

Official Journal

of the European Communities

ISSN 0378-6978

L 336

Volume 42

29 December 1999

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2785/1999
of 17 December 1999
temporarily suspending some or all of the autonomous common customs tariff duties on certain
fishery products (2000)**

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) The Community relies at present on imports from third countries for supplies of certain fishery products; it is in the interest of the Community to suspend partially or totally the customs duties for these products; in order to avoid endangering the prospects for developing the production of competitive products in the Community while ensuring that the industries concerned receive the necessary supplies, it is advisable to adopt these suspension measures only from 1 January to 31 December 2000;
- (2) It is for the Community to decide to suspend these autonomous duties;
- (3) Having regard to the economic importance of this Regulation for European industry and the requirement that it enter into force by 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,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 2000 the autonomous common customs tariff duties on the products listed in the Annex shall be suspended at the level indicated for each product.

2. Imports of the products in question shall qualify for the suspension referred to in paragraph 1 only on the condition that the free-at-frontier price laid down by the Member States, in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products⁽¹⁾, is at least equal to the reference price fixed or to be fixed by the Community for the products or categories of products in question.

Article 2

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

It shall apply with effect from 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 1891/93 (OJ L 172, 15.7.1993, p. 1).

ANNEX

	CN code & TARIC	Description	Rate of autonomous duty (%)
0001	ex 0304 10 98 60 ex 0304 90 97 31	Meat of dogfish of the species <i>Squalus acanthias</i> , fresh, chilled or frozen	6
0002	ex 0302 69 99 30 ex 0303 79 99 30	Sturgeons, fresh, chilled or frozen, for processing (a) (b)	0
0003	ex 0302 69 99 40	Lump fish (<i>Cyclopterus lumpus</i>), with roe, fresh or chilled, for processing (a)	0
0004	ex 0302 69 99 50 ex 0303 79 99 20	Red snapper (<i>Lutjanus purpureus</i>), fresh, chilled or frozen, for processing (a) (c)	0
0005	ex 0302 70 00 11 ex 0302 70 00 31 ex 0302 70 00 41 ex 0302 70 00 91 ex 0303 80 90 10 ex 0303 80 90 19	Hard fish roes, fresh, chilled or frozen	0
0006	ex 0303 10 00 10	Pacific salmon (<i>Oncorhynchus</i> spp.), frozen and headless, for the processing industry for manufacture into pastes or spreads (a)	0
0007	ex 0304 20 85 10 ex 0304 90 61 10	Fillets and meat of Alaska pollack (<i>Theragra chalcogramma</i>), in the form of industrial blocks, frozen, for processing (a) (b)	3,5
0008	ex 0305 20 00 11 ex 0305 20 00 18 ex 0305 20 00 20	Hard fish roes, salted or in brine	0
0009	ex 0306 19 90 10 ex 0306 29 90 10	Krill for processing (a)	0
0022	ex 1604 11 00 20 ex 1604 20 10 20	Pacific salmon (<i>Oncorhynchus</i> spp.), for the processing industry for manufacture into pastes or spreads (a)	0
0023	ex 1604 30 90 10	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for processing (a)	0
0024	ex 1605 10 00 11 ex 1605 10 00 19	Crabs of the species 'King' (<i>Paralithodes camchaticus</i>), 'Hanasaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), 'Queen' and 'Snow' (<i>Chionoecetes</i> spp.), 'Red' (<i>Geryon quinquedens</i>), 'Rough stone' (<i>Neolithodes asperrimus</i>), <i>Lithodes antarctica</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus</i> spp.), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more	0
0025	ex 1605 10 00 92 ex 1605 10 00 94	Crabs of the species <i>Paralomis granulosa</i>	0

- (a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.
- (b) The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations:
- cleaning, gutting, tailing, heading,
 - cutting (excluding filleting or cutting of frozen blocks or splitting of frozen interleaved fillet blocks),
 - sampling, sorting,
 - labelling,
 - packing,
 - chilling,
 - freezing,
 - deep freezing,
 - thawing, separation.

The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (or operations) is (are) carried out at retail or catering level. The suspension of customs duties shall apply only to fish intended for human consumption.

- (c) However, the suspension is not allowed where processing is carried out by retail or catering undertakings.
-

COMMISSION REGULATION (EC) No 2786/1999
of 28 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 29 December 1999.

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

Done at Brussels, 28 December 1999.

For the Commission
Margot WALLSTRÖM
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 28 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	73,7
	204	47,1
	624	132,5
	999	84,4
0709 90 70	052	142,9
	204	104,5
	999	123,7
0805 10 10, 0805 10 30, 0805 10 50	052	45,9
	204	43,7
	999	44,8
0805 20 10	052	77,1
	204	52,1
	999	64,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	51,5
	999	51,5
0805 30 10	052	55,3
	600	98,4
	999	76,8
0808 10 20, 0808 10 50, 0808 10 90	400	70,5
	404	75,5
	720	60,8
	728	83,3
	999	72,5
0808 20 50	052	150,9
	064	62,3
	400	111,4
	720	70,7
	999	98,8

⁽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 DECISION No 2787/1999/ECSC**of 8 December 1999****fixing the rate of the levies for the 2000 financial year and amending Decision No 3/52/ECSC on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 49 and 50 thereof,

- (1) Whereas, in view of the variations in average values recorded during the reference period, Article 2 of Decision No 3/52/ECSC of the High Authority ⁽¹⁾, as last amended by Commission Decision No 2652/98/ECSC ⁽²⁾, should be amended;
- (2) Whereas the requirements of the European Coal and Steel Community are estimated in the operating budget for the 2000 financial year at EUR 178 million; whereas that budget, which was adopted by the Commission on 8 December 1999 in the form shown in the Annex to this Decision, indicates the amount of income to be provided from levies in the course of the financial year 2000, namely EUR 0 million;
- (3) Whereas the estimated yield of the levies at a rate of 0,01 % is EUR 5,163 million,

HAS ADOPTED THIS DECISION:

Article 1

The rate of the levies on output from 1 January 2000 shall be 0 % of the figures used as the basis of assessment for such levies.

Article 2

Decision No 3/52/ECSC is hereby amended as follows:

Article 2 is replaced by the following:

'Article 2

The average value in euro of the products on which the levies are assessed shall, from 1 January 2000, be as follows:

(EUR)

Product	Average value
Brown coal briquettes and semi-coke derived from brown coal	71,56
Hard coal of all categories	48,93
Pig iron other than that used for making ingots	182,90
Steel in ingots	242,39
Finished products and end products of iron and steel as described in Annex I to the Treaty	403,98'

Article 3

This Decision shall enter into force on 1 January 2000.

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

Done at Brussels, 8 December 1999.

For the Commission

Michaele SCHREYER

Member of the Commission

⁽¹⁾ OJ ECSC 1, 30.12.1952, p. 4.

⁽²⁾ OJ L 335, 10.12.1998, p. 49.

ANNEX

ECSC OPERATING BUDGET FOR 2000

(million EUR)

Requirements		Resources	
Operations to be financed from resources for the financial year (non-repayable)	Forecast	Resources for the financial year	Forecast
1. Administrative expenditure	5,0	1. Current resources	
2. Aid for redeployment (Article 56) ⁽¹⁾	61,0	1.1 Yield from levy at a rate of 0,00 %	p.m.
3. Aid for research (Article 55) ⁽²⁾	81,0	1.2 Net balance	54,0
3.1 Steel	56,0	1.3 Fines and surcharges for late payment	p.m.
3.2 Coal	25,0	1.4 Miscellaneous	4,0
4. Social measures — coal (Article 56)	31,0	2. Cancellation of commitments not likely to be implemented	37,0
		3. Drawings on provision for financing ECSC budget	83,0
Total budget	178,0	Total budget	178,0

⁽¹⁾ The indicative breakdown for aid for redeployment is EUR 34 million for coalworkers and EUR 27 million for steelworkers.

⁽²⁾ Including projects with an impact on technical measures to combat harmful effects at the workplace and around steel plants (indicative amount of EUR 4 million), industrial hygiene and mine safety (indicative amount of EUR 3 million).

**COMMISSION DECISION No 2788/1999/ECSC
of 22 December 1999**

derogating from High Authority Recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (167th derogation)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the third paragraph of Article 71 thereof,

Having regard to High Authority Recommendation No 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community ⁽¹⁾, as last amended by Commission Recommendation 88/27/ECSC ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Certain iron and steel products indispensable to the manufacture of certain goods and having very special physical and chemical characteristics are not produced in the Community, or are produced in insufficient quantities; whereas for a number of years the insufficiency has been overcome by duty-free tariff quotas; whereas Community producers are still not in a position to comply with the present quality requirements put forward by the users; whereas duty-free tariff quotas at a level securing the supply of users is consequently required;
- (2) Import of these products on preferential terms is unlikely to cause injury to iron and steel undertakings in the Community which produce directly competing products;
- (3) These tariff quotas are unlikely to jeopardise the objectives of Recommendation No 1/64, but will help to maintain existing trade flows between the Community and non-member countries;
- (4) These are special cases in the commercial policy field justifying the authorisation of derogations pursuant to Article 3 of Recommendation No 1/64;
- (5) It is necessary to make sure that the tariff quotas granted will have no other function than meeting the specific needs of certain transforming industries;
- (6) The Governments of the Member States have been consulted on the tariff quotas set out below;
- (7) Commission Regulation (EC) No 1427/97 of 23 July 1997 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾ fixes rules for managing tariff quotas to be used in chronological order of the dates of declarations,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are hereby authorised to derogate from the obligations arising pursuant to Article 1 of High Authority Recommendation No 1/64 to the extent necessary to suspend at the levels indicated the customs duties on the products set out below, within the quantities of the tariff quotas set out below:

Order No	CN code	TARIC code	Description	Quota (tonnes)	Quota duty (%)	End of quota period
09.2921	(a)		Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, cold-rolled (cold-reduced) not clad, plated or coated:	200	0	31.12.2000
	ex 7209 16 90	10	Of a thickness exceeding 1 mm but less than 3 mm			

⁽¹⁾ OJ 8, 22.1.1964, p. 99/64

⁽²⁾ OJ L 15, 20.1.1988, p. 13.

⁽³⁾ OJ L 196, 24.7.1997, p. 31.

