

Official Journal

of the European Communities

ISSN 0378-6978

L 100

Volume 43

20 April 2000

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 811/2000
of 17 April 2000
amending Regulation (EC) No 1577/96 introducing a specific measure in respect of certain grain
legumes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

(1) Regulation (EC) No 1577/96 ⁽⁴⁾ introduced a specific measure in respect of certain grain legumes.

(2) The markets for the crops covered by the said measure are different, namely animal feed for vetches and human food for lentils and chickpeas. Because the maximum area system applied to those crops taken together hitherto has not made it possible to manage properly the development of land under crops by reason, in particular, of the increase in the area under vetches since application of the system started. As a result, the maximum guaranteed area should be subdivided so as better to direct grain-legume production in the Community.

(3) The maintenance of crops of grain legumes such as lentils, chickpeas and vetches is in the Community economic interest, both as regards the use made of the products and their suitability for the production areas. Given the deficit in protein crops in the European Union, the Commission should examine the possibilities for improving the system without cutting the level of aid.

(4) For the purposes of applying the system, the Management Committee for Dried Fodder set up by Article 17 of Regulation (EC) No 603/95 ⁽⁵⁾ should be replaced by the Management Committee for Cereals set up by Article 23 of Regulation (EEC) No 1766/92 ⁽⁶⁾.

(5) It is appropriate that before the end of the 2002/2003 marketing year, the Commission should produce a report on the application of the present system, accompanied, where necessary, by appropriate proposals.

(6) Regulation (EC) No 1577/96 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1577/96 is amended as follows:

1. Article 3 shall be replaced by the following:

'Article 3

1. Where the areas for which aid is requested under this Regulation exceed the maximum guaranteed areas fixed in paragraph 2, the aid to be paid for the marketing year concerned shall be reduced proportionately.

2. The maximum guaranteed areas shall be fixed at 160 000 hectares for lentils and chickpeas, and 240 000 hectares for the vetches referred to in point (c) of Article 1. Where a maximum area is not reached during a marketing year, the unused balance shall be reallocated to the other maximum guaranteed area for that marketing year before an overrun occurs.'

⁽¹⁾ OJ C 342, 30.11.1999, p.41.

⁽²⁾ Opinion delivered on 17 March 2000 (not yet published in the Official Journal).

⁽³⁾ OJ C 51, 23.2.2000, p. 29.

⁽⁴⁾ OJ L 206, 16.8.1996, p. 4. Regulation as amended by Commission Regulation (EC) No 1826/97 (OJ L 260, 23.9.1997, p. 11).

⁽⁵⁾ OJ L 63, 21.3.1995, p. 1. Regulation as amended by Regulation (EC) No 1347/95 (OJ L 131, 15.6.1995, p. 1).

⁽⁶⁾ OJ L 181, 1.7.1992, p. 21. Regulations as last amended by Regulation (EC) No 1253/1999 (OJ L 160, 26.6.1999, p. 18).

2. In Article 6:

(a) paragraph 1 shall be replaced by the following:

'1. The Commission shall lay down detailed rules of application in accordance with the procedure defined in Article 23 of Regulation (EEC) No 1766/92 (*). In accordance with that procedure, the Commission shall determine the overruns in the maximum guaranteed areas and shall fix the definitive aid by no later than 15 November of the marketing year in question.

(*) OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1253/1999 (OJ L 160, 26.6.1999, p. 18).';

(b) paragraph 3 shall be replaced by the following:

'3. By the end of the marketing year 2002/2003 at the latest, the Commission shall submit a report on the application of this system, accompanied, if necessary, by appropriate proposals.'

Article 2

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

It shall apply with effect from the 2000/2001 marketing year.

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

Done at Luxembourg, 17 April 2000.

For the Council

The President

L. CAPOULAS SANTOS

**COUNCIL REGULATION (EC) No 812/2000
of 17 April 2000**

amending Regulation (EC) No 1626/94 laying down certain technical measures for the conservation of fishery resources in the Mediterranean and Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas:

- (1) According to Article 2 of Council Regulation (EEC) No 3760/92 of the Council of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽³⁾, the general objectives of the common fisheries policy are to protect and conserve living marine aquatic resources.
- (2) The International Commission for the Conservation of Atlantic Tuna (ICCAT), at its 11th extraordinary session held in Santiago de Compostela, Spain, from 16 to 23 November 1998, recommended certain specific rules on seasonal closures and on minimum landing sizes of bluefin tuna. These rules are drawn up on scientific advice. This recommendation entered into force on 21 June 1999.
- (3) The Community is a member of ICCAT. It is therefore necessary to implement those recommendations, in order to avoid an excessive fishing pressure on bluefin tuna.
- (4) Regulation (EC) No 1626/94 ⁽⁴⁾ and Regulation (EC) No 850/98 ⁽⁵⁾ set out minimum sizes for bluefin tuna in, respectively, the Mediterranean Sea and in regions 1 to 5, except Skagerrak and Kattegat, of the Atlantic and Indian Oceans. Regulation (EC) No 1626/94 set out seasonal closures in the Mediterranean Sea. These Regulations should consequently be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1626/94 is amended as follows:

1. In Article 3a, paragraph 1 shall be replaced by the following text:

- ‘1. It shall be forbidden to take bluefin tuna with an encircling net:
- for vessels whose exclusive or predominant area of operation is the Adriatic, from 1 to 31 May in the whole Mediterranean Sea and from 16 July to 15 August in the Mediterranean Sea excluding the Adriatic,
 - for vessels whose exclusive or predominant area of operation is the Mediterranean, excluding the Adriatic, from 16 July to 15 August in the whole Mediterranean Sea and from 1 to 31 May in the Adriatic.

⁽¹⁾ Opinion delivered on 2 March 2000 (not yet published in the Official Journal).

⁽²⁾ OJ C 75, 15.3.2000, p. 13.

⁽³⁾ OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1).

⁽⁴⁾ OJ L 171, 6.7.1994, p. 1. Regulation as last amended by Regulation (EC) No 1448/1999 (OJ L 167, 2.7.1999, p. 7).

⁽⁵⁾ OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 2723/1999 (OJ L 328, 22.12.1999, p. 9).

Member States shall ensure that all vessels flying their flag or registered in them comply with this paragraph.

For the purposes of this Regulation, the southern limit of the Adriatic Sea shall be a line drawn between the Albanian-Greek border and Cape Santa Maria di Leuca.'

2. In Annex IV the entry relating to *Thunnus thynnus* shall be replaced by the following:

'Species	Minimum size
Bluefin tuna (<i>Thunnus thynnus</i>)	70 cm or 6,4 kg (***)
(***) However, the rules set out in Article 8(3), shall not apply to fish, up to 15 % in number of individuals, weighing between 3,2 kg and 6,4 kg, and caught accidentally.'	

Article 2

In Annex XII to Regulation (EC) No 850/98 the entry relating to bluefin tuna and footnote 5 shall be replaced by the following:

'Species	Minimum size
Bluefin tuna (<i>Thunnus thynnus</i>)	70 cm or 6,4 kg ⁽⁵⁾
⁽⁵⁾ However, the rules set out in Article 19(1), shall not apply to fish, up to 15 % in number of individuals, weighing between 3,2 and 6,4 kg, and caught accidentally.'	

Article 3

This Regulation shall enter into force 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 Luxembourg, 17 April 2000.

For the Council
The President
L. CAPOULAS SANTOS

COUNCIL REGULATION (EC) No 813/2000**of 17 April 2000****supplementing the Annex to Commission Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Regulation (EEC) No 2081/92**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 17(2) thereof,

Whereas:

- (1) Additional information was requested on certain names notified by the Member States under Article 17 of Regulation (EEC) No 2081/92 in order to ensure that they comply with Articles 2 and 4 of that Regulation. That additional information shows that the names do comply with those Articles. They should therefore be registered and added to the Annex to Commission Regulation (EC) No 1107/96 ⁽²⁾.
- (2) The Committee provided for in Article 15 of Regulation (EEC) No 2081/92 has not given a favourable opinion,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex to this Regulation are hereby added to the Annex to Commission Regulation (EC) No 1107/96.

Article 2

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

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

Done at Luxembourg, 17 April 2000.

For the Council

The President

L. CAPOULAS SANTOS

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 1068/97 (OJ L 156, 13.6.1997, p. 10).

⁽²⁾ OJ L 148, 21.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 1070/1999 (OJ L 130, 26.5.1999, p. 18).

ANNEX

‘OTHER PRODUCTS LISTED IN ANNEX I TO THE TREATY**Vinegars (other than wine vinegars)**

ITALY

- Aceto balsamico tradizionale di Modena (PDO)
 - Aceto balsamico tradizionale di Reggio Emilia (PDO)’
-

COUNCIL REGULATION (EC) No 814/2000
of 17 April 2000
on information measures relating to the common agricultural policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

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

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

Whereas:

- (1) Articles 32 to 38 of the Treaty provide for the implementation of a common agricultural policy.
- (2) Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽³⁾ stipulates that measures intended to provide information on the common agricultural policy are to be financed by the EAGGF Guarantee Section.
- (3) The main practical aspects of the present information policy in the common agricultural policy context should be maintained.
- (4) Article 22(1) of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾ stipulates that the implementation of appropriations entered for significant Community action requires a basic act. Under the Inter-institutional Agreement of 13 October 1998 on legal bases and implementation of the budget ⁽⁵⁾, a basic act is also needed for the measures covered by this Regulation.
- (5) The common agricultural policy is often misunderstood because of a dearth of information. The only way to rectify this situation is through a consistent, objective and comprehensive information and communication strategy.
- (6) The issues surrounding the common agricultural policy and its development should be explained to both farmers and other parties directly concerned, as well as the general public, both inside and outside the Community. Proper implementation of the common agricultural policy depends to a large extent on the explanation given to all protagonists and necessitates the integration of information measures, which are regarded as management components of that policy.

- (7) The priority measures which the Community may support should be defined.
- (8) Organisations representing those active in farming and in rural areas, particularly farmers' organisations, consumers' associations and environmental protection associations play a vital role in informing their members about the common agricultural policy and relaying to the Commission the opinions of the parties concerned in general and farmers in particular.
- (9) Since the common agricultural policy is the first and most extensive of the Community's integrated policies, it should be explained to the general public. Other parties likely to be able to present information projects that will help achieve this goal should therefore be eligible to make proposals.
- (10) The Commission must have the necessary resources to implement the information actions it wishes to realise in the area of agriculture.
- (11) Although activities that can be assisted under other Community programmes should not be financed under this Regulation, the complementarity of such activities with other Community initiatives should nevertheless be encouraged.
- (12) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁶⁾.

HAS ADOPTED THIS REGULATION:

Article 1

The Community may finance information measures relating to the common agricultural policy that aim, in particular, at:

- (a) helping, on the one hand, to explain and, on the other hand, to implement and develop that policy,
- (b) promoting the European model of agriculture and helping people understand it,
- (c) informing farmers and other parties active in rural areas,
- (d) raising public awareness of the issues and objectives of that policy.

⁽¹⁾ OJ C 376 E, 28.12.1999, p.40.

⁽²⁾ Opinion delivered on (not yet published in the Official Journal)

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2779/98 (OJ L 347, 23.12.1998, p. 3).

⁽⁵⁾ OJ C 344, 12.11.1998, p. 1.

⁽⁶⁾ OJ L 184, 17.7.1999, p. 23.

These actions aim to supply coherent, objective and comprehensive information, both inside and outside the Community, in order to give an overall picture of that policy.

Article 2

1. The measures referred to in Article 1 may be:
 - (a) annual work programmes presented, in particular, by farmers' or rural development organisations, consumers' associations and environmental protection associations,
 - (b) specific measures presented by any party other than those referred to in (a), in particular the public authorities of the Member States, the media and universities,
 - (c) activities implemented at the Commission's initiative.
2. The maximum financing rate for the measures referred to in paragraph 1(a) and (b) shall be 50 % of eligible costs. However, the rate may be increased to 75 % in exceptional cases, to be specified in the implementing Regulation.
3. The following measures may not receive Community financing as provided for in Article 1:
 - (a) measures which are required by law,
 - (b) measures already receiving financing under another Community operation.
4. In order to implement activities as referred to in paragraph 1(c), the Commission may have recourse to any technical and administrative assistance it might need.

Article 3

1. Measures eligible under Article 2 shall include, in particular, talks, seminars, information visits, publications, media actions and productions, participation in international events and programmes for the exchange of experience.
2. Measures as referred to in Article 2 shall be selected on the basis of general criteria such as:
 - (a) the quality of the project,
 - (b) cost effectiveness.

Article 4

Community financing referred to in Article 1 shall not exceed the annual appropriations decided by the budgetary authority.

Article 5

The Commission shall ensure that the Community measures and projects implemented under this Regulation are consistent with and complement other Community action.

Article 6

The Commission shall monitor and check the measures financed under this Regulation to ensure that they are properly and efficiently implemented. The Commission's representatives shall be authorised to make on-the-spot checks on such measures, including by sampling.

