinforced, having a weight of not less than 48 grammes/m ² but not exceeding 93 grammes/m ² — reinforced, having a weight of not less than 130 grammes/m ² but not exceeding 210 grammes/m ² in the form of rolls of a width of not less than 150 cm, for slitting and reduction into rolls of subheading 4823 19 00 (a)	150 tonnes	0	1.1.-31.12.
09.2985	ex 8540 91 00	33	Flat masks of a length of 691,1 mm (± 0,2 mm) and a height of 407,7 mm (± 0,2 mm), with a width of the slots at the end of the central vertical axe of 155 micrometer (± 8 micrometer)	150 000 units	0	1.1.-31.12.

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

(¹) The specific additional duty is applicable.

**COUNCIL REGULATION (EC) No 2746/1999
of 17 December 1999**

**fixing the guide prices for the fishery products listed in Annex I, parts A, D and E of Regulation
(EEC) No 3759/92 for the 2000 fishing year**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 9(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 9(1) of Regulation (EEC) No 3759/92 provides that a guide price shall be fixed for each fishing year for each of the products or groups of products listed in Annex I, parts A, D and E to that Regulation;
- (2) According to the data available at present concerning prices for the products in question and the criteria laid down in Article 9(2) of that Regulation, these prices should be increased, maintained or decreased according to the species for the 2000 fishing year;

- (3) The fishing year begins on 1 January 2000 for the products covered by this Regulation; given the urgency of the matter, it is imperative to grant an exception to the six-week period mentioned in paragraph I(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty of Amsterdam,

HAS ADOPTED THIS REGULATION:

Article 1

The guide prices for the fishing year from 1 January to 31 December 2000 for the products listed in Annex I, parts A, D and E to Regulation (EEC) No 3759/92 and the commercial categories to which they relate are fixed in 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, 17 December 1999.

For the Council

The President

K. HEMILÄ

⁽¹⁾ OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p.15).

ANNEX

Species	Commercial specifications ⁽¹⁾			Guide price (EUR/tonne)
	Freshness category	Size	Presentation	
1. Herrings of the species <i>Clupea harengus</i>	Extra, A	1	Whole fish	261
2. Sardines of the species <i>Sardina pilchardus</i>	Extra	3	Whole fish	542
3. Picked dogfish (<i>Squalus acanthias</i>)	Extra, A	2	Whole fish Gutted fish with head	} 1 068
4. Catshanks (<i>Scyliorhinus</i> spp.)	Extra, A	1	Whole fish Gutted fish with head	
5. Redfish (<i>Sebastes</i> spp.)	A	2	Whole fish	1 154
6. Cod of the species <i>Gadus morhua</i>	A	2	Gutted fish with head	} 1 529
	A	3	Gutted fish with head	
7. Coalfish (<i>Pollachius virens</i>)	A	2	Gutted fish with head	} 782
	A	3	Gutted fish with head	
8. Haddock (<i>Melanogrammus aeglefinus</i>)	A	2	Gutted fish with head	} 1 036
	A	3	Gutted fish with head	
9. Whiting (<i>Merlangius merlangus</i>)	A	2	Gutted fish with head	} 902
	A	3	Gutted fish with head	
10. Ling (<i>Molva</i> spp.)	Extra, A	1, 2	Gutted fish with head	1 173
11. Makreel of the species <i>Scomber scombrus</i>	Extra	1	Whole fish	} 287
	A	2	Whole fish	
12. Mackerel of the species <i>Scomber japonicus</i>	Extra	1	Whole fish	} 301
	A	2	Whole fish	
13. Anchovies (<i>Engraulis</i> spp.)	Extra	2	Whole fish	1 185
14. Plaice (<i>Pleuronectes platessa</i>)	A	2	Gutted fish with head	1.1.2000 — } 1 052
	A	3	Gutted fish with head	30.4.2000 } 1.5.2000 — } 1 448
				31.12.2000 }
15. Hake of the species <i>Merluccius merluccius</i>	A	1	Gutted fish with head	3 732
16. Megrim (<i>Lepidorhombus</i> spp.)	Extra, A	1, 2	Whole fish	2 358
17. Rays' bream (<i>Brama</i> spp.)	Extra, A	1	Whole fish	1 836
18. Monkfish (<i>Lophius</i> spp.)	Extra, A	2, 3	Whole, or gutted with head	2 771
	Extra, A	2, 3	Without head	5 725

Species	Commercial specifications ⁽¹⁾			Guide price (EUR/tonne)
	Freshness category	Size	Presentation	
19. Shrimps of the species <i>Crangon crangon</i>	A	1	Simply boiled in water	2 405
20. Edible crab (<i>Cancer pagurus</i>)	—	1	Whole fish	1 749
21. Norway lobster (<i>Nephrops norvegicus</i>)	E, A	1, 2	Whole fish	5 284
	E, A	2	Tails	4 345
22. Dab (<i>Limanda limanda</i>)	Extra, A	1	Gutted fish with head	932
23. Flounder (<i>Platichthys flesus</i>)	Extra, A	1	Gutted fish with head	558
24. Albacore or longfinned tuna (<i>Thunnus alalunga</i>)	Extra, A	1	Whole fish	2 145
		1	Gutted fish with head	2 452
25. Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	Extra, A	1, 2	Whole	1 605
26. Sole (<i>Solea</i> spp.)	Extra, A	2, 3	Gutted fish with head	6 453
27. Deep-water prawns (<i>Pandalus borealis</i>)	A	1	Simply boiled in water	6 387
	A	1	Fresh or chilled	1 690

⁽¹⁾ The freshness categories, sizes and presentation are defined pursuant to Article 2 of Regulation (EEC) No 3759/92.

COUNCIL REGULATION (EC) No 2747/1999
of 17 December 1999
fixing the guide prices for the fishery products listed in Annex II to Regulation (EEC) No 3759/92
for the 2000 fishing year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 9(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 9(1) of Regulation (EEC) No 3759/92 provides that a guide price shall be fixed for each fishing year for each of the products or groups of products listed in Annex II to that Regulation;
- (2) According to the data available at present concerning prices for the products in question and the criteria laid down in Article 9(2) of that Regulation, these prices should be increased, maintained or decreased according to the species for the 2000 fishing year;

- (3) The fishing year begins on 1 January 2000 for the products covered by this Regulation; given the urgency of the matter, it is imperative to grant an exception to the six-week period mentioned in paragraph I(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty of Amsterdam,

HAS ADOPTED THIS REGULATION:

Article 1

The guide prices for the fishing year 1 January to 31 December 2000 for the products listed in Annex II to Regulation (EC) No 3759/92 and the commercial categories to which they relate are fixed in 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, 17 December 1999.

For the Council

The President

K. HEMILÄ

⁽¹⁾ OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EEC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

ANNEX

(EUR/tonne)

Group of products	Commercial specifications	Guide price
1. Sea-bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Frozen, in lots or in original packages containing the same products	1 556
2. Squid of the species <i>Loligo patagonica</i>	Frozen, not cleaned, in original packages containing the same products	1 111
3. Squid (<i>Ommastrephes sagittatus</i>)	Frozen, not cleaned, in original packages containing the same products	961
4. <i>Illex argentinus</i>	Frozen, not cleaned, in original packages containing the same products	879
5. Cuttlefish of the species (<i>Sepia officinalis</i> , <i>Rossia macrosoma</i>) and (<i>Sepiola rondeletti</i>)	Frozen, in original packages containing the same products	1 947
6. Octopus (<i>Octopus</i> spp.)	Frozen, in original packages containing the same products	2 007
7. Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Frozen, in original packages containing the same products	1 937
8. Whole hake of the genus <i>Merluccius</i> spp.	Frozen, in original packages containing the same products	1 277
9. Fillets of hake of the genus <i>Merluccius</i> spp.	Frozen, in original packages containing the same products	1 545
10. — Prawns of the species <i>Parapenaeus longirostris</i>	Frozen, in original packages containing the same products	4 038
— Other species of the family <i>Penaeidae</i>	Frozen, in original packages containing the same products	7 825

**COUNCIL REGULATION (EC) No 2748/1999
of 17 December 1999**

**fixing the Community producer price for the fishery products listed in Annex III to Regulation
(EEC) No 3759/92 for the 2000 fishing year**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 17(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 17(1) of Regulation (EEC) No 3759/92 provides that a Community producer price should be fixed for each of the products listed in Annex III to that Regulation;
- (2) Commission Regulation (EEC) No 3510/82 ⁽²⁾ sets down the conversion factors applicable to different species of tuna; it is not therefore necessary to fix the Community producer price for all species of tuna listed in Annex III

to Regulation (EEC) No 3759/92 but only for yellow-fin tuna (*Thunnus albacares*);

- (3) On the basis of the criteria laid down in the first and second indents of Article 9(2) and in Article 17(1) of Regulation (EEC) No 3759/92, the price for the 2000 fishing year should be decreased;
- (4) The fishing year begins on 1 January 2000 for the products covered by this Regulation; given the urgency of the matter, it is imperative to grant an exception to the six-week period mentioned in point 1(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty of Amsterdam,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer price for the fishing year 1 January to 31 December 2000 for yellowfin tuna (*Thunnus albacares*) is hereby fixed as follows:

(EUR/tonne)		
Species	Commercial specifications	Community producer price
Yellowfin tuna (<i>Thunnus albacares</i>)	Whole, weighing more than 10 kg each	1 221

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, 17 December 1999.

For the Council
The President
K. HEMILÄ

⁽¹⁾ OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

⁽²⁾ OJ L 368, 28.12.1982, p. 27. Regulation as last amended by Regulation (EEC) No 3899/92 (OJ L 392, 31.12.1992, p. 24).

COUNCIL REGULATION (EC) No 2749/1999
of 17 December 1999
amending Regulation (EC) No 745/1999 opening and providing for the administration of auto-
nomous Community tariff quotas for certain fishery products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Regulation (EC) No 745/1999 ⁽¹⁾, the Council opened autonomous tariff quotas;
- (2) The quota amount is insufficient to meet the needs of the Community industry for cod (order number 09.2753); consequently, this quota amount should be increased with effect from 1 April 1999 so as to ensure uninterrupted use of this quota;
- (3) Having regard to the economic importance of this Regulation for European industry it is necessary to invoke the ground of urgency referred to in point I(3) of the Addi-

tional Protocol to the Treaty of Amsterdam on the role of national parliaments in the European Union,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 745/1999, first page, first order number (09.2753), fifth column (tariff quota), the figure '67 000' shall be replaced by the figure '75 000'.

Article 2

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

It shall apply from 1 April 1999.

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

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

⁽¹⁾ OJ L 96, 10.4.1999, p. 1.

COMMISSION REGULATION (EC) No 2750/1999
of 22 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 23 December 1999.

