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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 775/2000
of 13 April 2000
amending Regulation (EC) No 2505/96 opening and providing for the administration of auto-
nomous Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Council Regulation (EC) No 2745/1999 ⁽¹⁾ the Council opened a duty-free autonomous tariff quota for ferro-chrome of 1 035 000 tonnes. This quota covers at present the total need of European processing industries for a duty-free supply of ferro-chrome in the year 2000.
- (2) By Council Regulation (EC) No 2793/1999 of 17 December 1999 on certain procedures for applying the Trade, Development and Cooperation Agreement between the European Community and the Republic of South Africa ⁽²⁾, and additional duty-free tariff quota for ferro-chrome originating in South Africa of 515 000 tonnes was introduced with effect from 1 January 2000 and applicable when the Agreement with the Republic of South Africa enters into force.
- (3) With the introduction of the tariff quota for South Africa the quantity for the autonomous quota has to be reduced accordingly in order to avoid injurious effects

on Community producers of this product and to allow South Africa the full benefit of its quota.

- (4) Having regard to the economic importance of this Regulation for European industry it is necessary to invoke the ground of urgency referred to in point I(3) of the Additional Protocol to the Treaty of Amsterdam on the role of national parliaments in the European Union.
- (5) Regulation (EC) No 2505/96 ⁽³⁾ should accordingly be amended,

HAS ADOPTED THIS REGULATION:

Article 1

In the table appearing in Annex I to Regulation (EC) No 2505/96, the amount of the tariff quota relating to order number 09.2711 shall be altered to 520 000 tonnes.

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 Luxembourg, 13 April 2000.

For the Council

The President

A. VARA

⁽¹⁾ OJ L 331, 23.12.1999, p. 17.

⁽²⁾ OJ L 337, 30.12.1999, p. 29.

⁽³⁾ OJ L 345, 31.12.1996, p.1. Regulation as last amended by Regulation (EC) No 2745/1999 (OJ L 331, 23.12.1999, p. 17).

COMMISSION REGULATION (EC) No 776/2000
of 14 April 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 15 April 2000.

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

Done at Brussels, 14 April 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 14 April 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	052	104,5
	204	107,6
	624	174,8
	999	129,0
0707 00 05	052	136,4
	068	141,0
	628	146,6
	999	141,3
0709 90 70	052	75,4
	204	41,5
	999	58,5
0805 10 10, 0805 10 30, 0805 10 50	052	36,9
	204	37,8
	212	40,4
	220	33,8
	624	48,0
	999	39,4
0805 30 10	220	52,3
	600	79,3
	999	65,8
0808 10 20, 0808 10 50, 0808 10 90	388	93,7
	400	91,2
	404	92,9
	508	80,9
	512	90,9
	528	84,4
	720	76,9
	800	174,4
	804	101,8
	999	98,6
	388	77,5
0808 20 50	400	65,5
	512	77,0
	528	81,7
	999	75,4

⁽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 777/2000
of 14 April 2000
opening individual invitations to tender for the sale for export of vinous alcohol

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1677/1999 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas:

Three sales by individual invitation to tender Nos 285/2000 EC, 286/2000 EC, and 287/2000 EC shall be held for a total quantity of 290 000 hectolitres of alcohol obtained from the distillation operations referred to in Articles 35 and 39 of Regulation (EEC) No 822/87 and held by the French and Italian intervention agencies.

Each of the individual invitations to tender Nos 285/2000 EC and 287/2000 EC shall cover a quantity of 100 000 hectolitres of alcohol at 100 % volume and the individual invitation to tender No 286/2000 EC shall cover a quantity of 90 000 hectolitres of alcohol at 100 % volume.

Article 2

The alcohol offered for sale:

— shall be for export outside the European Community,
— must be imported into and dehydrated in one of the following third countries:

- Costa Rica,
- Guatemala,
- Honduras, including the Swan Islands,
- El Salvador,
- Nicaragua,
- St Kitts and Nevis,
- Bahamas,
- Dominican Republic,
- Antigua and Barbuda,
- Dominica,
- British Virgin Islands and Montserrat,
- Jamaica,
- Saint Lucia,
- Saint Vincent, including the Northern Grenadines,
- Barbados,
- Trinidad and Tobago,
- Belize,
- Grenada, including the Southern Grenadines,
- Aruba,
- Netherlands Antilles (Curaçao, Bonaire, Saint Eustace, Saba and the southern part of Saint Martin),

- (1) Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as last amended by Regulation (EC) No 1448/97 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies.
- (2) Individual invitations to tender should be opened for the export of vinous alcohol to certain Caribbean and Central American countries so as to guarantee continuity of supplies to those countries and reduce the Community stock of vinous alcohol.
- (3) A specific security should be provided for to ensure that the alcohol is physically exported from the customs territory of the Community and non-compliance with the date laid down for export should be progressively penalised. This security must be independent of the performance guarantee ensuring that the alcohol is removed from storage and the awarded alcohol is used for the purposes laid down.
- (4) Since Council Regulation (EC) No 2799/98 of 15 December 1998 on establishing agrimonetary arrangements for the euro ⁽⁶⁾, tender prices and guarantees must be expressed in euro and payments must be made in euro.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

⁽¹⁾ OJ L 84, 27.3.1987, p. 1.

⁽²⁾ OJ L 199, 30.7.1999, p. 8.

⁽³⁾ OJ L 346, 15.12.1988, p. 7.

⁽⁴⁾ OJ L 43, 20.2.1993, p. 6.

⁽⁵⁾ OJ L 198, 25.7.1997, p. 4.

⁽⁶⁾ OJ L 349, 24.12.1998, p. 1.

- Guyana,
- United States Virgin Islands,
- Haiti,
- must be used only as motor fuel.

Article 3

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in Annex I hereto.

Article 4

The sales shall take place in accordance with Articles 13 to 18, 30 to 34 and 36 to 38 of Regulation (EEC) No 377/93, and Article 2 of Regulation (EC) No 2799/98.

However, notwithstanding Article 15 of Regulation (EEC) No 377/93, the final date for the submission of tenders for the invitations to tender referred to in this Regulation, shall fall between the eighth and the 25th day following the date of publication of the individual invitations to tender.

Article 5

1. The tendering security referred to in Article 15 of Regulation (EEC) No 377/93 shall be EUR 3,622 per hectolitre of alcohol for the total quantity of alcohol offered for sale in each of the invitations to tender referred to in Article 1.

Maintenance of the tender after the time limit for submitting tenders and the lodging of a guarantee to ensure export and of a performance guarantee shall constitute the primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾ as regards the tendering security.