Order No	CN code	TARIC code	Description	Quota (tonnes)	Quota duty (%)	End of quota period
	ex 7209 17 90	10	Of a thickness of 0,5 mm or more but not exceeding 1 mm			
09.2922	(b)		Flat-rolled products of stainless steel, of a width of 600 mm or more not further worked than cold-rolled (cold-reduced):	500	0	31.12.2000
	ex 7219 32 10	11 12	Of a thickness of 3 mm or more but less than 4,75 mm containing by weight 2,5 % or more of nickel			
	ex 7219 33 10	11 12	Of a thickness exceeding 1 mm but less than 3 mm containing by weight 2,5 % or more of nickel			
	ex 7219 34 10	11 12	Of a thickness of 0,5 mm or more but not exceeding 1 mm, containing by weight 2,5 % or more of nickel			
09.2927	(c)		Flat-rolled products of stainless steel, of a width of 600 mm or more not further worked than cold-rolled (cold-reduced):	920	0	31.12.2000
	ex 7219 33 10	13 14 15 16 17 18	Of a thickness exceeding 1 mm but less than 3 mm containing by weight 2,5 % or more of nickel			
	ex 7219 34 10	13 14 15 16 17 18	Of a thickness of 0,5 mm or more but not exceeding 1 mm, containing by weight 2,5 % or more of nickel			

2. The abovementioned products must, in addition, comply with the following physical specifications:

(a) Products falling within CN codes ex 7209 16 90 and ex 7209 17 90:

High carbon steel with a carbon content by weight of 0,64 to 0,70 % for the production of process or transport belts with a permissible operating temperature of 400 °C. Tensile strength 1 200 N/mm² (± 10 %). Other elements or properties following special technical specification (HM 1708).

(b) Products falling within CN codes ex 7219 32 10 11/12, ex 7219 33 10 11/12 and ex 7219 34 10 11/12:

Stainless steel 'Nicro' for the production of process or transport belts with a permissible operating temperature of 350 °C.

Type (1): tensile strength 1 050 N/mm² (± 10 %). Chemical composition: maximum carbon content 0,06 %; 13 % chromium content; 4 % nickel content.

Other elements or properties following special technical specification (HM 1708).

Type (2): tensile strength 1 200 N/mm² (± 15 %). Chemical composition: maximum carbon content 0,15 %; 17 % chromium content; 7 % nickel content.

Other elements or properties following special technical specification (HM 1708).

(c) Products falling within CN codes ex 7219 33 10 13/14/15/16/17/18 and ex 7219 34 10 13/14/15/16/17/18:

Stainless steel for the production of process or transport belts.

Type (1): tensile strength 1 200 N/mm². Chemical composition: 0,1 % carbon content; 0,6 % silicon content; 1,4 % manganese content; 17,5 % chromium content; 7,5 % nickel content.

Other elements or properties following special technical specification (HM 1712).

Type (2): tensile strength 1 200 N/mm². Chemical composition: 0,06 % carbon content; 0,6 % silicon content; 1,4 % manganese content; 18,5 % chromium content; 8,5 % nickel content.

Other elements or properties following special technical specification.

Type (3): tensile strength 1 000 N/mm². Chemical composition: 0,05 % carbon content; 0,6 % silicon content; 1,7 % manganese content; 17,5 % chromium content; 12,5 % nickel content; 2,7 % molybdenum content.

Other elements or properties following special technical specification.

Type (4): tensile strength 1 080 N/mm². Chemical composition: maximum carbon content 0,05 %; maximum silicon content 1 %; 13 % chromium content; 4 % nickel content; 0,3 % titanium content.

Other elements or properties following special technical specification (HM 1710).

Type (5): tensile strength 1 150 N/mm². Chemical composition: maximum carbon content 0,08 %; 1,5 % silicon content; 14 % chromium content; 7 % nickel content; 0,7 % copper content.

Other elements or properties following special technical specification (HM 1701).

Type (6): tensile strength 1 200 N/mm². Chemical composition: 0,03 % carbon content; 0,6 % silicon content; 15,25 % chromium content; 4,9 % nickel content; 3,25 % copper content.

Other elements or properties following special technical specification.

Note: The composition of products (a), (b) and (c) (1) to (6) may vary within the limits of the standards applicable to analysis.

Article 2

Member States are hereby authorised to derogate from the obligations arising pursuant to Article 1 of High Authority Recommendation No 1/64 to the extent necessary to suspend at the levels indicated the customs duties on the products set out below, within the quantities of the tariff quotas set out below:

Order No	CN code	TARIC code	Description	Quota (tonnes)	Quota duty (%)	End of quota period
09.2923	(a) ex 7227 90 95	15	Special wire rod for the manufacture of oil-tempered valve spring wire with a diameter of 5 mm or more but not exceeding 15 mm, of other alloy steel containing by weight: 0,5 % or more but not more than 0,8 % of carbon 0,1 % or more but not more than 1,7 % of silicon 0,5 % or more but not more than 0,8 % of manganese 0,03 % or less of sulphur 0,03 % or less of phosphorus 0,4 % or more but not more than 0,8 % of chrome 0,1 % or more but not more than 0,3 % of vanadium	5 000	0	31.12.2000

Order No	CN code	TARIC code	Description	Quota (tonnes)	Quota duty (%)	End of quota period
09.2924	(b) ex 7227 90 95	25	Special wire rod for the manufacture of oil-tempered valve spring wire with a diameter of 5,5 mm or more but not exceeding 10 mm, of other alloy steel containing by weight: 0,63 % or more, but not more than 0,72 % of carbon 0,15 % or more but not more than 0,3 % of silicon 0,5 % or more but not more than 0,9 % of manganese 0,02 % or less of sulphur 0,02 % or less of phosphorus 0,4 % or more but not more than 0,6 % of chrome 0,06 % or less of copper 0,06 % or less of nickel 0,1 % or more but not more than 0,2 % of vanadium	500	0	31.12.2000

Article 3

The tariff quotas referred to in Articles 1 and 2 shall be managed by the Commission, in accordance with Articles 308a to 308c of Commission Regulation (EEC) No 2454/93 ⁽¹⁾. The Commission may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Decision is complied with.

Article 6

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

It shall apply from 1 January until 31 December 2000.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

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

Done at Brussels, 22 December 1999.

For the Commission
Pascal LAMY
Member of the Commission

COMMISSION REGULATION (EC) No 2789/1999
of 22 December 1999
laying down the marketing standard for table grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 2(2) thereof,

Whereas:

- (1) table grapes are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EEC) No 1730/87 laying down quality standards for table grapes ⁽³⁾, as last amended by Regulation (EC) No 888/97 ⁽⁴⁾, has been amended frequently and can no longer ensure legal clarity;
- (2) Regulation (EEC) No 1730/87 should be repealed and the rules it contains recast. To that end in the interest of preserving transparency on the world market, account should be taken of the standard for table grapes recommended by the Working Party on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE);
- (3) applying this standard should result in products of unsatisfactory quality being removed from the market, bringing production into line with consumer requirements and facilitating trade relationships based on fair competition, thereby helping improve the profitability of production;
- (4) the standard applies at all marketing stages. Long-distance transport, storage over a certain period and the various processes which the products undergo may cause certain alterations owing to the biological development of the products or their relatively perishable nature. Account should be taken of such deterioration when applying the standard at the marketing stages which follow dispatch. Since products in the 'Extra' class

must be sorted and packaged with particular care, only lack of freshness and turgidity is to be taken into account in their case;

- (5) there is a developing demand for small packages containing table grapes of different origins or varieties. This type of presentation should therefore be authorised for table grapes, and the provisions governing marking should be adjusted accordingly;
- (6) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard for table grapes falling within CN code 0806 10 10 shall be as set out in the Annex.

The standard shall apply at all stages of marketing under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, the products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the 'Extra' class, slight deterioration due to their development and their tendency to perish.

Article 2

Regulation (EEC) No 1730/87 is hereby repealed.

Article 3

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

It shall apply from the first day of the month following its entry into force.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 163, 23.6.1987, p. 25.

⁽⁴⁾ OJ L 126, 17.5.1997, p. 11.

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

ANNEX

STANDARD FOR TABLE GRAPES

I. DEFINITION OF PRODUCE

This standard applies to table grapes of varieties (cultivars) grown from *Vitis vinifera* L. to be supplied fresh to the consumer, table grapes for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for table grapes after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, bunches and berries must be:

- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

In addition, berries must be:

- intact,
- well formed,
- normally developed.

Pigmentation due to sun is not a defect.

Bunches must have been carefully picked.

The table grapes must be sufficiently developed and display satisfactory ripeness. The development and condition of the table grapes must be such as to enable them:

- to withstand transport and handling,
- and
- to arrive in satisfactory condition at the place of destination.

B. Classification

The table grapes are classified into three classes defined below:

i) 'Extra' class

Table grapes in this class must be of superior quality. In shape, development and colouring the bunches must be typical of the variety, allowing for the district in which they are grown, and have no defects. Berries must be firm, firmly attached, evenly spaced along the stalk and have their bloom virtually intact.

ii) Class I

Table grapes in this class must be of good quality. In shape, development and colouring the bunches must be typical of the variety, allowing for the district in which they are grown. Berries must be firm, firmly attached and, as far as possible, have their bloom intact. They may, however, be less evenly spaced along the stalk than in the 'Extra' class.

The following slight defects, however, may be allowed, provided these do not affect the general appearance of the produce, the quality, the keeping quality, and presentation in the package:

- slight defects in shape,
- slight defects in colouring,
- very slight sun-scorch affecting the skin only.

iii) Class II

This class includes table grapes which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

The bunches may show slight defects in shape, development and colouring, provided these do not impair the essential characteristics of the variety, allowing for the district in which they are grown.

The berries must be sufficiently firm and sufficiently attached, and, where possible, still have their bloom. They may be less evenly spaced along the stalk than in Class I.

The following defects are allowed provided the table grapes retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in colouring,
- slight sun-scorch affecting the skin only,
- slight bruising,
- slight skin defects.

III. PROVISIONS CONCERNING SIZING

Size is determined by the weight of the bunch.

The following minimum size requirements per bunch are defined for table grapes grown under glass and for open-grown table grapes, large-berry or small-berry varieties respectively.

	Table grapes grown under glass	Open grown table grapes	
		Large berry varieties	Small berry varieties
'Extra' Class	300 g	200 g	150 g
Class I	250 g	150 g	100 g
Class II	150 g	100 g	75 g

A list of varieties grown under glass and open-grown large-berry and small-berry varieties appears in the Appendix to this standard.

For all classes: in each small package not exceeding 1 kg net weight, one bunch below the required minimum weight is allowed to adjust the weight indicated, provided the bunch meet all other requirements for the specified class.

