

Official Journal

of the European Communities

ISSN 0378-6978

L 96

Volume 43

18 April 2000

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 793/2000 of 14 February 2000 on administering the double-checking system without quantitative limit in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period between 1 January 2000 and 31 December 2001 (extension of the double-checking system) 1**
- Commission Regulation (EC) No 794/2000 of 17 April 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables 15
- Commission Regulation (EC) No 795/2000 of 17 April 2000 on the supply of split peas as food aid 17
- Commission Regulation (EC) No 796/2000 of 17 April 2000 on the supply of vegetable oil as food aid 20
- Commission Regulation (EC) No 797/2000 of 17 April 2000 on the supply of cereals as food aid 24
- Commission Regulation (EC) No 798/2000 of 17 April 2000 amending Regulation (EC) No 500/2000 and increasing to 293 000 tonnes the amount of barley held by the Spanish intervention agency for which a standing invitation to tender for resale on the internal market has been opened 29
- ★ **Commission Regulation (EC) No 799/2000 of 17 April 2000 terminating the investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EEC) No 2861/93 on imports of certain magnetic disks (3,5" microdisks) originating in Taiwan and the People's Republic of China by assembly operations in the Community, and discontinuing the registration of imports of microdisk parts introduced by Regulation (EC) No 1646/1999 30**
- ★ **Commission Regulation (EC) No 800/2000 of 17 April 2000 amending Council Regulation (EC) No 934/95 by deleting the tariff ceilings applicable for textile products originating in Malta 33**
- ★ **Commission Regulation (EC) No 801/2000 of 17 April 2000 fixing the maximum amount of compensatory aid resulting from the exchange rates for the Danish krone, the Swedish krona and the pound sterling applicable on 1 and 2 January 2000 34**

Price: EUR 19,50

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Regulation (EC) No 802/2000 of 17 April 2000 fixing the maximum amount of compensatory aid for the revaluation of the pound sterling in 1999	36
Commission Regulation (EC) No 803/2000 of 17 April 2000 laying down to what extent applications for issue of export licences submitted during April 2000 for beef products which may benefit from special import treatment in a third country may be accepted	37
Commission Regulation (EC) No 804/2000 of 17 April 2000 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip	38
Commission Regulation (EC) No 805/2000 of 17 April 2000 re-establishing the preferential customs duty on imports of multiflorous (spray) carnations originating in Israel	40
Commission Regulation (EC) No 806/2000 of 17 April 2000 amending representative prices and additional duties for the import of certain products in the sugar sector	42
II Acts whose publication is not obligatory	
Council	
2000/294/EC:	
★ Council Decision of 14 February 2000 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Russian Federation extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period from 1 January 2000 to 31 December 2001	44
Agreement in the form of an Exchange of Letters between the European Community and the Russian Federation extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period from 1 January 2000 to 31 December 2001	45
2000/295/EC:	
★ Council Decision of 3 November 1998 concerning the conclusion of a bilateral agreement between the Community and the Republic of Cyprus on the Republic of Cyprus' participation in a Community programme within the framework of Community audiovisual policy	61
Agreement between the European Community and the Republic of Cyprus establishing cooperation in the audiovisual field including participation in the MEDIA II programme	62
Information concerning the entry into force of the Agreement between the Community and the Republic of Cyprus on the Republic of Cyprus' participation in a Community programme within the framework of Community audiovisual policy, including participation in the MEDIA II programme, signed on 9 December 1998	66
Commission	
2000/296/EC:	
★ Commission Decision of 5 April 2000 under the provisions of Council Regulation (EC) No 3286/94 concerning the Chilean prohibition on unloading of swordfish catches in Chilean ports (notified under document number C(2000) 926)	67

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 793/2000
of 14 February 2000**

on administering the double-checking system without quantitative limit in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period between 1 January 2000 and 31 December 2001 (extension of the double-checking system)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part ⁽¹⁾, entered into force on 1 December 1997.
- (2) The Parties decided by an Exchange of Letters to extend the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period between 1 January 2000 and 31 December 2001.
- (3) It is consequently necessary to extend the Community implementing legislation introduced by Council Regulation (EC) No 2135/97 of 24 July 1997 on administering the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community ⁽²⁾,

Article 1

Regulation (EC) No 2135/97 shall continue to apply for the period between 1 January 2000 and 31 December 2001, in accordance with the provisions of Council Decision 2000/294/EC of 14 February 2000 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Russian Federation extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period from 1 January 2000 to 31 December 2001 ⁽³⁾.

Article 2

Regulation (EC) No 2135/97 shall, in consequence, be amended as follows:

1. In Article 1(1) and (2) the phrase 'to 31 December 1999' shall be replaced by 'to 31 December 2001'.
2. The Annex shall be replaced by the Annex attached hereto.

Article 3

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

This Regulation shall apply with effect from 1 January 2000.

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

Done at Brussels, 14 February 2000.

For the Council
The President
J. GAMA

⁽¹⁾ OJ L 327, 28.11.1997, p. 3.

⁽²⁾ OJ L 300, 4.11.1997, p. 1.

⁽³⁾ See page 44 of this Official Journal.

ANNEX

‘ANNEX

APPENDIX I

List of products subject to double-checking without quantitative limits

RUSSIAN FEDERATION

Cold-rolled narrow strip of a width not exceeding 500 mm

7211 23 99

7211 29 50

7211 29 90

7211 90 90

Grain non-oriented electrical sheet

7211 23 91

7225 19 10

7225 19 90

7226 19 10

7226 19 30

7226 19 90

Grain-oriented electrical sheet

7226 11 90

Holder's copy	1	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
	1		8. Last day of validity
9. Description of goods		10. CN code and category	
		11. Quantity in kilograms (net mass) or in additional units	
		12. Value in euro, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement Date: Signature: Stamp:			

15. ATTRIBUTIONS Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

Extension pages to be attached hereto.

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Proposed place and date of import	
		4. Authority responsible for issue (name, address and telephone No)	
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
		7. Country of consignment (and geonomenclature code)	
		8. Last day of validity	
2	9. Description of goods		10. CN code and category
			11. Quantity in kilograms (net mass) or in additional units
			12. Value in euro, cif at Community frontier
13. Additional remarks			
14. Competent authority's endorsement Date: Signature: Stamp:			

15. ATTRIBUTIONS Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

Extension pages to be attached hereto.

APPENDIX III

1. Exporter (name, full address, country)	ORIGINAL		2. No				
	3. Year		4. Product group				
	EXPORT DOCUMENT (ECSC and EC steel products)						
5. Consignee (name, full address, country)					6. Country of origin		7. Country of destination
8. Place and date of shipment — means of transport		9. Supplementary details					
10. Description of goods — manufacturer		11. CN code		12. Quantity ⁽¹⁾		13. FOB value ⁽²⁾	
14. CERTIFICATION BY THE COMPETENT AUTHORITY							
15. Competent authority (name, full address, country)		At on (Signature) (Stamp)					

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
⁽²⁾ In the currency of the sale contract.

(¹) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
(²) In the currency of the sale contract.

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
	EXPORT DOCUMENT (ECSC and EC steel products)			
6. Country of origin				
5. Consignee (name, full address, country)	9. Supplementary details			
8. Place and date of shipment — means of transport				
10. Description of goods — manufacturer	11. CN code	12. Quantity (¹)	13. FOB value (²)	
14. CERTIFICATION BY THE COMPETENT AUTHORITY				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

APÉNDICE IV — TILLÆG IV — ANLAGE IV — ΠΡΟΣΑΡΤΗΜΑ IV — APPENDIX IV — APPENDICE IV — APPENDICE
IV — AANHANGSEL IV — APÉNDICE IV — LISÄYS IV — TILLÄGG IV

**LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
LISTA ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER**

BELGIQUE/BELGIË

Ministère des affaires économiques
Administration des relations économiques
Service licences
Rue Général Leman, 60
B-1040 Bruxelles
Fax: (32-2) 230 83 22

Ministerie van Economische Zaken
Bestuur van de Economische Betrekkingen
Dienst Vergunningen
Generaal Lemanstraat 60
B-1040 Brussel
Fax: (32-2) 230 83 22

DANMARK

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
Fax: (45) 87 20 40 77

DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01
Postfach 5171
D-65762 Eschborn 1
Fax: (49-61) 96 40 42 12

ΕΛΛΑΣ

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Δ.Ο.Σ
Διεύθυνση Διαδικασιών Εξωτερικού Εμπορίου
Κορνάρου 1
GR-105 63 Αθήνα
Fax: (30-1) 328 60 29/328 60 59/328 60 39

ESPAÑA

Ministerio de Economía y Hacienda
Dirección General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid
Fax: (34) 915 63 18 23/913 49 38 31

