

Official Journal

of the European Communities

ISSN 0378-6978

L 59

Volume 43

4 March 2000

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 485/2000 of 3 March 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 486/2000 of 3 March 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	3
Commission Regulation (EC) No 487/2000 of 3 March 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	4
Commission Regulation (EC) No 488/2000 of 3 March 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	5
Commission Regulation (EC) No 489/2000 of 3 March 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	6

II Acts whose publication is not obligatory

Council

2000/184/EC:

★ Council Decision of 14 February 2000 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Malta amending the Agreement establishing an association between the European Economic Community and Malta	7
Agreement in the form of an Exchange of Letters between the European Community and the Republic of Malta amending the Association Agreement	8

2000/185/EC:

- ★ **Council Decision of 28 February 2000 authorising Member States to apply a reduced rate of VAT to certain labour-intensive services in accordance with the procedure provided for in Article 28(6) of Directive 77/388/EEC** 10

2000/186/EC:

- ★ **Council Decision of 28 February 2000 authorising the Federal Republic of Germany to apply measures derogating from Articles 6 and 17 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment** 12

Commission

2000/187/EC:

- ★ **Commission Decision of 17 February 2000 amending Decision 98/361/EC establishing the list of approved zones, with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia in Spain ⁽¹⁾ (notified under document number C(2000) 373)** 14

2000/188/EC:

- ★ **Commission Decision of 17 February 2000 concerning the status of Great Britain and Northern Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia and repealing Decisions 92/538/EEC and 97/185/EC ⁽¹⁾ (notified under document number C(2000) 374)** 17

2000/189/EC:

- ★ **Commission Decision of 24 February 2000 authorising the Member States temporarily to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis L.*, other than fruits, originating in Switzerland (notified under document number C(2000) 397)** 18

2000/190/EC:

- ★ **Commission Decision of 24 February 2000 authorising the Member States to permit temporarily the marketing of vine propagating material not satisfying the requirements of Council Directive 68/193/EEC (notified under document number C(2000) 416)** 21

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 485/2000
of 3 March 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 4 March 2000.

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

Done at Brussels, 3 March 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 3 March 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	87,8
	212	158,6
	624	160,7
	999	135,7
0707 00 05	052	120,1
	068	76,9
	628	146,6
	999	114,5
0709 10 00	220	201,2
	999	201,2
0709 90 70	052	86,6
	204	34,5
	628	127,8
	999	83,0
0805 10 10, 0805 10 30, 0805 10 50	052	55,5
	204	34,8
	212	38,2
	600	38,1
	624	53,7
	999	44,1
0805 30 10	052	30,6
	600	66,8
	999	48,7
0808 10 20, 0808 10 50, 0808 10 90	039	114,7
	204	82,6
	388	132,4
	400	96,4
	404	85,7
	508	94,9
	512	96,0
	528	100,1
	720	62,6
	728	91,1
	999	95,7
	388	80,4
0808 20 50	400	107,4
	512	78,8
	528	96,0
	624	67,2
	999	86,0

⁽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 486/2000**of 3 March 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 25 February to 2 March 2000 at 261,00 EUR/t.

Article 2

This Regulation shall enter into force on 4 March 2000.

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

Done at Brussels, 3 March 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 487/2000**of 3 March 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 25 February to 2 March 2000 at 180,00 EUR/t.

Article 2

This Regulation shall enter into force on 4 March 2000.

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

Done at Brussels, 3 March 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 488/2000**of 3 March 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 25 February to 2 March 2000 at 160,00 EUR/t.

Article 2

This Regulation shall enter into force on 4 March 2000.

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

Done at Brussels, 3 March 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 489/2000**of 3 March 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 25 February to 2 March 2000 at 163,00 EUR/t.

Article 2

This Regulation shall enter into force on 4 March 2000.