Where the name of the variety on the marking does not appear on the list in the Appendix hereto the minimum weight for large-berry varieties is required.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

i) 'Extra' class

5 % by weight of bunches not satisfying the requirements of the class, but meeting those for Class I or, exceptionally, coming within the tolerances of that class.

ii) Class I

10 % by weight of bunches not satisfying the requirements of the class, but meeting those of Class II or, exceptionally, coming within the tolerances for that class.

iii) Class II

10 % by weight of bunches satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting or any other deterioration rendering it unfit for consumption.

B. Size tolerances

i) 'Extra' Class and Class I

10 % by weight of bunches not satisfying the size requirements of the class; but meeting those of the class immediately below.

ii) Class II

10 % by weight of bunches not satisfying the size requirements of the class but weighing not less than 75 g.

V. PROVISIONS CONCERNING PRESENTATION

A. **Uniformity**

The contents of each package must be uniform and contain only bunches of the same origin, variety, quality and degree of ripeness.

For produce presented in small packages of a net weight not exceeding 1 kg, uniformity of variety and origin is not required.

In the case of the 'Extra' Class, the bunches must be of more or less identical size and colouring.

The visible part of the contents of the package must be representative of the entire contents.

B. **Packaging**

The table grapes must be packed in such a way as to protect the produce properly.

In the case of the 'Extra' Class, the bunches must be packed in a single layer.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps, bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter, although a fragment of vine shoot no more than 5 cm in length may be left on the stem of the bunch as a form of special presentation.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. **Identification**

— Packer and/or dispatcher: Name and address or officially issued or accepted code mark. However, where a code (symbol) is used, the words 'packer and/or dispatcher' (or an equivalent abbreviation) must appear close to this code (symbol).

B. **Nature of produce**

— 'Table Grapes', if the contents are not visible from the outside,
— name of the variety or, where applicable, varieties.

C. **Origin of produce**

— Country (or, where applicable, countries) of origin and, optionally, district where grown, or national, regional or local place name.

D. **Commercial specifications**

— Class.

E. **Official control mark** (optional)

Appendix

NON-EXHAUSTIVE LISTS OF VARIETIES ⁽¹⁾

The names given in brackets are synonyms that may equally be used on the package.

1. Table grapes grown under glass

Alphonse Lavallée (Garnacha roya — Ribier)
 Black Alicante (Granacke — Granaxa — Grandaxa)
 Cardinal
 Canon Hall (Canon Hall Muscat)
 Colman (Gros Colman) (see 2(a) — Gros Colman)
 Frankenthal (see 2(a) — Schiava Grossa)
 Golden Champion (see 2(a) — Baresana)
 Gradisca (Gradiska)
 Gros Maroc
 Léopold III
 Muscat d'Alexandrie (see 2(a))
 Muscat d'Hambourg (see 2(b) Moscato d'Amburgo)
 Prof. Aberson
 Royal

2. Open grown table grapes

(a) Large berry varieties

Aledo (New Cross — Real)
 Alphonse Lavallée (see 1)
 Amasya Siyahi
 Angela (Angiola)
 Baresana (Duraca — Golden Champion — Lattuario bianco — Latuario bianco — Littuario bianco — Turchesa
 Turchesa — Uva di Bisceglie — Uva rosa — Uva Turca — Varesana)
 Barlinka
 Bicané (Napoléon — Perle Impériale — Weisser Damaszaner — Zanta)
 Bien Donné
 Blanc d'Edessa (Edessis — Amasya)
 Bonheur
 Calmeria
 Cardinal
 Coarna noir
 Dabouki (Barbaroui — Khalili — Salti)
 Danam
 Dan Ben-Hannah (Black Emperor)
 Danlas
 Datal
 Dauphine
 Diagalves (Dependura — Formosa — Pendura — Villanueva)
 Dimiat (Damiat — Zoumiatico)
 Dominga (Gloria — Murciana blanca — Uva verde de Alhama)
 Dona Maria (D. Maria)
 Emperor (Emperador — Genova — Red Emperador — Red Emperor)

⁽¹⁾ Some of the names included in these lists of varieties may indicate registered and patented trade marks in some countries.

Erenköy Beyazi
Erlihane
Ferral
Flame Tokay
Gemre (Pembe Gemre)
Golden Hill
Gros Colman (Colman Frueher Waelscher — Gros Colmar — Triomphe)
Hönüsü
Ignea (I. Pirovano 185)
Imperial Napoleon (Doña Mariana — Mariana)
Italia (Dona Sofia — Idéal — Italian muscat — I. Pirovano 65 — Moscatel Italiano)
Kozak Beyazi
La Rochelle
Lival
Matilde
Michele Palieri
Muscat d'Alexandrie (Moscatellone — Moscatel Romano — Muscat Gordo bianco — Muscat de Grano Gordo — Muscat d'Espagne — Muscat Romano — Muscat blanc d'Alexandrie — Muskaat van Alexandrie — Salamanna — Seramanna — White Hanepoot — Witte Muskaat — Zibibbo)
Muscat Madame Mathiasz (Madame Jean Mathiasz)
Muscat Supreme
Ohanes (Almería — Blanca Legitima — Ohanez — Uva de Almeiria — Uva di Almeria — Uva de Embarque — Uva del Barco)
Olivette blanche (Bridal — Olivette de Montpellier — Olivette de Vendemian)
Olivette noire (Olivetta nera — Olivetta Vibonese — Cornichon — Preta — Purple Cornichon)
Pannonia (Pannonia Gold)
Peck
Perlona (I. Pirovano 54)
Phraoula (Fraoula — Phraoula Kokkini — Phraoula radini)
Planta Nova (Coma — Tardana — Tortazon)
Prune de Cazouls
Ragol (Ahmeur bou Ahmeur — Angelina — Argelina — Imperial roja — Uva de Ragol)
Razaki
Red Globe
Regina (Afouz Ali — Afis Ali — Afuz Ali — Aleppo — Bolgar — Dattier de Beyrouth — Dattero di Negroponte Galleta — Hafis Ali — Inzolia imperiale — Karaboumou — Kararubun — Mennavacca bianca — Parchitana — Pergolona — Regina di Puglia — Reine — Rasaki — Rosaki blanc — Rosetti — Uva Real — Waltham Cross)
Regina nera (Mennavacca nera — Lattuario nero — Olivettona — Regina negra — Rosaki noir)
Ribol
Ronelle (Black Gem)
Salba
Schiava grossa (Black Hambourg — Frankenthal — Gross Vernatsch — Imperator — Lamper — Schiavone Trollinger)
Sonita
Sugrafive (Early superior seedless)
Sugraone (Superior seedless)
Sunred Seedless
Tchaouch (Chaouch — Parc de Versailles — Tsaoussi)
Verico
Victoria

(b) *Small berry varieties*

Admirable de Courtiller (Admirable — Csiri Csuri)
 Albillo (Acerba — Albuela — Blanco Ribera — Cagalon)
 Angelo Pirovano (I. Pirovano 2)
 Annamaria (I. Ubizzoni 4)
 Baltali
 Beba (Beba de los Santos — Eva)
 Catalanesca (Catalanesa — Catalana — Uva Catalana)
 Chasselas blanc (Chasselas doré — Fendant — Franceset — Franceseta — Gutedel — Krachgutedel — White van der Laan)
 Chasselas rouge
 Chelva (Chelva de Cebreros — Guareña — Mantuo — Villanueva)
 Ciminnita (Cipro bianco)
 Clairette (Blanquette — Malvoisie — Uva de Jijona)
 Colombana bianca (Verdea — Colombana de Peccioli)
 Dehlo
 Delizia di Vaprio (I. Pirovano 46 A)
 Flame Seedless (Red Flame)
 Gros Vert (Abbondanza — St Jeannet — Trionfo dell'Esposizione — Verdal — Trionfo di Gerusalemme)
 Jaoumet (Madeleine de St Jacques — Saint Jacques)
 Madeleine (Angevine — Angevine Oberlin — Madeleine Angevine Oberlin — Republicain)
 Mireille
 Molinera (Besgano — Castiza — Molinera gorda)
 Moscato d'Adda (Muscat d'Adda)
 Moscato d'Amburgo (Black Muscat — Hambro — Hamburg — Hamburski Misket — Muscat d'Hambourg — Moscato Preto)
 Moscato di Terracina (Moscato di Maccaresse)
 Ceillade (Black Malvoisie — Cinsaut — Cinsault — Ottavianello — Sinso)
 Panse precoce (Bianco di Foster — Foster's white — Sicilien)
 Perla di Csaba (Càbski Biser — Julski muskat — Muscat Julius — Perle de Csaba)
 Perlaut
 Perlette
 Pizzutello bianco (Aetonychi aspro — Coretto — Cornichon blanc — Rish Baba — Sperone di gallo — Teta di vacca)
 Precoce de Malingre
 Primus (I. Pirovano 7)
 Prunesta (Bermestia nera — Pergola rossa — Pergolese di Tivoli)
 Regina dei Vigneti (Königin der Weingrten — Muskat Szőlőskertek Kizalyneja — Szőlőskertek Kizalyneh — Rasaki ourgarias — Regina Villos — Reina de las Viñas — Reine des Vignes — I. Mathiasz 140 — Queen of the Vineyards)
 Servant (Servan — Servant di Spagna)
 Sideritis (Sidiritis)
 Sultanines (Bidaneh — Kishmich — Kis Mis — Sultan — Sultana — Sultani — Cekirdeksiz — Sultanina bianca — Sultaniye — Thompson Seedless and mutations)
 Valenci blanc (Valensi — Valency — Panse blanche)
 Valenci noir (Planta Mula — Rucial de Mula — Valenci negro)
 Yapincak

COMMISSION REGULATION (EC) No 2790/1999
of 22 December 1999
on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 19/65/EEC of 2 March 1965 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices ⁽¹⁾, as last amended by Regulation (EC) No 1215/1999 ⁽²⁾, and in particular Article 1 thereof,

Having published a draft of this Regulation ⁽³⁾,

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

Whereas:

- (1) Regulation No 19/65/EEC empowers the Commission to apply Article 81(3) of the Treaty (formerly Article 85(3)) by regulation to certain categories of vertical agreements and corresponding concerted practices falling within Article 81(1).
- (2) Experience acquired to date makes it possible to define a category of vertical agreements which can be regarded as normally satisfying the conditions laid down in Article 81(3).
- (3) This category includes vertical agreements for the purchase or sale of goods or services where these agreements are concluded between non-competing undertakings, between certain competitors or by certain associations of retailers of goods; it also includes vertical agreements containing ancillary provisions on the assignment or use of intellectual property rights; for the purposes of this Regulation, the term 'vertical agreements' includes the corresponding concerted practices.
- (4) For the application of Article 81(3) by regulation, it is not necessary to define those vertical agreements which are capable of falling within Article 81(1); in the individual assessment of agreements under Article 81(1), account has to be taken of several factors, and in particular the market structure on the supply and purchase side.
- (5) The benefit of the block exemption should be limited to vertical agreements for which it can be assumed with

sufficient certainty that they satisfy the conditions of Article 81(3).

