

Official Journal

of the European Communities

ISSN 0378-6978

L 63

Volume 43

10 March 2000

English edition

Legislation

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I

(Acts whose publication is obligatory)

**DECISION No 508/2000/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 14 February 2000
establishing the Culture 2000 programme**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first indent of Article 151(5) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty, in the light of the joint text approved by the Conciliation Committee on 9 December 1999 ⁽³⁾,

Whereas:

- (1) Culture has an important intrinsic value to all people in Europe, is an essential element of European integration and contributes to the affirmation and vitality of the European model of society and to the Community's influence on the international scene.
- (2) Culture is both an economic factor and a factor in social integration and citizenship; for that reason, it has an important role to play in meeting the new challenges facing the Community, such as globalisation, the information society, social cohesion and the creation of employment.
- (3) With a view to meeting the needs of the cultural dimension in the European Union, the Community has to take cultural aspects into account in its action under provisions of the Treaty other than Article 151, in particular in order to respect and to promote the diversity of its cultures; in this context, the Commission should encourage the dissemination of information about the opportunities for the cultural industries in the Structural Funds, in accordance with Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽⁴⁾, and undertake studies to that end.

- (4) In view of the growing importance of culture for European society and the challenges facing the Community at the dawn of the 21st century, it is important to increase the effectiveness and consistency of Community measures in the cultural field by proposing a single guidance and programming framework for the period 2000 to 2004, bearing in mind the need for the Community policies concerned to take greater account of culture; in this respect, the Council Decision of 22 September 1997 regarding the future of European cultural action ⁽⁵⁾ calls on the Commission to make proposals with a view to establishing a single instrument for programming and financing aimed at the implementation of Article 151 of the Treaty.
- (5) If citizens give their full support to, and participate fully in, European integration, greater emphasis should be placed on their common cultural values and roots as a key element of their identity and their membership of a society founded on freedom, democracy, tolerance and solidarity; a better balance should be achieved between the economic and cultural aspects of the Community, so that these aspects can complement and sustain each other.
- (6) The Treaty confers responsibility on the European Union for creating and ever-closer union among the peoples of Europe and for contributing to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore; special attention should be devoted to safeguarding the position of Europe's small cultures and less widely-spoken languages.
- (7) The Community is consequently committed to working towards the development of a cultural area common to the European people, which is open, varied and founded on the principle of subsidiarity, cooperation between all those involved in the cultural sector, the promotion of a legislative framework conducive to cultural activities and ensuring respect for cultural diversity, and the integration of the cultural dimension into Community policies as provided for in Article 151(4) of the Treaty.

⁽¹⁾ OJ C 211, 7.7.1998, p. 18.

⁽²⁾ OJ C 51, 22.2.1999, p. 68.

⁽³⁾ Opinion of the European Parliament of 5 November 1998 (OJ C 359, 23.11.1998, p. 28), Council Common Position of 28 June 1999 (OJ C 232, 13.8.1999, p. 25) and Decision of the European Parliament of 28 October 1999 (not yet published in the Official Journal), Council Decision of 24 January 2000 and Decision of the European Parliament of 3 February 2000.

⁽⁴⁾ OJ L 161, 26.6.1999, p. 1.

⁽⁵⁾ OJ C 305, 7.10.1997, p. 1.

- (8) To bring to life the cultural area common to the European people, it is essential to encourage creative activities, promote cultural heritage with a European dimension, encourage mutual awareness of the culture and history of the peoples of Europe and support cultural exchanges with a view to improving the dissemination of knowledge and stimulating cooperation and creative activities.
- (9) There is a need, in this context, to promote greater cooperation with those engaged in cultural activities by encouraging them to enter into cooperation agreements for the implementation of joint projects, to support more closely targeted measures having a high European profile, to provide support for specific and innovative measures and to encourage exchanges and dialogue on selected topics of European interest.
- (10) The Kaleidoscope, Ariane and Raphael cultural programmes set out, respectively, in Decision No 719/96/EC ⁽¹⁾, in Decision No 2085/97/EC ⁽²⁾ and in Decision No 2228/97/EC ⁽³⁾ of the European Parliament and of the Council marked the first positive stage in the implementation of Community action on culture; however, the Community's cultural endeavours should be simplified and reinforced on the basis of the results of the evaluation and achievements of the abovementioned programmes.
- (11) In accordance with the Commission's communication 'Agenda 2000', the effectiveness of measures at Community level should be increased, notably by concentrating the resources available for internal policies, including cultural action.
- (12) Considerable experience has been acquired, particularly through the evaluation of the first cultural programmes, the wide-ranging consultation of all interested parties and the results of the Cultural Forum of the European Union held on 29 and 30 January 1998.
- (13) The Community's cultural activities should take account of the specific nature, and hence the specific needs, of each cultural area.
- (14) The conclusions of the European Council at Copenhagen on 21 and 23 June 1993 called for the opening of Community programmes to the countries of central and eastern Europe which have signed Association Agreements; the Community has signed, with some third countries, Cooperation Agreements which contain a cultural clause.
- (15) This Decision therefore establishes a single financing and programming instrument for cultural cooperation, entitled the 'Culture 2000 programme', for the period from 1 January 2000 to 31 December 2004.
- (16) This Decision lays down for the entire duration of the programme a financial framework constituting the principal point of reference, within the meaning of point 33 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure ⁽⁴⁾.
- (17) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁵⁾.
- (18) In accordance with the subsidiarity and proportionality principles established by Article 5 of the Treaty, as the objectives of this action cannot be sufficiently achieved by the Member States, they can therefore, by reason of the scale or effects of the proposed action, be better attained by the Community; this Decision is limited to the minimum required for the attainment of those objectives and does not go beyond what is necessary to that end.
- (19) The Culture 2000 programme should be the only programme operating from the year 2000 in the field of culture; therefore Decision No 2228/97/EC should be repealed,

HAVE DECIDED AS FOLLOWS:

Article 1

Duration and objectives

A single financing and programming instrument for cultural cooperation, hereinafter referred to as the 'Culture 2000 programme', is hereby established for the period from 1 January 2000 to 31 December 2004.

The Culture 2000 programme shall contribute to the promotion of a cultural area common to the European peoples. In this context, it shall support cooperation between creative artists, cultural operators, private and public promoters, the activities of the cultural networks, and other partners as well as the cultural institutions of the Member States and of the other participant States in order to attain the following objectives:

- (a) promotion of cultural dialogue and of mutual knowledge of the culture and history of the European peoples;
- (b) promotion of creativity and the transnational dissemination of culture and the movement of artists, creators and other cultural operators and professionals and their works, with a strong emphasis on young and socially disadvantaged people and on cultural diversity;
- (c) the highlighting of cultural diversity and the development of new forms of cultural expression;

⁽¹⁾ OJ L 99, 20.4.1996, p. 20.

⁽²⁾ OJ L 291, 24.10.1997, p. 26.

⁽³⁾ OJ L 305, 8.11.1997, p. 31.

⁽⁴⁾ OJ C 172, 18.6.1999, p. 1.

⁽⁵⁾ JO L 184, 17.7.1999, p. 23.

- (d) sharing and highlighting, at the European level, the common cultural heritage of European significance; disseminating know-how and promoting good practices concerning its conservation and safeguarding;
- (e) taking into account the role of culture in socioeconomic development;
- (f) the fostering of intercultural dialogue and mutual exchange between European and non-European cultures;
- (g) explicit recognition of culture as an economic factor and as a factor in social integration and citizenship;
- (h) improved access to and participation in culture in the European Union for as many citizens as possible.

The Culture 2000 programme shall further an effective linkage with measures implemented under other Community policies which have cultural implications.

Article 2

Types of cultural actions and events

The objectives listed in Article 1 shall be achieved by the following means:

- (a) specific innovative and/or experimental actions;
- (b) integrated actions covered by structured, multiannual cultural Cooperation Agreements;
- (c) special cultural events with a European and/or international dimension.

The actions and their implementing measures are described in Annex I. They are either vertical (concerning one cultural field) or horizontal (associating several cultural fields).

