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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 428/2000
of 14 February 2000**

on the conclusion of the Protocol setting out for the period 1 June 1999 to 31 May 2002 the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe of fishing off the coast of São Tomé e Príncipe

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

(1) In accordance with the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe ⁽²⁾, the two parties have held negotiations with a view to determining the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol.

(2) As a result of those negotiations, a new Protocol setting out, for the period from 1 June 1999 to 31 May 2002, the fishing rights and financial compensation provided for in the abovementioned Agreement was initialled on 31 May 1999.

(3) It is in the Community's interest to approve the Protocol covered by this Regulation.

(4) The method for allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

Article 1

The Protocol setting out, for the period 1 June 1999 to 31 May 2002, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

1. The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

- freezer tuna seiners: France 18, Spain 18,
- pole-and-line tuna vessels: France seven,
- surface longliners: Spain 28, Portugal five.

2. If licence application from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence application from any other Member State.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽¹⁾ Opinion delivered on 18 January 2000 (not yet published in the Official Journal).

⁽²⁾ OJ L 54, 25.2.1984, p. 1.

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

PROTOCOL

setting out, for the period 1 June 1999 to 31 May 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the Coast of São Tomé e Príncipe

Article 1

From 1 June 1999 and for a period of three years, fishing rights pursuant to Article 2 of the Agreement shall be as follows:

- freezer tuna seiners: 36 vessels,
- pole-and-line tuna vessels: seven vessels,
- surface longliners: 33 vessels,

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be EUR 318 750 per year, payable not later than 31 October 1999 for the first instalment and not later than 31 May 2000 and 31 May 2001 for the other two instalments.
2. That amount shall cover an annual catch of 8 500 tonnes in São Tomé e Príncipe waters. If the average catch each year under this Protocol by Community vessels in São Tomé e Príncipe waters exceeds this quantity, the amount of the financial compensation shall be increased by EUR 50 per additional tonne.
3. The use to which this compensation is put shall be the sole responsibility of the Government of the Democratic Republic of São Tomé e Príncipe. It shall be paid into an account with the National Bank of São Tomé e Príncipe.

Article 3

During the period covered by the Protocol, the Community shall contribute an additional EUR 956 250 to financing the measures described below, allocated as follows:

1. EUR 286 875 for scientific and technical programmes to promote better understanding of fisheries and living resources in the São Tomé e Príncipe fishing zone,
2. stepping up surveillance, inspection and checks in the fishing zones: EUR 286 875,
3. institutional support to the administrative department responsible for fisheries: EUR 114 750,
4. study grants and practical training courses in the various scientific, technical and economic fields linked to fishing: São Tomé e Príncipe's contributions to international fisheries organisations and expenses of São Tomé e Príncipe delegates participating in international meetings concerning fisheries: EUR 191 250,
5. aid for small-scale fishing: EUR 76 500.

These measures shall be decided by mutual agreement between the competent authorities of São Tomé e Príncipe and the Commission of the European Communities.

The amounts indicated will be paid into the bank accounts designated by the Government of São Tomé e Príncipe.

The São Tomé e Príncipe Ministry responsible for fisheries shall forward an annual report on the implementation of these measures and the results achieved to the Delegation of the Commission in São Tomé e Príncipe. The Commission reserves the right to request additional information on these results from the Ministry responsible for fisheries and to review the payments concerned in the light of the actual implementation of the measures.

Article 4

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

Article 5

The Annex to the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe of fishing off the coast of São Tomé e Príncipe is hereby repealed and replaced by the Annex to this Protocol.

Article 6

This Protocol shall enter into force on the date of its signing.

It shall apply from 1 June 1999.

ANNEX

CONDITIONS GOVERNING FISHING BY COMMUNITY VESSELS IN THE SÃO TOMÉ E PRÍNCIPE FISHING ZONE**1. APPLICATION FOR AND ISSUE OF LICENCES**

The procedure for applications for, and issue of, the licences referred to in Article 4 of the Agreement shall be as follows.

The relevant Community authorities shall present to the Ministry of Agriculture and Fisheries of São Tomé e Príncipe, via the Commission Delegation responsible for São Tomé e Príncipe, an application for each vessel that wishes to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Democratic Republic of São Tomé e Príncipe, a specimen of which is attached hereto (Appendix 1).

Licences shall be issued by the São Tomé e Príncipe authorities within 20 days of submission of the application to the shipowners or their representatives via the Delegation of the Commission responsible for São Tomé e Príncipe.

Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the Commission, a vessel's licence may, and where *force majeure* is proved, shall, be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Ministry of Agriculture and Fisheries of São Tomé e Príncipe via the Delegation of the Commission responsible for São Tomé e Príncipe.

The new licence shall indicate:

- the date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no new lump sum as laid down in point 5 shall be due.

The licence must be on board at all times; however, on receipt of notification of payment of the advance sent to the São Tomé e Príncipe authorities by the Commission, the vessel shall be entered on a list of vessels authorised to fish, which shall be sent to the São Tomé e Príncipe authorities responsibilities for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

2. VALIDITY OF LICENCES AND PAYMENT OF FEES

Licences shall be valid for one year. They shall be renewable.

The fees provided for in Article 4 of the Agreement shall be set at EUR 25 per tonne caught in the São Tomé e Príncipe fishing zone.

The competent authorities of São Tomé e Príncipe shall indicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.

Licences shall be issued following payment to the National Bank of São Tomé e Príncipe of a lump sum of EUR 3 750 for each tuna seiner per year, EUR 625 for each pole-and-line tuna vessel, EUR 1 375 per year for each surface long-liner of more than 150 GRT and EUR 1 000 per year for each surface long-liner of 150 GRT or less, equivalent to the fees for:

- 150 t of tuna caught per year in the case of seiners,
- 25 t of tuna caught per year in the case of pole-and-line vessels,
- 40 t per year for surface long-liners of 150 GRT or less,
- 55 t per year for surface long-liners of more than 150 GRT.

3. STATEMENT OF CATCH AND STATEMENT OF FEES DUE FROM SHIPOWNERS

A fishing log in accordance with the ICCAT model in Annex 2 shall be kept on vessels for each fishing period spent in São Tomé e Príncipe waters. It shall be filled in even when no catches are made.

The words 'Outside São Tomé e Príncipe's EEZ' shall be entered in the abovementioned logbook in respect of periods during which the said vessels are not in São Tomé e Príncipe waters.