- (6) Vertical agreements of the category defined in this Regulation can improve economic efficiency within a chain of production or distribution by facilitating better coordination between the participating undertakings; in particular, they can lead to a reduction in the transaction and distribution costs of the parties and to an optimisation of their sales and investment levels.
- (7) The likelihood that such efficiency-enhancing effects will outweigh any anti-competitive effects due to restrictions contained in vertical agreements depends on the degree of market power of the undertakings concerned and, therefore, on the extent to which those undertakings face competition from other suppliers of goods or services regarded by the buyer as interchangeable or substitutable for one another, by reason of the products' characteristics, their prices and their intended use.
- (8) It can be presumed that, where the share of the relevant market accounted for by the supplier does not exceed 30 %, vertical agreements which do not contain certain types of severely anti-competitive restraints generally lead to an improvement in production or distribution and allow consumers a fair share of the resulting benefits; in the case of vertical agreements containing exclusive supply obligations, it is the market share of the buyer which is relevant in determining the overall effects of such vertical agreements on the market.
- (9) Above the market share threshold of 30 %, there can be no presumption that vertical agreements falling within the scope of Article 81(1) will usually give rise to objective advantages of such a character and size as to compensate for the disadvantages which they create for competition.
- (10) This Regulation should not exempt vertical agreements containing restrictions which are not indispensable to the attainment of the positive effects mentioned above; in particular, vertical agreements containing certain types of severely anti-competitive restraints such as minimum and fixed resale-prices, as well as certain types of territorial protection, should be excluded from the benefit of the block exemption established by this Regulation irrespective of the market share of the undertakings concerned.

⁽¹⁾ OJ 36, 6.3.1965, p. 533/65.

⁽²⁾ OJ L 148, 15.6.1999, p. 1.

⁽³⁾ OJ C 270, 24.9.1999, p. 7.

- (11) In order to ensure access to or to prevent collusion on the relevant market, certain conditions are to be attached to the block exemption; to this end, the exemption of non-compete obligations should be limited to obligations which do not exceed a definite duration; for the same reasons, any direct or indirect obligation causing the members of a selective distribution system not to sell the brands of particular competing suppliers should be excluded from the benefit of this Regulation.
- (12) The market-share limitation, the non-exemption of certain vertical agreements and the conditions provided for in this Regulation normally ensure that the agreements to which the block exemption applies do not enable the participating undertakings to eliminate competition in respect of a substantial part of the products in question.
- (13) In particular cases in which the agreements falling under this Regulation nevertheless have effects incompatible with Article 81(3), the Commission may withdraw the benefit of the block exemption; this may occur in particular where the buyer has significant market power in the relevant market in which it resells the goods or provides the services or where parallel networks of vertical agreements have similar effects which significantly restrict access to a relevant market or competition therein; such cumulative effects may for example arise in the case of selective distribution or non-compete obligations.
- (14) Regulation No 19/65/EEC empowers the competent authorities of Member States to withdraw the benefit of the block exemption in respect of vertical agreements having effects incompatible with the conditions laid down in Article 81(3), where such effects are felt in their respective territory, or in a part thereof, and where such territory has the characteristics of a distinct geographic market; Member States should ensure that the exercise of this power of withdrawal does not prejudice the uniform application throughout the common market of the Community competition rules or the full effect of the measures adopted in implementation of those rules.
- (15) In order to strengthen supervision of parallel networks of vertical agreements which have similar restrictive effects and which cover more than 50 % of a given market, the Commission may declare this Regulation inapplicable to vertical agreements containing specific restraints relating to the market concerned, thereby restoring the full application of Article 81 to such agreements.
- (16) This Regulation is without prejudice to the application of Article 82.
- (17) In accordance with the principle of the primacy of Community law, no measure taken pursuant to national laws on competition should prejudice the uniform application throughout the common market of the

Community competition rules or the full effect of any measures adopted in implementation of those rules, including this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

- (a) 'competing undertakings' means actual or potential suppliers in the same product market; the product market includes goods or services which are regarded by the buyer as interchangeable with or substitutable for the contract goods or services, by reason of the products' characteristics, their prices and their intended use;
- (b) 'non-compete obligation' means any direct or indirect obligation causing the buyer not to manufacture, purchase, sell or resell goods or services which compete with the contract goods or services, or any direct or indirect obligation on the buyer to purchase from the supplier or from another undertaking designated by the supplier more than 80 % of the buyer's total purchases of the contract goods or services and their substitutes on the relevant market, calculated on the basis of the value of its purchases in the preceding calendar year;
- (c) 'exclusive supply obligation' means any direct or indirect obligation causing the supplier to sell the goods or services specified in the agreement only to one buyer inside the Community for the purposes of a specific use or for resale;
- (d) 'Selective distribution system' means a distribution system where the supplier undertakes to sell the contract goods or services, either directly or indirectly, only to distributors selected on the basis of specified criteria and where these distributors undertake not to sell such goods or services to unauthorised distributors;
- (e) 'intellectual property rights' includes industrial property rights, copyright and neighbouring rights;
- (f) 'know-how' means a package of non-patented practical information, resulting from experience and testing by the supplier, which is secret, substantial and identified: in this context, 'secret' means that the know-how, as a body or in the precise configuration and assembly of its components, is not generally known or easily accessible; 'substantial' means that the know-how includes information which is indispensable to the buyer for the use, sale or resale of the contract goods or services; 'identified' means that the know-how must be described in a sufficiently comprehensive manner so as to make it possible to verify that it fulfils the criteria of secrecy and substantiality;
- (g) 'buyer' includes an undertaking which, under an agreement falling within Article 81(1) of the Treaty, sells goods or services on behalf of another undertaking.

Article 2

1. Pursuant to Article 81(3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 81(1) shall not apply to agreements or concerted practices entered into between two or more undertakings each of which operates, for the purposes of the agreement, at a different level of the production or distribution chain, and relating to the conditions under which the parties may purchase, sell or resell certain goods or services ('vertical agreements').

This exemption shall apply to the extent that such agreements contain restrictions of competition falling within the scope of Article 81(1) ('vertical restraints').

2. The exemption provided for in paragraph 1 shall apply to vertical agreements entered into between an association of undertakings and its members, or between such an association and its suppliers, only if all its members are retailers of goods and if no individual member of the association, together with its connected undertakings, has a total annual turnover exceeding EUR 50 million; vertical agreements entered into by such associations shall be covered by this Regulation without prejudice to the application of Article 81 to horizontal agreements concluded between the members of the association or decisions adopted by the association.

3. The exemption provided for in paragraph 1 shall apply to vertical agreements containing provisions which relate to the assignment to the buyer or use by the buyer of intellectual property rights, provided that those provisions do not constitute the primary object of such agreements and are directly related to the use, sale or resale of goods or services by the buyer or its customers. The exemption applies on condition that, in relation to the contract goods or services, those provisions do not contain restrictions of competition having the same object or effect as vertical restraints which are not exempted under this Regulation.

4. The exemption provided for in paragraph 1 shall not apply to vertical agreements entered into between competing undertakings; however, it shall apply where competing undertakings enter into a non-reciprocal vertical agreement and:

- (a) the buyer has a total annual turnover not exceeding EUR 100 million, or
- (b) the supplier is a manufacturer and a distributor of goods, while the buyer is a distributor not manufacturing goods competing with the contract goods, or
- (c) the supplier is a provider of services at several levels of trade, while the buyer does not provide competing services at the level of trade where it purchases the contract services.

5. This Regulation shall not apply to vertical agreements the subject matter of which falls within the scope of any other block exemption regulation.

Article 3

1. Subject to paragraph 2 of this Article, the exemption provided for in Article 2 shall apply on condition that the market share held by the supplier does not exceed 30 % of the relevant market on which it sells the contract goods or services.

2. In the case of vertical agreements containing exclusive supply obligations, the exemption provided for in Article 2 shall apply on condition that the market share held by the buyer does not exceed 30 % of the relevant market on which it purchases the contract goods or services.

Article 4

The exemption provided for in Article 2 shall not apply to vertical agreements which, directly or indirectly, in isolation or in combination with other factors under the control of the parties, have as their object:

- (a) the restriction of the buyer's ability to determine its sale price, without prejudice to the possibility of the supplier's imposing a maximum sale price or recommending a sale price, provided that they do not amount to a fixed or minimum sale price as a result of pressure from, or incentives offered by, any of the parties;
- (b) the restriction of the territory into which, or of the customers to whom, the buyer may sell the contract goods or services, except:
 - the restriction of active sales into the exclusive territory or to an exclusive customer group reserved to the supplier or allocated by the supplier to another buyer, where such a restriction does not limit sales by the customers of the buyer,
 - the restriction of sales to end users by a buyer operating at the wholesale level of trade,
 - the restriction of sales to unauthorised distributors by the members of a selective distribution system, and
 - the restriction of the buyer's ability to sell components, supplied for the purposes of incorporation, to customers who would use them to manufacture the same type of goods as those produced by the supplier;
- (c) the restriction of active or passive sales to end users by members of a selective distribution system operating at the retail level of trade, without prejudice to the possibility of prohibiting a member of the system from operating out of an unauthorised place of establishment;
- (d) the restriction of cross-supplies between distributors within a selective distribution system, including between distributors operating at different level of trade;
- (e) the restriction agreed between a supplier of components and a buyer who incorporates those components, which limits the supplier to selling the components as spare parts to end-users or to repairers or other service providers not entrusted by the buyer with the repair or servicing of its goods.

Article 5

The exemption provided for in Article 2 shall not apply to any of the following obligations contained in vertical agreements:

- (a) any direct or indirect non-compete obligation, the duration of which is indefinite or exceeds five years. A non-compete obligation which is tacitly renewable beyond a period of five years is to be deemed to have been concluded for an indefinite duration. However, the time limitation of five years shall not apply where the contract goods or services are sold by the buyer from premises and land owned by the supplier or leased by the supplier from third parties not connected with the buyer, provided that the duration of the non-compete obligation does not exceed the period of occupancy of the premises and land by the buyer;
- (b) any direct or indirect obligation causing the buyer, after termination of the agreement, not to manufacture, purchase, sell or resell goods or services, unless such obligation:
 - relates to goods or services which compete with the contract goods or services, and
 - is limited to the premises and land from which the buyer has operated during the contract period, and
 - is indispensable to protect know-how transferred by the supplier to the buyer,and provided that the duration of such non-compete obligation is limited to a period of one year after termination of the agreement; this obligation is without prejudice to the possibility of imposing a restriction which is unlimited in time on the use and disclosure of know-how which has not entered the public domain;
- (c) any direct or indirect obligation causing the members of a selective distribution system not to sell the brands of particular competing suppliers.