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

Done at Brussels, 22 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 22 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	77,6
	204	43,2
	624	132,5
	999	84,4
0709 90 70	052	124,0
	204	122,7
	999	123,3
0805 10 10, 0805 10 30, 0805 10 50	052	44,4
	204	44,7
	624	54,9
	999	48,0
0805 20 10	052	77,1
	204	55,8
	999	66,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	76,9
	464	123,0
	999	100,0
0805 30 10	052	61,3
	600	70,7
	999	66,0
0808 10 20, 0808 10 50, 0808 10 90	400	71,1
	404	76,6
	720	60,8
	728	83,3
	999	72,9
0808 20 50	052	142,9
	064	64,0
	400	93,7
	720	70,7
	999	92,8

⁽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 2751/1999
of 22 December 1999
concerning the issue of import licences for certain preserved mushrooms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 2125/95 of 6 September 1995 opening and providing for the administration of Community tariff quotas for preserved mushrooms ⁽¹⁾, as last amended by Regulation (EC) No 2493/98 ⁽²⁾, and in particular Article 6(4) thereof,

Whereas:

- (1) Article 1 of Commission Regulation (EC) No 2266/1999 of 27 October 1999 derogating from Regulation (EC) No 2125/95 ⁽³⁾ lays down that the first applications for import licences under the tariff quota for 2000 must be lodged on 13 and 14 December 1999 and Article 1(2) states that the quantities applied for must be notified by the Member States on 15 December 1999.
- (2) Article 6(4) of Regulation (EC) No 2125/95 lays down that where the quantities applied for exceed the quantity available, the Commission must set a flat-rate percentage reduction and suspend the issue of licences in respect of subsequent applications;

- (3) the quantities applied for on 13 and 14 December 1999 pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 exceed the quantity available. As a result, the extent to which licences may be issued and the issue of licences for all subsequent applications should be suspended until must both be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 on 13 and 14 December 1999 and submitted to the Commission on 15 December 1999 shall be issued, bearing the wording laid down in Article 11(1) of that Regulation, for 7,8 % of the quantity applied for.

Article 2

The issue of import licences applied for pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 shall be suspended for applications submitted from 1 January until 14 October 2000.

Article 3

This Regulation shall enter into force on 23 December 1999.

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

Done at Brussels, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 212, 7.9.1995, p. 16.

⁽²⁾ OJ L 309, 19.11.1998, p. 38.

⁽³⁾ OJ L 277, 28.10.1999, p. 8.

COMMISSION REGULATION (EC) No 2752/1999**of 22 December 1999****determining the world market price for unginne cotton and the rate for the aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

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

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

(4) Whereas the first subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity based on the revised production estimate for unginne cotton plus at least 7,5 %; Commission Regulation (EC) No 2606/1999 ⁽⁶⁾ fixes the production estimate for the 1999/2000 marketing year, and the relevant percentage increase; whereas the application of this method results in the fixing of the advance payment rate for each Member State at the levels set out below,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginne cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at 19,816 EUR/100 kg.

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

2. The advance payment of the aid referred to in Article 5(3a), first subparagraph, of Regulation (EC) No 1554/95 is fixed at:

- 50,023 EUR/100 kg in Spain,
- 46,090 EUR/100 kg in Greece,
- 86,484 EUR/100 kg in other Member States.

Article 2

This Regulation shall enter into force on 23 December 1999.

⁽¹⁾ OJ L 148, 30.6.1995, p. 45.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 190, 4.7.1998, p. 4.

⁽⁴⁾ OJ L 123, 4.5.1989, p. 23.

⁽⁵⁾ OJ L 192, 24.7.1999, p. 39.

⁽⁶⁾ OJ L 316, 10.12.1999, p. 36.

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

Done at Brussels, 22 December 1999.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2753/1999
of 22 December 1999
amending Regulation (EC) No 2009/1999 on periodical sales by tender of beef held by certain
intervention agencies for export

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 7(3) thereof,

Whereas:

- (1) under Commission Regulation (EC) No 2009/1999 of 20 September 1999 on periodical sales by tender of beef held by certain intervention agencies for export and repealing Regulation (EC) No 1587/1999 ⁽³⁾, substantial quantities of intervention beef have been contracted for sale out of German intervention stores. Due to serious unforeseen administrative and practical problems regarding the take-over operations, in particular caused by food aid deliveries to Russia, the German intervention agency is not able to make available in due time all the meat contracted with the successful tenderers under Regulation (EC) No 2009/1999. In order to relieve the operators from any negative consequences of that situation which were outside their control the periods of

delivery and of validity of licences referred to in Article 5 of the said Regulation should be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2009/1999 shall be amended as follows:

1. In Article 5(1) the period of 'two months' shall be replaced by 'three months'.
2. In Article 5(2) the period of '60 days' shall be replaced by '90 days'.

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 20 September 1999.

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

Done at Brussels, 22 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 248, 21.9.1999, p. 15.

**COMMISSION REGULATION (EC) No 2754/1999
of 22 December 1999**

amending Regulation (EC) No 822/1999 on the sale, at prices fixed in advance, of beef held by certain intervention agencies, with a view to its processing in the Community for food-aid purposes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Articles 7(3) and 9(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 822/1999 of 20 April 1999 on the sale, at prices fixed in advance, of beef held by certain intervention agencies, with a view to its processing in the Community for food-aid purposes ⁽³⁾ has provided for a sale of intervention products for food-aid purposes. The charity organisation to which the processed products were intended has expressed its intention to distribute the goods in certain third countries. Local difficulties have, however, so far prevented that distribution. In order to allow the necessary time to overcome those difficulties the validity period for export licences for the goods concerned should be extended;
- (2) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

Article 1

Regulation (EC) No 822/1999 the following Article 5(4) is added:

‘4. Notwithstanding Article 8(1) of Commission Regulation (EC) No 1445/95 ^(*) the period of validity for export licences issued for products produced under this Regulation shall be 12 months from the date of issue within the meaning of Article 21(2) of Commission Regulation (EEC) No 3719/88 ^(**).

^(*) OJ L 143, 27.6.1995, p. 35.

^(**) OJ L 331, 2.12.1988, p. 1.’

Article 2

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

It shall apply from 22 April 1999.

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

Done at Brussels, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1997, p. 17.

⁽³⁾ OJ L 104, 21.4.1999, p. 9.

**COMMISSION REGULATION (EC) No 2755/1999
of 21 December 1999
establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 December 1999.

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

Done at Brussels, 21 December 1999.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 25.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	9,26 55,06 79,60	127,42 60,74 373,55	18,11 7,29 5,82	68,91 17 929,86	3 058,58 20,41	1 540,73 1 856,46
1.30	Onions (other than seed) 0703 10 19	a) b) c)	15,57 92,58 133,84	214,25 102,13 628,09	30,45 12,26 9,79	115,86 30 147,72	5 142,77 34,31	2 590,63 3 121,50
1.40	Garlic 0703 20 00	a) b) c)	81,43 484,16 699,97	1 120,50 534,15 3 284,88	159,26 64,13 51,20	605,94 157 670,47	26 896,33 179,45	13 548,81 16 325,25
1.50	Leeks ex 0703 90 00	a) b) c)	49,86 296,45 428,60	686,09 327,06 2 011,35	97,52 39,27 31,35	371,02 96 542,42	16 468,76 109,88	8 296,01 9 996,03
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	55,28 328,68 475,19	760,67 362,61 2 229,99	108,12 43,54 34,75	411,35 107 037,01	18 258,98 121,82	9 197,82 11 082,64
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 354,90 513,10	821,35 391,54 2 407,89	116,74 47,01 37,53	444,17 115 575,96	19 715,61 131,54	9 931,58 11 966,77
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	9,95 59,16 85,53	136,91 65,27 401,38	19,46 7,84 6,26	74,04 19 265,89	3 286,48 21,93	1 655,54 1 994,80
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 629,95 910,75	1 457,90 694,99 4 274,01	207,22 83,44 66,61	788,40 205 147,81	34 995,29 233,48	17 628,60 21 241,07
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	60,69 360,85 521,69	835,11 398,10 2 448,23	118,70 47,80 38,16	451,61 117 512,23	20 045,91 133,74	10 097,97 12 167,25
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 907,73 1 312,35	2 100,79 1 001,45 6 158,69	298,60 120,24 95,98	1 136,05 295 610,34	50 426,90 336,44	25 402,15 30 607,59
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,74 187,56	300,25 143,13 880,22	42,68 17,18 13,72	162,37 42 249,41	7 207,15 48,08	3 630,54 4 374,52
1.130	Carrots ex 0706 10 00	a) b) c)	37,08 220,47 318,74	510,23 243,23 1 495,80	72,52 29,20 23,31	275,92 71 796,89	12 247,52 81,71	6 169,59 7 433,87
1.140	Radishes ex 0706 90 90	a) b) c)	151,22 899,11 1 299,89	2 080,83 991,94 6 100,20	295,76 119,10 95,07	1 125,26 292 802,75	49 947,97 333,25	25 160,89 30 316,89
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	396,31 2 356,35 3 406,68	5 453,34 2 599,62 15 987,11	775,11 312,12 249,16	2 949,02 767 363,16	130 901,19 873,35	65 940,44 79 453,02

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	145,32 864,03 1 249,17	1 999,65 953,24 5 862,19	284,22 114,45 91,36	1 081,36 281 378,76	47 999,20 320,24	24 179,21 29 134,04
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	180,53 1 073,38 1 551,84	2 484,15 1 184,20 7 282,56	353,09 142,18 113,50	1 343,36 349 554,82	59 629,06 397,84	30 037,66 36 193,02
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 355,93	2 170,55 1 034,71 6 363,22	308,51 124,23 99,17	1 173,77 305 427,23	52 101,52 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	404,96 2 407,78 3 481,04	5 572,37 2 656,36 16 336,05	792,03 318,93 254,60	3 013,39 784 111,90	133 758,29 892,41	67 379,67 81 187,19
1.200.2	— other ex 0709 20 00	a) b) c)	285,54 1 697,74 2 454,50	3 929,12 1 873,02 11 518,66	558,47 224,88 179,52	2 124,76 552 882,54	94 313,86 629,25	47 509,86 57 245,63
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	103,46 615,15 889,34	1 423,64 678,65 4 173,57	202,35 81,48 65,05	769,87 200 326,49	34 172,84 228,00	17 214,30 20 741,87
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	70,21 417,45 603,53	966,11 460,55 2 832,26	137,32 55,29 44,14	522,45 135 945,52	23 190,36 154,72	11 681,96 14 075,84
1.230	Chantarelles 0709 51 30	a) b) c)	1 699,80 10 106,55 14 611,48	23 389,76 11 149,96 68 569,76	3 324,52 1 338,70 1 068,66	12 648,55 3 291 271,75	561 443,94 3 745,87	282 822,92 340 779,30
1.240	Sweet peppers 0709 60 10	a) b) c)	181,09 1 076,71 1 556,65	2 491,85 1 187,87 7 305,15	354,18 142,62 113,85	1 347,53 350 639,13	59 814,03 399,07	30 130,84 36 305,29
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 632,24	1 012,07 482,46 2 967,00	143,85 57,93 46,24	547,30 142 412,66	24 293,56 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	51,27 304,84 440,72	705,49 336,31 2 068,23	100,28 40,38 32,33	381,51 99 272,56	16 934,48 112,98	8 530,61 10 278,71
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 517,02	2 428,42 1 157,63 7 119,19	345,16 138,99 110,95	1 313,22 341 712,93	58 291,34 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	58,57 348,24 503,47	805,94 384,19 2 362,71	114,55 46,13 36,82	435,83 113 407,33	19 345,67 129,07	9 745,23 11 742,23