The logbooks referred to in this paragraph shall be sent to the Ministry of Agriculture and Fisheries within 15 working days of vessels arriving in a port.

Copies of these documents shall be sent to the scientific institutes referred to in the third subparagraph of the seventh paragraph below and to the Delegation of the Commission responsible for São Tomé e Príncipe.

The São Tomé e Príncipe authorities shall draw up the statement of fees due for the past calendar year on the basis of the catch declarations for each Community vessel and any other information in their possession.

The previous year's statement shall reach the Commission by 31 March which shall forward it simultaneously to the shipowners and national authorities of the Member States concerned by 15 April.

Where the shipowners dispute the statement presented by São Tomé e Príncipe they may request the relevant scientific institutes, for example France's Institut français de recherche scientifique pour le développement en coopération and the Instituto Espanol de Oceanografia (IEO), to verify the catch data before consulting with the São Tomé e Príncipe authorities with a view to drawing up the final statement by 15 May of the current year. In the absence of any observations from the shipowners by that date, the statement drawn up by the São Tomé e Príncipe authorities shall be deemed final. Member States shall forward to the Commission the final statements relating to their own fleets.

Any payment due, in addition to the advance, shall be made by the shipowners to the National Bank of São Tomé e Príncipe no later than 31 May of that year.

However, if the amount of the final statement is lower than the advance referred to in paragraph 5, the resulting balance shall not be reimbursable to the shipowner.

4. INSPECTION AND MONITORING

Community vessels fishing in the São Tomé e Príncipe fishing zone shall permit and facilitate the boarding and fulfilment of the tasks of São Tomé e Príncipe officials responsible for the inspection and monitoring of fishing activities. These officials should not remain on board any longer than the time required to verify catches by sampling and carry out any other inspections relating to fishing activities.

5. OBSERVERS

At the request of the authorities, tuna seiners and surface longliners shall take an observer on board who shall be treated as an officer. The time spent on board by the observer shall be fixed by the São Tomé e Príncipe authorities but, as a general rule, it should not exceed the time required to carry out his duties. Once on board, the observer shall:

- observe the fishing activities of the vessels,
- verify the position of vessels engaged in fishing operations,
- perform biological sampling in the context of scientific programmes,
- note the fishing gear used,
- verify the catch data for the São Tomé e Príncipe zone recorded in the logbook.

While on board, the observer:

- must take all appropriate steps to ensure that the conditions under which he is taken on board and his presence on board do not interrupt or hamper fishing activities,
- must respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel.

The conditions governing his embarkation shall be agreed between the shipowner or his agent and the São Tomé e Príncipe authorities. The shipowner shall, via his agent, make a payment of EUR 10 to the Government of São Tomé e Príncipe for each day spent by an observer on board a tuna seiner or surface longliner. If the shipowner is unable to take the observer aboard and put him off at a São Tomé e Príncipe port agreed by common accord with that country's authorities, the shipowner shall bear the cost of taking the observer aboard and putting him ashore.

If the observer is not present at the time and place agreed and during the 12 hours following the time agreed, the shipowner shall be automatically absolved of his obligation to take the observer on board.

6. FISHING ZONES

The vessels referred to in Article 1 of the Protocol shall be authorised to engage in fishing activities in the waters beyond twelve nautical miles from the coast of each island.

7. ENTERING AND LEAVING THE ZONE

Vessels shall notify the São Tomé e Príncipe Ministry responsible for fisheries of their intention to enter or leave São Tomé e Príncipe's fishing zone at least 24 hours in advance.

When notifying their departure, all vessels shall also notify the estimated catches taken during the time they have spent in São Tomé e Príncipe's fishing zone. This information should preferably be communicated by fax or, for vessels not equipped with fax, by radio.

A vessel found to be fishing without having informed the São Tomé e Príncipe Ministry responsible for fisheries shall be regarded as a vessel without a licence.

Vessels shall be informed of the relevant fax number and radio frequency when the fishing licence is issued.

The São Tomé e Príncipe Ministry responsible for fisheries and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in point 3.

8. BY-CATCHES

Tuna seiners shall endeavour to make any by-catches available to the São Tomé e Príncipe authorities at prices fixed by mutual agreement.

9. SIGNING-ON OF SEAMEN

At the request of the São Tomé e Príncipe authorities, the tuna seiner fleet shall take on board six São Tomé e Príncipe seamen for the duration of the fishing season. No vessel may take more than one seaman on board.

The conditions of employment and remuneration shall be fixed by mutual agreement between the shipowners and representatives of the seamen.

Should the seamen not be signed on, shipowners shall be obliged to pay a lump sum to the Ministry for responsible for fisheries equivalent to the wages of seamen not signed on.

That sum shall be used for the training of seamen/fishermen in São Tomé e Príncipe and shall be paid into an account specified by the Ministry responsible for fisheries.

10. STANDARDS

The international standards on tuna fishing as recommended by ICCAT shall apply.

11. USE OF SERVICES

Community vessels shall, wherever possible, procure the supplies and services they require in São Tomé e Príncipe ports.

12. BOARDING

a) *Transmission of information*

The Ministry responsible for fisheries shall inform the Delegation of the Commission and the flag State, within 48 hours, of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement in the São Tomé e Príncipe fishing zone and shall transmit a brief report of the circumstances and reasons leading to such boarding. The Delegation and the flag State shall be kept informed of any proceedings initiated and penalties imposed.

b) *Settlement of boarding*

In accordance with the law on fisheries and the relevant regulations, infringements may be settled:

- either by composition, in which case the amount of the fine shall be determined in accordance with São Tomé e Príncipe legislation laying down minimum and maximum figures,
- or by legal proceedings, if no composition is possible, in accordance with São Tomé e Príncipe law.

c) The vessel shall be released and its crew authorised to leave the port:

- either as soon as the obligations imposed by the composition procedure have been completed on presentation of the receipt for the settlement, or
 - on presentation of proof that a bank security has been lodged, pending completion of the legal proceedings.
-

Appendix 1

**DEMOCRATIC REPUBLIC OF SÃO TOMÉ E PRÍNCIPE
MINISTRY OF AGRICULTURE AND FISHERIES**

FISHING LICENCE APPLICATION No

Name of applicant:
Name and address of shipowner:
Name and address of any representative in São Tomé e Príncipe:
Name of vessel:
Type of vessel:
Country of registry:
Port and registration number:
Vessel's external identification:
Radio call sign and frequency:
Length of vessel:
Width of vessel:
Engine type and horse power:
Hold capacity:
Minimum number of seamen:
Type of fishing:
Species targeted:
.....
Period of validity requested:

'I certify that this information is correct.