The tendering security lodged for each of the invitations to tender referred to in Article 1 shall be released immediately if the tender is not accepted or if the successful tenderer had lodged the entire guarantee to ensure export and the entire performance guarantee for the invitation to tender in question.

2. The guarantee to ensure export shall be EUR 5 per hectolitre of alcohol at 100 % volume and shall be lodged for each quantity of alcohol for which there is a removal order under each of the invitations to tender referred to in Article 1 of this Regulation.

This guarantee shall be released only by the intervention agency holding the alcohol for each quantity of alcohol for which proof has been furnished that it has been exported within the time limit laid down in Article 6 of this Regulation. Notwithstanding Article 23 of Regulation (EEC) No 2220/85, and except in cases of *force majeure*, where the time limit referred to in Article 6 has not been complied with, the guarantee to ensure export of EUR 5 per hectolitre of alcohol at 100 % volume shall be forfeit as follows:

- (a) 15 % in all cases;
- (b) 0,33 % of the amount remaining after deduction of the 15 %, for each day the time limit in question is exceeded.

3. The performance guarantee shall be EUR 25 per hectolitre of alcohol at 100 % volume.

This guarantee shall be released in accordance with Article 34(3)(b) of Regulation (EEC) No 377/93.

4. Notwithstanding Article 17 of Regulation (EEC) No 377/93, the guarantees on export and performance shall be lodged simultaneously with each intervention agency concerned, for each of the invitations to tender referred to in Article 1 of this Regulation not later than the day of issue of a removal order for the quantity of alcohol concerned.

Article 6

1. The alcohol awarded under the invitations to tender referred to in Article 1 shall be exported by 30 November 2000 at the latest.

2. The alcohol awarded shall be used within two years from the date of first removal.

Article 7

To be valid, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. The tender shall also include proof following the entry into force of this Regulation that the tenderer has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 2 who has undertaken to dehydrate the alcohol awarded in one of those countries and to export it for use solely as motor fuel in accordance with Annex II.

Article 8

1. Before the awarded alcohol is removed, the intervention agency and the successful tenderer shall take a reference sample and shall analyse that sample to verify the alcoholic strength expressed in % volume of the alcohol in question.

Where the final results of the analysis of the sample show a difference between the alcoholic strength by volume of the alcohol to be removed and the minimum alcoholic strength by volume stated in the notice of invitation to tender, the following provisions shall apply:

- (i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex III, as well as the storer and the successful tenderer;
- (ii) the successful tenderer may:
 - either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
 - or refuse to take over the lot in question.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5.

In either case, the successful tenderer shall, the same day, inform the intervention agency and the Commission thereof in accordance with Annex IV.

Once these formalities have been completed, if he has refused to take over the lot concerned, he shall be immediately released from all his obligations relating to that lot.

2. Where the successful tenderer refuses the merchandise, as provided for in paragraph 1, the intervention agency shall supply him with another quantity of alcohol of the requisite quality, at no extra charge, within a maximum of eight days.

3. If physical removal of the alcohol is delayed by more than five working days in relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons attributable to the intervention agency, the Member State shall be responsible for the payment of compensation.

Article 9

Notwithstanding the first subparagraph of Article 36(2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitation to tender referred to in Article 1 of this Regulation may be substituted by alcohol of the same type by the intervention agency holding the alcohol concerned in agreement with the Commission, or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 10

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

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 285/2000 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Bonollo-Anagni-Paduni (FR)		30 000	35	Raw alcohol
	Caviro-Faenza (RA)		22 000	35	Raw alcohol
	De Luca-Novoli (LE)		20 000	35	Raw alcohol
	Di Lorenzo — Ponte Valleceppi (PG)		18 000	35	Raw alcohol
	SVA — Ortona (CH)		10 000	35	Raw alcohol
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, Rue de la Loi/Wetstraat 130, B-1049 Bruxelles/Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 285/2000 EC (alcohol), DG AGRI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 3 May 2000.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 285/2000 EC;
- (b) specify the price tendered, expressed in euro per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- AIMA, via Palestro 81, I-00185 Roma [tel. (39-6) 47 49 91; telex: 62 03 31/62 02 52/61 30 03; fax: (39-6) 445 39 40/495 39 40].

This security must correspond to a sum of EUR 362 200.

INDIVIDUAL INVITATION TO TENDER No 286/2000 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Bertoloni — Partinico (PA)		14 000	35	Raw alcohol
	Cavaro — Faenza (RA)		22 000	35	Raw alcohol
	Bonollo-Anagni-Paduni (FR)		30 000	35	Raw alcohol
	Enodistil — Alcamo (TP)		5 000	35	Raw alcohol
			5 000	39	Raw alcohol
	Gedis — Marsala (TP)		5 000	35	Raw alcohol
			5 000	39	Raw alcohol
	Russo — S. Venerina (CT)		2 000	35	Raw alcohol
	SVM — C. Da Scunchipani (AG)		2 000	39	Raw alcohol
	Total		90 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 90 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, Rue de la Loi/Wetstraat 130, B-1049 Bruxelles/Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 286/2000 EC (alcohol), DG AGRI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 3 May 2000.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 286/2000 EC;
- (b) specify the price tendered, expressed in euro per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- AIMA, via Palestro 81, I-00185 Roma [tel. (39-6) 47 49 91; telex: 62 03 31/62 02 52/61 30 03; fax: (39-6) 445 39 40/495 39 40].

This security must correspond to a sum of EUR 325 980.

INDIVIDUAL INVITATION TO TENDER No 287/2000 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Port-la-Nouvelle	8	2 450	35	Raw alcohol + 92 %
	Av. Adolphe Turrel	2	46 500	35	Raw alcohol + 92 %
	BP 62	19	12 850	35	Raw alcohol + 92 %
	F-11210 Port-la-Nouvelle	18	12 825	35	Raw alcohol + 92 %
		17	12 580	35	Raw alcohol + 92 %
		13	12 795	35	Raw alcohol + 92 %
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

- Tenders should be submitted for a quantity of 100 006 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.
Any tender relating to a smaller quantity will not be considered.
- Tenders must:
 - be sent by registered post to the European Commission, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussels, or
 - be submitted at the reception of the Loi 130 building of the European Commission, Rue de la Loi/Wetstraat 130, B-1049 Bruxelles/Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.
- Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 287/2000 EC (alcohol), DG AGRI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.
- Tenders must reach the Commission not later than 12 noon (Brussels time) on 3 May 2000.
- Tenders must state the name and address of the tenderer and must:
 - include a reference to individual sale by tender No 287/2000 EC;
 - specify the price tendered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
- Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:
 - SAV, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex [tel. (33-5) 57 55 20 00; telex 57 20 25; fax (33-5) 57 55 20 59].