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	126,04 749,40 1 083,44	1 734,35 826,77 5 084,44	246,51 99,26 79,24	937,89 244 047,47	41 631,01 277,76	20 971,29 25 268,75
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	105,12 625,02 903,61	1 446,48 689,54 4 240,53	205,60 82,79 66,09	782,22 203 540,70	34 721,14 231,65	17 490,50 21 074,67
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	155,45 924,26 1 336,25	2 139,04 1 019,69 6 270,84	304,03 122,43 97,73	1 156,73 300 993,17	51 345,13 342,57	25 864,70 31 164,93
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	47,91 284,86 411,83	659,26 314,27 1 932,68	93,70 37,73 30,12	356,51 92 766,70	15 824,67 105,58	7 971,55 9 605,09
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	48,88 290,63 420,17	672,60 320,63 1 971,81	95,60 38,50 30,73	363,73 94 644,88	16 145,06 107,72	8 132,95 9 799,56
2.100	Table grapes ex 0806 10 10	a) b) c)	286,30 1 702,26 2 461,03	3 939,57 1 878,00 11 549,31	559,95 225,48 180,00	2 130,42 554 354,10	94 564,89 630,92	47 636,31 57 398,00

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	56,01 333,02 481,46	770,71 367,40 2 259,44	109,55 44,11 35,21	416,78 108 450,48	18 500,10 123,43	9 319,28 11 229,00
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	55,19 328,14 474,41	759,43 362,02 2 226,36	107,94 43,47 34,70	410,68 106 862,74	18 229,26 121,62	9 182,84 11 064,60
2.120.2	— other ex 0807 19 00	a) b) c)	119,12 708,26 1 023,96	1 639,13 781,38 4 805,29	232,98 93,81 74,89	886,40 230 648,48	39 345,34 262,51	19 819,90 23 881,42
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	321,86 1 913,69 2 766,71	4 428,89 2 111,26 12 983,80	629,50 253,49 202,35	2 395,02 623 207,86	106 310,36 709,29	53 553,00 64 527,14
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	631,35 3 753,84 5 427,08	8 687,57 4 141,38 25 468,60	1 234,81 497,23 396,93	4 698,00 1 222 464,06	208 534,91 1 391,31	105 047,80 126 574,31
2.170	Peaches 0809 30 90	a) b) c)	307,12 1 826,05 2 640,00	4 226,06 2 014,58 12 389,19	600,67 241,88 193,09	2 285,34 594 667,24	101 441,74 676,80	51 100,47 61 572,03
2.180	Nectarines ex 0809 30 10	a) b) c)	391,50 2 327,75 3 365,33	5 387,16 2 568,07 15 793,07	765,71 308,33 246,14	2 913,23 758 049,70	129 312,45 862,75	65 140,12 78 488,70
2.190	Plums 0809 40 05	a) b) c)	281,85 1 675,80 2 422,78	3 878,34 1 848,81 11 369,80	551,25 221,97 177,20	2 097,30 545 737,70	93 095,06 621,12	46 895,89 56 505,85
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	544,53 3 237,63 4 680,78	7 492,90 3 571,88 21 966,29	1 065,01 428,85 342,35	4 051,96 1 054 357,10	179 858,26 1 199,99	90 602,17 109 168,46
2.205	Raspberries 0810 20 10	a) b) c)	1 094,98 6 510,46 9 412,45	15 067,25 7 182,60 44 171,38	2 141,59 862,37 688,41	8 147,97 2 120 176,92	361 671,89 2 413,02	182 189,34 219 523,78
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	1 496,22 8 896,12 12 861,51	20 588,44 9 814,56 60 357,37	2 926,35 1 178,37 940,67	11 133,67 2 897 085,90	494 201,47 3 297,23	248 950,06 299 965,18
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	163,06 969,51 1 401,66	2 243,75 1 069,60 6 577,82	318,92 128,42 102,52	1 213,36 315 728,19	53 858,72 359,34	27 130,90 32 690,59

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	83,64 497,30 718,97	1 150,91 548,64 3 374,03	163,59 65,87 52,58	622,38 161 949,62	27 626,29 184,32	13 916,53 16 768,31
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	172,46 1 025,40 1 482,47	2 373,10 1 131,26 6 957,02	337,30 135,82 108,43	1 283,31 333 929,12	56 963,54 380,05	28 694,93 34 575,13
2.250	Lychees ex 0810 90 30	a) b) c)	220,86 1 313,17 1 898,51	3 039,10 1 448,75 8 909,47	431,96 173,94 138,85	1 643,46 427 644,59	72 950,06 486,71	36 748,01 44 278,45

**COMMISSION REGULATION (EC) No 2756/1999
of 22 December 1999**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1294/1999 of 15 June 1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia (FRY) and repealing Regulations (EC) No 1295/98 and (EC) No 1607/98 ⁽¹⁾, as amended by Commission Regulation (EC) No 1970/1999 ⁽²⁾, and in particular Article 8(1)(a) thereof,

Whereas:

- (1) the list of persons deemed to be persons acting or purporting to act for or on behalf of the Governments of the Federal Republic of Yugoslavia or the Government of the Republic of Serbia was established by the Council when it adopted Regulation (EC) No 1294/1999 and attached to that Regulation as Annex I;
- (2) this list was identical to the list of persons to which the obligation of non-admission referred to in Common Position 1999/318/CFSP applied ⁽³⁾;
- (3) subsequently, the Council amended the list of persons to which the obligation of non-admission applies, by means of Council Decision 1999/612/CFSP ⁽⁴⁾;
- (4) the amendments reflect the changes to the Government of the Federal Republic of Yugoslavia in August 1999, while removing the entries Deputy Minister Radonja Minic and Minister for Trade and Tourism Djordje Sira-dovic, and add a number of persons close to the regime whose activities support President Milosevic;
- (5) it is opportune to ensure that all persons to which the obligation of non-admission applies, including those close to the regime whose activities support President Milosevic, will not be able to receive funds from Community sources since such persons must be deemed to be acting for or on behalf of the Government of the Federal Republic of Yugoslavia or that of the Republic of Serbia;
- (6) by letter dated 16 July 1999 Ms Olivera Matic has requested that her name be removed from the list of persons acting or purporting to act for or on behalf of the Governments of the Federal Republic of Yugoslavia or the Government of the Republic of Serbia ⁽⁵⁾.

However, the Commission concluded that there are insufficient grounds to remove Ms Matic from the list of persons acting or purporting to act for or on behalf of the Governments of the Federal Republic of Yugoslavia or the Republic of Serbia;

- (7) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee referred to in Article 9 of Council Regulation (EC) No 1294/1999,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. under the heading 'FRY Government':
 - the names and functions of the following persons shall be inserted:

Beko Milan, Minister of Economy (previously listed as Director of Zastava)

Djokic Nenad, former member

Eric Milovan, Minister of Internal Trade

Gojkovic Maja, Deputy Prime Minister (previously listed under the heading Government of Serbia)

Jojic Petar, Minister of Justice

Markovic Ivan, Minister of Telecommunications (previously listed as JUL Spokesman)

Mirkovic Cedomir, Minister of International Cultural and Scientific Cooperation

Nikcevic Zelidrag, Minister without portfolio

Nikolic Tomislav, Deputy Prime Minister (previously listed under the heading Government of Serbia)

Sljapic Nada, Minister for Development, Science and Environment

Velickovic Nebojsa, Minister without portfolio

Vucic Borka, Minister for Cooperation with International Financial Organisations (previously listed as Director of Beogradska Banka)

Vujovic Zoran, Minister without portfolio,

⁽¹⁾ OJ L 153, 19.6.1999, p. 63.

⁽²⁾ OJ L 244, 16.9.1999, p. 39.

⁽³⁾ OJ L 123, 13.5.1999, p. 1.

⁽⁴⁾ OJ L 242, 14.9.1999, p. 32.

⁽⁵⁾ Letter transmitted to the Commission by letter of the Bank of England (Mr Gammon) dated 8 September 1999.

- the functions of the following persons shall be amended:
 - Filipovic Rade, former Minister of Economy
 - Knezevic Zoran, former Minister of Justice
 - Radojevic Dojcilo, former Minister for Telecommunications
 - Zelenovic Jagos, former Minister of Development, Science and Environment,
- the names and functions of the following persons shall be removed:
 - Minic Radonja, Deputy Minister FRY Government
 - Siradovic Djordje, Minister Trade and Tourism FRY Government;
- 2. under the heading 'Serbian Government' the functions of the following persons shall be amended:
 - Gojkovic Maja, former Minister without Portfolio
 - Nikolic Tomislav, former Deputy Prime Minister;
- 3. under the heading 'Persons close to the regime whose activities support President Milosevic':
 - the names and functions of the following persons shall be inserted:
 - Babic Momcilo, SPS Executive Committee member
 - Djokovic Milan, Chair of the Democratic Patriotic Movement of Kragujevac and Sumadija
 - Djolic Gvozdan, Local SPS Head, Aleksandrovac
 - Lekovic Bane, Vice-President GENEX
 - Simanovic Vojislav, General Manager PKB
 - Suvakovic Uros, SPS Executive Committee member
 - Vitezovic Milorad, Editor-in-Chief RTS
 - Zaric Sinisa, Director World Trade Centre Belgrade
 - Zecevic Mirjana, Marketing Director Politika,
 - the functions of the following person shall be amended:
 - Bozovic Radoman, President of GENEX,
 - the names and functions of the following persons shall be removed:
 - Beko Milan, Director of Zastava
 - Markovic Ivan JUL Spokesman
 - Vucic Borka, Director of Beogradska Banka.

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, 22 December 1999.

For the Commission
Christopher PATTEN
Member of the Commission

**COMMISSION REGULATION (EC) No 2757/1999
of 22 December 1999**

amending Annexes I and II of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 2728/1999 ⁽²⁾ and in particular Articles 6, 7 and 8 thereof,

Whereas:

- (1) in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals;
- (2) maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues for the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;
- (3) in establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);
- (4) for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should

therefore also always be established for muscle or fat tissues;

- (5) in the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey;
- (6) carazolol and penethamate should be inserted into Annex I to Regulation (EEC) No 2377/90;
- (7) *urginea maritima*, *phytolacca americana*, levothyroxine, barium selenate and 3,5-diiodo-L-tyrosine should be inserted into Annex II to Regulation (EEC) No 2377/90;
- (8) an adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC ⁽³⁾, as last amended by Directive 93/40/EEC ⁽⁴⁾, to take account of the provisions of this Regulation;
- (9) the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Annexes I and II of Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply from the 60th day following its publication.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ OJ L 328, 22.12.1999, p. 23.

⁽³⁾ OJ L 317, 6.11.1981, p. 1.

⁽⁴⁾ OJ L 214, 24.8.1993, p. 31.

