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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 534/2000
of 13 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 14 March 2000.

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

Done at Brussels, 13 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 13 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	100,0
	624	165,4
	999	132,7
0707 00 05	052	116,8
	068	109,1
	628	134,8
	999	120,2
0709 10 00	220	163,4
	999	163,4
0709 90 70	052	103,9
	204	54,0
	628	141,9
	999	99,9
0805 10 10, 0805 10 30, 0805 10 50	052	44,1
	204	36,8
	212	42,0
	600	40,9
	624	52,6
	999	43,3
0805 30 10	052	30,6
	220	69,6
	600	73,6
	999	57,9
0808 10 20, 0808 10 50, 0808 10 90	388	130,7
	400	80,7
	404	81,0
	508	85,9
	512	88,4
	528	98,2
	720	64,2
	728	93,4
	999	90,3
	388	86,7
	400	113,2
0808 20 50	512	73,1
	528	69,1
	624	67,3
	999	81,9

⁽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 535/2000
of 13 March 2000**

amending Regulation (EC) No 1666/98 increasing to 501 362 tonnes the quantity of barley held by the Austrian intervention agency for which a standing invitation to tender for export has been opened

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 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 39/1999 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1666/98 ⁽⁵⁾, as last amended by Regulation (EC) No 2050/1999 ⁽⁶⁾, opened a standing invitation to tender for the export of 450 320 tonnes of barley held by the Austrian intervention agency. Austria informed the Commission of the intention of its intervention agency to increase by 51 042 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of barley held by the Austrian intervention agency for which a standing invitation to tender for export has been opened should be increased to 501 362 tonnes.
- (3) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in

store. Annex I to Regulation (EC) No 1666/98 must therefore be amended.

- (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

Regulation (EC) No 1666/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 501 362 tonnes of barley to be exported to all third countries with the exception of the United States of America, Canada and Mexico.
2. The regions in which the 501 362 tonnes of barley are stored are stated in Annex I to this Regulation.'
2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 13 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 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 211, 29.7.1998, p. 12.

⁽⁶⁾ OJ L 255, 30.9.1999, p. 13.

ANNEX

'ANNEX I

(tonnes)

Place of storage	Quantity
Niederösterreich/Wien/nörtl. Burgenland	374 966
Oberösterreich	95 503
Steiermark/südl. Burgenland	30 893'

COMMISSION REGULATION (EC) No 536/2000
of 13 March 2000
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs.
- (4) In order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rape-seed oil or sunflower oil.

The contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders shall cover either rape-seed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 13 March 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A and B

1. **Action Nos:** 70/99 (A1), 71/99 (A2), 63/99 (A3), 64/99 (A4), 65/99 (A5); 66/99 (B1), 67/99 (B2)
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma, tel. (39-06) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** see ⁽⁷⁾
5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 3 260
7. **Number of lots:** 2 (A: 1 422 tonnes; B: 1 838 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(1)(a) or (b))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C(2))
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(3))
 - language to be used for the markings: A1 + A2 + A3: French; A4 + A5 + B1 + B2: English
 - supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community.
Mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 24.4-14.5.2000
 - second deadline: 8-28.5.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 28.3.2000
 - second deadline: 11.4.2000
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65),
Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate.
- (⁵) Notwithstanding OJ C 114 of 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.
(⁶) Tenders shall be rejected unless they specify the type of peas to which they relate.

(⁷)

Lot	Partial lot	Action No	Destination	Quantity (t)
A	A1	70/99	Chad	266
	A2	71/99	Mauritania	266
	A3	63/99	Senegal	266
	A4	64/99	Sierra Leone	324
	A5	65/99	Tajikistan	300
Total				1 422
B	B1	66/99	Ethiopia	500
	B2	67/99	Eritrea	1 338
Total				1 838

COMMISSION REGULATION (EC) No 537/2000
of 13 March 2000
on the supply of split peas as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated split peas to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs.

- (4) In order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilise either green split peas or yellow split peas,

HAS ADOPTED THIS REGULATION:

Article 1

Split peas shall be mobilised in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EC) No 2519/97, and under the conditions set out in the Annex.

Tenders shall cover either green split peas or yellow split peas. Tenders shall be rejected unless they specify the type of peas to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 13 March 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A and B

1. **Action Nos:** 68/99 (A); 69/99 (B)
2. **Beneficiary** ⁽²⁾: WFP, (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma, tel. (39-6) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Rwanda
5. **Product to be mobilised** ⁽⁷⁾: split peas
6. **Total quantity (tonnes net):** 3 953
7. **Number of lots:** 2 (A: 1 453 tonnes; B: 2 500 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁸⁾: —
9. **Packaging** ⁽⁵⁾: see OJ C 267, 13.9.1996, p. 1 (2.1.A (1.a and 2.a) and B(4)) or (4.0, A (1.c and 2.c) and B(4))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IV.A(3))
 - language to be used for the markings: French
 - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The product must originate from the Community
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 24.4-14.5.2000
 - second deadline: 8-28.5.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 28.3.2000
 - second deadline: 11.4.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65),
Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁵) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking following by a capital 'R'.
- (⁶) Notwithstanding OJ C 114, 29.4.1991, point IV. A(3)(c) is replaced by the following: 'the words European Community' and point IV.A(3)(b) by the following: 'Split peas'.
- (⁷) Tenders shall be rejected unless they specify the type of peas to which they relate.
- (⁸) Yellow or green peas (*Pisum sativum*) for human consumption of the most recent crop. The peas must not have been coloured artificially. The split peas must be steam-treated for at least two minutes or have been fumigated (*) and meet the following requirements:
- moisture: maximum 15 %,
 - foreign matters: maximum 0,1 %,
 - broken split peas: maximum 10 % (pea fragments passing through a sieve of circular mesh of 5 mm diameter).
 - percentage of discoloured seeds or of different colour: maximum 1,5 % (yellow peas), maximum 15 % (green peas),
 - cooking time: maximum 45 minutes (after soaking for 12 hours) or maximum 60 minutes (without soaking).

(*) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a fumigation certificate.

**COMMISSION REGULATION (EC) No 538/2000
of 13 March 2000**

amending Regulation (EC) No 1599/97 laying down detailed rules for the application of the system of minimum import prices for certain soft fruits originating in Bulgaria, Hungary, Poland, Romania, Slovakia, the Czech Republic, Estonia and Lithuania and repealing Regulations (EEC) No 1226/92 and (EC) No 2479/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 1999/790/EC of 18 May 1998 on the conclusion of a Protocol adjusting trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements ⁽¹⁾, and in particular Article 2(1) thereof,

Whereas:

(1) Detailed rules should be laid down for the application of the system of minimum import prices for certain soft fruits originating in Latvia and intended for processing as provided for in the above Protocol which enters into force on 1 March 2000 ⁽²⁾. The system is identical to that for certain soft fruits originating in Bulgaria, Hungary, Poland, Romania, Slovakia, the Czech Republic, Estonia and Lithuania, the detailed rules for the application of which are laid down in Commission Regulation (EC) No 1599/97 ⁽³⁾, as amended by Regulation (EC) No 2371/1999 ⁽⁴⁾. For the purpose of simplification, the detailed rules for the application of the above import arrangements should be included in the same Regulation and to that end the scope of Regulation (EC) No 1599/97 should be extended to cover products originating in Latvia.

