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Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 32/2000
of 17 December 1999**

opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas and establishing detailed rules for adjusting the quotas, and repealing Council Regulation (EC) No 1808/95

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community has undertaken, within the framework of the General Agreement on Tariffs and Trade (GATT), to open Community tariff quotas each year at reduced or zero duty for a certain number of products, subject to certain conditions;
- (2) Council Regulation (EC) No 1808/95 of 24 July 1995 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas for certain agricultural, industrial and fisheries products and establishing the detailed provisions for adapting these quotas⁽¹⁾, has been repeatedly and substantially amended; whereas now that further amendments are required it should be recast and simplified for the sake of clarity, in line with the Council Resolution of 25 October 1996⁽²⁾;
- (3) This Regulation does not apply to tariff quotas for agricultural products bound in GATT, which are covered by Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽³⁾;
- (4) Following the reductions in customs duties agreed within the framework of the GATT, certain products previously covered by Regulation (EC) No 1808/95 are now exempt from customs duties on import; they are therefore not included in this Regulation;

- (5) The Community has concluded an Agreement in the form of an exchange of letters with Canada providing for opening of a 650 000 tonne tariff quota for newsprint (order number 09.0015), 600 000 tonnes of which, in accordance with Article XIII of the GATT, is reserved until 30 November of each year for products from Canada alone; the Agreement also provides for a mandatory 5 % increase in the share of the quota reserved for imports from Canada in the event of that share being exhausted before the end of a given year;
- (6) In accordance with the offer it made within the United Nations Conference on Trade and Development (Unctad) and alongside its scheme of generalised preferences, the European Community introduced tariff preferences in 1971 for jute and coconut-fibre products originating in certain developing countries; these preferences took the form of a gradual reduction of Common Customs Tariff duties and, from 1978 to 31 December 1994, the complete suspension of these duties;
- (7) Since the entry into force of the new scheme of generalised tariff preferences on 1 January 1995 the Community has, alongside the GATT, opened autonomous zero-duty Community tariff quotas for specific quantities of jute and coconut-fibre products until 31 December 1999 by Regulations (EC) Nos 764/96⁽⁴⁾ and 1401/98⁽⁵⁾; as the scheme of generalised preferences has been extended until 31 December 2001 by Regulation (EC) No 2820/98⁽⁶⁾, this quota arrangement should also be extended until 31 December 2001;
- (8) In the context of its external relations the Community has given Switzerland an undertaking each year to open a zero-duty tariff quota running from 1 September to 31

⁽¹⁾ OJ L 176, 27.7.1995, p. 1. Regulation as last amended by Council Regulation (EC) No 1401/98 (OJ L 188, 2.7.1998, p. 1).

⁽²⁾ OJ C 332, 7.11.1996, p. 1.

⁽³⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁴⁾ OJ L 104, 27.4.1996, p. 1.

⁽⁵⁾ OJ L 188, 2.7.1998, p. 1.

⁽⁶⁾ OJ L 357, 30.12.1998, p. 1.

August of the following year, to cover various forms of processing work carried out on textiles under the outward processing arrangements; in accordance with the most favoured nation clause, Switzerland and other third countries can use this quota;

- (9) The Community has declared itself ready to open zero-rated annual Community tariff quotas for certain hand-made products and handloom fabrics; however, imports may only qualify for these quotas on presentation to the Community customs authorities of a certificate of authenticity issued by the competent authority of the beneficiary country stating that the goods in question are hand-made or hand-woven;
- (10) The term 'hand-made products' needs to be defined in order to ensure that this system operates smoothly;
- (11) A system is required for updating the information on government authorities authorised to issue certificates of authenticity;
- (12) Proper application of the arrangements for hand-made products and fabrics woven on handlooms requires that provision be made for entitlement to tariff quotas to be temporarily withdrawn in whole or in part in the event of irregularities or lack of administrative cooperation, and that procedures for administrative cooperation be set up to check on the issuing of certificates of authenticity;
- (13) As access to the tariff quotas for hand-made products and handloom fabrics is open to developing countries under the GSP, the Commission should have the power, on receipt of an official request and after consulting the Customs Code Committee, to extend the list of quota beneficiaries to include countries entitled to the GSP which offer the necessary guarantees for checking the authenticity of the products;
- (14) The Community, in the fulfilment of its international obligations, is required to open tariff quotas; all Community importers should be guaranteed equal and continuous access to the said quotas, and the rates of duty laid down for the quotas should be applied without interruption to all imports of the products concerned into all Member States until the quotas are exhausted;
- (15) 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 ⁽¹⁾ consolidated the arrange-

ments for managing tariff quotas to be used in chronological order of the dates of acceptance of the declarations for free circulation;

- (16) For reasons of speed and efficiency, communication between Member States and the Commission should take place as far as possible by electronic means;
- (17) Council or Commission decisions amending the Combined Nomenclature and Taric codes or adjusting the quota volumes and rates of duty do not entail any substantive changes; in the interests of simplification the Commission, after consulting the Customs Code Committee, should have the power to make amendments and technical adjustments to this Regulation;
- (18) This Regulation should be adjusted in the event of amendment of existing agreements within the framework of the GATT, including reductions of customs duties, and, in respect of products manufactured from jute and coconut fibres, in the event of extension of the scheme of generalised tariff preferences; the Commission, after consulting the Customs Code Committee, should therefore have the power to make the relevant amendments to the provisions of this Regulation, including the Annexes thereto, in so far as the agreed changes specify the products eligible for tariff quotas, the quota volumes, rates of duty and periods, and any conditions of eligibility;
- (19) As definitions for hand-made products and handloom fabrics and certificates of authenticity may be harmonised in the future, the Commission, after consulting the Customs Code Committee, should have the power to adapt these definitions and replace the specimens appearing in Annexes VI and VII;
- (20) The measures necessary for the implementation of this Regulation have been adopted in conformity with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,

HAS ADOPTED THIS REGULATION:

TITLE I

GENERAL ARRANGEMENTS

Article 1

1. The products listed in Annexes I, II, III, IV and V shall be eligible for reduced rates of duty under Community tariff quotas during the periods and in accordance with the provisions set out in this Regulation and the said Annexes.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1662/1999 (OJ L 197, 29.7.1999, p. 25).

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

2. For the purposes of converting amounts expressed in euros into national currencies, Article 18 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾ shall apply for the Member States other than those referred to in Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽²⁾.

TITLE II

SPECIAL ARRANGEMENTS FOR CERTAIN TARIFF QUOTAS

Section 1

Tariff quota for newsprint

Article 2

1. From 30 November each year, any part of the quota volumes for newsprint referred to in Annex I not used on 29 November and unlikely to be used by 31 December may be used to cover imports of the products in question from Canada or another non-EC country.

2. Where the bound quota of 600 000 tonnes from Canada has been exhausted and no autonomous quota of more than 30 000 tonnes has been opened for the remainder of the calendar year, the bound quota shall be increased by the Commission by an additional 5 %. The Commission shall publish the quota increase in the *Official Journal of the European Communities*, 'C' series.

Section 2

Tariff quotas for hand-made or hand-woven products

Article 3

Access to the tariff quotas for hand-made products is restricted to the products referred to in Annex IV, accompanied by a certificate of authenticity issued by the competent government authority in the beneficiary country and conforming to the specimen in Annex VI.

Article 4

Access to the tariff quotas for hand-woven products is restricted to the products referred to in Annex V accompanied by a certificate of authenticity issued by the competent government authority in the beneficiary country and conforming to the specimen in Annex VII. These goods shall bear a stamp approved by the said authorities at the beginning and end of each piece; by way of derogation, a seal approved by the authorities of the country of manufacture may be affixed to each piece.

Article 5

The products referred to in Articles 3 and 4 must be transported directly to the Community from the country of manufacture.

The following shall be considered to have been transported directly:

- (a) goods which have been transported without entering the territory of a country not a Member State of the Community; calls at ports in countries not members of the Community shall not be held to breach direct transport, provided the goods are not transhipped in the course of such a call;
- (b) goods which have been transported via, or transhipped in, the territory of one or more non-member countries, provided such transit or transhipment is covered by a single transport document drawn up in the country of manufacture.

Section 3

Methods of administrative cooperation for hand-made or hand-woven products

Article 6

1. Access to the tariff quotas provided for in Articles 3 and 4 may at any time be temporarily withdrawn, in whole or in part, in the event of irregularities or of a lack of the administrative cooperation required for the checking of certificates of authenticity.

2. The decision to withdraw temporarily, in whole or in part, entitlement to the tariff quotas referred to in paragraph 1 shall be adopted in accordance with the procedure laid down in Article 10(2), following appropriate prior consultations undertaken by the Commission with the beneficiary country in question.

3. (a) Where the procedure for temporary total or partial withdrawal of access to tariff quotas is applied the Commission shall publish a notice in the 'C' series of the Official Journal stating that it has reasonable doubt as to entitlement to benefit under this Regulation and listing the goods, producers and exporters concerned.

(b) The proportion of customs debt corresponding to a concession granted under this Regulation shall be disregarded except where the debt is incurred after publication of the notice referred to in subparagraph (a) and in respect of goods, producers or exporters named in that notice, or where the second sentence of Article 221(3) of Regulation (EEC) No 2913/92 applies.

Article 7

1. The beneficiary countries shall inform the Commission of the names and addresses of the governmental authorities situated in their territory which are empowered to issue certificates of authenticity, together with specimens of stamps used by

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 955/1999 (OJ L 119, 7.5.1999, p. 1).

those authorities, and the names and addresses of the governmental authorities responsible for checking the certificates. The stamps shall be valid from the date the Commission receives the specimens. The Commission shall forward this information, if possible by electronic means, to the customs authorities of the Member States. When such information is updating a previous communication, the Commission shall indicate the date when the new stamps become valid according to the instructions given by the competent authorities of the beneficiary countries. This information is confidential; however, when goods are presented for free circulation, the customs authorities in question may allow the importer or his duly authorised representative to consult the specimen impressions of stamps referred to in this paragraph.

2. The Commission shall publish in the 'C' series of the *Official Journal of the European Communities* the names of the authorities in the manufacturing countries entitled to issue certificates of authenticity and, where appropriate, the date on which new beneficiary countries met the obligations set out in paragraph 1.

3. Subsequent verification of certificates of authenticity shall be carried out at random or whenever the customs authorities in the Community have reasonable doubt as to the authenticity of the document or the accuracy of the information regarding the products in question.

4. For the purposes of paragraph 1, the customs authorities in the Community shall return a copy of the certificate of authenticity to the competent governmental authority in the exporting beneficiary country, giving, where appropriate, the reasons of form or substance for an inquiry. The invoice or a copy thereof, as well as all other relevant documents, shall be attached to the copy of the certificate of authenticity. The customs authorities shall also forward any information that has been obtained suggesting that the particulars given on the certificate of authenticity are inaccurate.

If the said authorities decide to suspend admission to the tariff quotas pending the results of the verification, they shall offer to release the products to the importer subject to any precautions judged necessary.

5. When an application for subsequent verification has been made in accordance with paragraph 1, such verification shall be carried out and its results communicated to the customs authorities in the Community within a maximum of six months. The results shall be such as to establish whether the certificate of authenticity in question applies to the products actually exported and whether these products were in fact eligible to benefit from the tariff quota.

6. If, in cases of reasonable doubt, there is no reply within the six months specified in paragraph 5 or if the reply does not contain sufficient information to determine the authenticity of the document in question or the accuracy of the information relating to the products concerned, a second communication shall be sent to the competent authorities. If after the second communication the results of the verification are not communicated to the requesting authorities within four months, or if

these results do not allow the authenticity of the document in question to be determined, the requesting authorities shall, save in exceptional circumstances, refuse entitlement to the tariff measures.

7. Where the verification procedure or any other available information appears to indicate that the provisions of this Article are being contravened, the exporting beneficiary country shall, on its own initiative or at the request of the Community, carry out appropriate inquiries or arrange for such enquiries to be carried out with due urgency to identify and prevent such contraventions. For this purpose the Community may participate in the inquiries.

8. For the purpose of subsequent verification of certificates of authenticity, copies of the certificates as well as any export documents referring to them shall be kept for at least three years by the competent governmental authority of the exporting beneficiary country.

TITLE III

MANAGEMENT OF TARIFF QUOTAS

Article 8

The tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Article 308a to Article 308c of Regulation (EEC) No 2454/93.

Communication between the Member States and the Commission in this connection shall take place as far as possible by electronic means.

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas in so far as the balance of the quota volumes permits.

TITLE IV

FINAL PROVISIONS

Article 9

1. The provisions necessary for the application of this Regulation, including:

- (a) amendments and technical adjustments necessitated by changes in the Combined Nomenclature and Taric codes;
- (b) adjustments made necessary by:
 - the conclusion by the Council of agreements or exchanges of letters within the framework of the GATT or compliance with the Community's contractual obligations to certain countries within the framework of the GATT, or
 - extension of the scheme of generalised preferences in respect of jute and coconut-fibre products;

- (c) the addition of developing countries to the lists contained in Annexes IV and V at the official request of an applicant country that offers the necessary guarantees for checking the authenticity of these products;
- (d) amendments and adjustments to the definitions for hand-made products and handloom fabrics as well as to the specimen certificates of authenticity

shall be adopted in accordance with the procedure provided for in Article 10(2).

2. Provisions adopted under paragraph 1 shall not empower the Commission to:

- transfer not used preferential quantities from one quota period to another,
- change timetables provided for in the agreements or exchanges of letters,
- make access to the quotas subject to import licences.

Article 10

1. The Commission shall be assisted by the Customs Code Committee instituted by Article 247 of Regulation (EEC) No 2913/92.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be three months.

Article 11

Regulation (EC) No 1808/95 is hereby repealed.

References to Regulation (EC) No 1808/95 shall be construed as references to this Regulation and shall be correlated in accordance with the table in Annex VIII.

Article 12

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

It shall apply 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

ANNEX I

LIST OF COMMUNITY TARIFF QUOTAS BOUND IN GATT

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Serial number	CN code	Taric subdivision	Description of goods	Quota period	Quota volume	Rate of duty (%)
09.0006	0302 40 0303 50 0304 10 91 ex 0304 10 98 0304 90 22	12	Herring, subject to compliance with the reference prices	from 1 January 2000 to 14 February 2000 and from 16 June to 14 February	(¹) 34 000 tonnes	0
09.0007	ex 0305 51 10 ex 0305 51 10 ex 0305 51 90 ex 0305 51 90 0305 59 11 0305 59 19 ex 0305 62 00 ex 0305 62 00 ex 0305 62 00 ex 0305 62 00 0305 69 10	10 20 10 20 20 25 50 60	Cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i> and fish of the species <i>Boreogadus saida</i> : — dried, whether or not salted but not smoked — salted but not dried or smoked and in brine	from 1 January to 31 December	25 000 tonnes	0
09.0009	ex 0302 69 68 ex 0303 78 19	10 10	Silver hake (<i>Merluccius bilinearis</i>), fresh, chilled or frozen	from 1 January to 31 December	2 000 tonnes	8
09.0013	ex 4412 19 00 ex 4412 92 99 ex 4412 99 80	10 10 10	Playwood of coniferous species, without the addition of other substances: — of a thickness greater than 8,5 mm, the faces of which are not further prepared than the peeling process or — sanded, and of a thickness greater than 18,5 mm	from 1 January to 31 December	650 000 m ³	0
09.0015	4801 00 10 ex 4801 00 90	10	Newsprint (²) (³): — from Canada	from 1 January to 31 December	600 000 tonnes	0
09.0017			— from other third countries		50 000 tonnes	0
09.0019	7202 21 7202 29		Ferro-silicon	from 1 January to 31 December	12 600 tonnes	0
09.0021	7202 30 00		Ferro-silicon-manganese	from 1 January to 31 December	18 550 tonnes	0

Serial number	CN code	Taric subdivision	Description of goods	Quota period	Quota volume	Rate of duty (%)
09.0023	ex 7202 49 10 ex 7202 49 50	11 11	Ferro-chromium containing not more than 0,10 % by weight of carbon and more than 30 % but not more than 90 % of chromium (super-refined ferro-chromium)	from 1 January to 31 December	2 950 tonnes	0
09.0045	ex 0303 29 00	20	Fish, frozen, of the genus <i>Coregonus</i>	from 1 January to 31 December	1 000 tonnes	5,5
09.0046	ex 1605 40 00	30	Freshwater crayfish cooked with dill, frozen	from 1 January to 31 December	3 000 tonnes	0
09.0047	ex 1605 20 10 ex 1605 20 91 ex 1605 20 99	40 40 40	Shrimps and prawns of the species <i>Pandalus borealis</i> , shelled, boiled and frozen, but not otherwise prepared	from 1 January to 31 December	500 tonnes	0
09.0048	ex 0304 20 95	30	Fillets of fish, frozen, of the species <i>Alloctytus</i> spp. and <i>Pseudocyttus maculatus</i>	from 1 January to 31 December	200 tonnes	0
09.0050	ex 5306 10 10 ex 5306 10 30	10 10	Unbleached flax yarn (other than tow yarn), not put up for retail sail, measuring 333,3 decitex or more (not exceeding 30 metric numbers), intended for the manufacture of multiple or cabled yarn for the footwear industry or for whipping cables ⁽²⁾	from 1 January to 31 December	400 tonnes	1,8
09.0051	7018 10 90		Similar glass smallwares other than glass beads, imitation pearls and imitation precious or semi-precious stones	from 1 January to 31 December	52 tonnes	0
09.0091	1702 50 00		Chemically pure fructose	from 1 January 2000 to 30 June 2000 and from 1 July to 30 June	⁽⁴⁾ 4 504 tonnes	20 ⁽⁵⁾
Serial number	CN code	Taric subdivision	Description of goods	Quota period	Quota volume (in litres of pure alcohol) ⁽⁶⁾	Rate of duty
09.0065	2208 40 31		– Rum and taffia: – – in containers holding two litres or less: – – – other than rum with a content of volatile substances other than ethyl and methyl alcohol equal to or exceeding 225 grams per hectolitre of pure alcohol (with a 10 % tolerance) – – – – of a value exceeding € 7,9 per litre of pure alcohol	from 1.1.2000 to 31.12.2000 from 1.1.2001 to 31.12.2001 from 1.1.2002 to 31.12.2002	2 359 500 2 595 450 2 854 995	0,4 €/ % vol/ hl + 1,8 €/hl 0,3 €/ % vol/ hl + 1,2 €/hl 0,2 €/ % vol/ hl + 0,6 €/hl

Serial number	CN code	Taric subdivision	Description of goods	Quota period	Quota volume (in litres of pure alcohol) ⁽⁶⁾	Rate of duty
	2208 40 91		-- in containers holding more than two litres: --- other than rum with a content of volatile substances other than ethyl and methyl alcohol equal to or exceeding 225 grams per hectolitre of pure alcohol (with a 10 % tolerance) ---- of a value exceeding € 2 per litre of pure alcohol	from 1.1.2000 to 31.12.2000 from 1.1.2001 to 31.12.2001 from 1.1.2002 to 31.12.2002		0,4 €/ % vol/hl 0,3 €/ % vol/hl 0,2 €/ % vol/hl

⁽¹⁾ Remaining volume of quota period 1999/2000 in accordance with Regulation (EC) No 1808/95.