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

Done at Brussels, 22 December 1999.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

A. Annex I to Regulation (EEC) No 2377/90 is amended as follows:

- 1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.1. Penicillins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Penethamate	Benzylpenicillin	Porcine	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg	Muscle Fat Liver Kidney'	

- 3. Agents acting on the nervous system
- 3.2. Agents acting on the autonomic nervous system
- 3.2.1. Anti-adrenergics

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Carazolol	Carazolol	Bovine	5 µg/kg 5 µg/kg 15 µg/kg 15 µg/kg 1 µg/kg	Muscle Fat Liver Kidney Milk'	

B. Annex II to Regulation (EEC) No 2377/90 is amended as follows:

- 1. Inorganic chemicals

Pharmacologically active substance(s)	Animal species	Other provisions
'Barium selenate	Bovine, ovine'	

2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
'3,5-Diiodo-L-thyrosine Levothyroxine	All mammalian food-producing species All mammalian food-producing species'	

4. Substances used in homeopathic veterinary medicinal products

Pharmacologically active substance(s)	Animal species	Other provisions
'Phytolacca americana Urginea maritima	All food-producing species All food-producing species	For use in homeopathic veterinary medicinal products prepared according to homeopathic pharmacopoeias, at concentrations in the products not exceeding one part per thousand only For use in homeopathic veterinary medicinal products prepared according to homeopathic pharmacopoeias, at concentrations in the products not exceeding one part per hundred only For oral use only'

COMMISSION REGULATION (EC) No 2758/1999**of 22 December 1999****amending Annex II of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 2757/1999 ⁽²⁾ and in particular Articles 7 and 8 thereof;

Whereas:

- (1) in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals;
- (2) maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues for the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;
- (3) in establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);
- (4) for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in inter-

national trade, and maximum residue limits should therefore also always be established for muscle or fat tissues;

- (5) in the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey;
- (6) aloe vera gel and whole leaf extract of aloe vera should be inserted into Annex II to Regulation (EEC) No 2377/90;
- (7) an adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC ⁽³⁾, as last amended by Directive 93/40/EEC ⁽⁴⁾ to take account of the provisions of this Regulation;
- (8) the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Annex II of Regulation (EEC) No 2377/90 is hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply from the 60th day following its publication.

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

Done at Brussels, 22 December 1999.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ See page 45 of this Official Journal.

⁽³⁾ OJ L 317, 6.11.1981, p. 1.

⁽⁴⁾ OJ L 214, 24.8.1993, p. 31.

ANNEX

Annex II to Regulation (EEC) No 2377/90 is amended as follows:

6. Substances of vegetable origin

Pharmacologically active substance(s)	Animal species		Other provisions
	All food-producing species	For topical use only	
'Aloe vera gel and whole leaf extract of Aloe vera			

COMMISSION REGULATION (EC) No 2759/1999

of 22 December 1999

laying down rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ⁽¹⁾, and in particular Articles 9(2) and 12(1) (1) thereof,

Whereas:

- (1) the Community pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe (hereinafter referred to as 'SAPARD') as provided for in Regulation (EC) No 1268/1999 shall relate in particular to contributing to the implementation by the applicant countries of the *acquis communautaire* concerning the common agricultural policy and related policies, as well as solving priority and specific problems for the adaptation of the agricultural sector and rural areas in the applicant countries;
- (2) the support granted pursuant to SAPARD should take into account in particular its effect on the protection of the environment and on the sustainable development of the economies of the applicant country concerned and the principles of social cohesion policies; Community support should not replace funding available in each applicant country and shall complement corresponding national actions or contribute to these;
- (3) in this framework, as a general principle, support shall be granted according to the rules in force for Community rural development support, and, in particular, according to the main objectives and instruments laid down in Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽²⁾ and Commission Regulation (EC) No 1750/1999 ⁽³⁾ laying down detailed rules for the application of the aforementioned Regulation;
- (4) particular measures referred to in Article 2 of Regulation (EC) No 1268/1999 are similar to measures referred to in Regulation (EC) No 1257/1999 and should therefore

be implemented by the applicant countries as far as possible in accordance with the principles for implementing those measures in the Community; reference should be made to the conditions to be applied in respect of those measures;

- (5) in order to remedy the structural deficiencies affecting the supply and marketing of agricultural products resulting from insufficient producer organisation in the applicant countries, support is necessary to encourage the setting up of producer groups; for this purpose, support should be granted for the transitional pre-accession period according to the Community relevant principles, deviating from and complementing them where this is necessary to address the particular situations in the applicant countries;
- (6) other measures mentioned in Article 2 of Regulation (EC) No 1268/1999 may be eligible for Community support provided that they form part of the programme approved by the Commission;
- (7) the rules for eligibility of expenditure under SAPARD should take into account the period in which Regulation (EC) No 1268/1999 applies, as well as the requirement of a minimum period in which the undertakings have to remain substantially unmodified in order to attain their purpose; specific conditions of eligibility of expenditure should be agreed upon in the framework of bilateral agreements between the Community and the different applicant countries;
- (8) the implementation of SAPARD should be carried out according to the management guidelines laid down in Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽⁴⁾; according to Article 5(2) of Regulation (EC) No 1268/1999, the Commission and the applicant country shall jointly agree on the procedures concerning the monitoring of the implementation of the programme, it is nevertheless necessary to define the indicators used in this procedure; for this exercise the indicators set forth in Regulation (EC) No 1260/1999 should be taken into account;

⁽¹⁾ OJ L 161, 26.6.1999, p. 87.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 214, 13.8.1999, p. 31.

⁽⁴⁾ OJ L 161, 26.6.1999, p. 1.

- (9) whereas assistance from the Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period together with assistance from the Community under Council Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession⁽¹⁾ should be coordinated within the framework of Council Regulation (EC) No 1266/1999 of 21 June 1999 on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/89⁽²⁾;
- (10) the measures provided for in this Regulation are in accordance with the opinion of the Agricultural Structures and Rural Development Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Objective

This Regulation lays down rules for the application of Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period.

Article 2

Investments in agricultural holdings

1. Support may be granted for agricultural investments according to the conditions foreseen in Title II, Chapter I of Regulation (EC) No 1257/1999 with the exception of Article 7 of that chapter.
2. Support for investment shall be granted to agricultural holdings:
 - which comply with the national minimum standards regarding the environment, hygiene and animal welfare at the time when the decision to grant support is taken, and
 - for which economic viability at the end of the realisation of the investment shall be demonstrated.

However, where acquis-related minimum standards regarding the environment, hygiene and animal welfare have been newly introduced at the time the application is received, the decision to grant support will be conditional on the holding meeting these new standards by the end of the realisation of the investment.

3. Each applicant country shall set limits for total investment eligible for support as well as acceptable standards

regarding farmers' occupational skill and competence in order to be eligible for support.

Article 3

Improving the processing and marketing of agricultural and fishery products

1. Support may be granted for investments provided for in Articles 25 and 26 of Regulation (EC) No 1257/1999 relating to improving the processing and marketing of the agricultural and fishery products included in Annex I to the Treaty and which originate in applicant countries or the Community. Investments at the retail level shall be excluded from support.
2. Eligible expenditure may include:
 - (a) the construction and acquisition of immovable property, with the exception of land purchase;
 - (b) new machinery and equipment including computer software;
 - (c) general costs, such as architects', engineers' and Consultants' fees, feasibility studies, acquisition of patents and licences, in addition to expenditure as referred to in (a) and (b) and up to a ceiling of 12 % of that expenditure.

Article 4

Agri-environment

Support may be granted for actions foreseen in Title II, Chapter VI of Regulation (EC) No 1257/1999, and taking account of the conditions included therein, provided that they concern actions at the pilot level.

Such actions shall have the objective of developing practical experience of agri-environment implementation at both the administrative and farm levels.

Article 5

Training

1. Support may be granted for actions foreseen in Title II, Chapter III of Regulation (EC) No 1257/1999, subject to the conditions set forth therein.
2. Support for vocational training shall not include courses of instruction or training which form part of normal programmes or systems of agricultural and forestry education at secondary or higher levels.

Article 6

Producer groups

1. Support may be granted to encourage the setting-up, and to facilitate the administrative operation, of producer groups, during the first five years following the date of their recognition.

⁽¹⁾ OJ L 161, 26.6.1999, p. 73.

⁽²⁾ OJ L 161, 26.6.1999, p. 68.

2. This Article shall apply to producer groups set up for the purpose of jointly adapting the production and output of the producers who are members of such groups to market requirements, and, of jointly placing goods on the market, including centralisation of sale, preparation for sale, and supply to bulk buyers, and, of establishing common rules on production information, with particular regard to harvesting and availability, and which have been formally recognised by an applicant country.

3. Support granted to producer groups recognised after 1 January 2000 for the first five years following the date on which they are recognised, shall be granted towards the costs of setting up and running the producer organisation, at a flat rate.

4. The aid referred to in paragraph 3 shall be determined for each producer organisation on the basis of its annual marketed production and shall:

- (a) amount for the first, second, third, fourth and fifth years to 5 %, 5 %, 4 %, 3 % and 2 % respectively of the value marketed production up to EUR 1 000 000, and
- (b) amount for the first, second, third, fourth and fifth years, to 2,5 %, 2,5 %, 2,0 %, 1,5 % and 1,5 % respectively of the values of marketed production exceeding EUR 1 000 000,
- (c) be subject to a ceiling for each producer organisation of:
 - EUR 100 000 for the first year,
 - EUR 100 000 for the second year,
 - EUR 80 000 for the third year,
 - EUR 60 000 for the fourth year,
 - EUR 50 000 for the fifth year,

and shall be paid in annual instalments.

Article 7

Forestry

1. Support may be granted for actions foreseen in Articles 29 and 30 with the exception of the sixth indent of Article 30(1) Regulation (EC) No 1257/1999 and subject to the conditions set forth therein.

2. Support shall be granted for the afforestation of agricultural land provided that such planting is adapted to local conditions and is compatible with the environment.

Support may in addition to planting costs include an annual premium per hectare afforested to cover maintenance costs for a period of up to five years.

3. Support for the afforestation of agricultural land undertaken by public authorities shall cover only the costs of establishment.

4. Support for the afforestation of agricultural land shall not be granted in respect of the planting of Christmas trees.

5. In the case of fast-growing species cultivated in the short term, support for afforestation shall be granted for planting costs only.

Article 8

Eligibility

1. Expenditure in respect of actions under measures described in Articles 2 to 7 of this Regulation and of any other measure mentioned in Article 2 of Regulation (EC) No 1268/1999 shall be eligible for Community support only if those actions form part of the programme for agriculture and rural development approved in accordance with Article 4(5) of Regulation (EC) No 1268/1999.

2. Expenditure shall be eligible for Community support only if it has actually been paid by the applicant country to the individual beneficiary of a rural development support measure after 31 December 1999, and after the date on which the rural development plan, or any amendment to this plan relevant for the measure concerned has been submitted or communicated to the Commission. The later of these dates shall constitute the starting point for eligibility of expenditure.

The final date for the eligibility of commitment shall be the end of the financial year 2006 or the date of accession of the relevant applicant country, whichever is the earlier.

3. Any operation shall remain eligible only if it does not within five years from the date of the authorisation of the payment by the applicant country's paying agency undergo a substantial modification:

- (a) affecting its nature or its implementation conditions or giving to a firm or public body an undue advantage; and
- (b) resulting either from a change in the nature of ownership in an item of infrastructure or a cessation or change in location in a productive activity.

Article 9

Managing authority

The Commission shall ensure that each applicant country sets up and operates, to the best standards, a managing authority which is responsible for the efficient and correct management of the programme.