Article 7

The Commission shall, where it judges it to be appropriate, evaluate the measures financed under this Regulation.

Article 8

The Commission shall present a report on the implementation of this Regulation to the European Parliament and the Council every two years. The first report must be presented not later than 31 December 2001.

Article 9

Detailed rules for applying this Regulation, including any transitional measures that might prove necessary, shall be adopted in accordance with the procedure laid down in Article 10(2).

Article 10

1. The Commission shall be assisted by the Committee for the European Agricultural Guidance and Guarantee Fund set up under Article 11 of Regulation (EC) No 1258/1999 (hereinafter referred to as the 'Committee').
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.
4. The Commission shall inform the Committee of measures envisaged and taken pursuant to this Regulation.

Article 11

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

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

Done at Luxembourg, 17 April 2000.

For the Council

The President

L. CAPOULAS SANTOS

COMMISSION REGULATION (EC) No 815/2000
of 19 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 20 April 2000.

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

Done at Brussels, 19 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 19 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	128,3
	068	107,0
	204	87,1
	624	174,8
	999	124,3
0707 00 05	052	104,5
	068	66,8
	999	85,7
0709 90 70	052	75,9
	204	41,5
	999	58,7
0805 10 10, 0805 10 30, 0805 10 50	052	82,1
	204	37,2
	212	40,6
	220	33,8
	624	48,9
	999	48,5
0808 10 20, 0808 10 50, 0808 10 90	388	80,2
	400	98,6
	404	92,4
	508	81,4
	512	93,7
	528	86,2
	720	126,3
	800	174,4
	804	84,9
	999	102,0
0808 20 50	388	76,9
	512	77,6
	528	78,4
	720	57,3
	804	151,1
	999	88,3

⁽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 816/2000
of 19 April 2000**

determining the extent to which applications lodged in April 2000 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 ⁽¹⁾, as amended by Regulation (EC) No 618/98 ⁽²⁾, and in particular Article 4(5) thereof,

Whereas:

- (1) The applications for import licences lodged for the second quarter of 2000 are for quantities less than the quantities available and can therefore be met in full.
- (2) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 April to 30 June 2000 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in the Annex.

2. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 20 April 2000.

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

Done at Brussels, 19 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 267, 30.9.1997, p. 58.

⁽²⁾ OJ L 82, 19.3.1998, p. 35.

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2000
1	100,0
2	100,0
3	100,0
4	100,0
H1	100,0
H2	100,0
5	100,0
6	100,0
7	100,0
8	100,0
9	100,0
10/11	100,0
12/13	100,0
14	100,0
15	100,0
16	100,0
17	100,0

COMMISSION REGULATION (EC) No 817/2000**of 19 April 2000****determining the extent to which applications lodged in April 2000 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 April to 30 June 2000**

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 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, as last amended by Regulation (EC) No 1409/1999 ⁽²⁾, and in particular Article 5(5) thereof,

Applications for import licences for the period 1 April to 30 June 2000 submitted pursuant to Regulation (EC) No 1486/95 shall be met as referred to in the Annex.

Whereas:

Article 2

The applications for import licences lodged for the second quarter of 2000 are for quantities less than the quantities available and can therefore be met in full,

This Regulation shall enter into force on 20 April 2000.

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

Done at Brussels, 19 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 145, 29.6.1995, p. 58.⁽²⁾ OJ L 164, 30.6.1999, p. 51.

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2000
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

**COMMISSION REGULATION (EC) No 818/2000
of 19 April 2000**

determining the extent to which applications lodged in April 2000 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2068/96 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the second quarter of 2000 are for quantities less than the quantities available and can therefore be met in full.
- (2) The quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 April to 30 June 2000 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 July to 30 September 2000 applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 20 April 2000.

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

Done at Brussels, 19 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 156, 23.6.1994, p. 14.

⁽²⁾ OJ L 277, 30.10.1996, p. 12.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2000
1	100,00

ANNEX II

(t)

Group No	Total quantity available for the period 1 July to 30 September 2000
1	3 275

**COMMISSION REGULATION (EC) No 819/2000
of 19 April 2000**

**determining the extent to which applications lodged in April 2000 for import licences for certain
pigmeat products under the regime provided for by the Agreement concluded by the Community
with Slovenia can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia ⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the second quarter of 2000 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 April to 30 June 2000 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 July to 30 September 2000 applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 20 April 2000.

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

Done at Brussels, 19 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 85, 27.3.1997, p. 56.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2000
23	100,00
24	100,00

ANNEX II

(t)

Group No	Total quantity available for the period 1 July to 30 September 2000
23	40,0
24	73,5

COMMISSION REGULATION (EC) No 820/2000
of 19 April 2000
on the issuing of import licences for certain sugar sector products with EC/OCT cumulation of origin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Community ⁽¹⁾, as last amended by Decision 97/803/EC ⁽²⁾,

Having regard to Commission Regulation (EC) No 465/2000 of 29 February 2000 introducing safeguard measures for imports from the overseas countries and territories of sugar sector products with EC/OCT cumulation of origin ⁽³⁾, and in particular Article 2(2) thereof, in conjunction with Commission Regulation (EC) No 2553/97 of 17 December 1997 on rules for issuing import licences for certain products covered by CN codes 1701, 1702, 1703 and 1704 and qualifying as ACP/OCT originating products ⁽⁴⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 465/2000 allows EC/OCT cumulation of origin for products covered by CN codes 1701, 1806 10 30 and 1806 10 90 for up to 3 340 tonnes of sugar during the period of validity of that Regulation. Import licences were issued for 3 000 tonnes of sugar in March 2000.
- (2) Three applications were submitted to the national authorities in April 2000 in accordance with Regulation (EC) No 465/2000 for import licences covering a total quantity exceeding the available balance of 340 tonnes.
- (3) Article 2 of Regulation (EC) No 465/2000, in conjunction with Article 5(3) of Regulation (EC) No 2553/97, provides that where licence applications cover annual

quantities in excess of 3 340 tonnes of sugar, the Commission is to adopt a regulation fixing a single reducing coefficient to be applied to the applications submitted and suspend the submission of further applications during the year of validity of that regulation.

- (4) The Commission must accordingly fix a reducing coefficient for the import licences issued and suspend the submission of further licence applications pursuant to Regulation (EC) No 465/2000,

HAS ADOPTED THIS REGULATION:

Article 1

The import licences applied for under Article 2 of Regulation (EC) No 465/2000 on 7 April 2000 for 2 500 tonnes, 750 tonnes and 340 tonnes of sugar covered by CN code 1701 99 10 shall be issued for 9,47075 % of the quantity applied for.

Article 2

The submission of further applications during the period of validity of Regulation (EC) No 465/2000 is hereby suspended.

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

Done at Brussels, 19 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 263, 19.9.1991, p. 1.

⁽²⁾ OJ L 329, 29.11.1997, p. 50.

⁽³⁾ OJ L 56, 1.3.2000, p. 39.

⁽⁴⁾ OJ L 349, 19.12.1997, p. 26.

COMMISSION REGULATION (EC) No 821/2000**of 19 April 2000****determining the extent to which the applications for import licences submitted in April 2000 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 1374/98 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1374/98 of 29 June 1998 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products ⁽²⁾, as last amended by Regulation (EC) No 249/2000 ⁽³⁾, and in particular Article 14(4) thereof,

Whereas:

Applications lodged for the products referred to in Annex II to Regulation (EC) No 1374/98 concern quantities greater than

those available; therefore, the allocation factors should be fixed for the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for for products falling within the order numbers in Annex II to Regulation (EC) No 1374/98 listed in the Annex lodged pursuant to Regulation (EC) No 1374/98 for the period 1 April to 30 June 2000, shall be awarded in accordance with the allocation factors indicated.

Article 2

This Regulation shall enter into force on 20 April 2000.

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

Done at Brussels, 19 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 185, 30.6.1998, p. 21.

⁽³⁾ OJ L 26, 2.2.2000, p. 4.

ANNEX

Order number in Annex II to Regulation (EC) No 1374/98	TARIC order number	Period: April to June 2000 Allocation factor
36	09.4590	0,0052
37	09.4599	0,0015
39	09.4591	0,1904
40	09.4592	0,0396
41	09.4593	—
42	09.4594	0,0069
44	09.4595	0,0043
47	09.4596	0,0018

COMMISSION REGULATION (EC) No 822/2000**of 19 April 2000****applying a reduction coefficient to refund certificates for goods not covered by Annex I to the Treaty, as provided for by Article 6b of Regulation (EC) No 1222/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2491/98 ⁽²⁾, and in particular the first subparagraph of Article 8(3) thereof,

Having regard to Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 701/2000 ⁽⁴⁾, and in particular Article 6b(6) and (8) thereof,

Whereas:

- (1) The cumulated amounts of the refunds requested for the certificates already issued come to EUR 305 159 263. This sum, when added to the amounts for applications

made from 10 to 14 April 2000 and taken on an annual basis, might prevent the Commission from meeting its commitments under Article 6b(8) of Regulation (EC) No 1222/94.

- (2) A reduction coefficient calculated on the basis of Article 6b(3) and (4) should therefore be applied to amounts requested in the form of certificates during the above-mentioned week,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of certificates for applications lodged for the period from 10 to 14 April 2000 are subject to a reduction coefficient of 0,68.

Article 2

This Regulation shall enter into force on 21 April 2000.

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

Done at Brussels, 19 April 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 309, 19.11.1998, p. 28.

⁽³⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁴⁾ OJ L 83, 4.4.2000, p. 6.

COMMISSION REGULATION (EC) No 823/2000**of 19 April 2000****on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia)****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 479/92 of 25 February 1992 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) ⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 1 thereof,

Having published a draft of this Regulation ⁽²⁾,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions in Maritime Transport,

Whereas:

(1) Regulation (EEC) No 479/92 empowers the Commission to apply Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between shipping companies (consortia) relating to the joint operation of liner transport services, which, through the cooperation they bring about between the shipping companies that are parties thereto, are liable to restrict competition within the common market and to affect trade between Member States and may therefore be caught by the prohibition contained in Article 81(1) of the Treaty.

(2) The Commission has made use of this power by adopting Commission Regulation (EC) No 870/95 ⁽³⁾. In the light of experience thus acquired so far, it is possible to define a category of consortia which are capable of falling within the scope Article 81(1) but which can normally be regarded as satisfying the conditions laid down in Article 81(3).

(3) The Commission has taken due account of the special features of maritime transport. Those features will also constitute a material factor in any Commission assessment of consortia not covered by this block exemption.

(4) Consortia, as defined in this Regulation, generally help to improve the productivity and quality of available liner shipping services by reason of the rationalisation they bring to the activities of member companies and through the economies of scale they allow in the operation of vessels and utilisation of port facilities. They also help to promote technical and economic progress by facilitating and encouraging greater utilisation of containers and more efficient use of vessel capacity.

(5) Users of the shipping services provided by consortia generally obtain a fair share of the benefits resulting from the improvements in productivity and service quality which they bring about. Those benefits may also take the form of an improvement in the frequency of railings and port calls, or an improvement in scheduling as well as better quality and personalised services through the use of more modern vessels and other equipment, including port facilities. Users can benefit effectively from consortia only if there is sufficient competition in the trades in which the consortia operate.

(6) Those agreements should therefore enjoy a block exemption, provided that they do not give the companies concerned the possibility of eliminating competition in a substantial part of the trades in question. In order to take account of the constant fluctuations in the maritime transport market and the frequent changes made by the parties to the terms of consortium agreements or to the activities covered by the agreements, one of the objects of this Regulation is to clarify the conditions to be met by consortia in order to benefit from the block exemption it grants.

(7) For the purpose of establishing and running a joint service, an essential feature inherent in consortia is the ability to make capacity adjustments. The non-utilisation of a certain percentage of vessel capacity within a consortium is not an essential feature of consortia.

(8) The block exemption granted by this Regulation should cover both consortia operating within a liner conference and consortia operating outside such conferences, except that it does not cover the joint fixing of freight rates.

⁽¹⁾ OJ L 55, 29.2.1992, p. 3.

⁽²⁾ OJ C 379, 31.12.1999, p. 13.

⁽³⁾ OJ L 89, 21.4.1995, p. 7.