This security must correspond to a sum of EUR 362 200.

ANNEX II

List of undertakings and documents to be produced by the tenderer on submission of tenders:

1. evidence that the tendering security has been lodged with each intervention agency;
2. the final destination of the alcohol and an undertaking by the tenderer to comply with this destination;
3. evidence, subsequent to the entry into force of this Regulation, that the tenderer has binding commitments with an operator in the motor fuel sector in one of the non-member countries listed in Article 2 of this Regulation. This operator must undertake to dehydrate the alcohol awarded under the invitation to tender in one of these countries and to export it for use as motor fuel;
4. tenders must include the name and address of the tenderer, the reference number of the notice of invitation to tender, and the price proposed, expressed in euro per hectolitre of alcohol at 100 % volume;
5. an undertaking from the tenderer to the effect that he will comply with all the rules relating to the tendering procedure in question;
6. a statement by the tenderer to the effect that he waives all claims in respect of the quality and characteristics of the alcohol awarded to him, agrees to submit to any checks made on the destination and use of the alcohol and accepts that it is his responsibility to provide evidence that the alcohol is used as specified in the notice of invitation to tender.

ANNEX III

The only telex and fax numbers in Brussels to be used are:

DG AGRI (E-2) (for the attention of Mr Chiappone/Mr Innamorati):

- telex: 22037 AGREC B,
22070 AGREC B (Greek characters),
- fax: (32-2) 295 92 52.

ANNEX IV

Communication of refusal or acceptance of lots under the individual invitation to tender for the export of vinous alcohol opened by Regulation (EC) No 777/2000

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

Lot No	Quantity in hectolitres	Location of alcohol	Reason for refusal or acceptance to take over

**COMMISSION REGULATION (EC) No 778/2000
of 14 April 2000**

fixing the minimum selling price for skimmed-milk powder for the 7th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽²⁾, as last amended by Regulation (EC) No 438/2000 ⁽³⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award; whereas the amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum selling price.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 7th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 11 April 2000, the minimum selling price and the processing security are fixed as follows:

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

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 340, 31.12.1999, p. 3.

⁽³⁾ OJ L 54, 26.2.2000, p. 24.

COMMISSION REGULATION (EC) No 779/2000**of 14 April 2000****amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In accordance with Article 26 of Commission Regulation (EC) No 2799/1999 ⁽²⁾, as last amended by Regulation (EC) No 438/2000 ⁽³⁾, intervention agencies have organised a standing invitation to tender for skimmed milk powder taken into storage before 1 August 1998.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 340, 31.12.1999, p. 3.

⁽³⁾ OJ L 54, 26.2.2000, p. 24.

**COMMISSION REGULATION (EC) No 780/2000
of 14 April 2000**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 51st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽²⁾, as last amended by Regulation (EC) No 635/2000 ⁽³⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 51st individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 350, 20.12.1997, p. 3.

⁽³⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 14 April 2000 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 51th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

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

COMMISSION REGULATION (EC) No 781/2000**of 14 April 2000****fixing the maximum aid for concentrated butter for the 223rd special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 223rd special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

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

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 45, 21.2.1990, p. 8.

⁽³⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 782/2000**of 14 April 2000****fixing the maximum purchasing price for butter for the seventh invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the seventh invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 11 April 2000, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 333, 24.12.1999, p. 11.

**COMMISSION REGULATION (EC) No 783/2000
of 14 April 2000
suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 2 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾ lays down the criteria for opening or suspending the buying-in of butter by invitation to tender in the Member States.
- (2) Commission Regulation (EC) No 433/2000 ⁽³⁾ suspending the buying-in of butter in certain Member States establishes the list of Member States in which intervention is suspended. As a result of the market prices communicated by Germany and the Netherlands intervention must be suspended in these countries and

the list of Member States established by Regulation (EC) No 433/2000 adjusted accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Regulation (EC) No 433/2000 is hereby repealed.

Article 3

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 333, 24.12.1999, p. 11.

⁽³⁾ OJ L 54, 26.2.2000, p. 16.

COMMISSION REGULATION (EC) No 784/2000**of 14 April 2000****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2176/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2176/1999 is hereby fixed on the basis of the tenders submitted from 7 to 13 April 2000 at 278,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 267, 15.10.1999, p. 4.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 785/2000**of 14 April 2000****fixing the maximum subsidy on exports of husked long grain rice to Réunion pursuant to the invitation to tender referred to in Regulation (EC) No 2177/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾ as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2177/1999 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy.

(3) The criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy. Successful tenderers shall be those whose bids are at or below the level of the maximum subsidy.

(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

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 10 to 13 April 2000 at 268,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 2177/1999.

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 267, 15.10.1999, p. 7.

COMMISSION REGULATION (EC) No 786/2000**of 14 April 2000****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2178/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in European Regulation (EC) No 2178/1999 is hereby fixed on the basis of the tenders submitted from 7 to 13 April 2000 at 190,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 267, 15.10.1999, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 787/2000**of 14 April 2000****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2179/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2179/1999 is hereby fixed on the basis of the tenders submitted from 7 to 13 April 2000 at 170,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 267, 15.10.1999, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 788/2000**of 14 April 2000****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2180/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2180/1999 is hereby fixed on the basis of the tenders submitted from 7 to 13 April 2000 at 169,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 267, 15.10.1999, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 789/2000
of 14 April 2000**

deducting from the quantitative limit on imports of textile goods pertaining to category 4 originating in the People's Republic of China an amount corresponding to that imported into the European Community in circumvention of the Agreement between the European Community and the People's Republic of China on trade in MFA textile products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93, of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾, as last amended by Commission Regulation (EC) No 1072/99 ⁽²⁾, and in particular Article 15 thereof in conjunction with Article 17 thereof;

Whereas:

- (1) Enquiries and further verifications, carried out both in the Community and elsewhere with the assistance of third countries' authorities, in accordance with the procedures established in Annex IV of Regulation (EEC) No 3030/93 have led the Commission to conclude that 5 408 295 pieces of textile products pertaining to Category 4 (T-shirts) have been imported into the European Community in circumvention of the provisions of Regulation (EEC) No 3030/93 in the years 1995 and 1996 in that evidence shows that they physically emanated from the territory of the People's Republic of China before having been imported into the European Community without Chinese origin being declared or under false declarations of origin.
- (2) Consultations with the People's Republic of China were requested and held in order to clarify the situation and determine, on the basis in particular of the documentary evidence submitted by the European Commission, the true origin of the products concerned and reach an agreement on an equivalent adjustment of the quantitative limit applicable to exports of the concerned category to the European Community from the People's Republic of China.