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

Done at Brussels, 3 March 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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 February 2000

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Malta amending the Agreement establishing an association between the European Economic Community and Malta

(2000/184/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 133, in conjunction with the first sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 2 of Annex I to the Agreement establishing an association between the European Economic Community and Malta ⁽¹⁾, hereinafter referred to as 'Association Agreement', provides for tariff ceilings applicable to imports of textile products originating in Malta.
- (2) Pursuant to the Agreed Minute between the European Community and the Republic of Malta regarding the textile trade ⁽²⁾, signed on 4 June 1997, until 31 December 1997 products falling within textile category 6 were imported into the Community duty-free up to certain quota levels, which levels represented an increase in liberalisation of imports originating in Malta as compared to the tariff ceilings laid down in the Association Agreement.
- (3) Within the framework both of the completion of the first stage of the Association Agreement and of the Community's liberalisation efforts towards Mediterranean countries, as well as having regard to the current level of and trends in access to Malta's textile products

to the Community, full liberalisation of textile imports from Malta should be achieved.

- (4) For this reason the Agreement in the form of an Exchange of Letters repealing the tariff ceilings laid down in Article 2 of Annex I to the Association Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Malta amending the Association Agreement is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 14 February 2000.

For the Council

The President

J. GAMA

⁽¹⁾ OJ L 61, 14.3.1971, p. 2. Agreement as supplemented by the Additional Protocol (OJ L 304, 29.11.1977, p. 2), the supplementary Protocol (OJ L 81, 23.3.1989, p. 2) and the Protocol extending the first Stage of the Agreement (OJ L 116, 9.5.1991, p. 67).

⁽²⁾ OJ L 231, 22.8.1997, p. 6.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
between the European Community and the Republic of Malta amending the Association Agreement

A. Letter from the Community

Brussels, 23 February 2000

Sir,

I have the honour to refer to the trade regime for imports of textile products originating in Malta into the Community laid down in Article 2 of Annex I to the Agreement establishing an association between the European Economic Community and Malta, as amended by Article 5 of the Additional Protocol to the Agreement establishing an association between the European Economic Community and Malta signed on 27 October 1977. In order to achieve full liberalisation of textile imports from Malta within the framework of both the completion of the first stage of the Agreement establishing an association between the Economic European Community and Malta and of the Community's liberalisation efforts towards the Mediterranean countries, it has been agreed that the tariff ceilings of Article 2 of Annex I to the Agreement establishing an association between the European Community and Malta shall be repealed.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.

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

For the Council of the European Union



B. Letter from Malta

Brussels, 23 February 2000

Sir,

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

'I have the honour to refer to the trade regime for imports of textile products originating in Malta into the Community laid down in Article 2 of Annex I to the Agreement establishing an association between the European Economic Community and Malta, as amended by Article 5 of the Additional Protocol to the Agreement establishing an association between the European Economic Community and Malta signed on 27 October 1977. In order to achieve full liberalisation of textile imports from Malta within the framework of both the completion of the first stage of the Agreement establishing an association between the Economic European Community and Malta and of the Community's liberalisation efforts towards the Mediterranean countries, it has been agreed that the tariff ceilings of Article 2 of Annex I to the Agreement establishing an association between the European Community and Malta shall be repealed.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.'

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

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

For the Government of the Republic of Malta

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke at the end.

COUNCIL DECISION

of 28 February 2000

authorising Member States to apply a reduced rate of VAT to certain labour-intensive services in accordance with the procedure provided for in Article 28(6) of Directive 77/388/EEC

(2000/185/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 28(6) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Article 28(6) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State that has submitted an application in accordance with the procedure and conditions provided for in that Article, to apply a reduced rate of VAT to certain labour-intensive services.
- (2) The services concerned must meet the conditions provided for in the Directive and be included in the list in Annex K to the Directive.
- (3) This is an experiment limited to a maximum period of three years running from 1 January 2000 to 31 December 2002.
- (4) However, the introduction of such a targeted reduction in the VAT rate entails some risk to the proper operation of the internal market and tax neutrality; provision should therefore be made for an authorisation period for a full and clearly defined three-year period, for the measure to be on an optional basis for Member States, and for its scope to be made subject to strict conditions so that it remains verifiable and limited.
- (5) In view of the experimental nature of the measure, a detailed assessment of its impact in terms of job creation and efficiency should be carried out by the Member States which implement it and by the Commission.
- (6) The Member States that have submitted an application have complied with the procedure and conditions set out in Directive 77/388/EEC.
- (7) Three Member States, France, Luxembourg and the Netherlands have applied for authorisation to apply a reduced rate of VAT exceptionally to a third category

of the services listed in Annex K; in each case the reduction in rate in the third of the sectors selected can have only an insignificant economic impact.