⁽²⁾ Control of the usage for this end use shall be carried out pursuant to the relevant Community provisions.

⁽³⁾ The expression 'newsprint' shall be taken to apply to white paper or to paper which has been slightly coloured in the pulp, the mechanical pulp content of which represents at least 70 % of the total fibre content, glazed to an extent not exceeding 130 seconds Bekk, unsized, weighing not less than 40 g/m² and not more than 57 g/m², in reels of a width of not less than 31 cm, containing 8 % or less by weight of fillers, and intended for the printing of daily newspapers, weekly papers or other periodicals of heading No 4902, published at least 10 times per year.

⁽⁴⁾ Remaining volume of quota period 1999/2000 in accordance with Regulation (EC) No 1808/95.

⁽⁵⁾ Suspension of specific duty as from 1 July 1995; the *ad valorem* duty to be taken into account is the duty in force appearing in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987), as amended.

⁽⁶⁾ The quota volume is applicable to both products taken together.

ANNEX II

COMMUNITY TARIFF QUOTA FOR THE COMMUNITY OUTWARD PROCESSING OF CERTAIN TEXTILE PRODUCTS (*)

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Serial number	CN code	Description of goods	Quota period	Quota volume (in €)	Rate of duty (in %)
09.2501		Goods resulting from processing work as provided for in the arrangements with Switzerland (1) on processing traffic in textiles as follows: a) processing work on woven fabrics falling within Chapters 50 to 55 and CN code 5809 00 00 b) twisting or throwing, cabling and texturing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 55 and CN code 5605 00 00 c) processing work on products falling within the following CN codes: Gimped yarn, and strip and the like of heading No 5404 or 5405 gimped (other than those of heading No 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn: – Others: 5606 00 91 – – Gimped yarn 5606 00 99 – – Other Woven pile fabrics and chenille fabrics, other than fabrics of heading No 5802 or 5806: 5801 10 00 – Of wool or fine animal hair – Of cotton: 5801 22 00 – – Cut corduroy 5801 23 00 – – Other weft pile fabrics 5801 24 00 – – Warp pile fabrics, épinglé (uncut) 5801 25 00 – – Warp pile fabrics, cut 5801 26 00 – – Chenille fabrics – Of man-made fibres:	from 1 January 2000 to 31 August 2000 and from 1 September to 31 August	(2) 1 870 000 of value added	0

(*) For the purposes of applying this tariff quota, the following definitions shall apply:

(a) 'processing work' shall mean:

- for the purposes of paragraphs (a) and (c) of the third column: bleaching, dyeing, printing, flocking, impregnating, dressing and other work which changes the appearance or quality of the goods, without however changing their nature,
- for the purposes of paragraph (b) of the third column: twisting or throwing, cabling and texturing, whether or not combined with reeling, dyeing or other work which changes the appearance, quality or finish of the goods, without however changing their nature;

(b) 'value added' shall mean:

the difference between the customs value, as defined in Community legislation on the subject, at the time of reimportation and the customs value which would be established if the products were reimported in the state in which they were exported.

Serial number	CN code	Description of goods	Quota period	Quota volume (in €)	Rate of duty (in %)
09.2501 (cont'd)	5801 32 00	-- Cut corduroy			
	5801 33 00	-- Other weft pile fabrics			
	5801 34 00	-- Warp pile fabrics, épinglé (uncut)			
	5801 35 00	-- Warp pile fabrics, cut			
	5801 36 00	-- Chenille fabrics			
	5801 90	- Of other textile materials			
	5802	Terry towelling and similar woven terry fabrics, other than narrow fabrics of heading No 5806; tufted textile fabrics, other than products of heading No 5703			
	5804	Tulles and other net fabrics, not including woven, knitted or crocheted fabrics; lace in the piece, in strips or in motifs, other than fabrics of heading No 6002			
	5806	Narrow woven fabrics, other than goods of heading No 5807; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs)			
	5808	Braids in the piece; ornamental trimmings in the piece, without embroidery other than knitted or crocheted; tassels, pompoms and similar articles			
	6001	Pile fabrics, including 'long pile' fabrics and terry fabrics, knitted or crocheted			
	6002	Other knitted or crocheted fabrics			

(¹) Council Decision 69/304/EEC of 28 July 1969 (OJ L 240, 24.9.2969, p. 1).

(²) Remaining volume of quota period 1999/2000 in accordance with Regulation (EC) No 1808/95.

ANNEX III

LIST OF COMMUNITY TARIFF QUOTAS FOR JUTE AND COCONUT-FIBRE PRODUCTS

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Serial number	CN code	Taric subdivision	Description of goods	Quota period	Quota volume	Rate of duty (%)
09.0107	5310		Woven fabrics of jute or of other textile bast fibres of heading No 5303	from 1.1.2000 to 31.12.2000	68 000 t	0
			Twine, cordage, ropes and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics:	and from 1.1.2001 to 31.12.2001		
	5607 10 00		– Of jute or other textile bast fibres of heading No 5303			
			Carpets and other textile floor coverings, woven, not tufted or flopped, whether or not made up, including 'Kelem', 'Schumacks', 'Karamanie' and similar handwoven rugs:			
	ex 5702 39 90	10	– Floor coverings, of pile construction, not made up, of jute or of other textile bast fabrics of heading No 5303			
	ex 5702 49 90	10	– Floor coverings, of pile construction, made up, of jute or of other textile bast fabrics of heading No 5303			
	ex 5702 59 00	10	– Floor coverings, not of pile construction, not made up, of jute or of other textile bast fabrics of heading No 5303			
	ex 5702 99 00	10	– Floor coverings, not of pile construction, made up, of jute or of other textile bast fabrics of heading No 5303			
			Carpets and other textile floor coverings, tufted, whether or not made up:			
	ex 5703 90 00	10	– Of jute or of other textile bast fibres of heading No 5303			
			Narrow woven fabrics, other than goods of heading No 5807; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs):			
	ex 5806 39 00	10	– Other woven fabrics, of jute or of other textile bast fibres of heading No 5303			
	ex 5806 40 00	10	– Fabrics consisting of warp without weft assembled by means of an adhesive (bolducs), of jute or of other textile bast fabrics of heading No 5303			
			Textile wall coverings:			
			– Other:			
	5905 00 50		– – Of jute			
	ex 5905 00 90	10	– – Of other textile bast fibres of heading No 5303			

Serial number	CN code	Taric subdivision	Description of goods	Quota period	Quota volume	Rate of duty (%)
09.0109	5702 20 00		Floor coverings of coconut fibres (coir)	from 1.1.2000 to 31.12.2000 and from 1.1.2001 to 31.12.2001	9 000 t	0
09.0111	6305 10 90		Sacks and bags of a kind used for the packing of goods, of jute or of other textile bast fibres of heading No 5303, other than used	from 1.1.2000 to 31.12.2000 and from 1.1.2001 to 31.12.2001	98 000 t	0

ANNEX IV

LIST OF COMMUNITY TARIFF QUOTAS FOR CERTAIN HAND-MADE PRODUCTS ⁽¹⁾

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Access to these tariff quotas is restricted to the following countries:

Argentina, Bangladesh, Bolivia, Brazil, Chile, Ecuador, El Salvador, Guatemala, Honduras, India, Indonesia, Iran, Laos, Malaysia, Mexico, Pakistan, Panama, Paraguay, Peru, Philippines, Sri Lanka, Thailand, Uruguay ⁽²⁾

Serial number	CN code ⁽³⁾	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0104	ex 4201 00 00	Saddlery and harness for any animal (including traces, leads, knee pads, muzzles, saddle cloths, saddle bags, dog coats and the like), of any material: – Riding saddles, of leather – Trunks, suit-cases, vanity cases, executive-cases, brief-cases, school satchels and similar containers:	from 1 January to 31 December	1 800 000	0
	4202 11	– – With outer surface of leather, of composition leather or of patent leather – – With outer surface of plastics or of textile materials:			
	4202 12 91	– – – Of materials other than plastic sheeting or			
	4202 12 99	moulded plastic material, including vulcanised fibre			
	4202 19 90	– – Of other materials than of aluminium – Handbags, whether or not with shoulder strap, including those without handle:			
	4202 21 00	– – With outer surface of leather, of composition leather or of patent leather			
	4202 22 90	– – With outer surface of textile materials – Articles of a kind normally carried in the pocket or in the handbag:			
	4202 31 00	– – With outer surface of leather, of composition leather or of patent leather			
	4202 32 90	– – With outer surface of textiles materials			
	4202 39 00	– – Other – Other:			
	4202 91	– – With outer surface of leather, of composition leather or of patent leather			
	4202 92 91	– – With outer surface of textile materials			
	4202 92 98				
	ex 4202 99 00	– – Musical instrument cases			
	4203 30 00	Belts and bandoliers, of leather or of composition leather			
	4203 40 00	Other clothing accessories, of leather or of composition leather Wood marquetry and inlaid wood; caskets and cases for jewellery or cutlery, and similar articles, of woods; statuettes and other ornaments, of wood; wooden articles of furniture not falling in Chapter 94:			
	4420 10 11	– Statuettes and other ornaments, of tropical wood			

Serial number	CN code ⁽³⁾	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0104 (cont'd)	4420 90 91	– Other, other than wood marquetry and inlaid wood, of tropical wood			
		Basketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from goods of heading No 4601; articles of loofah:			
		– Of vegetable materials:			
		– – Other than straw envelopes for bottles:			
	4602 10 91	– – – Basketwork, wickerwork and other articles, made directly to shape from plaiting materials			
	4602 10 99	– – – Other			
		Toilet paper and similar paper, cellulose wadding or webs of cellulose fibres, of a kind used for household or sanitary purposes, in rolls of a width not exceeding 36 cm, or cut to size or shape; handkerchiefs, cleansing tissues, towels, tablecloths, serviettes, napkins for babies, tampons, bed sheets and similar household, sanitary or hospital articles, articles of apparel and clothing accessories, of paper pulp, paper, cellulose wadding or webs of cellulose fibres:			
	4818 20	– Handkerchiefs, cleansing or facial tissues and towels			
	4818 30 00	– Tablecloths and serviettes			
	4818 50 00	– Articles of apparel and clothing accessories			
		– Other:			
	4818 90 10	– – Articles of a kind used for surgical, medical or hygienic purposes, not put up for retail sale			
	4818 90 90	– – Other			
	4819 30 00	Sacks and bags, having a base of a width of 40 cm or more			
		Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to shape; other articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibres:			
	4823 60	– Trays, dishes, plates, cups and the like, of paper or paperboard			
		– Moulded or pressed articles of paper pulp:			
	4823 70 90	– – Other than moulded trays and boxes for packing eggs			
	4823 90 90	– – Other			
		Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather:			
	6403 30 00	– Footwear made on a base or platform of wood, not having an inner sole or a protective metal toecap			
		Parts of footwear (including uppers whether of not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof:			
	6406 10	– Uppers and parts thereof, other than stiffeners			
	6406 20	– Outer soles and heels, of rubber or plastics			
		– Other:			

Serial number	CN code (*)	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0104 (cont'd)	6406 91 00	-- Of wood			
		-- Of materials other than wood:			
	6406 99 30	--- Assemblies of uppers affixed to inner soles or to other sole components, but without outer soles			
	6406 99 50	--- Removable insoles and other removable accessories			
	6406 99 60	--- Outer soles of leather or composition leather			
	6406 99 80	--- Other			
	ex 6505 90 10	Woollen berets			
	6602 00 00	Walking-sticks, seat-sticks, whips, riding-crops and the like			
	ex 6802 91 90	Marble, travertine and alabaster, carved			
	ex 6802 92 90	Other calcareous stone, carved			
	ex 6802 93 90	Granite, carved			
	ex 6802 99 90	Other Stone, carved			
		Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china:			
	6912 00 10	- Of common pottery			
	6913	Statuettes and other ornamental ceramic articles			
	6914 90 10	Other ceramic articles, of common pottery			
		Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading No 7010 or 7018):			
	7013 21 11	- Drinking glasses other than of glass-ceramics, of lead crystal			
	7013 21 19				
	7013 29 51	- Drinking glasses other than of glass-ceramics, other than of lead crystal, other than of toughened glass			
	7013 29 59				
		- Other glassware of a kind used for table or kitchen purposes:			
	7013 31 10	-- Of lead crystal			
	7013 39 91	-- Of glass other than toughened glass			
	7013 91 10	- Other glassware, of lead crystal			
	ex 7013 99 00	-- Glassware other than of lead crystal			
	7018 10 19	Glass beads, other than cut and mechanically polished			
		Imitation jewellery, of base metal, whether or not plated with precious metal:			
	7117 19 91	- Other than cuff-links and studs, without parts of glass			
	7117 19 99				
	7418	Table, kitchen or other household articles and parts thereof, of copper; pot scourers and scouring or polishing pads, gloves and the like, of copper; sanitary ware and parts thereof, of copper			
	7419	Other articles of copper			
		Other articles of aluminium:			
	7616 99 90	- Other			
	ex 8308 90 00	Beads and spangles, of base metal			
	9113 90 10	Watch straps, watch bands and watch bracelets, and parts thereof, of leather or of composition leather			

Serial number	CN code ⁽³⁾	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0104 (cont'd)	ex 9113 90 90	Watch straps, watch bands and watch bracelets, and parts thereof, of fabric			
	9403 40	Wooden furniture of the kind used in the kitchen			
	9403 80 00	Furniture of other materials, including cane, osier, bamboo or similar materials			
	9403 90	Parts of furniture			
		Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included:			
		– Chandeliers and other electric ceiling or wall lighting fittings, excluding those of a kind used for lighting public open spaces or thoroughfares:			
	9405 10 91	– – Of materials other than plastics, ceramic or glass			
	9405 10 99	– Electric table, desk, bedside or floor-standing lamps:			
		– – Of materials other than plastics, ceramic or glass:			
	9405 20 99	– – – Of a kind used for filament lamps			
		– Other electric lamps and lighting fittings:			
		– – Other than searchlights and spotlights:			
		– – – Of materials other than plastics:			
	9405 40 99	– – – – Other than of a kind used for filament lamps and tubular fluorescent lamps			
	9405 50 00	– Non-electrical lamps and lighting fittings			
		– Illuminated signs, illuminated name-plates and the like:			
		– – Other:			
	9405 60 99	– – – ;Of materials other than plastics			
	9405 99 90	– – Other parts of lamps and lighting fittings, other than of glass or of plastics			
	ex 9502 10	Ornamental dolls dressed so as to reflect the folklore characteristic of the country of origin			
	9503 30 10	Other construction sets and constructional toys, of wood			
	9503 49 10	Toys representing animals or non-human creatures, other than stuffed, of wood			
	ex 9503 50 00	Toy musical instruments and apparatus, of wood			
	9503 60 10	Puzzles, of wood			
	ex 9503 90 10	Toy weapons, of wood			
	ex 9503 90 99	Other toys, of wood			
	9601 10 00	Worked ivory and articles of ivory			
	9602 00 00	Worked vegetable or mineral carving material and articles of these materials; moulded or carved articles of wax, of stearin, of natural gums or natural resins or of modelling pastes, and other moulded or carved articles, not elsewhere specified or included; worked, unhardened gelatin (except gelatin of heading No 3503) and articles of unhardened gelatin			

Serial number	CN code ⁽³⁾	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0106 (cont'd)		Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m ² :	from 1 January to 31 December	11 067 000	0
	ex 5208 51 00 ex 5208 59 00	– Hand-dyed or hand-printed by the 'batik' method			
		Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m ² :			
	ex 5209 51 00 ex 5209 59 00	– Hand-dyed or hand-printed by the 'batik' method			
		Other woven fabrics of cotton:			
		– Weighing not more than 200 g/m ² :			
	ex 5212 15 10 ex 5212 15 90	– Hand-dyed or hand-printed by the 'batik' method			
		– weighing not more than 200 g/m ² :			
	ex 5212 25 10 ex 5212 25 90	– hand-dyed or hand-printed by the 'batik' method			
	ex 5608 90 00	Hammocks, of cotton			
		Carpets and other textile floor coverings, knotted, whether or not made up:			
		– Of wool or fine animal hair:			
	5701 10 10	– Containing a total of more than 10 % by weight of silk or of waste silk other than noil			
	5701 90	– Of other textile materials			
		Carpets and other textile floor coverings, of felt, not tufted or flocked, whether or not made up:			
	5704 90 00	– Other than tiles having a maximum surface area of 0,3 m ²			
	5705 00	Other carpets and other textile floor coverings, whether or not made up			
	5810	Embroidery in the piece, in strips or in motifs			
	ex 6101 10 10	Men's and boy's ponchos of fine animal hair			
	ex 6102 10 10	Women's and girl's ponchos of fine animal hair			
	ex 6110 10 35	Men's or boy's jerseys, pullovers and slipovers, of fine animal hair of Kashmir goats			
	ex 6110 10 38	Other men's or boy's jerseys, pullovers and slipovers, of other fine animal hair			
	ex 6110 10 95	Women's or girl's jerseys, pullovers and slipovers, of fine animal hair of Kashmir goats			
	ex 6110 10 98	Other women's or girls' jerseys, pullovers and slipovers			
		Articles hand-dyed or hand-printed by the 'batik' method:			
		Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading No 6203:			
	6201 92 00	– Other than overcoats, raincoats, car-coats, capes, cloak and similar articles, of cotton			

Serial number	CN code ⁽³⁾	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0106 (cont'd.)	6201 99 00	– Other than overcoats, raincoats, car-coats, capes, cloaks and similar articles, of other textile materials			
		Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading No 6204:			
	6202 92 00	– Other than overcoats, raincoats, car-coats, capes, cloaks and similar articles, of cotton			
	6202 99 00	– Other than overcoats, raincoats, car-coats, capes, cloaks and similar articles, of other textile materials			
		Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear):			
	6204 12 00	– Suits, of cotton			
	6204 22 80	– Ensembles, of cotton, other than industrial and occupational			
	6204 29 90	– Ensembles, of other textile materials, other than of artificial fibres			
	6204 32 90	– Jackets and blazers, of cotton, other than industrial and occupational			
	6204 39 90	– Jackets and blazers, of other textile materials, other than of artificial fibres			
	6204 42 00	– Dresses, of cotton			
	6204 44 00	– Dresses, of artificial fibres			
	6204 49 90	– Dresses, of other textile materials, other than of silk or silk waste			
		– Women's or girls' skirts and divided skirts:			
	6204 52 00	– – Of cotton			
	6204 53 00	– – Of synthetic fibres			
	6204 59	– – Of other textile materials			
	6204 62 31	– Trousers and breeches, of cotton, other than industrial and occupational			
	6204 62 33				
	6204 62 39				
	6204 62 59	– Bib and brace overalls, of cotton, other than industrial and occupational			
	6204 62 90	– Shorts, of cotton			
	6204 63 18	– Trousers and breeches, of synthetic fibres, other than industrial and occupational			
	6204 63 39	– Bib and brace overalls, of synthetic fibres, other than industrial and occupational			
	6204 63 90	– Shorts, of synthetic fibres			
	6204 69 18	– Trousers and breeches, of artificial fibres, other than industrial and occupational			
	6204 69 39	– Bib and brace overalls, of artificial fibres, other than industrial and occupational			
	6204 69 50	– Shorts, of artificial fibres			
	6204 69 90	– Trousers, bib and brace overalls, breeches and shorts, of other textile materials, other than of artificial fibres			
		Men's or boys' shirts:			
	6205 20 00	– Of cotton			
	6205 90 10	– Of flax or ramie			