- (3) On 6 July 1999 agreement was reached on the adjustment which should be made which is deemed to constitute a satisfactory solution within the meaning of Article 15 of Regulation (EEC) No 3030/93 by way of effecting deductions in two yearly instalments of goods of the amount of 5 408 295 pieces of Category 4, (Commission Regulation (EC) 2483/1999 of 25 November 1999 ⁽³⁾).
- (4) The second adjustment should be made on the quantitative limit set out for the quota year 2000 by the current bilateral agreement on trade in textile and clothing goods which will expire on 31 December 2000.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

Article 1

The quantitative limit set out for imports of products pertaining to Category 4 for 2000 in Annex III of the Agreement between the European Economic Community and the People's Republic of China on trade in textile products as last amended by an agreement in the form of an Exchange of Letters initialled on 6 December 1999 ⁽⁴⁾ is reduced by the amount of 2 704 148 pieces.

Article 2

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

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

Done at Brussels, 14 April 2000.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 275, 8.11.1993, p. 1.

⁽²⁾ OJ L 134, 28.5.1999, p. 1.

⁽³⁾ OJ L 303, 26.11.1999, p. 4.

⁽⁴⁾ OJ L 345, 31.12.1999, p. 2.

COMMISSION REGULATION (EC) No 790/2000
of 14 April 2000
laying down the marketing standard for tomatoes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 2(2) thereof,

Whereas:

(1) Tomatoes are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EEC) No 778/83 laying down quality standards for tomatoes ⁽³⁾, as last amended by Regulation (EC) No 2522/97 ⁽⁴⁾, has been amended frequently and can no longer ensure legal clarity.

(2) The rules should therefore be recast, and Regulation (EEC) No 778/83 should be repealed. To that end and in the interests of preserving transparency on the world market, account should be taken of the standard for tomatoes recommended by the UN/ECE Working Party on perishable product standardisation and quality.

(3) It should also be specified that cherry tomatoes (including cocktail tomatoes) form a fourth commercial type separate from the three formerly identified (round tomatoes, ribbed tomatoes and oblong tomatoes). The different acceptable forms of commercial presentation specific to tomatoes should as well be detailed. Furthermore, the evolution of the market in fresh tomatoes depends on the organoleptic quality of this product which, particularly at the retailing stage, may vary widely. The trade should therefore be allowed to indicate on the packaging minimum or maximum values for essential maturity criteria to allow consumers freedom of choice in purchasing fruit of the organoleptic quality they require.

(4) Applying these standards should result in products of unsatisfactory quality being removed from the market, bringing production into line with consumer requirements and facilitating trade relationships based on fair

competition, thereby helping improve the profitability of production.

(5) The standards are applicable at all stages of marketing. Transportation over long distances, storage for a certain length of time or handling operations may bring about deterioration due to the biological development of the products or their tendency to perish. Account should be taken of such deterioration when applying the standards at the marketing stages which follow dispatch. Since products in the 'Extra' class must be sorted and packaged with particular care, only lack of freshness and turgescence is to be taken into account in their case.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard for tomatoes falling within CN code 0702 00 00 shall be as set out in the Annex.

This standard shall apply at all marketing stages, under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, the products may show in relation to the provisions of the standard:

- a slight lack of freshness and turgescence,
- for products graded in classes other than the 'Extra' class, slight deterioration due to their development and their tendency to perish.

Article 2

Regulation (EEC) No 778/83 is hereby repealed.

Article 3

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

It shall apply from the first day of the third month following its entry into force.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 86, 31.3.1983, p. 14.

⁽⁴⁾ OJ L 346, 17.12.1997, p. 44.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

STANDARD FOR TOMATOES

I. DEFINITION OF PRODUCE

This standard applies to tomatoes of the varieties (cultivars) grown from *Lycopersicon lycopersicum* (L.) Karsten ex Farw./*Lycopersicon esculentum* Mill. to be supplied fresh to the consumer, tomatoes for industrial processing being excluded.

Tomatoes may be classified in four commercial types:

- 'round',
- 'ribbed',
- 'oblong' or 'elongated',
- 'cherry' tomatoes (including 'cocktail' tomatoes).

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of tomatoes after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, tomatoes must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- fresh in appearance,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

In the case of trusses of tomatoes, the stalks must be fresh, healthy, clean, and free from all leaves and any visible foreign matter.

The development and condition of the tomatoes must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Tomatoes are classified in three classes as defined below:

(i) 'Extra' Class

Tomatoes in this class must be of superior quality. They must have firm flesh and must be characteristic of the variety as regards shape, appearance and development.

Their colouring, according to their state of ripeness, must be such as to satisfy the requirements set out in the last subparagraph of paragraph A above.

They must be free from greenbacks and other defects, with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) Class I

Tomatoes in this class must be of good quality. They must be reasonably firm and characteristic of the variety.

They must be free of cracks and visible greenbacks. The following slight defects, however, may be allowed, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape and development,
- a slight defect in colouring,
- slight skin defects,
- very slight bruises.

Furthermore, 'ribbed' tomatoes may show:

- healed cracks not more than 1 cm long,
- no excessive protuberances,
- a small umbilicus, but no suberisation,
- suberisation of the stigma up to 1 cm²,
- fine blossom scar in elongated form (like a seam), but not longer than two thirds of the greatest diameter of the fruit.

(iii) *Class II*

This class includes tomatoes which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

They must be reasonably firm (but may be slightly less firm than in Class I) and must not show unhealed cracks.

The following defects may be allowed, provided the tomatoes retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape, development and colouring,
- skin defects or bruises, provided the fruit is not seriously affected,
- healed cracks not more than 3 cm in length.

Furthermore, 'ribbed' tomatoes may show:

- more pronounced protuberances than allowed in Class I, but without being misshapen,
- an umbilicus,
- suberisation of the stigma up to 2 cm²,
- fine blossom scar in elongated form (like a seam).

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the equatorial section. The following provisions shall not apply to 'cherry' tomatoes.

A. Minimum size

For tomatoes classified in the 'Extra' Class and Classes I and II, the minimum size is set at:

- 35 mm for 'round' and 'ribbed' tomatoes,
- 30 mm for 'oblong' tomatoes.