(2) These import arrangements replace those provided for in Council Regulation (EC) No 1926/96 ⁽⁵⁾. As a result, Commission Regulation (EC) No 2479/96 ⁽⁶⁾ laying down detailed rules for the application of the minimum import price system for certain soft fruit originating in Latvia and fixing the minimum import prices, as last amended by Regulation (EC) No 2371/1999, should be repealed.

- (3) Communication by the Member States of the information on imports from Latvia laid down in Article 5 of Regulation (EC) No 1599/97 replaces that laid down in Commission Regulation (EEC) No 1226/92 of 13 May 1992 on communication by the Member States to the Commission of information on imports of certain products processed from fruit and vegetables ⁽⁷⁾, as last amended by Regulation (EC) No 2480/96 ⁽⁸⁾. Regulation (EEC) No 1226/92 should therefore be repealed.
- (4) The adjusting Protocols come into force on 1 March 2000 so this Regulation should be made to apply from that date.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1599/97 is amended as follows:

- (1) The title is replaced by the following:
- ‘Commission Regulation (EC) No 1599/97 of 28 July 1997 laying down detailed rules for the application of the system of minimum import prices for certain soft fruits originating in Bulgaria, Hungary, Poland, Romania, Slovakia, the Czech Republic, Estonia, Latvia and Lithuania’.
- (2) Article 5(4) is deleted.
- (3) The Annex is replaced by the Annex to this Regulation.

Article 2

Regulations (EEC) No 1226/92 and (EC) No 2479/96 are repealed.

Article 3

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

It shall apply from 1 March 2000.

⁽¹⁾ OJ L 317, 10.12.1999, p. 1.

⁽²⁾ OJ L 29, 4.2.2000, p. 29.

⁽³⁾ OJ L 216, 8.8.1997, p. 63.

⁽⁴⁾ OJ L 286, 9.11.1999, p. 8.

⁽⁵⁾ OJ L 254, 8.10.1996, p. 1.

⁽⁶⁾ OJ L 335, 24.12.1996, p. 25.

⁽⁷⁾ OJ L 128, 14.5.1992, p. 18.

⁽⁸⁾ OJ L 335, 24.12.1996, p. 28.

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

Done at Brussels, 13 March 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

‘ANNEX

Minimum import prices

(EUR 100/kg net)

CN code	TARIC code	Description	Bulgaria	Hungary	Poland	Romania	Slovakia	Czech Republic	Estonia	Latvia	Lithuania
ex 0810 10	—	Strawberries for processing	51,4	—	—	51,4	—	—	51,4	—	—
ex 0810 20 10	—	Raspberries for processing	63,1	63,1	63,1	63,1	63,1	63,1	—	—	—
ex 0810 30 10	—	Blackcurrants for processing	38,5	38,5	38,5	38,5	38,5	38,5	38,5	—	38,5
ex 0810 30 30	—	Redcurrants for processing	23,3	23,3	23,3	23,3	23,3	23,3	23,3	—	—
ex 0811 10 11	0811 10 11*10	Frozen strawberries, with added sugar or other sweetening agents, with a sugar content exceeding 13 % by weight, whole fruit	—	—	75,0	—	—	—	75,0	75,0	—
	0811 10 11*90	Frozen strawberries, with added sugar or other sweetening agents, with a sugar content exceeding 13 % by weight, other	—	—	57,6	—	—	—	57,6	57,6	—
ex 0811 10 19	0811 10 19*10	Frozen strawberries, with added sugar or other sweetening agents, with a sugar content not exceeding 13 % by weight, whole fruit	—	—	75,0	—	—	—	75,0	75,0	—
	0811 10 19*90	Frozen strawberries, with added sugar or other sweetening agents, with a sugar content not exceeding 13 % by weight, other	—	—	57,6	—	—	—	57,6	57,6	—
ex 0811 10 90	0811 10 90*10	Frozen strawberries, without added sugar or other sweetening agents, whole fruit	75,0	75,0	75,0	75,0	75,0	75,0	75,0	75,0	—
	0811 10 90*90	Frozen strawberries, without added sugar or other sweetening agents, other	57,6	57,6	57,6	57,6	57,6	57,6	57,6	57,6	—
ex 0811 20 19	0811 20 19*11	Frozen raspberries, with added sugar or other sweetening agents, with a sugar content not exceeding 13 % by weight, whole fruit	—	99,5	99,5	—	99,5	99,5	99,5	—	—
	0811 20 19*19	Frozen raspberries, with added sugar or other sweetening agents, with a sugar content not exceeding 13 % by weight, other	—	79,6	79,6	—	79,6	79,6	79,6	—	—
ex 0811 20 31	0811 20 31*10	Frozen raspberries, without added sugar or other sweetening agents, whole fruit	99,5	99,5	99,5	99,5	99,5	99,5	99,5	—	—
	0811 20 31*90	Frozen raspberries, without added sugar or other sweetening agents, other	79,6	79,6	79,6	79,6	79,6	79,6	79,6	—	—
ex 0811 20 39	0811 20 39*10	Frozen blackcurrants, without added sugar or other sweetening agents, without stalk	—	62,8	62,8	62,8	62,8	62,8	62,8	—	—
	0811 20 39*90	Frozen blackcurrants, without added sugar or other sweetening agents, other	—	44,8	44,8	44,8	44,8	44,8	44,8	—	—
ex 0811 20 51	0811 20 51*10	Frozen redcurrants, without added sugar or other sweetening agents, without stalk	—	39,0	39,0	—	39,0	39,0	39,0	—	—
	0811 20 51*90	Frozen redcurrants, without added sugar or other sweetening agents, other	—	29,5	29,5	—	29,5	29,5	29,5	—	—

**COMMISSION REGULATION (EC) No 539/2000
of 13 March 2000**

on the issuing of a standing invitation to tender for the sale of common wheat of breadmaking quality held by the German intervention agency for export to certain ACP countries in the 1999/2000 marketing year

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⁾.

Whereas:

(1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 39/1999 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies.

(2) With a view to supplying the markets of the ACP countries, favoured partners of the Community, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of regular contracts to ensure stable prices for the ACP countries over a certain period. It is therefore necessary to issue a specific invitation to tender to ensure that users in these countries have access to common wheat of breadmaking quality under conditions appropriate to the highly competitive situation on the world market.

(3) The German intervention agency holds stocks of common wheat of breadmaking quality. Part of the wheat coming from the intervention stocks held by the aforementioned agency should therefore be resold to the ACP countries to meet their quantitative and qualitative needs. The common wheat successfully tendered for must be exported to the countries of destination by 31 August 2000 at the latest.

(4) The specific nature of the operation and the accounting position of the common wheat in question require greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and also require exclusion of any refund, tax or monthly increase. Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end provision should be made for a security lodgment scheme which ensures that the aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in

particular those laid down in Regulation (EEC) No 2131/93.