Article 6

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7(1) of Regulation No 19/65/EEC, where it finds in any particular case that vertical agreements to which this Regulation applies nevertheless have effects which are incompatible with the conditions laid down in Article 81(3) of the Treaty, and in particular where access to the relevant market or competition therein is significantly restricted by the cumulative effect of parallel networks of similar vertical restraints implemented by competing suppliers or buyers.

Article 7

Where in any particular case vertical agreements to which the exemption provided for in Article 2 applies have effects incompatible with the conditions laid down in Article 81(3) of the Treaty in the territory of a Member State, or in a part thereof, which has all the characteristics of a distinct geographic market, the competent authority of that Member State may withdraw the benefit of application of this Regulation in respect of that territory, under the same conditions as provided in Article 6.

Article 8

1. Pursuant to Article 1 a of Regulation No 19/65/EEC, the Commission may by regulation declare that, where parallel networks of similar vertical restraints cover more than 50 % of a relevant market, this Regulation shall not apply to vertical agreements containing specific restraints relating to that market.
2. A regulation pursuant to paragraph 1 shall not become applicable earlier than six months following its adoption.

Article 9

1. The market share of 30 % provided for in Article 3(1) shall be calculated on the basis of the market sales value of the contract goods or services and other goods or services sold by the supplier, which are regarded as interchangeable or substitutable by the buyer, by reason of the products' characteristics, their prices and their intended use; if market sales value data are not available, estimates based on other reliable market information, including market sales volumes, may be used to establish the market share of the undertaking concerned. For the purposes of Article 3(2), it is either the market purchase value or estimates thereof which shall be used to calculate the market share.
2. For the purposes of applying the market share, threshold provided for in Article 3 the following rules shall apply:
 - (a) the market share shall be calculated on the basis of data relating to the preceding calendar year;
 - (b) the market share shall include any goods or services supplied to integrated distributors for the purposes of sale;
 - (c) if the market share is initially not more than 30 % but subsequently rises above that level without exceeding 35 %, the exemption provided for in Article 2 shall continue to apply for a period of two consecutive calendar years following the year in which the 30 % market share threshold was first exceeded;
 - (d) if the market share is initially not more than 30 % but subsequently rises above 35 %, the exemption provided for in Article 2 shall continue to apply for one calendar year following the year in which the level of 35 % was first exceeded;
 - (e) the benefit of points (c) and (d) may not be combined so as to exceed a period of two calendar years.

Article 10

1. For the purpose of calculating total annual turnover within the meaning of Article 2(2) and (4), the turnover achieved during the previous financial year by the relevant party to the vertical agreement and the turnover achieved by its connected undertakings in respect of all goods and services, excluding all taxes and other duties, shall be added together. For this purpose, no account shall be taken of dealings between the party to the vertical agreement and its connected undertakings or between its connected undertakings.
2. The exemption provided for in Article 2 shall remain applicable where, for any period of two consecutive financial years, the total annual turnover threshold is exceeded by no more than 10 %.

Article 11

1. For the purposes of this Regulation, the terms 'undertaking', 'supplier' and 'buyer' shall include their respective connected undertakings.

2. 'Connected undertakings' are:

- (a) undertakings in which a party to the agreement, directly or indirectly:
 - has the power to exercise more than half the voting rights, or
 - has the power to appoint more than half the members of the supervisory board, board of management or bodies legally representing the undertaking, or
 - has the right to manage the undertaking's affairs;
- (b) undertakings which directly or indirectly have, over a party to the agreement, the rights or powers listed in (a);
- (c) undertakings in which an undertaking referred to in (b) has, directly or indirectly, the rights or powers listed in (a);
- (d) undertakings in which a party to the agreement together with one or more of the undertakings referred to in (a), (b) or (c), or in which two or more of the latter undertakings, jointly have the rights or powers listed in (a);
- (e) undertakings in which the rights or the powers listed in (a) are jointly held by:
 - parties to the agreement or their respective connected undertakings referred to in (a) to (d), or

— one or more of the parties to the agreement or one or more of their connected undertakings referred to in (a) to (d) and one or more third parties.

3. For the purposes of Article 3, the market share held by the undertakings referred to in paragraph 2(e) of this Article shall be apportioned equally to each undertaking having the rights or the powers listed in paragraph 2(a).

Article 12

1. The exemptions provided for in Commission Regulations (EEC) No 1983/83 ⁽¹⁾, (EEC) No 1984/83 ⁽²⁾ and (EEC) No 4087/88 ⁽³⁾ shall continue to apply until 31 May 2000.

2. The prohibition laid down in Article 81(1) of the EC Treaty shall not apply during the period from 1 June 2000 to 31 December 2001 in respect of agreements already in force on 31 May 2000 which do not satisfy the conditions for exemption provided for in this Regulation but which satisfy the conditions for exemption provided for in Regulations (EEC) No 1983/83, (EEC) No 1984/83 or (EEC) No 4087/88.

Article 13

This Regulation shall enter into force on 1 January 2000.

It shall apply from 1 June 2000, except for Article 12(1) which shall apply from 1 January 2000.

This Regulation shall expire on 31 May 2010.

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

Done at Brussels, 22 December 1999.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 173, 30.6.1983, p. 1.

⁽²⁾ OJ L 173, 30.6.1983, p. 5.

⁽³⁾ OJ L 359, 28.12.1988, p. 46.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 December 1999

on the provisional application of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products

(1999/869/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission,

Whereas:

- (1) the Commission has negotiated on behalf of the Community an agreement in the form of an Exchange of Letters to revise and extend the existing bilateral agreement and protocols on trade in textile products with the Republic of Belarus;
- (2) this Agreement in the form of an Exchange of Letters should, considering the provisions on increases of quotas in 1999, be applied on a provisional basis as soon as possible before the end of 1999, after publication of this Decision in the Official Journal, pending the completion of procedures required for conclusion, subject to reciprocal provisional application by the Republic of Belarus,

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products shall be applied on a provisional basis, pending its formal conclusion and subject to reciprocal provisional application of the Agreement by the Republic of Belarus ⁽¹⁾.

The text of the Agreement is attached to this Decision.

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

It shall enter into force the day after its publication in the Official Journal.

Done at Brussels, 21 December 1999.

For the Council

The President

T. HALONEN

⁽¹⁾ The date from which provisional application will become effective will be published in the *Official Journal of the European Communities*, C series.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products***A. Letter from the Council of the European Union*

Sir,

1. I have the honour to refer to the negotiations held on 9 and 10 September 1999 between our respective Delegations with a view to renewing the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 7 November 1995.
2. As a result of these negotiations, both Parties agreed to amend the following provisions of the Agreement:
 - 2.1. Annex I which sets out the products referred to in Article 1 of the Agreement is replaced by Appendix 1 to this letter.
 - 2.2. Annex II which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community is replaced by Appendix 2 to this letter.
 - 2.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community after OPT operations in the Republic of Belarus is replaced for the period of 1 January 2000 to 31 December 2003 by Appendix 3 to this letter.
 - 2.4. The second and third sentences of Article 19(1), shall be replaced by the following text:
'It shall be applicable until 31 December 2003.'
 - 2.5. Imports into Belarus of textile products from the Community shall be subject to the maximum rates of imports duties as set out in Appendix 4.

In the case of non-application of these rates the Community will have the right to reintroduce for the period of the Agreement remaining unexpired on a pro rata basis the levels for quantitative restrictions applicable for 1999 as specified in the Exchange of Letters initialled on 7 November 1995 with annual increases of these quantitative restrictions in accordance with the agreement.
3. Should the Republic of Belarus become a Member of the World Trade Organisation (WTO) before the date of expiry of the Agreement the restrictions in force shall be phased out in the framework of the WTO Agreement on textiles and clothing and Belarus' Protocol of accession to the WTO. In addition, the provisions of Articles 2, (2) and (3), 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, Protocol A, B, and C, Agreed Minute No 1, Agreed Minute No 2, Agreed Minute No 3, Agreed Minute No 4 and Agreed Minute No 6 shall continue to be applicable as administrative arrangements within the meaning of Article 2(17) of the WTO Agreement on textiles and clothing.
4. I should be obliged if you would kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from ... on the conditions to be specified in an Exchange of Notes (see Appendix 5).

Please accept, Sir, the assurance of my highest consideration.

For the Council of the European Union

Appendix 1

Annex I to the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, containing the category and goods descriptions for textile products, is replaced by Annex I to Regulation (EC) No 3030/93 ⁽¹⁾. It is understood that without prejudice to the rules for the interpretation of the Combined Nomenclature, the wording of the description of goods is considered to be of indicative value only, since the products covered by each category are determined, within that Annex by CN codes. Where there is an 'ex' symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.

⁽¹⁾ This Annex was last amended by Commission Regulation (EC) No 1072/1999 (OJ L 134, 28.5.1999, p.1).