- (8) The United Kingdom has applied for authorisation to apply a reduced rate of VAT to dwelling-related services only in the Isle of Man; in the light of the specific territorial rules governing the status of the Isle of Man, including Article 299(6)(c) of the Treaty, the Treaty on the accession of the United Kingdom and Article 3(4) of Directive 77/388/EEC, and in the light of the fact that the rules on the location of such services will ensure that they are taxed where the dwelling is located, applying a reduced rate of VAT carries no risk of distortion of competition; however, restricting the reduced rate to the Isle of Man is something which can be authorised only as an exceptional measure. In relation to other territories of Member States where the Treaty and Directive 77/388/EEC are fully applicable, such a step could not be taken without jeopardising the principle of applying uniform rates in a single Member State.
- (9) The other Member States have been informed about the applications for authorisation.
- (10) This Decision will have no impact on the Communities' own resources derived from VAT,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 28(6) of Directive 77/388/EEC, the following Member States are hereby authorised to apply the reduced rates provided for in the third subparagraph of Article 12(3)(a) for a maximum of three years running from 1 January 2000 to 31 December 2002 to the services for which they have submitted applications in accordance with the required procedure, and which are listed under their names below:

1. the Kingdom of Belgium for the sectors listed at points 1 and 2 of Annex K to Directive 77/388/EEC:
 - small services for repairing:
 - (a) bicycles;
 - (b) shoes and leather goods;
 - (c) clothing and household linen (including mending and alteration),

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 1999/85/EEC (OJ L 277, 28.10.1999, p. 34).

- renovation and repairing of private dwellings more than five years old, excluding materials which form a significant part of the value of the supply;
- 2. the Hellenic Republic for the sectors listed at point 1, last indent, and point 4 of Annex K to Directive 77/388/EEC:
 - repairing of clothing and household linen (including mending and alteration),
 - domestic care services;
- 3. the Kingdom of Spain for the sectors listed at points 2 and 5 of Annex K to Directive 77/388/EEC:
 - bricklaying for the repair of private dwellings excluding materials which form a significant part of the value of the supply,
 - hairdressing;
- 4. the French Republic for the sectors listed at points 2, 3 and 4 of Annex K to Directive 77/388/EEC:
 - renovation and repairing of private dwellings completed more than two years ago, excluding materials which form a significant part of the value of the supply,
 - domestic care services,
 - window cleaning and cleaning in private households;
- 5. the Italian Republic for the sectors listed at points 2 and 4 of Annex K to Directive 77/388/EEC:
 - renovation and repairing of private dwellings excluding materials which form a significant part of the value of the supply,
 - domestic care services;
- 6. the Grand Duchy of Luxembourg for the sectors listed at points 1, 3 and 5 of Annex K to Directive 77/388/EEC:
 - small services for repairing:
 - (a) bicycles;
 - (b) shoes and leather goods;
 - (c) clothing and household linen (including mending and alteration),
 - hairdressing,
 - window cleaning and cleaning in private households;
- 7. the Kingdom of the Netherlands for the sectors listed at points 1, 2 and 5 of Annex K to Directive 77/388/EEC:
 - small services for repairing:
 - (a) bicycles;
 - (b) shoes and leather goods;
 - (c) clothing and household linen (including mending and alteration),
 - hairdressing,
 - painting and plastering services for the renovation and repairing of private dwellings more than 15 years old, excluding materials which form a significant part of the value of the supply;
- 8. the Portuguese Republic for the sectors listed at points 2 and 4 of Annex K to Directive 77/388/EEC:
 - renovation and repairing of private dwellings, excluding materials which form a significant part of the value of the supply,
 - domestic care services;
- 9. the United Kingdom for one sector, referred to in point 2 of Annex K to Directive 77/388/EEC, but for the Isle of Man only:
 - renovation and repairing of private dwellings, excluding materials which form a significant part of the value of the supply.

Article 2

Before 1 October 2002 each of the Member States listed in Article 1 shall draw up a detailed report containing an overall assessment of the measure's effectiveness in terms of job creation and efficiency and forward it to the Commission.

Article 3

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2000 to 31 December 2002.

Article 4

This Decision is addressed to the Member States referred to in Article 1.

Done at Brussels, 28 February 2000.