I hereby declare that I know, approve and undertake to comply with the law governing sea fishing in the Democratic Republic of São Tomé e Príncipe and the applicable international law.'

Date:

Applicant

.....

COMMISSION REGULATION (EC) No 429/2000
of 25 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 26 February 2000.

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

Done at Brussels, 25 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 25 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	50,1
	624	219,5
	999	134,8
0707 00 05	052	116,8
	068	86,0
	628	160,7
0709 10 00	999	121,2
	220	203,6
	999	203,6
0709 90 70	052	119,2
	204	38,6
	628	127,8
0805 10 10, 0805 10 30, 0805 10 50	999	95,2
	052	54,7
	204	37,2
0805 20 10	212	37,7
	624	55,6
	999	46,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	50,8
	204	66,3
	999	58,5
0805 30 10	052	47,4
	204	47,0
	220	74,4
0808 10 20, 0808 10 50, 0808 10 90	600	72,7
	624	69,7
	999	62,2
0808 20 50	052	45,5
	600	70,2
	999	57,9
	039	114,7
	060	49,0
	388	151,4
	400	88,1
	404	84,6
	528	103,5
	720	116,9
	728	98,3
	999	100,8
	388	100,2
	400	110,0
	512	97,7
	528	107,9
	720	64,3
	999	96,0

⁽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 430/2000**of 25 February 2000****fixing the maximum purchasing price for butter for the fourth invitation to tender carried out under the standing invitation to tender governed by Regulation (EEC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EEC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the fourth invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 22 February 2000, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 333, 24.12.1999, p. 11.

COMMISSION REGULATION (EC) No 431/2000**of 25 February 2000****fixing the maximum aid for concentrated butter for the 220th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽²⁾, as last amended by Regulation (EC) No 124/1999 ⁽³⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 220th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | 117 EUR/100 kg |
| — end-use security: | 129 EUR/100 kg. |

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 45, 21.2.1990, p. 8.

⁽³⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 432/2000
of 25 February 2000**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 48th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽²⁾, as last amended by Regulation (EC) No 494/1999 ⁽³⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 48th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 350, 20.12.1997, p. 3.

⁽³⁾ OJ L 59, 6.3.1999, p. 17.

ANNEX

to the Commission Regulation of 25 February 2000 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 48th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		95	91	95	91
	Butter < 82 %		92	88	—	88
	Concentrated butter		117	113	117	—
	Cream		—	—	40	38
Processing security	Butter		105	—	105	—
	Concentrated butter		129	—	129	—
	Cream		—	—	44	—

COMMISSION REGULATION (EC) No 433/2000
of 25 February 2000
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 2 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾ lays down the criteria for opening or suspending the buying-in of butter by invitation to tender in the Member States.
- (2) Commission Regulation (EC) No 322/2000 of 28 January 2000 suspending the buying-in of butter in certain Member States ⁽³⁾ establishes the list of Member States in which intervention is suspended. As a result of the market prices communicated by Belgium, Luxembourg, Germany, the United Kingdom and France inter-

vention must be suspended in these countries and the list of Member States established by Regulation (EC) No 322/2000 adjusted accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Denmark, Greece, Austria and Sweden.

Article 2

Regulation (EC) No 322/2000 is hereby repealed.

Article 3

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 333, 24.12.1999, p. 11.

⁽³⁾ OJ L 37, 12.2.2000, p. 11.

COMMISSION REGULATION (EC) No 434/2000
of 25 February 2000
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products
from the Community to the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 220/2000 ⁽⁴⁾; as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

and on the world market, the aid for supply to the FOD should be set at the amounts given in the Annex.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 March 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 267, 9.11.1995, p. 1.

⁽³⁾ OJ L 43, 19.2.1992, p. 23.

⁽⁴⁾ OJ L 24, 29.1.2000, p. 18.

ANNEX

to the Commission Regulation of 25 February 2000 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(EUR/t)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	39,00	39,00	39,00	42,00
Barley (1003 00 90)	35,00	35,00	35,00	38,00
Maize (1005 90 00)	46,00	46,00	46,00	49,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00
Oats (1004 00 00)	66,00	66,00	—	—

COMMISSION REGULATION (EC) No 435/2000
of 25 February 2000
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals
products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 ⁽⁴⁾ thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 221/2000 ⁽⁴⁾; as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the

world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 March 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 320, 11.12.1996, p. 1.

⁽³⁾ OJ L 185, 4.7.1992, p. 26.

⁽⁴⁾ OJ L 24, 29.1.2000, p. 20.

ANNEX

to the Commission Regulation of 25 February 2000 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

		(EUR/t)
Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	36,00
Barley	(1003 00 90)	32,00
Maize	(1005 90 00)	43,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	63,00

COMMISSION REGULATION (EC) No 436/2000
of 25 February 2000
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals
products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 222/2000 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and

Madeira should be set at the amounts given in the Annex.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 March 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 76, 13.3.1998, p. 6.

⁽³⁾ OJ L 185, 4.7.1992, p. 28.

⁽⁴⁾ OJ L 24, 29.1.2000, p. 22.

ANNEX

to the Commission Regulation of 25 February 2000 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

(EUR/t)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	36,00	36,00
Barley (1003 00 90)	32,00	32,00
Maize (1005 90 00)	43,00	43,00
Durum wheat (1001 10 00)	8,00	8,00

COMMISSION REGULATION (EC) No 437/2000**of 25 February 2000****fixing the minimum selling price for skimmed-milk powder for the 4th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽²⁾, as amended by Regulation (EC) No 317/2000 ⁽³⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award; whereas the amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum selling price.

- (3) In the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 4th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 22 February 2000, the minimum selling price and the processing security are fixed as follows:

- minimum selling price:
- | | |
|----------------------|--------------------|
| Germany: | EUR 207,52/100 kg, |
| other Member States: | EUR 203,52/100 kg, |
- processing security: EUR 40,00/100 kg.

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 340, 31.12.1999, p. 3.

⁽³⁾ OJ L 37, 12.2.2000, p. 5.

COMMISSION REGULATION (EC) No 438/2000**of 25 February 2000****amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 26 of Commission Regulation (EC) No 2799/1999 ⁽²⁾, as amended by Regulation (EC) No 317/2000 ⁽³⁾, intervention agencies have organised a standing invitation to tender for skimmed milk powder taken into storage before 1 July 1998.