Article 3

Budget

The financial framework for the implementation of the Culture 2000 programme for the period referred to in Article 1 is hereby set at EUR 167 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 4

Implementation

1. The measures necessary for the implementation of this Decision relating to the matters listed below shall be adopted in accordance with the management procedure referred to in Article 5(2):
 - (a) the priorities and general guidelines for all the measures described in Annex I and the annual programme resulting therefrom,
 - (b) the general balance between all the actions,
 - (c) the selection rules and criteria for the various types of project described in Annex I Actions I.1, I.2 and I.3,
 - (d) the financial support to be provided by the Community amounts, duration, distribution and beneficiaries,

- (e) the detailed procedures for monitoring and evaluating this programme, together with the conclusions of the assessment report provided for in Article 8 and any other measure readjusting the Culture 2000 programme arising from the assessment report.

2. The measures necessary for the implementation of this Decision relating to all other matters shall be adopted in accordance with the advisory procedure referred to in Article 5(3).

Article 5

Committee

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
- The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at two months.
3. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
4. The Committee shall adopt its rules of procedure.

Article 6

Consistency and complementarity

In the implementation of the Culture 2000 programme, the Commission shall, in cooperation with the Member States, ensure the overall consistency and complementarity with relevant Community policies and actions having an impact on the field of culture. This could involve the possibility of including complementary projects financed through other Community programmes.

Article 7

Third countries and international organisations

The Culture 2000 programme shall be open to participation by the countries of the European Economic Area and also to participation by Cyprus and the associated countries of central and eastern Europe in accordance with the conditions laid down in the Association Agreements or in the additional Protocols to the Association Agreements relating to participation in Community programmes concluded or to be concluded with those countries.

The Culture 2000 programme shall also permit cooperation with other third countries which have concluded Association or Cooperation Agreements containing cultural clauses, on the basis of additional funds made available in accordance with procedures to be agreed with the countries in question.

The Culture 2000 programme shall permit joint action with international organisations competent in the field of culture, such as Unesco or the Council of Europe, on the basis of joint contributions and in accordance with the various rules prevailing in each institution or organisation for the realisation of the cultural actions and events listed in Article 2.

*Article 8***Evaluation and monitoring**

Not later than 31 December 2002 the Commission shall present to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a detailed assessment report on the results of the Culture 2000 programme, having regard to its objectives, and accompanied if necessary by a proposal for the amendment of this Decision.

On completion of the Culture 2000 programme, the Commission shall present a report on its implementation to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. Moreover, the Commission shall present annually a short report monitoring the situation of the implementation of the Culture 2000 programme to the European Parliament, the Council and the Committee of the Regions.

These assessment reports shall emphasise in particular the creation of added value, particularly of a cultural nature, and the socioeconomic consequences of the Community's financial support.

*Article 9***Repeal**

Decision No 2228/97/EC shall be repealed with effect from 1 January 2000.

*Article 10***Entry into force**

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

It shall apply from 1 January 2000.

Done at Brussels, 14 February 2000.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

J. GANA

ANNEX I

ACTIVITIES AND IMPLEMENTING MEASURES FOR THE CULTURE 2000 PROGRAMME

I. Description of actions and events

I.1. *Specific innovative and/or experimental actions*

Each year the Community will support events and projects carried out in partnership or in the forms of networks. These projects must involve operators from at least three States participating in the Culture 2000 programme, on the basis of priorities defined after consultation of the Committee referred to in Article 5, without prejudice to offering the associated countries participation in the programme in accordance with the procedures envisaged in Article 7. These actions will cover in principle a period of one year which may be extended to two supplementary years. These vertical actions (concerning one cultural field) or horizontal actions (associating several cultural fields) should be innovative and/or experimental and aim primarily to do the following:

- (i) place the main emphasis on facilitating access to culture and wider cultural participation by the people in Europe, in all their social, regional and cultural diversity, in particular young people and the most underprivileged;
- (ii) encourage the emergence and spread of new forms of expression, within and alongside traditional cultural fields (such as music, the performing arts, the plastic and visual arts, photography, architecture, literature, books, reading, the cultural heritage including the cultural landscape and children's culture);
- (iii) support projects aimed at improving access to books and reading, as well as training professionals working in the field;
- (iv) support projects of cooperation aimed at conserving, sharing, highlighting and safeguarding, at the European level, the common cultural heritage of European significance;
- (v) support the creation of multimedia products, tailored to meet the needs of different publics, and thus make European artistic creation and heritage more visible and more accessible to all;
- (vi) encourage initiatives, discussions and cooperation between cultural and sociocultural operators working in the field of social integration, especially integration of young people;
- (vii) foster an intercultural dialogue and mutual exchange between European and other cultures, in particular by encouraging cooperation on subjects of common interest between cultural institutions and/or other operators in the Member States and those in third countries;
- (viii) promote the dissemination of live cultural events using the new technologies of the information society.

Community support may not exceed 60 % of the budget for a specific action. In most cases this support may not be less than EUR 50 000 or more than EUR 150 000 a year.

I.2. *Integrated actions covered by structured, multiannual transnational cultural cooperation agreements*

The Culture 2000 programme shall encourage closer relations and joint working by supporting cultural networks and, in particular, networks of operators, cultural bodies and cultural institutions, involving in particular professionals in different participating States with a view to realising structured cultural projects both within and outside the Community. This measure relates to significant quality projects with a European dimension, involving at least five States participating in the Culture 2000 programme.

The cultural Cooperation Agreements will be aimed at carrying out structured, multiannual cultural actions, between operators of several Member States and those of other States participating in the Culture 2000 programme. These Agreements will concern transnational actions concerning one cultural field, (vertical actions) such as music, the performing arts, the plastic and visual arts, literature, books and reading including translation and cultural heritage. They will moreover promote, also by using new media, the achievement of trans-sectoral integrated actions (horizontal actions based on synergy), i.e. associating several cultural fields.

The Cooperation Agreements proposed in this way for up to three years shall comprise some or all of the following activities:

- (i) co-productions and circulation of works and other cultural events in the European Union (e.g. exhibitions, festivals, etc.), making them accessible to as many citizens as possible;
- (ii) mobility of artists, creators and other cultural operators;
- (iii) further training for professionals in the cultural field and exchange of experience both in academic and practical terms;

- (iv) enhancement of cultural sites and monuments within the Community with a view to raising awareness of European culture;
- (v) research projects, public awareness campaigns, activities for teaching and the dissemination of knowledge, seminars, congresses, meetings on cultural topics of European importance;
- (vi) use of new technologies;
- (vii) projects aimed at the highlighting of cultural diversity and of multilingualism, promoting mutual awareness of the history, roots, common cultural values of the European peoples and their common cultural heritage.

Following consultation of the Committee referred to in Article 5(1) of the Decision, the Community will grant support for the implementation of cultural Cooperation Agreements. It will be intended to cover not only part of the funding of the project, but also expenses relating to the initial establishment of lasting cooperation, which may be multiannual, in a legal form recognised in one of the Member States of the Union.

In order for the agreement to be eligible, the activities it covers must involve operators from at least five States participating in the Culture 2000 programme.

Those responsible for multiannual cultural Cooperation Agreements receiving Community support for more than one year must submit to the Commission at the end of each year a summary of activities undertaken and of the expenditure on each activity, in order for the Community support to be carried over for the period of the project.

Community support may not exceed 60 % of the cultural Cooperation Agreement's budget. It may not be more than EUR 300 000 a year.

This support may be raised by a maximum of 20 % in order to cover the relevant costs incurred in the management of the cultural Cooperation Agreements.

I.3. Special cultural events with a European or international dimension

These events, substantial in scale and scope, should strike a significant chord with the people of Europe and help to increase their sense of belonging to the same community as well as making them aware of the cultural diversity of the Member States, as well as intercultural and international dialogue.

