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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 348/2000**of 14 February 2000**

imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and Ukraine and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

C. PRODUCT CONCERNED AND LIKE PRODUCT

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Articles 9(4) and 10(2) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROVISIONAL MEASURES

- (1) By Regulation (EC) No 1802/1999 ⁽²⁾ (hereinafter referred to as the 'provisional Regulation') the Commission imposed a provisional anti-dumping duty on imports into the Community of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and Ukraine.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of a provisional anti-dumping duty, the interested parties which so requested were granted an opportunity to be heard. Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty and the definitive collection, at the level of this duty, of amounts secured by way of the provisional duty. They were also granted a period within which to make representations subsequent to this disclosure.
- (3) The oral and written comments submitted by the interested parties were considered and, where appropriate, the definitive findings have been changed accordingly.

1. Product concerned

- (4) It is to be recalled that recital 7 of the provisional Regulation described the product concerned as seamless pipes, of iron or non-alloy steel, of a kind used for oil and gas pipelines, of an external diameter not exceeding 406,4 mm; seamless tubes of circular cross-section, of iron or non-alloy steel, cold-drawn or cold-rolled; other tubes of circular cross-section, of iron or non-alloy steel, of an external diameter not exceeding 406,4 mm, hereinafter referred to as 'seamless tubes'.
- (5) The claim has been repeated that seamless tubes should be divided into two separate products concerned, i.e. commercial steel grade tubes and steel line pipes for oil/gas applications and that any injury suffered by the Community industry should be analysed separately for each product.
- (6) The alleged distinction is based on the ground that commercial tubes and line pipes are not interchangeable, given the specific certification required for oil/gas applications. It has also been argued that the higher costs of producing line pipes preclude their sale for non-oil/gas applications. Furthermore, it has been alleged that commercial tubes are used in building and infrastructural applications whereas line pipes are used in the oil and gas industries and that both products are sold through different sales channels, with line pipes being sold directly to end-users rather than to traders.
- (7) It was found that all seamless tubes have the same basic physical and technical characteristics. Although there is a wide range of different types, varying according to external diameter, wall thickness, steel grade and technical specifications, no clear dividing line was found to exist between them.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

⁽²⁾ OJ L 218, 18.8.1999, p. 3.

(8) Furthermore, the investigation showed that all types of seamless tube were sold to both traders and end-users. A clear distinction between sales channels, although per se not relevant, could therefore not be established.

(9) Finally, all seamless tubes were found to have essentially the same use. Although they are used in many different industries such as the construction, automobile, oil and petroleum industries, power plant and boiler construction, pneumatics and hydraulics, and engineering and although it is accepted that not every user is able to use every type of seamless tube, they are all considered to have the same basic application.

(10) While certain types of seamless tube are clearly intended for specific applications (e.g. oil pipelines), such pipes can also be used in less specific applications. Furthermore, it was found that commercial tubes could also be used in a wide range of applications. All this shows the existence of a large degree of competition and interchangeability between all product types.

(11) In conclusion, the provisional finding that all seamless tubes, whether commercial tubes or line pipes form one single product is confirmed.

2. Like product

(12) It is to be recalled that in recitals 11 and 12 of the provisional Regulation, the Commission found that the seamless tubes imported from the countries concerned, the seamless tubes produced and sold in the Community by the Community industry and those domestically sold on the Croatian market were alike in their basic physical and technical characteristics and were found to have essentially the same uses.

(13) It has been claimed that Community produced seamless tubes were different from those imported from the Ukraine, since the latter were manufactured to different standards from those used by the Community industry, and that the specific testing requirements applied to Community produced seamless tubes meant that the production processes were different.

(14) The investigation has shown that both the Community industry and the Ukrainian exporters produce to the same or similar national and international standards. Information provided by the Ukrainian exporters shows that seamless tubes exported to the Community, whether commercial tubes or line pipes, conform to industry standards such as DIN, API and ASTM, as do those produced by the Community industry.

(15) In view of the above, the provisional findings that seamless tubes imported from the countries concerned, the seamless tubes produced and sold in the Community by the Community industry and those domestically sold on the Croatian market are like products within the meaning of Article 1(4) of Regulation (EC) No 384/1996

(hereinafter referred to as the 'basic Regulation') are confirmed.

D. DUMPING

1. Croatia

(16) Since the adoption of the provisional measures, no arguments have been submitted concerning the calculation of normal value, the determination of the export price, the comparison of the normal value with the export price, or the establishment of the dumping margin. The findings as set out in recitals 13 to 19 of the provisional Regulation are therefore confirmed. The dumping margin, and the residual margin, therefore remain at the same level, i.e. 40,8 %.

2. Ukraine

a) Normal value

(17) After the publication of the provisional Regulation, an importer objected to the selection of Croatia as an appropriate market economy third country for the purpose of establishing normal value for Ukraine. This importer argued that the cost of energy and other inputs in Croatia was much higher than in Ukraine, that the Croatian domestic market was monopolised, or at least dominated, by the sole producer, and that insufficient evidence had been put forward to justify the representativeness of Croatian domestic sales.

(18) It is considered that the argument concerning the higher Croatian costs is not relevant in that Ukraine is a non-market economy and any comparison is, by its nature, unreliable. What is relevant in this context is whether Ukrainian producers had any absolute or comparative advantage as compared to Croatia, such as a more efficient use of energy. However, this was not the case. Moreover, the selection of Croatia was not unreasonable in that one of the alternatives, Brazil, had been rejected on the grounds that prices on the Brazilian market were indeed too high due to the domination of one producer. Croatia, however, was importing the product concerned as well as exporting it, so there was an element of competition on its domestic market. In addition, domestic sales were representative and amounted to more than 5 % of total Ukrainian exports to the Community by volume. Finally, even though every effort had been made to investigate other alternatives to Brazil such as the United States of America and the Czech Republic, no cooperation had been forthcoming from either country.

(19) As no other arguments have been put forward either concerning the methodology or the calculation of normal value, the findings as set out in recitals 20 to 26 of the provisional Regulation are therefore confirmed.

b) *Export price*

- (20) One exporting producer objected to the fact that in establishing the export price the Commission had not taken into account its sales to its related importer in the Community on the grounds that the information submitted had been found to be unreliable. Since no new evidence was submitted to contradict this, the findings set out in recitals 27 and 28 of the provisional Regulation are confirmed.

c) *Comparison*

- (21) The exporting producers reiterated their claim for an adjustment for differences in physical characteristics because of the lower standards used by the Ukrainian tube industry as compared to the Community industry. This claim had been rejected at the provisional stage because it was insufficiently substantiated. The exporting producers, however, failed again to back up their arguments and, in the absence of new information, the findings set out in recitals 29 to 31 of the provisional Regulation are confirmed.

d) *Dumping margin*

- (22) The provisional findings on the dumping margins are therefore confirmed at 123,7 % for Ukraine.

E. INJURY**1. Definition of the Community industry**

- (23) In the absence of any new information the provisional findings as regards the definition of the Community industry, described in recitals 34 to 38 of the provisional Regulation are confirmed.

2. Imports into the Community from the countries concerneda) *Cumulation*

- (24) The Croatian exporting producer has argued that imports from Croatia should not be cumulatively assessed with those originating in the Ukraine. In this respect it was claimed that the volume of imports from Croatia in the investigation period (hereinafter referred to as 'IP') was substantially lower than that from Ukraine, while the prices of these imports were higher. It was also claimed that Croatian exports have followed the prices set by the Ukrainian imports in the Community market.
- (25) The dumping margins have been found to be substantial for both countries. The volume of imports for both countries was increasing during the period examined reaching significant levels which, in both cases, were found to be well above *de minimis* levels. As regards the prices of the imports, it was found that the prices of seamless tubes from both countries have significantly undercut the prices of the Community industry during the IP. Furthermore, seamless tubes from both countries

are sold through the same sales channels and under comparable sales conditions, thus competing with each other and with the tubes sold by the Community industry.

- (26) The provisional findings regarding the appropriateness of the cumulative assessment of imports from Croatia and Ukraine are therefore confirmed.

b) *Prices of the dumped imports*

- (27) Price undercutting margins for Croatia and Ukraine were recalculated in the light of the evidence submitted by interested parties as regards prices of certain product categories and the grouping of seamless tubes for the purpose of price comparisons.
- (28) As regards Croatia, the revised weighted average price undercutting expressed as a percentage of the Community industry's prices amounts to 14,4 %.
- (29) As regards Ukraine, the revised weighted average price undercutting expressed as a percentage of the Community industry's prices amounts to 24 %.