- (2) In view of the quantity still available and the market situation, that date should be amended to 1 August 1998.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 26(2) of Regulation (EC) No 2799/1999, '1 July 1998' is hereby replaced by '1 August 1998'.

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 340, 31.12.1999, p. 3.

⁽³⁾ OJ L 137, 12.2.2000, p. 5.

COMMISSION REGULATION (EC) No 439/2000**of 25 February 2000****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid

actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) The measures provided for this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 March 2000.

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 25 February 2000 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	33,00
1002 00 00 9000	66,00
1003 00 90 9000	29,00
1004 00 00 9400	60,00
1005 90 00 9000	40,00
1006 30 92 9100	163,00
1006 30 92 9900	163,00
1006 30 94 9100	163,00
1006 30 94 9900	163,00
1006 30 96 9100	163,00
1006 30 96 9900	163,00
1006 30 98 9100	163,00
1006 30 98 9900	163,00
1006 30 65 9900	163,00
1006 40 00 9000	—
1007 00 90 9000	40,00
1101 00 15 9100	45,00
1101 00 15 9130	45,00
1102 20 10 9200	55,92
1102 20 10 9400	47,93
1102 30 00 9000	—
1102 90 10 9100	40,79
1103 11 10 9200	0,00
1103 11 90 9200	0,00
1103 13 10 9100	71,89
1103 14 00 9000	—
1104 12 90 9100	103,84
1104 21 50 9100	54,38

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 440/2000**of 25 February 2000****laying down for 2000 the quantities for which the annual allocations for newcomer operators are granted under the tariff quotas and for traditional ACP bananas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community ⁽³⁾, as amended by Regulation (EC) No 756/1999 ⁽⁴⁾, and in particular Article 9(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 250/2000 ⁽⁵⁾ establishes certain rules relating to imports of bananas under the tariff quotas and of traditional ACP bananas and fixes the indicative quantities for the second quarter of 2000.
- (2) Article 9(3) of Regulation (EC) No 2362/98 lays down the method for calculating the annual allocation for each newcomer operator. In accordance with that method and a ranking of the individual applications in increasing order of the quantities applied for, the Commission calculates the quantities for which the annual allocations shall be granted.
- (3) The notifications received from the Member States in accordance with Article 2(5) of Regulation (EC) No 250/2000 have led the Commission to adopt this Regulation, based on which the competent national authorities will

establish the individual allocations for the operators in question and notify them accordingly.

- (4) However, the results of the verifications and checks by the competent national authorities on the registration of newcomer operators in cooperation with the Commission may result in an amendment of this Regulation and in corrections to the annual allocations for the newcomer operators. In particular, the annual allocations calculated by the national authorities pursuant to Regulation (EC) No 2362/98 and this Regulation cannot constitute vested rights or be invoked by the operators as legitimate expectations.
- (5) This Regulation must enter into force immediately, given the time limits laid down in Regulation (EC) No 2362/98,

HAS ADOPTED THIS REGULATION:

Article 1

The national authorities shall establish the annual allocations for 2000 under the tariff quotas and for the traditional ACP banana quantities referred to in Articles 18 and 19 of Regulation (EC) No 404/93 for the newcomer operators referred to in Articles 7 et seq. of Regulation (EC) No 2362/98, in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 293, 31.10.1998, p. 32.

⁽⁴⁾ OJ L 98, 13.4.1999, p. 10.

⁽⁵⁾ OJ L 26, 2.2.2000, p. 6.

ANNEX

Application of Article 9(3) of Regulation (EC) No 2362/98

I

Classification of the requests for an allocation
(in ascending order of quantity):

- 1) Requests relating to less than 214,560 tonnes
- 2) Requests relating to 214,560 tonnes or more

II

Method for determining the allocation:

- Allocation granted for the quantity requested
 - Allocation granted for 214,560 tonnes
-

COMMISSION REGULATION (EC) No 441/2000
of 25 February 2000
opening a standing invitation to tender for the export of barley held by the Irish intervention
agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 39/1999 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Given the current market situation, a standing invitation to tender should be opened for the export of 29 977 tonnes of barley held by the Irish intervention agency.
- (3) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (4) Where removal of the barley is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the Irish intervention agency issues a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93.

Article 2

1. The invitation to tender shall cover a maximum of 29 977 tonnes of barley for export to third countries, with the exception of the United States, Canada and Mexico.

2. The regions in which the 29 977 tonnes of barley are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.
2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.
3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.
2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 44 of Commission Regulation (EEC) No 3719/88 ⁽⁵⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 2 March 2000.
2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.
3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 25 May 2000.
4. Tenders shall be lodged with the Irish intervention agency.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 331, 2.12.1988, p. 1.

The analysis results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:
 - two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point as regards moisture content,
 - half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92⁽¹⁾, and
 - half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:
 - accept the lot as established, or
 - refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;
- (d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's

request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the barley is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92⁽²⁾, the documents relating to the sale of barley in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 441/2000
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 441/2000
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 441/2000
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 441/2000
- Intervention barley without application of refund or tax, Regulation (EC) No 441/2000
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 441/2000
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 441/2000
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 441/2000
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 441/2000
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 441/2000
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 441/2000.

⁽¹⁾ OJ L 74, 20.3.1992, p. 18.

⁽²⁾ OJ L 301, 17.10.1992, p. 17.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 10 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92:

— the part of the security lodged when the licence is issued must be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93:

— the remainder must be released within 15 working days of the date on which the successful tenderer provides the

proof referred to in Article 18 of Regulation (EEC) No 3665/87.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the Irish intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

Article 10

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

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

Done at Brussels, 25 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Baltinglass/Co. Wicklow	15 000
Naas/Co. Kildare	2 167
Gorey/Co. Wexford	9 501
Freshford Road/Kilkenny	3 309

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of barley held by the
Irish intervention agency**

(Article 6(1) of Regulation (EC) No 441/2000)

- Name of successful tenderer:
- Date of award of contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

ANNEX III

Standing invitation to tender for the export of barley held by the Irish intervention agency

(Regulation (EC) No 441/2000)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (EUR/tonne) (1)	Price increases (+) or reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

(¹) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG AGRI-C-1):

- fax 296 49 56,
295 25 15;
- telex 22037 AGREC B,
22070 AGREC B (Greek characters).