These events include in particular:

- (i) the European Capital of Culture and the European Cultural Month;
- (ii) organising symposia to study questions of common cultural interest in order to foster cultural dialogue both inside and outside the Community;
- (iii) organising innovative cultural events which have a strong appeal and are accessible to citizens in general, particularly in the field of cultural heritage, artistic activities and European history, and which in particular provide a link between education, the arts and culture;
- (iv) recognising and highlighting European artistic talent, particularly among young people by means of, *inter alia*, European prizes in the various cultural spheres: literature, translation, architecture, etc.;
- (v) support for projects admitted by the appropriate authorities of the participating States and involving the conservation and safeguarding of the cultural heritage of outstanding importance which contributes to development and dissemination of innovative concepts, methods and techniques at a European level and which can be described as 'European heritage laboratories'.

The priorities relating to these events will be established after consultation of the Committee referred to in Article 5 of the Decision.

Community support may not exceed 60 % of the budget for a special cultural event. It may not be less than EUR 200 000 or more than EUR 1 million a year for the events referred to in item (i). For the events referred to in items (ii) to (v), the corresponding limits will in most cases not be less than EUR 150 000 a year and in all cases not be more than EUR 300 000 a year. The indicative allocation for these activities shall be 10 % of the financial framework of the programme.

The three types of actions and events described in I.1, I.2 and I.3 follow either a vertical (concerning one cultural field) or horizontal (associating several cultural fields) approach.

An indicative description of these approaches is provided in Annex II.

II. Coordination with the other Community instruments in the field of culture

The Commission will ensure coordination with other Community instruments active in the cultural sphere through specific actions, cultural Cooperation Agreements and special cultural events, mainly with a view to promoting and arranging for collaboration between sectors with common and converging interests, such as for example:

- culture and tourism (through cultural tourism),
- culture, education and youth (in particular, presentations to schools and colleges of audiovisual and multimedia products on European culture, with commentaries by creative or performing artists),
- culture and employment (encouraging the creation of jobs in the cultural sector, especially in the new cultural areas),
- culture and external relations,
- cultural statistics resulting from an exchange of comparative statistical information at Community level,
- culture and the internal market,
- culture and research,
- culture and the export of cultural goods.

III. **Communication**

Recipients of Community support must mention this support explicitly, and as prominently as possible, in all information or communications relating to the project.

IV. **Technical assistance and accompanying actions**

When executing the Culture 2000 programme, the Commission may have recourse to technical assistance organisations for which the financing is planned within the total funding of the programme not exceeding 3 % of the latter. It may also, under the same conditions, make use of experts or networks of experts.

In addition, the Commission may arrange evaluative studies as well as organise seminars, colloquia or other experts' meetings which might assist with the implementation of the Culture 2000 programme. The Commission may also organise actions related to information, publication and dissemination.

V. **Contact points**

The Commission and the Member States will organise on a voluntary basis, and step up, the mutual exchange of information for use in the implementation of the Culture 2000 programme, by means of cultural contact points which will be responsible for:

- promoting the programme,
- facilitating access to the programme for, and encouraging participation in its activities by as many professionals and operators in the cultural field as possible, by means of an effective dissemination of information,
- providing an efficient link with the various institutions providing aid to the cultural sector in the Member States, thus contributing to the complementarity between the measures taken under the Culture 2000 programme and national support measures,
- providing information and contact at the appropriate level between operators participating in the Culture 2000 programme and those participating in other Community programmes open for cultural projects.

VI. **Overall budget breakdown**

VI.1. At the beginning of the operation, and no later than 1 March every year, the Commission will submit to the Committee an *ex ante* breakdown of budget resources by type of action, taking into account, to this end, the objectives set out in Article 1 of the Decision.

VI.2. The funds available will be broken down internally subject to the following indicative guidelines:

- (a) the funds allocated to specific innovative and/or experimental actions should be not more than 45 % of the annual budget for the Culture 2000 programme;
- (b) the funds allocated to integrated actions covered by structured, multiannual cultural Cooperation Agreements should be not less than 35 % of the annual budget for the Culture 2000 programme;
- (c) the funds allocated to special cultural events with a European and/or international dimension should be around 10 % of the annual budget for the Culture 2000 programme;
- (d) the remaining expenditure, including the costs related to the contact points, should be around 10 % of the annual budget for the Culture 2000 programme.

VI.3. All the percentages given above are indicative and may be adapted by the Committee according to the procedure laid down in Article 4 of the Decision.

ANNEX II

INDICATIVE DESCRIPTION OF THE VERTICAL AND HORIZONTAL APPROACHES

The three actions of the Culture 2000 programme represent either a vertical approach (concerning one cultural field) or a horizontal approach (associating several cultural fields).

As an indication, these may be considered in the following manner.

I. A vertical approach

This implies a sectoral approach which seeks to take into account the specific needs of each cultural field, in particular.

(a) In the following fields: music, the performing arts, the plastic and visual arts, architecture, as well as regards other forms of artistic expression, for example multimedia, photography, children's culture and street art. This approach, according to the individual aspects of each cultural field, should:

- (i) promote exchanges and cooperation between cultural operators;
- (ii) aid the movement of artists and their works around Europe;
- (iii) improve the possibilities of training and further training, in particular when combined with the improved mobility of those working in the cultural field (including teachers and students);
- (iv) encourage creativity, while supporting the implementation of activities promoting European artists and their works in the abovementioned fields within Europe and favouring a policy of dialogue and exchanges with other world cultures;
- (v) support initiatives which would use creativity as a means of social integration.

(b) As regards books, reading and translation, this approach aims:

- (i) to encourage exchanges and cooperation between institutions and/or individuals from the different Member States and other countries participating in the programme as well as third countries;
- (ii) to improve awareness and the distribution of literary creation and the history of the European people through supporting the translation of literary, dramatic and reference works, especially those in the lesser-used European languages and the languages of central and east European countries;
- (iii) to encourage the mobility and further training of those working in the books and reading field;
- (iv) to promote books and reading, in particular in young people and less favoured sectors of society.

The condition set out in the first paragraph of Annex I.1 concerning the minimum number of operators that are required from participating States in order to present projects under the 'Culture 2000' programme, may be adapted to take account of the specific needs of literary translation.

(c) As regards cultural heritage of European importance, in particular intellectual and non-intellectual, movable and non-movable heritage (museums and collections, libraries, archives, including photographic archives, audiovisual archives covering cultural works), archaeological and sub-aquatic heritage, architectural heritage, all of the cultural sites and landscapes (cultural and natural goods), this approach seeks:

- (i) to encourage projects of cooperation aimed at the conservation and restoration of the European cultural heritage;
- (ii) to encourage the development of international cooperation between institutions and/or operators, in order to contribute to exchanges of know-how and the development of best practice as regards conservation and safeguarding the cultural heritage;
- (iii) to improve access to the cultural heritage, where there is a European dimension, and encourage the active participation of the general public, in particular children, young people, the culturally deprived and inhabitants from rural or peripheral regions of the Community;
- (iv) to encourage mobility and training on cultural heritage for those working in the cultural sector;
- (v) to encourage international cooperation for the development of new technologies and innovation in the different heritage sectors and as regards the conservation of traditional crafts and methods;
- (vi) to take heritage into consideration in other Community policies and programmes;
- (vii) to encourage cooperation with third countries and the relevant international organisations.

The specific needs of different sectors of cultural life (performing and visual arts, books and reading, cultural heritage, etc.) will be taken into account in a balanced way in the allocation of funds.

II. A horizontal approach

This approach seeks to promote synergy and develop cultural creation, as much through the promotion of trans-sectoral activities involving a number of cultural sectors, as through supporting joint activities involving different Community programmes and policies (in particular those concerning education, youth, professional training, employment, etc.).

The indicative allocation for these activities shall be 10 % of the financial framework of the programme.

COMMISSION REGULATION (EC) No 509/2000
of 9 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 10 March 2000.

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

Done at Brussels, 9 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 9 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	90,2
	212	158,6
	624	170,1
	999	139,6
0707 00 05	052	111,6
	068	81,3
	628	140,7
	999	111,2
0709 10 00	220	163,4
	999	163,4
0709 90 70	052	89,3
	204	67,0
	628	141,9
	999	99,4
0805 10 10, 0805 10 30, 0805 10 50	052	41,1
	204	36,1
	212	42,5
	600	40,2
	624	54,4
	999	42,9
0805 30 10	052	30,6
	220	69,6
	600	61,4
	999	53,9
0808 10 20, 0808 10 50, 0808 10 90	204	82,6
	388	127,0
	400	99,4
	404	91,2
	508	86,6
	512	89,3
	528	97,6
	720	63,9
	728	93,4
	999	92,3
0808 20 50	388	78,5
	400	105,2
	512	74,5
	528	82,9
	624	67,3
	999	81,7

⁽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 510/2000**of 9 March 2000****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 134/1999 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1999 to 30 June 2000 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 March 2000 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of April 2000 for 8 634,62 t.