Appendix 2

ANNEX II

Belarus	Category	Unit	Quota level 1998	Quota level 1999	New quota level 1999	2000	2001	2002	2003
Group I A	1	tonne	1 205	1 247		1 290	1 335	1 381	1 430
	2	tonne	3 021	3 127		3 280	3 395	3 514	3 638
	3	tonne	169	175		190	197	204	211
Group I B	4	1 000 pieces	733	766		900	941	983	1 027
	5	1 000 pieces	622	650		800	836	874	913
	6	1 000 pieces	325	340	370	700	732	766	801
	7	1 000 pieces	437	456	506	700	730	762	795
	8	1 000 pieces	426	445	475	800	836	873	912
Group II A	9	tonne	265	277		290	303	317	331
	20	tonne	247	256		265	275	285	295
	22	tonne	284	299		315	332	349	368
	23	tonne	181	190		199	209	219	230
	39	tonne	143	150		180	189	198	208
Group II B	12	1 000 pairs	4 190	4 399		4 618	4 848	5 090	5 344
	13	1 000 pieces	2 026	2 087		2 250	2 318	2 388	2 459
	15	1 000 pieces	538	563	603	800	837	876	917
	16	1 000 pieces	89	94		141	149	157	166
	21	1 000 pieces	562	588		700	732	766	802
	24	1 000 pieces	433	455		600	630	663	696
	26/27	1 000 pieces	672	702		850	888	928	969
	29	1 000 pieces	151	157	187	300	312	324	337
	73	1 000 pieces	162	169		250	261	272	284
	83	tonne	95	98	127	150	155	160	165

Belarus	Category	Unit	Quota level 1998	Quota level 1999	New quota level 1999	2000	2001	2002	2003
Group III A	33	tonne	278	291		305	319	334	350
	36	tonne	846	892		950	1 002	1 056	1 114
	37	tonne	331	347		364	382	400	419
	50	tonne	90	95		114	120	127	134
Group III B	67	tonne	240	252		265	278	292	307
	74	1 000 pieces	231	241		289	302	315	328
	90	tonne	141	148		155	163	171	179
Group IV	115	tonne	63	66		69	72	76	79
	117	tonne	639	671		800	840	882	926
	118	tonne	298	313		350	368	386	406

Appendix 3

ANNEX TO PROTOCOL C

Category	Unit	2000	2001	2002	2003
4	1 000 pieces	3 397	3 628	3 875	4 139
5	1 000 pieces	4 740	5 062	5 406	5 774
6	1 000 pieces	5 783	6 176	6 596	7 045
7	1 000 pieces	4 290	4 582	4 893	5 226
8	1 000 pieces	1 428	1 525	1 629	1 739
12	1 000 pieces	3 158	3 395	3 650	3 924
13	1 000 pieces	332	346	361	376
15	1 000 pieces	2 479	2 647	2 827	3 020
16	1 000 pieces	573	608	645	684
21	1 000 pieces	1 847	1 972	2 106	2 249
24	1 000 pieces	391	417	446	476
26/27	1 000 pieces	1 997	2 133	2 278	2 433
29	1 000 pieces	951	1 009	1 070	1 135
73	1 000 pieces	3 596	3 840	4 102	4 381
83	tonnes	500	522	545	569
74	1 000 pieces	636	674	715	759

Appendix 4

Maximum rates of duties applicable for imports into the Republic of Belarus of textile products from the European Community

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5001 00	4	4	4	4
5002 00	4	4	4	4
5003 10	4	4	4	4
5003 90	4	4	4	4
5004 00	4	4	4	4
5005 00	4	4	4	4
5006 00	4	4	4	4
5007 10	4	4	4	4
5007 20	4	4	4	4
5007 90	4	4	4	4
5101 11	4	4	4	4
5101 19	4	4	4	4
5101 21	4	4	4	4
5101 29	4	4	4	4
5101 30	4	4	4	4
5102 10	4	4	4	4
5102 20	4	4	4	4
5103 10	4	4	4	4
5103 20	4	4	4	4
5103 30	4	4	4	4
5104 00	4	4	4	4
5105 10	4	4	4	4
5105 21	4	4	4	4
5105 29	4	4	4	4
5105 30	4	4	4	4
5105 40	4	4	4	4
5106 10	4	4	4	4
5106 20	4	4	4	4
5107 10	4	4	4	4
5107 20	4	4	4	4

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5108 10	4	4	4	4
5108 20	4	4	4	4
5109 10	4	4	4	4
5109 90	4	4	4	4
5110 00	4	4	4	4
5111 11	15	12	10	8
5111 19	15	12	10	8
5111 20	15	12	10	8
5111 30	15	12	10	8
5111 90	15	12	10	8
5112 11	15	12	10	8
5112 19	15	12	10	8
5112 20	15	12	10	8
5112 30	15	12	10	8
5112 90	15	12	10	8
5113 00	0	0	0	0
5201 00	0	0	0	0
5202 10	0	0	0	0
5202 91	0	0	0	0
5202 99	0	0	0	0
5203 00	0	0	0	0
5204 11	5	5	5	4
5204 19	5	5	5	4
5204 20	5	5	5	4
5205 11	5	5	5	4
5205 12	5	5	5	4
5205 13	5	5	5	4
5205 14	5	5	5	4
5205 15	5	5	5	4
5205 21	5	5	5	4

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5205 22	5	5	5	4
5205 23	5	5	5	4
5205 24	5	5	5	4
5205 25	5	5	5	4
5205 26	5	5	5	4
5205 27	5	5	5	4
5205 28	5	5	5	4
5205 31	5	5	5	4
5205 32	5	5	5	4
5205 33	5	5	5	4
5205 34	5	5	5	4
5205 35	5	5	5	4
5205 41	5	5	5	4
5205 42	5	5	5	4
5205 43	5	5	5	4
5205 44	5	5	5	4
5205 45	5	5	5	4
5205 46	5	5	5	4
5205 47	5	5	5	4
5205 48	5	5	5	4
5206 11	5	5	5	4
5206 12	5	5	5	4
5206 13	5	5	5	4
5206 14	5	5	5	4
5206 15	5	5	5	4
5206 21	5	5	5	4
5206 22	5	5	5	4
5206 23	5	5	5	4
5206 24	5	5	5	4
5206 25	5	5	5	4
5206 31	5	5	5	4
5206 32	5	5	5	4
5206 33	5	5	5	4

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5206 34	5	5	5	4
5206 35	5	5	5	4
5206 41	5	5	5	4
5206 42	5	5	5	4
5206 43	5	5	5	4
5206 44	5	5	5	4
5206 45	5	5	5	4
5207 10	5	5	5	4
5207 90	5	5	5	4
5208 11	14	12	10	8
5208 12	14	12	10	8
5208 13	14	12	10	8
5208 19	14	12	10	8
5208 21	14	12	10	8
5208 22	14	12	10	8
5208 23	14	12	10	8
5208 29	14	12	10	8
5208 31	14	12	10	8
5208 32	14	12	10	8
5208 33	14	12	10	8
5208 39	14	12	10	8
5208 41	14	12	10	8
5208 42	14	12	10	8
5208 43	14	12	10	8
5208 49	14	12	10	8
5208 51	14	12	10	8
5208 52	14	12	10	8
5208 53	14	12	10	8
5208 59	14	12	10	8
5209 11	14	12	10	8
5209 12	14	12	10	8
5209 19	14	12	10	8
5209 21	14	12	10	8

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5209 22	14	12	10	8
5209 29	14	12	10	8
5209 31	14	12	10	8
5209 32	14	12	10	8
5209 39	14	12	10	8
5209 41	14	12	10	8
5209 42	14	12	10	8
5209 43	14	12	10	8
5209 49	14	12	10	8
5209 51	14	12	10	8
5209 52	14	12	10	8
5209 59	14	12	10	8
5210 11	14	12	10	8
5210 12	14	12	10	8
5210 19	14	12	10	8
5210 21	14	12	10	8
5210 22	14	12	10	8
5210 29	14	12	10	8
5210 31	14	12	10	8
5210 32	14	12	10	8
5210 39	15	12	10	8
5210 41	14	12	10	8
5210 42	14	12	10	8
5210 49	14	12	10	8
5210 51	14	12	10	8
5210 52	14	12	10	8
5210 59	14	12	10	8
5211 11	14	12	10	8
5211 12	14	12	10	8
5211 19	14	12	10	8
5211 21	14	12	10	8
5211 22	14	12	10	8
5211 29	14	12	10	8

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5211 31	14	12	10	8
5211 32	14	12	10	8
5211 39	14	12	10	8
5211 41	15	12	10	8
5211 42	14	12	10	8
5211 43	14	12	10	8
5211 49	14	12	10	8
5211 51	15	12	10	8
5211 52	14	12	10	8
5211 59	14	12	10	8
5212 11	14	12	10	8
5212 12	14	12	10	8
5212 13	14	12	10	8
5212 14	14	12	10	8
5212 15	14	12	10	8
5212 21	14	12	10	8
5212 22	14	12	10	8
5212 23	14	12	10	8
5212 24	14	12	10	8
5212 25	14	12	10	8
5301 10	4	4	4	4
5301 21	4	4	4	4
5301 29	4	4	4	4
5301 30	4	4	4	4
5302 10	4	4	4	4
5302 90	4	4	4	4
5303 10	4	4	4	4
5303 90	4	4	4	4
5304 10	4	4	4	4
5304 90	4	4	4	4
5305 11	4	4	4	4
5305 19	4	4	4	4
5305 21	4	4	4	4

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5305 29	4	4	4	4
5305 91	4	4	4	4
5305 99	4	4	4	4
5306 10	5	5	5	4
5306 20	5	5	5	4
5307 10	4	4	4	4
5307 20	4	4	4	4
5308 10	4	4	4	4
5308 20	4	4	4	4
5308 30	4	4	4	4
5308 90	4	4	4	4
5309 11	9	9	8	8
5309 19	9	9	8	8
5309 21	9	9	8	8
5309 29	9	9	8	8
5310 10	9	9	8	8
5310 90	9	9	8	8
5311 00	9	9	8	8
5401 10	4	4	4	4
5401 20	4	4	4	4
5402 20	10	10	10	10
5402 31	10	10	10	10
5402 32	10	10	10	10
5402 33	10	10	10	10
5402 39	10	10	10	10
5402 41	0	0	0	0
5402 42	0	0	0	0
5402 43	10	10	10	10
5402 49	0	0	0	0
5402 51	0	0	0	0
5402 52	10	10	10	10
5402 59	0	0	0	0
5402 61	0	0	0	0

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5402 62	0	0	0	0
5402 69	0	0	0	0
5403 10	4	4	4	4
5403 20	4	4	4	4
5403 31	10	10	10	10
5403 32	4	4	4	4
5403 33	4	4	4	4
5403 39	4	4	4	4
5403 41	4	4	4	4
5403 42	4	4	4	4
5403 49	4	4	4	4
5404 10	5	5	5	5
5404 90	5	4	4	4
5405 00	5	4	4	4
5406 10	4	4	4	4
5406 20	4	4	4	4
5407 10	9	8	8	8
5407 20	9	8	8	8
5407 30	9	8	8	8
5407 41	9	8	8	8
5407 42	9	8	8	8
5407 43	9	8	8	8
5407 44	9	8	8	8
5407 51	9	8	8	8
5407 52	9	8	8	8
5407 53	9	8	8	8
5407 54	9	8	8	8
5407 60	9	8	8	8
5407 61	9	8	8	8
5407 69	9	8	8	8
5407 71	9	8	8	8
5407 72	9	8	8	8
5407 73	9	8	8	8