- (9) Rate-fixing activities come under Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport ⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden. Consortium members that wish to fix rates jointly and do not satisfy the criteria of Regulation (EEC) No 4056/86 must apply for individual exemption.
- (10) The first of the conditions attaching to the block exemption should be that a fair share of the benefits resulting from the improved efficiency, as well as the other benefits offered by consortia, are passed on to transport users.
- (11) This requirement of Article 81(3) should be regarded as being met when a consortium is in one or more of the three situations described below:
- there is effective price competition between the members of the conference within which the consortium operates as a result of independent rate action,
 - there exists within the conference within which the consortium operates a sufficient degree of effective competition in terms of services provided between consortium members and other conference members that are not members of the consortium, as a result of the fact that the conference agreement expressly allows consortia to offer their own service arrangements, e.g. the provision by the consortium, alone of a 'just-in-time delivery' service or an advanced 'electronic data interchange' (EDI) service allowing users to be kept informed at all times of the whereabouts of their goods, or a significant increase in the frequency of sailings and calls in the service offered by a consortium compared with that offered by the conference,
 - consortium members are subject to effective, actual or potential competition from non-consortium lines, whether or not a conference operates in the trade or trades in question.
- (12) In order to satisfy this same requirement of Article 81(3), provision should be made for a further condition aimed at promoting individual competition as to quality of service between consortium members as well as between consortium members and other shipping companies operating in the trade or trades.
- (13) It should be a condition that consortia and their members do not, in respect of a given route, apply rates and conditions of carriage which are differentiated solely by reference to the country of origin or destination of the goods carried and thus cause within the Community deflections of trade that are harmful to certain ports, shippers, carriers or providers of services ancillary to transport, unless such rates or conditions can be economically justified.
- (14) The aim of the conditions should also be to prevent consortia from imposing restrictions on competition which are not indispensable to the attainment of the objectives justifying the grant of the exemption. To this end, consortium agreements should contain a provision enabling each shipping line party to the agreement to withdraw from the consortium provided that it gives reasonable notice. However, provision should be made for a longer notice period in the case of highly integrated and/or high-investment consortia in order to take account of the higher investments undertaken to set them up and the more extensive reorganisation entailed in the event of a member's leaving. It should also be stipulated that, where a consortium operates with a joint marketing structure, each member should have the right to engage in independent marketing activities provided that it gives reasonable notice.
- (15) Exemption must be limited to consortia which do not have the possibility of eliminating competition in a substantial part of the services in question.
- (16) In order to determine for the purposes of exemption whether exemption competition exists on each market upon which the consortium operates, account should be taken not only of direct trade between the ports served by a consortium but also of any competition from other liner services sailing from ports which may be substituted for those served by the consortium and, where appropriate, of other modes of transport.
- (17) The block exemption granted by this Regulation is therefore applicable only on condition that on each market upon which the consortium operates the market share held by a consortium does not exceed a given size.
- (18) The market share held by a consortium within a conference should be smaller in view of the fact that the agreements in question are superimposed on an existing restrictive agreement.
- (19) However, it is appropriate to offer consortia which exceed the limits laid down in this Regulation by a given percentage but which continue to be subject to effective competition in the trades in which they operate a simplified procedure so that they may benefit from the legal certainty afforded by block exemptions. Such a procedure should also enable the Commission to carry out effective monitoring and simplify the administrative control of agreements.
- (20) However, consortia which exceed the limit should be able to obtain exemption by individual decision, provided that they satisfy the tests of Article 81(3), regard being had to the special features of maritime transport.

⁽¹⁾ OJ L 378, 31.12.1986, p. 4.

- (21) This Regulation should apply only to agreements concluded between the members of a consortium. Therefore, the block exemption should not cover restrictive agreements concluded between, on the one hand, consortia or one or more of their members, and, on the other hand, other shipping companies. Nor should it apply to restrictive agreements between different consortia operating in the same trade or between the members of such consortia.
- (22) Certain obligations should also be attached to the exemption. In this respect, transport users should at all times be in a position to acquaint themselves with the conditions for the provision of the maritime transport services jointly operated by the members of the consortium. Provision should be made for real and effective consultations between the consortia and transport users on the activities covered by the agreements. This Regulation also specifies what is meant by 'real and effective consultations' and what main procedural stages are to be followed for such consultations. Provision should be made for such mandatory consultation, limited to the activities of consortia as such.
- (23) Such consultations are likely to secure a more efficient operation of maritime transport services which takes account of users' requirements. Consequently, certain restrictive practices which could ensue from such consultations should be exempted.
- (24) For the purposes of this Regulation, the concept of *force majeure* is that laid down by the Court of Justice of the European Communities in its established case-law.
- (25) Provision should be made whereby awards given at arbitration and recommendations made by conciliators and accepted by the parties are to be notified to the Commission forthwith, in order to enable it to verify that consortia are not thereby exempted from the conditions and obligations provided for in the Regulation and thus do not infringe the provisions of Articles 81 and 82.
- (26) It is necessary to specify, in accordance with Article 6 of Regulation (EEC) No 479/92, the cases in which the Commission may withdraw from companies the benefit of the block exemption.
- (27) 11 consortia benefited from the block exemption contained in Regulation (EC) No 870/95 by application of the opposition procedure in that Regulation which enabled the Commission in particular to check that they were subject to effective competition. There is no indication that circumstances have since become such that those consortia are no longer subject to effective competition. Those consortia should therefore continue to be exempted on the terms laid down in this Regulation.
- (28) No applications under Article 12 of Regulation (EEC) No 4056/86 should need to be made in respect of agreements automatically exempted by this Regulation. However, when real doubts exist, companies should be permitted to request the Commission to declare whether their agreements comply with this Regulation.
- (29) This Regulation is without prejudice to the application of Article 82 of the Treaty.
- (30) In view of the expiry of Regulation (EC) No 870/95, it is appropriate to adopt a new Regulation renewing the block exemption,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Scope

This Regulation shall apply to consortia only in so far as they provide international liner transport services from or to one or more Community ports.

Article 2

Definitions

For the purposes of this Regulation:

1. 'consortium' means an agreement between two or more vessel-operating carriers which provide international liner shipping services exclusively for the carriage of cargo, chiefly by container, relating to one or more trades, and the object of which is to bring about cooperation in the joint operation of a maritime transport service, and which improves the service that would be offered individually by each of its members in the absence of the consortium, in order to rationalise their operations by means of technical, operational and/or commercial arrangements, with the exception of price fixing;
2. 'liner shipping' means the transport of goods on a regular basis on a particular route or routes between ports and in accordance with timetables and sailing dates advertised in advance and available, even on an occasional basis, to any transport user against payment;
3. 'service arrangement' means a contractual arrangement concluded between one or more transport users and an individual member of a consortium or a consortium itself under which, in return for an undertaking to commission the transportation of a certain quantity of goods over a given period of time, a user receives an individual undertaking from the consortium member or the consortium to provide an individualised service which is of a given quality and specially tailored to its needs;

4. 'transport user' means any undertaking (such as shipper, consignee, forwarder) which has entered into, or demonstrated an intention to enter into, a contractual agreement with a consortium (or one of its members) for the shipment of goods, or any association of shippers;
5. 'independent rate action' means the right of a maritime conference member to offer, on a case-by-case basis and in respect of goods, freight rates which differ from those laid down in the conference tariff, provided that notice is given to the other conference members.

CHAPTER II

EXEMPTIONS

Article 3

Exempted agreements

1. Pursuant to Article 81(3) of the Treaty and subject to the conditions and obligations laid down in this Regulation, it is hereby declared that Article 81(1) of the Treaty shall not apply to the activities listed in paragraph 2 of this Article when contained in consortium agreements as defined in Articles 1 and 2 of this Regulation.
2. The declaration of non-applicability shall apply only to the following activities:
 - (a) the joint operation of liner shipping transport services which comprise solely the following activities:
 - (i) the coordination and/or joint fixing of sailing timetables and the determination of ports of call;
 - (ii) the exchange, sale or cross-chartering of space or slots on vessels;
 - (iii) the pooling of vessels and/or port installations;
 - (iv) the use of one or more joint operations offices;
 - (v) the provision of containers, chassis and other equipment and/or the rental, leasing or purchase contracts for such equipment;
 - (vi) the use of a computerised data exchange system and/or joint documentation system;
 - (b) temporary capacity adjustments;
 - (c) the joint operation or use of port terminals and related services (such as lighterage or stevedoring services);
 - (d) the participation in one or more of the following pools: cargo, revenue or net revenue;
 - (e) the joint exercise of voting rights held by the consortium in the conference within which its members operate, in so far as the vote being jointly exercised concerns the consortium's activities as such;
 - (f) a joint marketing structure and/or the issue of a joint bill of lading;

- (g) any other activity ancillary to those referred to above in points (a) to (f) which is necessary for their implementation.

3. The following clauses shall in particular be considered ancillary activities within the meaning of paragraph 2(g):

- (a) an obligation on members of the consortium to use on the trade or trades in question vessels allocated to the consortium and to refrain from chartering space on vessels belonging to third parties;
- (b) an obligation on members of the consortium not to assign or charter space to other vessel-operating carriers on the trade or trades in question except with the prior consent of the other members of the consortium.

Article 4

Non-utilisation of capacity

The exemption provided for in Article 3 shall not apply to a consortium when the consortium includes arrangements concerning the non-utilisation of existing capacity whereby shipping line members of the consortium refrain from using a certain percentage of the capacity of vessels operated within the framework of the consortium.

CHAPTER III

CONDITIONS FOR EXEMPTION

Article 5

Basic condition for the grant of exemption

The exemption provided for in Article 3 shall apply only if one or more of the conditions set out below are met:

- (a) there is effective price competition between the members of the conference within which the consortium operates, due to the fact that the members are expressly authorised by the conference agreement, whether by virtue of a statutory obligation or otherwise, to apply independent rate action to any freight rate provided for in the conference tariff; or
- (b) there exists within the conference within which the consortium operates a sufficient degree of effective competition between the conference members in terms of the services provided, due to the fact that the conference agreement expressly allows the consortium to offer its own service arrangements, irrespective of form, concerning the frequency and quality of transport services provided as well as freedom at all times to adapt the services it offers in response to specific requests from transport users; or
- (c) whether or not a conference operates in the trade or trades in question, the consortium members are subject to effective competition, actual or potential, from shipping lines which are not members of that consortium.

Article 6

Conditions relating to market share

1. In order to qualify for the exemption provided for in Article 3, a consortium must possess on each market upon which it operates a market share of under 30 % calculated by reference to the volume of goods carried (freight tonnes or 20-foot equivalent units) when it operates within a conference, and under 35 % when it operates outside a conference.

2. The exemption provided for in Article 3 shall continue to apply if the market share referred to in paragraph 1 of this Article is exceeded during any period of two consecutive calendar years by not more than one tenth.

3. Where one of the limits specified in paragraphs 1 and 2 is exceeded, the exemption provided for in Article 3 shall continue to apply for a period of six months following the end of the calendar year during which it was exceeded. This period shall be extended to 12 months if the excess is due to the withdrawal from the market of a carrier which is not a member of the consortium.

Article 7

Opposition procedure

1. The exemption provided for in Articles 3 and 10 shall also apply to consortia whose market share on any market upon which it operates exceeds the limits laid down in Article 6 but does not, however, exceed 50 % on any market, on condition that the agreements in question are notified to the Commission in accordance with the provisions of Commission Regulation (EC) No 2843/98 ⁽¹⁾, and that the Commission does not oppose such exemption within a period of six months.

The period of six months shall run from the date on which notification takes effect in accordance with Article 4 of Regulation (EC) No 2843/98.

2. Paragraph 1 shall apply only if express reference is made to this Article in the notification or in a communication accompanying it.

3. The Commission may oppose the exemption.

It shall oppose the exemption if it receives a request to do so from a Member State within three months of the forwarding to the Member State of the notification referred to in paragraph 1. The request must be justified on the basis of considerations relating to the competition rules of the Treaty.

4. The Commission may withdraw its opposition to the exemption at any time. However, where the opposition was raised at the request of a Member State and the request is maintained, it may be withdrawn only after consultation of the Advisory Committee on Restrictive Practices and Dominant Positions in Maritime Transport.

5. If the opposition is withdrawn because the undertakings concerned have shown that the conditions of Article 81(3) are fulfilled, the exemption shall apply from the date of notification.

6. If the opposition is withdrawn because the undertakings concerned have amended the agreement so that the conditions of Article 81(3) are fulfilled, the exemption shall apply from the date on which the amendments take effect.

7. If the Commission opposes exemption and its opposition is not withdrawn, the effects of the notification shall be governed by the provisions of Section II of Regulation (EEC) No 4056/86.

Article 8

Other conditions

Eligibility for the exemptions provided for in Articles 3 and 10 shall be subject to the following conditions:

- (a) the consortium must allow each of its members to offer, on the basis of an individual contract, its own service arrangements;
- (b) the consortium agreement must give member companies the right to withdraw from the consortium without financial or other penalty such as, in particular, an obligation to cease all transport activity in the trade or trades in question, whether or not coupled with the condition that such activity may be resumed only after a certain period has elapsed. This right shall be subject to a maximum notice period of six months which may be given after an initial period of 18 months starting from the entry into force of the agreement.

However, in the case of a highly integrated consortium which has a net revenue pool and/or high level of investment due to the purchase or charter by its members of vessels specifically for the purpose of setting up the consortium, the maximum notice period shall be six months, which may be given after an initial period of 30 months starting from the entry into force of the agreement;

- (c) where a consortium operates with a joint marketing structure, each member of the consortium must be free to engage in independent marketing without penalty subject to a maximum period of notice of six months;
- (d) neither the consortium nor consortia members shall, within the common market, cause detriment to certain ports, users or carriers by applying to the carriage of the same goods and in the area covered by the agreement, rates and conditions of carriage which differ according to the country of origin or destination or port of loading or discharge, unless such rates or conditions can be economically justified.

