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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1142/2000
of 29 May 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 30 May 2000.

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

Done at Brussels, 29 May 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 29 May 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	81,9
	204	66,1
	999	74,0
0707 00 05	052	97,2
	068	45,2
	628	113,5
	999	85,3
0709 10 00	052	141,9
	999	141,9
0709 90 70	052	56,3
	999	56,3
0805 10 10, 0805 10 30, 0805 10 50	052	60,4
	204	36,0
	212	30,5
	220	40,0
	600	58,4
	624	66,1
	999	48,6
0805 30 10	528	72,4
	999	72,4
0808 10 20, 0808 10 50, 0808 10 90	388	92,2
	400	62,0
	404	113,0
	508	86,2
	512	85,9
	528	84,4
	720	61,3
	804	99,9
	999	85,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1143/2000
of 29 May 2000
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

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

Article 2

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

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

Done at Brussels, 29 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A and B

1. **Action No:** 335/98 (A); 333/98 (B1); 334/98 (B2); 146/99 (B3)
2. **Beneficiary** ⁽²⁾: Euronaid, PO box 12, 2501 CA Den Haag, The Netherlands; tel. (31-70) 330 57 57; fax 364 17 01; telex 30960 EURON NL
3. **Beneficiary's representative:** To be designated by the recipient
4. **Country of destination:** A: Angola; B1: Rwanda; B2: Nicaragua; B3: Haiti.
5. **Product to be mobilised:** Refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 1 271
7. **Number of lots:** 2 (A: 870 tonnes; B: 401 tonnes (B1: 100 tonnes; B2: 121 tonnes; B3: 180 tonnes))
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(1)(a) or (b))
9. **Packaging** ⁽⁷⁾: A: see OJ C 267, 13.9.1996, p. 1 (10.8, A, B and C.2);
B: see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: See OJ C 114, 29.4.1991, p. 1 (III.A.(3))
— language to be used for the markings: A: Portuguese; B1: English; B2: Spanish; B3: French
— supplementary markings: —
11. **Method of mobilisation of the product:** Mobilisation of refined vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** Free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: 10 to 30.7.2000
— second deadline: 24.7 to 13.8.2000
18. **Period or deadline of supply at the alternative stage:**
— first deadline: —
— second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 13.6.2000
— second deadline: 27.6.2000
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantee** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels; Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65), Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate,
 - B2: The shipping documents must be authenticated by the diplomatic representative in the exporting country.
- (⁵) Notwithstanding OJ C 114, 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.
- (⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.
- (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL.

The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.

COMMISSION REGULATION (EC) No 1144/2000
of 29 May 2000
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 29 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 808/97
2. **Beneficiary** ⁽²⁾: Ethiopia
3. **Beneficiary's representative:** Food Security Unit of the European Communities, Addis Ababa, PO box 5570. Tel. (251-1) 61 09 12, fax 61 26 55
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** Common wheat
6. **Total quantity (tonnes net):** 15 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: See OJ C 114, 29.4.1991, p. 1 (II.A(1)(a))
9. **Packaging** ⁽⁷⁾ ⁽⁸⁾: See OJ C 267, 13.9.1996, p. 1 (1.0 A.1.c and 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: See OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - language to be used for the markings: English
 - supplementary markings: —
11. **Method of mobilisation of the product:** The Community market
12. **Specified delivery stage:** Free at destination ⁽⁹⁾
13. **Alternative delivery stage:** Free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** EFSR warehouse in Dire Dawa, Shinille, Ethiopia, Contact: Ato Sirak Hallu, tel. (251-1) 51 71 62, fax 51 83 63
 - port or warehouse of transit: Berbera
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 10.9.2000
 - second deadline: 24.9.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 3 to 16.7.2000
 - second deadline: 17 to 30.7.2000
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 13.6.2000
 - second deadline: 27.6.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels; Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: Refund applicable on 20.5.2000. Fixed by Commission Regulation (EC) No 870/2000 (OJ L 104, 29.4.2000, p. 6)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65), Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39) is applicable as regards the export refund. The date referred to in Article 2 of that Regulation is that referred to in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114, point II.A (3) (c) is replaced by the following: 'the words "European Community"'.

- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) Bagging must be carried out before shipment.
- (⁹) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).

COMMISSION REGULATION (EC) No 1145/2000
of 29 May 2000
on the supply of fishery products as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 29 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 152/99
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, 2501 CA Den Haag, The Netherlands; Tel. (31-70) 330 57 57; fax 364 17 01; telex 30960 EURON NL
3. **Beneficiary's representative:** To be designated by the recipient
4. **Country of destination:** Haiti
5. **Product to be mobilised:** Tinned mackerel in vegetable oil
6. **Total quantity (tonnes net):** 72
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: Mackerel (*Scomber scombrus* or *Scomber japonicus*) presented as salmon-type steaks (whole pieces without head, viscera or tail). The production date must not be more than nine months before the deadline for the submission of tenders.
9. **Packaging** ⁽⁶⁾ ⁽⁷⁾: See OJ C 267, 13.9.1996, p. 1 (14.0 A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: See OJ C 114, 29.4.1991, p. 1 (VIII.A.(3))
 - language to be used for the markings: French
 - supplementary markings: 'Date d'expiration....' (date of manufacture plus 2 years).In the case the required markings cannot be printed on the tins, they must be printed on labels fixed on the tins. The expiry date and the date of manufacture shall be printed on the tins and not on the labels.
11. **Method of mobilisation of the product:** The Community market
The product must originate from the Community.
12. **Specified delivery stage:** Ex-works
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 10 to 30.7.2000
 - second deadline: 24.7 to 13.8.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 13.6.2000
 - second deadline: 27.6.2000
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels; Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65), Torben Vestergaard (tel. (32-2) 299 30 50).
 - (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
 - (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate.
 - (⁵) Notwithstanding OJ C 114, point VIII.A(3)(c) is replaced by the following: 'the words "European Community"'.
The size of the lettering and of the European flag is adapted to the size of the cans. The cartons shall be marked on the two largest sides.
 - (⁶) Notwithstanding OJ C 267, 13.9.1996, the net weight of the tins must be of 400 to 500 g.
 - (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL.
The supplier has to submit to the recipient's agent a complete packing list of each container, specifying the number of belonging to each action number as specified in the invitation to tender.
-