B. Sizing scale

The tomatoes are graded according to the following sizing scale:

- 30 mm and over but under 35 mm ⁽¹⁾,
- 35 mm and over but under 40 mm,
- 40 mm and over but under 47 mm,
- 47 mm and over but under 57 mm,
- 57 mm and over but under 67 mm,
- 67 mm and over but under 82 mm,
- 82 mm and over but under 102 mm,
- 102 mm and over.

Observance of the sizing scale is compulsory for 'Extra' Class and Class I tomatoes.

The sizing scale does not apply to trusses of tomatoes.

⁽¹⁾ Only for 'oblong' tomatoes.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) 'Extra' Class

- 5 % by number or weight of tomatoes not satisfying the requirements of the class but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

(ii) Class I

- 10 % by number or weight of tomatoes not satisfying the requirements of the class but meeting those of Class II or, exceptionally, coming within the tolerances of that class.
- In the class of trusses of tomatoes, 5 % by number or weight of tomatoes detached from the stalk.

(iii) Class II

- 10 % by number or weight of tomatoes satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting, marked bruising or any other deterioration rendering it unfit for consumption.
- In the case of trusses of tomatoes, 10 % by number or weight of tomatoes detached from the stalk.

B. Size tolerances

For all classes: 10 % by number or weight of tomatoes conforming to the size immediately above or below that specified, with a minimum of 33 mm for 'round' and 'ribbed' tomatoes and 28 mm for 'oblong' tomatoes.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only tomatoes of the same origin, variety or commercial type, quality and size (if sized).

The ripeness and colouring of tomatoes in the 'Extra' Class and Class I must be practically uniform. In addition, the length of 'oblong' tomatoes must be sufficiently uniform.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The tomatoes must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps, bearing trade specifications is allowed, provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

C. Presentation

Tomatoes may be presented as follows:

- (i) as individual fruits, with or without calyx and short stalk;
- (ii) as trusses of tomatoes, i.e. the tomatoes are presented as whole inflorescence or part thereof, each inflorescence or part thereof comprising at least the following number of fruits:
 - three fruits (two fruits in prepackaging), or
 - in the case of trusses of 'cherry' tomatoes, six fruits (four fruits in prepackaging).

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside:

A. Identification

Packer and/or dispatcher: Name and address or officially issued or accepted code mark. However, where a code mark is used, the words 'packer and/or dispatcher (or an equivalent abbreviation)' must be indicated in proximity to the code mark.

B. Nature of produce

- 'tomatoes' or 'trusses of tomatoes' and the commercial type if the contents are not visible from the outside. These details must always be provided for 'cherry' (or 'cocktail') tomatoes, whether or not in trusses,
- name of the variety (optional).

C. Origin of produce

- country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- class
- size expressed as minimum and maximum diameters (if sized) or the word 'unsized' where appropriate.
- minimum sugar content, measured by refractometer and expressed in Brix degrees (optional).

E. Official control mark (optional)

COMMISSION REGULATION (EC) No 791/2000**of 14 April 2000****on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 470/2000 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for oranges will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for oranges exported after 14 April 2000 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for oranges submitted pursuant to Article 1 of Regulation (EC) No 470/2000, export declarations for which are accepted after 14 April 2000 and before 17 May 2000, are hereby rejected.

Article 2

This Regulation shall enter into force on 15 April 2000.

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

Done at Brussels, 14 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 57, 2.3.2000, p. 12.

COMMISSION REGULATION (EC) No 792/2000
of 14 April 2000
fixing 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) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 April 2000.

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

Done at Brussels, 14 April 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.

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	20,74	10,74
	medium quality ⁽¹⁾	30,74	20,74
1001 90 91	Common wheat seed	28,36	18,36
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	28,36	18,36
	medium quality	72,62	62,62
	low quality	84,47	74,47
1002 00 00	Rye	77,68	67,68
1003 00 10	Barley, seed	77,68	67,68
1003 00 90	Barley, other ⁽³⁾	77,68	67,68
1005 10 90	Maize seed other than hybrid	86,98	76,98
1005 90 00	Maize other than seed ⁽³⁾	86,98	76,98
1007 00 90	Grain sorghum other than hybrids for sowing	77,68	67,68

⁽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 31 March 2000 to 13 April 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)	123,80	107,79	98,29	94,25	158,83 (**)	148,83 (**)	101,89 (**)
Gulf premium (EUR/t)	—	6,13	3,71	5,30	—	—	—
Great Lakes premium (EUR/t)	27,40	—	—	—	—	—	—

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

(**) Fob Great Lakes.

2. Freight/cost: Gulf of Mexico — Rotterdam: 17,51 EUR/t; Great Lakes — Rotterdam: 24,47 EUR/t.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 July 1999

imposing fines for having supplied incorrect information in a notification submitted pursuant to Article 4 of Council Regulation (EEC) No 4064/89

(Case No IV/M.1543 — Sanofi/Synthélabo)

(notified under document number C(1999) 2290)

(Only the French text is authentic)

(Text with EEA relevance)

(2000/291/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area, and in particular Article 57 thereof,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings⁽¹⁾, as amended by Regulation (EC) No 1310/97⁽²⁾ and in particular Article 14(1)(b) thereof,

Having given the undertakings concerned the opportunity to make known their views on the objections raised by the Commission,

Having regard to the opinion of the Advisory Committee on Concentrations,

Whereas:

(1) Sanofi is a public limited liability company governed by French law, 53,61 % of whose shares are held directly or indirectly by Elf-Aquitaine, the remainder being held by private investors. Sanofi is active in three sectors: health products, i.e. mainly pharmaceutical products, but also diagnostic and animal health products, chemicals, and beauty products, where it produces and markets perfumes and cosmetics.

(2) Synthélabo is a public limited liability company governed by French law, 56,64 % of whose shares are held by L'Oreal, the remainder being held by private investors. Synthélabo is active in two sectors: health products, including pharmaceuticals and biomedical products, and chemicals.

(3) On 18 January 1999, Sanofi and Synthélabo notified their proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 (the Merger Regulation). The notification was declared to be incomplete on 3 February 1999, since the replies to the questionnaires sent by the Commission to competitors and customers pursuant to Article 11 had shown that information on one of the affected markets (platelet inhibitors) had not been provided. The parties then supplied the additional information requested by the Commission, the notification took effect on 12 February 1999, and the merger was authorised by an Article 6(1)(b) decision on 15 March 1999 (the authorisation decision of 15 March 1999).