Article 2

This Regulation shall enter into force on 11 March 2000.

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

Done at Brussels, 9 March 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 17, 22.1.1999, p. 22.

**COMMISSION REGULATION (EC) No 511/2000
of 9 March 2000**

**providing for reallocation of import rights under Regulation (EC) No 1054/1999 opening and
providing for the administration of an import tariff quota for frozen beef intended for processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1054/1999 of 21 May 1999 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 1999 to 30 June 2000) ⁽¹⁾, and in particular Article 6(2) thereof,

Whereas:

Regulation (EC) No 1054/1999 provides for the opening of a tariff quota for 50 700 tonnes of frozen beef intended for processing from 1 July 1999 to 30 June 2000. Article 6 of that Regulation provides for the reallocation of unused import rights on the basis of the actual utilisation of import rights for

A-products and B-products respectively by the end of February 2000,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities referred to in Article 6(1) of Regulation (EC) No 1054/1999 amount to 32 073 tonnes.
2. The breakdown referred to in Article 6(2) of Regulation (EEC) No 1054/1999 shall be as follows:
 - 29 000 tonnes intended for A-products,
 - 3 073 tonnes intended for B-products.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 129, 22.5.1999, p. 8.

COMMISSION REGULATION (EC) No 512/2000**of 9 March 2000****determining the world market price for unginned cotton and the rate for the aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 ⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas:

(1) Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1(2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton ⁽⁴⁾, as last amended by Regulation (EC) No 1624/1999 ⁽⁵⁾. If it cannot be determined in this way it is to be based on the last price determined.

(2) Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend. To this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade. These rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers and quotations; whereas these adjust-

ments are specified in Article 2 of Regulation (EEC) No 1201/89.

- (3) The world market price for unginned cotton has been affected by major disturbance since it was last determined; pursuant to the second subparagraph of Article 1(1) of Commission Regulation (EC) No 1201/89, the Commission should change it accordingly without delay.
- (4) Application of the above rules gives the world market price for unginned cotton indicated hereunder.
- (5) The second subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity based on the revised production estimate for unginned cotton plus at least 7,5 %. Commission Regulation (EC) No 2606/1999 ⁽⁶⁾ fixes the production estimate for the 1999/2000 marketing year, and the relevant percentage increase. The application of this method results in the fixing of the advance payment rate for each Member State at the levels set out below,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at 32,187 EUR/100 kg.
2. The advance payment of the aid referred to in Article 5(3a), second subparagraph, of Regulation (EC) No 1554/95 is fixed at:
- 37,652 EUR/100 kg in Spain,
 - 33,719 EUR/100 kg in Greece,
 - 74,113 EUR/100 kg in other Member States.

Article 2

This Regulation shall enter into force on 10 March 2000.

⁽¹⁾ OJ L 148, 30.6.1995, p. 45.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 190, 4.7.1998, p. 4.

⁽⁴⁾ OJ L 123, 4.5.1989, p. 23.

⁽⁵⁾ OJ L 192, 24.7.1999, p. 39.

⁽⁶⁾ OJ L 316, 10.12.1999, p. 36.

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

Done at Brussels, 9 March 2000.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 513/2000
of 9 March 2000
fixing production refunds on cereals and rice**

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 7 ⁽³⁾ 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 last amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EC) No 87/1999 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be

fixed once a month and may be altered if the price of maize and/or wheat changes significantly.

- (2) The production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable.
- (3) 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 refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 22,45 EUR/t.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 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 159, 1.7.1993, p. 112.

⁽⁶⁾ OJ L 9, 15.1.1999, p. 8.

COMMISSION REGULATION (EC) No 514/2000
of 9 March 2000
amending the import duties in the cereals sector

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 Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2519/98 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 461/2000 ⁽⁵⁾.

- (2) Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 461/2000,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 461/2000 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 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 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

⁽⁵⁾ OJ L 56, 1.3.2000, p. 30.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	21,50	11,50
	medium quality ⁽¹⁾	31,50	21,50
1001 90 91	Common wheat seed	39,49	29,49
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	39,49	29,49
	medium quality	73,11	63,11
	low quality	84,64	74,64
1002 00 00	Rye	77,41	67,41
1003 00 10	Barley, seed	77,41	67,41
1003 00 90	Barley, other ⁽³⁾	77,41	67,41
1005 10 90	Maize seed other than hybrid	87,46	77,46
1005 90 00	Maize other than seed ⁽³⁾	87,46	77,46
1007 00 90	Grain sorghum other than hybrids for sowing	77,41	67,41

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 29 February 2000 to 8 March 2000)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	118,37	107,43	96,12	87,04	165,02 (**)	155,02 (**)	108,76 (**)
Gulf premium (EUR/t)	28,66	5,98	5,77	12,02	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—	—

(*) A discount of EUR 10/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: 16,32 EUR/t; Great Lakes — Rotterdam: 28,64 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: EUR 0,00/t (HRW2)
EUR 0,00/t (SRW2).

COMMISSION REGULATION (EC) No 515/2000**of 9 March 2000****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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 Regulation (EC) No 1253/1999⁽²⁾, and in particular Article 13 (2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 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 in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95.

- (4) 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.
- (5) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

**to the Commission Regulation of 9 March 2000 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	43,75
1001 90 91 9000	—	—	1101 00 15 9130	01	41,00
1001 90 99 9000	03	22,00	1101 00 15 9150	01	37,75
	02	0	1101 00 15 9170	01	34,75
1002 00 00 9000	03	55,50	1101 00 15 9180	01	32,75
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	17,00	1102 10 00 9500	01	87,00
	02	0	1102 10 00 9700	01	68,50
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	0 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	01	0 ⁽²⁾
1005 90 00 9000	03	26,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	0 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

COMMISSION REGULATION (EC) No 516/2000
of 9 March 2000
concerning tenders notified in response to the invitation to tender for the export of rye issued in
Regulation (EC) No 1758/1999

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 Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund and/or the tax for the export of rye to all third countries except Estonia, Latvia, Lithuania, Poland, the Czech Republic, the Slovak Republic, Hungary, Romania, Bulgaria and Slovenia was opened pursuant to Commission Regulation (EC) No 1758/1999 ⁽⁵⁾ as amended by Regulation (EC) No 506/2000 ⁽⁶⁾.

- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund or minimum tax should not be fixed.

- (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

No action shall be taken on the tenders notified from 3 to 9 March 2000 in response to the invitation to tender for the refund or the tax for the export of rye issued in Regulation (EC) No 1758/1999.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 210, 10.8.1999, p. 3.

⁽⁶⁾ OJ L 62, 9.3.2000, p. 22.

COMMISSION REGULATION (EC) No 517/2000**of 9 March 2000****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1897/1999**

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 Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 1897/1999 of 2 September 1999 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as last amended by Regulation (EC) No 2482/1999 ⁽⁶⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1897/1999;
- (2) Article 8 of Regulation (EC) No 1897/1999 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 3 to 9 March 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1897/1999, the maximum refund on exportation of oats shall be EUR 57,90/t.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 233, 3.9.1999, p. 10.

⁽⁶⁾ OJ L 303, 26.11.1999, p. 3.

**COMMISSION REGULATION (EC) No 518/2000
of 9 March 2000**

**fixing the maximum export refund on common wheat in connection with the invitation to tender
issued in Regulation (EC) No 2010/1999**

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 Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund and/or the tax for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2010/1999 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria

referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 3 to 9 March 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2010/1999, the maximum refund on exportation of common wheat shall be EUR 34,93/t.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 248, 21.9.1999, p. 19.