COMMISSION REGULATION (EC) No 1146/2000
of 29 May 2000
on the supply of milk products as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 29 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 337/98 (A1); 145/99 (A2)
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, 2501 CA Den Haag, The Netherlands; Tel. (31-70) 330 57 57; fax 364 17 01; telex 30960 EURON NL
3. **Beneficiary's representative:** To be designated by the recipient
4. **Country of destination:** A1: Eritrea; A2: Haiti
5. **Product to be mobilised:** Vitaminised skimmed-milk powder
6. **Total quantity (tonnes net):** 734
7. **Number of lots:** 1 in 2 parts (A1: 614 tonnes; A2: 120 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: See OJ C 114, 29.4.1991, p. 1 (I.B.(1))
9. **Packaging** ⁽⁷⁾: See OJ C 267, 13.9.1996, p. 1 (6.3, A and B.2)
10. **Labelling or marking** ⁽⁶⁾: See OJ C 114, 29.4.1991, p. 1 (I.B.(3))
 - language to be used for the markings: A1: English; A2: French
 - supplementary markings: —
11. **Method of mobilisation of the product:** The Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the supply contract
12. **Specified delivery stage:** Free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 17.7 to 6.8.2000
 - second deadline: 31.7 to 20.8.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 13.6.2000
 - second deadline: 27.6.2000
20. **Amount of tendering guarantee:** EUR 20 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels; Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: Refund applicable on 24.5.2000. Fixed by Commission Regulation (EC) No 926/2000 (OJ L 107, 4.5.2000, p. 15)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65) Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of that Regulation is that referred to in point 22 of this Annex.
- The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation, the temperature and duration in the spray-drying-tower and the expiry date for consumption,
 - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point I.A(3)(c) is replaced by the following: 'the words "European Community"'.
- (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL.

The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.

COMMISSION REGULATION (EC) No 1147/2000

of 29 May 2000

amending Annex II to Council Regulation (EC) No 1294/1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1294/1999 of 15 June 1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia (FRY) and repealing Regulations (EC) No 1295/98 and (EC) No 1607/98 ⁽¹⁾, as last amended by Commission Regulation (EC) No 1094/2000 ⁽²⁾, and in particular Article 8(1)(a) thereof,

Whereas:

(1) The list of companies, undertakings, institutions or entities, located, registered outside the territory of the Federal Republic of Yugoslavia and deemed to be owned or controlled by the Government of the FRY or the Government of the Republic of Serbia was established by the Council when it adopted Regulation (EC) No 1294/1999 and attached to that Regulation as Annex II.

(2) Subsequently, Austria requested ⁽³⁾ that Simit Handels GmbH and Combick Contracting Engineering Bau GmbH be added to that Annex, as it had been established that the former is owned by Zoran Karic, a person close to the regime included in Annex I to Regulation (EC) No 1294/1999, and the latter is directly or indirectly owned by GENEX, General Export and Import Undertaking for Internal and External Trade.

(3) Austria also requested, apart from the updating of some addresses, that Rudimex GmbH be removed from that Annex as it had been established that this company was liquidated in 1998, that Yugotours Reisen and the Vienna offices of Jugobanka/Bank for Foreign Trade and Beogradska Banka be removed from that Annex as it had been established that they had been liquidated in 1994, and that Inex Interexport be removed from that Annex since no company by that precise name had been found.

(4) Germany and France requested ⁽⁴⁾ that RTB Bor Metalle GmbH and RTB Copper France be included in Annex II as it had been established that these companies were owned by RTB Copper GmbH, Switzerland, a subsidiary of RTB Holding and Sartid-Jugometal.

(5) Germany and France requested ⁽⁵⁾ that Invest Import und Export GmbH and Invest Commerce France be included in Annex II as it had been established that the former was directly owned by Invest-Import, Belgrade and that the latter was owned by Invest-Import, Belgrade and its German subsidiary.

(6) Germany requested ⁽⁶⁾ that Combick GmbH be included in Annex II as it had been established that that company was owned by GENEX.

(7) Germany requested ⁽⁶⁾ that Magnorohm GmbH be included in Annex II as it had been established that that company was owned by Magnorohm, Kraljevo.

(8) The United Kingdom requested ⁽⁷⁾ that Yusico UK Ltd be included in Annex II as it had been established that that company was owned by Jugopetrol Investment Ltd, a subsidiary of NIS Jugopetrol Oil Company.

(9) Magnorohm GmbH and Invest Import und Export GmbH argued that their parent companies were, according to the definition in Article 1(5) of Regulation (EC) No 1294/1999, owned by the workers and former workers of these parent companies and that, as regards Magnorohm's parent company, all members of the board and management were workers of that company. This argument disregards, however, that a company thus owned by its workers and former workers is a socially owned entity and that, as a result, such company is included in the definitions of the Governments of the FRY and the Republic of Serbia, irrespective of such factors as the composition of its board, the size of the stake in the social capital held, directly or indirectly, by the FRY or the Republic of Serbia.