CHAPTER IV

OBLIGATIONS

Article 9

Obligations attaching to exemption

1. The obligations provided for in paragraphs 2 to of this Article shall be attached to the exemptions provided for in Article 3 and Article 13(1).

⁽¹⁾ OJ L 354, 30.12.1998, p. 22.

2. There shall be real and effective consultations between users or their representative organisations, on the one hand, and the consortium, on the other hand, for the purpose of seeking solutions on all important matters, other than purely operational matters of minor importance, concerning the conditions and quality of scheduled maritime transport services offered by the consortium or its members.

These consultations shall take place whenever requested by any of the abovementioned parties.

The consultations must take place, except in cases of *force majeure*, prior to the implementation of the measure forming the subject of the consultation. If, for reasons of *force majeure*, the members of the consortium are obliged to put a decision into effect before consultations have taken place, any consultations requested shall take place within 10 working days of the date of the request. Save in the case of such *force majeure*, to which reference shall be made in the notice announcing the measure, no public announcement of the measure shall be made before the consultations.

The consultations shall take place in accordance with the following procedural stages:

- (a) prior to the consultation, details of the subject matter of the consultation shall be notified in writing by the consortium to the other party;
- (b) an exchange of views shall take place between the parties either in writing or at meetings or both in the course of which the representatives of the consortium members and of the shippers taking part shall have authority to reach a common point of view and the parties shall use their best efforts to achieve that end;
- (c) where no common point of view can be reached despite the efforts of both parties, the disagreement shall be acknowledged and publicly announced. It may be brought to the Commission's attention by either party;
- (d) a reasonable period for the completion of consultations may be fixed, if possible, by common agreement between the two parties. That period shall be not less than one month, save in exceptional cases or by agreement between the parties.

3. The conditions concerning the maritime transport services provided by the consortium and its members, including those relating to the quality of such services and all relevant modifications, shall be made available on request to transport users at reasonable cost and shall be available for examination without cost at the offices of the consortium members, or the consortium itself, and their agents.

4. Arbitration awards and recommendations of conciliators, which have been accepted by the parties and which settle disputes concerning practices of consortia covered by this Regulation, shall be notified forthwith to the Commission by the consortium.

5. Any consortium claiming the benefit of this Regulation must be able, on being given a period of notice which the Commission shall determine on a case-by-case basis and which

shall be not less than one month, to demonstrate at the Commission's request that the conditions and obligations imposed by Articles 5 to 8 and paragraphs 2 and 3 of this article are met and must submit to it the consortium agreement in question within this period.

Article 10

Exemption for agreements between transport users and consortia on the use of scheduled maritime transport services

Agreements, decisions and concerted practices between transport users or their representative organisations, on the one hand, and a consortium exempted under Article 3, on the other hand, concerning the conditions and quality of liner shipping services provided by the consortium and all general questions connected with such services in so far as they arise out of the consultations provided for in paragraph 2 of Article 9, are hereby exempted from the prohibition laid down in Article 81(1) of the Treaty.

CHAPTER V

MISCELLANEOUS PROVISIONS

Article 11

Professional secrecy

1. Information acquired as a result of the application of Article 7 and paragraph 5 of Article 9 shall be used only for the purposes of this Regulation.
2. The Commission and the authorities of the Member States, their officials and other servants shall not disclose information acquired by them as a result of the application of this Regulation which is of the kind covered by the obligation of professional secrecy.
3. The provisions of paragraphs 1 and 2 shall not prevent publication of general information or studies which do not contain information relating to particular undertakings or associations of undertakings.

Article 12

Withdrawal of block exemption

The Commission may withdraw the benefit of this Regulation, in accordance with Article 6 of Regulation (EEC) No 479/92, where it finds in a particular case that an agreement, decision or concerted practice exempted under Article 3 or Article 13(1) of this Regulation nevertheless has certain effects which are incompatible with the conditions laid down by Article 81(3) or are prohibited by Article 82 of the Treaty, in particular where:

- (a) in a given trade, competition from outside the conference within which the consortium operates or from outside a particular consortium is not effective;
- (b) a consortium fails repeatedly to comply with the obligations provided for in Article 9;

- (c) the behaviour of a consortium produces effects that are incompatible with Article 82 of the Treaty;
- (d) such effects result from an arbitration award.

Article 13

Transitional provisions

1. Article 81(1) of the Treaty shall not apply to agreements in force on 25 April 2000 which fulfil, on that date, the exemption requirements laid down by Regulation (EC) No 870/95 and to which the opposition procedure provided for by Article 7 of that Regulation was applied.

2. A notification made before the entry into force of this Regulation pursuant to Article 7 of Regulation (EC) No 870/95 and in respect of which the period of six months has not expired on 25 April 2000 shall be deemed to have been made pursuant to Article 7 of this Regulation.

Article 14

Entry into force

This Regulation shall enter into force on 26 April 2000.

It shall apply until 25 April 2005.

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

Done at Brussels, 19 April 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION REGULATION (EC) No 824/2000**of 19 April 2000****establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals**

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) The intervention price for common wheat, durum wheat, barley, rye, maize and sorghum is fixed for qualities corresponding as far as possible to the average quality of the cereals harvested in the Community.
- (2) Intervention prices are increased or reduced to reflect price differences observed on the market for different qualities.
- (3) Cereals of inadequate quality for use or storage should not be accepted for intervention.
- (4) In order to simplify the management of intervention operations and, in particular, to permit the establishment of homogeneous lots for each type of cereal offered to intervention, a minimum quantity, below which the intervention agency is not obliged to accept the offer, should be fixed. However, it may be necessary to provide for a greater minimum tonnage in certain Member States, so that intervention agencies may take account of pre-existing conditions and practices of the wholesale trade in those countries.
- (5) The conditions under which cereals are offered to and taken over by the intervention agencies must be as uniform as possible throughout the Community in order to avoid any discrimination between producers.
- (6) Methods of determining the quality of common wheat, durum wheat, rye, barley, maize and sorghum must be defined.
- (7) In addition to requiring an annual stock statement pursuant to Commission Regulation (EC) No 2148/96 of 8 November 1996 laying down rules for evaluating and monitoring public intervention stocks of agricultural products⁽³⁾, as amended by Regulation (EC) No 808/

1999⁽⁴⁾, the Member States must check the state of preservation of the intervention stocks held.

- (8) Commission Regulation (EEC) No 689/92 of 19 March 1992 fixing the procedure and conditions for the taking-over of cereals by intervention agencies⁽⁵⁾, as last amended by Regulation (EC) No 1664/1999⁽⁶⁾ and Commission Regulation (EEC) No 1908/84 of 4 July 1984 fixing the standard methods for determining the quality of cereals⁽⁷⁾, as last amended by Regulation (EEC) No 2507/87⁽⁸⁾, have been frequently amended. For reasons of clarity they should be replaced.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

During the periods referred to in Article 4(2) of Regulation (EEC) No 1766/92, any holder of a homogeneous batch of not less than 80 tonnes of common wheat, rye, barley, maize or sorghum or 10 tonnes of durum wheat, harvested within the Community, shall be entitled to offer the batch to the intervention agency.

However, the intervention agencies may fix a greater minimum tonnage.

Article 2

1. In order to be accepted for intervention, the cereals must be sound, fair and of marketable quality.
2. They shall be considered sound, fair and of marketable quality if they are of the typical colour of the cereal in question, are free from abnormal smell and live pests (including mites) at every stage of their development and meet the minimum quality requirements set out in Annex I hereto, and if their radioactivity levels do not exceed the maximum levels permitted under Community regulations.

The level of radioactive contamination of the product shall be monitored only if the situation so requires and only for as long as is necessary. Where necessary, the duration and scope of the controls shall be determined in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

In addition, in cases where analyses indicate that the Zeleny index of a batch of common wheat is between 22 and 30, for this wheat to be deemed sound, fair and of marketable quality within the meaning of paragraph 1, the dough obtained from it must be judged to be non-sticky and machinable.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 288, 9.11.1996, p. 6.

⁽⁴⁾ OJ L 102, 17.4.1999, p. 70.

⁽⁵⁾ OJ L 74, 20.3.1992, p. 18.

⁽⁶⁾ OJ L 197, 29.7.1999, p. 28.

⁽⁷⁾ OJ L 178, 5.7.1984, p. 22.

⁽⁸⁾ OJ L 235, 20.8.1987, p. 10.

3. For the purposes of this Regulation, matter other than basic cereals of unimpaired quality shall be as defined in Annex II.

Grains of basic cereals and other cereals which are damaged, affected by ergot or decayed shall be classified as 'miscellaneous impurities' even if they have defects which belong to other categories.

Article 3

To determine the quality of cereals offered for intervention under Articles 5 and 6 of Regulation (EEC) No 1766/92, the following methods shall be used:

- 3.1. the standard method for determining matter other than basic cereals of unimpaired quality shall be that set out in Annex III;
- 3.2. the standard method for determining moisture content shall be that set out in Annex IV. However, Member States may also use other methods based on the principle set out in Annex IV, method ISO 712:1998 or a method based on infra-red technology. In case of dispute, only the results of using the method set out in Annex IV shall be accepted;
- 3.3. the standard method for determining the tannin content of sorghum shall be method ISO 9648:1988;
- 3.4. the standard method for determining the non-stickiness and machinability of the dough obtained from common wheat shall be that set out in Annex V;
- 3.5. the standard method for determining the protein content of ground common wheat shall be that recognised by the International Association for Cereal Chemistry (ICC), the standards of which are laid down under heading No 105/2: 'method for the determination of the protein content of cereals and cereal products'

However, Member States may use any other method. In such a case, they must furnish the Commission with evidence of recognition by the ICC that the method in question gives equivalent results;

- 3.6. the method for determining the Zeleny index of ground common wheat shall comply with ISO 5529:1992;
- 3.7. the method for determining the Hagberg falling number (amylase activity test) shall comply with ISO 3093:1982;
- 3.8. the standard method for determining the rate of loss of vitreous aspect of durum wheat shall be that set out in Annex VI;
- 3.9. the standard method for determining the specific weight shall comply with ISO 7971/2:1995.

Article 4

1. To be valid, all offers for intervention shall be made using a form issued by the intervention agency, containing the

following details:

- (a) name of the applicant,
- (b) cereal offered,
- (c) place of storage of the cereal offered,
- (d) quantity, main characteristics and harvesting year of the cereal offered,
- (e) intervention centre for which the offer is made.

The form shall also contain a declaration that the products are of Community origin or, in the case of cereals admitted to intervention under specific conditions according to their zone of production, details of the region in which they were produced.

However, the intervention agency may regard as valid offers submitted in another written form, in particular telecommunications, provided that all the details to be shown on the form referred to in the first subparagraph are included.

Without prejudice to the validity from the date of presentation of an offer submitted in accordance with the third subparagraph, Member States may require that it be followed by the forwarding or direct submission to the competent agency of the form provided for in the first subparagraph.

2. Should an offer be inadmissible, the operator concerned shall be informed by the intervention agency accordingly within five working days following receipt.

3. Should an offer be admissible, operators shall be informed as soon as possible of the store at which the cereals are to be taken over and of the delivery schedule.

At the request of the offerer or the storekeeper, the said schedule may be amended by the intervention agency.

The final delivery shall be made not later than the end of the fourth month following the month during which the offer was received, without, however, being later than 1 July in Spain, Greece, Italy and Portugal and 31 July in the other Member States.

Article 5

1. The cereals offered shall be taken over by the intervention agency when the quantity and the minimum required standards, as set out in the Annex, have been established by the intervention agency or its representative for the entire lot in respect of the goods delivered to the intervention store.

2. The quality characteristics shall be established on the basis of a representative sample of the lot offered, consisting of samples taken at the rate of once every delivery for at least every 60 tonnes.

3. The quantity delivered must be weighed in the presence of the offerer and a representative of the intervention agency who is independent vis-à-vis the offerer.

The representative of the intervention agency may also be the storekeeper. In that case:

- (a) within 45 days of take-over, the intervention agency shall itself conduct an inspection involving at least a volumetric check; any difference between the quantity determined by weighing and the quantity estimated in accordance with the volumetric method may not exceed 5 %;
- (b) where the tolerance is not exceeded, the storekeeper shall bear all costs relating to any difference observed, at a later weight check, from the weight entered in the accounts on when the cereals were taken over;
- (c) where the tolerance is exceeded, the cereals shall be weighed forthwith. The costs of weighing shall be borne by the storekeeper, where the weight determined is less than that recorded, or by the Member State, where it is more.

4. In the case of take-over in the store in which the cereals are being held at the time of the offer, the quantity may be established on the basis of the stock records, which must satisfy professional requirements and those of the intervention agency, and provided that:

- (a) the stock records show the weight recorded on weighing, the physical quality characteristics at the time of weighing, and, in particular, the moisture content, transsilages if any, and treatments carried out; the weighing may not have been carried out more than 10 months previously;
- (b) the storekeeper declares that the lot offered corresponds in all respects to the details contained in the stock records;
- (c) the quality characteristics established at the time of weighing are the same as those of the representative sample made up from the samples taken by the intervention agency or its representative at a rate of one for every 60 tonnes.