Serial number	CN code ⁽³⁾	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0106 (cont'd)	6206 30 00	Women's or girls' blouses, shirts and shirt-blouses: – Of cotton			
	6206 90 10	– Of flax or ramie			
	6207 91 90	men's or boys' singlets and other vests, bathrobes, dressing gowns and similar articles, other than bathrobes, dressing gowns and similar articles of terry towelling and similar woven terry fabrics, of cotton			
	6207 99 00	Men's or boys' singlets and other vests, bathrobes, dressing gowns and similar articles, of textile materials other than cotton or man-made fibres			
	6208 91 19	Women's or girls' negligées, bathrobes, dressing gowns and similar articles, of cotton, other than of terry towelling and similar woven terry fabrics			
	6208 99 00	Women's or girls' singlets and other vests, slips, negligées, bathrobes, dressing gowns and similar articles, of textile materials other than cotton or man-made fibres			
		Bed linen, table linen, toilet linen and kitchen linen:			
	6302 21 00	– Bed linen, not knitted or crocheted, of cotton			
	6302 51	– Table linen, not knitted or crocheted, of cotton			
	6302 91	– Other, of cotton			
		Curtains (including drapes) and interior blinds; curtain or bed valances:			
	6303 91 00	– Not knitted or crocheted, of cotton			
		Other furnishing articles, excluding those of heading No 9404:			
	6304 19 10	– Bedspreads, not knitted or crocheted, of cotton			
	6304 92 00	– Other than bedspreads, not knitted or crocheted, of cotton			
		Other articles of apparel:			
	ex 6201 11 00	Men's and girl's ponchos of wool or fine animal hair			
	ex 6202 11 00	Women's and girl's ponchos of wool or fine animal hair, capes of wool			
	ex 6204 51 00	Women's and girls' skirts and divided skirts, of wool			
	6213 20 00	Handkerchiefs, of cotton			
	6214	Shawls, scarves, mufflers, mantillas, veils and the like			
	6215	Ties, bow ties and cravats			
	6217 10 00	Made-up clothing accessories			
		Blankets (other than electric blankets) and travelling rugs, of wool or of fine animal hair:			
		– Not knitted or crocheted:			
	6301 20 91	– – Wholly of wool or fine animal hair			
	6301 20 99	– – Other			

Serial number	CN code ⁽¹⁾	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0106 (cont'd.)		Blankets (other than electric blankets) and travelling rugs, of cotton:			
	6301 30 90	– Not knitted or crocheted			
	6301 40 90	– Blankets (other than electric blankets) and travelling rugs, of synthetic fibres, not knitted or crocheted			
	6301 90 90	– Other blankets and travelling rugs, not knitted or crocheted			
	ex 6303 99 90	Double curtains, other than knitted or crocheted, of wool			
	ex 6306 91 00	Hammocks, of cotton			
		Other made-up articles, including dress patterns:			
		– Floor-cloths, dish-cloths, dusters and similar cleaning cloths:			
	6307 10 90	– – Not knitted or crocheted and not non-wovens			
		– Other than floor-cloths, dish-cloths, dusters and similar cleaning cloths, life-jackets and life-belts:			
	6307 90 99	– – Not knitted or crocheted or of felt			

⁽¹⁾ The following shall be considered hand-made products:

- (a) cottage industry products made entirely by hand;
- (b) cottage industry products which have the character of products made by hand;
- (c) garments or other textile products obtained manually from fabrics woven on looms operated solely by hand or foot and essentially sewn by hand or sewn by sewing-machines operated solely by hand or foot.

⁽²⁾ The list of the competent authorities in the beneficiary countries was last published in OJ C 122, 4.5.1999, p. 3.

⁽³⁾ See attached list for Taric codes.

Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric-Code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr	Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric-Code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr
09.0104	4201 00 00	10		6802 92 90	10
	4202 11 10	10		6802 93 90	10
	4202 11 90	10		6802 99 90	10
	4202 12 91	10		6912 00 10	10
	4202 12 99	10		6913 10 00	10
	4202 19 90	10		6913 90 10	10
	4202 21 00	10		6913 90 91	10
	4202 22 90	10		6913 90 93	10
	4202 31 00	10		6913 90 99	10
	4202 32 90	10		6914 90 10	10
	4202 39 00	10		7013 99 00	10
	4202 91 10	10		7018 10 19	10
	4202 91 80	10		7117 19 91	10
	4202 92 91	10		7117 19 99	10
	4202 92 98	10		7418 11 00	10
	4202 99 00	10		7418 19 00	10
	4203 30 00	10		7418 20 00	10
	4203 40 00	10		7419 10 00	10
	4420 10 11	10		7419 91 00	10
	4420 90 91	10		7419 99 00	10
	4602 10 91	10		7616 99 90	05
	4602 10 99	10		8308 90 00	10
	4818 20 10	10		9113 90 10	10
	4818 20 91	10		9113 90 90	11
	4818 20 99	10		9403 40 10	10
	4818 30 00	10		9403 40 90	10
	4818 50 00	10		9403 80 00	10
	4818 90 10	10		9403 90 10	10
	4818 90 90	10		9403 90 30	10
	4819 30 00	10		9403 90 90	10
	4823 60 10	10		9405 10 91	10
	4823 60 90	10		9405 10 99	10
	4823 70 90	10		9405 20 99	10
	4823 90 90	20		9405 40 99	10
	6403 30 00	20		9405 50 00	10
	6406 10 11	10		9405 60 99	10
	6406 10 19	10		9405 99 90	10
	6406 10 90	10		9502 10 10	10
	6406 20 10	10		9502 10 90	10
	6406 20 90	10		9503 30 10	10
	6406 91 00	10		9503 49 10	11
	9406 99 30	10			19
	6406 99 50	10		9503 50 00	11
	6406 99 60	10		9503 60 10	10
	6406 99 80	10		9503 90 10	11
	6505 90 10	10			19
	6602 00 00	10			
	6802 91 90	10			

Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric-Code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr	Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric-Code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr
09.0104 (cont'd)	9503 90 99	11 19		6110 10 35	10
	9601 10 00	10		6110 10 38	10
	9602 00 00	10		6110 10 95	10
				6110 10 98	10
09.0106	5208 51 00	11 91		6201 11 00	10
	5208 52 10	11 91		6201 92 00	10
	5208 52 90	11 91		6201 99 00	10
	5208 53 00	11 91		6202 11 00	10
	5208 59 00	11 91		6202 92 00	20
	5209 51 00	11 91		6202 99 00	10
	5209 52 00	11 91		6204 12 00	10
	5209 59 00	11 91		6204 22 80	10
	5212 15 10	11 91		6204 29 90	10
	5212 15 90	11 91		6204 32 90	10
	5212 25 10	11 91		6204 39 90	10
	5212 25 90	11 91		6204 42 00	10
	5608 90 00	10		6204 44 00	10
	5701 10 10	10		6204 49 90	10
	5701 90 10	10		6204 51 00	10
	5701 90 90	10		6204 52 00	10
	5704 90 00	10		6204 53 00	10
	5705 00 10	10		6204 59 10	10
	5705 00 30	10		6204 59 90	10
	5705 00 90	11 31 91		6204 62 31	10
	5810 10 10	10		6204 62 33	10
	5810 10 90	10		6204 62 39	10
	5810 91 10	10		6204 62 59	10
	5810 91 90	10		6204 62 90	10
	5810 92 10	10		6204 63 18	10
	5810 92 90	10		6204 63 39	10
	5810 99 10	10		6204 63 90	10
	5810 99 90	10		6204 69 18	10
	6101 10 10	10		6204 69 39	10
	6102 10 10	10		6204 69 50	10
				6204 69 90	10
				6205 20 00	10
				6205 90 10	10
				6206 30 00	10
				6206 90 10	10
				6207 91 90	10
				6207 99 00	91
				6208 91 19	10
				6208 99 00	91
				6213 20 00	10
				6214 10 00	10
				6214 20 00	10
				6214 30 00	10

Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric-Code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr	Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric-Code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr
09.0106 (cont'd)	6214 40 00 6204 90 10 6214 90 90 6215 10 00 6215 20 00 6215 90 00 6217 10 00 6301 20 91 6301 20 99 6301 30 90 6301 40 90 6301 90 90	10 10 11 19 10 10 10 10 10 10 10 91 21 29		6302 21 00 6302 51 10 6302 51 90 6302 91 10 6302 91 90 6303 91 00 6303 99 90 6304 19 10 6304 92 00 6306 91 00 6307 10 90 6307 90 99	21 81 10 10 10 10 91 31 10 10 10 10 91

ANNEX V

LIST OF COMMUNITY TARIFF QUOTAS FOR CERTAIN FABRICS WOVEN ON HANDLOOMS

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the quotas being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the quota is to be determined by application of the CN code and corresponding description taken together.

Access to these tariff quotas is restricted to the following countries:

Argentina, Bangladesh, Brazil, El Salvador, Guatemala, Honduras, India, Indonesia, Laos, Pakistan, Sri Lanka, Thailand

Serial number	CN code	Description of goods	Quota period	Quota volume (in €)	Rate of duty (%)
09.0101	5007	Woven fabrics of silk or of silk waste	from 1 January to 31 December	2 432 000	0
	5803 90 10	Gauze of silk or silk waste			
09.0103	5208 51 00 to 5208 59 00	Woven fabrics of cotton, printed, containing 85 % or more by weight of cotton, weighing not more than 200 g/m ²	from 1 January to 31 December	2 172 000	0
	5209 51 00 to 5209 59 00	Woven fabrics of cotton, printed, containing 85 % or more by weight of cotton, weighing more than 200 g/m ²			
	5210	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m ²			
	5211	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m ²			
	5212	Other woven fabrics of cotton			
	5801 21 00 to 5801 26 00	Woven pile fabrics and chenille fabrics, other than fabrics of heading No 5802 or 5806, of cotton			
	5803 10 00	Gauze, other than narrow fabrics of heading No 5806, of cotton			

[illegible]

ANNEX VI

1. Exporter (Name, full address, country)	2. Number	00000	
3. Consignee (Name, full address, country)	CERTIFICATE IN REGARD TO CERTAIN HANDICRAFT PRODUCTS (HANDICRAFTS) issued with a view to obtaining the benefit of the preferential tariff regime in the European Community		
	4. Country of manufacture	5. Country of destination	
6. Place and date of shipment — means of transport	7. Supplementary details		
8. Marks and numbers — number and kind of packages — DETAILED DESCRIPTION OF GOODS	9. Quantity ⁽¹⁾	10. FOB value ⁽²⁾	
11. CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the consignment described above contains only handicraft products (handicrafts) of the cottage industry of the country shown in box No 4.			
12. Competent authority (Name, full address, country)	At, on (Signature) (Seal)		

⁽¹⁾ Indicate whether in pieces, metres, square metres or kilograms.

⁽²⁾ In the currency of the contract of sale.

ANNEX VII

1. Exporter, (Name, full address, country)	2. Number	00000	
3. Consignee (Name, full address, country)	CERTIFICATE RELATING TO SILK OR COTTON HANDLOOM PRODUCTS issued with a view to obtaining the benefit of the preferential tariff regime in the European Community		
	4. Country of manufacture	5. Country of destination	
6. Place and date of shipment — means of transport	7. Supplementary details		
8. Marks and numbers — number and kind of packages — DETAILED DESCRIPTION OF GOODS	9. Quantity ⁽¹⁾	10. FOB value ⁽²⁾	
11. CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the consignment described above contains only hand-woven textile products of the cottage industry of the country shown in box No 4; To each piece is attached: — at the beginning and end, an approval stamp ⁽³⁾ — a seal No ⁽³⁾			
12. Competent authority (Name, full address, country)	At, on (Signature) (Seal)		

⁽¹⁾ Indicate whether in pieces, metres, square metres or kilograms.
⁽²⁾ In the currency of the contract of sale.
⁽³⁾ Delete as appropriate

ANNEX VIII

CORRELATION TABLE

Regulation (EC) No 1808/95	This Regulation
1	1
2	2
4	3
5	4
5	5
5a	6
5b	7
6, 7, 8	8
9	9
10	10
—	11
12	12
Annex I	Annex I
Annex III	Annex II
Annex V	Annex III
Annex IV A + Annex IV d	Annex IV
Annex IV B + Annex IV f	Annex V
Annex IV c	Annex VI
Annex IV e	Annex VII
—	Annex VIII

COMMISSION REGULATION (EC) No 33/2000
of 7 January 2000
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 8 January 2000.

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

Done at Brussels, 7 January 2000.

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 7 January 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	87,4
	204	58,6
	624	85,5
	999	77,2
0707 00 05	052	116,8
	628	132,5
	999	124,7
0709 90 70	052	130,9
	204	87,1
	999	109,0
0805 10 10, 0805 10 30, 0805 10 50	052	33,6
	204	38,9
	212	48,4
	220	26,4
	624	60,2
	999	41,5
0805 20 10	204	46,9
	999	46,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	87,6
	204	25,9
	464	110,3
	624	77,6
	999	75,3
0805 30 10	052	65,3
	624	91,6
	999	78,4
0808 10 20, 0808 10 50, 0808 10 90	400	88,1
	404	76,4
	720	95,1
	728	67,7
	999	81,8
0808 20 50	052	142,9
	064	69,4
	400	87,7
	720	89,9
	999	97,5

⁽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 34/2000
of 7 January 2000
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 47(8) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽²⁾, as last amended by Regulation (EC) No 2632/1999 ⁽³⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;
- (2) the application of Article 47(3), (4) and (5) of Regulation (EC) No 1254/1999 and the need to limit intervention to buying in the quantities necessary to ensure reason-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 January 2000.

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

Done at Brussels, 7 January 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 159, 10.6.1989, p. 36.

⁽³⁾ OJ L 321, 14.12.1999, p. 15.

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 35/2000**of 7 January 2000****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

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⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

(1) Whereas Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

(2) Whereas Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

(3) Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

(4) Whereas export possibilities exist for a quantity of 7 938 t of rice to certain destinations; whereas the procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1432/1999 ⁽⁵⁾ should be used; whereas account should be taken of this when the refunds are fixed;

(5) Whereas Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account

when the export refund on rice and broken rice is being calculated;

(6) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

(7) Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

(8) Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

(9) Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

(10) Whereas, for the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 7 938 t provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 10 January 2000.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 166, 1.7.1999, p. 56.

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

Done at Brussels, 7 January 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 7 January 2000 fixing the export refunds on rice and broken rice and suspending, the issue of export licences

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refunds	Product code	Destination ⁽¹⁾	Amount of refunds
1006 20 11 9000	01	105,00	1006 30 65 9900	01	132,00
1006 20 13 9000	01	105,00		04	130,00
1006 20 15 9000	01	105,00	1006 30 67 9100	05	130,00
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	105,00	1006 30 92 9100	01	132,00
1006 20 94 9000	01	105,00		02	130,00 ⁽²⁾
1006 20 96 9000	01	105,00		03	135,00 ⁽²⁾
1006 20 98 9000	—	—		04	130,00
1006 30 21 9000	01	105,00		05	130,00
1006 30 23 9000	01	105,00	1006 30 92 9900	01	132,00
1006 30 25 9000	01	105,00		04	130,00
1006 30 27 9000	—	—	1006 30 94 9100	01	132,00
1006 30 42 9000	01	105,00		02	130,00 ⁽²⁾
1006 30 44 9000	01	105,00		03	135,00 ⁽²⁾
1006 30 46 9000	01	105,00		04	130,00
1006 30 48 9000	—	—		05	130,00
1006 30 61 9100	01	132,00	1006 30 94 9900	01	132,00
	02	130,00 ⁽²⁾		04	130,00
	03	135,00 ⁽²⁾	1006 30 96 9100	01	132,00
	04	130,00		02	130,00 ⁽²⁾
	05	130,00		03	135,00 ⁽²⁾
1006 30 61 9900	01	132,00		04	130,00
	04	130,00		05	130,00
1006 30 63 9100	01	132,00	1006 30 96 9900	01	132,00
	02	130,00 ⁽²⁾		04	130,00
	03	135,00 ⁽²⁾	1006 30 98 9100	05	130,00
	04	130,00	1006 30 98 9900	—	—
	05	130,00	1006 40 00 9000	—	—
1006 30 63 9900	01	132,00			
	04	130,00			
1006 30 65 9100	01	132,00			
	02	130,00 ⁽²⁾			
	03	135,00 ⁽²⁾			
	04	130,00			
	05	130,00			

⁽¹⁾ The destinations are identified as follows:

01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 5 000 t of wholly milled rice equivalent,

02 Zones I, II, III, VI, excluding Turkey,

03 Zones IV, V, VII (c), Canada and Zone VIII excluding Suriname, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 800 t,

05 Ceuta and Melilla, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 696 t.

⁽²⁾ For rice of destinations 02 and 03, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 1 442 t.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 36/2000**of 7 January 2000****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2179/1999**

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⁾, and in particular Article 13(3) thereof,

(1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2179/1999 ⁽³⁾;

(2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

(3) Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2179/1999 is hereby fixed on the basis of the tenders submitted from 31 December 1999 to 6 January 2000 at 140,00 EUR/t.

Article 2

This Regulation shall enter into force on 8 January 2000.

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

Done at Brussels, 7 January 2000.

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 267, 15.10.1999, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 37/2000**of 7 January 2000****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2178/1999**

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 organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

(1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2178/1999 ⁽³⁾;

(2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

(3) Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in European Regulation (EC) No 2178/1999 is hereby fixed on the basis of the tenders submitted from 31 December 1999 to 6 January 2000 1999 at 165,00 EUR/t.

Article 2

This Regulation shall enter into force on 8 January 2000.

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

Done at Brussels, 7 January 2000.

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 267, 15.10.1999, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 38/2000**of 7 January 2000****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2180/1999**

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 organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

(1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2180/1999 ⁽³⁾;

(2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

(3) Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2180/1999 is hereby fixed on the basis of the tenders submitted from 31 December 1999 to 6 January 2000 at 146,00 EUR/t.