3. Situation of the Community industrya) *Preliminary remark*

- (30) Following the publication of the provisional Regulation, the Commission on 8 December 1999 found that certain Community producers being part of the Community industry in the present proceeding had infringed Article 81 of the EC Treaty by engaging in anti-competitive practices. It was concluded that between 1990 and 1995 Dalmine, Mannesmannröhren-Werke and Vallourec participated in an agreement providing for the observance of their respective domestic markets for certain seamless tubes, notably oil country tubular goods and certain line pipes.
- (31) The decision has been examined in order to determine whether the injury found to have been suffered by the Community industry derived from the dumped imports or whether it was caused by the conduct of certain Community producers themselves.
- (32) It should be noted that the period on which the findings of this investigation were based (1 January 1997 to 31 October 1998) is outside the period during which the anti-competitive practices have been found to take place. In view of the fact that these practices took place in a period prior to that considered in this proceeding and given that the increase in the volume of imports from Croatia and Ukraine at dumped prices has coincided with a deterioration of the situation of the Community industry, it cannot be concluded that the anti-competitive conduct of certain Community producers contributed to the injury suffered by the Community industry in the current proceeding to an extent that would break the causal link between the injury suffered by the Community industry and the imports concerned, within the meaning of Article 3(6) of the basic Regulation.

b) *Arguments raised by interested parties on the provisional findings*

- (33) The Ukrainian exporting producers have argued that the Community industry has not suffered material injury within the meaning of Article 3 of the basic Regulation, since between 1997 and the IP indicators concerning productivity and capacity utilisation improved and market share remained stable. Furthermore, they questioned the provisional findings on the profitability of the Community industry. This claim was supported by certain press articles quoting the improved financial results of Community seamless tubes producers.
- (34) It should be mentioned that, according to Article 3(5) of the basic Regulation, none of the factors listed in this provision can give decisive guidance on whether the Community industry has suffered injury within the meaning of Article 3 of the basic Regulation.
- (35) As regards the improvement in the situation of the Community industry between 1997 and the IP, especially concerning productivity and capacity utilisation, this should be seen in the light of the anti-dumping measures imposed in 1997 against imports of seamless tubes from the Czech Republic, Hungary, Poland, Romania, Russia and the Slovak Republic by Regulation (EC) No 2320/97 ⁽¹⁾ Indeed, the intended effect of those anti-dumping measures was to remove the injury found to be suffered by the Community industry.
- (36) It should also be noted that, between 1997 and the IP, the profitability achieved by the Community industry remained at a level lower than what the industry could expect under normal conditions of competition, in the absence of dumped imports. With respect to the reliability of the profitability figures, it should be noted that they correspond to the information provided by the Community industry in the course of the investigation and verified on-the-spot. In terms of the profitability figures submitted by the Ukrainian exporting producers, it should be noted that they include products not covered by the investigation and relate to a period outside the period examined in the present investigation. As regards market share, it was found that the Community industry had been unable to regain previously lost market share. Thus, the Community industry could not fully benefit from the earlier imposition of definitive measures on imports originating in the Czech Republic, Hungary, Poland, Romania, Russia and the Slovak Republic.
- (37) In view of the above, the provisional findings as regards the material injury suffered by the Community industry are confirmed.

F. CAUSATION

- (38) In the absence of any new information the provisional findings as described in recitals 68 to 73 of the provisional Regulation are confirmed.

G. COMMUNITY INTEREST

- (39) In view of the findings of the Commission mentioned in paragraph 30, it has been examined whether the imposition of anti-dumping measures could raise concerns about competition on this market. In the light of the fact that the anti-competitive practice were found to have taken place in a period prior to that considered in this proceeding, there is no reason to conclude that the imposition of anti-dumping measures in the present proceeding would have an impact on the competition on this market in the future.
- (40) In the absence of any new information on Community interest, the provisional findings as described in recitals 74 to 83 of the provisional Regulation are confirmed.

H. ANTI-DUMPING MEASURES

1. Injury elimination level

- (41) The methodology used for establishing the injury margin as described in recitals 86 and 87 of the provisional Regulation is confirmed.
- (42) The injury margins revised to take into account the comments made by interested parties, which have been described above in recital 27, subsequent to the disclosure of provisional findings are set out below:
- Croatia: 23 %,
- Ukraine: 38,5 %.

2. Form and level of the definitive measures

- (43) The conclusions reached above as to dumping, injury, causation and Community interest call for definitive measures. In view of the diversity of product types, the anti-dumping duty should be in the form of *ad valorem* duties.
- (44) In accordance with Article 9(4) of the basic Regulation, for all exporting producers the level of the duty is based on the lower of the injury or the dumping margin. These duties expressed as a percentage of the free-at-Community frontier prices amount to:
- Croatia: 23 %,
- Ukraine: 38,5 %.
- (45) Subsequent to the imposition of provisional anti-dumping measures, the exporting producer in Croatia and the exporting producers in Ukraine in conjunction with the Ukrainian authorities offered price undertakings of the same type as those accepted by the Commission from other producers in Central and Eastern Europe in 1997 under Regulation (EC) No 2320/97. The elimination of the injury is achieved by two means: first, a price undertaking covering imports up to an agreed volume threshold and, second, an *ad valorem* duty levied on imports over and above that threshold.

⁽¹⁾ OJ L 322, 25.11.1997, p. 1.

(46) To ensure that the quantity of imports exempted from the *ad valorem* duty does not exceed the quantity specified in the price undertaking, exemption from the anti-dumping duty is conditional upon the presentation to Member States' customs services of a valid production certificate clearly identifying the producer, and containing an exact description of the goods and a signed declaration by the producer.

(47) In order to enable the Commission to monitor compliance with the undertakings effectively, the producers have also agreed to provide the Commission with regular and detailed information on their sales for export to the Community, and to keep available copies of the production certificates for subsequent verification.

(48) As regards Ukraine, the undertaking offered by the Ukrainian exporting producers is a joint one, reflecting Ukraine's status as a non-market economy country, and is underpinned by guarantees given by the Ukrainian authorities to ensure adequate monitoring, particularly with regard to the anti-dumping duty-free threshold.

(49) The price undertakings up to a certain volume threshold and the *ad valorem* duty for the remainder of the imports are therefore considered an adequate means of removing the injury suffered by the Community industry. In the event of any breach, or suspected breach, of an undertaking, the Commission would swiftly impose provisional or definitive duties in accordance with Articles 8(9) and (10) of the basic Regulation.

(50) The Commission has accepted these undertakings.

I. COLLECTION OF PROVISIONAL DUTIES

(51) In view of the magnitude of the dumping margins found for the exporting producers, and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty under the provisional Regulation should be definitively collected at the rate of the duty definitively imposed,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on the following imports originating in Croatia and Ukraine:

- seamless pipes, of iron or non-alloy steel, of a kind used for oil and gas pipelines, of an external diameter not exceeding 406,4 mm (falling within CN codes 7304 10 10 and 7304 10 30);
- seamless tubes of circular cross-section, of iron or non-alloy steel, cold-drawn or cold-rolled (falling within CN code 7304 31 99);
- other tubes of circular cross-section, of iron or non-alloy steel, of an external diameter not exceeding 406,4 mm (falling within CN codes 7304 39 91 and 7304 39 93).

2. The rates of duty applicable to the net, free-at-Community frontier price of imports of the product described in paragraph 1 shall be as follows:

Country	Manufacturer	Rate of duty	Taric additional code
Croatia	All companies	23 %	A999
Ukraine	All companies	38,5 %	A999

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

1. Imports shall be exempt from the anti-dumping duties imposed by Article 1 provided that they are produced and sold for export to the Community by the companies listed in paragraph 4 which have offered undertakings accepted by the Commission and provided that the conditions in paragraphs 2 and 3 are met.

2. When the declaration for release for free circulation is presented, exemption from the duty shall be conditional upon presentation to the competent Member States' customs services of a valid, original production certificate issued by one of the companies listed in paragraph 4. The production certificate shall conform with the requirements for such certificates set out in the undertaking accepted by the Commission, the essential elements of which are listed in the Annex.

3. The production certificate referred to in paragraph 2 must be presented within three months of its date of issue. The quantities presented to the Member States' customs services for imports into the Community free of anti-dumping duty shall not exceed those stipulated on the certificate. When quantities stipulated on the certificate are exceeded, the excess shall be subject to the duty, and be declared under the relevant Taric additional code of Article 1(2).

4. Imports accompanied by a production certificate shall be declared under the following Taric additional codes:

Country	Manufacturer	Taric additional code
Croatia	Zeljezara Sisak d.d., Sisak	A064
Ukraine	Dnepropetrovsk Tube Works, Dnepropetrovsk	A065
	Nikopol Pivdennotrubny Works, Nikopol	A066
	Nizhnedneprovsky Tube Rolling Plant, Dnepropetrovsk	A067

Article 3

Member States' reports to the Commission pursuant to Article 14(6) of Regulation (EC) No 384/1996, shall indicate for each release for free circulation, the year and month of import, the CN, Taric and Taric additional codes, the type of measure, the country of origin, the quantity, the value, the anti-dumping duty, the Member State of import and, where appropriate, the serial number of the production certificate.