**COMMISSION REGULATION (EC) No 519/2000
of 9 March 2000**

**fixing the maximum export refund on common wheat in connection with the invitation to tender
issued in Regulation (EC) No 1707/1999**

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 Regulation (EC) No 1253/1999⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1707/1999⁽⁵⁾, as amended by Regulation (EC) No 2011/1999⁽⁶⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax.

- (3) The application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 3 to 9 March 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1707/1999, the maximum refund on exportation of common wheat shall be EUR 31,99/t.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 55.

⁽⁶⁾ OJ L 248, 21.9.1999, p. 23.

COMMISSION REGULATION (EC) No 520/2000**of 9 March 2000****fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1701/1999**

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 Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund and/or the tax for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 1701/1999 ⁽⁵⁾, as amended by Regulation (EC) No 2322/1999 ⁽⁶⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax.

- (3) The application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 3 to 9 March 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1701/1999, the maximum refund on exportation of barley shall be EUR 26,94/t.

Article 2

This Regulation shall enter into force on 10 March 2000.

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

Done at Brussels, 9 March 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 27.

⁽⁶⁾ OJ L 280, 30.10.1999, p. 77.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 July 1999

on an aid scheme applied in Greece to cotton by the Greek Cotton Board

(notified under document number C(1999) 2536)

(Only the Greek text is authentic)

(2000/206/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 under the first subparagraph of Article 88(2) of the Treaty given notice to interested parties to submit their comments ⁽¹⁾ and having regard to these,

Whereas:

I

(1) Following a complaint the Commission sent the Greek authorities by fax of 8 December 1992 a request for information on parafiscal charges levied for use by the Greek Cotton Board. The Greek authorities replied by letter of 17 March 1993 and by letter of 19 July 1993 sent further information.

(2) According to the information available the Greek Cotton Board is a public non-profit-making body the sole purpose of which is to foster development of the cotton sector. It provides services covering cotton growing, processing and marketing as follows:

- (a) technical assistance;
- (b) advice on suitable profitable varieties;
- (c) guaranteeing of certified inspected seed and inspection of imported seed;
- (d) monitoring of technological development throughout the world and technology transfer;
- (e) monitoring of application of Council Regulation (EEC) No 389/82 of 15 February 1982 on producer groups and associations thereof in the cotton sector ⁽²⁾, as last amended by Regulation (EEC) No 3808/89 ⁽³⁾;
- (f) trials, technology transfer and training in the areas of phytosanitary protection and restriction of input use;
- (g) planning and setting up research programmes;
- (h) training and advisory services;
- (i) technical assistance to ginners;
- (j) studies of general interest on cotton processing units and their modernisation;
- (k) grants to ginning units under structural programmes;
- (l) grading and standardisation of ginned cotton;
- (m) links with world cotton exchanges and international organisations;

⁽¹⁾ OJ C 278, 24.10.1995, p. 4.

⁽²⁾ OJ L 51, 23.2.1982, p. 1.

⁽³⁾ OJ L 371, 20.12.1989, p. 1.

- (n) monitoring of application of Community regulations on the common market organisation;
- (o) quality control and laboratory analysis for seed for oil production;
- (p) quality control and laboratory analysis for fibre, yarn and fabric;
- (q) technical assistance services for specialised laboratories;
- (r) issue of quality certificates for cotton products;
- (s) checks on machines and instruments.

To be able to provide its services without additional charging of operators in the primary, secondary or tertiary sectors the Board collects a levy and a special charge.

Article 30(1) of Greek law No 2040/92 imposes on ginning plants a 1 % levy of the price paid to the grower per kilogram of delivered unginced cotton grown in Greece. Article 30(3) imposes a special charge of 1 % on the price of imported ginned cotton.

The complaints made to the Commission stated that the levy on unginced cotton grown in Greece was calculated not only on the cotton price agreed between grower and ginner but also on the direct Community aid granted under Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽¹⁾. The complainants also stated that the bank security required in connection with the direct aid was blocked until proof was given of payment of the levy.

II

- (1) On examining the functions of the Greek Cotton Board the Commission found that those indicated at I(2)(e), (n) and (s) were State functions thus not involving aid to individual enterprises. The Greek authorities were informed accordingly by letter SG(95) D/874 of 27 January 1995.

In that letter the Commission also informed Greece that it had decided to raise no objection to the following activities: technical assistance, advisory services, training, outlet seeking (I(2)(a), (b), (h), (l), (m) and (k)); grading and standardisation of all ginned cotton (I(2)(1)); aid for research in the cotton sector (I(2)(d), (f), (g) and (j)).

The Commission initiated the procedure provided for in Article 88(2) of the Treaty in respect of certification and quality control (I(2)(c), (o), (p) and (r)) and investment aid (point I(2)(k)). It also decided to open the Article 88(2) procedure in respect of the aids as a whole, given their financing by a special charge affecting goods from other Member States and member countries of the European Economic Area.

On quality controls the Commission, in the absence of information from the Greek authorities on whether these were compulsory or not, expressed doubt as to their compatibility with the common market in that they might be operating aid with no durable effect on the sector. It therefore asked the Greek authorities to send additional information on the nature and rate of aids for quality controls and attestations and on compatibility of these controls with Community rules. It also asked them for evidence that controls carried out in other Member States were recognised and their imported products not subjected to stricter than equivalent requirements.

In the absence of clarification by the Greek authorities on aid for investment by ginning units under structural programmes, the Commission expressed doubt as to its compatibility with the common market and asked for information on the nature and rate of the aid.

Since all the aids in question are financed by parafiscal charges (compulsory payments imposed by law) the Commission examined this financing mechanism. The Court of Justice of the European Communities has deemed⁽²⁾ the financing of a State aid by a compulsory charge to be an essential element of that aid and in consequence the Commission had to examine against Community law both the aid and its financing.

⁽¹⁾ OJ L 211, 21.7.1981, p. 2. Replaced by Regulation (EC) No 1554/95 (OJ L 148, 30.6.1995, p. 48).

⁽²⁾ See Judgment of 25 June 1970 in Case 47/69, France v. Commission, [1969-1971] ECR 341.

Thus even if aid was compatible as to both form and objective, in the Court's view its financing by charges also applied to products imported from other Member States and European Economic Area countries has a protective effect going beyond the actual aid itself.

In point of fact, even if the aid financed by the Greek Cotton Board conferred some benefit in the case of imported products, the fact remained that it did not result in equality of advantage to all parties since, so the Commission considered, in practice the aid was by its nature more favourable to national operators.

The Commission also considered that imposition of an additional requirement (payment of the parafiscal charge) not included in the Community aid payment rules was an infringement of Regulation (EEC) No 2169/81 of 27 July 1981.

Lastly, the Commission considered that the special charge contravened Article 5 of Protocol 4 annexed to the Act of Accession of Greece prohibiting any restriction on cotton imports from third countries. In addition, since the charge was levied only on imports it infringed Article 25 of the Treaty prohibiting charges of equivalent effect to customs duties.

The Commission by letter No SG(95) D/874 of 27 January 1995 gave the Greek Government notice to submit its comments, and in the *Official Journal of the European Communities* ⁽¹⁾ gave the other Member States and other interested parties notice to do likewise.

III

- (1) The Greek Government presented its comments in a letter of 12 April 1995.

- (a) On the points on which the Commission doubted compatibility with the common market, the Greek authorities said that the tasks indicated at I(2)(c), namely production of certified inspected seed, certification of seed produced and inspection of imported seed, were compulsory under Greek legislation. They added that expenditure on these services was financed from the Ministry of Agriculture's budget and not by a 1 % levy.

On the tasks indicated at I(2)(d), (p), (q) and (r) (quality control and laboratory analysis for seed for industrial processing, processing, quality control and laboratory analysis for fibre, yarn and fabric, tech-

nical assistance to specialised laboratories, and quality certification for cotton products) the Greek authorities stated that the control and analysis involved was not compulsory and these services were paid for at a rate calculated to cover the laboratories' operating costs.