Article 2

This Regulation shall enter into force on 8 January 2000.

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

Done at Brussels, 7 January 2000.

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 267, 15.10.1999, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 39/2000**of 7 January 2000****fixing the maximum subsidy on exports of husked long grain rice to Réunion pursuant to the invitation to tender referred to in Regulation (EC) No 2177/1999**

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 organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾ as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9 (1) thereof,

- (1) Whereas Commission Regulation (EC) No 2177/1999 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;
- (2) Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy;

(3) Whereas the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy; whereas successful tenderers shall be those whose bids are at or below the level of the maximum subsidy;

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 3 to 6 January 2000 at 266,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 2177/1999.

Article 2

This Regulation shall enter into force on 8 January 2000.

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

Done at Brussels, 7 January 2000.

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 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 267, 15.10.1999, p. 7.

COMMISSION REGULATION (EC) No 40/2000**of 7 January 2000****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2176/1999**

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⁾, and in particular Article 13 (3) thereof,

(1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2176/1999 ⁽³⁾;

(2) Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

(3) Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2176/1999 is hereby fixed on the basis of the tenders submitted from 31 December 1999 to 6 January 2000 at 250,00 EUR/t.

Article 2

This Regulation shall enter into force on 8 January 2000.

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

Done at Brussels, 7 January 2000.

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 267, 15.10.1999, p. 4.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 41/2000**of 7 January 2000****amending Regulation (EC) No 2782/1999 amending Regulation (EC) No 2420/1999 on the issuing of A1 export licences for fruit and vegetables and fixing export refunds for apples**

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 35(11) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2190/96 ⁽³⁾, as last amended by Regulation (EC) No 1303/1999 ⁽⁴⁾, lays down detailed rules for implementing export refunds on fruit and vegetables.
- (2) Commission Regulation (EC) No 2782/1999 ⁽⁵⁾ fixes export refunds for apples.
- (3) For such refunds, the period of validity of A1 and A2 export licences should be limited to two months.
- (4) To safeguard the legitimate expectations of operators who applied for export licences before the date of entry into force of this Regulation, they should be allowed to withdraw their applications.

- (5) 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 following paragraph is added to Article 1 of Regulation (EC) No 2782/1999:

'Without prejudice to the application of Article 4(5) of Regulation (EC) No 2190/96, the period of validity of A1 and A2 export licences shall be two months.'

Article 2

Operators who submitted applications for export licences before the entry into force of this Regulation may withdraw their application at the latest on the day laid down for the issue of export licences and recover the security lodged in full.

Article 3

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, 7 January 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 292, 15.11.1996, p. 12.

⁽⁴⁾ OJ L 155, 22.6.1999, p. 30.

⁽⁵⁾ OJ L 334, 28.12.1999, p. 26.

COMMISSION REGULATION (EC) No 42/2000
of 7 January 2000
on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1303/1999 ⁽²⁾, and in particular Article 2(3) thereof,

- (1) Whereas Commission Regulation (EC) No 2782/1999 ⁽³⁾, as amended by Regulation (EC) No 41/2000 ⁽⁴⁾, sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;
- (2) Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;
- (3) Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 2190/96, would be exceeded if A1

licences were issued without restriction for apples in response to applications submitted since 4 January 2000; whereas, therefore, one percentage should be fixed for the issuing of licences for quantities applied for on 4 January 2000 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for apples for which applications were submitted on 4 January 2000 pursuant to Article 1 of Regulation (EC) No 2782/1999 shall be issued for 19,8 % of the quantities applied for.

Applications for A1 export licences submitted after 4 January 2000 and before 10 March 2000 for this product shall be rejected.

Article 2

This Regulation shall enter into force on 8 January 2000.

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

Done at Brussels, 7 January 2000.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 155, 22.6.1999, p. 29.

⁽³⁾ OJ L 334, 28.12.1999, p. 26.

⁽⁴⁾ See page 43 of this Official Journal.

COMMISSION REGULATION (EC) No 43/2000
of 7 January 2000
on the issue of import licences for tomatoes imported from Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2767/1999 of 23 December 1999 introducing a system of licences for imports of tomatoes from Morocco ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

According to information held by the Commission, and in particular that received from the Member States on 5 January 2000, and taking into account the applications submitted for import licences on 3 and 4 January 2000, the quantities of tomatoes agreed between the Community and Morocco for the month of January are likely to be exceeded. As a result, the extent to which the licences applied for may be issued must be

determined and the issue of licences for all subsequent applications should be suspended until the end of January,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 3 and 4 January 2000 pursuant to Regulation (EC) No 2767/1999 for fresh tomatoes falling within CN code 0702 00 00 originating in and coming from Morocco shall be issued for 24,5 % of the quantity applied for.

For the products referred to above, applications for import licences lodged after 4 January 2000 and before 31 January 2000 shall be rejected.

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, 7 January 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 333, 24.12.1999, p. 3.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 2/1999 OF THE ASSOCIATION COUNCIL BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF LATVIA, OF THE OTHER PART

of 8 December 1999

amending Protocol 3 to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part

(2000/10/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part ⁽¹⁾, signed in Brussels on 12 June 1995, and in particular Article 38 of Protocol 3 ⁽²⁾ thereof,

- (1) Whereas the definition of the term 'originating products' in Protocol 3 needs to be amended to ensure the proper operation of the extended system of cumulation which permits the use of materials originating in the European Community, Poland, Hungary, the Czech Republic, the Slovak Republic, Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovenia, the European Economic Area (hereinafter referred to as 'the EEA'), Iceland, Norway and Switzerland;
- (2) Whereas it would seem advisable to maintain in operation until 31 December 2000 the system of flat rate charges provided for in Article 15 of Protocol 3 in connection with the prohibition of drawback and exemption from customs duty;
- (3) Whereas, in view of the particular arrangements on industrial products obtaining between the Community and Turkey, it would also be appropriate to extend the cumulation system to such products originating in Turkey;
- (4) Whereas to facilitate trade and simplify administrative tasks it is desirable to amend the wording of Articles 3, 4 and 12 of Protocol 3;
- (5) Whereas, to take account of changes in processing techniques and shortages of certain raw materials, some corrections must be made to the list of working and

processing requirements which non-originating materials have to fulfil to qualify for originating status,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation is hereby amended as follows:

1. Article 1(i) shall be replaced by:

- '(i) "added value" shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other countries referred to in Articles 3 and 4 or, where the customs value is not known or cannot be ascertained, the first price verifiably paid for the products in the Community or Latvia.'

2. Articles 3 and 4 shall be replaced by the following:

'Article 3

Cumulation in the European Community

1. Without prejudice to the provisions of Article 2(1) products shall be considered as originating in the Community if such products are obtained there, incorporating materials originating in the Community, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway, Switzerland (including Liechtenstein ^(*)) or Turkey ^(**) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between the Community and each of these countries,

⁽¹⁾ OJ L 26, 2.2.1998, p. 3.

⁽²⁾ Protocol 3 was replaced by an Association Council Decision (not yet published in the Official Journal).

provided that the working or processing carried out in the Community goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in the Community does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in the Community only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in the Community.

3. Products, originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in the Community, retain their origin if exported into one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol.

The Community shall provide Latvia, through the Commission of the European Communities, with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission of the European Communities shall publish in the *Official Journal of the European Communities* (C Series) the date on which the cumulation, provided for in this Article may be applied by those countries listed in paragraph 1 which have fulfilled the necessary requirements.

Article 4

Cumulation in Latvia

1. Without prejudice to the provision of Article 2(2), products shall be considered as originating in Latvia if such products are obtained there, incorporating materials originating in the Community, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway, Switzerland (including Liechtenstein (*)) or Turkey (**) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between Latvia and each of these countries, provided that the working or processing carried out in Latvia goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in Latvia does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in Latvia only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in Latvia.

3. Products, originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in Latvia, retain their origin if exported into one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol.

Latvia shall provide the Community, through the Commission of the European Communities, with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission of the European Communities shall publish in the *Official Journal of the European Communities* (C Series) the date on which the cumulation, provided for in this Article, may be applied by those countries listed in paragraph 1 which have fulfilled the necessary requirements.

(*) The Principality of Liechtenstein has a customs union with Switzerland, and is a Contracting Party to the Agreement on the European Economic Area.

(**) Cumulation as provided for in this Article does not apply to material's originating in Turkey which are mentioned in the list at Annex V to this Protocol.'

3. Article 12 shall be replaced by the following:

'Article 12

Principle of territoriality

1. Except as provided for in Article 2(1)(c), Articles 3 and 4 and paragraph 3 of this Article, the conditions for acquiring originating status set out in Title II must continue to be fulfilled at all times in the Community or Latvia.

2. Except as provided for in Articles 3 and 4, where originating goods exported from the Community or Latvia to another country return, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:

- (a) the returning goods are the same as those that were exported; and
- (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

3. The acquisition of originating status in accordance with the conditions set out in Title II shall not be affected by working or processing done outside the Community or Latvia on materials exported from the Community or Latvia and subsequently reimported there, provided:

- (a) the said materials are wholly obtained in the Community or Latvia or have undergone working or processing beyond the insufficient operations listed in Article 7 prior to being exported; and

(b) it can be demonstrated to the satisfaction of the customs authorities that:

- (i) the reimported goods have been obtained by working or processing the exported materials; and
- (ii) the total added value acquired outside the Community or Latvia by applying the provisions of this Article does not exceed 10 % of the ex-works price of the end product for which originating status is claimed.

4. For the purposes of paragraph 3, the conditions for acquiring originating status set out in Title II shall not apply to working or processing done outside the Community or Latvia. But where, in the list in Annex II, a rule setting a maximum value for all the non-originating materials incorporated is applied in determining the originating status of the end product, the total value of the non-originating materials incorporated in the territory of the party concerned, taken together with the total added value acquired outside the Community or Latvia by applying the provisions of this Article, shall not exceed the stated percentage.

5. For the purposes of applying the provisions of paragraph 3 and 4, "total added value" shall be taken to mean all costs arising outside the Community or Latvia, including the value of the materials incorporated there,

6. The provisions of paragraphs 3 and 4 shall not apply to products which do not fulfil the conditions set out in the list in Annex II or which can be considered

sufficiently worked or processed only if the general values fixed in Article 6(2) are applied.

7. The provisions of paragraphs 3 and 4 shall not apply to products coming under Chapters 50 to 63 of the Harmonised System.

8. Any working or processing of the kind covered by the provisions of this Article and done outside the Community or Latvia shall be done under the outward processing arrangements, or similar arrangements.'

4. in Articles 13, 14, 15, 17, 21, 27, 30 and 32, the phrase 'referred to in Article 4' shall be replaced by 'referred to in Articles 3 and 4';

5. in the last paragraph of Article 15(6), the date '31 December 1998' shall be replaced by '31 December 2000';

6. in Article 26(1), the terms 'C2/CP3' shall be replaced by 'CN22/CN23';

7. in Annex I, Note 5.2:

(a) between the indents '— artificial man-made filaments' and '— synthetic man-made staple fibres of polypropylene', the following shall be inserted: '— current conducting filaments';

(b) the fifth Example ('A carpet with tufts (...) are met.') shall be deleted;

8. Annex II shall be amended as follows:

(a) the following shall be inserted between the entries for HS heading Nos 2202 and 2208:

'HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	(4)
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength	Manufacture: — using materials not classified in heading Nos 2207 or 2208'	

(b) the entry for Chapter 57 shall be replaced by:

'Chapter 57	Carpets and other textile floor coverings — Of needleloom felt	Manufacture from ⁽¹⁾: — natural fibres or — chemical materials or textile pulp However: — polypropylene filament of heading No 5402, — polypropylene fibres of heading Nos 5503 or 5506 — polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used provided their value does not exceed 40 % of the ex-works price of the product	
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	— Of other felt — Other	— jute fabric may be used as backing Manufacture from ⁽¹⁾: — natural fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp Manufacture from ⁽¹⁾: — coir or jute yarn ⁽⁴⁾ — synthetic or artificial filament yarn, — natural fibres, or — man-made staple fibres not carded or combed or otherwise processed for spinning Jute fabric may be used as backing	
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⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

⁽⁴⁾ The use of jute yarn is authorised from 1 July 2000.

(c) the entry for HS heading No 7006 shall be replaced by:

'7006	Glass of heading Nos 7003, 7004 or 7005, bent, edgeworked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials: — glass plate substrate coated with dielectric thin film, semi-conductor grade, in accordance with SEMII standards ⁽¹⁾ — other	Manufacture from non-coated glass plate substrate of heading No 7006 Manufacture from materials of heading No 7001	
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⁽¹⁾ SEMII — Semiconductor Equipment and Materials Institute Incorporated.

(d) the rule for HS heading No 7601 shall be replaced by:

'7601	Unwrought aluminium	Manufacture in which: — all the materials used are classified within a heading other than that of the product; and — the value of all the materials used does not exceed 50 % of the ex-works price of the product or Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium'	
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9. the following Annex V shall be added:

'ANNEX V

List of products originating in Turkey to which the provisions of Article 3 and 4 do not apply, listed in the order of HS Chapters and Headings

Chapter 1	
Chapter 2	
Chapter 3	
0401 to 0402	
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter

0404 to 0410	
0504	
0511	
Chapter 6	
0701 to 0709	
ex 0710	Vegetables, except sweetcorn of heading No 0710 40 00 (uncooked or cooked by steaming or boiling in water), frozen
ex 0711	Vegetables, except sweetcorn of heading No 0711 90 30, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
0712 to 0714	
Chapter 8	
ex Chapter 9	Coffee, tea and spices, excluding maté of heading No 0903
Chapter 10	
Chapter 11	
Chapter 12	
ex 1302	Pectic substances, pectinates and pectates
1501 to 1514	
ex 1515	Other fixed vegetable fats and oils (excluding jojoba oil and its fractions) and their fractions, whether or not refined, but not chemically modified
ex 1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared, excluding hydrogenated castor oil known as "opal-wax"
ex 1517 and ex 1518	Margarines, imitation lard and other prepared edible fats
ex 1522	Residues resulting from the treatment of fatty substances or animal or vegetable waxes, excluding degreas
Chapter 16	
1701	
ex 1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel excluding that of heading Nos 1702 11 00, 1702 30 51, 1702 30 59, 1702 50 00 and 1702 90 10
1703	
1801 and 1802	
ex 1902	Pasta, stuffed, containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates, sausages and the like or meat and meat offal of any kind, including fats of all kinds
ex 2001	Cucumbers and gherkins, onions, mango chutney, fruit of the genus Capsicum other than sweet peppers or pimentos, mushrooms and olives, prepared or preserved by vinegar or acetic acid
2002 and 2003	
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006, excluding potatoes in the form of flour, meal or flakes, and sweet corn
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006, excluding potatoes in the form of flour, meal or flakes, and sweetcorn
2006 and 2007	
ex 2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding peanut butter, palm hearts, maize, yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, vine leaves, hop shoots and other similar edible parts of plants
2009	
ex 2106	Flavoured and coloured sugar, syrups
2204	
2206	
ex 2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher obtained from agricultural produce listed here

ex 2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol obtained from agricultural produce classified here
2209	
Chapter 23	
2401	
4501	
5301 and 5302'	

Article 2

This Decision shall enter into force on the day of its adoption.

It shall apply as from 1 January 1999.

Done at Brussels, 8 December 1999.

For the Association Council

The President

I. BĒRZIŅŠ

**DECISION No 6/1999 OF THE EU-SLOVENIA ASSOCIATION COUNCIL
of 15 December 1999**

**amending Protocol 4 on the definition of the concept of 'originating products' and methods of
administrative cooperation to the EU-Slovenia Europe Agreement**

(2000/11/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part ⁽¹⁾, signed in Luxembourg on 10 June 1996 and in particular Article 38 of Protocol 4 thereof,

Whereas:

- (1) The definition of the term 'originating products' needs to be amended to ensure the proper operation of the extended system of cumulation which permits the use of materials originating in the European Community, Poland, Hungary, the Czech Republic, the Slovak Republic, Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovenia, Turkey, the European Economic Area, Iceland, Norway and Switzerland;
- (2) It would seem advisable to revise the Articles concerning the amounts in order fully to take into consideration the entry into force of the euro;
- (3) To take account of changes in processing techniques and shortages of certain raw materials, some corrections should be made to the list of working and processing requirements which non-originating materials have to fulfil to qualify for originating status;
- (4) Protocol 4 should therefore be amended,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 4 on the definition of the concept of 'originating products' and methods of administrative cooperation is hereby amended as follows:

3. Annex II shall be amended as follows:

(a) the entry for HS heading 1904 shall be replaced by:

'1904	Prepared foods obtained by the swelling or roasting of cereal or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	Manufacture: — from materials not classified within heading No 1806; — in which all the cereals and flour (except durum wheat and its derivatives and Zea murex maize) used must be wholly obtained ⁽¹⁾ ; — in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	
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⁽¹⁾ The exception concerning the Zea murex maize is applicable until 31.12.2002.

1. in Articles 21 and 26 the word 'Ecu' shall be replaced by 'euro';

2. Article 30 shall be replaced by the following:

'Article 30

Amounts expressed in euro

1. Amounts in the national currency of the exporting country equivalent to the amounts expressed in euro shall be fixed by the exporting country and communicated to the importing countries through the European Commission.

2. When the amounts exceed the corresponding amounts fixed by the importing country, the latter shall accept them if the products are invoiced in the currency of the exporting country. When the products are invoiced in the currency of EC Member States or another country referred to in Articles 3 and 4, the import country shall recognise the amount notified by the country concerned.

3. The amounts to be used in any given national currency shall be the equivalent in that national currency of the amounts expressed in euro as at the first working day of October 1999.

4. The amounts expressed in euro and their equivalents in the national currencies of Member States and Slovenia shall be reviewed by the Association Committee at the request of the Community or Slovenia. When carrying out this review, the Association Committee shall ensure that there will be no decrease in the amounts to be used in national currency and shall furthermore consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in euro.'

⁽¹⁾ OJ L 51, 26.2.1999, p. 3.

(b) the entry for HS heading 2207 shall be replaced by:

'2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength	Manufacture: — from materials not classified within heading Nos 2207 or 2208, — in which all the grapes or any material derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5 % by volume'	
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(c) the entry for HS Chapter 57 shall be replaced by:

'Chapter 57	Carpets and other textile floor coverings: — Of needleloom felt	Manufacture from ⁽¹⁾: — natural fibres - or — chemical materials or textile pulp However: — polypropylene filament of heading No 5402, - or — polypropylene fibres of heading Nos 5503 or 5506, - or — polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used provided their value does not exceed 40 % of the ex-works price of the product Jute fabric may be used as backing	
	— Of other felt	Manufacture from ⁽¹⁾: — natural fibres not carded or combed or otherwise processed for spinning, - or — chemical materials or textil pulp	
	— Of other textile materials	Manufacture from ⁽¹⁾: — coir or jute yarn, — synthetic or artificial filament yarn, — natural fibres, - or — man-made staple fibres not carded or combed or otherwise processed for spinning Jute fabric may be used as backing	

⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.'