Article 4

The amounts secured by way of provisional anti-dumping duties imposed pursuant to Regulation (EC) No 1802/1999 shall be collected at the rate of the duty definitively imposed. Amounts secured in excess of the definitive rate of anti-dumping duties shall be released.

Article 5

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

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

Done at Brussels, 14 February 2000.

For the Council

The President

J. GAMA

ANNEX

Main elements of the production certificate referred to in Article 2(2) (*)

- (a) The number of the certificate.
- (b) Identification showing whether the certificate is an original or a copy.
- (c) The date of expiry of the certificate.
- (d) The following text:

'Production certificate issued by [name of the company] pursuant to Article 2(2) of Council Regulation No 348/2000 for the exports to the European Community within Taric additional Code [Taric additional code] of certain seamless steel pipes and tubes.'

In the case of imports from Ukraine

'Production certificate authenticated by the Ministry of [...] of Ukraine for monitoring pursuant to Article 2(2) of Council Regulation No 348/2000 for the exports to the European Community within Taric additional Code [Taric additional code] of certain seamless steel pipes and tubes.'
- (e) The name and full address of the relevant exporting producer, including telephone and fax numbers and possible identification number such as national registration number for incorporated companies.
- (f) The name and full address of the customer of the relevant exporting producer, including telephone and fax numbers, to whom the product has been sold and invoiced by this exporting producer.
- (g) The number of the commercial invoice to which the production certificate relates.
- (h) The exact description of the goods, including:
 - a product description sufficient to identify the product, which will be identical to the product description on the invoice,
 - CN code,
 - quantity (in metric tonnes).
- (i) In the case of imports from Croatia, the name of the official of the company responsible for the issue of the certificate, and the following signed declaration,

'I, the undersigned, certify that the sale for export to the European Community of the goods covered by this certificate is being made within the scope and under the terms of the undertaking by [name of the relevant exporting producer], and within the permitted volume for anti-dumping duty-free imports into the European Community set out in the Undertaking accepted by the Commission pursuant to Decision 2000/.../EC [Decision C(2000) 271/2]. I declare that the information provided in this certificate is complete and correct.'

In the case of imports from Ukraine, the following signed declaration by the exporting producer:

'I, the undersigned, certify that the sale for export to the European Community of the goods covered by this certificate is being made within the scope and under the terms of the undertaking by [name of the relevant exporting producer], and within the permitted volume for anti-dumping duty-free imports into the European Community set out in the Undertaking accepted by the Commission pursuant to Decision 2000/.../EC [Decision C(2000) 271/2]. I declare that the information provided in this certificate is complete and correct.'
- (j) In the case of imports from Ukraine, space for stamp and signature of an authorised person in the Ministry of [...] of Ukraine.
- (k) Space for use by the competent authorities of the Community.

(*) Each box on the certificate will be in four languages for Croatia, i.e. the language of the country of the producer, English, French and German for Croatia and in two languages for Ukraine, i.e. the language of the country of the producer and English.

COMMISSION REGULATION (EC) No 349/2000
of 16 February 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 17 February 2000.

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

Done at Brussels, 16 February 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 16 February 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	204	51,3
	624	194,8
	999	123,1
0707 00 05	052	116,8
	068	137,9
	628	159,4
	999	138,0
0709 10 00	220	217,7
	999	217,7
0709 90 70	052	128,6
	204	55,5
	628	151,3
	999	111,8
0805 10 10, 0805 10 30, 0805 10 50	052	47,1
	204	39,2
	212	35,1
	220	23,6
	624	55,4
	999	40,1
0805 20 10	052	53,6
	204	68,2
	999	60,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	48,0
	204	63,1
	464	120,7
	600	78,7
	624	62,5
	999	74,6
0805 30 10	052	49,0
	600	61,0
	999	55,0
0808 10 20, 0808 10 50, 0808 10 90	060	46,7
	400	81,3
	404	82,9
	528	113,4
	720	64,2
	728	82,9
	999	78,6
	388	103,3
0808 20 50	400	110,7
	528	106,3
	720	55,0
	999	93,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 350/2000**of 16 February 2000****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the market in sugar ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 2000.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 16 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,36	0,00	—
1703 90 00 ⁽¹⁾	7,57	0,00	—

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 351/2000**of 16 February 2000****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽²⁾, as amended by Regulation (EC) No 3290/94 ⁽³⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of

export refunds in the sugar sector ⁽⁴⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks; whereas it may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 2000.

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

Done at Brussels, 16 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 89, 10.4.1968, p. 3.

⁽³⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁴⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**to the Commission Regulation of 16 February 2000 fixing the export refunds on white sugar and raw sugar
exported in its unaltered state**

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	43,33 ⁽¹⁾
1701 11 90 9910	42,97 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	43,33 ⁽¹⁾
1701 12 90 9910	42,97 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4710
	— EUR/100 kg —
1701 99 10 9100	47,10
1701 99 10 9910	48,93
1701 99 10 9950	46,71
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4710

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Regulation (EC) No 2038/1999.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

**COMMISSION REGULATION (EC) No 352/2000
of 16 February 2000**

**fixing the maximum export refund for white sugar for the 27th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1489/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1489/1999 of 7 July 1999 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1489/1999 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 27th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 27th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1489/1999 the maximum amount of the export refund is fixed at EUR 52,050/100 kg.

Article 2

This Regulation shall enter into force on 17 February 2000.

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

Done at Brussels, 16 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 172, 8.7.1999, p. 27.

COMMISSION REGULATION (EC) No 353/2000
of 15 February 2000
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish

unit values for the products referred to in the classification in Annex 26 to that Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 15 February 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 25.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	48,92 290,88 413,02	673,18 320,91 1 973,51	95,68 38,53 30,02	364,22 94 726,39	16 288,61 107,81	8 139,95 9 808,00
1.30	Onions (other than seed) 0703 10 19	a) b) c)	25,14 149,48 212,25	345,95 164,92 1 014,19	49,17 19,80 15,43	187,17 48 680,15	8 370,76 55,40	4 183,14 5 040,36
1.40	Garlic 0703 20 00	a) b) c)	97,16 577,67 820,25	1 336,91 637,31 3 919,30	190,02 76,52 59,62	723,31 188 121,80	32 348,36 214,11	16 165,53 19 478,19
1.50	Leeks ex 0703 90 00	a) b) c)	56,25 334,44 474,89	774,01 368,97 2 269,10	110,01 44,30 34,51	418,77 108 914,22	18 728,27 123,96	9 359,13 11 277,01
1.60	Cauliflowers 0704 10 10	a) b) c)	55,28 328,68 466,70	760,67 362,61 2 229,99	108,12 43,54 33,92	411,55 107 037,01	18 405,48 121,82	9 197,82 11 082,64
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 354,90 503,93	821,35 391,54 2 407,89	116,74 47,01 36,63	444,38 115 575,96	19 873,79 131,54	9 931,58 11 966,77
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	45,53 270,71 384,39	626,51 298,66 1 836,68	89,05 35,86 27,94	338,96 88 158,37	15 159,21 100,33	7 575,55 9 127,95
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 629,95 894,48	1 457,90 694,99 4 274,01	207,22 83,44 65,01	788,78 205 147,81	35 276,05 233,48	17 628,60 21 241,07
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	108,31 644,00 914,43	1 490,42 710,49 4 369,33	211,84 85,30 66,46	806,37 209 722,83	36 062,75 238,69	18 021,73 21 714,77
1.110	Cabbage lettuce (head lettuce) 0705 11 10	a) b) c)	152,67 907,73 1 288,92	2 100,79 1 001,45 6 158,69	298,60 120,24 93,68	1 136,60 295 610,34	50 831,48 336,44	25 402,15 30 607,59
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,74 184,22	300,25 143,13 880,22	42,68 17,18 13,39	162,45 42 249,41	7 264,97 48,08	3 630,54 4 374,52
1.130	Carrots ex 0706 10 00	a) b) c)	54,55 324,37 460,58	750,69 357,86 2 200,74	106,70 42,97 33,47	406,15 105 632,82	18 164,02 120,22	9 077,15 10 937,26
1.140	Radishes ex 0706 90 90	a) b) c)	90,43 537,65 763,43	1 244,30 593,16 3 647,80	176,86 71,22 55,49	673,21 175 090,12	30 107,50 199,27	15 045,70 18 128,89
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	353,70 2 103,00 2 986,11	4 867,01 2 320,12 14 268,20	691,78 278,56 217,03	2 633,22 684 857,73	117 764,25 779,45	58 850,65 70 910,38