COMMISSION REGULATION (EC) No 442/2000
of 25 February 2000
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature ⁽¹⁾ and on the Common Customs Tariff, as last amended by Commission Regulation (EC) No 254/2000 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in Column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in Column 2, by virtue of the reasons set out in Column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does not conform to the provisions of

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by Council and European Parliament Regulation (EC) No 955/1999 ⁽⁴⁾, for a period of three months by the holder.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in Column 1 of the annexed table is classified within the Combined Nomenclature under the CN codes indicated in Column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 20th 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, 25 February 2000.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 28, 3.2.2000, p. 16.

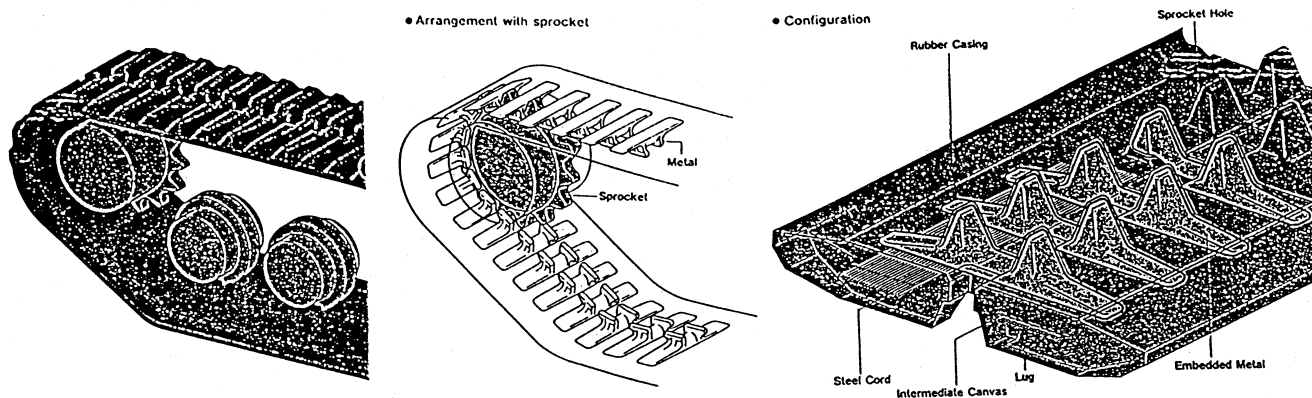
⁽³⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁴⁾ OJ L 119, 7.5.1999, p. 1.

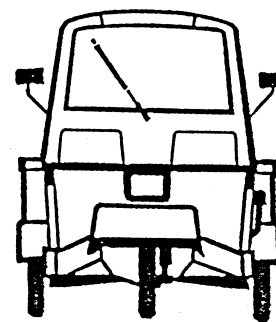
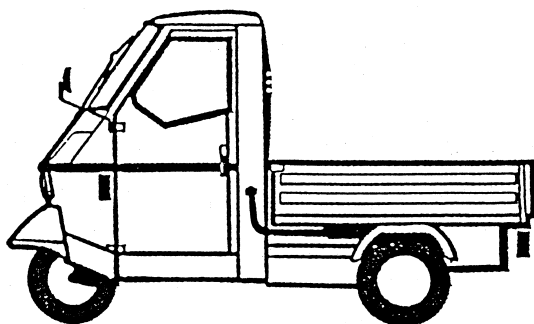
ANNEX

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
1. Track chains of vulcanised rubber reinforced with embedded metal bars and steel wires. These track chains are used on e.g. construction machinery, snowgroomers or agricultural machines. The metal parts serve for reinforcement purposes and guiding of the track chain only. See illustration A (*)	4016 99 82	Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature. Note 1(a) to Section XVI, Note 2(a) to Section XVII and the wording of CN codes 4016, 4016 99 and 4016 99 82. The steel wires and the metal bars are not interconnected and are surrounded completely by the vulcanised rubber. The metal parts do not form an independent track chain.
2. New three-wheeled vehicles with a 2-stroke 49,8 cm³ spark ignition internal combustion piston engine, a gearbox with four forward speeds plus reverse and a differential. The vehicles have a cabin with a seat for the driver only and handle bar mounted controls. They are equipped with a load bin, which may be open or closed. The vehicles can carry a maximum load of 200 kg See illustration B (*)	8704 31 91	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of the CN codes 8704, 8704 31 and 8704 31 91.
3. Balloons, made of aluminised, bonded plastic foil. The plastic foil forms the exterior of the balloon. The balloons have a filler neck, in which a valve in the form of a strip of synthetic material is inserted. This strip automatically seals the gas inside the balloon and prevents it from leaking out. The balloons will be filled with gas (air or helium).	9503 90 32	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(v) to Chapter 39 and the wording of the CN codes 9503, 9503 90 and 9503 90 32. These products may be printed with different motifs which do not influence the classification as a toy balloon.
4. Kites, in the form of a frameless, rectangular sliding parachute with cells of plastic fabric, which swell in the wind. The kites can be used separately. However, it is possible to stack several kites of the same kind one above the other. These kites are steered by two or four cords from the ground. See illustrations C and D (*)	9503 90 37	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of the CN codes 9503, 9503 90 and 9503 90 37. Although these kites can be used for sporting competitions and for pulling beach buggies, skiers or surfboarders they are essentially designed for the amusement of children or adults.

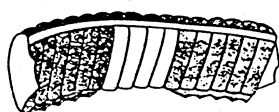
(*) The illustration are purely for information.



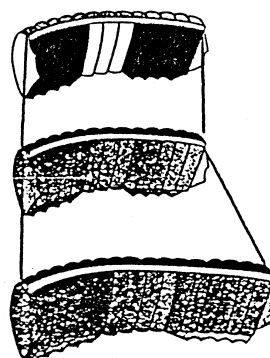
A



B



C



D

COMMISSION REGULATION (EC) No 443/2000**of 25 February 2000****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

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

(2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

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

(4) Export possibilities exist for a quantity of 5 015 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1432/1999 ⁽⁵⁾ should be used. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

With the exception of the quantity of 5 015 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 March 2000.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 166, 1.7.1999, p. 56.