(d) the entry for HS heading 8401 shall be replaced by:

'ex 8401	Nuclear fuel elements	Manufacture in which all the materials used are classified within a heading other than that of the product ⁽¹⁾	Manufacture in which the value of all the materials does not exceed 30 % of the ex-works price of the product
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⁽¹⁾ This rule shall apply until 31.12.2005.'

(e) the following shall be inserted between the entries for HS headings Nos 9606 and 9612:

'9608	Ball-point pens; felt-tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading No 9609	Manufacture in which all the materials used are classified within a heading other than that of the product. However, nibs or nib-points classified within the same heading may be used'	
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Article 2

This Decision shall enter into force on the day of its adoption.

It shall apply from 1 January 2000.

Done at Brussels, 15 December 1999.

For the Association Council

The President

T. HALONEN

COMMISSION

COMMISSION DECISION

of 20 July 1999

**relating to a proceeding under Article 82 of the EC Treaty and Article 54 of the EEA Agreement
(Case IV/36.888 — 1998 Football World Cup)**

(notified under document number C(1999) 2295)

(Only the French text is authentic)

(Text with EEA relevance)

(2000/12/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the EC Treaty ⁽¹⁾, as last amended by Regulation (EC) No 1216/1999 ⁽²⁾, and in particular Article 15(2) thereof,

Having regard to the Commission Decision of 25 August 1998 to initiate a proceeding in this case,

Having given the undertaking concerned the opportunity to make known its views on the objections raised by the Commission, pursuant to Article 19(1) of Regulation No 17 and Commission Regulation No 99/63/EEC of 25 July 1963 on the hearings provided for in Article 19(1) of Regulation No 17 ⁽³⁾,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions.

Whereas:

I. THE FACTS

A. SUBJECT OF THE DECISION

- (1) This Decision concerns arrangements relating to the sale to the general public in 1996 and 1997 of entry tickets for the 1998 Football World Cup finals tournament by the officially appointed local organising committee.

B. THE CFO

- (2) The Comité français d'organisation de la Coupe du monde de football 1998 (CFO) was established as a non-profit making organisation on 10 November 1992 by the Fédération Française de Football (FFF) with the agreement of the Fédération Internationale de Football Association (FIFA), specifically for the purpose of carrying on all activities relating to the technical and logistical organisation of the 1998 World Cup finals tournament in France, in compliance with various operational constraints laid down by FIFA.

⁽¹⁾ OJ L 13, 21.2.1962, p. 204/62.

⁽²⁾ OJ L 148, 15.6.1999, p. 5.

⁽³⁾ OJ L 127, 20.8.1963, p. 2268/63.

C. TOURNAMENT

- (3) The 1998 World Cup finals tournament involved the participation of 32 football teams representing countries from around the world. The tournament took place following the conclusion in 1997 of a preliminary qualifying competition involving the participation of 172 representative teams. Both Brazil, as winners of the previous tournament in 1994, and France, as host nation, were exempt from the requirement to qualify and as such did not take part in the preliminary qualifying competition.
- (4) In the first phase of the finals tournament, commencing 10 June 1998, teams were divided into eight groups of four teams each. The composition of those groups was determined by a 'group draw' which took place on 4 December 1997. Each team played a total of three matches against other teams in the same group.
- (5) Teams finishing either first or second in each of the eight first-phase groups qualified for the second-phase. The second phase therefore involved the participation of 16 teams, the first round of which was known as the 'Round of 16'. This was followed by four quarter-final matches, two semi-final matches, a match to determine the third and fourth-placed teams and, on 12 July 1998, the World Cup final itself.
- (6) Ten stadiums, each located in France, were used to host World Cup finals football matches. Each of a team's first-phase matches was played in a different stadium. According to the CFO, this guaranteed that each stadium would host at least two teams finishing top of their group in the first phase. In relation to second-phase matches, each of the 10 World Cup stadiums hosted at least one match taking place in the Round of 16 or one quarter final match.

D. TICKETING ARRANGEMENTS

- (7) As holder of all rights relating to World Cup tournaments, FIFA establishes regulations outlining the general organisational framework of both preliminary and finals competitions. In relation to organisational arrangements relating to the 1998 Football World Cup finals tournament, FIFA established regulations providing that the CFO, subject to approval of the overall arrangements by FIFA ⁽⁴⁾, was responsible for all matters relating to the price, distribution, and sale of entry tickets for finals matches ⁽⁵⁾.

E. TICKET DISTRIBUTION — GENERAL

- (8) In total, some 2 666 500 entry tickets were made available by the CFO for subsequent distribution either directly or through officially-appointed sales channels. Tickets were distributed as follows:
 - 28,12 %, distributed by the CFO to the general public,
 - 23,33 %, distributed by national football federations to the general public,
 - 6,58 %, distributed by official tour operators to the general public worldwide,
 - 13,48 %, distributed by the CFO to members of the 'Famille du Football Français' ⁽⁶⁾,
 - 13,15 %, distributed by the CFO to sponsor organisations,
 - 7,51 %, distributed by the CFO as Prestige/hospitality products principally to corporate bodies,
 - 4,07 %, distributed by the CFO for miscellaneous purposes ⁽⁷⁾,
 - 2,86 %, distributed by the CFO to public entities,
 - 0,70 %, distributed to the handicapped,
 - 0,20 %, unsold.
- (9) Income derived from ticket sales represented 60 % of total CFO receipts.

F. TICKET SALES TO THE GENERAL PUBLIC

- (10) A total of 1 547 300 match tickets relating to all finals matches were made available exclusively for sale to the general public, representing 58,03 % of all tickets distributed, and comprising ticket sales by the CFO (28,12 %), by FIFA-affiliated national football federations (23,33 %) and by officially appointed tour operators throughout the world (6,58 %), including tour operators selling within Europe.

⁽⁴⁾ Such approval did not, however, concern the arrangements at issue in this Decision.

⁽⁵⁾ Article 34 of FIFA Regulation 'Coupe du Monde de la FIFA 1998' of 31 May 1995.

⁽⁶⁾ Made up of football licence holders and club members in France.

⁽⁷⁾ For example, youth programmes.

- (11) Tickets were sold to the general public either on an individual basis or as a package comprising five or six separate entry tickets marketed under the name 'Pass France 98'. This Decision concerns exclusively arrangements relating to the sale by the CFO in 1996 and 1997 of Pass France 98 and individual entry tickets for World Cup finals matches.

Breakdown of sales

- (12) The general breakdown of ticket sales to the general public, which took place both before and after the group draw of 4 December 1997, can be summarised as follows.

Table 1

Sales of World Cup match tickets to the general public

	Quantity	% ⁽¹⁾
Sales by the CFO before 4. December 1997 to consumers providing an address in France:		
— Pass France 98	393 200 ⁽²⁾	14,75 %
— individual tickets	181 000	6,79 %
Sales by the CFO 4. December 1997 to consumers providing an address in the European Economic Area:		
— individual tickets	175 500	23,33 %
Sales by national football federations after 4.12.97 ⁽³⁾ :		
— individual tickets	622 150	23,33 %
Sales by authorised tour operators after 4.12.97 ⁽³⁾ :		
— individual tickets	175 450	6,58 %
Total	1 547 300	58,03 %

⁽¹⁾ Figures reflect the percentage of total tickets distributed/sold for all finals matches.

⁽²⁾ Figures represent the total number of individual entry tickets sold through Pass France 98.

⁽³⁾ Figures reflect sales on a worldwide basis.

Timing of sales

- (13) The specific dates and sequence of ticket sales to the general public by each of the official distribution channels was:

27 November 1996 to 27 May 1997: 393 200 tickets were sold direct by the CFO to members of the general public able to provide an address in France through Pass France 98. All Pass France 98 were sold by 27 May 1997;

18 September to 18 October 1997: applications from the general public able to provide an address in France could be lodged with the CFO for 181 000 individual entry tickets relating to the opening match, quarter and semi-finals, third and fourth-place play-off and the final;

from 4 December 1997 (date of group draw): Following the group draw, individual entry tickets for finals matches were allocated to national football federations by FIFA. Ticket sales to the general public by national football federations relating to first-phase matches commenced shortly thereafter. The majority of second-phase ticket sales by national federations took place during the course of the tournament when the identities of teams participating in second-phase matches became known. A total of 622 150 tickets relating to all finals matches were allocated in varying quantities to national football federations worldwide;

from 15 December 1997: individual tickets relating to finals matches were allocated to official tour operators authorised to sell tickets within the UEFA ⁽⁸⁾ zone (hereinafter referred to as 'European tour operators') ⁽⁹⁾. Of the total number of entry tickets allocated to official tour operators worldwide, an initial allocation of approximately 79 150 entry tickets was made available by the CFO to European tour operators. Further entry tickets were made available by the CFO to European tour operators following the return at a later date of unsold tickets by national football federations. This additional allocation increased the total allocated to European tour operators by approximately 25 %;

from 22 April 1998: 175 500 entry tickets relating to first phase and round of 16 matches were sold direct by the CFO on an individual basis to the general public able to provide an address within the EEA.

Tickets sold 'blind' to the general public

- (14) Before the group draw of 4 December 1997 it was not possible to know the composition of the eight first-phase groups and hence the identities of teams participating in specific first-phase matches. For each first-phase match, therefore, only the date of the match and the venue at which it would take place was known. In relation to all second-phase knock-out matches, the identities of participating teams only became known following completion of the relevant matches in the round immediately preceding.
- (15) With the exception of the opening match, therefore, which was certain to involve the participation of Brazil as winners of the previous finals tournament in 1994, consumers purchasing entry tickets for first-phase matches before the group draw of 4 December 1997 did so on a so-called 'blind' basis, that is, at the time of purchase, the identities of teams participating in the matches concerned were not known.
- (16) In relation to sales of tickets relating to second-phase matches, consumers purchasing tickets before the completion of the relevant matches in the immediately preceding round also did so on a blind basis.

Effect of the group draw of 4 December 1997

- (17) The group draw of 4 December 1997, which allowed the general public to ascertain the identities of competing teams for all first-phase matches, had a profound effect in certain European countries on the level of interest in the tournament and, more particu-

larly, on the demand for tickets relating to certain matches which the quotas reserved by FIFA for certain national football federations were unable to satisfy.

G. DIRECT SALES BY THE CFO TO THE GENERAL PUBLIC

Sales of Pass France 98

- (18) Pass France 98 comprised a group of five or six separate match tickets. Other than for matches taking place at three of the 10 World Cup stadiums, Pass France 98 entitled the holder to attend matches taking place at a single stadium involving all first-phase matches and a match in the round of 16 ⁽¹⁰⁾. First-phase and round of 16 matches took place over a period of between 13 and 20 days, depending on the venue in question.
- (19) In the event, Pass France 98 was marketed and sold exclusively by the CFO to members of the general public able to provide an address in France, such sales taking place well in advance of the group draw of 4 December 1997 and therefore before the identities of teams participating in specific first-phase matches were known. Sales of Pass France 98 before the group draw were considered necessary by the CFO in order, on the one hand, to ensure as far as was possible that all first-phase and Round of 16 matches were played in front of capacity crowds regardless of the identities of participating teams and, on the other, to provide necessary financing for the CFO in the run-up to the tournament.
- (20) A total of 393 200 blind entry tickets were sold by the CFO through Pass France 98 to the general public between 27 November 1996 and 27 May 1997, representing approximately 15 % of the total number of tickets available for finals matches and 6 % of the CFO's total ticketing income. While figures varied from stadium to stadium, between 71 % and 91 % of all Pass France 98 sold by the CFO were bought either by the general public living in the Département in which a host stadium was located or in the immediately surrounding Départements.

Sales of individual entry tickets

- (21) Individual entry tickets were sold to the general public by the CFO in two separate tranches.

⁽⁸⁾ UEFA (l'Union des associations européennes de football) organises various football competitions in Europe. Its members include (*inter alia*) all national football federations in the EEA.

⁽⁹⁾ Relating exclusively to matches involving the participation of at least one representative team based in the UEFA zone.

⁽¹⁰⁾ Pass France 98 relating to matches taking place at the Saint-Denis stadium did not entitle the purchaser to attend the opening match of the tournament. Pass France 98 for matches taking place at the Lyons and Nantes stadiums allowed access only to all first-phase matches given that no round of 16 matches took place in those stadiums.

First tranche (18 September to 18 October 1997)

- (22) In its first tranche of sales, the CFO invited the general public able to provide an address in France to apply for approximately 181 000 match tickets relating to the opening match, quarter and semi-finals, the third and fourth-place play-off and the final.
- (23) Applications for those tickets had to be lodged with the CFO between 18 September 1997 and 18 October 1997. Following receipt of some 1 043 million applications, a lottery draw took place on 19 December 1997 to determine the identities of successful applicants. Sales of individual entry tickets in 1997 represented approximately 7 % both of total tickets available for finals matches and of the CFO's total ticketing income.

Second tranche (from 22 April 1998)

- (24) In a second tranche of sales commencing 22 April 1998, the CFO sold some 175 500 individual entry tickets to the general public able to provide an address in the EEA, relating to all first-phase and round of 16 matches (other than the opening match). At the time of those sales, the identities of teams participating in all first-phase matches were known, while teams participating in each round of 16 match could be identified from a list of no more than eight teams participating in the first phase.
- (25) For reasons of security, no more than approximately 10 % of entry tickets sold by the CFO in this second tranche could be assigned to supporters of teams participating in any given match, taking into account the limited number of seats which at that time remained available for sale to the non-neutral public (see recital 57). All remaining entry tickets were sold exclusively to 'neutral' spectators who could be allocated seats reserved specifically for that sector of the public.
- (26) Approximately 45 % of entry tickets made available in this second tranche of sales were purchased by the general public in the EEA providing addresses outside France, while some 38 % of all tickets sold were purchased by consumers from countries whose teams had qualified for the finals competition ⁽¹¹⁾.

H. TICKET SALES TO THE GENERAL PUBLIC BY OTHER DISTRIBUTION CHANNELS (EUROPEAN TOUR OPERATORS AND NATIONAL FOOTBALL FEDERATIONS)

- (27) European tour operators and national football federations sold all entry tickets distributed to them by the CFO on an individual basis after the group draw of 4

December 1997, when the identities of teams taking part in each first-phase match were known. As such, neither of those distribution channels sold Pass France 98 to the general public.

Sales of individual entry tickets to the general public by European tour operators**Selection of tour operators**

- (28) Following meetings with the Commission in March 1997, the CFO submitted a notification on 11 June 1997 relating to its proposed system for the selection of tour operators authorised to sell entry tickets for finals matches in the UEFA zone (including, *inter alia*, all countries within the EEA). Given the stated urgency of the notification, and following an assessment by the Commission of the CFO's specific proposals, those arrangements were approved by way of comfort letter on 30 June 1997.
- (29) Although the notification outlined in broad terms the arrangements for the sale of entry tickets for finals matches generally, at no time was the Commission informed by the CFO of its intention to implement the arrangements at issue in this Decision.
- (30) On 24 November 1997 the CFO announced publicly, by way of a press release, that 17 tour operators had been appointed to sell tickets worldwide, of which five were granted the exclusive right to sell tickets in the UEFA zone.

CFO sales to European tour operators

- (31) European tour operators ordered the maximum number of tickets initially made available to them by the CFO, representing some 79 150 in total. The CFO made additional allocations to European tour operators at a later date, thereby increasing this initial figure by approximately 25 %.

Orders of Pass France 98

- (32) As distributor of all entry tickets to finals matches, the CFO offered European tour operators the opportunity to purchase 100 Pass France 98 relating to games taking place at each of the 10 World Cup stadiums. Taking all venues together, this amounted to a maximum offer to each European tour operator of some 5 500 individual entry tickets. European tour operators were free to decide whether to order Pass France 98 before or after the group draw of 4 December 1997.

⁽¹¹⁾ As confirmed by the CFO in its letter of 4 June 1998 (Annex 3), responding to the Commission's formal request for information of 15 May 1998.

(33) By the time of their appointment, and well after the conclusion of sales of Pass France 98 by the CFO, European tour operators had already confirmed to the CFO their intention to order the maximum number of tickets made available through Pass France 98 after the group draw of 4 December 1997, representing some 27 500 entry tickets in total. That being so, and notwithstanding the fact that European tour operators could have ordered and sold match tickets for first-phase matches before the group draw, all such tickets were made available to the general public at a time when the identities of the teams participating in first-phase matches were known.

(34) Each European tour operator was permitted to sell tickets making up Each Pass France 98 package on a desegregated, individual basis. In the event, European tour operators chose to sell all entry tickets allocated to them through Pass France 98 on such a basis.

Orders of individual tickets

(35) In addition to orders of Pass France 98, the CFO offered European tour operators the opportunity to purchase entry tickets for first and second-phase matches on an individual basis. In the event, each of the five European tour operators ordered the maximum number of individual entry tickets initially made available by the CFO for first and second-phase matches. Taking orders by European tour operators together, a total of 33 950 and 17 700 individual entry tickets were ordered for first and second-phase matches respectively.

Sales by European tour operators

(36) The majority of first and second-phase entry tickets offered for sale by European tour operators to the general public were marketed as part of a package, including, in addition to the ticket itself, the provision of other services, including access to hospitality facilities and, in relation to particular matches, the provision of accommodation and travel services as well. Prices therefore reflected both the charge for the ticket and that for the provision of additional services, thereby increasing significantly the overall cost to consumers wishing to purchase tickets from European tour operators. The

decision of each European tour operator to package ticket sales with those of other services was taken independently and without any interference from the CFO.

Sales of individual entry tickets to the general public by national football federations

(37) Individual match tickets sold by national football federations to the general public were distributed to those federations at the discretion of FIFA. FIFA reserved for itself an allocation of up to 20 % of all available entry tickets (excluding hospitality boxes and prestige tickets) for subsequent distribution to national football federations. In the event, the CFO made some 25.2 % of entry tickets available to FIFA for this purpose (representing 622 150 tickets in total).

(38) The overwhelming majority of tickets assigned by FIFA to national football federations were sold to the general public at a time when the identities of participating teams were known.

(39) Of the 622 150 entry tickets allocated to FIFA, those relating to first-phase matches were distributed to national football federations throughout the world after the group draw of 4 December 1997. At the same time FIFA distributed a small proportion of their allocation of tickets for second-phase matches to national football federations. Distribution by FIFA to national football federations of the significant majority of tickets for second-phase matches commenced only after the conclusion of the first phase of the competition on 26 June 1998 as and when the identities of teams involved in each stage of the second-phase became known.

(40) National football federations therefore sold all tickets relating to first-phase matches after the group draw at a time when the identities of teams participating in those matches were known. Similarly, in relation to second-phase matches, national football federations receiving a significant allocation of entry tickets⁽¹²⁾ were not in a position to sell most of those tickets to the general public until after the identities of participating teams became known.