- (b) On the subsidies to ginning plants under structural programmes, the Greek authorities stated that up to 26 February 1992 investments had been made under Regulation (EEC) No 389/82. The Greek Cotton Board had then drawn up an investment programme for the sector approved by the national and Community authorities. It had not however granted subsidies to ginning plants or levied funds for drawing up the sectoral programme.
- (c) On the mode of financing the Greek authorities pointed to the pre-existence of the levies referred to in paragraphs 1 and 3 of Law 2040/92. These provisions were an adjustment and consolidation of Article 10 of Law 3853/58 and Article 1 of Law 675/77 whereby a charge levied in drachmas was converted into a percentage. This was an improvement providing automatic adjustment to market fluctuations.

According to the Greek authorities the charge was made on both imported and domestic cotton and the purpose of taxing imported cotton was not to finance activities within Greece that directly or indirectly fostered production and marketing of domestic cotton. The charge was collected from ginning plants, this being the appropriate point for determining the taxable product.

They added that the charge was levied with no discrimination between imported cotton or cotton from other Member States and that produced in Greece and that there was no intention of levying a charge of effect equivalent to a quantitative restriction.

- (d) The Greek authorities considered that imposition of a special charge on non-domestic cotton did not constitute a national aid within the meaning of Article 87(1) of the Treaty, since the Greek Cotton Board was not an undertaking and the purpose of the charge on cotton imported from third countries was to finance research on improving the quality of cotton produced in the Community, the findings of which were publicised and so accessible to all.

⁽¹⁾ See footnote 1.

(2) The Commission received no comments from other Member States.

(3) The main comments received from other interested parties were the following.

(a) The activities of the Greek Cotton Board financed by levies are State aid as defined in Article 87(1) of the Treaty. Greek ginneries have never in reality benefited from the services provided by the Cotton Board. Part of the aid appears to be operating aid not justifiable under Article 87 of the Treaty.

(b) Imposition of a special charge on cotton imported from other Member States infringes Articles 23 and 25 of the Treaty and is therefore incompatible with the common market.

(c) Imposition of a compensatory levy of 1 % on not merely the commercial value of the cotton but also the aid granted by the EAGGF is against Community rules, hence incompatible with the common market.

(d) Direct linkage of release of bank security and payment of the levy and special charge is not provided for in the Community rules on the cotton market organisation and hence incompatible with the common market.

(e) Imposition of a special charge on imports to Greece of cotton products originating in third countries violates obligations arising from the Act of Accession of Greece to the European Union and obligations under GATT rules.

(f) The tasks of the Greek Cotton Board as described are its official ones but the description is not an accurate reflection of the services actually rendered to ginning plants. The Board's main activity is day-to-day management of the Community cotton system.

(g) A substantial proportion of the services provided by the Board must be considered operating aids to cotton producers. The Greek authorities have not transmitted enough information to permit cost-benefit analysis of these services.

(h) As regards the financing of aid, the charge imposed on imported products is protectionist and discriminatory, since it applies by virtue of the mere fact that they cross the Greek frontier in intra-Community

trade and they derive no economic benefit from the levy, which therefore infringes Article 25 of the Treaty prohibiting Member States from introducing between themselves any customs duties on imports or exports or charges of equivalent effect. It breaches Article 5 of Protocol 4 annexed to the Act of Accession of Greece stating that the Community trading system with third countries may not be affected and that in particular no measure restricting imports may be laid down.

(4) The Commission received no comments from the Greek Government on those of interested third parties.

IV

(1) As regards the Greek Government's comments:

(a) The Commission notes that the tasks of the Greek Cotton Board indicated at I(2)(c) above, i.e. control of seed quality, are compulsory under Greek legislation.

The Commission's fixed practice on national aids for quality control, which stems from the proposal on appropriate measures on the matter of aid granted by Member States in the livestock sector⁽¹⁾, is to accept such measures up to 100 % of eligible expenditure if the controls are compulsory under Community or national legislation.

The Commission notes that the tasks indicated at I(2)(o) to I(2)(r) above, involving quality control at the processing stage, are services paid for at a rate sufficient to cover costs. The Commission must therefore consider that these tasks are not State aid favouring undertakings as defined in Article 87(1) of the Treaty.

In the case of task I(2)(k), i.e. financial grants to ginning units, the Commission has accepted the Greek authorities' statement that these subsidies were granted up to 1992 under Community rules and that no investment aid has been granted since then. This statement coincides with the claims of the interested third parties that no financing has been granted to ginning units.

(b) On the first argument advanced, i.e. pre-existence of the aid scheme, the Commission points out in the first place that pre-existence of a charge does not affect its compatibility or incompatibility with Community legislation, and in the second that the parafiscal charges in question cannot be considered 'existing aids' as meant by Article 88(1) of the Treaty, which covers only pre-accession aids and aids authorised by the Commission.

⁽¹⁾ Commission letter to Member States No S 75294/6 of 19 September 1975.

Even if a tax on cotton was in force before Greece's accession to the Community, the information transmitted by the Greek authorities shows that the arrangements were adjusted and consolidated by Law 2040/92. All the national provisions on cotton were consolidated and the parafiscal charge significantly modified to become a percentage of the total quantity purchased by ginneries instead of a fixed amount.

The Commission considers therefore that Greece introduced the arrangements set out in Law 2040/92 in violation of the provisions of Article 88(3) of the Treaty and that the State aids financed with the charges levied must be considered new aids.

In general an aid cannot be financed by parafiscal charges that also apply to products imported from other Member States. In particular, in the absence of an arrangement associating the producers of all Member States and effectively guaranteeing at Community level that the proceeds of the charge are assigned so as to confer the resultant benefits on exactly the same terms for both imported and national products, obligatory levies on imported products will be classed, as appropriate, either as a charge of equivalent effect to a customs duty prohibited by Articles 23 and 25 of the EC Treaty (if no benefit results for certain products or product categories, e.g. by reason of the actual purpose of the aid) or as a discriminatory internal charge prohibited under Article 90 of the Treaty (if the advantage conferred by the aid offsets the charge on certain imported products less than for national products, e.g. by reason of the details of the aid scheme) (see Judgments of the Court of Justice of the European Communities on 27 October 1993 in Case C-72/92, *Scharbatke* ⁽¹⁾ and on 20 August 1993 in Case C-266/91, *Celbi* ⁽²⁾). Such financing has a protective effect going beyond the aid in itself in that even if equality of treatment is provided for in the rules between national and imported products, at the practical level a more favourable situation arises for national operators since the measures implemented are prompted by national specialisations, needs and lacunae. The aids indicated at I(2)(a), (b), (d), (g), (i),

(j), (k) and (q) are aimed at supporting national production and confer no benefit on imports.

(c) The Greek authorities have not replied to the claim that the 1 % special charge on cotton imported from third countries is incompatible with Article 5 of Protocol 4 to the Act of Accession of Greece. The Commission therefore maintains the position it took on initiating the procedure.

(2) The Commission treated under an infringement procedure the question of compatibility with the market organisation for cotton of the 1 % levy on Greek domestic production and on the Community aid paid to Greek growers. Since Regulation (EC) No 1554/95 does not specifically exclude such a levy, the Commission decided on 2 December 1998 to close this dossier.

(3) Comments made to the Commission under the procedure provided for in Article 88(2) of the Treaty show that the parafiscal charges in question present some degree of cross-subsidy, being levied at ginning plant level to finance measures mainly addressed to farmers. The Commission's established practice on parafiscal charges is to agree to their being collected at a different stage from the production process (e.g. from slaughterhouses to finance action against epizootics). In the case in point it does not appear possible, given the market organisation mechanisms, for ginneries to transfer payment of the charge to farmers.

In view of the foregoing the Commission concludes that since the method of financing the aid by a 1 % levy on domestic production and on Community aid paid to Greek producers is consonant with the market organisation it has no reason under Articles 87 to 89 of the Treaty to object to the financing method.

V

Under Article 87(1) of the Treaty any aid granted by Member States or through State resources in any form whatsoever that distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with the common market.

⁽¹⁾ [1993] ECR I-5509.

⁽²⁾ [1993] ECR I-4337.

The aids in question fall within the Article 87(1) definition.

Since they improve the economic situation of recipients compared to their competitors they distort or threaten to distort trade in the way indicated.