For the Council

The President

J. PINA MOURA

COUNCIL DECISION

of 28 February 2000

authorising the Federal Republic of Germany to apply measures derogating from Articles 6 and 17 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment

(2000/186/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By letters registered at the Commission's Secretariat-General on 8 January and 27 August 1999 respectively the Government of the Federal Republic of Germany communicated a request, under Article 27 of Directive 77/388/EEC to apply two measures derogating from Articles 6 and 17 of the said Directive.
- (2) Under Article 27(1) of Directive 77/388/EEC the Council, acting unanimously on proposal from the Commission, may authorise any Member State to introduce, or extend the period of validity of, special measures derogating from the provisions of the Directive, in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance.
- (3) As required under Article 27(3) of Directive 77/388/EEC, the Commission, in a letter dated 11 October, informed the other Member States of the request of the German Government.
- (4) The first derogating measure is intended completely to exclude the value added tax (VAT) which is charged on expenditure on goods and services from the right to deduct when over 90 % of the goods and services are used for the private purposes of the taxable person, or of his employees, or for non-business purposes in general. This measure represents a derogation from Article 17 and is justified by the need to simplify the procedure for charging the VAT.
- (5) The second measure derogates from Article 17(2) and Article 6 of Directive 77/388/EEC and is intended to limit to 50 % a taxable person's right under Article 17(2) to deduct VAT in respect of all expenditure on vehicles

not used solely for business purposes, and also not to charge the VAT due on passenger cars used for private purposes; this ceiling on a taxable person's right to deduct VAT is justified by the proven difficulty of actually verifying the breakdown between business and private expenditure on this type of good and by the consequent likelihood of tax evasion or abuse; in addition such measure will allow a more simplified system of taxation of the private use of vehicles.

- (6) Nevertheless, the ceiling on a taxable person's right to deduct VAT may not be applied to expenditure on vehicles which represent a taxable person's current assets; furthermore, the flat-rate ceiling on the right to deduct may not be applied where a vehicle is used up to a maximum of 5 % for private purposes; in these cases the normal rules on deduction set out in Article 17(2) of Directive 77/388/EEC remain applicable.
- (7) These provisions ensure that this derogation from the principle of a taxable person's right to deduct all the tax paid in connection with his taxable activities does not go beyond what is needed to counteract the risk of tax evasion or avoidance as defined in the Court's case-law ⁽²⁾ interpreting Article 27 of Directive 77/388/EEC.
- (8) On 17 June 1998, the Commission submitted a proposal for a Council Directive amending Directive 77/388/EC as regards the right to deduct VAT ⁽³⁾; the purpose of the proposal is to harmonise definitively some of the disparate rules regarding ceilings on the right to deduct currently applied in the Member States as these could distort competition in international trade since such differences affect prices for goods and services.
- (9) The authorisation to apply these derogating measures should therefore limit their period of validity so that this ends with the entry into force of the above proposed Directive, but not later than 31 December 2002 if that Directive is not yet in force by then; such a maximum period of validity would allow evaluation of whether the derogation is still appropriate in the light of progress in discussions in the Council or the proposed Directive at the time.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 1999/85/EC (OJ L 277, 28.10.1999, p. 34).

⁽²⁾ See Case of 29 May 1997, Werner Skripalle (C-63/96, 1997 ECR, p. I-2847).

⁽³⁾ OJ C 219, 15.7.1998, p. 16.

- (10) The derogation would have no negative effect on the Communities' own resources provided from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 17(2) of Directive 77/388/EEC, as amended by Article 28f of that Directive, the Federal Republic of Germany is hereby authorised to exclude from the right to deduct the VAT charged on expenditure on goods and services where more than 90 % of those goods and services are used for the private purposes of a taxable person or of his employees or, more generally, for non-business purposes.

Article 2

By way of derogation from Article 17(2) of Directive 77/388/EEC, as amended by Article 28f of that Directive, and from Article 6(2)(a) of that Directive, the Federal Republic of Germany is hereby authorised to limit to 50 % the right to deduct the VAT charged on expenditure on vehicles not used exclusively for business purposes and not to treat as supplies of

services for consideration the use for private purposes of vehicles belonging to a taxable person's business.