(5) In addition to the conditions laid down in Article 30 of Commission Regulation (EEC) No 3719/88 ⁽⁵⁾, as last amended by Regulation (EC) No 1127/1999 ⁽⁶⁾, provision should be made for the release for consumption in the ACP State(s) laid down in the Regulation.

(6) Where removal of the wheat is delayed by more than five days, or the release of one of the securities required is delayed, for reasons imputable to the intervention agency the Member State concerned will have to pay compensation.

(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

1. A standing invitation to tender is hereby issued for the export of 150 024 tonnes of common wheat of breadmaking quality, held by the German intervention agency.

2. The common wheat must be exported to an ACP State or to several States within one of the groups of ACP States listed in Annex I.

3. The regions in which the 150 024 tonnes of German common wheat of breadmaking quality are stored are listed in Annex II.

4. The intervention agency concerned shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

- the location,
- and at least the following features:
 - specific weight,
 - moisture content,
 - Hagberg falling number,
 - impurity contents and sprouted grains,
 - protein content.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 331, 2.12.1988, p. 1.

⁽⁶⁾ OJ L 135, 29.5.1999, p. 48.

5. It shall publish the notice of invitation to tender at least two days before the date set for the first partial invitation to tender.

Article 2

Subject to the provisions of this Regulation, the sales of common wheat of breadmaking quality referred to in Article 1 shall take place in accordance with the procedure and conditions laid down by Regulation (EEC) No 2131/93.

Article 3

1. The time limit for submitting tenders for the first partial invitation to tender shall be 9 a.m. (Brussels time) on Thursday 16 March 2000.

2. The time limit for submitting tenders for the second partial invitation to tender shall be 9 a.m. (Brussels time) on the following Thursday.

The time limit for the last partial invitation to tender shall be 25 May 2000.

3. Tenders must be submitted to the German intervention agency.

Article 4

1. Tenders shall only be admissible if:

- the tenderer provides written proof from an official body in the ACP country of destination or a company having its overseas subsidiary in the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to an ACP State or to several States within one of the groups of ACP States listed in Annex I. That contract may cover only those deliveries to be made during the period April to August 2000 for quantities traditionally supplied; such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted,
- they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.

2. Tenders may not exceed the quantity laid down in the commercial contract submitted.

Article 5

1. No export refund or export tax or monthly increase shall be applied for exports carried out pursuant to this Regulation.

2. The validity of the export licences issued in accordance with this Regulation shall expire on 31 August 2000.

3. The licence obliges the operator to export to the ACP State or States for which the licence application was submitted. However, up to a limit of 30 % of the quantity for which the licence was issued. The operator may effect his contract at another destination on condition that it belongs to the same group of countries listed in Annex I.

4. The export licences shall be issued as soon as the successful tenderers have been selected.

5. Article 9 of Regulation (EEC) No 3719/88 notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

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

The Commission must be informed of the findings of the analyses in the event of a dispute.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to:
 - 2 kg/hl for the specific weight, which must not, however, be less than 72 kg/hl,
 - one percentage point for the moisture content,
 - 20 percentage points for the Hagberg falling index,
 - one percentage point for the protein content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92 ⁽¹⁾,
 - and
 - half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:

⁽¹⁾ OJ L 74, 20.3.1992, p. 18.

- either accept the lot as established,
 - or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex V; however, if he requests the intervention agency to supply him with another lot of intervention breadmaking wheat of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex V;
- (d) below the minimum characteristics required for intervention, the successful tenderer may not remove the lot in question. He shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex V; however, he may request the intervention agency to supply him with another lot of intervention breadmaking wheat of the quality laid down, without additional charges. In this case, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex V.

2. However, if the breadmaking wheat is removed before the results of the analysis are known, all risks shall be borne by the successful tenderer from the time of removal of the lot, without prejudice to the forms of recourse the successful tenderer may have against the storer.

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

4. The costs of the taking of samples and the analyses referred to in paragraph 1, except those where the final result of the analyses produces a quality inferior to the minimum characteristics required for intervention, shall be borne by the EAGGF up to a maximum of one analysis per 500 tonnes with the exception of the transsilage costs.

The cost of transsilage and of any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The final date

for removal is 31 August 2000. The payment due for each of the lots to be removed shall be indivisible.

Article 8

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

2. The obligation to export and import into one of the countries of destination listed in Annex I shall be covered by a security amounting to EUR 50 per tonne of which EUR 15 per tonne shall be lodged upon issue of the export licence, with the balance of EUR 35 being lodged before removal of the cereals.

Article 15(2) of Commission Regulation (EEC) No 3002/92 ⁽¹⁾ notwithstanding:

- the amount of EUR 15 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the wheat removed has left the customs territory of the Community,
- the amount of EUR 35 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into the ACP State or States referred to in Article 5(3). This proof shall be supplied in accordance with Articles 18 and 47 of Commission Regulation (EEC) No 3665/87 ⁽²⁾.

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

This compensation shall not be charged to the EAGGF.

Article 9

Article 12 of Regulation (EEC) No 3002/92 notwithstanding, the documents relating to the sale of common wheat in accordance with this Regulation and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where appropriate, the T5 control copy must bear the words:

- Trigo blando panificable de intervención sin aplicación de restitución ni gravamen, destinado a (nombre del Estado o de los Estados ACP), Reglamento (CE) n° 539/2000
- Bageegnet blød hvede fra intervention uden restitutionsydelse eller -afgift bestemt for (navnet på det eller de pågældende AVS-lande), forordning (EF) nr. 539/2000

⁽¹⁾ OJ L 301, 17.10.1992, p. 17.

⁽²⁾ OJ L 351, 14.12.1987, p. 1.

- Interventions-Brotweichweizen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Bestimmung (Name des AKP-Staates oder der AKP-Staaten), Verordnung (EG) Nr. 539/2000
- Μαλακός αρτοποιήσιμος σίτος παρέμβασης, χωρίς εφαρμογή επιστροφής ή φόρου προοριζόμενος για (όνομα της χώρας ΑΚΕ ή των χωρών ΑΚΕ), κανονισμός (ΕΚ) αριθ. 539/2000
- Intervention common wheat of breadmaking quality without application of refund or tax, bound for (name of the ACP State or States), Regulation (EC) No 539/2000
- Blé tendre d'intervention panifiable ne donnant pas lieu à restitution ni à taxe, destiné à (nom de l'État ACP ou des États ACP), règlement (CE) n° 539/2000
- Frumento tenero d'intervento panificabile senza applicazione di restituzione o di tassa, destinato al (nome del paese o dei paesi ACP), regolamento (CE) n. 539/2000
- Zachte tarwe van bakkwaliteit uit interventie, zonder toepassing van restitutie of belasting, bestemd voor (naam van de ACS-Staat of de ACS-Staten), Verordening (EG) nr. 539/2000
- Trigo mole panificável de intervenção sem aplicação de uma restituição, ou imposição destinado a (nome do Estado ou dos Estados ACP), Regulamento (CE) n.º 539/2000

- Interventioleipävehnä, jolle ei makseta vientitukea eikä vientimaksua ja jonka määräpaikka on (AKT-maan nimi tai AKT-maiden nimet), asetus (EY) N:o 539/2000
- Interventionsvete av brödkvalitet, ej utan bidrag eller avgift avsett för (AVS-statens eller AVS-staternas namn), förordning (EG) nr 539/2000.