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	161,69 961,34 1 365,03	2 224,84 1 060,59 6 522,36	316,23 127,34 99,21	1 203,71 313 066,20	53 833,09 356,31	26 902,15 32 414,97
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	206,51 1 227,85 1 743,46	2 841,64 1 354,62 8 330,59	403,90 162,64 126,71	1 537,43 399 859,12	68 757,50 455,09	34 360,37 41 401,54
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 331,72	2 170,55 1 034,71 6 363,22	308,51 124,23 96,79	1 174,34 305 427,23	52 519,53 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	411,27 2 445,28 3 472,11	5 659,15 2 697,73 16 590,44	804,37 323,90 252,35	3 061,79 796 322,41	136 931,08 906,31	68 428,94 82 451,47
1.200.2	— other ex 0709 20 00	a) b) c)	562,08 3 342,00 4 745,39	7 734,44 3 687,03 22 674,41	1 099,34 442,68 344,89	4 184,60 1 088 346,19	187 145,83 1 238,67	93 522,89 112 687,70
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	183,20 1 089,25 1 546,65	2 520,86 1 201,70 7 390,18	358,30 144,28 112,41	1 363,87 354 720,60	60 995,74 403,72	30 481,57 36 727,88
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	79,10 470,33 667,83	1 088,48 518,88 3 191,01	154,71 62,30 48,54	588,91 153 164,77	26 337,34 174,32	13 161,63 15 858,73
1.230	Chantarelles 0709 51 30	a) b) c)	1 699,80 10 106,55 14 350,56	23 389,76 11 149,96 68 569,76	3 324,52 1 338,70 1 043,00	12 654,67 3 291 271,75	565 948,41 3 745,87	282 822,92 340 779,30
1.240	Sweet peppers 0709 60 10	a) b) c)	182,70 1 086,27 1 542,42	2 513,97 1 198,42 7 369,99	357,32 143,89 112,10	1 360,14 353 751,11	60 829,03 402,61	30 398,26 36 627,50
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 620,95	1 012,07 482,46 2 967,00	143,85 57,93 45,13	547,57 142 412,66	24 488,47 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	45,61 271,19 385,07	627,62 299,19 1 839,95	89,21 35,92 27,99	339,57 88 315,60	15 186,25 100,51	7 589,07 9 144,22
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 489,93	2 428,42 1 157,63 7 119,19	345,16 138,99 108,29	1 313,86 341 712,93	58 759,02 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	85,26 506,96 719,84	1 173,26 559,29 3 439,53	166,76 67,15 52,32	634,77 165 093,74	28 388,58 187,90	14 186,70 17 093,86

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	133,65 794,67 1 128,38	1 839,13 876,72 5 391,61	261,41 105,26 82,01	995,03 258 791,20	44 500,27 294,54	22 238,24 26 795,32
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	101,35 602,59 855,63	1 394,57 664,80 4 088,36	198,22 79,82 62,19	754,51 196 236,51	33 743,72 223,34	16 862,84 20 318,39
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	57,79 343,60 487,88	795,19 379,07 2 331,19	113,03 45,51 35,46	430,23 111 894,72	19 240,78 127,35	9 615,25 11 585,61
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	66,19 393,52 558,77	910,74 434,15 2 669,92	129,45 52,13 40,61	492,74 128 153,39	22 036,53 145,85	11 012,37 13 269,04
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	154,08 916,11 1 300,81	2 120,17 1 010,69 6 215,53	301,35 121,35 94,54	1 147,09 298 338,35	51 300,57 339,55	25 636,57 30 890,05
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	38,14 226,75 321,97	524,78 250,16 1 538,45	74,59 30,04 23,40	283,92 73 843,92	12 697,78 84,04	6 345,50 7 645,82
2.90.2	— pink ex 0805 40 00	a) b) c)	56,45 335,63 476,58	776,76 370,29 2 277,18	110,41 44,46 34,64	420,26 109 301,86	18 794,93 124,40	9 392,44 11 317,15
2.100	Table grapes ex 0806 10 10	a) b) c)	164,66 979,00 1 390,11	2 265,72 1 080,08 6 642,23	322,04 129,68 101,03	1 225,84 318 819,63	54 822,41 362,86	27 396,55 33 010,68

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	32,48 193,13 274,23	446,96 213,07 1 310,30	63,53 25,58 19,93	241,82 62 893,15	10 814,75 71,58	5 404,48 6 511,98
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	65,98 392,32 557,07	907,96 432,83 2 661,78	129,05 51,97 40,49	491,24 127 762,45	21 969,31 145,41	10 978,78 13 228,56
2.120.2	— other ex 0807 19 00	a) b) c)	144,21 857,43 1 217,49	1 984,37 945,95 5 817,40	282,05 113,57 88,49	1 073,61 279 228,92	48 014,62 317,80	23 994,48 28 911,45
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	335,44 1 994,44 2 831,96	4 615,76 2 200,35 13 531,64	656,06 264,18 205,83	2 497,29 649 503,57	111 684,95 739,21	55 812,62 67 249,80
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	377,09 2 242,06 3 183,56	5 188,83 2 473,53 15 211,66	737,52 296,98 231,38	2 807,34 730 142,63	125 551,18 830,99	62 742,03 75 599,20
2.170	Peaches 0809 30 90	a) b) c)	246,05 1 462,97 2 077,31	3 385,78 1 614,01 9 925,79	481,24 193,78 150,98	1 831,82 476 426,98	81 923,68 542,23	40 939,94 49 329,40
2.180	Nectarines ex 0809 30 10	a) b) c)	223,64 1 329,69 1 888,06	3 077,32 1 466,97 9 021,51	437,40 176,13 137,22	1 664,94 433 022,39	74 460,07 492,83	37 210,13 44 835,27
2.190	Plums 0809 40 05	a) b) c)	139,60 830,02 1 178,57	1 920,93 915,71 5 631,42	273,03 109,94 85,66	1 039,29 270 301,74	46 479,55 307,64	23 227,35 27 987,13
2.200	Strawberries 0810 10 00	a) b) c)	237,63 1 412,88 2 006,18	3 269,84 1 558,74 9 585,92	464,76 187,15 145,81	1 769,10 460 113,32	79 118,48 523,66	39 538,09 47 640,28
2.205	Raspberries 0810 20 10	a) b) c)	1 035,65 6 157,70 8 743,48	14 250,86 6 793,42 41 778,03	2 025,56 815,64 635,47	7 710,21 2 005 298,41	344 819,73 2 282,27	172 317,69 207 629,22
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	1 413,31 8 403,17 11 931,89	19 447,60 9 270,72 57 012,88	2 764,20 1 113,07 867,21	10 521,83 2 736 554,40	470 562,36 3 114,53	235 155,40 283 343,70
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	163,06 969,51 1 376,63	2 243,75 1 069,60 6 577,82	318,92 128,42 100,05	1 213,95 315 728,19	54 290,83 359,34	27 130,90 32 690,59

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	87,32 519,17 737,18	1 201,52 572,77 3 522,40	170,78 68,77 53,58	650,07 169 071,22	29 072,53 192,42	14 528,49 17 505,69
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	118,30 703,39 998,76	1 627,87 776,01 4 772,28	231,38 93,17 72,59	880,73 229 064,23	39 388,58 260,70	19 683,76 23 717,38
2.250	Lychees ex 0810 90 30	a) b) c)	143,79 854,91 1 213,91	1 978,53 943,17 5 800,28	281,22 113,24 88,23	1 070,45 278 407,16	47 873,32 316,86	23 923,86 28 826,36

COMMISSION REGULATION (EC) No 354/2000
of 16 February 2000
amending Regulation (EC) No 1547/1999 concerning the control procedures to apply to shipments
of certain types of waste to China
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out, of the European Community ⁽¹⁾, as last amended by Commission Decision 99/816/EC ⁽²⁾, and in particular Article 17(3) thereof,

Whereas:

- (1) On 7 December 1999 China made an official request to be allowed to import certain waste listed in Annex II to Council Regulation (EEC) No 259/93 without any control procedures, instead of applying the control procedure applicable to waste listed in Annex IV to that Regulation.
- (2) In accordance with Article 17(3) of Regulation (EEC) No 259/93, the committee instituted by Article 18 of Council Directive 75/442 of 15 July 1975 on waste ⁽³⁾, as last amended by Commission Decision 96/350/EC ⁽⁴⁾, was notified of the official request on 13 December 1999.
- (3) In order to take account of China's new situation, it is necessary to amend Commission Regulation (EC) No 1547/1999 of 12 July 1999 determining the control procedures to apply, in accordance with Council Regulation (EEC) No 259/93, to shipments of certain types of waste to certain countries to which OECD Decision C(92)39 final does not apply ⁽⁵⁾, as amended by Regulation (EC) No 334/2000 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Annex D to Regulation (EC) No 1547/1999 is amended by adding the following types of waste to the Chapter 'CHINA':

1. All types included in section GH (Solid plastic waste).
2. In section GJ (Textile wastes):

GJ 110	5505	Waste (including noils, yarn waste and garnetted stock) of man-made fibres;
GJ 111	5505 10	of synthetic fibres
GJ 112	5505 20	of artificial fibres

Article 2

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

⁽¹⁾ OJ L 30, 6.2.1993, p. 1.