The provisions of the first paragraph shall not apply where a vehicle represents a taxable person's current assets or, where such a vehicle is used up to a maximum of 5 % for private purposes.

Article 3

This Decision shall apply as from 1 April 1999.

It shall cease to be applicable on the date the Directive on expenditure not giving rise to the right to deduct VAT enters into force or shall expire on 31 December 2002 at the latest.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 28 February 2000.

For the Council

The President

J. PINA MOURA

COMMISSION

COMMISSION DECISION

of 17 February 2000

amending Decision 98/361/EC establishing the list of approved zones, with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia in Spain

(notified under document number C(2000) 373)

(Text with EEA relevance)

(2000/187/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Member States may obtain for one or more continental or coastal zones the status of approved zones free of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS).
- (2) The status of approved continental zone and approved coastal zone in respect of IHN and VHS was granted to certain catchment areas and coastal areas in Spain, by Commission Decision 98/361/EC ⁽³⁾, as last amended by Decision 1999/513/EC ⁽⁴⁾.
- (3) Spain has submitted to the Commission evidence in support of granting the status of approved zone for certain other catchment areas in the Autonomous Region of Castilla and León in respect of IHN and VHS,

as well as the national provisions ensuring compliance with the rules on maintenance of approval.

(4) Scrutiny of this information allows this status to be granted for these catchment areas.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 98/361/EC is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 February 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 163, 6.6.1998, p. 46.

⁽⁴⁾ OJ L 195, 28.7.1999, p. 39.

ANNEX

A. LIST OF APPROVED ZONES WITH REGARD TO IHN AND VHS IN SPAIN

I. REGION: AUTONOMOUS COMMUNITY OF ASTURIAS

1. **Continental zones**

All water catchment areas of Asturias, excluding the river Eo

2. **Coastal zones**

The entire coast of Asturias

II. REGION: GALICIA

1. **Continental zones**

The water catchment areas of Galicia:

- including the water catchment areas of the river Eo, the river Sil from its source in the province of León, the river Miño from its source to the barrier of Frieir, and the river Limia from its source to the barrier Das Conchas,
- excluding the water catchment area of the river Tamega.

2. **Coastal zones**

The coastal area in Galicia from the mouth of the river Eo (Isla Pancha) to the Cabo Silliero of the Ría de Vigo;
The coastal area from Cabo Silliero to the Punta Picos (mouth of the river Miño) is considered as a buffer zone.

III. REGION: AUTONOMOUS COMMUNITY OF ARAGÓN

Continental zones

- River Aragón from its source to the barrier of Caparros in the municipality of Navarra,
- River Gállego from its source to the barrier of Ardisa,
- River Sotón from its source to the barrier of Sotonera,
- River Isuela from its source to the barrier of Arguis,
- River Flumen from its source to the barrier of Santa Maria de Belsue,
- River Guatizalema from its source to the barrier of Vadiello,
- River Cinca from its source to barrier of Grado,
- River Esera from its source to the barrier of Barasona,
- River Noguera-Ribagorzana from its source to the barrier of Santa Ana,
- River Huecha from its source to the dam of Alcalá de Moncayo,
- River Jalón from its source to the dam of Alagón,
- River Huerva from its source to barrier of Mezalocha,
- River Aguasvivas from its source to the barrier of Moneva,
- River Martín from its source to the barrier of Cueva Foradada,
- River Escuriza from its source to the barrier of Escuriza,
- River Guadalope from its source to the barrier of Caspe,
- River Matarraña from its source to the barrier of Aguas de Pena,
- River Pena from its source to the barrier of Pena,
- River Guadalaviar-Turia from its source to the barrier of the Generalísimo in the Province of Valencia,
- River Mijares from its source to the barrier of Arenós in the Province of Castellon.

The other watercourses of the Comunidad de Aragón and the river Ebro along its course in the said Comunidad are considered as a buffer zone.

IV. REGION: AUTONOMOUS COMMUNITY OF NAVARRA

Continental zones:

- River Bidasoa from its source to its mouth,
- River Leizarán from its source to the barrier of Leizarán (Muga),
- River Arakil-Arga from its source to the barrier of Falces,
- River Ega from its source to the barrier of Allo,
- River Aragón from its source in the Province of Huesca (Aragón) to the barrier of Caparroso (Navarra).