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5407 74	9	8	8	8
5407 81	9	8	8	8
5407 82	9	8	8	8
5407 83	9	8	8	8
5407 84	9	8	8	8
5407 91	9	8	8	8
5407 92	9	8	8	8
5407 93	9	8	8	8
5407 94	9	8	8	8
5408 10	9	8	8	8
5408 21	9	8	8	8
5408 22	9	8	8	8
5408 23	9	8	8	8
5408 24	9	8	8	8
5408 31	9	8	8	8
5408 32	9	8	8	8
5408 33	9	8	8	8
5408 34	9	8	8	8
5501 10	4	4	4	4
5501 20	5	5	5	5
5501 30	5	5	5	5
5501 90	4	4	4	4
5502 00	4	4	4	4
5503 10	0	0	0	0
5503 20	0	0	0	0
5503 30	5	5	5	5
5503 40	0	0	0	0
5503 90	0	0	0	0
5504 10	4	4	4	4
5504 90	4	4	4	4
5505 10	5	5	5	5
5505 20	5	5	5	5
5506 10	4	4	4	4
5506 20	4	4	4	4

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5506 30	4	4	4	4
5506 90	4	4	4	4
5507 00	4	4	4	4
5508 10	4	4	4	4
5508 20	4	4	4	4
5509 11	5	5	5	4
5509 12	5	5	5	4
5509 21	5	5	5	4
5509 22	5	5	5	4
5509 31	5	5	5	4
5509 32	5	5	5	4
5509 41	5	5	5	4
5509 42	5	5	5	4
5509 51	5	5	5	4
5509 52	5	5	5	4
5509 53	5	5	5	4
5509 59	5	5	5	4
5509 61	5	5	5	4
5509 62	5	5	5	4
5509 69	5	5	5	4
5509 91	5	5	5	4
5509 92	5	5	5	4
5509 99	5	5	5	4
5510 11	5	5	5	4
5510 12	5	5	5	4
5510 20	5	5	5	4
5510 30	5	5	5	4
5510 90	5	5	5	4
5511 10	5	5	5	4
5511 20	5	5	5	4
5511 30	5	5	5	4
5512 11	9	8	8	8
5512 19	9	8	8	8

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5512 21	9	8	8	8
5512 29	9	8	8	8
5512 91	9	8	8	8
5512 99	9	8	8	8
5513 11	9	8	8	8
5513 12	9	9	8	8
5513 13	9	9	8	8
5513 19	9	9	8	8
5513 21	9	9	8	8
5513 22	9	9	8	8
5513 23	9	9	8	8
5513 29	9	9	8	8
5513 31	9	9	8	8
5513 32	9	9	8	8
5513 33	9	9	8	8
5513 39	9	9	8	8
5513 41	9	9	8	8
5513 42	9	9	8	8
5513 43	9	8	8	8
5513 49	9	8	8	8
5514 11	9	9	8	8
5514 12	9	8	8	8
5514 13	9	9	8	8
5514 19	9	9	8	8
5514 21	9	9	8	8
5514 22	9	9	8	8
5514 23	9	9	8	8
5514 29	9	9	8	8
5514 31	9	9	8	8
5514 32	9	9	8	8
5514 33	9	9	8	8
5514 39	9	9	8	8
5514 41	9	9	8	8

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5514 42	9	9	8	8
5514 43	9	8	8	8
5514 49	9	8	8	8
5515 11	9	8	8	8
5515 12	9	8	8	8
5515 13	9	8	8	8
5515 19	9	8	8	8
5515 21	9	8	8	8
5515 22	9	8	8	8
5515 29	9	8	8	8
5515 91	9	8	8	8
5515 92	9	8	8	8
5515 99	9	8	8	8
5516 11	9	9	8	8
5516 12	9	9	8	8
5516 13	9	9	8	8
5516 14	9	9	8	8
5516 21	9	9	8	8
5516 22	9	9	8	8
5516 23	9	8	8	8
5516 24	9	9	8	8
5516 31	9	9	8	8
5516 32	9	9	8	8
5516 33	9	9	8	8
5516 34	9	9	8	8
5516 41	9	9	8	8
5516 42	9	9	8	8
5516 43	9	9	8	8
5516 44	9	9	8	8
5516 91	9	9	8	8
5516 92	9	9	8	8
5516 93	9	9	8	8
5516 94	9	9	8	8

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5601 10	4	4	4	4
5601 21	4	4	4	4
5601 22	4	4	4	4
5601 29	4	4	4	4
5601 30	4	4	4	4
5602 10	4	4	4	4
5602 21	4	4	4	4
5602 29	10	4	4	4
5602 90	4	4	4	4
5603 00	4	4	4	4
5603 11	4	4	4	4
5603 12	4	4	4	4
5603 13	4	4	4	4
5603 14	4	4	4	4
5603 91	4	4	4	4
5603 92	4	4	4	4
5603 93	4	4	4	4
5603 94	4	4	4	4
5604 10	4	4	4	4
5604 20	4	4	4	4
5604 90	4	4	4	4
5605 00	4	4	4	4
5606 00	4	4	4	4
5607 10	8	8	8	8
5607 21	8	8	8	8
5607 29	8	8	8	8
5607 30	8	8	8	8
5607 41	20	20	20	20
5607 49	5	5	5	5
5607 50	5	5	5	5
5607 90	8	8	8	8
5608 11	4	4	4	4
5608 19	4	4	4	4
5608 90	4	4	4	4

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5609 00	4	4	4	4
5701 10	25	18	12	8
5701 90	8	8	8	8
5702 10	25	18	12	8
5702 20	8	8	8	8
5702 31	8	8	8	8
5702 32	25	18	12	8
5702 39	8	8	8	8
5702 41	8	8	8	8
5702 42	25	18	12	8
5702 49	8	8	8	8
5702 51	8	8	8	8
5702 52	8	8	8	8
5702 59	8	8	8	8
5702 91	8	8	8	8
5702 92	25	18	12	8
5702 99	25	18	12	8
5703 10	25	18	12	8
5703 20	25	18	12	8
5703 30	25	18	12	8
5703 90	25	18	12	8
5704 10	8	8	8	8
5704 90	25	18	12	8
5705 00	25	18	12	8
5801 10	18	15	10	8
5801 21	18	15	10	8
5801 22	18	15	10	8
5801 23	18	15	10	8
5801 24	18	15	10	8
5801 25	15	12	10	8
5801 26	15	12	10	8
5801 31	18	15	10	8
5801 32	18	15	10	8

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5801 33	18	15	10	8
5801 34	18	15	10	8
5801 35	15	12	10	8
5801 36	15	12	10	8
5801 90	18	15	10	8
5802 11	18	15	10	8
5802 19	18	15	10	8
5802 20	18	15	10	8
5802 30	18	15	10	8
5803 10	18	15	10	8
5803 90	15	12	10	8
5804 10	15	12	10	8
5804 21	18	15	10	8
5804 29	18	15	10	8
5804 30	18	15	10	8
5805 00	18	15	10	8
5806 10	15	12	10	8
5806 20	15	12	10	8
5806 31	18	15	10	8
5806 32	15	12	10	8
5806 39	15	12	10	8
5806 40	15	12	10	8
5807 10	18	15	10	8
5807 90	18	15	10	8
5808 10	18	15	10	8
5808 90	15	12	10	8
5809 00	15	12	10	8
5810 10	18	15	10	8
5810 91	15	12	10	8
5810 92	15	12	10	8
5810 99	15	12	10	8
5811 00	15	12	10	8
5901 10	4	4	4	4

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
5901 90	4	4	4	4
5902 10	4	4	4	4
5902 20	4	4	4	4
5902 90	5	5	5	5
5903 10	4	4	4	4
5903 20	4	4	4	4
5903 90	4	4	4	4
5904 10	8	8	8	8
5904 91	8	8	8	8
5904 92	8	8	8	8
5905 00	8	8	8	8
5906 10	4	4	4	4
5906 91	4	4	4	4
5906 99	4	4	4	4
5907 00	4	4	4	4
5908 00	4	4	4	4
5909 00	4	4	4	4
5910 00	4	4	4	4
5911 10	4	4	4	4
5911 20	4	4	4	4
5911 31	4	4	4	4
5911 32	4	4	4	4
5911 40	4	4	4	4
5911 90	4	4	4	4
6001 10	4	4	4	4
6001 21	9	8	8	8
6001 22	4	4	4	4
6001 29	4	4	4	4
6001 91	4	4	4	4
6001 92	9	8	8	8
6001 99	9	8	8	8
6002 10	9	8	8	8
6002 20	9	8	8	8
6002 30	9	8	8	8

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
6002 41	9	8	8	8
6002 42	9	8	8	8
6002 43	9	8	8	8
6002 49	9	8	8	8
6002 91	9	8	8	8
6002 92	9	8	8	8
6002 93	9	8	8	8
6002 99	9	8	8	8
6101 10	25	18	12	12
6101 20	25	18	12	12
6101 30	25	18	12	12
6101 90	25	18	12	12
6102 10	25	18	12	12
6102 20	25	18	12	12
6102 30	25	18	12	12
6102 90	25	18	12	12
6103 11	25	18	12	12
6103 12	25	18	12	12
6103 19	25	18	12	12
6103 21	25	18	12	12
6103 22	25	18	12	12
6103 23	25	18	12	12
6103 29	25	18	12	12
6103 31	25	18	12	12
6103 32	25	18	12	12
6103 33	25	18	12	12
6103 39	25	18	12	12
6103 41	25	18	12	12
6103 42	25	18	12	12
6103 43	25	18	12	12
6103 49	25	18	12	12
6104 11	25	18	12	12
6104 12	25	18	12	12
6104 13	25	18	12	12

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
6104 19	25	18	12	12
6104 21	25	18	12	12
6104 22	25	18	12	12
6104 23	25	18	12	12
6104 29	25	18	12	12
6104 31	25	18	12	12
6104 32	25	18	12	12
6104 33	25	18	12	12
6104 39	25	18	12	12
6104 41	25	18	12	12
6104 42	25	18	12	12
6104 43	25	18	12	12
6104 44	25	18	12	12
6104 49	25	18	12	12
6104 51	25	18	12	12
6104 52	25	18	12	12
6104 53	25	18	12	12
6104 59	25	18	12	12
6104 61	25	18	12	12
6104 62	25	18	12	12
6104 63	25	18	12	12
6104 69	25	18	12	12
6105 10	25	18	12	12
6105 20	25	18	12	12
6105 90	25	18	12	12
6106 10	25	18	12	12
6106 20	25	18	12	12
6106 90	25	18	12	12
6107 11	25	18	12	12
6107 12	25	18	12	12
6107 19	25	18	12	12
6107 21	25	18	12	12
6107 22	25	18	12	12