5. Where paragraph 4 is applied:

- (a) the weight to be recorded shall be that entered in the stock records, adjusted, where appropriate, to take account of any difference between the moisture content and/or the percentage of miscellaneous impurities (Schwarzbesatz) recorded at the moment of weighing and those determined on the basis of the representative sample. A difference between the percentages of miscellaneous impurities may only be taken into account to reduce the weight entered in the stock records;
- (b) within 45 days of take-over the intervention agency shall make a further volumetric check; the difference between the quantity determined by weighing and the quantity estimated in accordance with the volumetric method may not exceed 5 %;
- (c) where the tolerance is not exceeded, the storekeeper shall bear all costs relating to any difference observed, at a later weight check, from the weight entered in the accounts on take-over;

- (d) where the tolerance is exceeded, the cereals shall be weighed forthwith. The costs of weighing shall be borne by the storekeeper, where the weight determined is less than that recorded, or by the EAGGF, where it is more.

Article 6

The intervention agency shall see that the physical and technical characteristics of the samples taken are analysed under its responsibility within 20 working days of the representative sample being made up.

If the analyses provided for above show that the cereals offered do not meet the minimum quality required for intervention, the said cereals shall be withdrawn at the offerer's expense. The offerer shall also bear all the costs incurred.

The offerer shall bear the costs relating to:

- (a) determination of the tannin content of sorghum,
- (b) the amylasic activity (Hagberg) test,
- (c) determination of the protein content of durum wheat and common wheat,
- (d) the Zeleny test,
- (e) the machinability test,

In cases of dispute, the intervention agency shall have the necessary tests on the cereals in question carried out again, the cost being met by the losing party.

Article 7

A take-over record shall be drawn up by the intervention agency for each lot. It shall indicate:

- (a) the date on which the quantity and minimum characteristics were checked,
- (b) the weight delivered,
- (c) the number of samples taken to make up the representative sample,
- (d) the physical characteristics established,
- (e) the agency responsible for analysing the technological criteria and the results thereof.

The record shall be dated and sent to the storekeeper for countersigning.

Article 8

1. Without prejudice to paragraph 2, the price payable to the offerer shall be the intervention price referred to in Article 3(1) of Regulation (EEC) No 1766/92, valid on the date specified as the first day of delivery when notice was given of acceptance of the offer, for goods delivered at warehouse, before unloading. This price shall be adjusted in accordance with the increases and reductions referred to in Article 9.

However, where delivery takes place in a month in which the intervention price is lower than that of the month of the offer, the higher price shall be paid. This provision shall not apply to maize and sorghum offered in August and September.

2. On receipt of an offer, in compliance with Article 4 of Regulation (EEC) No 1766/92, the intervention agency shall decide on the place and the first date for the cereals to be taken over.

Transport costs from the place where the goods are stored when the offer is made to the intervention centre to which they can be transported at least expense shall be borne by the offerer.

Should the intervention agency take over the goods at a place other than the intervention centre to which they may be transported at least expense, it shall determine and bear the additional transport costs. In this case the transport costs referred to in the preceding subparagraph shall be determined by the intervention agency.

If the intervention agency, in agreement with the offerer, stores the goods at the place at which they are located at the time the offer is made, the costs referred to in the second sentence of the preceding subparagraph and the costs of removal from the warehouse, the latter being assessed on the basis of the rates actually recorded in the Member State concerned, shall be deducted from the intervention price.

3. Payment shall be made between the 30th and the 35th day following the date of take-over, as referred to in Article 5.

Article 9

The price increases or reductions by which the intervention price is increased or decreased shall be expressed in euro per tonne and applied jointly, as provided below:

- (a) where the moisture content of the cereals offered for intervention is less than 14 %, the price increases to be applied shall be those listed in Table I of Annex VII. Where the moisture content of the cereals offered for intervention is more than 14 %, the price reductions to be applied shall be those listed in Table II of Annex VII;
- (b) where the specific weight of common wheat or barley offered for intervention differs from the specific weight of 76 kg/hl or 64 kg/hl respectively, the price reductions to be applied shall be those listed in Table III of Annex VII;
- (c) where the percentage of broken grains exceeds 3 % for durum wheat, common wheat, rye and barley and 4 % for maize and sorghum, a reduction of EUR 0,05 shall be applied for each additional 0,1 percentage point;
- (d) where the percentage of grain impurities exceeds 2 % for durum wheat, 3 % for rye, 4 % for maize and sorghum, and 5 % for common wheat and barley a reduction of

EUR 0,05 shall be applied for each additional 0,1 percentage point;

- (e) where the percentage of sprouted grains exceeds 2,5 %, a reduction of EUR 0,05 shall be applied for each additional 0,1 percentage point;
- (f) where the percentage of miscellaneous impurities (Schwarzbesatz) exceeds 0,5 % for durum wheat and 1 % for common wheat, rye and barley, maize and sorghum, a reduction of EUR 0,1 shall be applied for each additional 0,1 percentage points;
- (g) where the percentage of piebald grains in durum wheat exceeds 20 %, a reduction of EUR 0,2 shall be applied for each additional percentage point or fraction thereof;
- (h) where the protein content of common wheat is less than 11,5 %, the reductions to be applied shall be those listed in Table IV of Annex VII;
- (i) where the tannin content of sorghum offered for intervention is higher than 0,4 % of the dry matter, the reduction to be applied shall be calculated in accordance with the method laid down in Annex VIII.

Article 10

1. Any operator who stores bought-in products on behalf of the intervention agency shall monitor their presence and state of preservation regularly and inform the aforesaid agency without delay of any problem arising in that respect.

2. The intervention agency shall check the quality of the stored product at least once a year. Samples for that purpose may be taken when the inventory is established as provided for in Article 4 of Regulation (EC) No 2148/96.

Article 11

The intervention agencies shall, where necessary, adopt additional procedures and conditions for taking over, compatible with this Regulation, to take account of any special conditions existing in the Member State in question; in particular, they may request periodic stock returns.

Article 12

Regulations (EEC) No 689/92 and (EEC) No 1908/84 are hereby repealed with effect from 1 July 2000.

Article 13

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

It shall apply from 1 July 2000.

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

Done at Brussels, 19 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

	Durum wheat	Common wheat	Rye	Barley	Maize	Sorghum
A. Maximum moisture content	14,5 %	14,5 %	14,5 %	14,5 %	14,5 %	14,5 %
B. Maximum percentage of matter which is not basic cereal of unimpaired quality:	12 %	12 %	12 %	12 %	12 %	12 %
1. Broken grains	6 %	5 %	5 %	5 %	10 %	10 %
2. Impurities consisting of grains (other than indicated at 3) of which:	5 %	7 %	5 %	12 %	5 %	5 %
(a) shrivelled grains					—	—
(b) other cereals	3 %			} 5 %		
(c) grains damaged by pests						
(d) grains in which the germ is discoloured			—	—	—	—
(e) grains overheated during drying	0,50 %	0,50 %	1,5 %	3 %	3 %	3 %
3. Mottled grains and/or grains affected with fusariosis of which:	5 %	—	—	—	—	—
— grains affected with fusariosis	1,5 %	—	—	—	—	—
4. Sprouted grains	4 %	4 %	4 %	6 %	6 %	6 %
5. Miscellaneous impurities (Schwarzbesatz) of which:	3 %	3 %	3 %	3 %	3 %	3 %
(a) extraneous seeds:						
— noxious	0,10 %	0,10 %	0,10 %	0,10 %	0,10 %	0,10 %
— other						
(b) damaged grains:						
— grains damaged by spontaneous heating or too extreme heating during drying	0,05 %	0,05 %				
— other						
(c) extraneous matter						
(d) husks						
(e) ergot	0,05 %	0,05 %	0,05 %	—	—	—
(f) decayed grains			—	—	—	—
(g) dead insects and fragments of insects						
C. Maximum percentage of wholly or partially piebald grains	27 %	—	—	—	—	—
D. Maximum tannin content (1)	—	—	—	—	—	1 %
E. Minimum specific weight (kg/hl)	78	73	70	62	—	—

	Durum wheat	Common wheat	Rye	Barley	Maize	Sorghum
F. Minimum protein content ⁽¹⁾ :						
— 2000/2001 marketing year	11,5 %	10 %	—	—	—	—
— 2001/2002 marketing year	11,5 %	10,3 %	—	—	—	—
— 2002/2003 onwards	11,5 %	10,5 %				
G. Hagberg falling number (seconds)	220	220	120			
H. Minimum Zeleny index (ml)	—	22	—	—	—	—

⁽¹⁾ As % of dry matter.

ANNEX II

1. DEFINITION OF MATTER OTHER THAN BASIC CEREALS OF UNIMPAIRED QUALITY

1.1. Broken grains

All grains whose endosperm is partially uncovered shall be regarded as broken grains. Grains damaged by threshing and grains from which the germ has been removed also belong to this group.

For maize, 'broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4,5 mm in diameter.

For sorghum, 'broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 1,8 mm in diameter.

1.2. Grain impurities

(a) *Shrivelled grains:*

grains which, after elimination from the sample of all other matter referred to in this Annex, pass through sieves with apertures of the following dimensions: common wheat 2,0 mm, rye 1,8 mm, durum wheat 1,9 mm, barley 2,2 mm.

Notwithstanding this definition, however:

- for barley from Finland or Sweden with a specific weight of at least 64 kilograms per hectolitre offered for intervention in those Member States, or
- for barley with a moisture content of 12,5 % or less,

'shrivelled grains' means grains which, after elimination of all other matter referred to in this Annex, pass through sieves with apertures of 2,0 mm.

In addition, grains damaged by frost and unripe grains (green) belong to this group.

(b) *Other cereals:*

all grains which do not belong to the species of grain sampled.

(c) *Grains damaged by pests:*

grains which have been nibbled. Bug-ridden grains also belong to this group.

(d) *Grains in which the germ is discoloured, mottled grains, grains affected with fusariosis:*

grains in which the germ is discoloured are those of which the tegument is coloured brown to brownish black and of which the germ is normal and not sprouting. For common wheat, grains in which the germ is discoloured shall be disregarded up to 8 %.

For durum wheat:

- grains which show a brown to brownish black discoloration elsewhere than on the germ itself shall be considered as mottled grains,
- grains affected with fusariosis are grains whose pericarp is contaminated with *Fusarium mycelium*; such grains look slightly shrivelled, wrinkled and have pink or white diffuse patches with an ill-defined outline.

(e) *Grains overheated during drying are those which show external signs of scorching but which are not damaged grains.*

1.3. Sprouted grains

Sprouted grains are those in which the radicle or plumule is clearly visible to the naked eye. However, account must be taken of the general appearance of the sample when its content, of sprouted grains is assessed. In some kinds of cereals the germ is protuberant, e.g. in durum wheat, and the germ tegument splits when the batch of cereals is shaken. These grains resemble sprouted grains but must not be included in that group. Sprouted grains are only those where the germ has undergone clearly visible changes which make it easy to distinguish the sprouted grain from the normal grain.

1.4. Miscellaneous impurities (Schwarzbesatz)

(a) Extraneous seeds

'Extraneous seeds' are seeds of plants, whether or not cultivated, other than cereals. They include seeds not worth recovering, seeds which can be used for livestock and noxious seeds.

'Noxious seeds' means seeds which are toxic to humans and animals, seeds hampering or complicating the cleaning and milling of cereals and seeds affecting the quality of products processed from cereals.

(b) Damaged grains

'Damaged grains' are those rendered unfit for human consumption and, as regards feed grain, for consumption by cattle, owing to putrefaction, mildew, or bacterial or other causes.

Damaged grains also include grains damaged by spontaneous heat generation or too extreme heating during drying. These 'heated' or 'smutty' grains are fully grown grains in which the tegument is coloured greyish brown to black, while the cross-section of the kernel is coloured yellowish-grey to brownish-black.

Grains attacked by wheat midge shall be considered damaged grains only when more than half the surface of the grain is coloured grey to black as a result of secondary cryptogamic attack. Where discoloration covers less than half the surface of the grain, they must be classed with grains damaged by pests.

(c) Extraneous matter

All matter in a sample of cereals retained by a sieve with apertures of 3,5 mm, (with the exception of grains of other cereals and particularly large grains of the basic cereal) and that passing through a sieve with apertures of 1,0 mm shall be considered extraneous matter. Also included are stones, sand, fragments of straw and other impurities in the samples which pass through a sieve with apertures of 3,5 mm and are retained by a sieve with apertures of 1,0 mm.

This definition does not apply to maize. For maize, all matter in a sample which passes through a sieve with apertures of 1 mm shall be considered extraneous matter, in addition to that referred to in the first subparagraph.

(d) Husks (for maize: cob fragments).

(e) Ergot.

(f) Decayed grains.

(g) Dead insects and fragments of insects.