FRANCE

Service des industries manufacturières
3-5, rue Barbet-de-Jouy
F-75357 Paris 07 SP
Fax: (33) 143 19 43 69

IRELAND

Licensing Unit
Department of Enterprise, Trade and Employment
Kildare Street
Dublin 2
Ireland
Fax: (353-1) 631 28 26

ITALIA

Ministero del Commercio con l'Estero
Direzione generale per la politica commerciale e per la gestione del
regime degli scambi
Viale America 341
I-00144 Roma
Fax: (39-6) 59 93 22 35/59 93 26 36

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
BP 113
L-2011 Luxembourg
Téléfax: (352) 46 61 38

NEDERLAND

Centrale Dienst voor In- en Uitvoer
Postbus 30003, Engelse Kamp 2
9700 RD Groningen
Nederland
Fax: (31-50) 526 06 98

ÖSTERREICH

Bundesministerium für wirtschaftliche Angelegenheiten
Außenwirtschaftsadministration
Landstrasser Hauptstraße 55-57
A-1030 Wien
Fax: (43-1) 715 83 47

PORTUGAL

Ministério da Economia
Direcção-Geral das Relações Económicas Internacionais
Avenida da República, 79
P-1000 Lisboa
Fax: (351-21) 793 22 10

SUOMI/FINLAND

Tullihallitus/Tullstyrelsen
PL/PB 512
FIN-00101 Helsinki/Helsingfors
Telekopio/Fax: (358-9) 614 28 52

SVERIGE

Kommerskollegium
Box 6803
S-11386 Stockholm
Fax: (46-8) 30 67 59

UNITED KINGDOM

Department of Trade and Industry
Import Licensing Branch
Queensway House — West Precinct
Billingham, Cleveland
United Kingdom TS23 2NF
Fax: (44) 1642 533 557'

COMMISSION REGULATION (EC) No 794/2000
of 17 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 18 April 2000.

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

Done at Brussels, 17 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 17 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	105,6
	204	102,6
	624	174,8
	999	127,7
0707 00 05	052	120,7
	068	141,0
	999	130,8
0709 90 70	052	79,9
	204	41,5
	999	60,7
0805 10 10, 0805 10 30, 0805 10 50	052	36,9
	204	34,8
	212	43,8
	220	33,8
	624	49,5
	999	39,8
0805 30 10	220	52,3
	600	79,3
	999	65,8
0808 10 20, 0808 10 50, 0808 10 90	388	93,3
	400	73,5
	404	91,1
	508	75,4
	512	90,0
	528	83,2
	720	76,9
	800	174,4
	804	94,8
	999	94,7
	388	78,5
0808 20 50	512	74,9
	528	85,8
	804	151,1
	999	97,6

⁽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 795/2000
of 17 April 2000
on the supply of split peas as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

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

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 98/99
2. **Beneficiary** ⁽²⁾: WFP, (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma tel. (39-6) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Somalia
5. **Product to be mobilised** ⁽⁷⁾: split peas
6. **Total quantity (tonnes net):** 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁸⁾: —
9. **Packaging** ⁽⁵⁾: see OJ C 267, 13.9.1996, p. 1 (2.1 A (1.a and 2.a) and B(4)) or (4.0 A (1.c and 2.c) and B(4))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IV.A(3))
 - language to be used for the markings: English
 - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The product must originate from the Community
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 22.5-11.6.2000
 - second deadline: 5-25.6.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 2.5.2000
 - second deadline: 16.5.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

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

(¹) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a fumigation certificate.

COMMISSION REGULATION (EC) No 796/2000
of 17 April 2000
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The supply shall cover the mobilisation of vegetable oil produced in the Community. For lots A, B and C mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

For lots A, B and C tenders shall cover either rape-seed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

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

Article 2

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

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A, B and C

1. **Action Nos:** 14/99 (A); 96/99 (B); 97/99 (C)
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma tel. (39-06) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A: Sudan; B: Uganda; C: Angola
5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 3 000
7. **Number of lots:** 3 (A: 1 000 tonnes; B: 1 000 tonnes; C: 1 000 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(1)(a) or (b))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C(2))
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(3))
 - language to be used for the markings: A + B: English; C: Portuguese
 - supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 29.5-18.6.2000
 - second deadline: 12.6-2.7.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 2.5.2000
 - second deadline: 16.5.2000
20. **Amount of tendering guarantee** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

LOT D

1. **Action Nos:** 93/99 (D1); 94/99 (D2); 95/99 (D3)
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma tel. (39-06) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Democratic Republic of Congo
5. **Product to be mobilised:** refined soya-bean oil
6. **Total quantity (tonnes net):** 1 300
7. **Number of lots:** 1 in 3 parts (D1: 400 tonnes; D2: 500 tonnes; D3: 400 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾: —
9. **Packaging** see OJ C 267, 13.9.1996, 1 (10.8, A, B and C(2))
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(3))
 - language to be used for the markings: French
 - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
 - b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 28.5-18.6.2000
 - second deadline: 12.6-2.7.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 2.5.2000
 - second deadline: 16.5.2000
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Westraat 200, B-1049 Bruxelles/Brussel; Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65), Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
- health certificate.
- (⁵) Notwithstanding OJ C 114 of 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.
- (⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.
- (⁷) Refined soya oil meeting the following requirements:
- appearance, at ambient temperature: clear and shining
 - water and volatile matter: maximum 0,2 % m/m
 - insoluble impurities: maximum 0,05 % m/m
 - free fatty acids: maximum 0,1 % expressed as oleic acid
 - colour, Lovibond 5 1/4" (red/yellow): maximum 1,5/15
 - soap: maximum 0,005 % m/m
 - no foreign odours or flavours
 - peroxide number: maximum 2 milliequivalents of active oxygen per kg of oil
 - specific weight at 20 °C: 0,919-0,925 g/cm³
 - refractive index at 40 °C: 1,466-1,470
 - iodine number (Wijs): 125-140 g/100 g.
-

COMMISSION REGULATION (EC) No 797/2000
of 17 April 2000
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 92/99
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma; tel. (39-6) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Tajikistan
5. **Product to be mobilised:** common wheat flour
6. **Total quantity (tonnes net):** 8 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(1)(a))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.1, A(1.d and 2.d) and B(1))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(3))
 - language to be used for the markings: English
 - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment — fob stowed
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 29.5-18.6.2000
 - second deadline: 12.6-2.7.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 2.5.2000
 - second deadline: 16.5.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussels; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 28.4.2000, fixed by Commission Regulation (EC) No 673/2000 (OJ L 81, 1.4.2000, p. 9)

LOT B

1. **Action No:** 91/99
2. **Beneficiary** ⁽²⁾: PAM, (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma; tel. (39 06) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** Common wheat
6. **Total quantity (tonnes net):** 11 100
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: See OJ C 114, 29.4.1991, p. 1 (II.A.(1)(a))
9. **Packaging:** See OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.2)
10. **Labelling or marking** ⁽⁶⁾: See OJ C 114, 29.4.1991, p. 1 (II.A.(3))
 - language to be used for the markings: English
 - supplementary markings: —
11. **Method of mobilisation of the product:** The Community market
12. **Specified delivery stage:** Free at port of shipment — fob stowed and trimmed ⁽⁸⁾
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
 - b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 15.5-4.5.2000
 - second deadline: 29.5-18.6.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 2.5.2000
 - second deadline: 16.5.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn M T. Vestergaard, bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: Refund applicable on 28.4.2000, fixed by Commission Regulation (EC) No 673/2000 (OJ L 81, 1.4.2000, p. 9)

LOT C

1. **Action No:** 277/98 (C1); 278/98 (C2); 292/98 (C3)
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland; tel. (31-70) 330 57 57; fax 364 17 01; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 19 954
7. **Number of lots** 1 in 3 parts (C1: 3 670 tonnes; C2: 12 526 tonnes; C3: 3 758 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(1)(a))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (1.0, A(1.c and 2.c) and B(2))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - language to be used for the markings: English
 - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment — fob stowed and trimmed ⁽⁸⁾ ⁽⁹⁾
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 22.5-11.6.2000
 - second deadline: 5-25.6.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 2.5.2000
 - second deadline: 16.5.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 28.4.2000, fixed by Commission Regulation (EC) No 673/2000 (OJ L 81, 1.4.2000, p. 9)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65), Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation.
- The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.
- (⁷) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) The quantity and quality control will be carried out for every 2 500 tonnes.
- (⁹) The vessel chartered by the recipient (self-trimming bulk carrier) is to be loaded by the supplier free of risk and expense to the vessel at the average rate of 3 500 tonnes per weather working day of 24 hours. Should this rate not be attained, demurrage shall be paid by the supplier to the Commission at the rate stipulated in the charter party. For working time saved, despatch money shall be paid by the Commission to the successful tenderer at the rate of 50 % of the rate of demurrage stipulated. Laytime to be non-reversible.
-

**COMMISSION REGULATION (EC) No 798/2000
of 17 April 2000**

amending Regulation (EC) No 500/2000 and increasing to 293 000 tonnes the amount of barley held by the Spanish intervention agency for which a standing invitation to tender for resale on the internal market has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 39/1999 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 500/2000 ⁽⁵⁾, as amended by Regulation (EC) No 712/2000 ⁽⁶⁾, opened a standing invitation to tender for the resale on the internal market of 200 000 tonnes of barley held by the Spanish intervention agency.