(10) It is therefore necessary to amend the list of companies to reflect the findings of Austria, and the requests made by France, Germany and the United Kingdom. It should, however, be noted that, in view of Austria's findings, removing the Vienna offices of Jugobanka/Bank for Foreign Trade and Beogradska Banka does not imply that these banks are not included in the definitions of the Government of the FRY and of the Government of the Republic of Serbia.

⁽¹⁾ OJ L 153, 19.6.1999, p. 63.

⁽²⁾ OJ L 124, 25.5.2000, p. 42.

⁽³⁾ Requests formulated in a fax from the Bundesministerium für Auswärtige Angelegenheiten dated 13 September 1999 (signed Dr Gehr).

⁽⁴⁾ Requests formulated in letters from Bundesausfuhramt dated 8 September 1999 (signed Mr Pietsch) and from the Ministère de l'Economie, des Finances et de l'Industrie dated 10 September 1999 (signed Mr Coeuré).

⁽⁵⁾ Requests formulated in letters from Bundesausfuhramt dated 8 September 1999 (signed Mr Pietsch) and from Ministère de l'Economie, des Finances et de l'Industrie dated 27 October 1999 (signed Mr Coeuré).

⁽⁶⁾ Request formulated in letter from Bundesausfuhramt dated 8 September 1999 (signed Mr Pietsch).

⁽⁷⁾ Request formulated in letter from Bank of England dated 14 July 1999 (signed Ms Leahy).

- (11) Italy transmitted a request from INLIT srl ⁽¹⁾, which argued that it should be removed from Annex II. It would, however, be inconsistent to accede to this request as the application shows that 80 % of the share capital of INLIT srl is owned by Invest-Import Belgrade and it was established that the latter is a socially owned company included in the definitions of the Governments of the FRY and the Republic of Serbia.
- (12) France presented a request made by Banque Franco-Yougoslave ⁽²⁾ for removal from Annex II arguing that the Banking Committee had appointed a provisional administrator and that bank was not any longer controlled by its shareholders. It was, however, established that the bank continued to be owned by three FRY banks and that Beogradska Banka alone owned almost 50 % of the shares. In view of this, the temporary lack of control is not sufficient to conclude that Banque Franco-Yougoslave is not included in the definitions of the Governments of the FRY and the Republic of Serbia.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee referred to in Article 9 of Regulation (EC) No 1294/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1294/1999 shall be amended as follows:

1. the names and addresses under the heading 'Austria' shall be replaced by those under the heading 'Austria' in the Annex to this Regulation;
2. the names and addresses in the heading 'France' shall be replaced by those under the heading 'France' in the Annex to this Regulation;
3. the names and addresses in the heading 'Germany' shall be replaced by those under the heading 'Germany' in the Annex to this Regulation;
4. under the heading 'United Kingdom' shall be inserted:
'Yusico UK Limited (03237635)'.

Article 2

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

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

Done at Brussels, 29 May 2000.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ Request transmitted to the Commission by letter of Ministero del Commercio con l'Estero dated 10 November 1999 (signed Mr Teti).

⁽²⁾ Request presented by fax from the Ministère de l'Économie, des Finances et de l'Industrie dated 12 July 1999 (signed Mr Gauthier).

ANNEX

Companies, undertakings, institutions or entities owned or controlled by the Governments of the Federal Republic of Yugoslavia or the Republic of Serbia (not located in the Federal Republic of Yugoslavia)*Austria*

CINEX Export-Import Handelsvertretungen GmbH, Kaiserstraße 119, 1070 Vienna, Austria
COMBICK Außenhandels GmbH, Magdalenenstraße 4/10, 1060 Vienna, Austria
COMBICK CONTRACTING ENGINEERING BAU GmbH, Magdalenenstraße 4/10, 1060 Vienna, Austria
COOPEX Handels GmbH in liquidation, Pötzleindorferstraße 180/3/2, 1180 Vienna, Austria
IMPEXPRODUKT Export, Import, Handelsvertretungen GmbH, Wipplingerstraße 34/1, 1010 Vienna, Austria
INEX AG (Zweigniederlassung der INEX AG Zürich), Schottengasse 4/17, 1010 Vienna, Austria
INEX PETROL AG, Zweigniederlassung Wien in liquidation, Schottengasse 4/17, 1010 Vienna, Austria
METALL UND STAHL Handels GmbH, Zieglergasse 19, 1070 Vienna, Austria
SIMIT Handels GmbH, Kärtnerring 2/14, 1010 Vienna, Austria
YUNIVERSAL EXPORT, Import, Handelsvertretungen GmbH, Hoher Markt 1/3/5, 1010 Vienna, Austria

France

BANQUE FRANCO-YOUGOSLAVE, Paris, France
INVEST COMMERCE, Parc Volta, 5, rue Parmentier, 94910 Alfortville, France
RTB COPPER FRANCE, 111, avenue Victor Hugo, 75116 Paris, France

Germany

COMBICK Außenhandels GmbH, Sandgasse 2, 60311 Frankfurt, Germany
INVEST IMPORT UND EXPORT GmbH, Kopperstraße 18, 40549 Düsseldorf, Germany
MAGNOROHM GmbH, Neue Kräme 31, 60311 Frankfurt am Main, Germany
NAP-COMBICK ÖL GmbH, Berliner Straße 44, 60311 Frankfurt am Main 1, Germany
RTB BOR METALLE GmbH, Leugallee 108, 40545 Düsseldorf, Germany