Article 10

Monitoring indicators

The specific physical, environmental and financial indicators applied in the monitoring of the implementation of the programme shall take into account the elements mentioned in Article 36 of Regulation (EC) No 1260/1999.

*Article 11***Annual and final reports**

The annual reports mentioned in Article 5(2) of Regulation (EC) No 1268/1999 shall, in addition to the elements mentioned in Article 37 of Regulation (EC) No 1260/1999 applicable as appropriate, contain the physical indicators per measure.

*Article 12***Evaluations**

The appraisals and evaluation referred to in Article 5 of Regulation (EC) No 1268/1999 shall be carried out taking account of the procedures for evaluation provided in Title IV, Chapter III of Regulation (EC) No 1260/1999 and Chapter III, Section 5 of Regulation (EC) No 1750/1999.

*Article 13***Final provisions**

The detailed conditions for support and eligibility of expenditure on the basis of this Regulation, taking into account the Commission guidelines set for the Member States, will be laid down in bilateral agreements concluded between the Commission, on behalf of the European Community, and each applicant country.

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

It shall apply in relation to Community support as from 1 January 2000.

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

Done at Brussels, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2760/1999**of 22 December 1999****amending Regulation (EEC) No 3149/92 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community ⁽¹⁾, as amended by Regulation (EC) No 2535/95 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Article 4 of Commission Regulation (EEC) No 3149/92 ⁽³⁾, as last amended by Regulation (EC) No 267/96 ⁽⁴⁾, lays down the detailed rules on invitations to tender opened in the Member States with a view to implementing the annual plan. It should be explicitly stated that these invitations must include all the necessary provisions on the delivery of the supplies and provision should be made to adjust payment for them based on compliance or otherwise with the requirements laid down;
- (2) Article 6 of Regulation (EEC) No 3149/92 stipulates that the transport costs are to be reimbursed on the basis of flat rates fixed in the Annex to the Regulation. In the light of experience, such fixing is no longer appropriate and the transport costs must be reimbursed on the basis of the duly justified real costs established on the basis of an invitation to tender procedure under Article 4(3) of the above Regulation. It should be specified, however, that reimbursement of the transport costs between the storage depots of the charitable organisation and the place of final distribution is effected on the basis of supporting evidence;
- (3) should the products needed to implement the plan be unavailable in one or more Member States, intra-Community transfers of stored products should be organised in accordance with Article 7 of Regulation (EEC) No 3149/92. With a view to streamlined management, these transfers should be organised at the start of the annual exercise and provisions should be made for appropriate adjustments;

- (4) for EAGGF Guarantee Section accounting purposes, the accounting value of the beef from intervention stocks is the intervention price subject to coefficients fixed for the various cuts. These coefficients need to be amended based on changes in the conversion coefficients used for the various cuts, especially under tenders opened to manage the market in these products;
- (5) attention should be drawn to the Member States' obligation to take all the necessary steps to ensure that the annual plan is properly carried out, and to anticipate and penalise irregularities noted during the provision of supplies;
- (6) the measures provided for in this Regulation are in accordance with the opinions of all the management committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3149/92 is hereby amended as follows:

1. The following paragraph 5 is added to Article 4:

'5. The invitations to tender shall include the necessary provisions on the supply operation, especially as regards the products' quality, packaging and marking. They shall also include a provision to the effect that if the quality, packaging or marking of the products noted at the time fixed for their supply does not correspond exactly to what was stipulated, but does not prevent the goods from being accepted for their intended use, the competent authorities can apply reductions when calculating the amount payable.'

2. Article 6(1) is replaced by:

'1. On duly substantiated application to the competent authority in each Member State, the charitable organisations designated to distribute the products shall be reimbursed for transport costs on the territory of the Member State between the storage depots of the charitable organisations and the points of distribution to the beneficiaries.'

3. Article 6(2) is deleted.

4. Article 7(1) is replaced by the following:

'1. When products included in the plan are not available from intervention in the Member State where such products are required, the Commission shall authorise, in accordance with the procedure laid down in Article 6 of Regulation

⁽¹⁾ OJ L 352, 15.12.1987, p. 1.

⁽²⁾ OJ L 260, 31.10.1995, p. 3.

⁽³⁾ OJ L 313, 30.10.1992, p. 50.

⁽⁴⁾ OJ L 36, 14.2.1996, p. 2.

(EEC) No 3730/87, the transfer of the product in question from a Member State in which it is present in intervention stocks to the Member State where it will be used to implement the plan.

The Member State receiving the products shall publish or have published an invitation to tender to establish the most favourable conditions of supply. The costs of intra-Community transport shall be the subject of a tender submitted in money value and may not be paid for in products. Article 4(4) shall apply in the context of this invitation to tender.'

5. The first sentence of Article 7(2) is replaced by the following:

'The intra-Community transport costs shall be borne by the Community and repaid to the Member State.'

6. The following third paragraph is added to Article 9:

'The Member States shall take all the measures needed to ensure that the plan is properly implemented and to anticipate and penalise irregularities. To this end they can suspend the participation of operators in the tendering procedure, depending on the seriousness of any shortcomings or irregularities observed in the conduct of a previous supply operation or other comparable activities.'

7. Annex I is replaced by the following:

'ANNEX

- A. Coefficients referred to in Article 5: unboned intervention stocks:

- forequarters: 0,35;
- hindquarters: 0,50.

- B. Coefficients referred to in Article 5: boneless intervention stocks

Coefficient	Member States		
	Denmark	France	Ireland
2,0	Mørbrad	Filet	Fillet
1,3	Filet	Faux-filet	Striploin
1,0	Inderlår	Tranche	Topsides
0,7	Yderlår	Semelle	Silversides
0,7	klump	Tranche grasse	Thick flank
0,7	Tyksteg	Rumsteak	Rumps
0,7	Entrecôte	Entrecôte	Forerib
0,5	Other	Other	Other'

8. Annex II is hereby deleted.

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, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 2761/1999
of 22 December 1999**

amending Regulation (EC) No 296/96 on data to be forwarded by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EEC) No 2776/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 4 and 5 thereof,

Having regard to Council Regulation (EC) No 1259/1999 of 17 May 1999 establishing common rules for direct support schemes under the common agricultural policy ⁽²⁾, and in particular Article 11 thereof,

Whereas:

- (1) when presenting the documents for the booking against the Community budget of expenditure incurred in May and November as provided for in Article 3(5) of Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be forwarded by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EEC) No 2776/88 ⁽³⁾, as last amended by Regulation (EC) No 2236/98 ⁽⁴⁾, the Member States should enclose a table comprising an extract from the debtors ledger and showing the total of all debts identified but not yet recovered under the EAGGF Guarantee Section. Also, when presenting the documents, for the booking against the Community budget of expenditure incurred in April and October as provided for in Article 3(5) of Regulation (EC) No 296/96, the Member States should enclose tables showing the amounts withheld pursuant to Articles 3 and 4 of Regulation (EC) No 1259/1999 and the use made of those amounts in accordance with Article 5(2) of the latter Regulation;
- (2) the Commission, in accordance with the provision laid down in Article 37(2) of Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽⁵⁾, having informed the Member States concerned, shall suspend temporarily the monthly advances relating to expenditure incurred in accordance with Regulation (EC) No 1750/1999, if the documents

provided for in Article 37(1) of that Regulation are not received by 30 September each year;

- (3) Member States can allocate the amounts released by reductions in payments, effected on the basis of Articles 3 and 4 of Regulation (EC) No 1259/1999, to certain additional rural development measures, as provided for in Article 5(2) of that Regulation. The amounts thus withheld must be used by the end of the third financial year following that in which they are withheld. Amounts not used by the end of that period are to be recovered by reducing the last advance of the financial year. The necessary provisions to this effect should be added to Regulation (EC) No 296/96 and its title should be adapted to take account of this new Regulation;
- (4) the EAGGF Committee and the joint management committees provided for in Article 11 of Regulation (EC) No 1259/1999 did not deliver an opinion within the time limit set by their Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 296/96 is hereby amended as follows:

1. The title is replaced by the following text: 'Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be transmitted by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), and laying down certain detailed rules of application for Council Regulation (EC) No 1259/1999'.
2. The following paragraph is added to Article 3:

'6a. Twice a year, when presenting the documents as referred to in paragraph 5 for the booking against the Community budget of expenditure incurred, in May and November for the table referred to under point (a) and, in April and October for the tables referred to under point (b), Member States shall enclose:

 - (a) a table comprising an extract from the debtors ledger and showing the total of all debts identified but not yet recovered at the end of April and at the end of the financial year in respect of the EAGGF Guarantee Section;

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 160, 26.6.1999, p. 113.

⁽³⁾ OJ L 39, 17.2.1996, p. 5.

⁽⁴⁾ OJ L 281, 17.10.1998, p. 9.

⁽⁵⁾ OJ L 214, 13.8.1999, p. 31.

(b) tables showing the situation, at the end of April and at the end of the financial year, of amounts withheld pursuant to Articles 3 and 4 of Regulation (EC) No 1259/1999 and the use made of those amounts in accordance with Article 5(2) of that Regulation.'

3. The following paragraph is added to Article 4:

'6. Where the documents referred to in Article 37(1) of Regulation (EC) No 1750/1999 are not received by the Commission by 30 September each year, the Commission shall, after notifying the Member State concerned, suspend payment of the advance relating to expenditure incurred in accordance with that Regulation for the month of August.

Where those documents are received from 1 to 15 October, payment of the advance referred to in the previous subparagraph shall be deferred by the same number of days as the documents are received late.

Where the documents are received after 15 October, payment of the advances relating to expenditure incurred in accordance with Regulation (EC) No 1750/1999 for the months of August, September and October shall be suspended until the advance relating to the expenditure of the month of February of the following year.

These suspended amounts shall be covered by a global commitment in respect of the financial year of suspension.'

4. Article 6 is replaced by the following:

'Article 6

1. Amounts withheld in accordance with Articles 3 and 4 of Regulation (EC) No 1259/1999 shall be used by the end of the third financial year following that during which they are withheld for the payment of additional Community support measures in accordance with Article 5(2) of that Regulation.

2. Amounts withheld and not paid pursuant to paragraph 1 shall be deducted from the advances related to the expenditure of October of the financial year concerned.'

5. The following point is added to the first subparagraph of Article 7(1):

'(c) expenditure to be declared shall not take account of the reductions made pursuant to Articles 3 and 4 of Regulation (EC) No 1259/1999.'

6. In Article 8, the term 'Article 3(6)' is replaced by Article 3(6) and (6a).

Article 2

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

It shall apply to expenditure incurred from 1 January 2000.