⁽²⁾ OJ L 316, 10.12.1999, p. 45.

⁽³⁾ OJ L 194, 25.7.1975, p. 39.

⁽⁴⁾ OJ L 135, 6.6.1996, p. 32.

⁽⁵⁾ OJ L 185, 17.7.1999, p. 1.

⁽⁶⁾ OJ L 41, 15.2.2000, p. 8.

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

Done at Brussels, 16 February 2000.

For the Commission
Pascal LAMY
Member of the Commission

COMMISSION REGULATION (EC) No 355/2000

of 16 February 2000

providing for the granting of compensation to producers' organisations in respect of tuna delivered to the processing industry from 1 April to 30 June 1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, as last amended by Regulation (EC) No 2792/1999 ⁽²⁾, and in particular Article 18(6) thereof,

Whereas:

- (1) The compensatory allowance provided for in Article 18 of Regulation (EEC) No 3759/92 is to be granted under certain conditions to Community tuna producers' organisations in respect of quantities of tuna delivered to the processing industry during the calendar quarter for which prices have been recorded, where both the average quarterly selling price recorded on the Community market and the free-at-frontier price plus any applicable countervailing charge are lower than 91 % of the Community producer price for the product concerned.
- (2) An examination of the situation on the Community market has shown that in the period 1 April to 30 June 1999, both the average quarterly selling price and the free-at-frontier price as referred to in Article 18 of Regulation (EEC) No 3759/92 for albacore tuna (*Thunnus alalunga*) were lower than 91 % of the Community producer price in force laid down in Council Regulation (EC) No 2763/98 of 17 December 1998 fixing, for the 1999 fishing year, the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604 ⁽³⁾.
- (3) The amount of the allowance provided for in Article 18(2) of Regulation (EEC) No 3759/92 may not in any case exceed either the difference between the triggering threshold and the average selling price of the product in question on the Community market or a flat-rate amount equivalent to 12 % of this threshold.
- (4) The quantities on which compensation as provided for in Article 18(1) of Regulation (EEC) No 3759/92 is payable may under no circumstances exceed the limits laid down in paragraph 3 of that Article for the quarter concerned.
- (5) The quantities of albacore tuna (*Thunnus alalunga*) sold and delivered to the processing industry established in the customs territory of the Community were higher

during the quarter concerned than the quantities sold and delivered during the same quarter of the three previous fishing years; Since those quantities exceed the limit set in Article 18(3) of Regulation (EEC) No 3759/92, the total quantities of that product on which compensation is payable should therefore be limited.

- (6) In accordance with the ceilings laid down in Article 18(4) of Regulation (EEC) No 3759/92 for the purpose of calculating the allowance to be granted to each producers' organisation, the quantities on which the allowance is payable should be allocated among the producers' organisations concerned in proportion to the quantities produced by them in the same quarter of the 1996, 1997 and 1998 fishing years.
- (7) A decision should therefore be taken to grant the allowance on the products in question for the period 1 April to 30 June 1999.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory allowance provided for in Article 18 of Regulation (EEC) No 3759/92 shall be granted for the period 1 April to 30 June 1999 in respect of the following product.

(EUR/t)	
Product	Maximum allowance in accordance with first and second indents of Article 18(2) of Regulation (EEC) No 3759/92
Albacore tuna (<i>Thunnus alalunga</i>)	51

Article 2

1. The total quantities on which the allowance for this species is payable shall be:

albacore tuna (*Thunnus alalunga*) 330,912 tonnes

2. The allocation of the total quantity among the producers' organisations concerned shall be as set out in the Annex hereto.

⁽¹⁾ OJ L 388, 31.12.1992, p. 1.

⁽²⁾ OJ L 337, 30.12.1999, p. 10.

⁽³⁾ OJ L 346, 22.12.1998, p. 5.

Article 3

Entitlement to the compensatory allowance shall be determined on the basis of sales covered by invoices the date of which falls within the quarter concerned and used to calculate the average monthly selling price referred to in Article 7(1)(b) of Regulation (EEC) No 2210/93 ⁽¹⁾.

Article 4

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

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

Done at Brussels, 16 February 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 197, 6.8.1993, p. 8.

ANNEX

Allocation among producers' organisations of quantities of tuna on which the compensatory allowance is payable for the period 1 April to 30 June 1999 in accordance with Article 18(4) of Regulation (EEC) No 3759/92, broken down by compensation percentage band

(Tonnes)

Albacore tuna (<i>Thunnus alalunga</i>)	Quantities 100 % of which is eligible for compensation (first indent of Article 18(4))	Quantities 50 % of which is eligible for compensation (second indent of Article 18(4))	Total quantities on which compensation is payable (first and second indents of Article 18(4))
OPAGAC	81,080	0	81,080
OPTUC	58,740	0	58,740
OP 42 (CAN.)	5,553	62,105	67,658
ORTHONGEL	58,254	0	58,254
APASA	7,083	58,097	65,180
MADEIRA	0	0	0
EU Total	210,710	120,202	330,912

COMMISSION REGULATION (EC) No 356/2000
of 16 February 2000
concerning applications for import licences for oat falling within CN code 1004 00 00 qualifying
for the conditions referred to in Council Regulation (EC) No 3093/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3093/95 of 22 December 1995 laying down the rates of duty to be applied by the Community resulting from negotiations under GATT Article XXIV(6) consequent upon the accession of Austria, Finland and Sweden to the European Union ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EC) No 411/96 of 6 March 1996 on detailed rules of application as regards import licences for oat falling within CN code 1004 00 00 ⁽²⁾ establishes special rules governing the organisation of imports under a quota for 21 000 tonnes of oats.
- (2) Article 3(4) of Regulation (EC) No 411/96 lays down that the Commission must set a percentage for the reduction of quantities if the applications for import licences exceed the quantities that may be allocated. Applications for licences submitted on 14 February

2000 relate to 12 610 tons of oats and the maximum quantity to be allocated is 11 600 tonnes. The appropriate percentage of reduction for import licence applications submitted on 14 February 2000 qualifying for the conditions provided for in Regulation (EC) No 3093/95 must therefore be set,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for oats qualifying for the conditions provided for in Regulation (EC) No 3093/95 submitted on 14 February 2000 and notified to the Commission shall be accepted for the tonnage indicated therein multiplied by a coefficient of 0,92. Applications not notified to the Commission shall be refused.

Article 2

This Regulation shall enter into force on 17 February 2000.

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

Done at Brussels, 16 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 334, 30.12.1995, p. 1.

⁽²⁾ OJ L 57, 7.3.1996, p. 12.

COMMISSION REGULATION (EC) No 357/2000
of 16 February 2000
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2702/1999 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take

account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 2000.

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

Done at Brussels, 16 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 327, 21.12.1999, p. 7.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 16 February 2000 fixing the export refunds on olive oil

(EUR/100 kg)

Product code	Amount of refund ⁽¹⁾
1509 10 90 9100	0,00
1509 10 90 9900	0,00
1509 90 00 9100	0,00
1509 90 00 9900	0,00
1510 00 90 9100	0,00
1510 00 90 9900	0,00

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ L 351, 14.12.1987, p. 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 358/2000
of 16 February 2000
providing the result of applications for repayment of duties on dried boneless beef under Regula-
tion (EC) No 2424/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2249/1999 of 22 October 1999 opening a tariff quota for the import of meat of bovine animals, boneless, dried ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2424/1999 of 15 November 1999 laying down detailed rules of application for an import tariff quota of dried boneless beef provided for in Council Regulation (EC) No 2249/1999 ⁽²⁾, as amended by Regulation (EC) No 2589/1999 ⁽³⁾, and in particular Article 8(3) thereof,

Whereas:

Article 8(3) of Regulation (EC) No 2424/1999 lays down that the Commission shall decide on the applications for repayment of part of the customs duties paid on imports under the quota

since 1 July 1999. The overall quantity of eligible products imported does not exceed the annual quota of 700 tonnes. Consequently, all valid applications for repayment of the specific amount of duty be accepted,

HAS ADOPTED THIS REGULATION:

Article 1

All valid applications for repayment received under Article 8(2) of Regulation (EC) No 2424/1999 shall be accepted.

Article 2

This Regulation shall enter into force on the third day following 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, 16 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 275, 26.10.1999, p. 2.

⁽²⁾ OJ L 294, 16.11.1999, p. 13.

⁽³⁾ OJ L 315, 9.12.1999, p. 6.

COMMISSION REGULATION (EC) No 359/2000
of 16 February 2000
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 February 2000.