Article 10

1. The German intervention agency shall inform the Commission of the tenders received within three hours of the expiry of the time limit for submitting tenders. The information must be sent in the form laid down in Annex III to one of the telex or fax numbers listed in Annex IV.

2. It shall inform the Commission on a monthly basis of the quantities of common wheat removed pursuant to this Regulation.

Article 11

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

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

Done at Brussels, 13 March 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania Mali Niger Senegal Gambia Guinea-Bissau Guinea Cape Verde Sierra Leone Liberia Côte d'Ivoire Ghana Togo	Chad Central African Republic Benin Cameroon Equatorial Guinea São Tomé and Príncipe Gabon Congo Democratic Republic of Congo Rwanda Burundi Burkina Faso	Seychelles Comoros Madagascar Mauritius Angola Zambia Malawi Mozambique Namibia Botswana Zimbabwe Lesotho Swaziland Djibouti Ethiopia Eritrea

ANNEX II

(tonnes)

Region of storage	Quantities
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Nordrhein-Westfalen	53 149
Hessen/Rheinland-Pfalz/Baden-Württemberg/ Saarland/Bayern	16 307
Berlin/Brandenburg/Mecklenburg-Vorpommern	20 396
Sachsen/Sachsen-Anhalt/Thüringen	60 172

ANNEX III

Standing invitation to tender for the export of 150 024 tonnes of common wheat of breadmaking quality held by the German intervention agency

(Regulation (EC) No 539/2000)

1	2	3	4	5	6	7
Registration number of the tenderer	Lot number	Quantity in tonnes	Offer price (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes, the increases and reductions relating to the lot for which the tender is submitted.

ANNEX IV

The only telex and fax numbers in Brussels to be used are: DG AGRI/C/1:

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

ANNEX V

Communication of refusal of lots under the standing invitation to tender for the export of 150 024 tonnes of breadmaking common wheat held by the German intervention agency

(Article 6 of Regulation (EC) No 539/2000)

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

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

COMMISSION REGULATION (EC) No 540/2000
of 13 March 2000
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, as last amended by Regulation (EC) No 624/98 ⁽³⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1441/1999 ⁽⁴⁾, as last amended by Regulation (EC) No 346/2000 ⁽⁵⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 March 2000.

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

Done at Brussels, 13 March 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 16.

⁽³⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁴⁾ OJ L 166, 1.7.1999, p. 77.

⁽⁵⁾ OJ L 43, 16.2.2000, p. 30.

ANNEX

to the Commission Regulation of 13 March 2000 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	13,85	9,95
1701 11 90 ⁽¹⁾	13,85	16,25
1701 12 10 ⁽¹⁾	13,85	9,72
1701 12 90 ⁽¹⁾	13,85	15,73
1701 91 00 ⁽²⁾	17,62	18,07
1701 99 10 ⁽²⁾	17,62	12,62
1701 99 90 ⁽²⁾	17,62	12,62
1702 90 99 ⁽³⁾	0,18	0,46

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

⁽³⁾ By 1 % sucrose content.

TWENTY-FIFTH COMMISSION DIRECTIVE 2000/11/EC
of 10 March 2000
adapting to technical progress Annex II to Council Directive 76/768/EEC on the approximation of
the laws of the Member States relating to cosmetic products
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾, as last amended by Commission Directive 2000/6/EC ⁽²⁾, and in particular Article 8(2) thereof,

Having regard to the consultation of the Scientific Committee on Cosmetic Products and Non-Food Products intended for Consumers,

Whereas:

- (1) It is an established fact that 3'-ethyl-5',6',7',8'-tetrahydro-5',5',8',8'-tetramethyl-2'-acetonaphthone or 7-acetyl-6-ethyl-1,1,4,4-tetramethyl-1,2,3,4-tetrahydronaphthalen is a substance that induces neurotoxic effects. This substance should therefore be prohibited in cosmetic products, and it should be listed in Annex II to the abovementioned Directive.
- (2) It is an established fact that aristolochic acid and its salts, as well as *Aristolochia* spp. and their preparations, are substances that act as powerful carcinogens. These substances should therefore be prohibited in cosmetic products, and they should be listed in the abovementioned Annex II.
- (3) It is an established fact that 2,3,7,8-tetra chlorodibenzo-p-dioxin is a toxic substance with powerful cancer-causing potential. This substance should therefore be prohibited in cosmetic products, and it should be listed in the abovementioned Annex II.
- (4) It is an established fact that 6-(piperidinyl)-2,4-pyrimidinediamine 3-oxide (minoxidil) and its salts are substances that produce powerful systemic vasodilating effects. Furthermore, a special scientific assessment needs to be made of minoxidil derivatives in order to determine their possible effects on health. Minoxidil and its salts should therefore be prohibited in cosmetic products, and they should be listed in the abovementioned Annex II.
- (5) It is an established fact that 3,4',5-tribromosalicylanilide is a substance that produces a powerful and prolonged photosensitising effect. This substance should therefore be prohibited in cosmetic products, and it should be listed in the abovementioned Annex II.
- (6) It is an established fact that *Phytolacca* spp. and their preparations are toxic substances that produce adverse pharmacological effects. These substances should therefore be prohibited in cosmetic products, and they should be listed in the abovementioned Annex II.
- (7) It is an established fact that 11 α -hydroxypregn-4-ene-3, 20-dione) and its esters are substances that produce endocrine activity levels in correlation with powerful hypertension effects. These substances should therefore be prohibited in cosmetic products, and they should be listed in the abovementioned Annex II.
- (8) It is an established fact that the colouring agent C.I. 42 640 is a substance that produces carcinogenic effects. This substance should therefore be prohibited in cosmetic products, and it should be listed in the abovementioned Annex II.

⁽¹⁾ OJ L 262, 27.9.1976, p. 169.

⁽²⁾ OJ L 56, 1.3.2000, p. 42.