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

Done at Brussels, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2762/1999
of 22 December 1999
adjusting the maximum annual fishing effort for certain fisheries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2027/95 of 15 June 1995 establishing a system for the management of fishing effort relating to certain Community fishing areas and resources ⁽¹⁾, as amended by Regulation (EC) No 149/1999 ⁽²⁾, and in particular the second indent of Article 4 thereof,

- (1) Whereas the second indent of Article 4 of Regulation (EC) No 2027/95 provides that the Commission, at the request of a Member State, shall take appropriate measures so that the Member State in question can fish its quotas in accordance with the third subparagraph of Article 6(2) of Council Regulation (EC) No 685/95 of 27 March 1995 on the management of the fishing effort relating to certain Community fishing areas and resources ⁽³⁾;
- (2) Whereas Spain has asked the Commission to adjust the maximum annual fishing effort granted to its vessels by transferring part of the static gear effort to towed gear in the case of fishing directed at demersal species so that vessels flying the Spanish flag are able to exploit fully the yearly allocated quotas under the Community regulations;

- (3) Whereas this transfer of fishing effort involves only a simple adjustment which does not alter the existing balance and enables the effort levels allocated initially to be adjusted to the current situation of the fleet, and fishing activity to be diversified to include other demersal species;
- (4) Whereas this Regulation must enter into force immediately in order to allow Spain to make better use of its quotas;
- (5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum annual fishing effort for the Kingdom of Spain in respect of demersal species using towed and passive gear respectively, as referred to in the Annex to Regulation (EC) No 2027/95, is amended, as laid down in the Annex hereto.

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, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 199, 24.8.1995, p. 1.

⁽²⁾ OJ L 18, 23.1.1999, p. 3.

⁽³⁾ OJ L 71, 31.3.1995, p. 5.

ANNEX

Fishery			Fishing effort (*)			
Fishing gear	Target species	ICES or CECAF area	E			
Towed gear	Demersal species	Vb ⁽¹⁾ , VI, VII, VIII, IX, X and CECAF 34.1.1, 34.1.2, 34.2.0	59 740			
		Of which:				
		Vb ⁽¹⁾ , VI	1 505			
		Of which: (**)	⁽⁵⁾			
		VII	7 863			
		Of which: (**) ⁽⁶⁾	⁽⁶⁾			
		VII a	0			
		VII f ⁽²⁾	0			
		VIII a, VIII b, VIII d	8 895			
		VIII c, VIII e, IX, X and CECAF 34.1.1, 34.1.2 and 34.2.0	41 477			
		Of which:				
		VIII c, VIII e, IX ⁽³⁾	27 839			
		IX ⁽⁴⁾	2 216			
		X ⁽⁴⁾	0			

(*) Expressed in thousand of sur kW × days in the area.

(**) Part of the area included in the area defined in Article 3(5) of Regulation (EC) No 685/95. The fishing effort shown is for both towed and fixed gear.

⁽¹⁾ Except for waters under the sovereignty/jurisdiction of the Faroes and Iceland.

⁽²⁾ North of 50° 30' N.

⁽³⁾ Solely in waters under the sovereignty/jurisdiction of Spain.

⁽⁴⁾ Solely in waters under the sovereignty/jurisdiction of Portugal.

⁽⁵⁾ Fishing effort limited to eight vessels.

⁽⁶⁾ Fishing effort limited to 32 vessels.

Fishery			Fishing effort (*)			
Fishing gear	Target species	ICES or CECAF area	E			
Fixed gear	Demersal species	Vb ⁽¹⁾ , VI, VII, VIII, IX, X and CECAF 34.1.1, 34.1.2, 34.2.0	49 918			
		Of which:				
		Vb ⁽¹⁾ , VI	2 119			
		Of which: (**)	⁽⁵⁾			
		VII	6 235			
		Of which: (**) ⁽⁶⁾				
		VII a	0			
		VII f ⁽²⁾	0			
		VIII a, VIII b, VIII d	6 726			
		VIII c, VIII e, IX, X and CECAF 34.1.1, 34.1.2 and 34.2.0	34 838			
		Of which: VIII c, VIII e, IX ⁽³⁾	14 082			
		IX ⁽⁴⁾	0			
		X ⁽⁴⁾	0			
		CECAF 34.1.1. ⁽³⁾	13 141			
		CECAF 34.1.2. ⁽³⁾	7 615			
		CECAF 34.2.0. ⁽³⁾	0			
		CECAF 34.1.1. ⁽⁴⁾	0			
		CECAF 34.1.2. ⁽⁴⁾	0			
		CECAF 34.2.0. ⁽⁴⁾	0			

(*) Expressed in thousands of kW × days in the area.

(**) Part of the area included in the area defined in Article 3(5) of Regulation (EC) No 685/95. The fishing effort Shown is for both towed and fixed gear.

⁽¹⁾ Except for waters under the sovereignty/jurisdiction of the Faroes and Iceland.

⁽²⁾ North of 50° 30' N.

⁽³⁾ Solely in waters under the sovereignty/jurisdiction of Spain.

⁽⁴⁾ Solely in waters under the sovereignty/jurisdiction of Portugal.

⁽⁵⁾ Fishing effort limited to eight vessels.

⁽⁶⁾ Fishing effort limited to 32 vessels.

COMMISSION REGULATION (EC) No 2763/1999
of 22 December 1999
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

- (1) Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;
- (2) Whereas, pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;
- (3) Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;
- (4) Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;
- (5) Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;
- (6) Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 23 December 1999.

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

Done at Brussels, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	76,44	111,06		173,10
1006 10 23	(7)	76,44	111,06		173,10
1006 10 25	(7)	76,44	111,06		173,10
1006 10 27	(7)	76,44	111,06		173,10
1006 10 92	(7)	76,44	111,06		173,10
1006 10 94	(7)	76,44	111,06		173,10
1006 10 96	(7)	76,44	111,06		173,10
1006 10 98	(7)	76,44	111,06		173,10
1006 20 11	233,65	77,44	112,49		175,24
1006 20 13	233,65	77,44	112,49		175,24
1006 20 15	233,65	77,44	112,49		175,24
1006 20 17	204,90	67,38	98,11	0,00	153,68
1006 20 92	233,65	77,44	112,49		175,24
1006 20 94	233,65	77,44	112,49		175,24
1006 20 96	233,65	77,44	112,49		175,24
1006 20 98	204,90	67,38	98,11	0,00	153,68
1006 30 21	(7)	146,86	212,59		341,25
1006 30 23	(7)	146,86	212,59		341,25
1006 30 25	(7)	146,86	212,59		341,25
1006 30 27	(7)	146,86	212,59		341,25
1006 30 42	(7)	146,86	212,59		341,25
1006 30 44	(7)	146,86	212,59		341,25
1006 30 46	(7)	146,86	212,59		341,25
1006 30 48	(7)	146,86	212,59		341,25
1006 30 61	(7)	146,86	212,59		341,25
1006 30 63	(7)	146,86	212,59		341,25
1006 30 65	(7)	146,86	212,59		341,25
1006 30 67	(7)	146,86	212,59		341,25
1006 30 92	(7)	146,86	212,59		341,25
1006 30 94	(7)	146,86	212,59		341,25
1006 30 96	(7)	146,86	212,59		341,25
1006 30 98	(7)	146,86	212,59		341,25
1006 40 00	(7)	45,38	(7)		105,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	204,90	455,00	233,65	455,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	332,13	284,75	327,25	303,03	—
(b) fob price (EUR/tonne)	—	—	—	297,50	273,28	—
(c) Sea freight (EUR/tonne)	—	—	—	29,75	29,75	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2764/1999**of 22 December 1999****altering the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (1) Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 2665/1999⁽³⁾;
- (2) Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2665/1999 to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2665/1999 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 23 December 1999.

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

Done at Brussels, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 325, 17.12.1999, p. 44.

ANNEX

**to the Commission Regulation of 22 December 1999 fixing the export refunds on cereals and on wheat or rye
flour, groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	53,75
1001 90 91 9000	—	—	1101 00 15 9130	01	50,25
1001 90 99 9000	03	30,00	1101 00 15 9150	01	46,25
	02	0	1101 00 15 9170	01	42,75
1002 00 00 9000	03	57,00	1101 00 15 9180	01	40,25
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	20,00	1102 10 00 9500	01	87,00
	02	0	1102 10 00 9700	01	68,50
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	15,00 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	01	13,40 ⁽²⁾
1005 90 00 9000	03	35,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	15,00 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

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

COMMISSION DIRECTIVE 1999/97/EC**of 13 December 1999**

amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) ⁽¹⁾, as last amended by Directive 98/42/EC ⁽²⁾, and in particular Article 19 thereof,

- (1) Whereas it is necessary to take account of amendments which have entered into force to the conventions, protocols, codes and resolutions of the International Maritime Organisation (IMO), and developments within the Paris Memorandum of Understanding (Paris MOU);
- (2) Whereas publication of information concerning ships detained in Community ports according to Directive 95/21/EC may be an incentive to their owners to take corrective action without being compelled to do so, and may raise the safety awareness in the shipping industry;
- (3) Whereas to this end, the list of information to be published should be expanded, notably in order to include more detailed information on the ship involved, the detention and the action taken, as well as information on ships which have been refused access to Community ports; whereas it should be more clearly established where deficiencies which led to the detention of the vessel lie within the survey responsibilities of classification societies; whereas the efficiency of such measure should be enhanced through a more frequent publication of information, on a monthly basis;
- (4) Whereas a better transparency on the data related to inspections of vessels is a necessary and important element for the promotion of quality in shipping both within the Community and worldwide; whereas the methods for making such information more widely and timely available should be defined in cooperation between the Member States and the Commission;
- (5) Whereas Member States should take all necessary measures to remove any legal obstacle to the publication of the list of ships inspected, detained or being refused access to any port of the Community, in particular

through the modification, where appropriate, of their national legislation concerning the protection of data;

- (6) Whereas the overall targeting factor described in Annex I, Part II, to Directive 95/21/EC needs to be improved in the light of experience gained in its implementation; whereas the target factor value may be frequently adjusted within the framework of the Paris MOU and subsequently incorporated into the Sirenac system; whereas it is sufficient to consult the Sirenac database to know the value of the target factor of a vessel; whereas it appears consequently unnecessary to incorporate this value into Directive 95/21/EC;
- (7) Whereas the list of certificates and documents referred to in Annex II to Directive 95/21/EC should be modified in order to take into account amendments which have entered into force to international legislation;
- (8) Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee set up pursuant to Article 12 of Council Directive 93/75/EEC ⁽³⁾, as last amended by Commission Directive 98/74/EC ⁽⁴⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 95/21/EC is amended as follows:

1. Article 2 shall be amended as follows:

- (a) in point 1, the words 'in force on 1 July 1998' shall be replaced by 'in force on 1 July 1999';
- (b) in point 2, the words 'as it stands on 14 January 1998' shall be replaced by 'as it stands on 1 July 1999'.

2. Article 15 is replaced by the following:

*'Article 15***Release of information**

1. The competent authority of each Member State shall take necessary measures in order to ensure that information listed in Annex VIII, Part I, concerning ships which have been detained in, or which are subject to refusal of access to, a port of this Member State during the previous month, is published at least every month.

⁽¹⁾ OJ L 157, 7.7.1995, p. 1.

⁽²⁾ OJ L 184, 27.6.1998, p. 40.

⁽³⁾ OJ L 247, 5.10.1993, p. 19.

⁽⁴⁾ OJ L 276, 13.10.1998, p. 7.