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

Done at Brussels, 25 February 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 25 February 2000 fixing the export refunds on rice and broken rice and suspending, the issue of export licences

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refunds	Product code	Destination ⁽¹⁾	Amount of refunds
1006 20 11 9000	01	117,00	1006 30 65 9900	01	147,00
1006 20 13 9000	01	117,00		04	151,00
1006 20 15 9000	01	117,00	1006 30 67 9100	05	151,00
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	117,00	1006 30 92 9100	01	147,00
1006 20 94 9000	01	117,00		02	151,00 ⁽²⁾
1006 20 96 9000	01	117,00		03	156,00 ⁽²⁾
1006 20 98 9000	—	—		04	151,00
1006 30 21 9000	01	117,00		05	151,00
1006 30 23 9000	01	117,00	1006 30 92 9900	01	147,00
1006 30 25 9000	01	117,00		04	151,00
1006 30 27 9000	—	—	1006 30 94 9100	01	147,00
1006 30 42 9000	01	117,00		02	151,00 ⁽²⁾
1006 30 44 9000	01	117,00		03	156,00 ⁽²⁾
1006 30 46 9000	01	117,00		04	151,00
1006 30 48 9000	—	—		05	151,00
1006 30 61 9100	01	147,00	1006 30 94 9900	01	147,00
	02	151,00 ⁽²⁾		04	151,00
	03	156,00 ⁽²⁾	1006 30 96 9100	01	147,00
	04	151,00		02	151,00 ⁽²⁾
	05	151,00		03	156,00 ⁽²⁾
1006 30 61 9900	01	147,00		04	151,00
	04	151,00		05	151,00
1006 30 63 9100	01	147,00	1006 30 96 9900	01	147,00
	02	151,00 ⁽²⁾		04	151,00
	03	156,00 ⁽²⁾	1006 30 98 9100	05	151,00
	04	151,00	1006 30 98 9900	—	—
	05	151,00	1006 40 00 9000	—	—
1006 30 63 9900	01	147,00			
	04	151,00			
1006 30 65 9100	01	147,00			
	02	151,00 ⁽²⁾			
	03	156,00 ⁽²⁾			
	04	151,00			
	05	151,00			

⁽¹⁾ The destinations are identified as follows:

01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 2 733 t of wholly milled rice equivalent,

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

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

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

05 Ceuta and Melilla, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 473 t.

⁽²⁾ For rice of destinations 02 and 03, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 1 009 t.

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

COMMISSION REGULATION (EC) No 444/2000**of 25 February 2000****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2176/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2176/1999 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2176/1999 is hereby fixed on the basis of the tenders submitted from 18 to 24 February 2000 at 261,00 EUR/t.

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 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 267, 15.10.1999, p. 4.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 445/2000**of 25 February 2000****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2178/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2178/1999 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in European Regulation (EC) No 2178/1999 is hereby fixed on the basis of the tenders submitted from 18 to 24 February 2000 at 180,00 EUR/t.

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 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 267, 15.10.1999, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 446/2000**of 25 February 2000****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2179/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2179/1999 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2179/1999 is hereby fixed on the basis of the tenders submitted from 18 to 24 February 2000 at 161,00 EUR/t.

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 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 267, 15.10.1999, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 447/2000**of 25 February 2000****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2180/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2180/1999 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2180/1999 is hereby fixed on the basis of the tenders submitted from 18 to 24 February 2000 at 165,00 EUR/t.

Article 2

This Regulation shall enter into force on 26 February 2000.

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

Done at Brussels, 25 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 267, 15.10.1999, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION DIRECTIVE 2000/5/EC**of 25 February 2000****amending Annexes C and D to Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC⁽¹⁾, as last amended by Commission Directive 97/38/EC⁽²⁾, and particularly Article 15 thereof,

Whereas:

- (1) The Governments of the United Kingdom and the Republic of Austria have submitted reasoned requests for amendments to Annexes C and D of the Directive 92/51/EEC.
- (2) Training for 'approved social worker — mental health' and 'trade mark agent' in the United Kingdom is to be deleted from Annex C of Directive 92/51/EEC. The profession 'approved social worker — mental health' is not regulated in the United Kingdom. Training for 'trade mark agent' now meets the definition in Article 1(a), first subparagraph, second indent (i) of Directive 92/51/EEC.
- (3) Training in the United Kingdom that leads to qualifications as 'certified technically competent person in waste management' is to be included in Annex C of Directive 92/51/EEC, provided the qualifications are accredited in the United Kingdom as National Vocational Qualifications (NVQs) at levels 3 and 4.
- (4) The wording of Section 5 of Annex C to Directive 92/51/EEC, according to which the training listed in that section leads to qualifications accredited as National Vocational Qualifications (NVQs) or approved or recognised as equivalent by the National Council for Vocational Qualifications, is to be amended. Approval or recognition as equivalent are no longer provided for in the United Kingdom. The National Council for Vocational Qualifications has been replaced by another authority. It is not considered necessary to specify the competent authority in the Directive.
- (5) The new special basic training introduced in Austria for nurses specialising in the care of children and young people and for psychiatric nurses is to be included in Annex C to Directive 92/51/EEC. This training leads to a comparable level of qualification, and, on completion, to a similar level of responsibility and activity, as a post-secondary course as described in Article 1(a), first subparagraph, second indent (i) of Directive 92/51/EEC.

(6) The reference to the National Council for Vocational Qualifications is to be deleted from Annex D to Directive 92/51/EEC. It has been replaced by another authority and it is not considered necessary to specify the competent authority in the Directive.

(7) The measures set out in this Directive are in accordance with the opinion of the Committee set up under Article 15 of Directive 92/51/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes C and D to Directive 92/51/EEC shall be amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt the laws, regulations and administrative provisions necessary for them to comply with this Directive before 27 February 2001. They shall forthwith inform the Commission thereof.

Member States shall include in these measures a reference to this Directive or accompany them with such a reference at the time of their official publication. The methods of making such a reference shall be laid down by the Member States.

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

Article 3

This Directive is addressed to the Member States.

Article 4

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

Done at Brussels, 25 February 2000.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 209, 24.7.1992, p. 25.

⁽²⁾ OJ L 184, 12.7.1997, p. 31.

ANNEX

A. Annex C to Directive 92/51/EEC shall be amended as follows:

1. The following shall be added to Section 1 'Paramedical and childcare training courses' after 'in the Netherlands — veterinary assistant (dierenartsassistent)':
'in Austria
— special basic training for nurses specialising in the care of children and young people;
— special basic training for psychiatric nurses.'
2. The first paragraph in Section 5, 'United Kingdom courses accredited as National Vocational Qualifications or Scottish Vocational Qualifications', shall be amended as follows:
 - (a) the following types of training shall be deleted:
— 'approved social worker — mental health':
— 'trade mark agent'
 - (b) 'certified technically competent person in waste management' shall be added as the final indent
 - (c) The words 'or approved or recognised as equivalent by the National Council for Vocational Qualifications' are to be deleted.