(3) In the present situation on the market the quantities of barley held by the Spanish intervention agency put up for sale on the internal market of the Community should be increased to 293 000 tonnes.

(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

In Article 1 of Regulation (EC) No 500/2000, '200 000 tonnes' is replaced by '293 000 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 Brussels, 17 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 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 61, 8.3.2000, p. 3.

⁽⁶⁾ OJ L 84, 5.4.2000, p. 12.

**COMMISSION REGULATION (EC) No 799/2000
of 17 April 2000**

terminating the investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EEC) No 2861/93 on imports of certain magnetic disks (3,5" microdisks) originating in Taiwan and the People's Republic of China by assembly operations in the Community, and discontinuing the registration of imports of microdisk parts introduced by Regulation (EC) No 1646/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 905/98 ⁽²⁾, and in particular Articles 9, 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 29 July 1999, by Regulation (EC) No 1646/1999 ⁽³⁾, the Commission initiated an investigation pursuant to Article 13 of Regulation (EC) No 384/96 (hereinafter referred to as 'the basic Regulation') to investigate the alleged circumvention of the anti-dumping duties imposed by Council Regulation (EEC) No 2861/93 ⁽⁴⁾, as amended by Regulation (EC) No 2537/1999 ⁽⁵⁾, on imports of certain magnetic disks (3,5" microdisks) originating in Taiwan and the People's Republic of China by assembly operations in the Community, and instructed customs authorities, pursuant to Article 14(5) of the basic Regulation, to register the imports of the main microdisk parts covered by this investigation.
- (2) The investigation was initiated following a request lodged on 14 June 1999 by the Committee of European Diskette Manufacturers (Diskma). The request contained sufficient prima facie evidence, in accordance with Article 13(3) of the basic Regulation, that anti-dumping duties on imports of 3,5" microdisks originating in Taiwan and the People's Republic of China were being circumvented by imports of microdisk parts from these countries used in assembly operations in the Community. This evidence was considered sufficient to justify the initiation of an investigation.
- (3) The Commission officially advised the authorities of Taiwan and the People's Republic of China of the initiation of the investigation and sent questionnaires to the microdisk assembler named in the request and to its related exporter in Taiwan. Questionnaires were also sent to exporting producers in the People's Republic of China and Taiwan which cooperated in the original

investigation. The companies concerned made their views known in writing.

- (4) The investigation covered the period from 1 July 1998 to 30 June 1999 (hereinafter referred to as the 'IP').
- (5) The Commission received complete replies from the following companies:
 - (i) Exporters of microdisk parts:
 - CMC Magnetics Corporation, Taipei, Taiwan ('CMC')*,
 - Vigobyte International Corporation, California, United States of America,
 - (ii) Assembler in the Community:
 - Europa Magnetics Corporation, Cramlington, United Kingdom ('EMC')*.

- (6) The Commission verified all the information it deemed necessary and carried out verification visits at the premises of the companies indicated above by an asterisk.

B. SCOPE OF THE INVESTIGATION

- (7) Articles 13(1) and (2) of the basic Regulation provide for anti-dumping measures in force to be extended to imports of parts from the country subject to the measures when circumvention of the measures is taking place. The present investigation focussed on whether the criteria set out in Article 13(2) of the basic Regulation were met.

C. FINDINGS

1. Condition of Article 13(2)(a): Start or substantial increase of operations

- (8) EMC started operations in 1993 and its activities increased constantly and substantially over the following years. Sales of microdisks assembled at EMC started immediately after the imposition of anti-dumping measures on Japan, the Republic of China and Taiwan in October 1993. These sales increased by around 270 % between 1994 and the IP. During the same period, EMC's share of the Community market increased by around 420 %. This substantial increase in sales was matched by a similar increase in assembly capacity. EMC's present capacity is estimated at a substantial proportion of total Community demand, although

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ L 195, 28.7.1999, p. 9.

⁽⁴⁾ OJ L 262, 21.10.1993, p. 4.

⁽⁵⁾ OJ L 307, 2.12.1999, p. 1.

capacity utilisation has declined over the last few years in line with the relative decline in Community consumption. It was therefore concluded that the condition set out in Article 13(2)(a) of the basic Regulation was met.

2. Conditions of Article 13(2)(b): criteria of 60 % and 25 %

(9) In accordance with Article 13(2)(b) of the basic Regulation, in order to establish circumvention, the Commission had to verify that the parts from the countries subject to the measures constituted 60 % or more of the total value of the parts of the assembled product and that the value added to the parts brought in was no more than 25 % of the manufacturing cost.

(10) The investigation established that EMC did not buy any microdisk parts shipped from the People's Republic of China. Most of the microdisk parts used by EMC in the assembly operations were supplied by the assembler's parent company in Taiwan (CMC). Large quantities of an important component were supplied by a company indirectly related to EMC, which was neither located in the Community nor in the People's Republic of China or Taiwan. The remaining parts were sourced from within the Community.

i) *First criterion: 60 % of the total value of the parts constituting the assembled product*

(11) For carrying out the 60 % test, all parts under investigation were considered. Packing materials were excluded from the calculations since in themselves they cannot be considered one of the technical and physical characteristics which define the product, and are added at a later stage of the production process, when all assembly activities have been concluded. The value of the components was established on the basis of the purchase prices of the goods when delivered to the assembler's premises (i. e. including transport costs, and, where applicable, import duties). Prices which had not been considered as being arms', length prices, and had therefore been constructed, were also considered at the level 'delivered to the assembler's premises'.

(12) The value of the Taiwanese parts was then compared to the total value of the parts of the assembled product. It was found that the percentage of Taiwanese parts accounted for well over 60 % of the total value of the parts. It was therefore concluded that the first criterion set out in Article 13(2)(b) of the basic Regulation was met.

ii) *Second criterion: 25 % of the value added to the parts brought in*

(13) For carrying out the 25 % test, the value added to the parts brought in was generally determined to be the sum of labour and depreciation costs and other manufacturing overheads incurred by the assembler in respect of those parts. Selling, general and administrative expenses

were not considered for the purpose of this calculation. Labour costs and factory overheads relating to packing were also excluded, for the reasons mentioned above (see recital 11). The value added thus established was then expressed as a percentage of the manufacturing cost which consists of the value of all parts, based on the factory-delivered, arm's length purchase prices of these parts plus the value added to the parts during the assembly or completion operation.

The value added was reduced by those amounts of State grants which related to the manufacturing costs of the assembled product.

(14) The average value added thus established during the investigation period was found to be above the 25 % threshold set by Article 13(2)(b) of the basic Regulation. Consequently, the second criterion mentioned in that Article is not met and the assembly operation cannot be considered as circumvention within the meaning of Article 13(2) of the basic Regulation.

3. Conditions of Article 13(2)(c): undermining of the remedial effects of the duty and evidence of dumping

(15) As the investigation showed that the 25 % criterion was not met, and that the proceeding should consequently be terminated, it was not considered necessary to examine these aspects.

D. TERMINATION OF THE INVESTIGATION

(16) In the light of the above findings and considerations, the present circumvention investigation should be terminated without extension of the anti-dumping duties imposed. The registration of microdisk parts introduced by Regulation (EC) No 1646/1999 should therefore be discontinued and that Regulation be repealed.

(17) The Advisory Committee was consulted and raised no objections to termination.

(18) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the investigation and were given the opportunity to comment. The only substantive comment was received from EMC, which considered the exclusion of packing costs to be incorrect, but agreed with the conclusions reached by the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

The investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EEC) No 2861/93 on imports of certain magnetic disks (3,5" microdisks) originating in Taiwan and the People's Republic of China by assembly operations in the Community initiated by Regulation (EC) No 1646/1999 is hereby terminated.

Article 2

Regulation (EC) No 1646/1999 is hereby repealed.