The other watercourses of the Comunidad de Navarra and the river Ebro along its course through the said Comunidad are considered as a buffer zone.

V. REGION: AUTONOMOUS COMMUNITY OF CASTILLA AND LEÓN

Continental zones

- River Duero from its source to the barrier of Aldéavila,
- River Ebro from its source in the region of Cantabria to the barrier of Sobrón,
- River Queiles from its source to the barrier of los Fayos,
- River Tiétar from its source to the barrier of Rosarito,
- River Alberche from its source to the barrier of Burguillo.

The other watercourses of the region of Castilla and León are considered as a buffer zone.

B. LIST OF APPROVED FARMS WITH REGARD TO IHN AND VHS IN SPAIN

REGION: AUTONOMOUS COMMUNITY OF ARAGÓN

- Truchas del Prado located in Alcalá de Ebro, Province of Zaragoza (Aragón).
-

COMMISSION DECISION**of 17 February 2000****concerning the status of Great Britain and Northern Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia and repealing Decisions 92/538/EEC and 97/185/EC**

(notified under document number C(2000) 374)

(Text with EEA relevance)

(2000/188/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Member States can obtain for their entire territory or parts thereof, the status of approved zone, free of certain diseases affecting fish or molluscs.
- (2) The Commission, by Decision 92/538/EEC ⁽³⁾, granted the status of approved continental and coastal zone for infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) to Great Britain.
- (3) Following confirmation of a case of VHS on the island of Gigha, being part of the territory of Great Britain, the status of approved zone for VHS for this island was withdrawn by Commission Decision 94/817/EC ⁽⁴⁾.
- (4) The United Kingdom has submitted to the Commission a programme, which was adopted by Commission Decision 97/185/EC ⁽⁵⁾, designed to re-establish the approved zone status of the island of Gigha with regard to VHS.
- (5) After examination of the evidence submitted by the United Kingdom, it appears that this programme has been successfully completed, since no case of VHS has been detected through an extensive testing of both wild and farmed fish.
- (6) The conditions are fulfilled to re-establish the approved zone status of the island of Gigha with regard to VHS.

(7) For the sake of clarity it is, therefore, appropriate to repeal Commission Decisions 92/538/EEC and 97/185/EC and to re-establish the approved zone status, with regard to IHN and VHS, of the entire territory of Great Britain and Northern Ireland.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Great Britain is recognised as approved continental zone and approved coastal zone for fish with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.

Article 2

Northern Ireland is recognised as approved continental zone and approved coastal zone for fish with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.

Article 3

Decisions 92/538/EEC and 97/185/EC are herewith repealed.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 February 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 347, 28.11.1992, p. 67.

⁽⁴⁾ OJ L 337, 24.12.1994, p. 88.

⁽⁵⁾ OJ L 77, 19.3.1997, p. 31.

COMMISSION DECISION

of 24 February 2000

authorising the Member States temporarily to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Switzerland

(notified under document number C(2000) 397)

(2000/189/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, as last amended by Commission Directive 1999/53/EC ⁽²⁾, and in particular Article 14(1) thereof,

Having regard to the request made by France, in respect of plants of *Vitis* L., other than fruits, originating in Switzerland,

Whereas:

- (1) Under the provisions of Directive 77/93/EEC, plants of *Vitis* L., other than fruits, originating in third countries, may in principle not be introduced into the Community.
- (2) By Decisions 97/159/EC ⁽³⁾ and 1999/166/EC ⁽⁴⁾ the Commission authorised Member States to provide for derogations in respect of plants of *Vitis* L., other than fruits, originating in Switzerland under specified conditions in the 1997 and 1999 seasons.
- (3) Due to technical reasons there were no imports made under Decisions 97/159/EC and 1999/166/EC.
- (4) The circumstances justifying the authorisation for Switzerland still obtain.
- (5) Therefore a derogation should be authorised for a limited period, provided that it includes specific conditions and without prejudice to Council Directive 68/193/EEC ⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and any implementing measures made thereunder.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4(1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A, point 15 of Annex III thereto for plants of *Vitis* L., other than fruits, originating in Switzerland.