- (9) It is an established fact that antiandrogens of steroidal structure are substances that interfere with the functioning of the androgene-dependent organs. These substances should therefore be prohibited in cosmetic products, and they should be listed in the abovementioned Annex II.
- (10) It is an established fact that zirconium and its compounds, other than the hydrated aluminium and zirconium hydroxychlorides and their complex with glycine and the zirconium lakes, pigments or salts of colouring agents that may be contained in the cosmetic products, are substances that produce mutagenic effects. These substances should therefore be prohibited in cosmetic products, and they should be listed in the abovementioned Annex II.
- (11) It is an established fact that tyrothricin and its salts are antibiotic substances with a bacteriostatic effect. These substances should therefore be prohibited in cosmetic products. However, as they are already listed under reference number 39 in the abovementioned Annex II, the allocation of a special reference number is not necessary.
- (12) It is an established fact that acetonitrile is a toxic solvent that produces acute systemic and potentially carcinogenic effects. This substance should therefore be prohibited in cosmetic products, and it should be listed in the abovementioned Annex II.
- (13) It is an established fact that tetrahydrozoline and its salts are substances that produce vasoconstrictive α -adrenergic effects. These substances should therefore be prohibited in cosmetic products, and they should be listed in the abovementioned Annex II.
- (14) In its judgment of 25 January 1994 (*Angelopharm GmbH v Freie Hansestadt Hamburg*) the Court of Justice of the European Communities invalidated the provisions of Article 1 of Twelfth Commission Directive 90/121/EEC ⁽¹⁾ adapting to technical progress Annexes II, III, IV, V and VI to Directive 76/768/EEC referred to above, with a view to including the 11 α -hydroxypregn-4-ene-3, 20-dione) and its esters on the list of substances that are prohibited in cosmetic products pursuant to the abovementioned Annex II. As grounds for its judgment, the Court ruled that the listing of this substance in the abovementioned Annex II should have been justified by a report from the Scientific Committee on Cosmetic Products and Non-Food Products but that no such justification had been provided.
- (15) In the light of this judgment, it follows that the listing of any substance in the abovementioned Annex II must, of necessity, be preceded by consultation of the Scientific Committee on Cosmetic Products and Non-Food Products. Consequently, steps must be taken under this Directive to rescind the listing of substances in the abovementioned Annex II resulting from the improper application of any Commission directive vitiated by the same procedural defect, namely Commission Directive 82/147/EEC ⁽²⁾, Fifth Commission Directive 84/415/EEC ⁽³⁾, Seventh Commission Directive 86/179/EEC ⁽⁴⁾, Ninth Commission Directive 87/137/EEC ⁽⁵⁾, Tenth Commission Directive 88/233/EEC ⁽⁶⁾, and Twelfth Directive 90/121/EEC.
- (16) In consequence of the abovementioned judgment of the Court of Justice of the European Communities, the reference numbers allocated to these substances improperly listed in the abovementioned Annex II should be formally withdrawn and, where appropriate, reintroduced on the list on the basis of a relevant scientific report delivered by the abovementioned Scientific Committee.
- (17) The measures laid down in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Cosmetic Products Sector,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/768/EEC is hereby amended as indicated in the Annex to this Directive.

⁽¹⁾ OJ L 71, 17.3.1990, p. 40.

⁽²⁾ OJ L 63, 6.3.1982, p. 26.

⁽³⁾ OJ L 228, 25.8.1984, p. 31.

⁽⁴⁾ OJ L 138, 24.5.1986, p. 40.

⁽⁵⁾ OJ L 56, 26.2.1987, p. 20.

⁽⁶⁾ OJ L 105, 26.4.1988, p. 11.

Article 2

Member States shall take any action needed to ensure that cosmetic products supplied to the final consumer do not contain any of the substances listed in Annex II to Directive 76/768/EEC, as defined in the Annex to this Directive.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 June 2000 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 10 March 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

- I. 1. Reference number 362 on the list in Annex II to Directive 76/768/EEC, as defined by Directive 82/147/EEC, is hereby deleted.
2. Reference number 365 on the list in Annex II to Directive 76/768/EEC, as defined by Fifth Directive 84/415/EEC, is hereby deleted.
3. Reference number 367 on the list in Annex II to Directive 76/768/EEC, as defined by Seventh Directive 86/179/EEC, and amended by Tenth Directive 88/233/EEC, is hereby deleted.
4. Reference number 372 on the list in Annex II to Directive 76/768/EEC, as defined by Ninth Directive 87/137/EEC, is hereby deleted.
5. Reference numbers 373 and 374 on the list in Annex II to Directive 76/768/EEC, as defined by Tenth Directive 88/233/EEC, are hereby deleted.
6. Reference numbers 386, 390, 391, 392, 393 and 394 on the list in Annex II to Directive 76/768/EEC, as defined by Twelfth Directive 90/121/EEC, are hereby deleted.

II. Annex II to Directive 76/768/EEC is amended as follows:

The following reference numbers are added:

- '362. 3'-Ethyl-5',6',7',8'-tetrahydro-5',5',8',8'-tetramethyl-2'-acetonaphthone or 7-acetyl-6-ethyl-1,1,4,4-tetramethyl-1,2,3,4-tetrahydronaphthalen
365. Aristolochic acid and its salts; *Aristolochia* spp. and their preparations
367. 2,3,7,8-Tetra chlorodibenzo-p-dioxin
372. 6-(Piperidiny)-2,4-pyrimidinediamine 3-oxide (minoxidil) and its salts
373. 3,4',5-Tribromosalicylanilide
374. *Phytolacca* spp. and their preparations
385. 11 α -Hydroxypregn-4-ene-3, 20-dione) and its esters
386. Colouring agent C.I. 42 640
390. Anti-androgens of steroidal structure
391. Zirconium and its compounds, with the exception of the substances listed under reference number 50 in Annex III, Part One, and the zirconium lakes, pigments or salts of the colouring agents listed in Annex IV, Part One, with reference number 3
393. Acetonitrile
394. Tetrahydrozoline and its salts'.
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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 July 1999

on State aid granted by the Federal Republic of Germany to Pittler/Tornos Werkzeugmaschinen GmbH

(notified under document number C(1999) 3025)

(Only the German text is authentic)

(Text with EEA relevance)

(2000/211/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Communities, and in particular Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above and having regard to their comments,

Whereas:

I. PROCEDURE

- (1) By letter dated 10 April 1997, Germany notified the restructuring of Pittler/Tornos Werkzeugmaschinen GmbH (Pittler/Tornos) to the Commission pursuant to Article 88(3) of the EC Treaty. By letters of 28 May and 5 August, the Commission asked some additional questions that were answered by letters dated 9 July and 17 September. Further information was provided on 27 October.
- (2) By letter dated 17 December 1997, the Commission informed Germany of its decision to initiate proceedings under Article 88(2) of the EC Treaty. When initiating the proceedings, it left open the overall amount of aid received by Pittler/Tornos because the information provided by Germany on this matter was inconsistent and because it was not clear whether some of the aid measures had been implemented under approved schemes or whether additional aid would be granted in future.
- (3) The Commission's decision to initiate proceedings was published in the *Official Journal of the European Communities* ⁽¹⁾. The Commission invited interested parties to submit their comments on the aid.
- (4) The Commission received comments from one interested party. These were forwarded to Germany, which responded to them by letter dated 2 February 1999 (received on 4 February).
- (5) By letters of 29 December 1998 (received on 5 January 1999) and 4 May 1999 (received on 5 May), Germany provided additional information.

⁽¹⁾ OJ C 361, 24.11.1998, p. 4.

- (6) By letter of 25 May, the Commission asked for further information on the exact amount of aid granted. Germany replied by letters of 1 July (received on 2 July) and 20 July (received the same day).