Article 3

This Regulation shall enter into force on the 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, 17 April 2000.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION REGULATION (EC) No 800/2000**of 17 April 2000****amending Council Regulation (EC) No 934/95 by deleting the tariff ceilings applicable for textile products originating in Malta**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 934/95 of 10 April 1995 establishing tariff ceilings and a Community statistical surveillance in the framework of reference quantities for a certain number of products originating in Cyprus, Egypt, Jordan, Israel, Tunisia, Syria, Malta, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Commission Regulation (EC) No 563/2000 ⁽²⁾, and in particular Articles 3 and 4 thereof,

Whereas:

- (1) The Agreement establishing an association between the Economic European Community and Malta ⁽³⁾ was modified by Council Decision No 2000/184/EC of 14 February 2000 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Malta ⁽⁴⁾.
- (2) This Agreement in the form of an Exchange of Letters abolishes the tariff ceilings applicable to imports into the Community of textile products originating in Malta.
- (3) With a view to implementing the abovementioned Agreement, Council Regulation (EC) No 934/95 should be amended accordingly.
- (4) Council Regulation (EC) No 934/95 contained tariff ceilings only for textile products originating in Malta. All references in this Regulation to tariff ceilings should therefore be deleted.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 934/95 is amended as follows:

1. The title is replaced by the following:
'Council Regulation (EC) No 934/95 of 10 April 1995 establishing a Community statistical surveillance in the framework of reference quantities for a certain number of products originating in Cyprus, Egypt, Israel, Jordan, Malta, Morocco, Syria, Tunisia and the West Bank and the Gaza Strip';
2. Title I with Article 1 is repealed.
3. in Article 2(1) the words 'Annex II' are replaced by the 'Annex to this Regulation'.
4. in Article 3:
 - (1)(c), the words 'tariff ceilings or' are deleted,
 - third indent, the words 'ceiling or' are deleted twice;
5. In Article 5(2), the words 'ceilings and' are deleted twice and the words 'Annexes I and II' are replaced by the 'Annex'.
6. Annex I is deleted.
7. Annex II is entitled 'Annex'.

Article 2

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

It shall apply with effect from 23 February 2000.

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

Done at Brussels, 17 April 2000.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 96, 28.4.1995, p. 6.

⁽²⁾ OJ L 68, 16.3.2000, p. 46.

⁽³⁾ OJ L 61, 14.3.1971, p. 2.

⁽⁴⁾ OJ L 59, 4.3.2000, p. 7.

COMMISSION REGULATION (EC) No 801/2000**of 17 April 2000****fixing the maximum amount of compensatory aid resulting from the exchange rates for the Danish krone, the Swedish krona and the pound sterling applicable on 1 and 2 January 2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 5(1) of Regulation (EC) No 2799/98 states that compensatory payments may be made in cases where the exchange rate applicable on the date of the operative event is below that previously applicable. However, that provision is not applicable to amounts to which a rate lower than the new rate was applicable during the 24 months immediately before the new rate took effect.
- (2) The exchange rates for the Danish krone, the Swedish krona and the pound sterling applicable on the operative event dates of 1 and 2 January 2000 were lower than those previously applicable.
- (3) The compensatory aid is to be paid under the conditions laid down in Regulation (EC) No 2799/98 and in Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in

agriculture ⁽²⁾, as last amended by Regulation (EC) No 1410/1999 ⁽³⁾.

- (4) The amounts of the compensatory aid are established in accordance with Articles 5 and 9 of Regulation (EC) No 2799/98 and with Article 10 of Regulation (EC) No 2808/98.
- (5) The measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum amounts of the first tranche of compensatory aid which may be paid as a result of the reduction recorded on the operative event dates of 1 and 2 January 2000 in the exchange rates for the Danish krone, the Swedish krona and the pound sterling compared to the exchange rates previously applicable are listed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 36.

⁽³⁾ OJ L 164, 30.6.1999, p. 53.

ANNEX

MAXIMUM AMOUNTS OF THE FIRST TRANCHE OF COMPENSATORY AID EXPRESSED IN MILLION EURO

Measures		Denmark	Sweden	United Kingdom
Type	Regulation			
Suckler cow premium	Article 6(1), (EC) No 1254/1999	0,021546	1,687232	30,756576
Additional suckler cow premium	Article 6(5), (EC) No 1254/1999	0,000000	0,000000	1,158592
Male bovine premiums	Article 4, (EC) No 1254/1999	0,025935	2,788084	32,507936
Deseasonalisation premium	Article 5, (EC) No 1254/1999	0,000000	0,041152	0,538880
Extensification premium	Article 13, (EC) No 1254/1999	0,003724	1,707808	21,730336
Young farmers ... + less-favoured areas	Article 8 and 13, (EC) No 1257/1999	0,000000	1,878667	3,288000
Early retirement	Article 10, (EC) No 1257/1999	0,002138	0,000000	0,000000
Agri-environment	Article 22, (EC) No 1257/1999	0,015162	13,158352	9,012768
Forestry	Article 29, (EC) No 1257/1999	0,004655	0,000000	3,354528
Ewe and she-goat premium	(EEC) No 872/84	0,002358	0,401154	61,760205
Lump-sum ewe premium	(EEC) No 1323/90	0,000000	0,072002	11,856660

COMMISSION REGULATION (EC) No 802/2000**of 17 April 2000****fixing the maximum amount of compensatory aid for the revaluation of the pound sterling in 1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) An appreciable revaluation, as defined in Article 1(f) of Regulation (EC) No 2799/98, occurred in 1999 for the pound sterling.
- (2) Regulation (EC) No 2799/98 lays down that Member States may grant compensatory aid to farmers in cases of appreciable revaluation. Such aid must be granted under the conditions laid down in that Regulation and in Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽²⁾, as last amended by Regulation (EC) No 1410/1999 ⁽³⁾.
- (3) The maximum amount of the first tranche of compensatory aid is established in accordance with Article 4 of Regulation (EC) No 2799/98.
- (4) Under Article 4(3) and (6)(a) of that Regulation, the amount concerned must be reduced or cancelled for a sector where the market price for the Member State concerned was on average equal to or higher than the average market prices in the Member States whose currencies were not appreciably revalued during the same period. Those conditions are fulfilled for the beef

and veal and the sugar sectors, for which no compensation may be paid.

- (5) The period referred to in the first subparagraph of Article 8(1) of Regulation (EC) No 2808/98, which must be a stipulated period prior to the granting of compensatory payments, must also be laid down.
- (6) The measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

For the United Kingdom, the maximum amount of the first tranche of the compensatory aid referred to in Article 4(2) of Regulation (EC) No 2799/98, shall be EUR 55,21 million in the case of the appreciable revaluation that occurred in 1999.

Article 2

The period referred to in the first subparagraph of Article 8(1) of Regulation (EC) No 2808/98 shall end on 31 December 1999 at the latest.

Article 3

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

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 36.

⁽³⁾ OJ L 164, 30.6.1999, p. 53.

COMMISSION REGULATION (EC) No 803/2000**of 17 April 2000****laying down to what extent applications for issue of export licences submitted during April 2000 for beef products which may benefit from special import treatment in a third country may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef sector and repealing Regulation (EEC) No 2377/80 ⁽¹⁾, as last amended by Regulation (EC) No 2648/98 ⁽²⁾, and in particular Article 12(8) thereof,

No applications for export licences were lodged for the beef referred to in Regulation (EEC) No 2973/79 for the second quarter of 2000.

Whereas:

Article 2(1) Regulation (EC) No 1445/95 lays down, in Article 12, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EEC) No 2973/79 ⁽³⁾, as last amended by Regulation (EEC) No 3434/87 ⁽⁴⁾;

Applications for licences in respect of the meat referred to in Article 1 may be lodged in accordance with Article 12 of Regulation (EC) No 1445/95 during the first 10 days of the third quarter of 2000 the total quantity available being 3 750 t.

(2) Regulation (EEC) No 2973/79 fixed the quantities of meat which might be exported on special terms for the second quarter of 2000; whereas no applications were submitted for export licences for beef,

Article 3

This Regulation shall enter into force on 18 April 2000.

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 143, 27.6.1995, p. 35.⁽²⁾ OJ L 335, 10.12.1998, p. 39.⁽³⁾ OJ L 336, 29.12.1979, p. 44.⁽⁴⁾ OJ L 327, 18.11.1987, p. 7.

COMMISSION REGULATION (EC) No 804/2000**of 17 April 2000****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas:

Pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. Whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 18 April 2000.

It shall apply from 19 April to 2 May 2000.

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

(EUR/100 pieces)

Period: from 19 April to 2 May 2000

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	11,64	10,40	22,81	13,56
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	9,64	9,59	10,82	11,39
Morocco	13,26	15,90	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 805/2000**of 17 April 2000****re-establishing the preferential customs duty on imports of multiflorous (spray) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

- (4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, laid down detailed rules for the application of these arrangements.

Having regard to the Treaty establishing the European Community,

- (5) The preferential customs duty fixed for multiflorous (spray) carnations originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 498/2000 ⁽⁸⁾.