(4) Since the initial notification had indicated that there was no overlap or vertical links between the parties as regards active principles, the inquiry among competitors and customers did not deal with the impact of the merger on the markets for morphine and its derivatives and the decision of 15 March 1999 did not include any analysis of the impact of the merger in that area. The Commission subsequently received five complaints from

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

third parties dated 15 and 17 March and 6 April 1999 relating to the competitive impact of combining the activities of Sanofi and Synthélabo, through their respective subsidiaries Francopia and Sochibo, in the field of narcotic active principles (morphine and derived active principles).

- (5) On 21 April 1999, the Commission therefore decided to revoke the authorisation decision of 15 March 1999, which was based on incorrect information.
- (6) The parties confirmed that they had not mentioned in their notification of 12 February 1999 the fact that they each had a monopoly in narcotic active principles, and they provided the information required by Form CO, which forms an integral part of Commission Regulation (EC) No 447/98 ⁽³⁾ containing provisions for the implementation of the Merger Regulation as regards those products on 20 April 1999. On 17 May 1999, the Commission adopted a compatibility decision based on commitments given. The parties gave a commitment to the Commission that they dispose of Synthélabo's activities involving narcotic active principles, thus eliminating any overlap resulting from the merger in that area.

I. INFRINGEMENT OF THE MERGER REGULATION

- (7) During the procedure that culminated in the adoption of the authorisation decision of 15 March 1999, Sanofi and Synthélabo provided incorrect information relating to narcotic active substances.
- (8) The production and marketing of narcotic active principles are covered by rules within the framework of the United Nations Convention on Narcotic Drugs of 21 March 1961. Pursuant to the Public Health Code in France, the public authorities granted Sanofi (Francopia) the monopoly for the production and marketing of technical morphine (the raw material produced from poppies and opium) and its derived active principles, morphine sulphate, morphine hydrochloride and codeine. They similarly granted Synthélabo (Sochibo) the monopoly for the production and marketing of pholcodine (an active principle also derived from technical morphine).
- (9) Those active principles are used in the manufacture of pharmaceutical products belonging to three ATC 3 classes: major analgesics (N2A), analgesics (N2B) and anti-tussives (R5D). Pholcodine and codeine are both used in the manufacture of anti-tussive medicinal products (R5D). Because of regulatory provisions, and by way of exception to the principle that the geographic

markets in active principles have at least a Community dimension, the relevant geographic markets for narcotic active principles are national.

- (10) Vertical links existed between the parties before the merger. Francopia, a subsidiary of Sanofi, was the exclusive supplier of technical morphine to Sochibo, a subsidiary of Synthélabo; furthermore, Sanofi purchased pholcodine from Sochibo for the manufacture of anti-tussive medicinal products. Lastly, Sanofi's anti-tussive products, based on pholcodine, are in downstream competition with anti-tussive products based on codeine, an active substance which Sanofi itself supplies on an exclusive basis to its own competitors on the market in anti-tussive medicinal products.
- (11) The Notification of 12 February 1999 did not contain any information or present any competition analysis of the relevant markets in narcotic active principles. It also indicated that there was no overlap or vertical links between the parties as regards those products and hence no market affected by the merger.
- (12) Thus, by failing to supply the relevant information to the Commission and by making statements which were manifestly incorrect, the parties infringed the provisions of Sections 6, 7 and 8 of Form CO.
- (13) The Merger Regulation does not provide for any *de minimis* exemption from its scope of application, and consequently the fact that the turnover achieved on a given relevant market may be low could not justify omission of those activities from the notification form. Consequently, Sanofi and Synthélabo should have identified the existence of the aforementioned affected markets in accordance with Regulation (EC) No 447/98 and have completed Sections 6, 7 and 8 of Form CO.

II. IMPOSITION OF FINES

- (14) Under Article 14(1)(b) of the Merger Regulation, the Commission may, by decision, impose on the persons referred to in Article 3(1)(b), on undertakings or on associations of undertakings fines of EUR 1 000 to EUR 50 000 where, intentionally or negligently, they supply incorrect or misleading information in a notification pursuant to Article 4.
- (15) Under Article 14(3) of the Merger Regulation, in setting the amount of the fine, the Commission is to take account of the nature and gravity of the infringement. The Commission also takes account of any aggravating or mitigating circumstances.

⁽³⁾ OJ L 61, 2.3.1998, p. 1; corrigendum OJ L 66, 6.3.1998, p. 25.

Nature of the infringement

- (16) The infringement committed by Sanofi and Synthélabo took the form of the failure to provide information on the active substances and markets described above and in the supply of information which was manifestly incorrect as regards the identification of the affected markets.

Consequently, the information provided by Sanofi and Synthélabo in the notification submitted on 12 February 1999 is incorrect within the meaning of Article 14(1)(b) of the Merger Regulation. The supply of this incorrect information constitutes, at the very least, gross negligence.

Gravity of the infringement

- (17) In their comments on the Commission's statement of objections, the parties submit that, in assessing the gravity of the infringement committed, account should be taken of the marginal nature of Synthélabo's products in the field of narcotic active principles (generating a turnover of some [...] ^(*)) and the specific nature of the activities in question, which are subject to very strict confidentiality instructions within the companies themselves.
- (18) As regards the marginal nature of the products affected by the merger, the Commission refers to the comments made in point 13. Furthermore, the active substances markets affected by the merger, and the Commission's analysis thereof in assessing the compatibility of the merger with the common market are not limited to pholcodine, but included all the relevant active substances (pholcodine, codeine and morphine), which account for a total turnover of approximately [...] ^(*). In addition, the effects of the merger in this area also related to the downstream market in anti-tussives based on narcotic active substances, accounting for a turnover of approximately FRF 64 million.
- (19) As regards the argument relating to the specific nature of the activities in question, which are governed by very strict confidentiality instructions, it should be noted, first, that the parties could not have been unaware of the existence of the monopolies which they each held and, secondly, that the narcotic active principles of Sanofi and Synthélabo are not 'off market' products but, on the contrary, substances which are also sold to other companies and traded between the parties. Consequently, in accordance with Regulation (EC) No 447/98, Sanofi and Synthélabo should have identified the exis-

tence of the aforementioned affected markets and completed Sections 6, 7 and 8 of Form CO.