II. DETAILED DESCRIPTION OF THE AID

A. Description of Pittler/Tornos

- (7) Pittler/Tornos is active in the field of multi-spindle lathes. These are used to produce high-precision metal parts for industries such as motor vehicle manufacturing.
- (8) Pittler/Tornos is an SME with 130 employees (in 1996) situated in the new German Land of Saxony, an area characterised by high unemployment and eligible for regional aid. In 1996 it had a turnover of almost DEM 9 million. It was privatised on 9 August 1991. On 1 November 1995 the local court (*Amtsgericht*) in Leipzig initiated *Gesamtvollstreckun* insolvency proceedings against Pittler/Tornos. On 1 January 1996 the new firm Pittler/Tornos Werkzeugmaschinen was founded as the *Auffaugesellschaft*.
- (9) In the course of 1998 negotiations were launched with a potential new investor who planned to draw up a restructuring plan by the end of March 1999. The BvS (successor to the Treuhand privatisation agency) estimated that the new firm would need additional aid of up to DEM 9,3 million in this connection. Moreover, it seemed necessary to waive existing claims and to issue guarantees of DEM 28,9 million. By letter of 4 May 1999, Germany informed the Commission that the potential investor had decided not to take over Pittler/Tornos and that the firm therefore had to apply for insolvency proceedings to be initiated.

B. Description of the restructuring

- (10) No coherent financial restructuring plan has been submitted since no private investor was found for Pittler/Tornos. Germany has merely described several restructuring measures but has not indicated the costs which these measures would entail.
- (11) By letter dated 1 July 1999, Germany submitted the following list of financial measures taken to provide Pittler/Tornos with a new chance:

Aid mesures	Amount approved (DEM)	Amount paid (DEM)	Year
Loan from the BvS	4 000 000	4 000 000	1995
Liquidity grant from the BvS	3 000 000	3 000 000	1996
Loan from the Sächsische Landesbank ⁽¹⁾	22 000 000	20 000 000	1996/97
Dormant equity holding	2 200 000	2 200 000	1996
Funds under the joint Federal Government/Länder scheme	2 969 000	1 816 000	1997
Investment allowance	42 280	42 280	1996/97
Waiver of land charge by the Land of Saxony	1 800 000	1 800 000	1999

⁽¹⁾ This loan was secured in part by the Guarantee Regulation (*Bürgschaftsrichtlinie*) of the Land of Saxony and by a land charge in favour of the BvS (see below).

C. Market analysis

- (12) Pittler/Tornos operates in the machine tools (metalworking) sector. The recession which bottomed out in 1993 hit manufacturing in the EU particularly hard. Shrinking profits and overcapacity induced a slump in investment, and machine tool suppliers in the EU suffered the most severe recession since the Second World War. In 1994, in the wake of the general recovery of the European

economy, new orders for machine tools booked by most European producers grew at double-digit rates, and this dynamic growth continued until mid-1995. Average annual growth in production is estimated to have been between 5 % and 10 % in 1996. It was assumed that the basic economic conditions would remain favourable beyond 1996, and that the demand for machine tools would expand in the medium term ⁽²⁾.

- (13) The machine tool industry in the EU has long been an important player in world trade. In spite of emerging new competitors, such as the Japanese during the 1970s and 1980s and the Asian NICs during the 1980s and 1990s, the fifteen Member States of the EU have successfully maintained their share of international trade. From a global perspective, the EU is the most important producer of machine tools, accounting for 38 % of production in 1995. In second place is Japan with 25 %, well ahead of the United States with 13 %. The EU is the largest single market for machine tools. Foreign manufacturers, with a market share of around one fifth, face no major trade barriers. Nevertheless, the fifteen Member States consistently show a significant trading surplus in machine tools with the rest of the world. Given the size of the internal market, the 38 % export ratio is considerable and reflects the industry's international competitiveness ⁽²⁾.
- (14) Machine tools for metalworking are produced all over Europe, with some degree of regional concentration in a few countries. Firms in this sector are generally SMEs. In terms of average production capacity, Pittler/Tornos is rather small compared with its main competitors. Mechanical engineering firms, the motor vehicle industry and manufacturers of electrical appliances are the sector's main customers. In the case of Pittler/Tornos, they include Volkswagen, Ford and various suppliers to the motor vehicle industry.

III. COMMENTS FROM INTERESTED PARTIES

- (15) By letter of 7 December 1998 (received on 10 December), the Commission was sent comments on the initiation of proceedings by one interested party (Alfred H. Schütte GmbH & Co KG Werkzeugmaschinenfabrik). The comments concentrated on two main arguments. The first refers to the decline and overcapacity of the multi-spindle lathes market, the second to the overindebtedness of Pittler/Tornos, its obsolete technology and its inability to survive under normal competitive conditions.

IV. COMMENTS FROM GERMANY

- (16) Germany's comments focus on three main arguments. Firstly, it states that, at the beginning of 1998, a third party showed interest in buying Pittler/Tornos, which was the only producer able to offer a product line similar to that of the complainant and therefore able to compete with it. Secondly, it contests the third party's assertion that the multi-spindle lathes market is suffering from overcapacity and decline. In its view, multi-spindle technology has a high degree of productivity and hence substantial cost advantages, while the difficulties referred to by the third party are mainly a result of the recession which the mechanical engineering sector experienced between 1991 and 1994. Thirdly, it disputes the third party's assertion concerning large-scale redundancies and the resultant loss of know-how within Pittler/Tornos, pointing out that the firm cooperates on specific RTD programmes with its main suppliers of components and aggregates, with the Technical University of Dresden, with the firm Mannesmann, with the Fehland development office and with the firm Sandvik.

V. ASSESSMENT

A. Amount of aid to be authorised

- (17) The question arises as to which of the restructuring measures listed above (Section II.B) constitute aid within the meaning of Article 87(1) of the EC Treaty and which have been taken under approved schemes.

⁽²⁾ Panorama of EU industry 1997, NACE 29.4.

- (18) The dormant equity holding (DEM 2,2 million), the funds granted under the joint Federal Government/Länder scheme (DEM 2,969 million) and the investment allowance (DEM 42 280) have been granted on the basis of approved schemes ⁽³⁾ and do not have to be authorised individually in this decision.
- (19) The questions arise as to whether the guarantees and securities for the DEM 22 million loan from the Sächsische Landesbank (partly secured by a *Land* guarantee) should be regarded as aid and whether they need to be approved in this decision. In 1996 an initial DEM 12 million loan was granted by the Sächsische Landesbank. It was originally secured by a *Land* guarantee ⁽⁴⁾ (65 %) and a land-charge transfer from the BvS to the Sächsische Landesbank (35 %). In 1997 it was planned to increase the loan by DEM 10 million (it was in fact increased by only DEM 8 million) and the security ratio changed: 80 % (i.e. DEM 17,6 million) was now secured by the *Land* guarantee scheme and 20 % (i.e. DEM 4,4 million) by the land charge.
- (20) Germany claims that part of the loan (80 %, i.e. DEM 17,6 million) was secured by a guarantee granted on the basis of an approved scheme ⁽⁵⁾. In its decision on aid measure No E 16/94, the Commission specifies the conditions ('appropriate measures') under which the guarantees by the *Land* of Saxony can be granted ⁽⁶⁾. The decision states that only guarantees to large firms have to be notified individually. Therefore, it would seem that guarantees for SMEs like Pittler/Tornos were, at that time, covered by an approved scheme (N 73/93, together with E 16/94). However, the conditions state that a guarantee may be granted only on the basis of a coherent restructuring plan that will lead to long-term viability (point 4) or only if the prospects of a successful restructuring are proportional to the risk associated with the guarantee and if the secured loans will be repaid within a specified period, assuming a normal economic development of the firm (point 5). However, neither of these conditions was met in the case of Pittler/Tornos: the firm had to apply at the end of 1995 for insolvency proceedings (*Gesamtvollstreckung*) to be initiated, and no private investor could be found during the period for which the loans and guarantees were granted. It was therefore highly doubtful whether the firm's long-term viability could be restored and the loan repaid. This is illustrated by the fact that, at the time the loan and guarantee were granted, the firm was making heavy losses (1995: loss of DEM 10 484 245 with a turnover of DEM 8 803 105; 1996: loss of DEM 6 193 000 with a turnover of DEM 13 282 000). Under these conditions, repayment of a DEM 22 million loan and a DEM 17,6 million guarantee was more than uncertain, and the risk associated with the guarantee was not proportional to the prospects for a successful restructuring. Consequently, even though guarantees for SMEs under the Guarantee Regulation of the *Land* of Saxony were not notifiable, the guarantees to Pittler/Tornos totalling DEM 22 million were not covered by the approved scheme (N 73/93, together with E 16/94) and, hence, are subject to individual authorisation in the context of this decision ⁽⁷⁾.
- (21) The rest of the loan (20 %, i.e. DEM 4,4 million) was secured by a land-charge transfer from the BvS to the Sächsische Landesbank. Since this measure did not take place under an approved scheme, it