(41) Table 2 reflects, *inter alia*, approximate ticket allocations by FIFA to national football federations located within the EEA prior to the beginning of the finals tournament on 10 June for all first and second-phase matches. Figures relating to second-phase entry tickets represent the maximum number which could have been sold by those federations to the general public on a blind basis⁽¹³⁾. For purposes of illustration only, the table includes details of FIFA ticket allocations to the French, English, Italian and Scottish football federations.

⁽¹²⁾ Only federations whose teams qualified for second-phase matches received significant allocations of tickets. Such allocations could only take place after the identities of teams participating in second-phase matches became known.

⁽¹³⁾ The figures do not therefore reflect FIFA's allocation of tickets made after the completion of the first phase of the competition on 26 June 1998.

Table 2

FIFA allocations to EEA national football federations prior to the finals tournament

	EEA federations	France	England	Italy	Scotland
Opening match	6 152	5	35	21	5 423 ⁽¹⁾
First phase (excluding opening)	153 983	13 355	16 840	14 113	5 926
Round of 16	5 000	0	320	510	5
Quarter finals — Final	5 966	70	340	790	64
Total allocated	169 927	13 430	17 535	14 320	11 388

⁽¹⁾ Scotland played Brazil in the opening match and consequently the Scottish federation's ticket allocation for that game was considerably greater than for other federations.

I. CONDITIONS APPLYING TO THE GENERAL PUBLIC PURCHASING ENTRY TICKETS DIRECT FROM THE CFO

individual tickets in 1996 and 1997 represented some 8 % of the CFO's overall turnover.

CFO sales in 1996 and 1997

- (42) Before the group draw, the CFO sold 574 200 entry tickets direct to the general public in 1996 and 1997, comprising sales of Pass France 98 (393 200) and individual tickets relating to the opening match, quarter and semi-finals, third and fourth-place play-off and the final (181 000). All such tickets, other than those relating to the opening match, were sold blind by the CFO.
- (43) In relation to those sales, the general public could purchase tickets subject to the condition that they provided a postal address in France to which the tickets could be delivered.
- (44) The CFO informed the Commission in January 1998 ⁽¹⁴⁾ that the general public was not required to indicate French nationality or prove residence in France in order to purchase entry tickets sold direct by the CFO, and that the condition was imposed in order to facilitate their safe delivery. In June 1998 ⁽¹⁵⁾, the CFO added to the reasoning for imposing such a condition by stating that the obligation was also imposed to ensure that entry tickets were sold only to 'neutral' spectators. This resulted from the CFO's decision to consider all members of the general public providing an address in France as 'neutral' ⁽¹⁶⁾.
- (45) The CFO derived no commercial advantage by requiring members of the general public wishing to purchase entry tickets in 1996 and 1997 to provide an address in France. Revenue from CFO sales of Pass France 98 and

CFO sales in 1998

- (46) In relation to sales of individual entry tickets from 22 April 1998, the CFO had originally intended to sell those tickets under arrangements similar to those already described. Following intervention by the Commission, however, the CFO undertook to sell 175 500 entry tickets to the general public on condition that purchasers provided an address in the EEA ⁽¹⁷⁾.

J. CONDITIONS APPLYING TO THE GENERAL PUBLIC PURCHASING ENTRY TICKETS FROM NATIONAL FOOTBALL FEDERATIONS AND TOUR OPERATORS

National football federations

- (47) Although entry tickets were allocated to national football federations by FIFA, the CFO imposed conditions on those federations relating to their resale (conditions générales de vente). Those conditions included, *inter alia*, the requirement to make tickets available for sale to all members of the general public subject only to restrictions resulting from reasons of security. The CFO did not, however, seek to influence the commercial decisions taken by national football federations relating to the means by which such tickets were sold.
- (48) To the CFO's knowledge, only the English Football Federation restricted sales to the general public, choosing to offer tickets exclusively to members of a supporters' club in order to prevent their purchase by football hooligans.

⁽¹⁴⁾ See CFO response of 27 January 1998 to the Commission's request for information of 15 January 1998.

⁽¹⁵⁾ See CFO response of 4 June 1998 to the Commission's request for information of 15 May 1998.

⁽¹⁶⁾ See point (b) at page 3 of the CFO's letter to the Commission of 11 June 1998.

⁽¹⁷⁾ See Commission letter of 20 February 1998 to the CFO asking it to bring an end to what the Commission considered abusive practices under Article 82 of the EC Treaty.

European tour operators

- (49) In relation to the sale of tickets by European tour operators, and at the request of the Commission following the submission of the CFO's notification in June 1997 ⁽¹⁸⁾, the CFO implemented arrangements which permitted each to sell entry tickets throughout the EEA. Furthermore, the CFO allowed European tour operators to sell entry tickets in any manner they chose, and accordingly did not seek to influence any commercial decisions taken by them. The Commission is not aware that any European tour operator restricted the sale of tickets to the general public, either territorially or otherwise.

K. MEANS OF RESERVING TICKETS SOLD BY THE CFO TO THE GENERAL PUBLIC IN 1996 AND 1997

- (50) Subject always to the requirement that a purchaser provided a postal address in France, the means by which the general public could purchase Pass France 98 and individual entry tickets direct from the CFO in 1996 and 1997 were as follows:
- (a) *written reservation (Pass France 98 and individual tickets):* Pass France 98 and individual entry tickets could be reserved from the CFO in writing. For individual entry tickets sold by the CFO via the draw on 19 December 1997, the return of a special application form, available from branches of Credit Agricole in France, was obligatory;
 - (b) *reservation by Minitel (Pass France 98 only):* Pass France 98 could be reserved using the electronic Minitel system, available widely in France. The general public outside France could benefit from this means of reservation only by subscribing to the Minitel service through the Internet at an additional cost of FRF 350;
 - (c) *reservation by telephone (Pass France 98 only):* Pass France 98 could be reserved over the telephone. The telephone number provided for this purpose was not accessible to the general public wishing to call from outside metropolitan France;
 - (d) *reservation through branches of Credit Agricole (Pass France 98 only):* Pass France 98 could be reserved using Minitel services provided in 2 500 branches of Credit Agricole located in France.

L. INFORMATION PROVIDED BY THE CFO TO THE GENERAL PUBLIC OVER THE WOLDWIDE WEB

- (51) On 6 May 1997 the CFO opened a website dedicated to providing information and advice to the general public

in and outside France concerning, *inter alia*, the means by which entry tickets for finals matches could be obtained.

- (52) Information made available to consumers outside France stated expressly that tickets would not be sold by the CFO to members of the non-French public ⁽¹⁹⁾. Those consumers were advised instead to contact either an authorised tour operator or their respective national football federation in order to purchase entry tickets for finals matches ⁽²⁰⁾. On 6 May 1997, when the website was opened, the overwhelming majority of Pass France 98 had already been sold by the CFO to the general public able to provide an address in France ⁽²¹⁾.

M. SECURITY

European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (1985)

- (53) The organisation of the World Cup raises issues relating to security which must be taken into account.
- (54) In this respect the CFO sought to implement a security policy which would give effect to the principles established by the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (1985) (hereinafter referred to as 'the 1985 Convention'). The 1985 Convention requires that measures be taken to prevent or control violence or misbehaviour at sporting events. Such measures as referred to in the 1985 Convention include the effective segregation of rival groups of supporters and, in order to ensure such segregation, a strict control over the sale of match tickets ⁽²²⁾. The 1985 Convention does not, however, prescribe specific measures to be adopted in order to achieve such segregation and control.
- (55) The CFO also took note of guidelines agreed in 1996 by the Permanent Committee to the 1985 Convention relating specifically to the control of ticket sales for high-risk football matches. Those guidelines reiterate the importance of maintaining a strict control over ticket sales in order to ensure segregation of rival groups of supporters at football matches ⁽²³⁾.

⁽¹⁹⁾ See Internet document <http://www.france98.com/english/tickets/faq.html> of 13 August 1998, at question 10. These arrangements were reaffirmed in various CFO press releases which indicated that CFO sales in 1996 and 1997 were aimed specifically at the general public resident in France.

⁽²⁰⁾ See Internet document http://www.france98.com/english/tickets/out_france.html of 31 August 1998.

⁽²¹⁾ As of 1 April 1997, all Pass France 98 relating to matches taking place at eight of the 10 World Cup stadiums had been sold. Only a limited number of Category 1 Pass France 98 for matches taking place at the Montpellier and Saint-Etienne stadiums remained available for sale. All such remaining tickets were sold by 27 May 1997.

⁽²²⁾ See Article 3(4)(b) and (c), of the 1985 Convention.

⁽²³⁾ 'Recommandations relative à des lignes directrices pour le contrôle de la vente des billets lors de rencontres à haut risque (adoptée à la 5^e réunion du Comité permanent de la convention européenne sur la violence les débordements de spectateurs lors de manifestations sportives et notamment de matches de football 1985)', Groupe de travail ad hoc sur les problèmes pratiques (Strasbourg, 14 novembre 1996).

⁽¹⁸⁾ See recital 28.

Security considerations relating to purchasers of blind tickets

- (56) The CFO has informed the Commission of the opinion of experts who consider that blind Pass France 98 and blind tickets generally are purchased by peaceful spectators who do not present a specific security risk. Conversely, the CFO considers that sales of entry tickets in relation to which the identities of participating teams are known attract supporters presenting a significantly greater security risk ⁽²⁴⁾.

Segregation of supporters by the CFO through ticket sales

- (57) With the provisions of the 1985 Convention in mind, the CFO sought to implement arrangements which ensured that supporters of teams participating in any given match were placed at opposing ends of any given stadium. Seats located in such areas were classified by the CFO as 'low risk'. Consequently, all tickets made available to national football federations whose teams took part in the tournament, and which were intended for resale to the general public, related to low-risk seats. As a general rule, seats which were not classified as low risk were reserved for 'neutral' spectators, who were deemed not to support either of the teams participating in a given match. For security purposes and in accordance with arrangements adopted by tournament organisers previously, the CFO considered members of the general public from the host nation (in this case France) as neutral spectators for the purposes of seat allocation for all finals matches.

CFO sales in 1996 and 1997

- (58) In relation to blind sales to the general public of Pass France 98 and individual tickets by the CFO in 1996 and 1997, the CFO regarded as neutral spectators all consumers able to provide an address in France ⁽²⁵⁾.

CFO sales in 1998

- (59) For sales of individual entry tickets to the general public after 22 April 1998 relating to first-phase matches (those which therefore took place at a time when the identities of participating teams were known), the CFO distinguished between applicants whose addresses were located in one of the two countries whose representative team was participating in the match for which the ticket was required, and those whose addresses were located elsewhere within the EEA. Those in the former category were deemed to be supporters of one of the two partici-

pating teams and were accordingly attributed tickets relating to seats in the stadium reserved specifically for that group of supporter. Those in the latter category were deemed to be neutral spectators and as such were allocated seats reserved specifically for that group of public.

Sales by European tour operators and national football federations

- (60) In relation to ticket sales by European tour operators, the CFO required each tour operator to provide it with information relating to the nationality of customers to whom tickets had been sold, as well as the team supported. In relation to ticket sales by national football federations, the CFO required each to retain information relating to the identity of each purchaser including his/her name, address, and details of the team supported.

Other security measures

- (61) In addition to the abovementioned arrangements, the CFO took other measures to ensure, as far as was possible, the effective maintenance of security at football matches. Some 35 500 match tickets remained deliberately unsold by the CFO in order to ensure, where appropriate, a strict separation of supporters of participating teams. Measures intended to prevent black-market ticket sales and to avoid the counterfeiting of tickets were also taken by the CFO in this context.

N. ARGUMENTS OF THE CFO RELATING TO THE FACTS

- (62) During the course of the oral hearing the CFO suggested that the total number of tickets allocated to the general public included 359 500 entry tickets sold specifically to members of the Famille du Football Français through Pass France 98 and 18 550 entry tickets sold to handicapped spectators.

- (63) The Commission does not accept such a view. Individual consumers throughout the EEA were required to fulfil specific conditions in order to qualify as members of each of those groups which were different from those required of consumers to which this Decision refers. Thus, tickets made available to the general public cannot properly include Pass France 98 reserved specifically for sale to members of the Famille du Football Français and individual entry tickets reserved for sale to handicapped spectators. The Commission notes that the CFO had itself always distinguished between ticket sales to the general public and those to the Famille du Football Français and handicapped spectators in previous dealings with the Commission.

⁽²⁴⁾ See CFO letter of 4 June 1998 (point 24), responding to the Commission's formal request for information of 15 May 1998.

⁽²⁵⁾ See letter from the CFO to the Commission dated 11 June 1998 (page 3, point (b)).

II. LEGAL ASSESSMENT

A. TERMS OF ARTICLE 82 OF THE EC TREATY AND ARTICLE 54 OF THE EEA AGREEMENT

- (64) Pursuant to Article 82 of the EC Treaty and Article 54 of the EEA Agreement, any abuse by an undertaking of a dominant position within the common market or in a substantial part of it shall be prohibited as incompatible with the common market in so far as it may affect trade between Member States. Such abuse may, *inter alia*, consist of direct or indirect imposing of unfair trading conditions or limiting markets to the prejudice of consumers.

B. UNDERTAKING

- (65) Any entity carrying on activities of an economic nature, regardless of its legal form, constitutes an undertaking within the meaning of Article 82 of the EC Treaty and Article 54 of the EEA Agreement. An activity of an economic nature means any activity, whether or not profit-making, that involves economic trade. Given that it was responsible for the distribution of over 2,6 million match tickets of which approximately 1,55 million were sold to the general public, the CFO was carrying out activities of an economic nature and as such is an undertaking for the purposes of Article 82 of the EC Treaty and Article 54 of the EEA Agreement.

C. RELEVANT PRODUCT MARKETS

- (66) The relevant product market can be determined by considering the extent to which an undertaking's competitors, if they exist, are capable of constraining its behaviour and preventing it from acting independently of competitive pressures. In determining the scope of the relevant product market and the extent to which undertakings are able to act independently on such a market it is necessary to consider, *inter alia*, the manner in which consumers are likely to react to changes in the price of the product or service in question. In this context, a relevant product market will usually be limited to a single product or service if a small but significant increase in the price of that product or service (for example, 10 %) does not lead to any measurable change in consumer demand in favour of substitutable products or services.
- (67) With regard to ticket sales by the CFO in 1996 and 1997 it is therefore necessary to consider the extent to which (a) adequate substitutes existed for sales of World Cup match tickets to the general public, (b) adequate substitutes existed for the sale in 1996 and 1997 by the CFO of blind Pass France 98 to the general public, and (c) adequate substitutes existed for the sale in 1997 by the CFO of blind individual entry tickets to the general public.

Substitutes for Football World Cup finals entry tickets

- (68) The nature of the World Cup finals competition is such that an increase of at least 10 % in the price of match tickets would not have resulted in a significant

switch in demand by the general public to otherwise competing products. This is principally due to the following:

(a) The popularity of football throughout Europe and the world, over and above other sports

While other sports command strong regional interest from the general public, only football is able to generate a broad, sustained and loyal support on a European and worldwide scale. Furthermore, sports are different, and the general public interested in one will not necessarily be followers of others. Members of the general public seeking to attend World Cup finals matches are accordingly unlikely to have considered attendance at international events involving sports other than football as adequate substitutes, whether or not the price of tickets for World Cup football matches was increased by (at least) 10 %.

(b) The significance of the Football World Cup finals competition, over and above other football tournaments

Football is played in many, if not all, European countries at both national and international level. At the national level, local teams usually play one another on a weekly basis from one year to the next. At the international level, the best players from each qualifying nation participate in the European Football Championships, the finals of which take place every four years. While both national and European tournaments are often well attended, however, only the finals competition of the Football World Cup provides the general public with an opportunity to watch and assess the best players and the best teams in the world in the course of a single tournament.

(c) The timing of the Football World Cup finals competition vis-à-vis other football competitions in Europe

Even if, in the minds of the general public, entry tickets for European Football Championship matches represented identical products to those of the finals competition of the Football World Cup, attendance at one cannot be considered as substitutable for attendance at the other, given that the tournaments take place two years apart.

(d) Evidence relating to demand for Football World Cup finals entry tickets vis-à-vis the available supply

Where the demand for match tickets significantly exceeds available supply, consumers are unlikely to change their behaviour in the event of a small but significant rise in the price of those tickets. Given that some 1 043 million applications were made by the general public able to provide an address in France for 181 000 individual tickets sold by the CFO in 1997, it can be assumed that the demand generally for entry tickets would remain unaffected notwithstanding an increase in price of at least 10 %.

Substitutes for the sale by the CFO to the general public of blind Pass France 98 in 1996 and 1997

- (69) Pass France 98 sold by the CFO in 1996 and 1997 related to matches for which the identities of participating teams were unknown. The demand for Pass France 98 was therefore limited to spectators who were not concerned to watch a particular team or teams, but who nevertheless wanted to attend a series of finals matches taking place in a single stadium. Such sales were in marked contrast to those by national football federations and European tour operators, who sold individual entry tickets after the group draw, at a time when interest in and demand for entry tickets for finals matches had increased significantly.
- (70) In view of the limited number of entry tickets made available on an individual basis at a much later date by each national football federation, members of the general public wishing to purchase blind Pass France 98 are unlikely to have regarded tickets sold by those federations as substitutable products for blind Pass France 98 sold direct by the CFO in 1996 and 1997.
- (71) In relation to sales by European tour operators, similar considerations apply. Furthermore, even if European tour operators had chosen to sell some or all of their limited allocation of tickets as Pass France 98, they are likely to have sold most if not all of those products with other services, thereby increasing significantly the price at which Pass France 98 could be obtained. That being so, the general public would not, at the time of CFO sales of Pass France 98 in 1996 and 1997, have considered the uncertain prospect of future sales by European tour operators as in any way substitutable for those sold earlier by the CFO ⁽²⁶⁾.

Substitutes for the sale by the CFO to the general public of blind individual entry tickets in 1997

- (72) In relation to 181 000 individual tickets sold by the CFO to the general public in 1997 for the opening match, quarter and semi-finals, third and fourth-place play-off and the final, only a very limited number of tickets for those high-profile matches were made available to all national football federations. Only those federations whose teams progressed from one stage of the second phase to another received significant additional alloca-

tions, most of which were sold to the general public wishing to support the participating teams. In view of this limited supply, consumers wishing to purchase tickets for those matches in 1997 are unlikely to have regarded national football federations as a suitable alternative source of supply to the CFO.

- (73) In relation to sales of second-phase entry tickets by European tour operators, similar considerations apply given the limited number of tickets made available to them. Furthermore, European tour operators sold most if not all of such tickets with other services, thereby increasing significantly the price at which they could be obtained. Consequently, the general public would not at the time of CFO sales of 181 000 blind second-phase entry tickets in 1997, have considered the prospect of ticket sales at a later date by European tour operators as in any way substitutable for those sold earlier by the CFO ⁽²⁷⁾.