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (b) thereof,

- (6) On the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2 (4) of Regulation (EEC) No 4088/87 is met for multiflorous (spray) carnations originating in Israel. The preferential customs duty should be reintroduced.

Whereas:

- (7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

- (1) Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community.

HAS ADOPTED THIS REGULATION:

Article 1

- (2) Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 563/2000 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas.

1. For imports of multiflorous (spray) carnations (CN code ex 0603 10 20) originating in Israel the preferential customs duty set by Regulation (EC) No 1981/94 is reintroduced.

2. Regulation (EC) No 498/2000 is hereby repealed.

Article 2

- (3) Commission Regulation (EC) No 804/2000 ⁽⁵⁾ fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question.

This Regulation shall enter into force on 19 April 2000.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 199, 2.8.1994, p. 1.

⁽⁴⁾ OJ L 68, 16.3.2000, p. 46.

⁽⁵⁾ See page 38 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

⁽⁸⁾ OJ L 60, 7.3.2000, p. 20.

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 806/2000
of 17 April 2000
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

(EC) No 1441/1999 ⁽⁴⁾, as last amended by Regulation (EC) No 703/2000 ⁽⁵⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 April 2000.

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

Done at Brussels, 17 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 16.

⁽³⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁴⁾ OJ L 166, 1.7.1999, p. 77.

⁽⁵⁾ OJ L 83, 4.4.2000, p. 10.

ANNEX

to the Commission Regulation of 17 April 2000 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	16,46	8,12
1701 11 90 ⁽¹⁾	16,46	14,42
1701 12 10 ⁽¹⁾	16,46	7,89
1701 12 90 ⁽¹⁾	16,46	13,91
1701 91 00 ⁽²⁾	18,87	17,20
1701 99 10 ⁽²⁾	18,87	11,75
1701 99 90 ⁽²⁾	18,87	11,75
1702 90 99 ⁽³⁾	0,19	0,45

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

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

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 February 2000

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Russian Federation extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period from 1 January 2000 to 31 December 2001

(2000/294/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part ⁽¹⁾, entered into force on 1 December 1997.
- (2) Commission Decision 97/742/ECSC ⁽²⁾ concluded an Agreement between the the European Coal and Steel Community, of the one part, and the Russian Federation, of the other part, concerning certain steel products which entered into force on 5 November 1997.
- (3) The Commission has finalised negotiations for an Agreement in the form of an Exchange of Letters between the European Community and the Russian Federation extending a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community.
- (4) The Agreement in the form of an Exchange of Letters should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Russian Federation extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period from 1 January 2000 to 31 December 2001 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 14 February 2000.

For the Council

The President

J. GAMA

⁽¹⁾ OJ L 327, 28.11.1997, p. 3.

⁽²⁾ OJ L 300, 4.11.1997, p. 51.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Russian Federation extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community for the period from 1 January 2000 to 31 December 2001

A. Letter from the Community

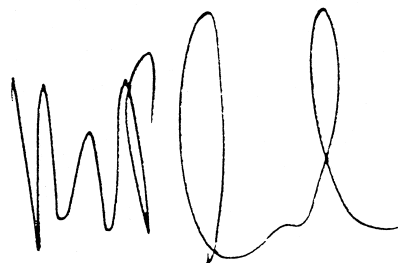
Brussels, 10 avril 2000.

Sir,

1. I have the honour to refer to the Agreement in the form of an Exchange of Letters between the European Community and the Russian Federation of 13 October 1997 establishing a double-checking system, without quantitative limits, in respect of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community. The system entered into force on 5 November 1997 for the period between that date and 31 December 1999.
2. Following a meeting of the ECSC Contact Group on 30 September 1999 the Parties hereby agree to extend the double-checking system, without quantitative limits, in respect of certain steel products for the period between 1 January 2000 and 31 December 2001 in order to improve transparency and to avoid possible diversions of trade. The details of the double-checking system are annexed to this letter.
3. The present Exchange of Letters is without prejudice to the application of the relevant provisions of the bilateral agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.
4. Either Party may at any time propose modifications to the Annex or its appendices which shall require the mutual consent of the Parties and shall take effect as agreed by them. In the event that anti-dumping or safeguard investigations are initiated or measures introduced in the European Community concerning a product under the double-checking system, the Russian Federation will decide whether to exclude the product in question from the double-checking system. Such a decision shall not affect the entry into free circulation of the product in question into the Community.
5. In conclusion, I have the honour to propose that if this letter, its annex and appendices are acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Community and the Russian Federation, which shall enter into force on the date of your reply.

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

On behalf of the Council of the European Union



ANNEX

- 1.1. For the period running from 1 January 2000 to 31 December 2001, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I originating in the Russian Federation shall be subject to the presentation of a surveillance document conforming to the model shown at Appendix II issued by the authorities in the Community.
 - 1.2. For the period running from 1 January 2000 to 31 December 2001, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I and which originate in the Russian Federation shall, in addition, be subject to the issue of an export document by the competent Russian authorities. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped.
 - 1.3. Shipment is considered to have taken place on the date of loading into the exporting means of transport.
 - 1.4. The export document shall conform to the model shown in Appendix III. It shall be valid for exports throughout the customs territory of the Community.
 - 1.5. The Russian Federation shall notify the Commission of the European Communities of the names and addresses of the appropriate Russian governmental authorities which are authorised to issue and to verify export documents together with specimens of the stamps and signatures they use. The Russian Federation shall also notify the Commission of any change in these particulars.
 - 1.6. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'Combined Nomenclature', or in abbreviated form 'CN'). The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community.
 - 1.7. The competent authorities of the Community undertake to inform the Russian Federation of any changes in the Combined Nomenclature (CN) in respect of products covered by this Agreement before their date of entry into force in the Community.
 - 1.8. Certain technical provisions on the implementation of the double-checking system are set out in Appendix IV.
 - 2.1. The Russian Federation undertakes to supply the Community with precise statistical information on the export documents issued by the Russian authorities pursuant to paragraph 1.2. Such information shall be transmitted to the Community by the end of the month following the month to which the statistics relate.
 - 2.2. The Community undertakes to supply the Russian authorities with precise statistical information on surveillance documents issued by Member States in respect of the export documents issued by the Russian authorities pursuant to paragraph 1.1. Such information shall be transmitted to the Russian authorities by the end of the month following the month to which the statistics relate.
 3. If necessary, at the request of either of the Parties, consultations shall be held on any problems arising from the operation of the Agreement in the form of an Exchange of Letters. Such consultations shall be held promptly. Any consultations held under this Article shall be approached by both Parties in a spirit of cooperation and with a desire to reconcile the difference between them.
 4. Any notices to be given hereunder shall be given:
 - in respect of the Community, to the Commission of the European Communities (DG TRADE D.2 and DG ENTRE E.2),
 - in respect of the Russian Federation, to the Ministry of Trade, Department for Regulation of External Economic Activities.
-

APPENDIX I

List of products subject to double-checking without quantitative limits

RUSSIAN FEDERATION

Cold-rolled narrow strip of a width not exceeding 500 mm

7211 23 99

7211 29 50

7211 29 90

7211 90 90

Grain non-oriented electrical sheet

7211 23 91

7225 19 10

7225 19 90

7226 19 10

7226 19 30

7226 19 90

Grain-oriented electrical sheet

7226 11 90

2. Issue number

3. Proposed place and date of import

4. **Authority responsible for issue**
(name, address and telephone No)

5. **Declarant/representative as applicable**
(name and full address)

6. Country of origin
(and geonomenclature code)

7. Country of consignment
(and geonomenclature code)

8. Last day of validity

Holder's copy

1

9. Description of goods

10. CN code and category

11. Quantity in kilograms (net mass) or in additional units

12. Value in euro, cif at Community frontier

13. Additional remarks

14. Competent authority's endorsement

Date:

Signature: Stamp:

15. ATTRIBUTIONS Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

Extension pages to be attached hereto.

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Proposed place and date of import	
		4. Authority responsible for issue (name, address and telephone No)	
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
		7. Country of consignment (and geonomenclature code)	
		8. Last day of validity	
2	9. Description of goods	10. CN code and category	
		11. Quantity in kilograms (net mass) or in additional units	
		12. Value in euro, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement Date: Signature: Stamp:			

15. ATTRIBUTIONS Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

Extension pages to be attached hereto.

APPENDIX III

1. Exporter (name, full address, country)	ORIGINAL		2. No				
	3. Year		4. Product group				
	EXPORT DOCUMENT (ECSC and EC steel products)						
5. Consignee (name, full address, country)					6. Country of origin		7. Country of destination
8. Place and date of shipment — means of transport		9. Supplementary details					
10. Description of goods — manufacturer		11. CN code		12. Quantity ⁽¹⁾		13. FOB value ⁽²⁾	
14. CERTIFICATION BY THE COMPETENT AUTHORITY							
15. Competent authority (name, full address, country)		At on (Signature) (Stamp)					

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
⁽²⁾ In the currency of the sale contract.