2. In addition to the requirements laid down in Annexes I and II of Directive 77/93/EEC in relation to plants of *Vitis* L., the following specific conditions shall be satisfied:

- (a) the plants shall be propagating material in the form of dormant bud material of the following varieties:
 - Chasselat blanc,
 - Gamaret,
 - Humagne,
 - Diolinoir,
 - Petite Arvine,
 - Amigne,
 - Cornalin,
 - Granoir;
- (b) the buds shall be intended to be grafted in the Community, at premises referred to in (h), on to rootstocks produced in the Community;
- (c) the buds intended for the Community shall be:
 - harvested in stock nurseries, which are officially registered. The lists of the registered nurseries shall be made available to the Member States making use of the derogation and to the Commission, at the latest by 15 February 2000. These lists shall include the name(s) of the varieties, the number of rows planted with these varieties, the number of plants per row for each of these nurseries, as far as they are deemed suitable for dispatch to the Community in 2000, under the conditions laid down in this Decision,
 - properly packed and the packaging made recognisable with a marking, enabling the identification of the registered nursery and the variety,

⁽¹⁾ OJ L 26, 31.1.1977, p. 20.

⁽²⁾ OJ L 142, 5.6.1999, p. 29.

⁽³⁾ OJ L 62, 4.3.1997, p. 36.

⁽⁴⁾ OJ L 55, 3.3.1999, p. 16.

⁽⁵⁾ OJ L 93, 17.4.1968, p. 15.

— accompanied by a phytosanitary certificate issued in Switzerland in accordance with Articles 7 and 12 of Directive 77/93/EEC, on the basis of the examination laid down therein, in particular freedom from the following harmful organisms:

- *Daktulosphaira vitifoliae* (Fitch),
- *Xylophilus ampelinus* (Panagopoulos) Willems et al.,
- Grapevine Flavescence dorée MLO.

The certificate shall state under 'Additional declaration', the indication 'This consignment meets the conditions laid down in Decision 2000/189/EC';

- (d) the official plant protection organisation of Switzerland shall ensure the identity of the buds from the time of harvesting as referred to in (c), first indent, until the time of loading for export to the Community;
- (e) the buds shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State; these points of entry and the name and address of the responsible official body referred to in Directive 77/93/EEC in charge of each point shall be notified sufficiently in advance by the Member States to the Commission and shall be held available on request to other Member States. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State introduction shall inform and cooperate with the said responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with;
- (f) prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in (a) to (k); the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the notification to the Commission, indicating:
 - the type of material,
 - the variety and the quantity,
 - the declared date of introduction and confirmation of the point of entry,
 - the names, addresses and the locations of the premises referred to in (h) where the buds will be grafted and/or where the grafted plants will subsequently be planted.

The importer shall provide details of any changes to the aforementioned advance notification, to the responsible official bodies of their own Member State, preferably as soon as they are known and in any case prior to the time of import, and that Member State, without delay, shall convey the details of the changes to the Commission;

- (g) the inspections including testing, as appropriate, required pursuant to Article 12 of Directive 77/93/EEC and in accordance with provisions laid down in the present Decision shall be made by the responsible official bodies, referred to in the said Directive; of these inspections, the plant health checks shall be carried out by the Member State making use of this derogation and where appropriate,

in cooperation with the said bodies of the Member State in which the buds will be grafted. Furthermore during the said plant health check that Member State(s) shall also inspect for all other harmful organisms. Without prejudice to the monitoring referred to in Article 19a(3), second indent, first possibility of the said Directive, the Commission shall determine to which extent the inspections referred to in Article 19a(3), second indent, second possibility, of the said Directive shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive;

- (h) the buds shall be grafted on to rootstocks and the grafted plants subsequently planted only at premises:
 - for which the names, addresses and the locations have been notified by the person who intends to use the buds imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated, and
 - officially registered and approved for the purposes of this derogation.