⁽³⁾ These schemes are: the Regulation on the granting of assistance from the Consolidation Fund of the *Land* Saxony for the restructuring of small and medium-sized industrial firms (*Richtlinie über die gewährung von Mitteln aus dem Konsolidierungsfonds des Freistaates Sachsen zur Umstrukturierung kleiner und mittlerer Unternehmen der gewerblichen Wirtschaft*) (N 117/95, N 767/95) and the 25th General Plan for the joint/Federal Government/Länder scheme for improving regional economic structures (25. *Rahmenplan Gemeinschaftsaufgabe zur Verbesserung der regionalen Wirtschaftsstruktur*) (C 37/96 (ex N 186/96)).

⁽⁴⁾ Guarantee Regulation of the *Land* of Saxony (*Bürgschaftsrichtlinie des Freistaates Sachsen für die Wirtschaft, freien Berufe und die Land- und die Forstwirtschaft*) (N 73/93, together with E 16/94 and C 19/95).

⁽⁵⁾ See footnote 4.

⁽⁶⁾ These were proposed by the Commission to Germany, which did not raise any objections (letter EB 2 - 702002 - EB 2 715065/2/8 of 23 February 1995, received on 24 February). The criteria are irrelevant to this decision (points 4 and 5 of the conditions).

⁽⁷⁾ When the proceedings were initiated, the Commission expressed reservations about whether the granting of guarantees was consistent with the conditions of the approved scheme (the Guarantee Regulation of the *Land* of Saxony). The assessment as to whether the granting of guarantees meets the conditions of scheme N 73/93, together with E 16/94, overlaps with the assessment to be made in this decision of the aid on the basis of the guidelines on State aid for rescuing and restructuring firms in difficulty (see Section V.B below), since the conditions of approval are partly the same. Particularly relevant in this context are the criteria that 'the plan must restore the firm to competitiveness within a reasonable periods' and 'the restructuring plan must be considered capable of putting the company into a position of covering all its costs including depreciation and financial charges' (Guidelines on State aid for rescuing and restructuring firms in difficulty, OJ C 368, 23.12.1994, p. 12, point 3.2.2(i)). These criteria are analysed in detail below and were not - as indicated above - met in the case of Pittler/Tornos when the guarantee was granted.

also constitutes aid to be assessed in this decision. Consequently, all the securities for the loan from the Sächsische Landesbank (DEM 22 million) constitute aid within the meaning of Article 87(1) of the EC Treaty and require approval under this decision.

- (22) The waiver of the land charge by the *Land* of Saxony (DEM 1,8 million) must be viewed together with the DEM 22 million loan from the Sächsische Landesbank. As stated above, the loan was secured by a *Land* guarantee (DEM 17,6 million) and by a land-charge transfer from the BvS to the Sächsische Landesbank (DEM 4,4 million). By reducing the security requirements for its loans, the Sächsische Landesbank increased the possibility that other financial institutions would grant loans to Pittler/Tornos. As a result, DEM 1,8 million of the loans granted by the Sächsische Landesbank were no longer secured. This amount must be regarded as aid within the meaning of Article 87(1) of the EC Treaty since Pittler/Tornos had to be classified at the time as a firm in difficulty and since it was therefore doubtful that the loans would be repaid⁽⁸⁾.
- (23) Consequently, this decision must examine the compatibility of the following *ad hoc* aid measures with the common market:

	(DEM)
Loan from the BvS	4 000 000
Liquidity grant from the BvS	3 000 000
Loan from the Sächsische Landesbank	22 000 000
Waiver of land charge by the <i>Land</i> of Saxony	1 800 000
Total	30 800 000

B. Aid derogations

- (24) The new aid from the BvS and the *Land* of Saxony was notified as restructuring aid. The Commission must therefore consider in particular the derogation provided for in Article 87(3)(c) of the EC Treaty with regard to 'aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not affect trading conditions to an extent contrary to the common interest', given that the predominant purpose of the aid in this case is the restructuring of a firm in difficulty. Such aid may be considered compatible with the common market if the criteria laid down in the Community guidelines on State aid for rescuing and restructuring firms in difficulty⁽⁹⁾ are met.
- (25) When it comes to applying the restructuring guidelines, one problem is that they are usually not applied to newly established firms that take over or rent the assets of a firm in respect of which liquidation proceedings have been initiated. However, exceptions are made in the case of firms in the new *Länder* such as Pittler/Tornes since the transition from a planned to a market economy poses special problems, a typical example being their low level of equity capital. These problems can justify the classification of new firms as firms 'in difficulty'. Given this special situation and the particular role of the BvS in this restructuring process, aid to firms which take over other firms in respect of which liquidation proceedings have been initiated can, in certain cases, be regarded as restructuring aid. In such cases, the private investors which take over the newly established firm must contribute substantially to its restructuring. However, in the case of Pittler/Tornos, no investor has yet been found. It is therefore doubtful whether the aid granted to Pittler/Tornos can be regarded as restructuring aid within the meaning of the Community guidelines. These doubts are reinforced when the guidelines are examined.

⁽⁸⁾ According to point 2.3 of the Community guidelines on State aid for rescuing and restructuring firms in difficulty, the Commission presumes that State aid is involved 'where funding is provided or guaranteed by the State to an enterprise that is in financial difficulties'. As the Sächsische Landesbank is State-owned, this presumption applies to the unsecured loans totalling DEM 1,8 million.

⁽⁹⁾ See footnote 7.