COMMISSION REGULATION (EC) No 1148/2000**of 29 May 2000****reducing, for the 2000/01 marketing year, the amount of aid for lemons delivered for processing following an overrun of the processing threshold**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits ⁽¹⁾, as amended by Regulation (EC) No 858/1999 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Article 5(1) of Regulation (EC) No 2202/96 establishes a processing threshold for lemons of 444 000 tonnes. Article 5(2) of that Regulation lays down that, for a given marketing year, overrunning of the processing threshold is to be assessed on the basis of the average of the quantities processed under the aid scheme during the three marketing years preceding the marketing year in question, or during an equivalent period. When an overrun has been established, the aid fixed for the marketing year in question in the Annex to that Regulation is to be reduced by 1 % per tranche of the overrun equal to 4 440 tonnes.
- (2) The Member States, in accordance with Article 22(1)(b) of Commission Regulation (EC) No 1169/97 of 26 June 1997 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits ⁽³⁾, as last amended by Regulation (EC) No 2729/

1999 ⁽⁴⁾, have communicated the quantities of lemons processed under the aid scheme. Based on this information, a processing threshold overrun of 162 745 tonnes has been established. The amounts of aid for lemons laid down in the Annex to Regulation (EC) No 2202/96 for the 2000/01 marketing year must therefore be reduced by 36 %.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 2000/01 marketing year, in accordance with Article 5(2) of Regulation (EC) No 2202/96, the amount of aid for lemons delivered for processing shall be:

- multiannual contracts: EUR 6,78/100 kg,
- contracts covering one marketing year EUR 5,89/100 kg,
- individual producers: EUR 5,30/100 kg.

Article 2

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

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

Done at Brussels, 29 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 49.

⁽²⁾ OJ L 108, 27.4.1999, p. 8.

⁽³⁾ OJ L 169, 27.6.1997, p. 15.

⁽⁴⁾ OJ L 328, 22.12.1999, p. 35.

COMMISSION REGULATION (EC) No 1149/2000
of 29 May 2000
amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 ⁽³⁾, as last amended by Regulation (EC) No 1044/2000 ⁽⁴⁾, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules on the surveillance of preferential imports laid down in Article 308d of Commission Regulation (EEC) No 2454/93 ⁽⁵⁾, as last amended by Regulation (EC) No 1662/1999 ⁽⁶⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁷⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 1996, 1997 and 1998, the

trigger levels for additional duties on lemons, apricots, peaches, including nectarines, and plums should be amended.

- (3) It should be specified that the trigger level calculated for cherries applies only to cherries (other than sour cherries) falling within CN code 0809 20 95.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 29 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 193, 3.8.1996, p. 1.

⁽⁴⁾ OJ L 118, 19.5.2000, p. 16.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 197, 29.7.1999, p. 25.

⁽⁷⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015 78.0020	ex 0702 00 00	Tomatoes	— 1 October to 31 March — 1 April to 30 September	501 111 639 884
78.0065 78.0075	ex 0707 00 05	Cucumbers	— 1 May to 31 October — 1 November to 30 April	10 098 3 196
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	19 302
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	9 879
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	753 719
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	100 949
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	93 803
78.0155 78.0160	ex 0805 30 10	Lemons	— 1 June to 31 December — 1 January to 31 May	186 300 69 813
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	190 422
78.0175 78.0180	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August — 1 September to 31 December	625 202 88 229
78.0220 78.0235	ex 0808 20 50	Pears	— 1 January to 30 April — 1 July to 31 December	184 455 161 019
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	2 236
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	20 048
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	349 940
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	41 539'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 February 2000

on the aid scheme implemented by Italy for cooperatives in Sicily

(notified under document number C(2000) 384)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2000/359/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾, and in particular Article 14 thereof,

Having called on interested parties to submit their comments pursuant to the first subparagraph of Article 88(2) of the EC Treaty ⁽²⁾, and having regard to their comments,

Whereas:

promote agriculture and forestry (aid measure NN 113/B/93,

- Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995: measures to promote cooperatives (aid measure NN 79/96),
- the remainder of Regional Law No 25/1993 (aid measure NN 113/A/93).

(2) This Decision relates solely to the aid schemes set up under Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995, and the cases in which it is applied.

(3) On 25 March 1998 the Commission decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid scheme set up under Article 55 of Sicilian Regional Law No 25/1993, as amended by Article 5 of Law No 6 of 10 January 1995, and in respect of the aid scheme provided for under Article 36 of Sicilian Regional Law No 23 of 9 May 1986, as amended by Article 55 of Law No 25/1993.

(4) By fax of 25 March 1998 (SG(98) D/32049) ⁽³⁾, the Commission mistakenly informed the Italian authorities that it did not raise any objections.

(5) By letter dated 2 July 1998 (SG(98) D/5241), the Commission informed Italy that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid scheme set up under Article

I. PROCEDURE

(1) By letter dated 25 October 1993 the Italian authorities belatedly notified the Commission under Article 88(3) of the Treaty, of a law enacted by the Region of Sicily, Law No 25 of 1 September 1993 on measures to promote employment; as the Law had already been passed at that time, the Commission entered it on the register of unnotified aid under NN 113/93. The Law introduces new aid schemes and amends dozens of existing ones; it comprises 165 Articles. After an initial examination, the Commission found it necessary to divide the case into three parts:

- Articles 44 and 50 and Chapter VII (Articles 77 to 105) of Regional Law No 25/1993: measures to

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ C 382, 9.12.1998, p. 11.