Conclusion on the relevant product markets

- (74) On the basis of the foregoing analysis, the relevant product markets for the purposes of this Decision are:
- (a) the market for the sale in 1996 and 1997 by the CFO to the general public of 393 200 blind Pass France 98, and
 - (b) the market for the sale in 1997 by the CFO to the general public of 181 000 blind individual entry tickets relating to the opening match, quarter and semi-finals, third-place play-off and the final.

Arguments of the CFO relating to the relevant product markets

- (75) The CFO considers that the relevant product markets for the purposes of ticket sales to the general public for the 1998 World Cup finals competition are (a) the market for sales of Pass France 98, and (b) the market for sales of individual entry tickets by the CFO, national football federations and tour operators relating to all finals matches, whether sold blind or at a time when the identities of participating teams were known. This differs from the Commission's conclusion in so far as it makes no distinction between sales of individual entry tickets by the CFO in 1997 and those in 1998 by each of the three official distribution channels.

⁽²⁶⁾ Although no explanation is given, the CFO arrived at a similar conclusion in relation to ticket sales by European tour operators in its notification to the Commission of 11 June: '[Les tour-opérateurs] forment un marché spécifique Le marché peut donc, selon le CFO, être défini comme le marché de la vente de billets pour la Coupe du Monde 1998 par les professionnels du tourisme' (at section 6.1).

⁽²⁷⁾ See also footnote 26.

- (76) The relevant markets as referred to in this Decision explicitly recognise the different characteristics of Pass France 98 vis-à-vis individual tickets. Nevertheless, the CFO's argument that blind sales of individual entry tickets by the CFO in 1997 are substitutable for sales by the CFO and other outlets at a later date is not accepted. The objective of defining relevant product markets is to identify the actual competitors of an undertaking that are capable of constraining the behaviour of that undertaking and of preventing it from behaving independently of effective competitive pressure. An analysis of the conditions under which sales took place of individual entry tickets relating to second-phase matches in 1997 by the CFO confirms that the CFO was able at that time to act in an environment free from any such competitive pressure. Those tickets related to prestigious matches for which the number of applications from consumers able to provide an address in France exceeded almost six times the available supply, notwithstanding the fact that the identities of participating teams were unknown at the time of sale ⁽²⁸⁾. In view of such demand levels, and because consumers are unlikely in 1997 to have considered national football federations and European tour operators as realistic alternative sources of supply, the CFO was clearly able to operate, in relation to its sale of such tickets, as a de facto monopolist free from any competitive pressure from other undertakings.

D. RELEVANT GEOGRAPHIC MARKET

- (77) In view of the widespread demand for tickets throughout the EEA ⁽²⁹⁾, the geographic market relating to the sale by the CFO to the general public of Pass France 98 and individual entry tickets in 1996 and 1997 comprises at least all countries within the EEA. Notwithstanding the widespread demand for those tickets, the CFO's conditions of sale artificially limited sales to members of the general public either resident or able to provide an address in France.

Arguments of the CFO relating to the scope of sales of Pass France 98

- (78) In its response to the Commission's Statement of Objections and during the oral hearing, the CFO argued that, in relation to sales in 1996 and 1997 of Pass France 98, the requirement to provide a postal address in France had no effect on consumers outside France and that the

geographic market did not, therefore, extend beyond France. According to the CFO, only the general public living close to World Cup stadiums would have wished to purchase Pass France 98, given the unknown identity of teams participating in matches to which those tickets gave entry as well as the constraints imposed by such a product on the purchaser (notably the requirement either to secure accommodation near a stadium for a significant period of time or to make as many return trips as were necessary between one's place of residence and the stadium in order to attend all matches).

- (79) In support of this argument, the CFO referred the Commission to evidence suggesting that between 71 % and 91 % of Pass France 98 were bought either by the general public living in the Département in which a host stadium was located or in the immediately surrounding Départements. The CFO also referred the Commission to the decision by European tour operators not to offer Pass France 98 to the general public, as well as those of national football federations not to package the sale of tickets into Pass France 98 type products, as evidence that demand outside France for Pass France 98 was non-existent and that the geographic market was therefore limited to residents local to World Cup stadiums in France.
- (80) The Commission rejects these arguments. In relation to sales of Pass France 98, it cannot be ruled out that a significant number of consumers outside France would have wished to purchase such tickets, given the Europe-wide interest that the finals competition generated. This is supported in part by an assessment of the purchasing habits of consumers outside France in relation to individual ticket sales for first phase and round of 16 matches by the CFO from 22 April 1998, which demonstrates that consumers outside France were not exclusively interested in watching matches involving the participation of their national team ⁽³⁰⁾.
- (81) Had consumers outside France been given the opportunity to purchase Pass France 98 from the CFO, it is quite probable that a significant number would have chosen to make as many return trips as were necessary to allow them to watch all the matches to which Pass France 98 allowed access. While this applies notably to Pass France 98 sold for matches taking place in Lens, in view of its proximity to the Belgian border, it is reasonable to assume also that consumers in other countries would have been prepared to travel to other venues given the ease with which those venues could be accessed (stadiums located in Bordeaux and Toulouse, for example, were easily accessible to consumers from Spain while the stadium in Marseille was accessible to consumers from Italy).

⁽²⁸⁾ Blind sales of such tickets can be contrasted with those of tickets relating to first-phase matches which, in order to maximise the participation of supporters, were packaged as Pass France 98.

⁽²⁹⁾ Evidenced by the outcome of CFO sales to EEA countries from 22 April 1998 when 45 % of tickets were sold to consumers outside France.

⁽³⁰⁾ See recitals 25 and 26, while some 38 % of individual entry tickets sold by the CFO after 22 April 1998 were purchased by the general public providing addresses outside France but in countries whose teams had qualified for the finals competition, only 10 % of entry tickets sold after this date could be purchased by supporters of teams participating in any given match. As such, a significant proportion of the general public outside France were interested to attend matches not involving the participation of their national team.

- (82) Furthermore, and notwithstanding the statistics referred to by the CFO, it is entirely foreseeable that a significant number of consumers outside France might have wished to make arrangements to stay in or near the town in which a host stadium was located for the duration of the first phase and (where necessary) Round of 16 competition, thereby combining guaranteed attendance at a series of finals matches with an extended stay in what is well known to be a popular destination for foreign visitors.
- (83) The decision by European tour operators to sell tickets distributed to them through Pass France 98 on a desegregated, individual basis cannot be interpreted as suggesting a lack of demand for Pass France 98 outside France. Such a practice, involving as it did the sale of individual tickets together with that of other services, was likely to have been motivated instead by a desire to maximise revenues which sales of Pass France 98 would not have achieved. In relation to sales by national football federations, the Commission does not consider their failure to sell Pass France 98-type products as relevant, given the nature of tickets allocated to them ⁽³¹⁾ and the lack of any economic incentive for them to do so.

E. DOMINANT POSITION

- (84) The CFO represented the sole outlet for blind sales to the general public in 1996 and 1997 of Pass France 98 and individual entry tickets. As such, and in view of its ability to act independently and, therefore, free from competitive restraint, the CFO held a dominant position on the relevant markets.

Responsibilities of the CFO as dominant undertaking on the relevant markets

- (85) In accordance with the case-law of the Court of Justice and the Court of First Instance of the European Communities, an undertaking in a dominant position has a special responsibility not to allow its conduct to impair undistorted competition on the common market. The actual scope of that special responsibility must be considered in the light of the specific circumstances of the case, reflecting a weakened competitive situation ⁽³²⁾.
- (86) The scope of the parties' responsibility must therefore be considered in relation to the degree of dominance held by the parties and to any special characteristics of the market which might affect the competitive situation.
- (87) Taking particular account of the significant difference between the demand for and supply of Pass France 98 and individual tickets sold by the CFO to the general public in 1996 and 1997, the CFO was, as a de facto monopolist, under a *prima facie* obligation to ensure that entry tickets sold in 1996 and 1997 for finals matches were made available to the general public under non-discriminatory arrangements throughout the EEA, even though demand from consumers outside France for certain ticket products may have been relatively small as against the demand from the general public in France. While exceptions to this general principle may apply, each must be considered on its individual merits and in the light of an objective assessment of what is the minimum necessary to achieve the stated aims.

F. ABUSE

- (88) In view of (a) the conditions of sale which applied in relation to CFO sales of blind tickets in 1996 and 1997, (b) the sales information made available by the CFO on its official World Cup website and on which the general public outside France could have reasonably been expected to rely, and (c) the restrictive means made available to the general public outside France for reserving entry tickets, the CFO abused its dominant position on the relevant markets because its behaviour had the effect of imposing unfair trading conditions on residents outside France which resulted in a limitation of the market to the prejudice of those consumers.

⁽³¹⁾ Which would have made the bundling of anything other than a very small number of tickets into Pass France 98 type-products impossible.

⁽³²⁾ Judgment of the Court of First Instance in Case T/83/91 *Tetra Pak II* [1994] ECR II-755, at paragraphs 114 and 115. In Case 7/82 *GVL* [1983] ECR 483, the Court of Justice had previously acknowledged the scope of a monopolist's special responsibility in relation to discriminatory conduct on grounds of nationality or residence. The Court had stated (*inter alia*): 'Such a refusal [to manage rights] by an undertaking having a de facto monopoly to provide its services for all those who may be in need of them but who do not come within a certain category of persons defined by the undertaking on the basis of nationality or residence must be regarded as an abuse of a dominant position within the meaning of the first paragraph of Article 86 of the Treaty' (at paragraph 56).

Requirement to provide a postal address in France

- (89) The general public outside France were free to purchase entry tickets direct from the CFO on condition that they provided a postal address in France to which the tickets could be delivered ⁽³³⁾.
- (90) At the time of CFO sales of Pass France 98 and individual tickets, the general public resident in France had little difficulty in providing an address to which tickets could be delivered. However, only by entering into wholly arbitrary, impractical and exceptional arrangements ⁽³⁴⁾ could most of the general public resident outside France have obtained tickets direct from the CFO in 1996 and 1997 ⁽³⁵⁾. While it is questionable whether the general public outside France had ever been adequately informed that tickets could be purchased direct from the CFO, the effect of the requirement to provide a postal address in France was to discriminate specifically against the general public resident outside France, given that those resident in France were significantly better placed to meet that requirement.
- (91) This discrimination amounted in practice to an imposition by the CFO of unfair trading conditions on residents outside France and resulted in a limitation of the market to the detriment of those consumers in relation to CFO sales of 393 200 tickets through Pass France 98 and 181 000 tickets relating to the opening match, quarter and semi-finals, third and fourth-place play-off and the final, contrary to Article 82 of the EC Treaty and Article 54 of the EEA Agreement.

Sales information provided by the CFO

- (92) From 6 May 1997 the CFO provided information on its official World Cup website relating to the means by which the general public in and outside France could obtain match tickets for the finals competition. Members of the general public resident outside France were advised to obtain tickets either from authorised tour operators or national football federations. No indication was given that entry tickets could be obtained direct from the CFO. Furthermore, information was provided to the effect that the CFO would not sell tickets direct to the non-French public, and that accordingly a non-French citizen visiting France and wishing to purchase entry tickets for finals matches would be obliged to contact a national football federation or tour operator.
- (93) The effect of such advice was to limit the demand for blind CFO sales of individual tickets in 1997 either exclusively to French citizens or to the general public resident in France. Conversely, that advice would have deterred the non-French public or, at the very least, those not resident in France, from seeking to purchase individual entry tickets direct from the CFO. This resulted in a strict limitation of the market by the CFO to the prejudice of the general public resident outside France in relation to CFO sales of 181 000 tickets for the opening match, quarter and semi-finals, third and fourth-place play-off and the final itself, contrary to Article 82 of the EC Treaty and Article 54 of the EEA Agreement.

Channels available for reserving entry tickets direct from the CFO

- (94) Of the different means by which tickets could be reserved by the general public from the CFO, only that of applying in writing was available to consumers resident outside France. Telephone reservations could be made only from within metropolitan France, while reservation by Minitel (an information system used by and designed specifically for those living in France) was available only to residents outside France via connection to the Internet, and then only at an additional cost of FRF 350. Similarly, ticket reservations through branches of Crédit Agricole could only be made in France.
- (95) Given the anticipated high level of demand for Pass France 98 in relation to their limited supply, the need to reserve tickets quickly would have been of paramount importance to the general public. Thus, consumers for whom the only means of reserving tickets was by written request would have been at a disadvantage vis-à-vis those who were able to avail themselves of other, quicker means of ticket reservation.
- (96) In relation to individual entry tickets sold direct by the CFO in 1997, the general public was required to submit applications between 18 September and 18 October 1997. Although such tickets were not allocated on a first-come-first-served basis, members of the general public resident in France were favoured over those resident elsewhere in the EEA, given that application forms were made available only through branches of Credit-Agricole based in France.

⁽³³⁾ Responding to the Commission's formal request for information of 15 January 1998.

⁽³⁴⁾ Examples include use of poste restante or embassy services.

⁽³⁵⁾ Given the emphasis which the CFO placed in its sales information on the requirement to be resident in France and the advice given to the general public that it would not supply to the non-French public, it is open to doubt whether residents abroad would have been permitted by the CFO to avail themselves of these alternatives in practice.

- (97) Consequently, the means by which Pass France 98 and individual tickets could be obtained direct from the CFO in 1996 and 1997 discriminated against the general public resident outside France.

Arguments of the CFO as to abuse

- (98) In its response to the Commission's Statement of Objections, the CFO argued that, on the basis of previous Commission practice and the case-law of the Court of Justice, the CFO could not have abused a dominant position, given that certain of the conditions necessary for the application of Article 82 of the EC Treaty ⁽³⁶⁾ were not fulfilled.

Conduct having an effect on the structure of competition

- (99) The CFO argued that conduct in breach of Article 82 must affect the structure of competition in a given market to the detriment of a dominant undertaking's competitors, given that the provision is not intended to protect, in a direct manner, the interests of consumers ⁽³⁷⁾. The CFO contends therefore that its conduct does not fall within the scope of Article 82, as the requirement to provide an address in France for ticket sales in 1996 and 1997 did not affect the structure of competition on the relevant markets.
- (100) The Commission rejects such an interpretation of Article 82. While the application of Article 82 often requires an assessment of the effect of an undertaking's behaviour on the structure of competition in a given market, its application in the absence of such an effect cannot be excluded. Consumers' interests are protected by Article 82, such protection being achieved either by prohibiting conduct by dominant undertakings which impairs free and undistorted competition or which is direct prejudicial to consumers. Accordingly, and as has been expressly recognised by the Court of Justice ⁽³⁸⁾, Article 82 can properly be applied, where appropriate, to situations in which a dominant undertaking's behaviour directly prejudices the interests of consumers, notwithstanding the absence of any effect on the structure of competition.

Commercial advantage

- (101) The CFO argued that an undertaking abuses its dominant position only if it makes use of the opportunities arising out of its dominant position in such a way as to reap trading benefits which it would not have reaped if there had been normal and sufficiently effective competition. The CFO derived neither a financial nor competitive advantage by requiring consumers to provide an address in France for ticket sales in 1996 and 1997, and thus derived no trading benefits as a result of its actions.
- (102) The Commission rejects such an argument. While evidence that a dominant undertaking has secured for itself a financial or competitive advantage as a result of its actions may support a conclusion of abuse, it is not essential to a finding of abuse ⁽³⁹⁾. In this case, the effect of the CFO's behaviour was to discriminate against residents outside France, which indirectly amounted to a discrimination against those consumers on grounds of nationality, contrary to fundamental Community principles. Such conduct cannot, in this case, be considered to fall outside the scope of Article 82 on the grounds that the CFO, as a dominant undertaking, failed to derive a commercial or other advantage from its actions.

⁽³⁶⁾ All comments by the CFO in this regard are equally pertinent to the application of Article 54 of the EEA Agreement.

⁽³⁷⁾ In this context, the CFO argued that Article 82 must be read in the light of Article 3(g) of the EC Treaty, which requires that competition in the internal market is not distorted.

⁽³⁸⁾ Case 6/72 *Continental Can* [1973] ECR 215 at paragraph 26: The Court held that Article 82 'is not only aimed at practices which may cause damage to consumers directly, but also at those which are detrimental to them through their impact on an effective competition structure'.

⁽³⁹⁾ For example, cases concerning excessive pricing require an assessment of the extent to which (if at all) a dominant undertaking charged a price which was excessive in relation to the economic value of the product or service. Hence, the extent to which that undertaking was able to obtain a commercial advantage, which it otherwise would not have been able to obtain under conditions of normal competition, must usually be determined before any conclusions concerning excessive pricing can be drawn.

Limitation of markets

- (103) The CFO contests the Commission's view that it abused its dominant position under Article 82(b) by limiting the market for sales of Pass France 98 and individual tickets to the prejudice of consumers outside France, for the following reasons:
- (a) Had European tour operators decided to sell Pass France 98 as foreseen by the CFO, no such limitation of the market would have occurred, since consumers outside France would have been able to obtain Pass France 98 without being required to provide an address in France. In relation to sales of individual tickets, the CFO's conduct did not limit the market, since tickets were offered to the general public throughout the EEA at various times by each of the three distribution channels;
 - (b) According to the case-law of the Court of Justice ⁽⁴⁰⁾, an undertaking abuses its dominant position through a limitation of the market under Article 82(b) only where it benefits from the absence of competitive pressure by failing to improve its performance which it would have otherwise been required to do. Given that the number of match tickets was necessarily limited and that CFO sales arrangements had no effect on the quality of the product consumed, the CFO argues that the existence of competitive pressure in the market would not have resulted in any such improvement in performance by the CFO, and that as such its conduct cannot be qualified as abusive under Article 82(b).
- (104) The Commission rejects each of those arguments. As the dominant undertaking on the relevant product markets, the CFO was under an obligation not to artificially limit ticket sales, whether or not other economic operators could or did sell such tickets. In relation to the CFO's arguments concerning the scope of application of Article 82(b), the requirement to provide an address in France had the undeniable effect of limiting the geographic market for the sale of entry tickets by the CFO in 1996 and 1997 to the prejudice of consumers resident outside France. The implementation of those arrangements represents an abuse of the CFO's dominant position in accordance with the specific wording of Article 82(b), a conclusion which is in no way inconsistent with the case-law of the Court of Justice to which the CFO has referred ⁽⁴¹⁾. The CFO's argument that it could not have improved its performance under conditions of competition is, therefore, irrelevant.

G. SECURITY

- (105) Ensuring effective security at football matches is essential and may, in particular circumstances, justify the implementation of special ticket sales arrangements by tournament organisers. Nevertheless, in order to determine whether and, if so, to what extent, security considerations may justify ticketing arrangements which would otherwise be deemed to infringe Community law, each set of arrangements must be considered on their individual merits in the light of an objective assessment of what is necessary to achieve reasonable security objectives.