1.5. Live pests

1.6. Piebald grains which have lost their vitreous aspect (mitadiné or piebald)

Mitadiné grains of durum wheat are grains whose kernel cannot be regarded as entirely vitreous.

2. SPECIFIC FACTORS TO TAKE INTO CONSIDERATION FOR EACH TYPE OF CEREAL FOR THE DEFINITION OF IMPURITIES

2.1. Durum wheat

Grain impurities means shrivelled grains, grains of other cereals, grains damaged by pests, grains in which the germ is discoloured, mottled grains of grains affected with fusariosis and grains overheated during drying.

Miscellaneous impurities means extraneous seeds, damaged grains, extraneous matter, husks, ergot, decayed grains, dead insects and fragments of insects.

2.2. Common wheat

Grain impurities means shrivelled grains, grains of other cereals, grains damaged by pests, grains in which the germ is discoloured and grains overheated during drying.

Miscellaneous impurities means extraneous seeds, damaged grains, extraneous matter, husks, ergot, decayed grains, dead insects and fragments of insects.

2.3. Rye

Grain impurities means shrivelled grains, grains of other cereals, grains damaged by pests and grains overheated during drying.

Miscellaneous impurities means extraneous seeds, damaged grains, extraneous matter, husks, ergot, dead insects and fragments of insects.

2.4. Barley

Grain impurities means shrivelled grains, grains of other cereals, grains damaged by pests and grains overheated during drying.

Miscellaneous impurities means extraneous seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects.

2.5. Maize

Grain impurities means grains of other cereals, grains damaged by pests and grains overheated during drying.

For maize, all matter in a sample which passes through a sieve with apertures of 1,0 mm shall be considered extraneous matter.

All extraneous seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects shall be considered miscellaneous impurities.

2.6. Sorghum

Grain impurities means grains of other cereals, grains damaged by pests and grains overheated during drying.

Miscellaneous impurities means extraneous seeds, damaged grains, extraneous matter, husks, dead insects and fragments of insects.

ANNEX III

STANDARD METHOD FOR DETERMINING MATTER OTHER THAN BASIC CEREALS OF UNIMPAIRED QUALITY

1. For common wheat, durum wheat, rye and barley, an average sample of 250 g is passed through two sieves, one with slotted perforations of 3,5 mm and the other with slotted perforations of 1,0 mm, for half a minute each.

In order to ensure constant sifting, it is advisable to use a mechanical sieve, e.g. a vibrating table with fitted sieves.

The matter retained by the sieve with slotted perforations of 3,5 mm and that passing through the sieve with slotted perforations of 1,0 mm must be weighted together and regarded as extraneous matter. Where the matter retained by the sieve with slotted perforations of 3,5 mm includes parts in the 'other cereals' group or particularly large grains of the basic cereal, those parts or grains shall be returned to the sifted sample. During sifting, in the sieve with slotted perforations of 1,0 mm, a close check must be made for live pests.

From the sifted sample, a sample of 50 to 100 g shall be taken using a separator. This partial sample must be weighed.

The partial sample should then be spread out on a table with tweezers or a horn spatula and broken grains, other cereals, sprouted grains, grains damaged by pests, grains damaged by frost, grains in which the germ is discoloured, mottled grains, extraneous seeds, ergots, damaged grains, decayed grains, husks and live pests and dead insects must be extracted.

Where the partial sample includes grains still in the husk, they shall be husked by hand, the husks obtained being considered as pieces of husks. Stones, sand and fragments of straw shall be considered extraneous matter.

The partial sample shall be sifted for half a minute in a sieve with slotted perforations of 2,0 mm for common wheat, 1,8 mm for rye, 1,9 mm for durum wheat, 2,2 mm for barley. Matter which passes through this sieve shall be considered as shrivelled grains. Grains damaged by frost and unripe green grains belong to the 'shrivelled grains' group.

2. An average sample of 500 g in the case of maize and 250 g for sorghum, is shaken for half a minute in a sieve which has slotted perforations of 1,0 mm. Check for the presence of live pests and dead insects.

Using tweezers or a horn spatula, extract from the matter retained by the sieve with slotted perforations of 1,0 mm stones, sand, fragments of straw and other extraneous matter.

Add the extraneous matter thus extracted to the matter which has passed through the sieve with slotted perforations of 1,0 mm and weigh them together.

Using a separator, prepare a partial sample of 100 to 200 g in the case of maize or 25 to 50 g for sorghum from the sample passed through the sieve. Weigh this partial sample. Spread it out in a thin layer on a table. Using tweezers or a horn spatula, extract the pieces of other cereals, grains damaged by pests, grains damaged by frost, sprouted grains, extraneous seeds, damaged grains, husks, live pests and dead insects.

Next, pass this partial sample through a sieve with a 4,5 mm round mesh for maize and 1,8 mm round mesh for sorghum. The matter which passes through this sieve shall be considered as broken grains.

3. Groups of matter other than basic cereals of unimpaired quality, determined according to the methods referred to in 1 and 2 must be weighted very carefully to the nearest 0,01 g and distributed according to percentage over the average sample. The particulars entered in the analysis report shall be to the nearest 0,1 %. Check for live pests.

As a general rule, two analyses must be made for each sample. They must not differ by more than 10 % in respect of the total of the abovementioned matter.

4. The apparatus to be used for the operations referred to in 1, 2 and 3 is as follows:

- (a) sample separator, e.g. a conical or grooved apparatus;
 - (b) precision or assay balance;
 - (c) sieves with slotted perforations of 1,0 mm, 1,8 mm, 1,9 mm, 2,0 mm, 2,2 mm and 3,5 mm and sieves with a 1,8 mm and 4,5 mm round mesh. The sieves may be fitted to a vibrating table.
-

ANNEX IV

STANDARD METHOD OF TESTING FOR MOISTURE CONTENT

1. Principle

The product is dried at a temperature of 130 to 133 °C under normal atmospheric pressure, for a period appropriate to the size of the particles.

2. Scope

This drying method applies to cereals crushed into particles of which at least 50 % pass through a sieve with 0,5 mm mesh and leave not more than 10 % residue on the sieve with a 1,0 mm round mesh. It also applies to flour.

3. Apparatus

Precision balance.

Crusher made of a material which does not absorb moisture, is easy to clean, enables crushing to be effected quickly and evenly without overheating, limits contact with the outside air to the minimum, and meets the requirements mentioned in 2 (e.g. a detachable roller mill).

Receptacle made of non-corrodible metal or glass, fitted with a sufficiently tight-fitting lid; working surface allowing distribution of the test sample at 0,3 g per cm².

Electrically heated isothermic heating chamber, set at a temperature of 130 to 133 °C ⁽¹⁾ having adequate ventilation ⁽²⁾.

Dessicator with a metal or, failing metal, porcelain plate (thick, perforated), containing any suitable dessicant.

4. Procedure*Drying*

Weigh to the nearest 1 mg a quantity slightly greater than 5 g of the crushed small-grained cereals or 8 g of the crushed maize in the pre-weighed receptacle. Place the receptacle in a heating chamber heated to a temperature of 130 to 133 °C. This should be done as quickly as possible, so as to prevent too great a drop in temperature. Leave small-grained cereals to dry for two hours and maize for four hours after the heating chamber regains a temperature of 130 to 133 °C. Remove the receptacle from the heating chamber, quickly replace the lid, leave to cool for 30 to 45 minutes in a dessicator and weigh (to the nearest 1 mg).

5. Method of calculation and formulae

E = the initial mass, in grams, of the test sample

M = the mass, in grams, of the test sample after preparation

M' = the mass, in grams, of the test sample after crushing

m = the mass, in grams, of the dry test sample.

The moisture content as a percentage of the product is equal to:

— without previous preparation $(E - m) \times 100/E$,

— with previous preparation $((M' - m)/M' + E - M) \times 100/E = 100 (1 - Mm/EM')$

Tests to be made in duplicate at least.

6. Repetition

The difference between the values obtained from the two determinations carried out simultaneously or in rapid succession by the same analyst shall not exceed 0,15 g of moisture per 100 g of sample. If it does so, the determinations shall be repeated.

⁽¹⁾ Air temperatures inside the heating chamber.

⁽²⁾ Its heating capacity should be such that, when it has been pre-set to a temperature of 130 to 133 °C, that temperature can be regained in less than 45 minutes after the maximum number of test samples have been placed in the chamber to dry simultaneously.

Ventilation should be such that, when small-grained cereals (common wheat, durum wheat, barley, sorghum and rye) are dried for two hours and maize for four hours, the results from all the test samples of semolina or, as the case may be, maize that the heating chamber can hold differ by less than 0,15 % from the results obtained after drying small-grained cereals for three hours and maize for five hours.

ANNEX V

METHOD FOR DETERMINING THE NON-STICKINESS AND MACHINABILITY OF THE DOUGH OBTAINED FROM COMMON WHEAT**1. Title**

Method for test baking of wheat flour.

2. Scope

The method is applicable to flour, experimentally milled from wheat for the production of yeast-raised bread.

3. Principle

A dough is made from flour, water, yeast, salt and sucrose, in a specified mixer. After dividing and rounding, the pieces are given 30 minutes' rest; they are moulded, placed on baking sheets and baked after a final proof of fixed duration. Dough-handling properties are noted. The loaves are judged by volume and height.

4. Ingredients**4.1. Yeast**

Active dry yeast of type *Saccharomyces cerevisiae* DHW-Hamburg-Wansbeck or a product having the same characteristics.

4.2. Tap water**4.3. Sugar-salt-ascorbic acid solution**

Dissolve $30 \pm 0,5$ g of sodium chloride (commercial grade), $30 \pm 0,5$ g of sucrose (commercial grade), and $0,040 \pm 0,001$ g ascorbic acid in 800 ± 5 g of water. Prepare fresh daily.

4.4. Sugar solution

Dissolve $5 \pm 0,1$ g sucrose (commercial grade) in 95 ± 1 g of water. Prepare fresh daily.

4.5. Enzyme active malt flour

Commercial grade.

5. Equipment and apparatus**5.1. Baking room**

Controlled to maintain a temperature of 22 to 25 °C.

5.2. Refrigerator

For maintaining a temperature of 4 ± 2 °C.

5.3. Balance

Maximum load 2 kg, accuracy 2 g.

5.4. Balance

Maximum load 0,5 kg, accuracy 0,1 g.

5.5. Analytical balance

Accuracy $0,1 \times 10^{-3}$ g.

5.6. *Mixer*

Stephan UMTA 10, with mixing arm model 'Detmold' (Stephan Soehne GmbH) or similar equipment having the same characteristics.

5.7. *Proving cabinet*

Controlled to maintain a temperature of 30 ± 1 °C.

5.8. *Open plastic boxes*

Made from polymethylmethacrylate (Plexiglas, Perspex). Inside dimensions: $25 \times 25 \times 15$ cm height, wall thickness $0,5 \pm 0,05$ cm.

5.9. *Square plastic sheets*

Made from polymethylmethacrylate (Plexiglas, Perspex). At least 30×30 cm, thickness $0,5 \pm 0,05$ cm.

5.10. *Moulder*

Brabender ball homogeniser (Brabender OHG) or similar equipment having the same characteristics.

6. **Sampling**

According to ICC Standard No 101.

7. **Procedure**

7.1. *Determination of water uptake*

Determine the water absorption according to ICC Standard No 115/1.

7.2. *Determination of malt flour addition*

Determine the 'falling number' of the flour according to ISO 3093-1982. If the 'falling number' is higher than 250, determine the malt flour addition required to bring it within the range 200 to 250, using a series of mixtures of the flour with increasing quantities of malt flour (4.5). If the 'falling number' is lower than 250, no malt flour is required.

7.3. *Reactivation of active dry yeast*

Adjust the temperature of the sugar solution (4.4) to 35 ± 1 °C. Pour one part by weight of the active dry yeast into four parts by weight of this tempered sugar solution. Do not stir. Swirl if necessary.

Allow to stand for 10 ± 1 minute, then stir until a homogeneous suspension is obtained. Use this suspension within 10 minutes.

7.4. *Temperature adjustment of the flour and the dough liquid*

The temperature of the flour and the water must be adjusted to give a dough temperature of 27 ± 1 °C after mixing.

7.5. *Dough composition*

Weigh, with a precision of 2 g, $10 y/3$ g flour on as-is moisture basis (corresponding to 1 kg flour on a 14 % moisture basis), in which 'y' is the quantity of flour used in the farinograph test (see ICC Standard No 115, clause 9.1). Weigh, with a precision of 0,2 g, the quantity of malt flour necessary to bring the 'falling number' within the range 200 to 250 (7.2).

Weigh 430 ± 5 g sugar-salt-ascorbic acid solution (4.3) and add water to a total mass of $(x-9) 10 y/3$ g, (see 10.2) in which 'x' is the quantity of water used in the farinograph test (see ICC Standard No 115, clause 9.1). This total mass (usually between 450 and 650 g) must be achieved with a precision of 1,5 g.

Weigh 90 ± 1 g yeast suspension (7.3).