⁽³⁾ The text of the fax sent by the Commission to the Italian authorities is as follows: 'Please find below a list of the decisions taken by the Commission on 25 March 1998: NN79/96 Measures to promote cooperatives — Sicily: decision not to raise any objections'.

55 of Sicilian Regional Law No 25/1993, as amended by Article 5 of Law No 6/1995, and in respect of the aid scheme provided for under Article 36 of Sicilian Regional Law No 23/1986, as amended by Article 55 of Law No 25/1993; it also formally required Italy to provide it, within one month of receiving the letter, with all documentation, information and data which could serve to enable it to assess the compatibility with Article 87 of the Treaty of the aid granted under the abovementioned schemes.

- (6) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁴⁾.
- (7) The Commission invited other Member States and interested parties to submit their observations on the measures at issue within one month of the date of publication of that decision in the *Official Journal of the European Communities*.
- (8) The Italian authorities submitted their comments by letter dated 26 March 1999. The Commission did not receive other comments from interested parties. The Italian authorities did not respond to the Commission's formal requirement to provide information, but instead stated that most of the observations made in the Commission's letter initiating the procedure related to the scheme provided for under Article 36 of Regional Law No 23/1986, which had already been approved by the Commission, and that the scheme set up under Article 55 of Regional Law No 25/1993 had never been applied.
- (9) In view of the incorrect message transmitted on 25 March 1998, the Italian authorities were requested by letter dated 1 July 1999 to confirm that Article 55 of Regional Law No 25/1993 had not so far been applied and to undertake to repeal it; they were furthermore informed that, should they fail to reply within 15 working days of the date of the letter, the Commission was entitled to adopt a final decision on the basis of the information in its possession.
- (10) By letter dated 21 January 2000, registered on 26 January 2000, the Italian authorities stated that the scheme set up under Article 55 of Regional Law No 25/1993 had never been applied.

II. DESCRIPTION

- (11) Article 55 of Regional Law No 25/1993 inserts a paragraph into Article 36 of Regional Law No 23/1986, which sets up an aid scheme for cooperatives. According to the Italian authorities, that Law was notified to the Commission, and the Commission approved it, as was allegedly shown by telex No 6891 of 25 October 1986, in which the Italian Permanent Representative's Office informed the Sicilian authorities that the Commission had no particular observations to make on the scheme.

- (12) Article 36 of Regional Law No 23/1986 provides for aid to cooperatives in the form of soft loans granted by the IRCAC (*Istituto regionale di credito alle cooperative*), a regional agency providing credit to cooperatives, at a rate of 4 %. Such loans must be for a period of no more than 20 years, may not exceed ITL 5 billion and are to finance projects with the following aims:

- (a) to boost productivity and employment by expanding the means of production and/or modernising the means of production and/or technical services through innovations and improvements;
- (b) to increase returns on products, in particular by improving quality;
- (c) to rationalise the system of distribution;
- (d) to replace no more than 50 % of liabilities contracted in order to carry out the above projects;
- (e) to restructure or convert production plant.

Where the cooperatives have among their members workers who were laid off under the *cassa integrazione* income guarantee scheme and/or dismissed, the loans may be granted under the above conditions to finance projects:

- (f) to build and acquire plant for production, distribution, tourism or services;
- (g) to update or expand the projects referred to in points (a) to (e) above.

- (13) Article 55 of Regional Law No 25/1993 authorises the Sicilian Regional Government to give an additional guarantee to the IRCAC so as to enable it to grant loans to finance the acquisition of business assets by cooperatives where the asset itself does not provide sufficient security.
- (14) Combination with aid under other schemes cannot be ruled out, as the Law does not expressly prohibit it.

III. COMMENTS FROM INTERESTED PARTIES

- (15) No comments were received from interested parties concerning the aid scheme in question in the course of the procedure laid down in Article 88(3) of the Treaty.

IV. COMMENTS FROM ITALY

- (16) In their letter of 26 March 1999, the Italian authorities deplored the delay and the inexplicable difference in substance between the letter of 25 March 1998, which did not raise any objections to the two aid schemes referred to in Article 55 of Regional Law No 25/1993 and Article 36 of Regional Law No 23/1986, and the letter of 2 July 1998 informing them that the Commission had decided to initiate the procedure laid down in Article 88(3) of the Treaty in respect of the two aid schemes in question.

⁽⁴⁾ See footnote 2.

- (17) The Italian authorities also stated that most of the observations made by the Commission in its letter initiating the procedure related to the scheme provided for under Regional Law No 23/1986, which they claimed had been approved by the Commission, as was shown by telex No 6891 of 25 October 1986, in which the Italian Permanent Representative's Office informed the Sicilian authorities that the Commission had no particular observations to make on the scheme.
- (18) The Italian authorities further indicated that, as of 26 March 1999, Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995, had not been applied.
- (19) Lastly, by letter dated 21 January 2000, the Italian authorities confirmed that the scheme set up under Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995, had never been applied.

V. ASSESSMENT OF THE AID

Classification of the measures provided for under Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995, as aid

- (20) In the light of the information supplied by the Italian authorities and the results of investigations conducted in the course of the procedure, the Commission notes that the aid scheme provided for under Article 36 of Regional Law No 23/1986 was approved on 8 October 1986. The scheme therefore constitutes existing aid within the meaning of Article 88(1) of the Treaty, without prejudice to compliance with the appropriate measures accepted by Italy in the context of regional aid.
- (21) Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995, introduces a new scheme which does not modify the initial soft-loans scheme set up under Article 36 of Regional Law No 23/1986. A soft loan may be granted in pursuance of Article 36 of Regional Law No 23/1986 with or without the guarantees provided for under Article 55 of Regional Law No 25/1993. The two schemes are therefore separate. This assessment of the aid involved in the measures in question relates solely to the guarantee scheme provided for under Article 55 of Regional Law No 25/1993.
- (22) The guarantee scheme provided for under Article 55 of Regional Law No 25/1993 should have been notified to the Commission at the draft stage, as required by Article 88(3) of the Treaty. The Italian authorities failed to do this and, since they notified the scheme only after the

Regional Law was adopted, the aid is illegal under Community law as the requirements of Article 88(3) of the Treaty have not been complied with.