Security at football matches

- (106) The principal concern of the CFO was to ensure, in compliance with the provisions of the 1985 Convention, that rival groups of supporters of teams participating in any given match were separated from one another in each of the World Cup stadiums.
- (107) The CFO sought to achieve such a segregation through the allocation to national football federations whose teams were participating in a given match of tickets relating to seats located at opposite ends of the stadium. Thus, tickets reserved for rival groups of supporters were not sold blind by the CFO but were made available at a time when the identities of participating teams were known.
- (108) Tickets sold blind by the CFO in 1996 and 1997 related to seats reserved for neutral spectators. The CFO sold such tickets exclusively to members of the general public able to provide an address in France, who were classified in relation to all matches as neutral spectators. The CFO has, however,

⁽⁴⁰⁾ Cases cited by the CFO: Case 41/90 *Hofner* [1991] ECR 1979 and Case 179/90 *Merci* [1991] 5889.

⁽⁴¹⁾ See footnote 40.

previously referred the Commission to expert opinion which considers that consumers purchasing blind tickets generally are peaceful spectators who do not represent a specific security risk. Such an analysis appears reasonable, given that consumers purchasing such tickets are evidently doing so because they wish to attend a football match irrespective of the teams involved, and are not therefore motivated by their support for any particular team.

- (109) It follows therefore that any consumer, regardless of nationality, purchasing entry tickets on a blind basis should not, in principle, be regarded as a supporter of any particular team for purposes of security. Accordingly, such consumers should not, in principle, be subject to arrangements relating to the segregation of rival groups of supporters as envisaged under the 1985 Convention. The obligation to provide a postal address in France, imposed on consumers wishing to purchase blind tickets from the CFO in 1996 and 1997, was therefore excessive and failed to contribute in any material way to maintaining or improving security at football matches.

Arguments of the CFO relating to security

- (110) In its response to the Commission's Statement of Objections and during the oral hearing, the CFO sought to justify its discriminatory sales arrangements on security grounds. According to the CFO, if it had sold tickets in 1996 and 1997 to the general public throughout the EEA, supporters of participating teams are likely to have found themselves located in those parts of the stadium reserved for neutral spectators. That being so, the CFO considers that for the purposes of ticket sales in 1996 and 1997 it was unable to treat all spectators throughout the EEA as neutral without at the same time contravening the provisions of the 1985 Convention as well as the relevant guidelines, which required an effective separation of rival groups of supporters of participating teams.
- (111) The CFO also argued (a) that it was not possible to sell tickets on a blind basis in 1996 and 1997 and to determine the placement of ticket holders at a later date when the identities of participating teams were known, and (b) that no comparison could be made between CFO sales in 1996 and 1997 to the general public able to provide an address in France and CFO sales in 1998 to the general public able to provide an address within the EEA, given that sales in 1998 took place after the group draw when the identities of participating teams in first-phase matches were known.
- (112) The CFO's argument that it could not have treated all members of the general public in the EEA in 1996 and 1997 as neutral is rejected. The 1985 Convention refers specifically to the need to ensure an effective segregation of rival groups of supporters through (*inter alia*) a strict control over ticket sales. While the CFO considered it necessary to treat all members of the general public other than those able to provide an address in France as a potential rival supporter in 1996 and 1997 for the purposes of ticket sales, such a policy was excessive because it failed to take into account the generally peaceful nature of consumers purchasing tickets at a time when the identities of participating teams are not known. As the CFO has itself previously confirmed⁽⁴²⁾, consumers purchasing tickets on a blind basis would not have represented a specific security risk. Thus, the CFO was wrong to have considered members of the general public who were unable to provide an address in France but who wished to purchase tickets from it in 1996 and 1997 as potential rival supporters for the purposes of security.
- (113) In any event, even if consumers purchasing tickets on a blind basis could properly have been considered to represent a specific security risk (which is not accepted by the Commission), it is unlikely in the extreme that anyone, having purchased a ticket on a blind basis (thereby entitling admission to that part of the stadium reserved specifically for the neutral public) and having by chance found himself attending a match involving the participation of his home team, would be located next to or within the vicinity of supporters of the opposing team, given that at the very least the latter must also have been fortunate enough, having purchased tickets on a blind basis, to find themselves also attending a match involving the participation of their home team in that part of the stadium reserved for the neutral public. Hence, any risk that the CFO might have breached the terms of the 1985 Convention by implementing non-discriminatory sales arrangements in 1996 and 1997 was, in statistical terms, insignificant.

⁽⁴²⁾ See CFO letter of 4 June 1998 (point 24), responding to the Commission's formal request for information of 15 May 1998.

- (114) In view of the above, the CFO's supposed inability to determine the siting of blind ticket holders after the identities of participating teams became known, as well as its contention that sales arrangements implemented in 1998 cannot be compared with those adopted previously, are irrelevant for the purposes of this Decision (see recital 111).

H. SUBSTANTIAL PART OF THE COMMON MARKET

- (115) Since the CFO held a dominant position on the relevant markets, and since it determined the conditions under which consumers within the whole of the EEA could purchase Pass France 98 and individual tickets in 1996 and 1997, the CFO's dominant position extended to at least the whole of the EEA, and, accordingly, a substantial part of the common market for the purposes of Article 82 of the EC Treaty.

I. EFFECT ON TRADE BETWEEN MEMBER STATES

- (116) In relation to ticket sales on the relevant product markets, the CFO imposed conditions of sale on the general public which had the effect of denying the overwhelming majority of residents outside France access to those markets. Thus, the requirement to provide an address in France for sales of Pass France 98 and individual entry tickets in 1996 and 1997 appreciably affected trade between Member States.

Arguments of the CFO relating to effects on trade

- (117) The arguments put forward by the CFO concerning the effect of its conduct on trade between Member States are considered above in recitals 78 to 83.

J. THE NOTIFICATION OF 11 JUNE 1997

- (118) In its response to the Statement of Objections, the CFO argued that as the general arrangements for the distribution of tickets were explained to the Commission at the time of the notification in June 1997, any objections relating to those arrangements should have been raised at the time. The CFO argues further that as no such objections were raised by the Commission it was entitled to assume that its general ticketing arrangements were in compliance with Community law. The CFO considers therefore that the Commission's decision to initiate proceedings against the CFO represented a breach of the principle of legitimate expectation as defined by the Court of Justice.
- (119) The Commission rejects the CFO's assertions in this regard. While it accepts that in the notification the CFO explained the means by which tickets would be sold through each of the officially appointed distribution channels, the Commission was not made aware, at the time, of the requirement obliging consumers to provide a postal address in France for CFO sales in 1996 and 1997 ⁽⁴³⁾. Indeed, the CFO expressly told the Commission that Pass France 98, while intended principally for sale to football supporters and the local and regional public, would in fact be accessible to all ⁽⁴⁴⁾.
- (120) Furthermore, an undertaking which notifies specific agreements or arrangements cannot, as a matter of principle, be permitted to argue at a later date that it was legitimately entitled to assume that agreements or arrangements which did not form part of the notification but which may have been communicated to the Commission at the time of the notification were in accordance with the competition provisions of the EC Treaty. As the CFO's notification concerned exclusively arrangements relating to the proposed system for the selection of tour operators authorised to sell entry tickets for finals matches in Europe, the Commission was under a legal obligation to consider those arrangements only, and cannot therefore be criticised at a later date for deciding to initiate proceedings in relation to other arrangements upon which it was not formally requested to take a view.

K. FINES

- (121) In accordance with Article 15 of Regulation No 17, the Commission may, by decision, impose on an undertaking which either intentionally or negligently infringes Article 82 of the EC Treaty and Article 54 of the EEA Agreement, a fine of between EUR 1 000 and EUR 1 million, or a sum in excess thereof but not exceeding 10 % of the undertaking's turnover in the preceding business year.

⁽⁴³⁾ It should be noted further that at the time of the notification the CFO had already sold all Pass France 98 to the general public under the arrangements in question.

⁽⁴⁴⁾ At section 4.1(ii) of the CFO's notification of 11 June 1997.

- (122) The abusive conduct to which this Decision refers, the effect of which was to discriminate in favour of consumers able to provide an address in France, indirectly amounts to discrimination on grounds of nationality, since ticket sales were artificially and predominantly limited by the CFO to residents located within a single Member State. Such conduct represents a breach of fundamental Community principles.
- (123) The Commission notes that the ticketing arrangements as implemented by the CFO were similar to those adopted for previous World Cup finals tournaments, and that the issues raised in relation to the application of EC competition rules are of such a specific nature as not to enable conclusions to be easily drawn from previous Commission decisions or case-law of the Court of Justice. The Commission has therefore concluded that the CFO was not, at the time, aware that its sales arrangements in 1996 and 1997 were in breach of Community law.
- (124) The Commission acknowledges further that the CFO took positive steps to ensure, to the extent that it considered it necessary, that ticketing arrangements for the 1998 Football World Cup complied with Community and national law through formal and informal contacts with the Commission and competition authorities in France. The Commission notes also the decision taken by the CFO, at the former's request, to amend its sales arrangements in order to give consumers throughout the EEA the chance to reserve 175 500 individual entry tickets directly from the CFO in 1998.
- (125) Every abuse of a dominant position should normally be penalised by a fine varying in accordance with the gravity and duration of the infringement. In view of the foregoing arguments, however, the Commission considers it appropriate to impose only a symbolic fine on the CFO of EUR 1 000. This does not, however, represent a policy to be adopted in all future similar cases,

HAS ADOPTED THIS DECISION:

Article 1

The Comité français d'organisation de la Coupe du monde de football 1998 (CFO) has infringed Article 82 of the EC Treaty and Article 54 of the EEA Agreement by applying discriminatory arrangements in 1996 and 1997 relating to the sale to the general public of entry tickets for World Cup finals matches. Those arrangements involved the imposition of unfair trading conditions on consumers outside France which resulted in a limitation of the market to the prejudice of those consumers in relation to the sale of 393 200 tickets through Pass France 98 and 181 000 tickets relating to the opening match, quarter and semi-finals, third and fourth-place play-off and the final.

Article 2

A fine of EUR 1 000 is hereby imposed on the CFO in respect of the infringement referred to in Article 1.

Article 3

The fine shall be paid in euro within three months of the date of notification of this Decision to the following account:

Account No 310-0933000-43
European Commission

Banque Bruxelles-Lambert
Agence Européenne
Rond Point Schuman/Schumanplein 5
B-1040 Brussels.

After three months, interest shall automatically be payable at the rate applied by the European Central Bank to its repo operations on the first working day of the month in which this Decision was adopted, plus 3,5 percentage points.

Article 4

This Decision is addressed to:

Comité français d'organisation de la Coupe du monde de football 1998 (CFO)
23-25 Rue de Berri
F-75008 Paris.

This Decision is enforceable pursuant to Article 256 of the EC Treaty.

Done at Brussels, 20 July 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

DECISION No 2/1999 OF THE EC-TURKEY CUSTOMS COOPERATION COMMITTEE
of 2 November 1999
implementing Decision 1/1999 of the EC-Turkey Association Council on the introduction of
common outward processing arrangements for textiles and clothing

(2000/13/EC)

THE CUSTOMS COOPERATION COMMITTEE,

Having regard to the Agreement of 12 September 1963 establishing an Association between the European Economic Community and Turkey,

Having regard to Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the customs union ⁽¹⁾,

Having regard to Decision No 1/1999 of the EC-Turkey Association Council of 5 January 1999 on the introduction of common outward processing arrangements for textiles and clothing, and in particular Article 4 thereof ⁽²⁾,

- (1) Whereas measures must be taken to give effect to those arrangements;
- (2) Whereas the provisions of Decision No 1/96 of the EC-Turkey Customs Cooperation Committee of 20 May 1996 implementing Decision No 1/95 of the Association Council, and in particular Articles 22 to 26 ⁽³⁾ thereof, apply in conjunction with the provisions of this Decision,

HAS DECIDED AS FOLLOWS:

TITLE I

General provisions

Article 1

This Decision sets out implementing provisions for Decision No 1/1999 of the EC-Turkey Association Council, hereafter referred to as the 'basic Decision'.

This Decision shall apply without prejudice to Commission Regulation (EC) No 3017/95 ⁽⁴⁾.

Article 2

1. This Decision shall apply without prejudice to Council Regulation (EEC) No 2913/92 ⁽⁵⁾ and Commission Regulation (EC) No 2453/93 ⁽⁶⁾ and Turkish provisions [to be notified by the Turkish authorities] for triangular traffic in the context of economic outward processing of certain textiles and clothing products. Where the temporary export of the goods and release for free circulation of the compensating products take place in the same part of the customs union only the provisions valid in the respective part of the customs union shall apply.

2. For the purposes of this Decision 'triangular traffic' means the system whereby compensating products are released for free circulation, after working or processing carried out in a third country to which the economic outward processing arrangements apply, in a part of the customs union other than that from which the goods were temporarily exported. Where the triangular traffic system is used the provisions of this Decision shall supplement the legal instruments referred to in Article 1 of the basic Decision.

⁽¹⁾ OJ L 35, 13.2.1996, p. 1.

⁽²⁾ OJ L 35, 9.2.1999, p. 45.

⁽³⁾ OJ L 200, 9.8.1996, p. 14.

⁽⁴⁾ OJ L 314, 28.12.1995, p. 40.

⁽⁵⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁶⁾ OJ L 253, 11.10.1993, p. 1.

TITLE II

Granting of prior authorisations*Article 3*

1. The prior authorisation form shall correspond to the specimen and provisions in Regulation (EC) No 3017/95 and Turkish legislation and shall comprise an original and two copies. The original (bearing the number 1 and marked 'original') shall be issued to the applicant. The second sheet (bearing the number 2) is the copy for the competent authorities and shall be retained by the competent authorities who issued the prior authorisation, and the third sheet (bearing the number 3) is the copy for the customs supervising office and shall be sent to the said office.

2. At the request of the holder of an authorisation and on presentation of the original, one or more partial authorisations, marked 'partial prior authorisation', may be issued. The authorities issuing partial authorisations shall charge the quantities concerned on the initial prior authorisation, and shall give the reference number of the initial authorisation. The words 'partial authorisation' shall be entered against the quantity charged on the prior authorisation. The competent authorities shall inform the supervising office of the issue of partial authorisations. Partial authorisations shall be governed by the same rules as prior authorisations; they may not be used as a basis for further partial authorisations.

3. Prior authorisations may relate only to one category of compensating products and one specific country; they may not be transferred and may only be used by the person in whose name they are made out or that person's authorised representative.

4. The applicant and the competent authorities shall keep originals or copies of application, annexes and prior authorisations for at least three years from the end of the calendar year in which the authorisation was issued.

5. If a prior authorisation is lost the competent authorities that issued the original authorisation may issue a replacement, at the holder's request. The application for a replacement must include a statement signed by the applicant declaring that the original prior authorisation has been lost and that if found it will not be used but will be returned immediately to the issuing authorities.

The replacement authorisation shall be marked 'Replacement prior authorisation' or 'Replacement partial prior authorisation' and shall be governed by the same rules as the initial prior authorisation. If a replacement authorisation is lost, no further replacement authorisation may be issued.

6. The time limit for reimportation of the compensating products shall be set in the prior authorisation, taking account of the time needed for carrying out the processing operations. The time limit shall be calculated from the date the temporary export formalities were completed and may be extended at the holder's request if circumstances so warrant.

TITLE III

Operation of the arrangements*Article 4*

1. The customs office competent for economic outward processing arrangements named in the prior authorisation (the customs supervising office) shall monitor the operation of the procedure on the basis, *inter alia*, of:

- copy 3 of the prior authorisation
- the declarations for export and free circulation
- stock records kept by the holder of the prior authorisation showing quantities of temporarily exported goods and reimported compensating products.

2. The prior authorisation shall be presented to the customs office at the time of temporary exportation so that the customs formalities can be carried out. The customs office carrying out the temporary export formalities shall notify the customs supervising office by sending it a copy of the export declaration.

3. When the compensating products are reimported the declarant shall present the valid prior authorisation to the competent customs office, together with proof that the processing operation has actually been performed in the country named in the authorisation. The customs office carrying out the formalities for entry into free circulation shall:

- charge the reimported quantities against the prior authorisation and
- notify the customs supervising office by sending it a copy of the import declaration.

4. Notification may be sent by electronic means provided it offers the same assurance and the customs offices concerned have access to the prior authorisation via a computer network.

Article 5

Articles 22 to 26 of Decision No 1/96 of the EC-Turkey Customs Cooperation Committee shall apply *mutatis mutandis* where the provisions of this Decision apply other than in the context of an outward processing operation within the meaning of Regulations (EEC) No 2913/92 and (EEC) No 2454/93 and Turkish provisions [to be notified by the Turkish authorities].

TITLE IV

Administrative cooperation

Article 6

If a customs office finds that the provisions of the basic Decision or this Decision are being breached it shall notify the authorities who issued the prior authorisation immediately.

TITLE V

Final provisions

Article 7

This Decision shall enter into force on the date of its publication.

Done at Brussels, 2 November 1999.

For the Customs Cooperation Committee

A. WIEDOW

The President

DECISION No 3/1999 OF THE EC-EFTA JOINT COMMITTEE ON COMMON TRANSIT
of 2 December 1999
renewing the ban on the use of the comprehensive guarantee imposed by Decisions No 1/96 and
2/96 of the Joint Committee

(2000/14/EC)

THE EC-EFTA JOINT COMMITTEE ON COMMON TRANSIT,

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾, and in particular Article 34B of Appendix II thereto ⁽²⁾,

Whereas:

- (1) by virtue of Decisions No 1/96 ⁽³⁾ and 2/96 ⁽⁴⁾, as last extended and amended by Decisions No 1/97 ⁽⁵⁾ and 1/98 ⁽⁶⁾, the Joint Committee adopted measures temporarily banning the use of the comprehensive guarantee for the transport of cigarettes falling under HS subheading 2402.20 and certain other sensitive goods, which presented an exceptional risk of fraud;
- (2) protection of the financial interests at risk in those operations makes it necessary to maintain the measures for a further twelve months pending full application of the new rules on the comprehensive guarantee as part of the reform of the common transit procedure,

HAS ADOPTED THIS DECISION:

Article 1

The provisions of Decisions No 1/96 and 2/96 of the EC-EFTA Joint Committee on common transit shall be renewed for a period of twelve months.

Article 2

This Decision shall enter into force on 1 January 2000.

Done at Lillehammer, 2 December 1999.

For the Joint Committee

The Chairman

Stein DØRUM

⁽¹⁾ OJ L 226, 13.8.1987, p. 2.
⁽²⁾ OJ L 238, 29.8.1997, p. 27.
⁽³⁾ OJ L 226, 7.9.1996, p. 20.
⁽⁴⁾ OJ L 226, 7.9.1996, p. 22.
⁽⁵⁾ OJ L 186, 16.7.1997, p. 27.
⁽⁶⁾ OJ L 325, 3.12.1998, p. 22.