2. The information available in the Sirenac system concerning ships inspected in ports of the Member States, referred to in Annex VIII, Part I and Part II, shall be made public, through appropriate technical arrangements, as soon as possible after the inspection has been completed, or the detention has been lifted.
3. Member States and the Commission shall cooperate in order to establish the appropriate technical arrangements referred to in paragraph 2.
4. Where appropriate, the Sirenac information system is amended in order to implement the abovementioned requirements.'
3. Annex I is amended as provided for in the Annex to this Directive.
4. Annex II is amended as follows:
 - (a) Item 2, seventh indent, is replaced by the following:
'— Exemption certificate, including, where appropriate, the list of cargoes.'
 - (b) The following is inserted after Item 28:
'29. Garbage management plan and garbage record book.
 30. Decision support system for masters of passenger ships.
 31. SAR cooperation plan for passenger ships trading on fixed routes.
 32. List of operational limitations for passenger ships.
 33. Bulk carrier booklet.
 34. Loading and unloading plan for bulk carriers.'
5. A new Annex VIII is added as provided for in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 12 months after the adoption of this Directive. They shall immediately inform the Commission thereof.

When these provisions are adopted by Member States, they shall contain a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The procedure for making such a reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the provisions of national law, which they adopt in the field covered by this Directive.

Article 3

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

Article 4

The Directive is addressed to the Member States.

Done at Brussels, 13 December 1999.

For the Commission

Loyola DE PALACIO

Vice-President

ANNEX

1. Annex I shall be amended as follows:

- (a) in Part I, point 6, the words 'or withdrawn' are inserted after the word 'suspended';
- (b) Part II is replaced by the following:

'II. Overall targeting factor

The following ships shall be considered as priority for inspection.

1. Ships visiting a port of a Member State for the first time or after an absence of 12 months or more. In applying these criteria Member States shall also take into account those inspections which have been carried out by members of the MOU. In the absence of appropriate data for this purpose, Member States shall rely upon the available Sirenac data and inspect those ships which have not been registered in the Sirenac following the entry into force of that database on 1 January 1993.
2. Ships not inspected by any Member State within the previous six months.
3. Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the conventions, and the classification certificates, have been issued by an organisation which is not recognised under the terms of Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 319, 12.12.1994, p. 20).
4. Ships flying the flag of a State appearing in the three-year rolling average table of above-average detentions and delays published in the annual report of the MOU.
5. Ships which have been permitted to leave the port of a Member State on certain conditions, such as:
 - (a) deficiencies to be rectified before departure;
 - (b) deficiencies to be rectified at the next port;
 - (c) deficiencies to be rectified within 14 days;
 - (d) deficiencies for which other conditions have been specified.

If ship-related action has been taken and all deficiencies have been rectified, this is taken into account.
6. Ships for which deficiencies have been recorded during a previous inspection, according to the number of deficiencies.
7. Ships which have been detained in a previous port.
8. Ships flying the flag of a country which has not ratified all relevant international conventions referred to in Article 2 of this Directive.
9. Ships flying the flag of a country with a deficiency ratio above average.
10. Ships with class deficiency above average.
11. Ships which are in a category for which expanded inspection has been decided (pursuant to Article 7 of this Directive).
12. Other ships above 13 years old.

In determining the order of priority for the inspection of the ships listed above, the competent authority shall take into account the order indicated by the overall target factor displayed on the Sirenac information system, according to Annex I, Section 1 of the Paris MOU. A higher target factor is indicative of a higher priority. The target factor is the sum of the applicable target factor values as defined within the framework of the MOU. Items 5, 6 and 7 shall only apply to inspections carried out in the last 12 months. The overall target factor shall not be less than the sum of the values established for the items 3, 4, 8, 9, 10, 11 and 12.

If within three months from the introduction in the framework of the MOU of new target factor values, the Commission is of the view that these values are inappropriate, it may decide, in accordance with the procedure laid down in Article 19 of Directive 95/21/EC that these values shall not apply for the purposes of this Directive.'

2. A new Annex VIII is added:

'ANNEX VIII

Publication of information related to detentions and inspections in ports of Member States

(as referred to in Article 15)

- I. The information published in accordance with Article 15(1) shall include the following:

- name of the ship,
 - IMO number,
 - type of ship,
 - tonnage (gt),
 - year of build,
 - name and address of the shipowner or operator of the ship,
 - flag State,
 - the classification society, or classification societies, where relevant which have issued to this ship the class certificates, if any,
 - the classification society, or classification societies, and/or any party which have issued to this ship certificates in accordance with the conventions on behalf of the flag State, including the mention of the certificates delivered,
 - the number of detentions during the 24 previous months,
 - the country and port of detention,
 - the date when the detention has been lifted,
 - the duration of detention, in days,
 - the number of deficiencies found and the reasons for detention, in clear and explicit terms,
 - when the ship is subject to a refusal of access to any port within the Community, the reasons for such measure, in clear and explicit terms,
 - indication on whether the classification society, or other private body that carried out the relevant survey had a responsibility in relation with the deficiencies which alone or in combination, led to detention,
 - description of the measures taken in the case of a ship which has been allowed to proceed to the nearest appropriate repair yard, or which has been refused access to any port in the Community.
- II. The information concerning ships inspected, made public in accordance with Article 15(2) shall include the following:
- name of the ship,
 - IMO number,
 - type of ship,
 - tonnage (gt),
 - year of build,
 - name and address of the shipowner or operator of the ship,
 - flag State,
 - the classification society, or classification societies, where relevant which have issued to this ship the class certificates, if any,
 - the classification society, or classification societies, and/or any party which have issued to this ship certificates in accordance with the conventions on behalf of the flag State, including the mention of the certificates delivered,
 - the country, port and date of inspection,
 - the number of deficiencies, per category of deficiencies.'
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 December 1999

**concerning the placing on the market and administration of bovine somatotrophin (BST) and
repealing Decision 90/218/EEC**

(1999/879/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas:

- (1) Council Decision 90/218/EEC of 25 April 1990 concerning the placing on the market and administration of bovine somatotrophin (BST) ⁽³⁾, provides in Article 1 that Member States are to ensure that, until 31 December 1999, the placing on the market of bovine somatotrophin for the purposes of its marketing and the administration thereof on their territory to dairy cows by any means whatsoever will not be authorised;
- (2) By virtue of Article 2(2) of that Decision, the Council instructed the Commission to entrust a Working Party of independent scientists, in collaboration with Member States, with the task of assessing the effects of using BST, taking account of the opinion of the Committee for Veterinary Medicinal Products, in particular as regards the impact of the use of this product on the cases of mastitis;
- (3) Article 2(1) of that Decision allowed the Member States to carry out limited practical tests on the use of bovine somatotrophin, under the control of an official veteri-

narian, in order to obtain any other scientific data that may be taken into account by the Council when it takes a final decision. The Commission has not received any information on such tests and in view of the prohibition laid down in this Decision there is no need to continue authorising further such tests;

- (4) The Protocol on protection and welfare of animals annexed to the Treaty calls on the Community and the Member States, when formulating and implementing the Community's agricultural policy, to pay full regard to the health and welfare requirements of animals;
- (5) By Decision 78/923/EEC ⁽⁴⁾, the Community has approved the European Convention for the Protection of Animals Kept for Farming Purposes (hereinafter called 'the Convention') and has deposited its instrument of approval; all Member States have also ratified this Convention;
- (6) Council Directive 98/58/EC of 20 April 1998 concerning the protection of animals kept for farming purposes ⁽⁵⁾ states in point 18 of the Annex that no other substance, with exception of those given for therapeutic or prophylactic purposes, are to be administered to an animal unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of the substance is not detrimental to the health or welfare of the animal;
- (7) BST is not produced to be used in cattle for therapeutic purposes, but only to enhance milk production;

⁽¹⁾ Opinion delivered on 16 December 1999 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 9 December 1999 (not yet published in the Official Journal).

⁽³⁾ OJ L 116, 8.5.1990, p. 27. Decision as last amended by Decision 94/936/EC (OJ L 366, 31.12.1994, p. 19).

⁽⁴⁾ OJ L 323, 17.11.1978, p. 12.

⁽⁵⁾ OJ L 221, 8.8.1998, p. 23.

- (8) The Scientific Committee on Animal Health and Animal Welfare (SCAFAH) adopted on 10 March 1999 its report on Animal Welfare Aspects of the Use of bovine somatotrophin and stated that BST increases the risk of clinical mastitis as well as the duration of treatment of mastitis, that it increases the incidence of foot and leg disorders and that it can affect adversely reproduction as well as induce severe reactions at the injection site;
- (9) It is important for the health and productivity of dairy cattle that they are subjected to minimum stress which may lead to increase in diseases such as mastitis, foot lesions and reactions to injection site according to the opinion of the SCAFAH, the use of BST has been shown to lead to increases in these conditions, which are both painful and debilitating, and which can lead to poorer welfare and greater animal morbidity. The SCAFAH considers therefore that BST is not to be used in dairy cows,

HAS ADOPTED THIS DECISION:

Article 1

From the time this Decision takes effect, Member States shall ensure that the placing on the market of bovine somatotrophin on Community territory or within their jurisdiction for the purpose of its marketing and administration thereof to dairy cows by any means whatsoever shall be prohibited.

Article 2

Undertakings buying or producing bovine somatotrophin substances and undertakings authorized in any capacity to market such substances shall be required to keep registers

detailing, in chronological order, quantities produced or acquired and those sold or used for purposes other than placing on the market provided for in Article 1 and the names of the persons to whom such quantities were sold or from whom they were purchased. The above information must be made available to the competent authority at its request and, in the case of computerized records, in the form of a printout.

Article 3

The prohibition provided for in Article 1 shall not affect the production of bovine somatotrophin in the Member States, or imports, for the purposes of its export to third countries.

Article 4

Decision 90/218/EEC shall be repealed.

Article 5

This Decision shall take effect as from 1 January 2000.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

**COUNCIL DECISION
of 17 December 1999**

authorising Member States to apply and to continue to apply to certain mineral oils, when used for specific purposes, existing reduced rates of excise duty or exemptions from excise duty, in accordance with the procedure provided for in Directive 92/81/EEC

(1999/880/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) Pursuant to Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, authorised Member States to introduce exemptions or reductions in the excise duty charged on mineral oils for special policy considerations;
- (2) The Commission has been informed by Member States of their intention to continue to apply certain such exemptions or reductions which are already provided for in their taxation law or to introduce exemptions or reductions to which the procedure provided for under the said Article 8(4) should be applied;
- (3) The other Member States have been informed thereof;
- (4) In certain cases, for specific policy considerations, certain exemptions and reductions should continue to have effect until 31 December 2000; there should be provision for the possibility of an extension beyond that date; the reductions or exemptions will be regularly reviewed by the Commission to ensure that they are compatible with the operation of the internal market and other objectives of the Treaty;
- (5) This Decision replaces in particular Decision 97/425/EC⁽²⁾ which should accordingly be repealed,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 8(4) of Directive 92/81/EEC and notwithstanding the obligations imposed by Council Directive 92/82/EEC of 19 October 1992 on the approximation of the

rates of excise duties on mineral oils⁽³⁾, the following Member States are authorised to continue to apply the reductions in rates of excise duties or exemptions from excise duty herein specified until 31 December 2000 and to continue to apply them automatically for subsequent periods of two years, unless the Council decides unanimously before the end of such periods, on a proposal from the Commission, that any or all of these derogations shall be abolished or modified:

1. in the Kingdom of Belgium:

- for local public passenger transport vehicles,
- for liquid petroleum gas (LPG), natural gas and methane,
- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81/EEC,
- for navigation in private pleasure craft;

2. in the Kingdom of Denmark:

- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81/EEC,
- for partial reimbursement to the commercial sector, provided that the taxes concerned are in conformity with Community provisions and provided that the amount of the tax paid and not reimbursed at all times respects the minimum rates of duty or monitoring charge on mineral oils as provided for in Community law,
- for local public passenger transport vehicles,
- for a reduction in the rate of duty on diesel to encourage the use of more environmentally friendly fuels, provided that such incentives are linked to established technical characteristics including specific gravity, sulphur content, distillation point, cetane number and index and provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law;

3. in the Federal Republic of Germany:

- for the use of waste hydrocarbon gases as heating fuel,
- on samples of mineral oils intended for analysis, tests on production or for other scientific purposes,

⁽¹⁾ OJ L 316, 31.10.1992, p. 12.