- (23) The guarantees covering loans granted to cooperatives by the IRCAC constitute State aid within the meaning of Article 87(1) of the Treaty since they enable those cooperatives to obtain loans on terms more advantageous than those normally available on the financial markets. Thanks to the public guarantee, the cooperatives are able to obtain lower interest rates and/or offer a smaller security. It is likely, furthermore, that without the public guarantee some cooperatives would not be able to obtain a loan on any terms. The guarantee can therefore enable cooperatives to stay in business or even eliminate competitors who do not enjoy similar advantages, or to remain in business instead of being eliminated or restructured. The guarantee confers an advantage on enterprises operating in certain areas of Italy.
- (24) The public guarantee distorts competition because it increases the opportunities open to the recipient businesses in comparison with competitors who do not enjoy the same advantages. If the same effect also occurs in transactions between Member States, then the aid affects intra-Community trade.
- (25) More specifically, the aid provided for by way of the guarantee scheme set up under Article 55 of Regional Law No 25/1993 distorts competition and affects intra-Community trade in cases where the recipient businesses export part of their production to other Member States; similarly, where those businesses do not export, their domestic production is favoured in so far as businesses based in other Member States have less chance of exporting their products to the Italian market ⁽⁵⁾.
- (26) The guarantee therefore constitutes state aid within the meaning of Article 87(1) of the Treaty which distorts competition and is liable to affect trade between Member States.

Compatibility of the measures provided for by Article 55 of Regional Law No 25/1993

- (27) Having established that the measures provided for under Article 55 of Regional Law No 25/1993 constitute State aid within the meaning of Article 87(1) of the Treaty, the Commission has to examine whether they may be declared compatible with the common market in pursuance of Article 87(2) or (3) of the Treaty.
- (28) As regards the applicability of the exemptions provided for by the Treaty, the Commission finds that, since the aid is not of a social character (Article 87(2)(a)), nor is it intended to make good damage caused by natural disasters or exceptional occurrences (Article 87(2)(b)), nor does it fall within the scope of Article 87(2)(c), it does not qualify for any of the exemptions laid down in Article 87(2).

⁽⁵⁾ Judgment of the Court of Justice of the European Communities of 13 July 1988 in Case 102/87 *France v Commission* [1988] ECR 4067.

- (29) The aid scheme provided for under Article 55 of Regional Law No 25/1993 enables cooperatives to carry on their activities, reducing the costs they incur in making certain investments. The aid element involved in the guarantee corresponds to the difference between the interest rate which the borrower would have to pay on the free market and the rate actually obtained thanks to the guarantee, net of any premium paid for the guarantee. Where, in view of its financial situation, a cooperative could not have obtained a loan without the state guarantee, the amount of the aid involved corresponds to the full amount of the loan.
- (30) If the guarantee were to relate to loans granted in order to finance projects of the types listed in recital 12(b), (c), (d) or (e) of this Decision, it would not have the effect of stimulating initial investment within the meaning of the rules on regional aid but rather that of reducing the current expenses incurred by businesses in contracting loans, which are furthermore already subsidised, with a view to carrying out operations that do not have the status of initial investments: in such cases, the aid can be classed as operating aid.
- (31) Operating aid, whose distorting effects are especially strong, can be considered compatible with the common market only by way of exception and only in the most disadvantaged regions. Even then it is subject to a number of restrictions, such as that of being limited in time. Those restrictions have gradually been tightened, and the new guidelines on national regional aid ⁽⁶⁾ stipulate that operating aid is normally prohibited but may exceptionally be allowed on condition that it is limited in time and progressively reduced.
- (32) Since the Commission does not have any information enabling it to establish that the above conditions for the application of the exemption provided for by the Treaty are met, it concludes that they are indeed not fulfilled.
- (33) If the guarantee relates to loans granted in order to finance projects of the type referred to in recital 12(a) of this Decision, it can constitute aid conditional on carrying out an initial investment. However, since the Commission does not have information enabling it to calculate the aid intensity and to establish whether the rules on the combination of aid and sensitive sectors are complied with, it takes the view that the conditions for the application of the regional exemption provided for under the Treaty are not fulfilled. The aid scheme is presented as having the effect of increasing employment, but the Commission notes that in the case in point the jobs are exclusively linked to the implementation of an investment. The aid must therefore be examined as regional aid, and the Community guidelines on aid to employment do not apply.
- (34) If the guarantee relates to loans granted in order to finance projects of the type referred to in recital 12(g) of this Decision, it can be classed as aid conditional on carrying out an initial investment. However, since the Commission does not have information enabling it to calculate the aid intensity and to check whether the rules on the combination of aid and sensitive sectors are complied with, it considers that the conditions for the application of the regional exemption provided for by the Treaty are not fulfilled.
- (35) If the State guarantee is necessary to cooperatives in order to obtain loans for financing the operations described in recital 12 of this Decision, the aid granted to them constitutes aid to firms in difficulty within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽⁷⁾ where the projects concerned are essential in order to enable the recipient firms to remain in business. The aid must therefore be examined also in the light of those guidelines.
- (36) As the Commission does not have any information enabling it to establish that the rules laid down in the Community guidelines on State aid for rescuing and restructuring firms in difficulty are complied with, it concludes that the conditions for the application of the sectoral exemption provided for by the Treaty are not met.
- (37) In view of the foregoing, the aid provided for under Article 55 of Regional Law No 25/1993 does not qualify for the exemptions provided for under Article 87(3)(a) or (c) of the Treaty or, for obvious reasons, those provided for under Article 87(3)(b) or (d). It consequently remains subject to the prohibition laid down in Article 87(1) of the Treaty.