B. Annex D to Directive 92/51/EEC shall be amended as follows:

The words 'by the National Council for Vocational Qualifications' in the first paragraph shall be deleted.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 December 1999

approving a Finnish national aid programme implementing in particular Article 141 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden

(notified under document number C(1999) 5200)

(Only the Finnish and Swedish texts are authentic)

(2000/167/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 141 thereof,

Whereas:

- (1) On 25 October 1999, Finland notified the Commission, pursuant in particular to Article 143 of the Act of Accession and Article 88 of the EC Treaty, a national aid programme implementing in particular Article 141 and comprising other related measures for regions A and B and the Archipelago of regions A and B.
- (2) On 6 December 1999, Finland submitted an amended version of the programme.
- (3) On 30 July 1996, following an earlier Finnish notification, the Commission adopted Decision 97/428/EC ⁽¹⁾ approving a Finnish aid programme implementing in particular Article 141 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and other related measures,
- (4) Under the amended version of the notification submitted by Finland, certain aid measures previously authorised by the Commission in Decision 97/428/EC are discontinued, other authorised aids are maintained, the dura-

tion of certain aids is extended to the end of 2003 and certain new aids are introduced to apply from 1 January 2000 to 31 December 2003.

- (5) In Article 1(a) of Decision 97/428/EC, the Commission, acting pursuant to Article 141 of the Act of Accession, approved from 1 January 1997 to 31 December 2001 a national aid for farmers with a development plan for investments in primary production (on-farm agriculture and horticultural activities) that do not entail an increase of the total production capacity of the sector existing on the date of adoption of that Decision (30 July 1996), amounting at most to 50 % of the total cost of investments in the pigmeat, poultrymeat and eggs sectors and to 75 % of that same cost in other sectors, subject to compliance with the individual maximum limits laid down by Commission Decision C(96) 733 of 19 April 1996. Article 1 (b) of Decision 97/428/EC also authorises aid to be granted for up to five years as an income support where there is a change of production.
- (6) Finland has requested the Commission to extend the authorisation of this aid for investments in primary production to 31 December 2003.
- (7) The data sent by Finland pursuant to Article 3 of Decision 97/428/EC indicates that this aid for investments in primary production helps, through structural improvements, to maintain and improve existing production patterns; the request to extend the duration of this aid should be accepted for this reason.

⁽¹⁾ OJ L 184, 12.7.1997, p. 50.

- (8) In Article 2 of Decision 97/428/EC, the Commission has authorised certain aid measures for an indefinite duration in accordance with Article 88 of the Treaty.
- (9) In its notification, Finland has indicated that it intends to discontinue some of these measures, but to maintain the aid for the development of quality systems referred to in Article 2(d) of Decision 97/428/EC and the additional aids referred to in Article 2(e) of that Decision.
- (10) There is no reason to review the previous assessment of the Commission that these aids can be considered compatible with the common market. These aids therefore continue to be authorised in accordance with Decision 97/428/EC.
- (11) In its notification of 25 October 1999, Finland also asked the Commission to approve, under Article 141 of the Act of Accession, from 1 January 2000 to 31 December 2003, certain direct payments to producers in the animal husbandry, milk and horticultural production sectors.
- (12) In accordance with Article 141 of the Act of Accession, the Commission may authorise Finland to grant national aids to producers so as to facilitate their full integration into the common agricultural policy where there are serious difficulties resulting from accession which remain after full utilisation of the provisions of Articles 138, 139, 140 and 142 and of the other measures resulting from the rules existing in the Community.
- (13) In accordance with Article 137(3) of the Act of Accession, the period during which aid under Articles 138, 139 and 140 may be granted expired on 31 December 1999.
- (14) Article 142 of the Act of Accession does not apply to the regions included in the national aid programme notified to the Commission on 25 October 1999.
- (15) Due to climatic conditions, as well as to the small size of the farms and the higher levels of fixed costs, the profitability of agricultural production in Southern Finland is very low.
- (16) The data sent by Finland shows that a sudden reduction in support due to the expiry of aid under Articles 138, 139 and 140 of the Act of Accession would cause severe problems in that reducing farmers' income significantly would endanger the continuation of agricultural production in Southern Finland.
- (17) Although some improvement was achieved in recent years, further structural adjustment of the farm sector in Southern Finland is still needed in order to ensure the effective integration of Finnish agriculture into the common agricultural policy.
- (18) The Commission took the view in Decision 97/428/EC that aid under Article 141 of the Act of Accession should address structural inefficiencies that could be changed in order to facilitate the full integration of producers into the common agricultural policy.
- (19) In the light of experience, however, it appears that transitional and degressive direct income payments may be seen as a necessary complement to a structural adjustment policy, providing that such payments are essentially intended to accompany structural adaptation, do not hinder the realisation of the necessary structural changes and are limited to the period of time necessary.
- (20) However, given the length of time necessary to achieve long-term structural change, it is appropriate to set the duration of the aid authorised by the present Decision to the period expiring on 31 December 2003.
- (21) The total amount of production eligible for support should be limited to that which was previously eligible for aid pursuant to Article 138 of the Act of Accession. The production in question is less than 1 % of Community production in all the relevant sectors, and is not therefore expected to have a serious effect on the Community markets.
- (22) Finland should be required to provide a detailed report on all measures and sectors concerned before 30 June 2003, including an assessment of the results of these measures in solving the serious difficulties and in assisting the full integration of Finnish farmers in the common agricultural policy.
- (23) As regards the livestock sector, for reasons of administrative efficiency, Finland has asked to apply an aid per livestock unit in certain cases rather than aid per kilogramme or per animal,

HAS ADOPTED THIS DECISION:

Article 1

The Commission authorises Finland to continue to grant the aid referred to in Article 1(a) of Decision 97/428/EC until 31 December 2003.

Article 2

1. The Commission authorises Finland to grant, from 1 January 2000 to 31 December 2003, the aid referred to in Annex I, up to the maximum amount indicated in the table.

2. The aid referred to in paragraph 1 shall be granted within the following limits:

— for cows' milk: the individual reference quantities of the farmers concerned in accordance with Council Regulation (EEC) No 3950/92 ⁽¹⁾;

⁽¹⁾ OJ L 405, 31.12.1992, p. 1.