- (20) Furthermore, the infringement of the Merger Regulation committed by Sanofi and by Synthélabo (the supply of incorrect information) may be regarded as a very serious infringement for the following reasons:
- (21) In assessing the respective conduct of Sanofi and Synthélabo, it must be borne in mind that both are large European companies with significant business in Europe. The Merger Regulation applies to mergers entered into by companies above a certain size, which are deemed to be directly aware of the existence of European competition legislation or to be able to obtain appropriate assistance. Sanofi and Synthélabo each have detailed knowledge of the activities which they carry on, as evidenced by the notification submitted, the annexes to which list the active substances produced by Francopia and Sochibo, but omit any description or analysis by reference to the position held by those companies on the corresponding markets.

It is thus beyond dispute that the parties were aware of the provisions infringed and were in a position to apply them to the active substances described above.

- (22) The Commission declared the notification incomplete on 3 February 1999, since the replies to the questionnaires sent by the Commission to competitors and customers pursuant to Article 11 had shown that information on one of the affected markets had not been supplied. Once the appropriate information was supplied by the companies, the notification took effect, on 12 February 1999. The parties thus had an additional period of eight days to ensure that their notification complied with the requirements of Regulation (EC) No 447/98. The fact that the initial notification was declared incomplete should clearly have drawn the attention of the parties and their representatives to the shortcomings in their preparatory work.
- (23) The respective activities of Sanofi and Synthélabo in relation to the abovementioned active substances are covered by a monopoly granted by the French State. Merging two monopolies is liable, *a priori*, to create an anticompetitive situation where, as in the case in point, there are horizontal and vertical links between the two monopolies, on the one hand, and between the two monopolies and downstream markets, on the other. The parties could not have been unaware of this situation, nor could they have been unaware of the fact that the merger of their monopolies was liable to create or strengthen a dominant position, given the horizontal and vertical links between them by failing to point out circumstances involving an exceptional market structure, the parties were seriously at fault.

^(*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets and marked with an asterisk.

- (24) As soon as the market in the active substances in question had been identified, the parties promptly supplied the relevant information under Form CO and did not dispute the existence of the affected markets.
- (25) In their comments on the Commission's statement of objections, the parties submitted that account should also be taken, by way of mitigating circumstances, of the wholly specific and marginal nature of the relevant product (pholcodine) to Synthélabo, which explained that the failure to supply information and the supply of incorrect information were not 'intentional'.
- (26) For the reasons already set out in points 14 and 15, this does not constitute a mitigating circumstance.
- (27) The information supplied by the parties prompted the Commission to adopt the authorisation decision of 15 March 1999. It was only as a result of additional information, provided by the complainants, that the Commission came to the conclusion that the merger raised serious doubts as to its compatibility with the common market, in that it would have created or strengthened a dominant position on the affected market(s). However, as regards the merger of two monopolies, the parties could not have been unaware of the reality of the situation, in the same way as they could not have been unaware that knowledge of this information could have prompted the Commission to conclude that the transaction was not compatible, since this information should be supplied by the parties at the time of their notification and not by subsequent complaints from interested third parties. That finding resulted in the revocation of the authorisation decision of 15 March 1999 and the adoption of a decision finding that the transaction was compatible on the basis of commitments given, on 17 May 1999.

Conclusion

- (28) In proceedings initiated pursuant to the Merger Regulation, it is very important, particularly in view of the time-limit constraints to which the Commission is subject so as not to impede business processes, that the parties to the merger supply full information at the time of the notification. Those constraints mean that undertakings must be particularly careful when submitting details of their merger. In this particular instance, the parties supplied information which was manifestly incorrect and were guilty, at the very least, of gross negligence.
- (29) The facts set out above demonstrate that Sanofi and Synthélabo provided the Commission with incorrect information in the notification submitted on 19 February 1999.

- (30) The Commission considers it appropriate to impose a fine on each of the undertakings involved in the merger. Where incorrect information is supplied, each of the firms is responsible for the information it provides, notwithstanding the appointment of a sole representative. In the case in point, both firms operate on the abovementioned affected markets which they failed to specify. Each of them must therefore be held responsible for not having supplied the relevant information concerning it.
- (31) It is the Commission's duty to uphold the basic principle underlying the exercise of its task of control of concentrations having a Community dimension, namely that parties notifying a merger must supply full and correct information.

Consequently, the Commission considers it necessary to impose fines on Sanofi and on Synthélabo, pursuant to Article 14(1)(b) of the Merger Regulation.

III. AMOUNT OF THE FINES

- (32) On the basis of the foregoing and taking into account the circumstances of the case, the Commission considers it appropriate to impose a fine of EUR 50 000 on each of the undertakings that committed the infringement, pursuant to Article 14(1)(b) of the Merger Regulation, giving a total fine of EUR 100 000,

HAS ADOPTED THIS DECISION:

Article 1

1. A fine of EUR 50 000 is hereby imposed on Sanofi pursuant to Article 14(1)(b) of Regulation (EEC) No 4064/89 for having supplied incorrect information in the notification submitted to the Commission under that Regulation on 18 January 1999.

2. A fine of EUR 50 000 is hereby imposed on Synthélabo pursuant to Article 14(1)(b) of Regulation (EEC) No 4064/89 for having supplied incorrect information in the notification submitted to the Commission under that Regulation on 18 January 1999.

Article 2

The fines referred to in Article 1 shall be paid to the Commission within three months of the date of notification of this Decision to the European Commission's account number 310-0933000-43 at the Banque Bruxelles-Lambert, Agence Européenne, Rond Point Schuman 5, B-1040 Brussels.

Upon expiry of that period, interest shall automatically be payable on the fines at the rate charged by the European Central Bank to its repo operations on the first working day of the month in which this Decision is adopted, plus 3,5 percentage points.

Article 3

This Decision is addressed to:

Sanofi

174 avenue de France

F-75013 Paris

Synthélabo

22 avenue de Galilée, BP 82

F-92355 Le Plessis Robinson.