- (26) If the Commission is to approve the aid on the basis of those guidelines, the relevant restructuring plan must meet the following conditions:

Restructuring plan and restoration of viability

- (27) The *sine qua non* of any restructuring plan is that it must restore the long-term viability and health of the firm within a reasonable time-scale and on the basis of realistic assumptions as to its future operating conditions. The plan must restore the firm to competitiveness within a reasonable period. To fulfil the long-term viability criterion, the plan must be considered capable of putting the company into a position of covering all its costs, including depreciation and financial charges. In principle, aid may be granted only once.
- (28) As stated above, no financial restructuring plan has been submitted for Pittler/Tornos. The restructuring measures described in the notification are very general and not coherent. Although it seemed to have developed a competitive product (with the 'renaissance' of multi-spindle lathes, the general market conditions seem to have improved), the firm has not derived any trading profit from its development. This is illustrated by the fact that the firm made significant losses of DEM 10 484 245 (with a turnover of DEM 8 803 105) in 1995 and DEM 6 193 000 (with a turnover of DEM 13 282 000) in 1996 ⁽¹⁰⁾. The fact that a firm such as Pittler/Tornos has not yet found a strategic investor shows that there were serious doubts concerning its long-term viability. These problems were discussed when the investigation was launched and were confirmed by the firm's eventual insolvency in May 1999.
- (29) Given the extremely poor performance of Pittler/Tornos in 1995 and 1996 (as mentioned above, no figures are available for 1997 and 1998), it was very doubtful in that period whether the firm would be able to cover all its costs (including depreciation and financial charges). For example, it seemed unlikely that Pittler/Tornos was in a position to repay the loan from the Sächsische Landesbank (partly secured by a *Land* guarantee) within a stipulated period since its financial situation was such as to require further state-financed loans rather than to enable it to repay past loans. Moreover, further aid was granted in order to keep a failing business afloat.
- (30) The Commission concludes from this that the restructuring plan is insufficient to restore the firm's long-term viability and that the firm itself is no longer viable. The restructuring plan was not capable of putting the firm into a position of covering all its costs, including depreciation and financial charges. Consequently, this condition of the guidelines is not met.

Aid in proportion to the restructuring costs and benefits

- (31) The amount and intensity of the aid must be limited to the strict minimum needed to enable restructuring to be undertaken and must be related to the benefits anticipated from the Community's point of view. Therefore, aid beneficiaries will normally be expected to make a significant contribution to the restructuring plan from their own resources or from outside financing.
- (32) No private investor has contributed to the restructuring of the firm. The insolvency administrator can hardly be considered a private investor within the meaning of the guidelines. As confirmed in Germany's notification, the role of the administrator is simply to continue operations until a private investor has been found. Since, therefore, no contribution has been made by a private investor, this condition of the guidelines is not met.

VI. CONCLUSIONS

- (33) It has to be concluded that no coherent restructuring plan has been provided for Pittler/Tornos and that its long-term viability is not secured. Accordingly, the aid is comparable with a purely provisional financing measure designed to keep an insolvent firm in business. This is no longer justifiable.

⁽¹⁰⁾ The definitive financial results for 1997 and 1998 were not submitted to the Commission. In view of the firm's insolvency in 1999 and the successive increases in the loan from the Sächsische Landesbank and other aid measures, there are sufficient grounds for assuming that the firm's business situation has not improved in the interim.

- (34) As several conditions of the guidelines are not met, the derogation provided for in Article 87(3)(c) cannot be applied. The Commission finds that Germany has unlawfully granted aid totalling DEM 30,8 million in breach of Article 88(3) of the EC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The State aid totalling EUR 15 747 789,94 (DEM 30,8 million) which Germany has granted to Pittler/Tornos Werkzeugmaschinen GmbH is incompatible with the common market pursuant to Article 87(1) of the EC Treaty.

Article 2

1. Germany shall take the necessary measures to recover the aid referred to in Article 1 from the recipient.
2. Recovery shall be effected in accordance with the rules and procedures of German law. The aid to be recovered shall include interest from the date on which it was at the disposal of the recipient until the date of its recovery. Interest shall be calculated on the basis of the reference rate used for calculating the net grant equivalent of regional aid.

Article 3

Germany shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 28 July 1999.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION**of 3 March 2000****amending Decision 97/467/EC on drawing up provisional lists of third country establishments from which the Member States authorise imports of rabbit meat and farmed game meat***(notified under document number C(2000) 526)***(Text with EEA relevance)**

(2000/212/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as last amended by Council Decision 98/603/EC ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Provisional lists of establishments producing rabbit meat and farmed game meat have been drawn up by Commission Decision 97/467/EC ⁽³⁾ as last amended by Commission Decision 1999/757/EC ⁽⁴⁾.
- (2) Russia has sent a list of establishments producing rabbit meat and farmed game meat and for which the responsible authorities certify that the establishment is in accordance with Community rules.
- (3) A provisional list of establishments producing rabbit meat and farmed game meat can thus be drawn up for Russia.
- (4) A Community veterinary mission has shown, that the structure and organisation of the competent authority responsible for the approval of the establishments are sufficient and that the powers available to that competent authority guarantees that it can provide the implementation of Community rules; whereas these checks included on-the-spot inspection in the establishment appearing on the list which have shown that the hygiene standards of this establishment are sufficient.
- (5) Commission Decision 97/467/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annex I of Decision 97/467/EC is amended as follows:

(a) After point 6 of the legend the following text is added:

‘7 = Países y establecimientos que cumplen todos los requisitos del apartado 1 del artículo 2 de la Decisión 95/408/CE del Consejo.

Lande og virksomheder, der opfylder alle betingelserne i artikel 2, stk. 1, i Rådets beslutning 95/408/EF.

Länder und Betriebe, die alle Anforderungen des Artikels 2 Absatz 1 der Entscheidung 95/408/EG des Rates erfüllen.

⁽¹⁾ OJ L 243, 11.10.1995, p. 17.

⁽²⁾ OJ L 289, 28.10.1998, p. 36.

⁽³⁾ OJ L 199, 26.7.1997, p. 57.

⁽⁴⁾ OJ L 300, 23.11.1999, p. 25.

Χώρες και εγκαταστάσεις που πληρούν τις προϋποθέσεις του άρθρου 2 παράγραφος 1 της απόφασης 95/408/EK του Συμβουλίου.

Countries and establishments complying with all requirements of Article 2(1) of Council Decision 95/408/EC.

Pays et établissements remplissant l'ensemble des dispositions de l'article 2, paragraphe 1, de la décision 95/408/CE du Conseil.

Paesi e stabilimenti che ottemperano a tutte le disposizioni dell'articolo 2, paragrafo 1, della decisione 95/408/CE del Consiglio.

Landen en inrichtingen die voldoen aan al de voorwaarden van artikel 2, lid 1, van Beschikking 95/408/EG van de Raad.

Países e estabelecimentos que respeitam todas as exigências do n.º 1 do artigo 2.º da Decisão 95/408/CE do Conselho.

Neuvoston päätöksen 95/408/EY 2 artiklan 1 kohdan kaikki vaatimukset täyttävät maat ja laitokset.

Länder och anläggningar som uppfyller alla krav i artikel 2.1 i rådets beslut 95/408/EG.'

(b) The text of the Annex to this Decision is added.

Article 2

This Decision shall apply from 20 February 2000.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 March 2000.

For the Commission

David BYRNE

Member of the Commission

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

‘País: Rusia — Land: Rusland — Land: Rußland — Χώρα: Ρωσία — Country: Russia — Pays: Russie — Paese: Russia — Land: Rusland — País: Rússia — Maa: Venäjä — Land: Ryssland

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