(¹) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
(²) In the currency of the sale contract.

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
	EXPORT DOCUMENT (ECSC and EC steel products)			
6. Country of origin				
5. Consignee (name, full address, country)	9. Supplementary details			
8. Place and date of shipment — means of transport				
10. Description of goods — manufacturer	11. CN code	12. Quantity (¹)	13. FOB value (²)	
14. CERTIFICATION BY THE COMPETENT AUTHORITY				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

APPENDIX IV

RUSSIAN FEDERATION

Technical annex on the double-checking system

1. The export documents shall measure 210×297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighting not less than 25 g/m^2 . They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script. These documents may comprise additional copies duly indicated as such. If the documents have several copies only the top copy is the original. This copy shall be clearly marked as 'original' and other copies as 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the control of export to the Community in accordance with the provisions of the double-checking system.
 2. Each document shall bear a standardised serial number, whether or not printed, by which it can be identified. This number shall be composed of the following elements:
 - two letters identifying the exporting country as follows: RU,
 - two letters identifying the intended Member State of customs clearance as follows:
 - BE = Belgium
 - DK = Denmark
 - DE = Germany
 - EL = Greece
 - ES = Spain
 - FR = France
 - IE = Ireland
 - IT = Italy
 - LU = Luxembourg
 - NL = Netherlands
 - AT = Austria
 - PT = Portugal
 - FI = Finland
 - SE = Sweden
 - GB = United Kingdom
 - a one-digit number identifying the year, corresponding to the last figure in the respective year, e.g. 0 for 2000,
 - a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
 - a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.
 3. The export documents shall be valid for the calendar year during which they are issued, as shown in Box No 3 of the export document.
 4. Since the importer needs to present the original export document when requesting an import document, export documents should, as far as possible, be issued in respect of individual commercial transactions, not global contracts.
 5. The Russian Federation need not show price information on the export document, but that information is available to the competent Commission authorities on request.
 6. Export documents may be issued after the shipment of the products to which they relate. In such cases they must bear the endorsement 'issued retrospectively'.
 7. In the event of a theft, loss or destruction of an export document, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such document so issued shall bear the endorsement 'duplicate'. The duplicate shall bear the date of the original export document.
 8. The competent authorities of the Community shall be informed immediately of the withdrawal or modification of any export documents already issued and, where relevant, of the basis for such action.
-

B. Letter from the Government of the Russian Federation

Luxembourg, 10 avril 2000.

Sir,

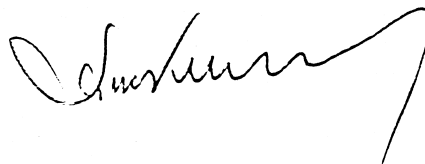
I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

- '1. I have the honour to refer to the Agreement in the form of an Exchange of Letters between the European Community and the Russian Federation of 13 October 1997 establishing a double-checking system, without quantitative limits, in respect of certain steel products covered by the EC and ECSC Treaties from the Russian Federation to the European Community. The system entered into force on 5 November 1997 for the period between that date and 31 December 1999.
2. Following a meeting of the ECSC Contact Group on 30 September 1999 the Parties hereby agree to extend the double-checking system, without quantitative limits, in respect of certain steel products for the period between 1 January 2000 and 31 December 2001 in order to improve transparency and to avoid possible diversions of trade. The details of the double-checking system are annexed to this letter.
3. The present Exchange of Letters is without prejudice to the application of the relevant provisions of the bilateral agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.
4. Either Party may at any time propose modifications to the Annex or its appendices which shall require the mutual consent of the Parties and shall take effect as agreed by them. In the event that anti-dumping or safeguard investigations are initiated or measures introduced in the European Community concerning a product under the double-checking system, the Russian Federation will decide whether to exclude the product in question from the double-checking system. Such a decision shall not affect the entry into free circulation of the product in question into the Community.
5. In conclusion, I have the honour to propose that if this letter, its annex and appendices are acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Community and the Russian Federation, which shall enter into force on the date of your reply.'

I have the honour to confirm that the above is acceptable to my Government and that your letter, the attached annex and appendices and this reply together constitute an agreement, in accordance with your proposal.

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

For the Government of the Russian Federation



COUNCIL DECISION

of 3 November 1998

concerning the conclusion of a bilateral agreement between the Community and the Republic of Cyprus on the Republic of Cyprus' participation in a Community programme within the framework of Community audiovisual policy

(2000/295/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 127(4) and Article 130(3), in conjunction with Article 228(3) first subparagraph, thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The Resolution of the EU-Cyprus Association Council of 12 June 1995 established certain elements of a pre-accession strategy which include the participation of the Republic of Cyprus in Community programmes.
- (2) Pursuant to Decision 95/563/EC ⁽³⁾ and Decision 95/564/EC ⁽⁴⁾, the Community established a programme encouraging the development and distribution of European audiovisual works and a training programme for professionals in the European audiovisual programme industry (hereinafter together called MEDIA II programme).
- (3) The abovementioned Decisions provide in Articles 6 and 5 respectively that the MEDIA II programme shall be open to the participation of the Republic of Cyprus.
- (4) Successful cooperation in this field implies a general commitment by the Contracting Parties to make complementary efforts to stimulate the European dimension in the audiovisual sector.
- (5) The Republic of Cyprus has ratified the Council of Europe Convention on Transfrontier Television, which constitutes an important step in the process of legislative alignment.
- (6) The Commission has negotiated, on behalf of the Community, the Agreement between the European Community and the Republic of Cyprus establishing

cooperation in the audiovisual field including participation in the Media II programme to enable the Republic of Cyprus to participate in the Media II programme.

- (7) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Cyprus establishing cooperation in the audiovisual field including participation in the Media II programme is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The Commission shall represent the Community in the Joint Committee provided for in Article 6 of the Agreement.

Article 3

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 14 of the Agreement.

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 3 November 1998.

For the Council

The President

B. PRAMMER

⁽¹⁾ OJ C 162, 28.5.1998, p. 5.

⁽²⁾ OJ C 313, 12.10.1998, p. 28.

⁽³⁾ OJ L 321, 30.12.1995, p. 25.

⁽⁴⁾ OJ L 321, 30.12.1995, p. 33.

AGREEMENT**between the European Community and the Republic of Cyprus establishing cooperation in the audiovisual field including participation in the MEDIA II programme**

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF CYPRUS,

of the other part,

WHEREAS pursuant to Council Decisions 95/563/EC of 10 July 1995 and 95/564/EC of 22 December 1995, a programme for the development and distribution of European audiovisual works and a training programme for professionals in the European audiovisual programme industry (hereinafter together called MEDIA II programme), were established;

WHEREAS the abovementioned Decisions provide in Articles 6 and 5 respectively that this programme shall be open to the participation of the Republic of Cyprus;

WHEREAS the participation of the Republic of Cyprus in the MEDIA II programme constitutes a significant step in the pre-accession strategy of the Republic of Cyprus;

WHEREAS, in particular, cooperation between the Community and the Republic of Cyprus, with a view to pursuing the objectives fixed for the MEDIA II programme, within the context of transnational cooperation activities involving the Community and the Republic of Cyprus, by its nature enriches the impact of the different actions undertaken pursuant to that programme and strengthens the skill levels of human resources in the Community and the Republic of Cyprus;

WHEREAS the Contracting Parties have a common interest in the development of the European audiovisual programme industry as part of wider cooperation between the Community and the Republic of Cyprus;

WHEREAS the Contracting Parties consequently expect to obtain mutual benefits from the participation of the Republic of Cyprus in the MEDIA II programme;

WHEREAS successful cooperation in the audiovisual field implies a general commitment by the Contracting Parties to take complementary efforts to stimulate the European dimension in this field,

HAVE AGREED AS FOLLOWS:

*Article 1***Fields of cooperation**

Cooperation between the Community and the Republic of Cyprus shall be established in all areas of actions of the MEDIA II programme in conformity, unless otherwise provided in this Agreement, with the objectives, criteria, procedures and deadlines as defined in Council Decision 95/563/EC of 10 July 1995 on the implementation of a programme encouraging the development and distribution of European audiovisual works (MEDIA II — Development and distribution) (1996 to 2000) and Council Decision 95/564/EC of 22 December 1995 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA II — Training).

Unless otherwise provided in this Agreement, conditions for the participation of organisations or individuals from the Republic of Cyprus in each of the actions shall be the same as those applicable to organisations or individuals from the Member States of the Community.

*Article 2***Eligible institutions, organisations and individuals**

The eligibility of institutions, organisations and individuals of the Republic of Cyprus shall be subject to the rules set out in Decisions 95/563/EC and 95/564/EC.