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

Done at Brussels, 16 February 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 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	76,44	111,06		173,10
1006 10 23	(7)	76,44	111,06		173,10
1006 10 25	(7)	76,44	111,06		173,10
1006 10 27	(7)	76,44	111,06		173,10
1006 10 92	(7)	76,44	111,06		173,10
1006 10 94	(7)	76,44	111,06		173,10
1006 10 96	(7)	76,44	111,06		173,10
1006 10 98	(7)	76,44	111,06		173,10
1006 20 11	146,70	47,01	69,01		110,03
1006 20 13	146,70	47,01	69,01		110,03
1006 20 15	146,70	47,01	69,01		110,03
1006 20 17	202,17	66,42	96,75	0,00	151,63
1006 20 92	146,70	47,01	69,01		110,03
1006 20 94	146,70	47,01	69,01		110,03
1006 20 96	146,70	47,01	69,01		110,03
1006 20 98	202,17	66,42	96,75	0,00	151,63
1006 30 21	(7)	146,86	212,59		341,25
1006 30 23	(7)	146,86	212,59		341,25
1006 30 25	(7)	146,86	212,59		341,25
1006 30 27	(7)	146,86	212,59		341,25
1006 30 42	(7)	146,86	212,59		341,25
1006 30 44	(7)	146,86	212,59		341,25
1006 30 46	(7)	146,86	212,59		341,25
1006 30 48	(7)	146,86	212,59		341,25
1006 30 61	(7)	146,86	212,59		341,25
1006 30 63	(7)	146,86	212,59		341,25
1006 30 65	(7)	146,86	212,59		341,25
1006 30 67	(7)	146,86	212,59		341,25
1006 30 92	(7)	146,86	212,59		341,25
1006 30 94	(7)	146,86	212,59		341,25
1006 30 96	(7)	146,86	212,59		341,25
1006 30 98	(7)	146,86	212,59		341,25
1006 40 00	(7)	45,38	(7)		105,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	202,17	455,00	146,70	455,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	334,86	309,11	414,20	318,15	—
(b) fob price (EUR/tonne)	—	—	—	383,52	287,47	—
(c) Sea freight (EUR/tonne)	—	—	—	30,68	30,68	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

DECISION OF THE EUROPEAN PARLIAMENT

of 19 January 2000

closing the accounts relating to the implementation of the general budget of the European Union for the 1997 financial year (Sections I-Parliament, II-Council, III-Commission, IV-Court of Justice and V-Court of Auditors)

(2000/134/EC, ECSC, Euratom)

THE EUROPEAN PARLIAMENT,

Having regard to the budget of the European Union for the 1997 financial year,

Having regard to the revenue and expenditure account and the financial statement for the 1997 financial year (SEC(1998)0520 — C4-0350/1998, SEC(1998)0522 — C4-0351/1998, SEC(1998)0519 — C4-0352/1998),

Having regard to the report of the Court of Auditors for the 1997 financial year ⁽¹⁾ and the special reports pertaining to it, accompanied by the Institutions' replies

Having regard to the statement of assurance provided by the Court of Auditors, on the basis of Article 248 of the EC Treaty, as to the reliability of the accounts and the legality and regularity of the underlying transactions,

Having regard to the Council recommendation of 15 March 1999 (C4-0156/1999),

Having regard to its resolution of 4 May 1999 ⁽²⁾ informing the Commission of the reasons for postponing the discharge in respect of the implementation of the general budget of the European Union for the 1997 financial year,

Having regard to the Treaty establishing the European Community, and in particular Article 276 thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 78g thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 180b thereof,

Having regard to Rule 93 and Annex V to its Rules of Procedure,

Having regard to the report of the Committee on Budgetary Control and the opinion of Committee on Industry, External Trade, Research and Energy (A5-0004/2000),

whereas,

pursuant to Article 275 of the EC Treaty, the responsibility for drawing up the accounts relating to the implementation of the budget lies with the Commission,

⁽¹⁾ OJ C 349, 17.11.1998.

⁽²⁾ OJ C 279, 1.10.1999, p. 119.

1. Notes that the authorised revenue and expenditure for the 1997 financial year amounted to:

	ECU	ECU
a) Revenue: estimates entered in the general budget Including EFTA/EEA contributions	p.m.	82 365 535 317,00
b) Commitment appropriations:		
— Appropriations authorised in the general budget	89 208 385 339,96	
— Appropriations carried over from 1996	491 487 792,94	
— Appropriations made available as a result of cancellation, in 1996, of commitments entered into in previous financial years	1 665 000,00	
— Appropriations made available as a result of repayment of deposits	0,00	
— Appropriations corresponding to revenue from services rendered to third parties	110 408 343,67	
		89 811 946 476,57
c) Payment appropriations		83 817 479 886,34

2. Notes the following data compiled by the Commission in closure of the accounts for the 1997 financial year:

	ECU	ECU
a) Revenue: general budget including EFTA/EEA contributions		80 547 697 832,85
b) Expenditure		
— Payments made for the financial year including EFTA-EEA	79 301 508 479,80 (54 964 579,21)	
— Appropriations carried over to 1998	701 596 075,97	
— EFTA/EEA appropriations carried over from 1996 to 1997	343 290,60	80 003 447 846,37
c) Balance for the 1997 financial year		
Revenue for the financial year		80 547 697 832,85
— Payments from the appropriations for the financial year including EFTA-EEA	79 301 508 479,80 (54 964 579,21)	
— Appropriations carried over to 1998	701 596 075,97	
— EFTA/EEA appropriations carried over from 1996 to 1997	343 290,60	– 80 003 447 846,37
— Appropriations carried over from 1996 which have lapsed		323 055 251,30
— Exchange differences during the 1997 financial year		95 023 529,87
— Overrun on non-differentiated appropriations carried over:		
— Commission		0,00
— Other institutions		– 71,33
Balance for the 1997 financial year		962 328 696,32
This balance reflects the accounting situation only and does not include expenditure actually incurred during the financial year		

	ECU	ECU
d) Utilisation of appropriations for commitments		86 627 226 875,25
e) Balance sheet as at 31 December 1997		
	ASSETS (ECU)	LIABILITIES (ECU)
I. Initial costs	0,00	
II. Intangible fixed assets	3 329 094,58	
III. Tangible fixed assets	2 243 068 143,21	
IV. Investments	1 235 070 520,12	
V. Long-term assets	4 932 858 972,96	
VI. Stocks	90 198 397,73	
VII. Short-term assets	4 959 905 396,41	
VIII. Cash investments	99 358 920,48	
IX. Disposable assets	6 307 822 531,81	
X. Suspense accounts	357 537 626,20	
TOTAL	20 229 149 603,50	
I. Own capital		6 408 083 324,21
II. Provisions for risks and liabilities		872 391 061,38
III. Long-term liabilities		4 762 748 990,14
IV. Short-term liabilities		7 664 113 931,95
V. Suspense accounts		521 812 295,82
TOTAL		20 229 149 603,50

3. Closes the accounts relating to the implementation of the general budget of the European Union for the 1997 financial year;
4. Instructs its President to forward this decision to the Commission, the Council, the Court of Justice, the Court of Auditors and the European Investment Bank and to have it published in the 'Legislation' series of the *Official Journal of the European Communities*.

The Secretary-General of the European Parliament
Julian PRIESTLEY

The President of the European Parliament
Nicole FONTAINE

EUROPEAN PARLIAMENT DECISION**of 19 January 2000****giving discharge to the Commission in respect of the implementation of the general budget of the European Union for the 1997 financial year (Sections I-Parliament, II-Council, III-Commission, IV-Court of Justice and V-Court of Auditors)**

(2000/135/EC, ECSC, Euratom)

THE EUROPEAN PARLIAMENT,

Having regard to the budget of the European Union for the 1997 financial year,

Having regard to the revenue and expenditure account and the financial statement for the 1997 financial year (SEC(1998) 520 — C4-0350/1998, SEC(1998) 522 — C4-0351/1998, SEC(1998) 519 — C4-0352/1998),

Having regard to the report of the Court of Auditors for the 1997 financial year ⁽¹⁾ and the special reports pertaining to it, accompanied by the Institutions replies,

Having regard to the statement of assurance provided by the Court of Auditors, on the basis of Article 248 of the EC Treaty, as to the reliability of the accounts and the legality and regularity of the underlying transactions,

Having regard to the Council recommendation of 15 March 1999 (C4-0156/1999),

Having regard to its resolution of 4 May 1999 ⁽²⁾ informing the Commission of the reasons for postponing the discharge in respect of the implementation of the general budget of the European Union for the 1997 financial year,

Having regard to the explanations and information provided by the Commission on the measures taken in response to this resolution,

Having regard to the Treaty establishing the European Community, and in particular Article 276 thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 78g thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 180b thereof,

Having regard to Rule 93 and Annex V to its Rules of Procedure,

Having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0004/2000),

1. Gives the Commission discharge in respect of the implementation of the general budget of the European Union for the 1997 financial year;
2. Records its comments in the accompanying resolution which forms an integral part of this decision;
3. Instructs its President to forward this decision and the resolution containing its comments to the Commission, the Council, the Court of Justice, the Court of Auditors and the European Investment Bank and to have it published in the 'Legislation' series of the *Official Journal of the European Communities*.