- for bovine animals: the ceilings provided for in Council Regulation (EC) No 1254/1999 ⁽¹⁾ (Annexes I and II);
- for male bovine animals: 90 head per holding;
- for suckler cows and male bovine animals: the total number of animals receiving aid cannot exceed a density factor equal to 2 LU/ha of forage area;
- for ewes and goats: the individual limit allocated to producers in application of Article 10 of Council Regulation (EC) No 2467/98 ⁽²⁾.

Article 3

The Commission authorises Finland to grant an additional aid per bull during the adjustment period from January to June 2000, up to the maximum mentioned in Annex II, due to the change in the aid system from slaughter-related aid to aid per livestock unit.

Article 4

No later than 30 June 2003, Finland shall provide a detailed report on the application of the measures authorised by Decision 97/428/EC and by this Decision, and their effects on the integration of Finnish agriculture into the common agricultural policy.

Article 5

This Decision is addressed to the Republic of Finland.

Done at Brussels, 22 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 312, 20.11.1998, p. 1.

ANNEX I

	Unit	Maximum rate of aid FMK/unit			
		2000	2001	2002	2003
Milk					
— Outer archipelago and mainland Åland	kg	0,45	0,43	0,415	0,405
— Other areas of A- and B-regions	kg	0,37	0,355	0,345	0,335
Suckler cows					
A- and B-region	LU	420	400	385	376
Male bovine animals					
A- and B-region	LU	2 210	2 120	2 050	2 000
Ewes and she-goats					
A- and B-region	LU	2 260	2 140	2 045	1 980
Bovines and ewes: supplement in archipelago to the normal payment of A- and B-region (includes dairy cows, suckler cows, male bovines, other bovines and ewes)	LU	2 570	2 460	2 380	2 322
Pigmeat and swine					
— Outer archipelago and mainland Åland	LU	2 290	2 160	2 070	2 004
— Other areas of A- and B-region	LU	1 930	1 830	1 750	1 692
Laying hens					
— Outer archipelago and mainland Åland	LU	2 300	2 180	2 080	2 017
— Other areas of A- and B-region	LU	1 860	1 760	1 685	1 634
Other poultry					
A- and B-region	LU	2 270	2 150	2 055	1 992
Horses					
A- and B-region	LU	2 115	2 000	1 910	1 852
Heifers for slaughter					
A- and B-region	animal	710	680	660	642
Greenhouses	m ²	76	73	70	68
Horticultural product stores					
— With thermal control	m ³	95	92	89	86
— Without thermal control	m ³	67	64	62	60

Notes:

In the unit column, 'LU' means livestock unit

1. The following table is to be used when determining the average amount of livestock units (LU maximum):

	LU
Bovines six months to 24 months	0,6
Bovines over 24 months	1,0
Ewes	0,15
She-goats	0,48
Sows	0,7
Laying hens, including parent hens	0,013
Parent ducks, broilers, geese or turkeys	0,026
Pheasant and mallard parents	0,013
Broilers	0,0053
Horses, over six months	
— Mares for breeding (incl. pony mares)	1,0
— Finnish horse	0,85
— One to three year old other horses and ponies	0,60

2. The following table is to be used when determining livestock units (LU) in the case of pigs and poultry intended for meat production (at least the indicated number of slaughtered animals for one livestock unit):

13 slaughtered fattening pigs	1 LU
550 slaughtered ducks	1 LU
320 slaughtered geese	1 LU
190 slaughtered turkeys	1 LU
1 375 slaughtered pheasants	1 LU
1 375 slaughtered mallards	1 LU

ANNEX II

Aid for bulls during the adjustment period from January to June 2000 due to the change in aid system from slaughter-related aid to aid per livestock unit**Outer archipelago**

January — February 2000	1 030 FIM/animal
March — April 2000	655 FIM/animal
May — June 2000	280 FIM/animal

Mainland Åland Islands

January — February 2000	740 FIM/animal
March — April 2000	470 FIM/animal
May — June 2000	200 FIM/animal

Other areas of A- and B-Region

January — February 2000	675 FIM/animal
March — April 2000	430 FIM/animal
May — June 2000	185 FIM/animal

COMMISSION DECISION
of 17 February 2000
on import licences in respect of beef and veal products originating in Botswana, Kenya,
Madagascar, Swaziland, Zimbabwe and Namibia

(notified under document number C(2000) 434)

(2000/168/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽¹⁾, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 1918/98 provides for the possibility of issuing import licences for beef and veal products. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 and 10 February 2000, expressed in terms of boned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.
- (3) The quantities in respect of which licences may be applied for from 1 March 2000 should be fixed within the scope of the total quantity of 52 100 tonnes.
- (4) This Decision is without prejudice 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 ⁽³⁾, as last amended by Directive 97/79/EC ⁽⁴⁾,

Article 1

The following Member States shall issue on 21 February 2000 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Germany:

— 250 tonnes originating in Botswana.

United Kingdom:

— 200 tonnes originating in Botswana,

— 120 tonnes originating in Namibia,

— 30 tonnes originating in Swaziland,

— 600 tonnes originating in Zimbabwe.

Article 2

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of March 2000 for the following quantities of boned beef and veal:

— Botswana:	17 816 tonnes,
— Kenya:	142 tonnes,
— Madagascar:	7 579 tonnes,
— Swaziland:	3 728 tonnes,
— Zimbabwe:	7 720 tonnes,
— Namibia:	12 399 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 215, 1.8.1998, p. 12.

⁽²⁾ OJ L 250, 10.9.1998, p. 16.

⁽³⁾ OJ L 302, 31.12.1972, p. 28.

⁽⁴⁾ OJ L 24, 30.1.1998, p. 31.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2592/1999 of 8 December 1999 amending Regulation (EC) No 1826/1999 amending Regulation (EC) No 929/1999 imposing provisional anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway with regard to certain exporters, imposing provisional anti-dumping and countervailing duties on imports of such salmon with regard to certain exporters, amending Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidies proceedings concerning imports of such salmon and amending Council Regulation (EC) No 772/2000 imposing definitive anti-dumping and countervailing duties on imports of such salmon

(Official Journal of the European Communities L 315 of 9 December 1999)

On page 20:

— in Article 1(3), third line:

for: '...Regulation (EC) No 929/1999 (¹)...',

read: '...Regulation (EC) No 1826/1999...';

and delete footnote (¹).