Note the total mass of the dough (P), which is the sum of the masses of flour, sugar-salt-ascorbic acid solution plus water, yeast suspension and malt flour.

7.6. *Mixing*

Before starting, bring the mixer to a temperature of 27 ± 1 °C by use of a suitable quantity of tempered water.

Place the liquid dough ingredients in the mixer and place the flour plus malt flour on top.

Start the mixer (speed 1, 1 400 rev/min), and allow to run for 60 seconds. Twenty seconds after the start of mixing, turn the scraper attached to the lid of the mixing bowl two revolutions.

Measure the temperature of the dough. If it is outside the range 26 to 28 °C, discard the dough and mix a new one after adjustment of ingredient temperatures.

Note dough properties using one of the following terms:

- non-sticky and machinable, or
- sticky and non-machinable. To be considered as 'non-sticky and machinable' at the end of mixing, the dough should form a coherent mass which hardly adheres to the sides of the bowl and spindle of the mixer. It should be possible to collect the dough by hand and remove it from the mixing bowl in a single motion without noticeable loss.

7.7. *Dividing and rounding*

Weigh, with precision of 2 g, three pieces of dough according to the formula:

$p = 0,25 P$, where:

p = mass of scaled dough piece

P = total mass of dough.

Immediately round the pieces for 15 seconds in the moulder (5.10) and place them for 30 ± 2 minutes on the square plastic sheets (5.9), covered by the inverted plastiuc boxes (5.8) in the proving cabinet (5.7).

Do not use dusting flour.

7.8. *Moulding*

Bring the pieces of dough on the plastic sheets, covered by the inverted boxes, to the moulder (5.10), and re-round each piece for 15 seconds. Do not remove cover from a piece of dough until immediately before rounding. Note dough properties again, using one of the following terms:

- non-sticky and machinable, or
- sticky and non-machinable.

To be considered as 'non-sticky and machinable' the dough should adhere hardly, or not at all, to the sides of the chamber so that it can freely rotate around itself and form a regular ball during the operation of the machine. At the end of the operation the dough should not stick to the sides of the dough-moulding chamber when the lid of the chamber is raised.

(7.9; 7.10; 8.)

9. **Test report**

The test report should mention:

- dough-handling properties at the end of mixing, and at moulding,
- the 'falling number' of the flour without addition of malt flour,
- any anomalies observed.

It should further include:

- the method used,
- all details required for the identification of the sample.

10. **General remarks**

10.1.

10.2. The formula for the calculation of the quantity of dough liquid is based on the following considerations:

Addition of x ml water to the equivalent of 300 g flour at 14 % moisture produces the required consistency. As in the baking test 1 kg of flour (14 % moisture basis) is used, whereas x is based on 300 g of flour, for the baking test x divided by three and multiplied by 10 g of water is needed, so $10 x/3$ g.

The 430 g sugar-salt-ascorbic acid solution contains 15 g salt and 15 g sugar. This 430 g solution is included in the dough liquid. So to add 10×3 g water to the dough, $(10 \times 3 + 30)$ g dough liquid composed of the 430 g sugar-salt-ascorbic acid solution and an additional quantity of water must be added.

Although part of the water added with the yeast suspension is absorbed by the yeast, this suspension also contains 'free' water. It is arbitrarily supposed that 90 g yeast suspension contains 60 g 'free' water. The quantity of the dough liquid must be corrected for this 60 g of 'free' water in the yeast suspension, so 10×3 plus 30 minus 60 g must finally be added. This can be rearranged as follows: $(10 \times 3 + 30) - 60 = 10 \times 3 - 30 = (x/3 - 3) 10 = (x - 9) 10/3$, the formula given in clause 7.5. If, e.g., a water addition x in the farinograph test was found of 165 ml, this value must be substituted in this formula, so to the 430 g sugar-salt-ascorbic acid solution water must be added to a total mass of:

$$(165 - 9) 10/3 = 156 \times 10/3 = 520 \text{ g.}$$

- 10.3. The method is not directly applicable to wheat. The procedure to be followed for characterising the baking properties of wheat is as follows:

Clean the wheat, and determine the moisture content of the cleaned wheat. If the moisture content is within the range 15,0 % to 16,0 %, do not temper the wheat. If the moisture content is outside this range, adjust the moisture content to $15,5 \pm 0,5$ %, at least three hours prior to milling.

Mill the wheat into flour using a Buehler laboratory mil MLU 202 or a Brabender Quadrumat Senior mill or similar equipment having the same characteristics.

Choose a milling procedure that yields a flour of minimum 72 % extraction, with an ash content of 0,50 to 0,60 % on dry matter basis.

Determine the ash content of the flour according to Annex I to Commission Regulation (EC) No 1501/95 (OJ L 147, 30.6.1995, p. 7) and the moisture content according to this Regulation. Calculate the extraction rate by the equation:

$$E = (((100 - f) F) / ((100 - w) W)) \times 100 \%$$

where

E = extraction rate

f = moisture of the flour

w = moisture content of the wheat

F = mass of flour produced with moisture content f

W = mass of wheat milled with moisture content w.

Note: Information concerning the ingredients and equipment to be used is published in Document T 77/300 of 31 March 1977 from the Instituut voor Graan, Meel en Brood, TNO — Postbus 15, Wageningen, Netherlands.

ANNEX VI

DETERMINATION OF THE RATE OF LOSS OF VITREOUS ASPECT

1. Principle

Only part of the sample is used to determine the percentage of grains which have wholly or partially lost their vitreous aspect. The grains are cut using a Pohl grain cutter or an equivalent instrument.

2. Equipment and apparatus

- Pohl grain cutter or equivalent instrument,
- tweezers, scalpel,
- tray or dish.

3. Procedure

- (a) The determination is carried out on a sample of 100 g after separation of any matter other than basic cereals of unimpaired quality.
- (b) Spread the sample on a tray and homogenise well.
- (c) Insert a plate in the grain cutter and spread a handful of grains on the grid. Tap firmly to ensure that there is only one grain in each hole. Lower the moveable section to hold the grains in place and then cut them.
- (d) Prepare sufficient plates to ensure that a minimum of 600 grains are cut.
- (e) Count the number of grains which have wholly or partially lost their vitreous aspect ('mitadiné').
- (f) Calculate the percentage of grains which have wholly or partially lost their vitreous aspect ('mitadiné').

4. Expression of results

I = mass, in grams, of matter other than basic cereals of unimpaired quality.

M = percentage of cleaned grains examined which have wholly or partially lost their vitreous aspect ('mitadiné').

5. Result

The percentage of grains which have wholly or partially lost their vitreous aspect ('mitadiné') in the test portion is:

$$(M \times (100 - I))/100 = \dots$$

ANNEX VII

TABLE I

Price increases for moisture content

Moisture content (%)	Price increase (EUR/t)
13,4	0,1
13,3	0,2
13,2	0,3
13,1	0,4
13,0	0,5
12,9	0,6
12,8	0,7
12,7	0,8
12,6	0,9
12,5	1,0
12,4	1,1
12,3	1,2
12,2	1,3
12,1	1,4
12,0	1,5
11,9	1,6
11,8	1,7
11,7	1,8
11,6	1,9
11,5	2,0
11,4	2,1
11,3	2,2
11,2	2,3
11,1	2,4
11,0	2,5
10,9	2,6
10,8	2,7
10,7	2,8
10,6	2,9
10,5	3,0
10,4	3,1
10,3	3,2
10,2	3,3
10,1	3,4
10,0	3,5

TABLE II

Price reductions for moisture content

Moisture content (%)	Price reduction (EUR/t)
14,5	1,0
14,4	0,8
14,3	0,6
14,2	0,4
14,1	0,2

TABLE III
Price reductions for specific weight

Cereal	Specific weight (kg/hl)	Price reduction (EUR/t)
Common wheat	less than 76 to 75	0,5
	less than 75 to 74	1,0
	less than 74 to 73	1,5
Barley	less than 64,0 to 62,0	1,0

TABLE IV
Price reductions for protein content

Protein content ⁽¹⁾ (N × 5,7)	(EUR/t)		
	Marketing year 2000/2001	Marketing year 2001/2002	Marketing year 2002/2003 onwards
less than 11,5 to 11,0	1,5	2,0	2,5
less than 11,0 to 10,5	3,0	4,0	5
less than 10,5 to 10,3	5,0	5,0	
less than 10,3 to 10,0	5,0		

⁽¹⁾ As % of dry matter.

ANNEX VIII

Practical method for determining the reduction to be applied to the price of sorghum by intervention agencies1. *Basic data*

P = the percentage of tannin in raw product

0,4 % = the percentage of tannin above to which the reduction is to be applied

11 % ⁽¹⁾ = the reduction corresponding to 1 % tannin in the dry matter

2. *Calculation of the reduction*

The reduction, expressed in euro to be applied to the intervention price, shall be calculated in accordance with the following formula:

$$11 (P - 0,40)$$

⁽¹⁾ Reduction to be applied to the price of sorghum on the basis of the tannin content of 1 000 g of dry matter:

- (a) Poultry-metabolisable energy of 1 000 g of sorghum dry matter with a theoretical tannin content of 0 %: 3 917 K calories.
- (b) Reduction of the poultry-metabolisable energy of 1 000 g of sorghum dry matter per additional percentage point of tannin: 419 K calories.
- (c) Difference, expressed in percentage points, between the maximum tannin content laid down for sorghum accepted for intervention and the tannin content laid down for the standard quality: $1,0 - 0,30 = 0,70$.
- (d) Difference, expressed as a percentage, between the poultry-metabolisable energy of sorghum containing 1,0 % tannin and the poultry-metabolisable energy of sorghum with the same tannin content as the standard quality (0,30 %):

$$100 - \left(\frac{3\,917 - (419 \times 1,0)}{3\,917 - (419 \times 0,30)} \times 100 \right) = 7,74 \%$$

- (e) Reduction corresponding to a 1 % tannin content in the dry matter, in excess of 0,30 %

$$\frac{7,74}{0,70} = \text{EUR } 11$$

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 April 2000

amending Decision 95/124/EC establishing the list of approved fish farms in Germany

(notified under document number C(2000) 994)

(Text with EEA relevance)

(2000/302/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Member States may obtain the status of approved free of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) for fish farms located in zones which are non-approved in respect of IHN and VHS.
- (2) The list of approved fish farms in Germany was established by Commission Decision 95/124/EC ⁽³⁾, as last amended by Decision 2000/173/EC ⁽⁴⁾.
- (3) Germany, by letters of 17 September 1999 and 21 December 1999, has submitted to the Commission the justifications for obtaining the status of approved farm in a non-approved zone in respect of IHN and VHS for certain fish farms situated in Lower Saxony, Bavaria and Baden-Württemberg, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status.
- (4) The Commission and the Member States examined the justifications notified by Germany for each farm.

- (5) The result of this examination is that certain of the farms concerned meet the requirements of Article 6 of Council Directive 91/67/EEC.
- (6) Therefore, the farms in question are eligible for the status of approved farm situated in a non-approved zone.
- (7) Those farms should be added to the list of farms which have already been approved.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 95/124/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 April 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 84, 14.4.1995, p. 6.

⁽⁴⁾ OJ L 55, 29.2.2000, p. 74.

ANNEX

I. FARMS IN LOWER SAXONY

1. **Jochen Moeller**
Fischzucht Harkenbleck
D-30966 Hemmingen-Harkenbleck
2. **Versuchsgut Rellehausen der Universität Göttingen**
(hatchery only)
D-37586 Dassel
3. **Dr. R. Rosengarten**
Forellenzucht Sieben Quellen
D-49124 Georgsmarienhütte
4. **Klaus Kröger**
Fischzucht Klaus Kröger
D-21256 Handeloh Wörme
5. **Ingeborg Riggert-Schlumbohm**
Forellenzucht W. Riggert
D-29465 Schnega
6. **Volker Buchtmann**
Fischzucht Nordbach
D-21441 Garstedt
7. **Sven Kramer**
Forellenzucht Kaierde
D-31073 Delligsen
8. **Hans-Peter Klusak**
Fischzucht Grönegau
D-49328 Melle
9. **F. Feuerhake**
Forellenzucht Rheden
D-31039 Rheden

II. FARMS IN THURINGIA

1. **Firma Tautenhahn**
D-98646 Trostadt
2. **Thüringer Forstamt Leinefelde**
Fischzucht Worbis
D-37327 Leinefelde
3. **Fischzucht Salza GmbH**
D-99734 Nordhausen-Salza
4. **Fischzucht Kindelbrück GmbH**
D-99638 Kindelbrück
5. **Reinhardt Strecker**
Forellenzucht Orgelmühle
D-37351 Dingelstadt

III. FARMS IN BADEN-WÜRTTEMBERG

1. **Heiner Feldmann**
Riedlingen/Neufra
D-88630 Pfullendorf
2. **Walter Dietmayer**
Forellenzucht Walter Dietmayer, Hettingen
D-72501 Gammertingen
3. **Heiner Feldmann**
Bad Waldsee
D-88630 Pfullendorf
4. **Heiner Feldmann**
Bergatreute
D-88630 Pfullendorf
5. **Oliver Fricke**
Anlage Wuchzenhofen, Boschenmühle
D-88410 Mariasteinbach Legau 13 1/2
6. **Peter Schmaus**
Fischzucht Schmaus, Steinental
D-88410 Steinental/Hauerz
7. **Josef Schnetz**
Fenkenmühle
D-88263 Horgenzell
8. **Erwin Steinhart**
Quellwasseranlage Steinhart, Hettingen
D-72513 Hettingen
9. **Hugo Strobel**
Quellwasseranlage Otterswang, Sägmühle
D-72505 Hausen am Andelsbach
10. **Reinhard Lenz**
Forsthaus, Gaimühle
D-64759 Sensbachtal
11. **Peter Hofer**
Sulzbach
D-78727 Aistaig/Oberndorf
12. **Stephan Hofer**
Oberer Lautenbach
D-78727 Aistaig/Oberndorf
13. **Stephan Hofer**
Unterer Lautenbach
D-78727 Aistaig/Oberndorf
14. **Stephan Hofer**
Schelklingen
D-78727 Aistaig/Oberndorf
15. **Hubert Schuppert**
Brutanlage: Obere Fischzucht
Mastanlage: Untere Fischzucht
D-88454 Unteressendorf
16. **Johannes Dreier**
Brunnentobel
D-88299 Leutkich/Hebrachhofen
17. **Peter Störk**
Wagenhausen
D-88348 Saulgau
18. **Erwin Steinhart**
Geislingen/St.
D-73312 Geislingen/St.