The Secretary-General

Julian PRIESTLEY

The President

Nicole FONTAINE

⁽¹⁾ OJ C 349, 17.11.1998.⁽²⁾ OJ C 279, 1.10.1999, p. 119.

EUROPEAN PARLIAMENT RESOLUTION**containing the comments which form an integral part of the decision giving discharge to the Commission for the implementation of the general budget of the European Union for the 1997 financial year**

THE EUROPEAN PARLIAMENT,

having regard to Article 276 of the EC Treaty,

having regard to Article 89(7) of the Financial Regulation, pursuant to which each Community institution is required to take all appropriate steps to act on the comments appearing in the decisions giving discharge,

having regard to paragraph 8 of the same Article, which requires the institutions to report, at the request of the European Parliament, on the measures taken in the light of these comments and particularly on the instructions given to those of their departments which are responsible for the implementation of the budget,

having regard to the report of the Court of Auditors for the 1997 financial year ⁽¹⁾ and the special reports pertaining to it, accompanied by the institutions' replies,

having regard to the Council recommendation of 15 March 1999 (C4-0156/1999),

having regard to its resolution of 4 May 1999 ⁽²⁾ informing the Commission of the reasons for postponing the discharge in respect of the implementation of the general budget of the European Union for the 1997 financial year,

having regard to Rules 93 and 173 of and Annex V to its Rules of Procedure,

having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0004/2000),

- A. whereas the turnout in European elections is declining systematically in many Member States;
- B. whereas at the time of the European elections allegations of fraud, mismanagement and nepotism in the European institutions were the subject of public debate in several Member States;
- C. whereas it decided to postpone the discharge for the 1997 financial year pending commitments from the new Commission regarding reform;
- D. whereas with regard to subjects which are essential to the reform of the Commission, criticisms were expressed and measures called for in the second report of the Committee of Independent Experts and in the, Annex to Parliament's abovementioned resolution of 4 May 1999 on the postponement of the discharge;

E. whereas in response to these criticisms and demands, the Commission has entered into commitments and adopted certain measures which should be assessed;

F. whereas in February the Commission will submit a reform programme which should deal in a comprehensive manner with all aspects of its organisational and management structures; whereas this discharge will therefore make it possible to ascertain the current commitments and measures with a view to comparing them with the final programme of February 2000;

G. whereas the citizens of Europe will regain their faith in the European institutions only if major reforms are carried out in the near future,

H. whereas the Commission has in the past appeared to regard the annual report of the Court of Auditors as an irritating ritual rather than a useful contribution to the improvement of financial management,

- 1. reminds the Commission that the discharge which is being given to it is based on the assumption that its commitments under the reform programme will be implemented in full;
- 2. indicates to the Commission the guidelines which it must respect in drafting this programme in certain particularly sensitive areas;

Closure of accounts

- 3. Recalls the statement of assurance annexed to the Court of Auditors 1997 Annual Report, which includes the following points:
 - (a) that the total volume of assets corresponding to amounts owed to Community bodies by Member States, which is entered as ECU 1 756,5 million in the consolidated balance sheet, is incorrectly reflected in the accounts (points 8.10 and 8.11 of the Annual Report),
 - (b) that the Community's cash account balances are inaccurately presented in the balance sheet, since amounts totalling several hundred million ECUs held in some third countries are recorded as definitive payments charged to the budget rather than as imprest advances, and that the amount for the Phare Programme alone in this context is at least ECU 370 million (point 8.12),
 - (c) that the value of commitments still to be settled is overstated by a net amount of at least ECU 530 million (points 8.18 to 8.22),

⁽¹⁾ OJ C 349, 17.11.1998.

⁽²⁾ OJ C 279, 1.10.1999, p. 119.

- (d) that the total amount of advances and payments on account recorded during the year as payments charged to the budget is understated by at least ECU 4 126 million (points 8.23 and 8.24);
4. Recalls that the audit carried out by the Court of Auditors in the context of the statement of assurance (see points 8.34 to 8.40 of the Annual Report) once again revealed an unacceptably high percentage of significant errors which have distorted the figures relating to procedures on which payments are based;
5. Declares that it will be unable to close the accounts for the 1999 financial year if the Commission has failed to rectify the accounting errors identified by the Court of Auditors;

Institutional problems of management and supervision

6. Calls on the Commission to develop a system whereby the recommendations of the Court of Auditors are systematically followed up and reviewed; where complaints are repeated two years in a row, the Commission should hold management accountable for persistent failure to improve the situation;
7. Calls on the Court of Auditors to monitor systematically, each year, the response to the criticisms expressed in its previous reports;
8. Calls on the Court of Auditors to negotiate framework agreements with national courts of auditors whereby the latter carry out complementary checks on Community policies conducted in partnership, on the basis of a programme drawn up by common agreement;
9. Observes that the powers of financial control and auditing powers need to be separated in a new Financial Regulation, and that auditing and inspection structures need to be separate and answerable to different Commissioners;
10. Considers that every Directorate-General should present annual reports and accounts along standardised lines, which should include the following year's qualitative and quantitative targets;

Staff policy

11. Accepts the commitment given by the Commission to define the staff and structures needed on the basis of objectives ranked in order of priority, but calls on the Commission to state clearly in its reform programme all its priorities and the criteria for the selection of the resources to be assigned thereto (staff employed pursuant to the Staff Regulations; external resources), on the basis of a system which can combine activity-based budgeting with an integrated resource-management system;
12. Calls on the Court of Auditors to assess the administrative decentralisation policy which the Commission has embarked upon as part of the MAP 2000 programme;

13. Notes that the Commission has adopted codes of conduct for the Commissioners and their private offices which entail major improvements with regard to the financial interests of Commissioners and the staff composition of the private offices, but calls on the Commission to undertake, in its reform programme:

- to supplement the codes with more precise provisions concerning incompatibility in cases where a Commissioner has a direct personal interest in an act of recruitment, administration or implementation of the budget for which he and his departments are directly responsible,
- to make the codes binding by means of a regulation to be adopted by the Commission on the basis of opinions delivered by Parliament, the Council and the Court of Auditors;

14. Welcomes the Commission's plans to protect whistle-blowers and calls on the Commission to ensure that staff are encouraged to help work towards a professional climate in which whistleblowing will no longer be necessary; calls on the Commission, however, to identify, in connection with the code of conduct, the fundamental duties of officials so that the latter can oppose any instructions from their hierarchy which are illegal or unethical;

15. Notes the strategic guidelines for administrative reform presented by the Commission with the aim of establishing a more effective disciplinary procedure for budgetary irregularities; calls on the Commission to propose rules to ensure the certainty of the procedure and the absolute impartiality of the body responsible for managing it;

Technical Assistance Offices (TAOs)

16. Notes the Commission's attempt to rationalise the TAOs by establishing a more restrictive legislative and budgetary framework and by introducing a vade-mecum which prohibits subcontracting of public-administration responsibilities and steps up supervision and monitoring of these bodies;
17. Is only partially satisfied, however, and hopes that the Commission will include in its reform programme these further improvements:
- (a) the vade-mecum should be binding and thus be an element in the revision of the Financial Regulation;
 - (b) the TAOs must be excluded from any European public-service functions (even those which are purely preparatory, such as assessment of bids) and be confined to implementation;
 - (c) relations with TAOs must be governed by transparent provisions laid down in standard contracts;
 - (d) any function entailing discretionary assessment must be entrusted to executive agencies which operate as decentralised organs of the Commission and will make use of officials and specialised external staff who are entirely subject to the authority, supervision and monitoring of the Commission;

18. Stresses that, pending codification of the new criteria governing delegation of Commission tasks, the Commission must honour its contractual obligations towards existing TAOs and rectify delays in payment, which cause serious financial problems, particularly for small businesses;

19. Notes that the Commission has ended the contract with the TAO Agenor and resumed responsibility for managing the Leonardo programme, with the assistance of some of Agenor's staff; considers that this action by the Commission demonstrates some elements of the executive agency formula;

20. Calls on the Commission immediately to waive the immunity of its officials if and when requested by a national prosecutor, and to bring a parallel civil action before the Belgian courts if the Public Prosecutions Department decides to institute criminal proceedings in the four fraud cases reported by the Commission;

The discharge authority's access to information

21. Recalls that Article 276(2) of the EC Treaty states that the Commission, in connection with the exercise of its powers over the implementation of the budget, must submit any necessary information to the European Parliament at the latter's request;

22. Notes that the EC Treaty provides for no such right to information for the Council in the area of the budget, so that Parliament's right to information in this area is thus more far-reaching than that of the Council;