VI. CONCLUSIONS

- (38) The Commission finds that Italy adopted the aid scheme under examination unlawfully, in breach of Article 88(3) of the Treaty.
- (39) In the light of the analysis set out in Part V of this Decision, the Commission finds that aid granted under Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995, is incompatible with the common market.

⁽⁶⁾ OJ C 74, 10.3.1998, p. 9.

⁽⁷⁾ OJ C 368, 23.12.1994, p. 12 and OJ C 288, 9.10.1999, p. 2.

- (40) Where aid granted unlawfully is found to be incompatible with the common market, the Commission, acting in accordance with Article 14 of Regulation (EC) No 659/1999, requires the Member State concerned to recover it from the recipients in order to re-establish the previously existing situation. In the present case, although the Italian authorities have asserted that Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995, has never been applied, any aid possibly granted under the scheme must be recovered.
- (41) Repayment is to be made in accordance with the procedures of national law. The amounts to be repaid are to bear interest from the date on which the aid was made available to the recipients until the date on which it is effectively repaid. The interest must be calculated on the basis of the reference rate used to calculate the grant equivalent of regional aid.
- (42) In view of the legitimate expectations created by the letter mistakenly transmitted to the Italian authorities on 25 March 1998, the recovery should not concern any aid granted between that date and 2 July 1998, when the decision to initiate the procedure laid down in Article 88(2) of the Treaty in respect of the scheme concerned was notified to the Italian authorities,

HAS ADOPTED THIS DECISION:

Article 1

The aid scheme provided for by Article 55 of Regional Law No 25/1993, as amended by Article 5 of Regional Law No 6/1995, and unlawfully adopted by Italy is incompatible with the common market.

Article 2

Italy shall abolish the aid scheme referred to in Article 1.

Article 3

Italy shall take whatever steps are necessary to recover from the recipients any aid referred to in Article 1 which has been unlawfully awarded, in particular any aid granted before 25 March 1998 or after 2 July 1998.

Repayment shall be made in accordance with the procedures of national law. The amounts to be repaid shall bear interest from the date on which the aid was made available to the recipients until the date on which it is effectively repaid. The interest shall be calculated on the basis of the reference rate used to calculate the grant equivalent of regional aid.

Article 4

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

Article 5

This Decision is addressed to the Italian Republic.

Done at Brussels, 2 February 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 15 February 2000
on the State aid which Belgium is planning to grant to NV Sidmar
(notified under document number C(2000) 517)
(Only the Dutch and French texts are authentic)
(Text with EEA relevance)
(2000/360/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first subparagraph of Article 4(c) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof read in conjunction with Protocol 14,

Having regard to Commission Decision No 2496/96/ECSC of 18 December 1996 establishing Community rules for State aid to the steel industry ⁽¹⁾,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽²⁾ and having regard to those comments,

Whereas:

I. PROCEDURE

- (1) By letter dated 21 October 1998, Belgium notified the Commission of aid that the Flemish authorities intended to grant to the steel company NV Sidmar for six investment projects for environmental protection. By letters dated 31 May and 23 June 1999, it provided the Commission with further information.
- (2) By letter dated 11 August 1999, the Commission informed Belgium that it had decided to initiate the procedure laid down in Article 6(5) of Decision No 2496/96/ECSC (hereinafter referred to as 'the Steel Aid Code') in respect of the aid.
- (3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽³⁾. The Commission invited interested parties to submit their comments on the aid.
- (4) The Commission received comments from NV Sidmar. It forwarded them to Belgium, which was given the opportunity to react; its comments were received by letter dated 10 December 1999.

II. DETAILED DESCRIPTION OF THE AID

- (5) NV Sidmar is a steel producer located in Gent, Belgium, in which Arbed SA, Luxembourg, has a majority holding. It produces ECSC flat products, such as hot-and

cold-rolled coils and coated and uncoated sheets. In 1997 it produced 4 137 000 tonnes of liquid steel and had a turnover of BEF 55 814 million. As at 31 December 1997 it employed 6 005 people. The company's installations date from 1966, 1967 and 1972. The new investments consist in adaptations to those installations in order to comply with new environmental standards or significantly improve on them.

- (6) The aid proposal consists of a grant of BEF 102 955 200 towards the cost of six investment projects that the company is to carry out in order to improve environmental protection. This amount represents 15 % of the investment costs that the Flemish authorities consider eligible. The total cost of the investments is BEF 953 500 000, broken down as follows:

(BEF)	
Dust collection at unloading crane	10 000 000
Treatment of filtrate from blast furnaces	27 000 000
Adjustments to blast furnaces No 4	59 000 000
Optimisation of industrial sewers	78 000 000
Improved dust collection at blast-furnace loading sites	27 500 000
Construction of circular cooler for sintering plant No 2	752 000 000
Total	953 500 000

- (7) The purpose of the 'dust collection at unloading crane' project is to reduce the impact of dust on surrounding areas when ships are unloaded. This is not a statutory requirement, but it will significantly improve environmental protection as dust emission will fall from 15 t/year to 2 t/year. The investment has no effect on production and all the costs relate solely to the objective of environmental protection.
- (8) The 'treatment of filtrate from blast furnaces' project is aimed at optimising the operation of its existing water-purification system. Given that the company already complies with the requirements governing the discharge of wastewater into the canal even before carrying out

⁽¹⁾ OJ L 338, 28.12.1996, p. 42.