Given on the one hand the value of trade in cotton (in 1995 Greek exports to the rest of the EC worth ECU 309,6 million and imports from the rest of the EC into Greece worth ECU 106,4 million) ⁽¹⁾ and on the other Greek production of 1,25 million tonnes against that of the other Member States of 1,35 million tonnes it is evident that the aid is liable to affect trade between the Member States in favouring national production to the disadvantage of that of other Member States.

Even the relatively small size of an aid or of the recipient undertaking does not automatically exclude the possibility of an impact on trade between Member States.

On the basis of the foregoing the aid in question is State aid as meant by Article 87(1) of the Treaty.

There are however exceptions to the incompatibility principle laid down in Article 87(1).

VI

The exceptions to incompatibility stated in Article 87(2) are manifestly inapplicable and were not invoked by the Greek authorities.

Those provided for in Article 87(3) of the Treaty are to be restrictively interpreted when any regional or sectoral aid programme or individual case of application of general aid schemes is examined.

They can in particular be held to pertain only in cases where the Commission can establish that the aid is necessary for achievement of one of the purposes in question. To authorise such exceptions would be to act against inter-Member State trade and permit distortion of competition unjustifiable in the Community interest and conferring improper advantage on operators in some Member States.

The aids in question are not a means of promoting execution of an important project of common European interest within the meaning of Article 87(3)(b), their potential impact on trade being in fact against the common interest.

Nor are they a means of remedying a serious disturbance in the economy of the Member State concerned within the meaning of that provision.

Nor were they notified as having a regional objective under Article 87(3)(a).

Aid to facilitate the development of certain economic activities or of certain economic areas can be considered compatible by the Commission only if it does not adversely affect trading conditions to an extent contrary to the common interest (Article 87(3)(c)).

For such aid to be considered compatible with the common market under Article 87(3)(c) it must not adversely affect trading conditions to an extent contrary to the common interest and must facilitate the development of certain economic activities or certain economic areas.

The aids granted by the Greek Cotton Board in the form of technical assistance, advisory services, training and research are liable to affect trade and distort competition (Article 87(1)) but are intended to facilitate development of the cotton sector and by their nature are not likely to affect trade to an extent contrary to the common interest. They could therefore on that count be held to fall under the Article 87(3)(c) exception.

This possibility is however ruled out by the fact that they are financed by a parafiscal charge applied to products imported from other Member States. This mode of financing renders them incompatible with the common market.

The Commission consequently finds that the exceptions provided for in Article 87(3)(a) and (c) for aid to promote or facilitate the economic development of particular areas or activities cannot be applied to the aids in question owing to their mode of financing. They are incompatible with the common market in that they are financed by parafiscal charges on imported products.

VII

The Commission finds that Greece has illegally put the aids in question into application in violation of Article 88(3) of the Treaty.

For the reasons set out above the aids satisfying the requirements of Article 87(1) of the Treaty cannot qualify for any of the exemptions provided for in Article 87(2) and (3). They are therefore incompatible with the common market since financed by a parafiscal charge on imported products.

⁽¹⁾ Eurostat 1995.

In cases such as the present one where non-notified aid is introduced without awaiting the Commission's final decision, the imperative character of the procedural rules set out in Article 88(3) of the Treaty, of which the Court of Justice has recognised the direct effect in its Judgments of 19 June 1973 (Case 77/72 *Carminie Capolongo v. Azienda Agricola Maya* ⁽¹⁾), 11 December 1973 (Case 120/73 *Gebr. Lorenz GmbH v. Federal Republic of Germany* ⁽²⁾) and 22 March 1977 (Case 78/76 *Steinicke und Weinlig v. Federal Republic of Germany* ⁽³⁾), prevents any retrospective legalisation of the aids (Judgment of 21 November 1991 in Case C-354/90 *Fédération nationale du commerce extérieur des produits alimentaires and others v. France* ⁽⁴⁾).

Article 14(1) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for application of Article 93 of the EC Treaty ⁽⁵⁾ provides that when a negative decision is taken in a case of unlawful aid the Commission shall decide that the Member State concerned is to take all necessary action to recover the aid from the recipient.

Reimbursement is necessary in order to restore the previous situation by removing all financial advantages unduly gained by the recipients since the date of granting of the aid.

Article 14(2) of Regulation (EC) No 659/1999 states that the aid to be recovered is to include interest at an appropriate rate set by the Commission. Interest runs from the date on which the illegal aid was made available to the recipients until that of its recovery.

Given the nature of the aids and the way in which they have been financed it is not possible for the Commission on its present information to calculate the amount to be recovered, i.e. the aids financed by charges on imports of cotton. The Commission calls on the Greek authorities under the cooperation procedure to notify a suitable method for calculating the amount to be recovered.

The present Decision is without prejudice to any conclusions that the Commission may draw as regards financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund (EAGGF),

HAS ADOPTED THIS DECISION:

Article 1

The State aids granted in Greece in discharge of the statutory functions of the Greek Cotton Board that are financed by the compulsory contributions specified in Article 30(3) of Law 2040/92 are incompatible with the common market in that they are financed by a parafiscal charge on imported products.

Article 2

Greece must adjust the aid scheme referred to in Article 1 to make it compatible with this Decision.

Article 3

1. Greece shall take all necessary action to recover from recipients the illegally granted aid referred to in Article 1.
2. Recovery shall be in line with the procedures of national law. Interest shall be charged on the amounts to be recovered, to run from the date on which they were made available to recipients to that of actual recovery. It shall be calculated at the reference rate used for subsidy equivalent calculation in connection with aids for regional purposes.

Article 4

Within two months of notification of this Decision Greece shall inform the Commission of the action it intends to take to comply with it.

Article 5

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 20 July 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ [1972-1973] ECR 567.

⁽²⁾ [1972-1973] ECR 815.

⁽³⁾ [1977] ECR 171.

⁽⁴⁾ [1991] ECR I-5505.

⁽⁵⁾ OJ L 83, 27.3.1999, p. 1.

COMMISSION RECOMMENDATION
of 22 February 2000
on a coordinated programme for the official control of foodstuffs for 2000

(notified under document number C(2000) 356)

(Text with EEA relevance)

(2000/207/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs ⁽¹⁾, and in particular Article 14(3) thereof,

After consultation of the Standing Committee for Foodstuffs,

Whereas:

- (1) It is necessary, with a view to the sound operation of the internal market, to arrange for coordinated food inspection programmes at Community level.
- (2) Such programmes place emphasis on compliance with Community legislation, the protection of public health, consumer interests and fair trade practices.
- (3) Article 3 of Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs ⁽²⁾ requires the laboratories referred to in Article 7 of Directive 89/397/EEC to comply with the criteria in European Standard EN45000 series. Only such laboratories may be considered as laboratories suitable to carry out analyses within the coordinated programme of official controls.
- (4) The results from simultaneous implementation of national programmes and coordinated programmes can provide information and experience on which to base future control activities,

HEREBY RECOMMENDS:

1. During 2000 Member States should carry out controls including, where indicated, taking samples and analysing such samples in laboratories and carrying out audits and/or inspections, to monitor compliance with the following Community measures:
 - (a) Article 3(2) of Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽³⁾ concerning the application of the principles of the Hazard Analysis and Critical Control Point (HACCP) system in certain types of food businesses;
 - (b) Paragraph 2 of Chapter IV of the Annex to Directive 93/43/EEC concerning the bulk transport of foodstuffs;
 - (c) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs ⁽⁴⁾ concerning nutritional claims on fruit-flavoured milk drinks, yoghurts and soft drinks.
2. Although sampling and/or inspection rates have not been set, Member States should ensure that they are sufficient to provide an overview of the subject under consideration in each Member State. Suggestions will be made for the methods of analysis.
3. Member States should provide information as requested following the format of the record sheets provided in the Annex to this recommendation to help enhance the comparability of results.

⁽¹⁾ OJ L 186, 30.6.1989, p. 23.

⁽²⁾ OJ L 290, 24.11.1993, p. 14.

⁽³⁾ OJ L 175, 19.7.1993, p. 1.

⁽⁴⁾ OJ L 276, 6.10.1990, p. 40.