23. Notes that there is general consensus on the right of the discharge authority to full access to information on the implementation of the budgets and considers that the formal and practical arrangements which need to be put in place to facilitate this right should be set out both in Parliament's Rules and in an agreement with the Commission on the basis of the principles to be laid down in the framework agreement on relations between the Commission and the European Parliament;

24. Instructs its Secretary General and the Constitutional Affairs Committee, in their respective areas of competence, to bring forward proposals for the necessary formal and practical arrangements (including changes to Parliament's Rules of Procedure, notably Annex VII) to ensure Parliament's unfettered rights under Article 276 of the EC Treaty and to create appropriate general procedures for handling documents of a necessarily confidential nature, for example, concerning personnel and subjudice issues, which should include, *inter alia*:

- a secure archive for documents classified as confidential,
- a secure reading room (without copying and fax facilities, etc),

- formal rules of access and an access register,
- a new set of graduated procedures to replace Annex VII to reflect the classification of a confidential document,
- consideration of a sanctions procedure for transgression of Parliament's rules on confidential documents,

25. Calls on the Commission to bring forward proposals for the classification of documents and consider other ways — drawing on the experience of the relationship between the executive and the legislative in Member States — in which full transparency with Parliament can be respected whilst minimising the risks of prejudicing ongoing court cases or transgressing the rights of individual staff members, etc.;

26. Points out to the Commission as of now, however, that:

- (a) Parliament will consent to the agreement's providing for exceptional restrictions only with regard to the procedures for forwarding, disseminating and collecting data and not with regard to the subject of the information;
- (b) the principle must apply that Parliament, as the discharge authority, has at least as much access to Commission documents as the Court of Auditors, whose task it is to support Parliament in monitoring the implementation of the budget;
- (c) the Commission must undertake, pending the introduction of the new rules, to provide all information which the discharge authority requests from it, on the basis of ad hoc agreements designed to ensure respect for confidentiality;

The discharge and management of Community policies in partnership (SEM 2000)

27. Notes the Commission's undertaking to forward to Parliament all information, both concerning measures under the SEM 2000 programme regarding budgetary management in partnership and concerning the responses of national administrations to the comments of the discharge authority;

28. Considers these undertakings only partially satisfactory, however, and calls on the Commission to commit itself, in its reform programme, to:

- (a) arrange for observers from Parliament to attend meetings of the body responsible for the SEM 2000 programme when the functions of Parliament as a legislative, budgetary or budgetary control authority are at issue;
- (b) establish, under the SEM 2000 programme, a procedure whereby Member States can be informed of the comments of the discharge authority;
- (c) seek to ensure that national administrations submit to the discharge authority their comments on the cooperation they have afforded to the Commission as referred to in Article 274 of the EC Treaty;

29. Notes the Commission's proposals to deal in an ad hoc trialogue with any legislative matter or problem of budgetary control considered by SEM 2000, and expects the Commission, together with Parliament and the Council, to take rapid steps to establish this practice;

Combating fraud and corruption

30. Notes that the Commission has not yet produced a full list of cases in which it is suspected that Commission officials or other employees may be involved in fraud or corruption; calls on the Commission to present such a list in time for the 1998 discharge procedure and at the latest by 1 March 2000;
31. Notes that the Commission has not yet complied with its request to notify the national judicial authorities of all cases where it is suspected that Commission officials or other employees may be involved in fraud or corruption; calls on the Commission to present such a list in time for the 1998 discharge procedure and at the latest by 1 March 2000;
-

External aid; aid to Palestine

32. Considers that the Commission still needs to take a number of measures with regard to its aid to Palestine by 31 March 2000, including:
- opening of Gaza hospital,
 - work to begin at the site for the construction of the seat of the Palestinian parliament;
33. Notes that the Commission has approved plans by the International Management Team (IMT) to have the Gaza hospital available for use by precise dates (15 July 2000 for out patient consultations, 15 October 2000 for in-patients); reminds the Commission that it must constantly monitor the work of IMT, for which it bears the ultimate responsibility;
34. Calls on the Commission to submit by 31 March a programme setting out in detail the strategies it intends to pursue with regard to external aid in accordance with predetermined priorities.

COMMISSION

COMMISSION DECISION

of 16 February 2000

amending Commission Decision 2000/2/EC amending Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products and repealing Decision 1999/301/EC

(notified under document number C(2000) 412)

(Text with EEA relevance)

(2000/136/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 3(1) thereof,

Having regard to Council Directive 96/23/EC of 29 April 1996 concerning measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽³⁾, and in particular Article 29 thereof,

Whereas:

- (1) Member States can only import fresh meat including offal from third countries or parts of third countries appearing on a list established by the Council upon a proposal from the Commission.
- (2) The list of these third countries or parts thereof is contained in Council Decision 79/542/EEC ⁽⁴⁾, as last amended by Commission Decision 99/759/EC ⁽⁵⁾.
- (3) Inclusion and retention of a third country on the lists of third countries provided for in Community legislation from which Member States are authorised to import products of animal origin covered by Council Directive 96/23/EC is subject to submission by the third country concerned of a plan setting out the guarantees which it offers as regards the monitoring of the groups of resi-

dues and substances referred to in Annex I to the Directive referred to; this plan must be updated at the request of the Commission, particularly when the checks referred to in Article 29(3) of the abovementioned Directive render it necessary.

- (4) Where the requirements of paragraph 3 above are not complied with, inclusion of a third country on the lists of third countries laid down by Community legislation may be suspended in accordance with the procedure laid down in Article 33 of Council Directive 96/23/EC.
- (5) The application of residue monitoring plans, and the follow up to evidence of the use of unauthorised substances or of residue levels exceeding the Community maximum residue limits, are necessary to protect public health.
- (6) The United States of America had agreed to take remedial action measures to rectify deficiencies identified the design and implementation of their residue monitoring programme; these measures were communicated to the Commission.
- (7) In the light of the measures notified by the United States of America the Commission carried out a mission to verify the adequacy and effectiveness of these measures.
- (8) The verification mission carried out by the Commission in January/February 2000 revealed that despite some progress having been made, there are still serious problems as regards the implementation and the enforcement of the residue monitoring programme in place in the United States of America, and demonstrated that the programme does not entirely provide the guarantees concerning the protection of public health against risks from residues as required by the European Community;

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁴⁾ OJ L 146, 14.6.1979, p. 15.

⁽⁵⁾ OJ L 300, 23.11.1999, p. 30.

whereas the United States of America have agreed to take further action to rapidly remedy the deficiencies and have proposed on 8 February 2000 to contract out analytical work for the detection of certain substances to one or more approved laboratories capable of carrying out the required analyses and situated outside the United States of America; whereas a period of one month is considered as necessary for the United States of America to take the appropriate steps and make the relevant arrangements.

- (9) In circumstances like those described above, the relevant Community legislation and international agreements applicable in this case enable the European Community to suspend imports from the United States of America; whereas a limited period of time should be provided for the United States of America to take the necessary measures and action required to satisfy objectively that the level of sanitary protection applied in the European Community is respected.
- (10) The United States of America should therefore be suspended from the list of third countries from which the Member States are authorised to import meat for human consumption with effect from 15 March 2000; whereas suspension of imports, in the circumstances of the present case, is the only type of measure that is reasonably available to the European Community.
- (11) The measures provided for in this Decision shall be reviewed in the light of guarantees provided by the United States of America on the effective implementation of measures for residue monitoring.

- (12) In the light of this Decision it is necessary to amend Commission Decision 2000/2/EC ⁽¹⁾ amending Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products and repealing Decision 1999/301/EC.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 2000/2/EC, '15 February 2000' is replaced by '15 March 2000'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 February 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 1, 4.1.2000, p. 17.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 2727/1999 of 20 December 1999 introducing prior Community surveillance of imports of certain iron and steel products covered by the ECSC and EC Treaties originating in certain third countries**

(Official Journal of the European Communities L 328 of 22 December 1999)

In Annex I, on page 20:

for: '7208 10 10',

read: '7208 10 00'.

Corrigendum to Commission Regulation (EC) No 333/2000 of 14 February 2000 on the supply of cereals as food aid

(Official Journal of the European Communities L 41 of 15 February 2000)

On page 4, point 12:

for: '12. **Specified delivery stage:** Free at port of shipment — fob stowed and trimmed ⁽¹¹⁾',

read: '12. **Specified delivery stage:** Free at port of landing — landed'.

Corrigendum to Commission Recommendation 1999/829/Euratom of 6 December 1999 on the application of Article 37 of the Euratom Treaty

(Official Journal of the European Communities L 324 of 16 December 1999)

On page 25 point 3 should read as follows:

'3. That operations falling within the scope of point 1(14) are deemed not to be liable to result in the radioactive contamination of another Member State, significant from the point of view of health, unless in any specific case the Commission calls for such general data to be provided.'