In those cases where the place of grafting or planting is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official bodies of the Member State in which the buds will be grafted or planted giving the names, addresses and the locations of the premises where the plants will be grafted or planted;

- (i) the said responsible official bodies shall ensure that any bud not used in accordance with (h) shall be destroyed under the control of the said responsible official bodies. Records shall be kept available to the Commission on the numbers of plants destroyed;
- (j) at the premises referred to in (h):
 - the material which has been found free from the harmful organisms referred to in (g) may then be used for grafting and the grafted plants shall be planted and grown in fields belonging to the premises referred to in (h) and shall remain on the premises, until they are moved to a destination outside the Community as referred to in (k),
 - the grafted plants shall be, in the growing period following importation, visually inspected by the said responsible official bodies of the Member State in which the grafted plants are planted, at appropriate times, for the presence of any harmful organism or for signs or symptoms caused by any harmful organism including those of *Daktulosphaira vitifoliae* (Fitch); as a result of such visual inspection any harmful organism having caused such signs or symptoms shall be identified by an appropriate testing procedure,
 - any plant which has not been found free during the said inspections or testing, referred to in the previous indents, from the harmful organisms listed under (c), third indent, or otherwise of quarantine concern, shall be immediately destroyed under control of the said responsible bodies;

- (k) any grafted plant resulting from a successful grafting using the buds referred to in (a) shall be only released as grafted plants in 2001 to a destination outside the Community. The said responsible official bodies shall ensure that any plant not so moved shall be officially destroyed. Records shall be kept available to the Commission on the amounts of successfully grafted plants, of officially destroyed plants and of plants sold as well as on the country of destination of the plants sold.

Article 2

Member States shall inform the other Member States and the Commission, by means of the notification referred to in Article 1(2) (f), of any use of the authorisation. They shall provide the Commission and the other Member States, before 1 November 2000, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(2) (j). Furthermore, any other Member State in which the buds are grafted on to rootstocks and in which the grafted plants are planted, after the import, shall also provide the Commission and the other Member States, before 1 November 2000, with a detailed technical report, of the official examination referred to in Article 1(2) (j).

Article 3

Without prejudice to the provisions laid down in Article 14(3) of Directive 77/93/EEC, the Member States concerned shall notify the Commission and the other Member States of all cases of consignments introduced pursuant to this Decision which do not comply with the conditions laid down herein.

Article 4

Article 1 shall apply during the period between 1 March 2000 and 15 March 2000. The present Decision shall be revoked if it is established that the conditions laid down in Article 1(2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 24 February 2000.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 24 February 2000

authorising the Member States to permit temporarily the marketing of vine propagating material not satisfying the requirements of Council Directive 68/193/EEC*(notified under document number C(2000) 416)**(2000/190/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the negative propagation of the vine ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 14 thereof,

Having regard to the request submitted by France,

Whereas:

- (1) In the Community, in particular in France the production of certain vine propagating materials satisfying the requirements of Directive 68/193/EEC, has been insufficient in 1998 and is therefore not adequate to meet that country's needs.
- (2) It is not possible to cover this demand satisfactorily with material satisfying all the requirements laid down in the said Directive.
- (3) France should therefore be authorised to permit the marketing for a period expiring on 15 March 2000, of material of a category to which less stringent requirements apply.
- (4) Other Member States likely to supply France with such material should furthermore be authorised to permit its marketing to this end.
- (5) In France the propagating material will be imported in the form of dormant buds to be used for grafting; whereas, according to the request, the rooted grafts produced in the Community from such propagating materials are then intended for export to Switzerland.
- (6) This authorisation may only be used in accordance with the plant health conditions and requirements laid down by Council Directive 77/93/EEC ⁽²⁾, as last amended by Commission Directive 1999/53/EC ⁽³⁾, and in any implementing measures made thereof.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

Article 1

France is authorised to permit, for a permit expiring on 15 March 2000, the marketing on its territory of a maximum of 195 000 dormant buds for grafting harvested in Switzerland which do not satisfy the requirements laid down in Directive 68/193/EEC as regards certification and inspection of standard propagating material, provided that the official label is brown and bears the words 'less stringent requirements'.

Article 2

Member States other than the applicant Member State are also authorised to permit, on the terms set out in Article 1 and for the purposes intended by the applicant Member State, the marketing in their territories of the material authorised to be marketed under this Decision.

Article 3

The authorisations under Articles 1 and 2 shall be without prejudice to Council Directive 77/93/EEC and any implementing measures thereof.

Article 4

Member States shall immediately notify the Commission and the other Member States of the quantities of propagating material permitted to be marketed in their territories under this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 24 February 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 93, 17.4.1968, p. 15.

⁽²⁾ OJ L 26, 31.1.1977, p. 20.

⁽³⁾ OJ L 142, 5.6.1999, p. 29.