*Article 3***Procedures**

Eligible institutions, organisations and individuals of the Republic of Cyprus shall take part in the MEDIA II programme according to the conditions and rules set out in Decisions 95/563/EC and 95/564/EC. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of the Republic of Cyprus shall be the same as those applicable to eligible institutions, organisations and individuals of the Community.

*Article 4***National structures**

The Republic of Cyprus shall provide the appropriate structures and mechanisms at national level and shall take all other necessary steps to ensure national coordination and organisation of the implementation of MEDIA II, in conformity with the terms of the relevant provisions of Decisions 95/563/EC and 95/564/EC. In particular the Republic of Cyprus shall undertake to establish a MEDIA desk in collaboration with the Commission of the European Communities.

*Article 5***Financial conditions**

To cover the costs arising from its participation in MEDIA II, the Republic of Cyprus shall pay each year a contribution to the general budget of the European Communities according to the terms and conditions set out in the Annex hereto, which shall constitute an integral part of this Agreement.

*Article 6***Joint Committee**

1. A Joint Committee is hereby established.
2. The Joint Committee shall consist, on the one hand, of representatives of the Community and, on the other, of representatives of the Republic of Cyprus.
3. The Joint Committee shall be responsible for the implementation of this Agreement.
4. At the request of either Party the Contracting Parties shall exchange information and hold consultations within the Joint Committee on the activities covered by this Agreement and related financial aspects.

*Article 7***Coordination meetings**

The representatives of the Community in the Joint Committee shall take the appropriate steps to ensure coordination between the implementation of this Agreement and the decisions taken by the Community in respect of the implementation of MEDIA II. In order to facilitate this coordination and without prejudice to the procedures referred to in Article 5 of Decision 95/563/EC (MEDIA II — Development and Distribution) and Article 4 of Decision 95/564/EC (MEDIA II — Training), the Republic of Cyprus shall be invited to coordination meetings on any question concerning the implementation of this Agreement prior to the regular meetings of the Programme Committee. The Commission shall inform the Republic of Cyprus about the results of such regular meetings.

*Article 8***Free movement**

The Contracting Parties shall make every effort to facilitate the free movement and residence of all eligible persons to the programmes moving between the Republic of Cyprus and the Community for the purpose of participating in activities covered by this Agreement.

*Article 9***Monitoring, evaluation and reports**

Without prejudice to the responsibilities of the Commission and the European Court of Auditors in relation to the monitoring and evaluation of the programmes pursuant to Article 7 of Decision 95/563/EC (MEDIA II — Development

and Distribution) and Article 6 of Decision 95/564/EC (MEDIA II — Training) respectively, the participation of the Republic of Cyprus in the MEDIA II programme shall be continuously monitored on a partnership basis involving the Commission and the Republic of Cyprus. The Republic of Cyprus shall submit to the Commission, to assist the latter in drafting reports on the experience acquired in the application of the programme, a contribution describing the national measures taken by the Republic of Cyprus in this regard. It will take part in any other specific activities set out by the Community in this regard.

*Article 10***Legislative alignment**

The Commission and the Republic of Cyprus shall exchange information on, and monitor the progress of, legislative alignment in the audiovisual sector, with particular reference to Council Directive 89/552/EEC of 3 October 1989 on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by European Parliament and Council Directive 97/36/EC. The Republic of Cyprus shall be invited, where appropriate, to participate in the work of the Contact Committee set up by Directive 97/36/EC.

*Article 11***Use of languages**

The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the MEDIA II programme, shall be one of the official languages of the Community.

*Article 12***Territories**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of the Republic of Cyprus.

*Article 13***Duration**

1. This Agreement is concluded for the duration of the MEDIA II programme (until 31 December 2000).
2. Should the MEDIA II programme be revised, this Agreement may be renegotiated or terminated. The Republic of Cyprus shall be notified of the revised programme within one month of its adoption by the Community. Within a further two months, either Contracting Party may request a renegotiation or termination of this Agreement. In the event of termination the practical arrangements for dealing with outstanding commitments shall be the subject of negotiations between the Contracting Parties.

3. Either Contracting Party may, at any time, request a revision of this Agreement. To this end it shall submit a request to the other Contracting Party. The Contracting Parties may instruct the Joint Committee to examine this request and, where appropriate, to make recommendations to them, particularly with a view to opening negotiations.

Article 14

Entry into force

This Agreement shall enter into force on the first day of the month following the notification by the Contracting Parties of the completion of their respective procedures.

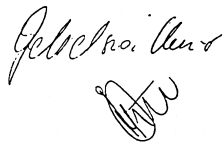
Article 15

Languages of the Agreement

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Done at Brussels, on the ninth day of December in the year one thousand nine hundred and ninety-eight.

For the European Community

Handwritten signature in cursive script, likely belonging to Jacques Delors, President of the Commission of the European Communities.

For the Republic of Cyprus

Handwritten signature in cursive script, likely belonging to a representative of the Republic of Cyprus.

ANNEX

FINANCIAL CONTRIBUTION OF CYPRUS TO THE MEDIA II PROGRAMME

1. The financial contribution of the Republic of Cyprus will cover:
 - financial support from the Programme to Cypriot participants,
 - financial support from the Programme to a MEDIA desk up to 50 % of its overall running costs,
 - supplementary costs of an administrative nature related to the management of the Programme by the Commission stemming from the participation of the Republic of Cyprus.

For every budget year, the aggregated amount of the financial support received from the Programme by Cypriot beneficiaries and by the MEDIA desk of Cyprus will not exceed the contribution paid by the Republic of Cyprus, after deduction of the supplementary costs of an administrative nature.

2. Should the contribution paid by the Republic of Cyprus to the budget of the Community, after deduction of the supplementary costs of an administrative nature, be higher than the aggregated amount of the financial support received by the Cypriot beneficiaries and by the MEDIA desk from the Programme, the Commission of the European Communities will transfer the balance to the next budgetary exercise, and it will be deducted from the following year's contribution. Should such a balance be left when the Programme comes to an end, the corresponding amount will be reimbursed to the Republic of Cyprus.

3. Cyprus's annual contribution for 1998 will be of ECU 140 832. From this sum, an amount of ECU 9 858 will cover supplementary costs of an administrative nature related to the management of the Programme by the Commission stemming from Cyprus's participation.

For 1999, Cyprus's annual contribution will be of ECU 172 290. From this sum, an amount of ECU 12 060 will cover supplementary costs of an administrative nature related to the management of the Programme by the Commission stemming from Cyprus's participation.

For 2000, the amount of Cyprus's contribution shall be the same as for 1999, provided the annual appropriation for the Programme shall be authorised by the budgetary authority in accordance with the relevant financial perspective.

4. The Financial Regulation applicable to the general budget of the European Communities shall apply, notably to the management of the contribution of Cyprus.

After the entry into force of the Agreement and at the beginning of each following year, the Commission shall send to the Republic of Cyprus a call for funds corresponding to its contribution to the costs under the Agreement.

This contribution shall be expressed in ecus and paid into an ecu bank account of the Commission.

The Republic of Cyprus shall pay its contribution to the annual costs under this Agreement according to the call for funds and at the latest three months after the call for funds is sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Cyprus on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Monetary Cooperation Fund, for the month of the due date, for its operations in ecus, increased by 1,5 percentage points.

Information concerning the entry into force of the Agreement between the Community and the Republic of Cyprus on the Republic of Cyprus' participation in a Community programme within the framework of Community audiovisual policy, including participation in the MEDIA II programme, signed on 9 December 1998

The Agreement between the Community and the Republic of Cyprus enters into force on 1 May 1999, as the notification formalities relating to the completion of the procedures laid down in Article 14 of the Agreement were terminated on 30 April 1999.

COMMISSION

COMMISSION DECISION

of 5 April 2000

under the provisions of Council Regulation (EC) No 3286/94 concerning the Chilean prohibition on unloading of swordfish catches in Chilean ports

(notified under document number C(2000) 926)

(2000/296/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation ⁽¹⁾, as amended by Regulation (EC) No 356/95 ⁽²⁾, and in particular Articles 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 26 May 1998 the Commission received a complaint pursuant to Articles 3 and 4 of Council Regulation (EC) No 3286/94 (hereafter the 'Regulation'). The complaint was lodged by ANAPA (Asociación Nacional de Armadores de Buques Palangreros de Altura — Spanish national association of owners of deepsea longliners).
- (2) The complainant alleged that Chile maintained a prohibition on transshipment and transit of swordfish catches in Chilean ports and a requirement of a zoo-sanitary certificate for fishing products which enter the Chilean territory, whatever their way of entry or their final desti-

nation, which are respectively inconsistent with Article V of GATT 1994 and Articles 2(3), 5(4) and (6) of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. On that basis, the complainant asked the Commission to take the necessary actions to convince Chile to repeal these measures.