- | | |
|--|---|
| <p>19. Joachim Schindler
Forellenzucht Lohmühle
D-72275 Alpirsbach</p> <p>20. Heribert Wolf
Forellenzucht Sohnus
D-72160 Horb-Diessen</p> <p>21. Claus Lehr
Forellenzucht Reinerzau
D-72275 Alpirsbach-Reinerzau</p> <p>22. Hugo Hager
Bruthausanlage
D-88639 Walbertsweiler</p> <p>23. Hugo Hager
Waldanlage
D-88639 Walbertsweiler</p> <p>24. Gumpper und Stöll GmbH
Forellenhof Rössle, Honau
D-72805 Liechtenstein</p> <p>25. Ulrich Ibele
Pfrungen
D-88271 Pfrungen</p> <p>26. Hans Schmutz
Brutanlage 1, Brutanlage 2, Brut- und Setzlingsanlage 3 (Hausanlage)
D-89155 Erbach</p> <p>27. Wilhelm Drafehn
Obersimonswald
D-77960 Seelbach</p> <p>28. Wilhelm Drafehn
Brutanlage Seelbach
D-77960 Seelbach</p> <p>29. Franz Schwarz
Oberharmersbach
D-77784 Oberharmersbach</p> <p>30. Meinrad Nuber
Langenenslingen
D-88515 Langenenslingen</p> <p>31. Anton Spieß
Höhmühle
D-88353 Kislleg</p> <p>32. Karl Servay
Osterhofen
D-88339 Bad Waldsee</p> <p>33. Kreissportfischereiverein Biberach
Warthausen
D-88400 Biberach</p> <p>34. Hans Schmutz
Gossenzugen
D-89155 Erbach</p> | <p>35. Reinhard Rösch
Haigerach
D-77723 Gengenbach</p> <p>36. Harald Tress
Unterlauchringen
D-79787 Unterlauchringen</p> <p>37. Alfred Tröndle
Tiefenstein
D-79774 Albbruck</p> <p>38. Alfred Tröndle
Unteralpfen
D-79774 Unteralpfen</p> <p>39. Peter Hofer
Schenkenbach
D-78727 Aistaig/Oberndorf</p> <p>40. Heiner Feldmann
Bainders
D-88630 Pfullendorf</p> <p>41. Andreas Zordel
Fischzucht Im Gänsebrunnen
D-75305 Neuenbürg</p> <p>42. Hans Fichböck
Forellenzucht am Kocherursprung
D-73447 Oberkochen</p> <p>43. Hans Fichböck
Fischzucht
D-73447 Oberkochen</p> <p>44. Josef Dürr
Forellenzucht Igersheim
D-97980 Bad Mergentheim</p> <p>45. Kurt Englerth und Sohn GBR
Anlage Berneck
D-72297 Seewald</p> <p>46. A.J. Kisslegg
Anlage Rohrsee</p> <p>47. Staatliches Forstamt Wangen
Anlage Karsee</p> <p>48. Simon Phillipson
Anlage Weissenbronnen
D-88364 Wolfegg</p> <p>49. Hans Kleiber
Anlage Bad Wildbad
D-75337 Enzklösterle</p> <p>50. Josef Hönig
Forellenzucht Hönig
D-76646 Bruchsal-Heidelsheim</p> |
|--|---|

IV. FARMS IN NORTH RHINE-WESTPHALIA

- | | |
|---|---|
| <p>1. Wolfgang Lindhorst-Emme
Hirschquelle
D-33758 Schloß Holte-Stukenbrock</p> <p>2. Wolfgang Lindhorst-Emme
Am Oelbach
D-33758 Schloß Holte-Stukenbrock</p> | <p>3. Hugo Rameil und Söhne
Sauerländer Forellenzucht
D-57368 Lennestadt-Gleierbrück</p> <p>4. Peter Horres
Ovenhausen, Jätzer Mühle
D-37671 Höxter</p> |
|---|---|

V. FARMS IN BAVARIA1. **Gerstner Peter**

(Forellenzuchtbetrieb Juraquell)
Wellheim
D-97332 Volkach

2. **Werner Ruf**

Fischzucht Wildbad
D-86925 Fuchstal-Leeder

3. **Rogg**

Fisch Rogg
D-87751 Heimertingen

COMMISSION RECOMMENDATION
of 13 April 2000
on the reduction of CO₂ emissions from passenger cars
(KAMA)

(notified under document number C(2000) 801)

(Text with EEA relevance)

(2000/303/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211, second indent, thereof,

Whereas:

- (1) The Commission has proposed a Community strategy to reduce CO₂ emissions from passenger cars and improve fuel economy ⁽¹⁾.
- (2) The Council (environment), in its conclusions of 25 June 1996, invited the Commission to undertake the necessary steps to implement the main elements of this strategy.
- (3) An environmental agreement with the automobile industry is one of the main elements of the Community strategy. Both the Commission and the Council believe that such agreement should commit the automobile industry to making a major contribution to the achievement of the overall objective of the strategy for attaining a CO₂ emission target of 120 g/km CO₂ on average for newly-registered passenger cars by 2005, and at the latest 2010.
- (4) The Korea Automobile Manufacturers Association (KAMA), with the support of its member companies manufacturing passenger cars, has adopted a commitment on CO₂ emission reductions from new passenger cars (hereinafter referred to as 'the commitment').
- (5) The Commission is satisfied with the undertakings given by KAMA in the commitment.
- (6) The Commission acknowledges the assumptions underlying the commitment and will review the situation together with KAMA and agree to any necessary adjustments to the commitment in good faith, in the event that the assumptions are not borne out.
- (7) The commitment is based on the requirements of Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽²⁾, although KAMA expects that

the market average fuel quality will be better than these legislative requirements.

- (8) The Commission and KAMA agree to jointly monitor the undertakings in the commitment, the assumptions underlying them as well as certain other developments.
- (9) The commitment includes a clause stating that no additional fiscal measures are needed to help KAMA to achieve its CO₂ objectives. The commitment does not question the right of the Community or its Member States to exercise their prerogatives in the field of fiscal policy as laid down in the strategy. The effect of fiscal measures will be assessed in the context of the monitoring of the commitment.
- (10) The Commission intends to present a legislative proposal on CO₂ emissions from passenger cars from KAMA fail to achieve the CO₂ emission objective for 2009 in its commitment or should it not make sufficient progress towards this objective (as measured in particular against the estimated target range for 2004 in the commitment), and should the Commission not be satisfied that such failure is due to factors for which KAMA cannot be held accountable.
- (11) The Commission has addressed similar recommendations to European ⁽³⁾ and Japanese ⁽⁴⁾ automobile associations, to undertake CO₂ emission reduction efforts which are equivalent to the commitment for their sales in the Community,

HEREBY RECOMMENDS:

Article 1

1. The members of the Korea Automobile Manufacturers Association (KAMA) should, mainly by technological developments and market changes linked to these developments, collectively achieve a CO₂ emission target of 140 g/km CO₂, as measured according to Commission Directive 93/116/EC ⁽⁵⁾, for the average of their new cars sold in the Community (category M₁ as defined in Annex I to Council Directive 70/156/EEC ⁽⁶⁾) by 2009. Innovative concepts for vehicles replacing conventional cars and passenger cars not producing CO₂ emissions or using alternative fuels will be counted towards the achievement of this CO₂ emission target even if they are not included in category M₁ or are not currently covered by Directive 93/116/EC.

⁽¹⁾ COM(95) 689 final of 20 December 1995.

⁽²⁾ OJ L 350, 28.12.1998, p. 58.

⁽³⁾ OJ L 40, 13.2.1999, p. 49.

⁽⁴⁾ See page 57 of this Official Journal.

⁽⁵⁾ OJ L 329, 30.12.1993, p. 39.

⁽⁶⁾ OJ L 42, 23.2.1970, p. 1.

During the monitoring of the commitment, KAMA should cooperate with the Commission in identifying the effect of market changes which are not linked to technological developments.

2. KAMA should evaluate in 2004 the potential for additional fuel-efficiency improvements with a view to moving further towards the objective of 120 g/km CO₂ by 2012.

3. Individual members of KAMA should place on the market in the Community models emitting 120 g/km CO₂ or less, as measured according to Directive 93/116/EC, at the earliest possible date after the year 2000.

4. The members of KAMA should undertake every effort to achieve collectively an intermediate CO₂ emission target in the range of 165 to 170 g/km CO₂, as measured according to Directive 93/116/EC, by 2004.

5. KAMA should cooperate with the Commission in the monitoring of its commitment.

Article 2

This Recommendation is addressed to the Korea Automobile Manufacturers Association (KAMA).

Done at Brussels, 13 April 2000.

For the Commission

Margot WALLSTRÖM

Member of the Commission

COMMISSION RECOMMENDATION
of 13 April 2000
on the reduction of CO₂ emissions from passenger cars
(JAMA)

(notified under document number C(2000) 803)

(Text with EEA relevance)

(2000/304/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211, second indent, thereof,

Whereas:

- (1) The Commission has proposed a Community strategy to reduce CO₂ emissions from passenger cars and improve fuel economy ⁽¹⁾.
- (2) The Council (environment), in its conclusions of 25 June 1996, invited the Commission to undertake the necessary steps to implement the main elements of this strategy.
- (3) An environmental agreement with the automobile industry is one of the main elements of the Community strategy. Both the Commission and the Council believe that such agreement should commit the automobile industry to making a major contribution to the achievement of the overall objective of the strategy for attaining a CO₂ emission target of 120 g/km CO₂ on average for newly-registered passenger cars by 2005, and at the latest 2010.
- (4) The Japan Automobile Manufacturers Association (JAMA), with the support of its member companies manufacturing passenger cars, has adopted a commitment on CO₂ emission reductions from new passenger cars (hereinafter referred to as 'the commitment').
- (5) The Commission is satisfied with the undertakings given by JAMA in the commitment.
- (6) The Commission acknowledges the assumptions underlying the commitment and will review the situation together with JAMA and agree to any necessary adjustments to the commitment in good faith, in the event that the assumptions are not borne out.
- (7) The commitment is based on the requirements of Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽²⁾, although JAMA expects that the

market average fuel quality will be better than these legislative requirements.

- (8) The Commission and JAMA agree to jointly monitor the undertakings in the commitment, the assumptions underlying them as well as certain other developments.
- (9) The commitment includes a clause stating that no additional fiscal measures are needed to help JAMA to achieve its CO₂ objectives. The commitment does not question the right of the Community or its Member States to exercise their prerogatives in the field of fiscal policy as laid down in the strategy. The effect of fiscal measures will be assessed in the context of the monitoring of the commitment.
- (10) The Commission intends to present a legislative proposal on CO₂ emissions from passenger cars from JAMA fail to achieve the CO₂ emission objective for 2009 in its commitment or should it not make sufficient progress towards this objective (as measured in particular against the estimated target range for 2003 in the commitment), and should the Commission not be satisfied that such failure is due to factors for which JAMA cannot be held accountable.
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3. Individual members of JAMA should place on the market in the Community models emitting 120 g/km CO₂ or less, as measured according to Directive 93/116/EC, by the earliest possible date after the year 2000.

4. The members of JAMA should undertake every effort to achieve collectively an intermediate CO₂ emission target in the range of 165 to 170 g/km CO₂, as measured according to Directive 93/116/EC, by 2003.

5. JAMA should cooperate with the Commission in the monitoring of its commitment.

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For the Commission

Margot WALLSTRÖM

Member of the Commission