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
6107 29	25	18	12	12
6107 91	25	18	12	12
6107 92	25	18	12	12
6107 99	25	18	12	12
6108 11	25	18	12	12
6108 19	25	18	12	12
6108 21	25	18	12	12
6108 22	25	18	12	12
6108 29	25	18	12	12
6108 31	25	18	12	12
6108 32	25	18	12	12
6108 39	25	18	12	12
6108 91	25	18	12	12
6108 92	25	18	12	12
6108 99	25	18	12	12
6109 10	25	18	12	12
6109 90	25	18	12	12
6110 10	25	18	12	12
6110 20	25	18	12	12
6110 30	25	18	12	12
6110 90	25	18	12	12
6111 10	25	18	12	12
6111 20	25	18	12	12
6111 30	25	18	12	12
6111 90	25	18	12	12
6112 11	25	18	12	12
6112 12	25	18	12	12
6112 19	25	18	12	12
6112 20	25	18	12	12
6112 31	25	18	12	12
6112 39	25	18	12	12
6112 41	25	18	12	12
6112 49	25	18	12	12

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
6113 00	25	18	12	12
6114 10	25	18	12	12
6114 20	25	18	12	12
6114 30	25	18	12	12
6114 90	25	18	12	12
6115 11	13	12	12	12
6115 12	13	12	12	12
6115 19	13	12	12	12
6115 20	13	12	12	12
6115 91	13	12	12	12
6115 92	13	12	12	12
6115 93	13	12	12	12
6115 99	13	12	12	12
6116 10	13	12	12	12
6116 91	13	12	12	12
6116 92	13	12	12	12
6116 93	13	12	12	12
6116 99	13	12	12	12
6117 10	25	18	12	12
6117 20	25	18	12	12
6117 80	25	18	12	12
6117 90	25	18	12	12
6201 11	25	18	12	12
6201 12	25	18	12	12
6201 13	25	18	12	12
6201 19	25	18	12	12
6201 91	25	18	12	12
6201 92	25	18	12	12
6201 93	25	18	12	12
6201 99	25	18	12	12
6202 11	25	18	12	12
6202 12	25	18	12	12
6202 13	25	18	12	12

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
6202 19	25	18	12	12
6202 91	25	18	12	12
6202 92	25	18	12	12
6202 93	25	18	12	12
6202 99	25	18	12	12
6203 11	25	18	12	12
6203 12	25	18	12	12
6203 19	25	18	12	12
6203 21	25	18	12	12
6203 22	25	18	12	12
6203 23	25	18	12	12
6203 29	25	18	12	12
6203 31	25	18	12	12
6203 32	25	18	12	12
6203 33	25	18	12	12
6203 39	25	18	12	12
6203 41	25	18	12	12
6203 42	25	18	12	12
6203 43	25	18	12	12
6203 49	25	18	12	12
6204 11	25	18	12	12
6204 12	25	18	12	12
6204 13	25	18	12	12
6204 19	25	18	12	12
6204 21	25	18	12	12
6204 22	25	18	12	12
6204 23	25	18	12	12
6204 29	25	18	12	12
6204 31	25	18	12	12
6204 32	25	18	12	12
6204 33	25	18	12	12
6204 39	25	18	12	12
6204 41	25	18	12	12
6204 42	25	18	12	12

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
6204 43	25	18	12	12
6204 44	25	18	12	12
6204 49	25	18	12	12
6204 51	25	18	12	12
6204 52	25	18	12	12
6204 53	25	18	12	12
6204 59	25	18	12	12
6204 61	25	18	12	12
6204 62	25	18	12	12
6204 63	25	18	12	12
6204 69	25	18	12	12
6205 10	25	18	12	12
6205 20	25	18	12	12
6205 30	25	18	12	12
6205 90	25	18	12	12
6206 10	25	18	12	12
6206 20	25	18	12	12
6206 30	25	18	12	12
6206 40	25	18	12	12
6206 90	25	18	12	12
6207 11	25	18	12	12
6207 19	25	18	12	12
6207 21	25	18	12	12
6207 22	25	18	12	12
6207 29	25	18	12	12
6207 91	25	18	12	12
6207 92	25	18	12	12
6207 99	25	18	12	12
6208 11	25	18	12	12
6208 19	25	18	12	12
6208 21	25	18	12	12
6208 22	25	18	12	12
6208 29	25	18	12	12

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
6208 91	25	18	12	12
6208 92	25	18	12	12
6208 99	25	18	12	12
6209 10	25	18	12	12
6209 20	25	18	12	12
6209 30	25	18	12	12
6209 90	25	18	12	12
6210 10	25	18	12	12
6210 20	25	18	12	12
6210 30	25	18	12	12
6210 40	25	18	12	12
6210 50	25	18	12	12
6211 11	25	18	12	12
6211 12	25	18	12	12
6211 20	25	18	12	12
6211 31	25	18	12	12
6211 32	25	18	12	12
6211 33	25	18	12	12
6211 39	25	18	12	12
6211 41	25	18	12	12
6211 42	25	18	12	12
6211 43	25	18	12	12
6211 49	25	18	12	12
6212 10	25	18	12	12
6212 20	25	18	12	12
6212 30	25	18	12	12
6212 90	25	18	12	12
6213 10	25	18	12	12
6213 20	25	18	12	12
6213 90	25	18	12	12
6214 10	25	18	12	12
6214 20	25	18	12	12
6214 30	25	18	12	12

CN code (1)	Rate of duty %			
	2000	2001	2002	2003
6214 40	25	18	12	12
6214 90	25	18	12	12
6215 10	25	18	12	12
6215 20	25	18	12	12
6215 90	25	18	12	12
6216 00	25	18	12	12
6217 10	25	18	12	12
6217 90	25	18	12	12
6301 10	25	18	12	12
6301 20	25	18	12	12
6301 30	25	18	12	12
6301 40	25	18	12	12
6301 90	25	18	12	12
6302 10	25	18	12	12
6302 21	25	18	12	12
6302 22	25	18	12	12
6302 29	25	18	12	12
6302 31	25	18	12	12
6302 32	25	18	12	12
6302 39	25	18	12	12
6302 40	25	18	12	12
6302 51	25	18	12	12
6302 52	25	18	12	12
6302 53	25	18	12	12
6302 59	25	18	12	12
6302 60	25	18	12	12
6302 91	25	18	12	12
6302 92	25	18	12	12
6302 93	25	18	12	12
6302 99	25	18	12	12
6303 11	25	18	12	12
6303 12	25	18	12	12
6303 19	25	18	12	12

CN code ⁽¹⁾	Rate of duty %			
	2000	2001	2002	2003
6303 91	25	18	12	12
6303 92	25	18	12	12
6303 99	25	18	12	12
6304 11	25	18	12	12
6304 19	25	18	12	12
6304 91	25	18	12	12
6304 92	25	18	12	12
6304 93	25	18	12	12
6304 99	25	18	12	12
6305 10	4	4	4	4
6305 20	4	4	4	4
6305 31	4	4	4	4
6305 32	4	4	4	4
6305 33	18	15	12	12
6305 39	5	4	4	4
6305 90	5	4	4	4
6306 11	25	18	12	12
6306 12	25	18	12	12

CN code ⁽¹⁾	Rate of duty %			
	2000	2001	2002	2003
6306 19	25	18	12	12
6306 21	25	18	12	12
6306 22	25	18	12	12
6306 29	12	12	12	12
6306 31	12	12	12	12
6306 39	12	12	12	12
6306 41	12	12	12	12
6306 49	12	12	12	12
6306 91	12	12	12	12
6306 99	12	12	12	12
6307 10	25	18	12	12
6307 20	25	18	12	12
6307 90	25	18	12	12
6308 00	25	18	12	12
6309 00	25	18	12	12
6310 10	25	18	12	12
6310 90	25	18	12	12

⁽¹⁾ The product descriptions corresponding to the CN codes listed in this Appendix can be found in Annex I to Council Regulation (EEC) No 2658/87 (OJ L 256, 7.9.1987, p. 1), as last amended by Commission Regulation (EC) No 2204/1999 (OJ L 278, 28.10.1999, p. 1).

*Appendix 5***Exchange of notes**

The Directorate-General for Trade of the Commission of the European Community presents its compliments to the Mission of the Republic of Belarus and has the honour to refer to the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 11 November 1999.

The Directorate-General for Trade wishes to inform the Mission of the Republic of Belarus that, whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the Agreement in the form of an Exchange of Letters, the European Community is prepared to allow the provisions of the Agreement to apply *de facto* from... This is on the understanding that either Party may at any time terminate this *de facto* application of the Agreement in the form of an Exchange of Letters provided that four months notice is given.

The Directorate-General for Trade would be grateful if the Mission of the Republic of Belarus would confirm its agreement to the foregoing.

B. Letter from the Government of the Republic of Belarus

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'Sir,

1. I have the honour to refer to the negotiations held on 9 and 10 September 1999 between our respective Delegations with a view to renewing the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 7 November 1995.
2. As a result of these negotiations, both Parties agreed to amend the following provisions of the Agreement:
 - 2.1. Annex I which sets out the products referred to in Article 1 of the Agreement is replaced by Appendix 1 to this letter.
 - 2.2. Annex II which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community is replaced by Appendix 2 to this letter.
 - 2.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community after OPT operations in the Republic of Belarus is replaced for the period of 1 January 2000 to 31 December 2003 by Appendix 3 to this letter.
 - 2.4. The second and third sentences of Article 19(1), shall be replaced by the following text:

"It shall be applicable until 31 December 2003."
 - 2.5. Imports into Belarus of textile products from the Community shall be subject to the maximum rates of import duties as set out in Appendix 4.

In the case of non-application of these rates the Community will have the right to reintroduce for the period of the Agreement remaining unexpired on a pro rata basis the levels for quantitative restrictions applicable for 1999 as specified in the Exchange of Letters initialled on 7 November 1995 with annual increases of these quantitative restrictions in accordance with the agreement.

3. Should the Republic of Belarus become a Member of the World Trade Organisations (WTO) before the date of expiry of the Agreement the restrictions in force shall be phased out in the framework of the WTO Agreement on Textiles and Clothing and Belarus' Protocol of accession to the WTO. In addition, the provisions of Articles 2, (2) and (3), 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, Protocol A, B, and C, Agreed Minute No 1, Agreed Minute No 2, Agreed Minute No 3, Agreed Minute No 4 and Agreed Minute No 6 shall continue to be applicable as administrative arrangements within the meaning of Article 2(17) of the WTO Agreement on textiles and clothing.
4. I should be obliged if you would kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from ... on the conditions to be specified in an Exchange of Notes (see Appendix 5).

Please accept, Sir, the assurance of my highest consideration.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Belarus

NOTICE TO READERS

Subject: Monthly Indexes

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

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

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

We apologise for any inconvenience caused.