- (3) The complaint contained sufficient evidence to justify the initiation of a Community examination procedure pursuant to Article 8 of the Regulation. Consequently, such procedure was initiated on 10 July 1998 ⁽³⁾.
- (4) Following the initiation of the examination procedure the Commission carried out an investigation, which has led to the conclusions indicated below.

B. FINDINGS REGARDING THE EXISTENCE OF AN OBSTACLE TO TRADE

- (5) The relevant Chilean legislation concerning the prohibition on unloading of swordfish catches in Chilean ports is established on the basis of Article 165 of the Chilean Fishery Law (Ley General de Pesca y Acuicultura), as consolidated by the Supreme Decree 430 of 28 September 1991.
- (6) The investigation revealed that the Chilean legislation imposes a ban on landing and transit of highly migratory species (such as swordfish) caught inside or outside the Chilean exclusive economic zone, when these catches are made in contravention of conservation rules unilaterally imposed by Chile. These rules apply to swordfish catches made in inland waters, the territorial sea or the exclusive economic zone (EEZ) and in the areas bordering the EEZ. Consequently, the prohibition applies to swordfish catches made in the bordering areas to the exclusive economic zone, i.e. outside the exclusive economic zone.

⁽¹⁾ OJ L 349, 31.12.1994, p. 71.

⁽²⁾ OJ L 41, 23.2.1995, p. 3.

⁽³⁾ Notice of initiation of an examination procedure concerning an obstacle to trade, within the meaning of Council Regulation (EC) No 3286/94, consisting of trade practices maintained by Chile in relation to the transit and transshipment of swordfish in Chilean ports (OJ C 215, 10.7.1998, p. 2).

- (7) While the Commission shares the general aim of conserving swordfish resources, it considers that any measures to this end must be taken in a way which least distorts trade and must not amount to arbitrary or unjustifiable discrimination.
- (8) The relevant Chilean legislation was adopted and the import prohibition enforced without Chile having entered into any serious negotiations involving the Community with the objective of concluding bilateral or multilateral agreements. In fact, Chile has been negotiating since 1997 an agreement on the conservation of the living resources in the South Pacific within the framework of a regional organisation but has not pursued the possibility of entering into cooperative arrangements with the Community.
- (9) The requirement that WTO members should engage in serious efforts to negotiate consensual means of protection and conservation of living marine resources with all interested members, rather than resorting to unilateral and discriminatory measures was set out in 'United States import prohibition of certain shrimp and shrimp products' ⁽⁴⁾. As a consequence of Chile's failure to comply with this requirement and its arbitrary application of its unilateral measures, the investigation concluded that the application of the Chilean measures amounts to an unjustifiable and arbitrary discrimination.
- (10) The investigation established that the Chilean legislation prohibits Community fishing vessels from unloading their swordfish catches in Chilean ports either for the purpose of landing them for warehousing or for transshipment onto other vessels. This prohibition also applies in the Chilean territorial sea and exclusive economic zone and violates the principle of freedom of transit, established by Article V of GATT 1994.
- (11) In addition, by making unloading in Chilean ports impossible for swordfish catches made by Community vessels, the Chilean measures render also impossible the importation of the affected catches into Chile, which is contrary to Article XI of GATT 1994.
- (12) As regards the requirement for a zoo-sanitary certificate, the investigation stated that the Chilean authorities declared that the legislation that introduced the requirement in question (Oficio Circular n° 240) was repealed in November 1991. In consideration of the factual rectification given by the Chilean authorities, the Commission services did not carry out a more detailed analysis of the obstacle to trade.
- (13) Under these circumstances the Commission considers that the complainant's allegation on prohibition of unloading is well-founded and that the Chilean practices constitute an obstacle to trade within the meaning of

Article 2(1) of the Regulation, as they are contrary to Article V and Article XI of GATT 1994.

- (14) The Commission none-the-less considers that reference to the above legal bases does not rule out recourse to any other pertinent provision of the WTO Agreement and of the Agreements annexed to it, which could be of use in procedures before the WTO.

C. FINDINGS REGARDING INJURY

- (15) The investigation showed that that the Chilean ports are the most convenient for transshipment of swordfish catches made by Community vessels in the South-East Pacific because of their geographical position, their well-developed infrastructure and their commercial facilities. As a consequence, the Chilean prohibition on the transshipment of swordfish obliges the Community vessels to land or transship their catches in the ports of other third countries in the region, which necessitates at least a six-day trip and cause them injury consisting of:
- costs incurred owing to the deficiencies of other third country ports compared to Chilean ones,
 - additional operational costs for the trip to other third country ports,
 - potential loss of catches during the additional trip period to other third country ports.
- (16) The Commission concluded that the abovementioned effects constitute injury within the meaning of Article 2(3) of the Regulation.

D. FINDINGS REGARDING ADVERSE TRADE EFFECTS

- (17) The investigation confirmed that the challenged Chilean practices prevent the Community fishing vessels to access third country markets. In particular, Chilean ports are essential bases for exporting especially fresh swordfish, to the United States of America because of the close commercial relationship in this field between Chile and the USA.
- (18) The prohibition to land the catches and consequently to use the adjacent airports, prevent the Community producers from exporting on the US market, which is one of the largest market for swordfish in the world, thus creating adverse trade effects for the Community producers.
- (19) In addition, there are also potential adverse trade effects to be taken into consideration. In the perspective of future international cooperation in the South-East Pacific as provided by the Law of the Seas Convention, the position of the Community will be weakened by the limited presence of Community vessels in the area. As a consequence, it is clearly foreseeable that the impossibility for Community vessels to accede to Chilean ports is likely to develop into further adverse effects for the Community.

⁽⁴⁾ The Appellate Body report 'United States — import prohibition of certain shrimp and shrimp products' (WT/DS58/AB/R) was adopted on 12 October 1998, paragraphs 171 and 172.

- (20) Therefore, the Commission concluded that the above-mentioned effects cause and threaten to cause adverse trade effects within the meaning of Article 2(4) of the Regulation.

E. COMMUNITY INTEREST

- (21) It is essential for Community vessels to have access to international fishing areas and for freedom of transit to be guaranteed by international rules.
- (22) It is in the Community interest that solutions to disputes involving environmental issues be found via multilaterally negotiated measures, which are supportive of both trade and sustainable development.
- (23) Moreover, it is not acceptable that Chile imposes a measure which impedes the access of Community vessels to its ports unless such vessels comply with conservation rules imposed unilaterally. As stated by the Appellate Body report in 'United States — Gasoline' ⁽⁵⁾ and further confirmed by the Appellate Body report in 'United States — import prohibition of certain shrimp and shrimp products' ⁽⁶⁾, WTO members are free to adopt their own policies aimed at protecting the environment as long as, in doing so, they fulfil their obligations and respect the rights of other Members under the WTO agreements. Chile has not done this in the present case.
- (24) Ensuring that WTO partners fully comply with their obligations is of the utmost importance for the Community, which has committed itself to the same obligations. It is fundamental for the good functioning of a multilateral trade system to consistently tackle all allegedly WTO incompatible practices.

F. CONCLUSIONS AND MEASURES TO BE TAKEN

- (25) Meetings have been held with the relevant Chilean authorities to discuss this matter aimed at finding an amicable solution but the Chilean authorities have not forwarded any proposal which could have formed the basis of such a solution.

- (26) In addition, Chile adopted a new decree (Decree 598 of 15 October 1999) that expressly extends the rules in question to swordfish catches made in the high sea. Consequently, the prohibition on unloading in Chilean ports, which previously applied to swordfish catches made in the exclusive economic zone and in its bordering areas, now also applies to catches made anywhere on the high sea.

- (27) In these circumstances, it appears that the interests of the Community call for initiation of WTO dispute settlement proceedings,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Chilean prohibition on unloading of swordfish catches in Chilean ports appears to be inconsistent with the obligations of that country under the Marrakesh Agreement Establishing the World Trade Organisation and constitutes an 'obstacle to trade' within the meaning of Article 2(1) of Regulation (EC) No 3286/94.

2. The Community will initiate dispute settlement proceedings against Chile under the Understanding on the Rules and Procedures for the Settlement of Disputes and other relevant WTO provisions with a view to securing removal of the obstacle to trade.

Article 2

This Decision shall apply from the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 5 April 2000.

For the Commission

Pascal LAMY

Member of the Commission

⁽⁵⁾ The Appellate Body report 'United States — standards for reformulated and conventional gasoline' (WT/DS2/AB/R) was adopted on 20 May 1996.

⁽⁶⁾ See paragraph 186 of the Appellate Body report, referred to in footnote 4.