Done at Brussels, 28 July 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION
of 6 April 2000
for purchase by the Community of bluetongue vaccine for emergency stock

(notified under document number C(2000) 936)

(2000/292/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Council Regulation (EC) No 1258/1999 ⁽²⁾, and in particular Articles 6 and 8 thereof,

Whereas:

- (1) Bluetongue is an arthropod-borne viral disease of ruminants which can cause great economic losses to livestock production.
- (2) During 1998 and 1999 outbreaks of bluetongue were recorded in Greece.
- (3) During 1999 outbreaks of bluetongue were recorded in Bulgaria and in Turkey.
- (4) During 2000 outbreaks of bluetongue have been reported in Tunisia.
- (5) Several serotypes of bluetongue virus are recognised.
- (6) During 1998 and 1999 the serotypes reported by Bulgaria, Greece, Tunisia and Turkey were 2, 4 and 9.
- (7) The laboratories recognised by the 'Office International des Epizooties' (OIE) as reference laboratories for bluetongue include a laboratory located in Pirbright, United Kingdom and one at Onderstepoort, South Africa.
- (8) The use of vaccine can be an important tool in combating the spread of bluetongue.
- (9) No bluetongue vaccine is produced by the pharmaceutical industry based in the Member States.
- (10) For the protection of susceptible livestock some bluetongue vaccine should be kept in stock by the Community and be available for emergency use.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The Community shall make arrangements for the purchase of 500 000 doses of bluetongue vaccine for emergency use.
2. The arrangements referred to in paragraph 1 shall include:
 - consultation of OIE recognised bluetongue reference laboratories on spread of bluetongue virus type(s) circulating in areas considered to present a special risk to the susceptible livestock population in the European Union,
 - purchase of vaccines which provide protection against the virus type(s) causing the greatest threat to livestock kept in the Member States,
 - storage of vaccines in such a manner that they can be dispatched without delay to the area designated for vaccination.

Article 2

The maximum cost of the measures referred to in Article 1 shall be up to EUR 70 000.

Article 3

1. To meet the objectives of Articles 1 and 2 the Commission shall conclude contracts without delay.
2. The Director-General of the Directorate-General for Health and Consumer Protection shall be authorised to sign the contracts on behalf of the European Commission.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

COMMISSION DECISION

of 6 April 2000

on financial aid from the Community for the operation of certain Community reference laboratories in the field of animal health and live animals*(notified under document number C(2000) 937)***(Only the Spanish, Danish, German, English, French and Swedish texts are authentic)**

(2000/293/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EC ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

(1) Community financial aid should be granted to the Community reference laboratories designated by the Community to assist them in carrying out the functions and duties laid down in the following Directives and Decision:

- Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever ⁽³⁾, as last amended by Decision 93/384/EEC ⁽⁴⁾,
- Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,
- Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease ⁽⁶⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,
- Council Directive 92/119/EEC of 1 December 1992 introducing general Community measures for the control of certain animals diseases and specific measures relating to swine vesicular disease ⁽⁷⁾, as last amended by Decision 95/1/EC, Euratom, ECSC ⁽⁸⁾,
- Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽⁹⁾,
- Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for the

control of certain diseases affecting bivalve molluscs ⁽¹⁰⁾,

- Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness ⁽¹¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,
- Council Decision 96/463/EC of 23 July 1996 designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species ⁽¹²⁾.

(2) Community assistance must be conditional on the accomplishment of those functions and duties by the laboratory concerned.

(3) For budgetary reasons, Community assistance should be granted for a period of one year.

(4) For supervisory purposes, Articles 8 and 9 of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹³⁾ should apply.

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Community grants financial assistance to Germany for the functions and duties to be carried out by the Institut für Virologie der Tierärztlichen Hochschule, Hanover, Germany, for Classical Swine Fever referred to in Annex VI to Directive 80/217/EEC.

2. The Community's financial assistance shall amount to a maximum of EUR 185 000 for the period from 1 October 2000 to 30 September 2001.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 168, 2.7.1994, p. 31.

⁽³⁾ OJ L 47, 21.2.1980, p. 11.

⁽⁴⁾ OJ L 166, 8.7.1993, p. 34.

⁽⁵⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁶⁾ OJ L 260, 5.9.1992, p. 1.

⁽⁷⁾ OJ L 62, 15.3.1993, p. 69.

⁽⁸⁾ OJ L 1, 1.1.1995, p. 1.

⁽⁹⁾ OJ L 175, 19.7.1993, p. 23.

⁽¹⁰⁾ OJ L 332, 30.12.1995, p. 33.

⁽¹¹⁾ OJ L 157, 10.6.1992, p. 19.

⁽¹²⁾ OJ L 192, 2.8.1996, p. 19.

⁽¹³⁾ OJ L 160, 26.6.1999, p. 103.

Article 2

1. The Community grants financial assistance to the United Kingdom for the functions and duties to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom, for avian influenza referred to in Annex V to Directive 92/40/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 70 000 for the period from 1 January to 31 December 2000.

Article 3

1. The Community grants financial assistance to the United Kingdom for the functions and duties to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom for Newcastle disease referred to in Annex V to Directive 92/66/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 55 000 for the period from 1 January to 31 December 2000.

Article 4

1. The Community grants financial assistance to the United Kingdom for the functions and duties to be carried out by the Pirbright Laboratory, United Kingdom for swine vesicular disease referred to in Annex III to Directive 92/119/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 94 000 for the period from 1 January to 31 December 2000.

Article 5

1. The Community grants financial assistance to Denmark for the functions and duties to be carried out by the Statens Veterinære Serumlaboratorium, Århus, Denmark for fish diseases referred to in Annex C to Directive 93/53/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 120 000 for the period from 1 January to 31 December 2000.

Article 6

1. The Community grants financial assistance to France for the functions and duties to be carried out by the Ifremer, La Tremblade, France for diseases of bivalve molluscs referred to in Annex B to Directive 95/70/EC.
2. The Community's financial assistance shall amount to a maximum of EUR 90 000 for the period from 1 January to 31 December 2000.

Article 7

1. The Community grants financial assistance to Spain for the functions and duties to be carried out by the Laboratorio de sanidad y producción animal, Algete, Spain, for African horse sickness referred to in Annex I to Directive 92/35/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 40 000 for the period from 1 January to 31 December 2000.

Article 8

1. The Community grants financial assistance to Sweden for the functions and duties referred to in Annex II to Decision 96/463/EC to be carried out by the Interbull Centre, Uppsala, Sweden for the harmonisation of the various methods of testing and the assessment of the results of the methods of testing pure-bred breeding animals of the bovine species.
2. The Community's financial assistance shall amount to a maximum of EUR 50 000 for the period from 1 January to 31 December 2000.

Article 9

The Community's financial assistance shall be paid as follows:

- (a) 70 % by way of an advance at the request of the recipient Member State,
- (b) the balance following presentation of supporting documents and a technical report by the recipient Member State. Those documents must be presented at the latest six months after the end of the period for which financial assistance has been granted.

Article 10

Articles 8 and 9 of Regulation (EC) No 1258/1999 shall apply *mutatis mutandis*.

Article 11

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Kingdom of Spain, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 6 April 2000.

For the Commission

David BYRNE

Member of the Commission