⁽²⁾ OJ L 182, 10.7.1992, p. 22.

⁽³⁾ OJ L 316, 31.10.1992, p. 19.

- for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty;
4. in the Hellenic Republic:
- for local public transport vehicles,
 - for LPG and methane used for industrial purposes,
 - for use by the national armed forces,
 - to grant relief from the excise duties on mineral oils for fuels intended to be used to power the official vehicles of the Ministry of the Presidency and the national police force;
5. in the Kingdom of Spain:
- for LPG used as motor fuel in local public transport vehicles,
 - for LPG used as motor fuel in taxis,
 - for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty;
6. in the French Republic:
- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81/EEC,
 - for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty,
 - for fuel used in taxis within the limits of an annual quota,
 - in the framework of certain policies aimed at assisting areas suffering from depopulation;
7. in Ireland:
- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81/EEC,
 - for navigation in private pleasure craft,
 - for local public passenger transport vehicles,
 - for LPG, natural gas and methane used as motor fuel,
 - for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty,
 - for the production of alumina in the Shannon region,
 - in motor vehicles used by the disabled;
8. in the Italian Republic:
- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81/EEC,
 - in local public passenger transport vehicles,
 - for fuel used in taxis,
 - for waste hydrocarbon gases used as fuel,
 - for methane used as fuel in motor vehicles,
 - for consumption in the regions of Val d'Aosta and Gorizia,
 - in respect of the national armed forces,
 - in respect of ambulances;
9. in the Grand Duchy of Luxembourg:
- in local public passenger transport vehicles,
 - for LPG, natural gas and methane;
10. in the Kingdom of the Netherlands:
- for LPG, natural gas and methane,
 - on samples of mineral oils intended for analysis, tests on production or for other scientific purposes,
 - in respect of the national armed forces;
11. in the Republic of Austria:
- for LPG used as motor fuel in local public passenger transport vehicles;
12. in the Portuguese Republic:
- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81BEC,
 - to grant relief from excise duty for LPG, natural gas and methane when used as fuel for local public passenger transport,
 - for a reduction in excise duty on fuel oil consumed in the autonomous region of Madeira; this reduction may not be greater than the additional costs incurred in transporting the fuel oil to that region,
 - for excise duty for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty;
13. in the Republic of Finland:
- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81/EEC,
 - for navigation in private pleasure craft,
 - for an exemption from excise duty for methane and LPG for all purposes,

- for reduced excise duty rates on diesel fuel and heating gas oil, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law,
- for reduced excise duty rates on reformulated unleaded and leaded petrol, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law;

14. in the Kingdom of Sweden:

- for reduced excise duty rate for mineral oils used for industrial purposes, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law,
- for an exemption from excise duty for biologically produced methane and other waste gases,
- for reduced tax rates for diesel in accordance with environmental classifications;

15. in the United Kingdom of Great Britain and Northern Ireland:

- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81/EEC,
- for local public passenger transport vehicles,
- for LPG, natural gas and methane used as motor fuel,
- for navigation in private pleasure craft,
- for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty.

Article 2

In accordance with Article 8(4) of Directive 92/81/EEC and notwithstanding the obligations imposed by Directive 92/82/EEC, the following Member States are authorised to apply or to continue to apply the reductions in rates of excise duties or exemptions from excise duty herein specified until 31 December 2000 unless the Council unanimously determines before that date on a proposal from the Commission that any or all of these derogations shall be modified or extended for a further specific period:

1. in the Kingdom of Belgium:

- for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty,

- for a reduction in the rate of excise duty on heavy fuel oil to encourage the use of more environmentally friendly fuels. Such reduction shall be specifically linked to sulphur content and in no case can the reduced rate fall below EUR 6,5 per tonne;

2. in the Kingdom of Denmark:

- for the application of differential rates of excise duty between petrol distributed from petrol stations equipped with a return system for petrol fumes and petrol distributed from other petrol stations, provided that such rates at all times respect the minimum rates of excise duty on mineral oils as provided for in Community law;

3. in the Hellenic Republic:

- for differential rates of tax on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law;

4. in the Kingdom of Spain:

- for differential rates of tax on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law;

5. in the French Republic:

- for a reduction in the rate of excise duty on heavy fuel oil to encourage the use of more environmentally friendly fuels. This reduction shall be specifically linked to sulphur content and the rate of duty charged on heavy fuel oil must correspond to the minimum rate of duty on heavy fuel oil as provided for in Community law,
- for exemption from duty on gases used as motor fuel for public transport subject to an annual quota;

6. in Ireland:

- for differential rates of tax on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law;

7. in the Italian Republic:

- for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty;

8. in the Grand Duchy of Luxembourg:

- for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty,
- for a reduction in the rate of excise duty on heavy fuel oil to encourage the use of more environmentally friendly fuels. Such reduction shall be specifically linked to sulphur content and in no case can the reduced rate fall below EUR 6,5 per tonne;

9. in the Republic of Austria:

- for natural gas and methane,
- for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty;

10. in the Portuguese Republic:

- for differential rates of tax on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law,
- for a reduction in the rate of excise duty on heavy fuel oil to encourage the use of more environmentally friendly fuels. This reduction shall be specifically linked to sulphur content and the rate of duty charged on heavy fuel oil must correspond to the minimum rate of duty on heavy fuel oil as provided for in Community law;

11. in the Republic of Finland:

- for waste oils which are reused as fuel, either directly after recovery or following a recycling process for waste oils, and where the reuse is subject to duty;

12. in the Kingdom of Sweden:

- for differential rates of tax on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law,
- for a reduced rate of excise duty on mineral oils used for industrial purposes by introducing both a rate which is lower than the standard rate and a reduced rate for energy-intensive enterprises, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law and do not give rise to distortions of competition,
- in respect of air navigation other than that covered by Article 8(1)(b) of Directive 92/81/EEC;

13. in the United Kingdom of Great Britain and Northern Ireland:

- for a reduction in the rate of duty on diesel to encourage the use of more environmentally friendly fuels,
- for the application of differential rates of excise duty on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law.

Article 3

In accordance with Article 8(4) of Directive 92/81/EEC and notwithstanding the obligations imposed by Directive 92/82/EEC, the following Member States are authorised to apply or to continue to apply the reductions in rates of excise duties or exemptions from excise duty hereinafter specified until 31 December 2000 unless the Council unanimously determines before that date on a proposal from the Commission that any or all of these derogations shall be modified or extended for a further specific period:

1. in the Kingdom of Denmark:

- for differential rates of excise duties on petrol, provided that such rates respect the obligations imposed by Directive 92/82/EEC, and in particular the minimum rates of excise duties prescribed in Articles 3 and 4 of that Directive,
- for differential rates of excise duties on gas oil, provided that such rates respect the obligations imposed by Directive 92/82/EEC, and in particular the minimum rates of excise duties prescribed in Article 5 of that Directive;

2. in the Federal Republic of Germany:

- for a differential rate of excise duty on the fuel used by manufacturing industries, in accordance with the obligations laid down by Directive 92/82/EEC, and in particular the minimum rates referred to in Articles 3 and 4 thereof;

3. in the French Republic:

- for consumption on the island of Corsica, provided that the reduced rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law,

- for a differential rate of excise duty on the diesel used in commercial vehicles, provided that this rate respects the minimum rate of duty as provided for in Community law,
 - for a differential rate of excise duty on a new fuel composed of a water-and-antifreeze/diesel emulsion stabilised by surfactants, provided that this differential rate respects the obligations imposed by Directive 92/82/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils, and in particular the minimum rates of excise duties prescribed in Article 5 of that Directive,
 - for an exemption for heavy fuel oil used as fuel for the production of alumina in the region of Gardanne;
4. in the Italian Republic:
- for an exemption from excise duty on mineral oils used as fuel for alumina production in Sardinia,
 - for a reduction in the excise duty on fuel oil, for the production of steam, and for gas oil, used in ovens for drying and 'activating' molecular sieves in Reggio Calabria, provided that the rate of duty respects the minimum rates of duty on mineral oils as provided for in Community law,
 - for a reduction in excise duty on petrol consumed on the territory of Friuli-Venezia Giulia, provided that the rate of duty respects the minimum rate as provided for in Community law,
 - for a reduction in the rate of duty for mineral oils consumed in the regions of Udine and Trieste, provided that the rates of duty respect the minimum rates as provided for in Community law,
 - in certain particularly disadvantaged geographical areas, for reduced rates of excise duty on domestic fuel and LPG used for heating and distributed through the

networks of such areas, in accordance with the obligations laid down in Directive 92/82/EEC and in particular the minimum rates referred to in Articles 5 and 7 thereof;

5. in the Kingdom of the Netherlands:

- for reduced diesel rates for commercial vehicles, provided that the rate of duty respects the minimum rate as provided for in Community law,
- for differential rates of excise duty on LPG used as fuel for public transport vehicles;

6. in the Republic of Finland:

- natural gas used as fuel.

Article 4

Decision 97/425/EC is hereby repealed with effect from 1 January 2000.

Article 5

This Decision shall apply from 1 January 2000.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 17 December 1999.

For the Council
The President
K. HEMILÄ

COUNCIL DECISION
of 14 December 1999
amending Commission Decision 97/534/EC on the prohibition of the use of material presenting
risks as regards transmissible spongiform encephalopathies

(1999/881/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, and in particular Article 22 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission adopted on 30 July 1997 Decision 97/534/EC on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies ⁽⁴⁾. Decision 97/534/EC is to apply from 31 December 1999;
- (2) However, more time is needed to review the implications of that Decision for a wide range of products and to reivew new scientific advice. The date from which

Decision 97/534/EC is to apply should therefore be deferred;

- (3) The Standing Veterinary Committee has not given a favourable opinion,

HAS ADOPTED THIS DECISION:

Article 1

In Article 10 of Decision 97/534/EC, '31 December 1999' shall be replaced by '30 June 2000'.

Article 2

This Decision shall apply from 31 December 1999.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1999.

For the Council

The President

K. HEMILÄ

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15.3.1993, p. 49).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15.3.1993, p. 49).

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ OJ L 216, 8.8.1997, p. 95. Decision as last amended by Council Decision 98/745/EC (OJ L 358, 31.12.1998, p. 113).