4. Foodstuffs submitted for analysis under this programme should be submitted to laboratories complying with the provisions of Article 3 of Directive 93/99/EEC.

5. HACCP in certain food businesses

5.1. *Scope of the programme*

Article 3(2) of Directive 93/43/EEC requires food business operations covered by the Directive to apply certain principles of HACCP to their businesses in addition to the general hygiene requirements contained in the Annex to that Directive. Since December 1995, food business operators have been required to have in place systems for the analysis and control of food safety hazards which may be based on voluntary industry guides to good hygiene practice, where such guides exist. Article 5 of Directive 93/43/EEC requires Member States to encourage the development of sectoral voluntary Guides to Good Hygiene Practice which elaborate, for the sector concerned, the general hygiene principles of the Annex to the Directive and the requirements relating to the application of the principles of HACCP in Article 3(2).

Article 3(2) of Directive 93/43/EEC applies to all food businesses covered by the Directive regardless of size or type of business. As the range of businesses which must comply with the provision is broad, for the sake of comparability of results only, certain types and sizes of food businesses have been selected. This selection does not in any way indicate that other businesses have more or less responsibility under that provision.

5.2. *Method*

The competent authorities of the Member States in the normal course of their duties should visit the food business operations covered by Directive 93/43/EEC in the following categories:

- (a) mass/industrial catering establishments,
- (b) retail butchers selling directly to the consumer.

The results of the control should be recorded on the record sheets in the Annex.

6. Transport of bulk foodstuffs

6.1. *Scope of the programme*

Chapter IV of the Annex to Directive 93/43/EEC specifically requires bulk foodstuffs in liquid, granulate or powdered form to be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs. For two classes of foodstuffs derogations to this provision have been adopted by the Commission, namely in relation to the transport by sea of edible oils and fats, and raw sugar. This element of the coordinated programme is designed to check whether foodstuffs which are not covered by the derogations made under Article 4 of Directive 93/43/EEC comply with the requirements relating to transport.

6.2. *Method*

The results of the following controls should be recorded on the record sheets in the Annex:

- on the premises of manufacturers of bulk foodstuffs of non-animal origin (oil, flour, starch, etc.), controls should be carried out to check the condition, repair and cleanliness of the receptacles in line with the general provisions of Chapter IV of the Annex to Directive 93/43/EEC and a record kept. Controls should be carried out to establish whether the manufacturer has satisfactory procedures in place to ensure that the receptacles or vessels used for the transport of the foodstuffs are reserved for foodstuffs only;
- controls should be undertaken on the premises of carriers, in order to check the types of goods carried by the examination of transport documents and by direct observation.

7. Nutrition labelling

7.1. Scope of the programme

Directive 90/496/EEC lays down specific labelling requirements for nutrients present in a food when the labelling or presentation of the food comprises a nutrition claim. Foodstuffs for special nutritional uses within the scope of Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses ⁽¹⁾ are excluded.

7.2. Method

Foods in two categories, fruit and vegetables juices, and fruit-flavoured milk drinks and yoghurts, which are labelled claiming certain nutritional qualities should be sampled to examine whether the nutritional claim is authorised and the wording is in conformity with the provisions of Directive 90/496/EEC. In addition, the sample should be analysed in order to establish whether the values in the nutritional claim are accurate or within accepted tolerances. The results should be recorded on the record sheets in the Annex.

Done at Brussels, 22 February 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 186, 30.6.1989, p. 27.

ANNEX

Member State

1. HACCP in certain food businesses

— 1a. Business sector: mass catering establishments including industrial caterers

Only record one visit to a premises, not repeat or follow-up visits.

What was the total number of mass catering/industrial catering businesses visited during the operation of this programme?	
Of those visited how many complied with Article 3(2) of Directive 93/43/EEC on the application of the principles of HACCP?	
Does an approved voluntary guide to good hygiene practice exist for mass caterers/industrial caterers?	
How many of the food businesses in this sector visited had an approved voluntary guide to good hygiene practice?	
In those businesses complying with Article 3(2) were documents relating to the hazard analysis or the monitoring of CCPs present?	

In the premises that did not comply with Article 3(2) what follow-up action was taken by the competent authorities?
Please record in the table below.

None	Verbal warning	Written warning	Written instructions	Sale prohibited	Administrative penalties	Court action	Other

Member State

1. HACCP in certain food businesses

— 1b. Business sector: retail butchers selling direct to the consumer

Only record one visit to a food business, not repeat or follow-up visits.

What was the total number of retail butchers visited during the operation of this programme?	
Of those visited how many complied with Article 3(2) of Directive 93/43/EEC on the application of the principles of HACCP?	
Does an approved voluntary guide to good hygiene practice exist for retail butchers?	
How many of the food businesses in this sector visited had an approved voluntary guide to good hygiene practice?	
In those businesses complying with Article 3(2) were documents relating to the hazard analysis or the monitoring of CCPs present?	

In the premises that did not comply with Article 3(2) what follow-up action was taken by the competent authorities?
Please record in the table below.

None	Verbal warning	Written warning	Written instructions	Sale prohibited	Administrative penalties	Court action	Other

2. **Transport of bulk foodstuffs**

Member State

2a. *Controls undertaken at the manufacturers of foodstuffs*

Controls at manufacturers of foodstuffs from bulk liquid, granulate or powdered foodstuffs												
Number of controls	Businesses' control procedures to monitor the cleanliness and condition of receptacles and to ensure receptacles are for foodstuffs only			Number of non-conformities	Measures taken where non-conformities detected							
	Satisfactory	Unsatisfactory	None		None	Verbal warning	Written warning	Improved in-house controls required	Sale prohibited	Administrative penalty	Court action	Other

2. **Transport of bulk foodstuffs**

Member State

2b. *Controls undertaken at the carriers of bulk foodstuffs*

Controls at carriers of bulk liquid, granulate or powdered foodstuffs												
Number of controls	Businesses' control procedures to monitor the cleanliness and condition of receptacles and to ensure receptacles are for foodstuffs only			Number of non-conformities	Measures taken where non-conformities detected							
	Satisfactory	Unsatisfactory	None		None	Verbal warning	Written warning	Improved in-house controls required	Sale prohibited	Administrative penalty	Court action	Other

3. Nutritional labelling claims

Member State

3a. Fruit and vegetable juices

Claims on the label in relation to:	Number of products sampled and analysed	Number of non-conforming products		
		Unauthorised claims	Wording on the nutritional label not in conformity	Non-correlation between the values declared and the values as analysed above the tolerance
Energy value				
Proteins and their components				
Carbohydrates and their components				
Fats and their components				
Vitamins and minerals				

Action taken in the case of non-conformity

None	Verbal warning	Written warning	Written instructions	Sale prohibited	Administrative penalties	Court action	Other

3. Nutritional labelling claims

Member State

3b. Fruit-flavoured milk drinks and yoghurts

Claims on the label in relation to:	Number of products sampled and analysed	Number of non-conforming products		
		Unauthorised claims	Wording on the nutritional label not in conformity	Non-correlation between the values declared and the values as analysed above the tolerance
Energy value				
Proteins and their components				
Carbohydrates and their components				
Fats and their components				
Vitamins and minerals				

Action taken in the case of non-conformity

None	Verbal warning	Written warning	Written instructions	Sale prohibited	Administrative penalties	Court action	Other

CORRIGENDA**Corrigendum to Council Regulation (EC) No 2025/1997 of 15 October 1997 imposing a definitive anti-dumping duty on imports into the Community of advertising matches originating in Japan and collecting definitively the provisional duty imposed**

(Official Journal of the European Communities L 284 of 16 October 1997)

On page 67 in Article 1(2)(c):

for: '...Yaka Chemical Industrial Co. Ltd...'

read: '...Yaka Chemical Industry Co. Ltd...'

Corrigendum to Commission Regulation (EC) No 491/2000 of 6 March 2000 on the supply of cereals as food aid

(Official Journal of the European Communities L 60 of 7 March 2000)

On page 4, Annex:

for: '1. Action No: 280/98 (A1); 59/99 (A2)',

read: '1. Action No: 280/98 (A1); 73/99 (A2)'.