⁽²⁾ OJ C 280, 2.10.1999, p. 29.

⁽³⁾ See footnote 2.

this investment, it constitutes an additional effort to reduce the negative impact on the environment, which is significant, from 5 t/year to 2 t/year of zinc discharge. The investment has no effect on production and all the costs relate solely to objective of environmental protection.

- (9) The 'adjustments to blast furnace No 4' project consists in the replacement of the present filter, the building of a heavier extraction fan, the replacement of the existing chimney stack and the construction of an emergency chimney. The current rate of chlorine emissions is about 25 mg/Nm³, whereas since 1 January 1999 the standard has been 5 mg/Nm³. The company's objective in carrying out this investment is to purify the flue gases in order to meet and even improve on the standard that is required by law as from 1 January 1999, with an emission rate of 3 mg Cl/Nm³. As regards hydrogen chloride, the current rate of emission is about 50 mg/Nm³, whereas since 1 January 1999 the standard has been 30 mg HCl/Nm³. After the investment, the rate of emission will be only 15 mg/Nm³. The investment has no effect on production and all the costs relate solely to the objective of environmental protection.

- (10) The 'optimisation of industrial sewers' project is aimed at further optimising reuse of the company's wastewater and thus reduce its annual water consumption by 9 million m³ (its current annual consumption is 35 million m³). The investment covers the construction of an additional network of pipelines and the placing of two additional pumps. The additional pipelines are needed to return the purified wastewater to the cold-rolling mill and to transport wastewater from the coking plant to the hot-rolling mill's waste pond. Although the level of pollutants in the water will remain the same after the investment, the reduction in volume will reduce the total discharge of pollutants. Gross COD (chemical oxygen demand) discharge will fall from 1 300 tonnes to 1 000 tonnes per year. PAH discharge will fall from 5 kg per year to 4 kg per year and the discharge of heavy metals will also fall in proportion. In addition, the quantity of sewage sludge, which has to be removed via a recognised sewage processor and eventually dumped, will also be reduced by 200 tonnes a year. The investment has no effect on production and all the costs relate solely to the objective of environmental protection.

- (11) The 'improved dust collection at the blast-furnace loading sites' project is aimed at reducing dust emissions when the blast furnaces are loaded. The existing plant already includes a ventilation system and filter, with a capacity of 140 000 Nm³ per hour. It will be supple-

mented by another system with a capacity of 100 000 Nm³ per hour. After collection and purification, the waste gas is discharged via a stack with an output flow of 10 000 Nm³/h. After purification, a residual dust content of no more than 10 mg/Nm³ will be left, which is equal to a residual dust emission of less than 1 tonne a year, as against 30 tonnes a year at present. The investment has no effect on production and the costs relate solely to the objective of environmental protection.

- (12) The 'construction of circular cooler for sintering plant No 2' project is aimed at reducing dust emissions from the sintering furnace. The current dust emission level is 151 mg/Nm³, whereas the new standard as from January 1999 is only 50 mg/Nm³. After the investment, dust emissions will be reduced to 20 mg/Nm³ well below the new standard. According to the notification, the project comprises two main components.

(a) **Electrofilter**

The electrofilter is the part of the investment that is aimed directly at reducing dust emissions in compliance with the new legal standard. This part of the investment costs BEF 36 million and the Belgian authorities intend to finance it up to 15 %.

(b) **Energy savings**

The other part of the investment, a new sintering furnace, while contributing to environmental protection, also produces energy savings. The investment saves energy because residual heat is reused and because the sinters are cooled in an energy-efficient way. Since the sinters have already been broken up, air can reach the sinter bed more easily and the contact surface between the sinters and the air coolant is greater, with the result that heat transmission is more effective. The reduced energy requirement for cooling means that the installed power of the cooling ventilator can be reduced to 2 MW compared with the current 5,6 MW. This part of the investment costs BEF 582 million. The Belgian authorities plan to grant BEF 73,44 million, or 15 % of the investment costs they consider eligible for aid, i.e. BEF 486 740 316. This eligible cost is calculated by deducting savings made over two years in investment costs.

- (13) The Commission considered that the six projects satisfied the criterion of environmental protection. With the exception of the aid for the 'construction of circular cooler for sintering plant No 2', all the conditions set out in the Community guidelines on State aid for environmental protection⁽¹⁾ and the Steel Aid Code are met. In particular, regarding the first five projects, the aid intensity remains below the admissible ceilings, all the costs relate to environmental protection and the pollution levels are considerably reduced.

⁽¹⁾ OJ C 72, 10.3.1994, p. 3.

- (14) However, as regards the abovementioned project, the Commission considers that the notified aid exceeds the limits admissible, the Belgian authorities having defined eligible costs more broadly than allowed by the Community rules, which require that any cost production advantage derived by the company from the investment must be deducted from the costs of the project. Belgium intends to deduct only the savings made over two years instead of the 10 years corresponding to the depreciation period for this investment. To determine all the cost advantages obtained from an investment, the full lifetime of the investment should be taken into account. In the present case, the Belgian authorities stated that the depreciation period/lifetime of the investment was 10 years. If the savings to be made were to be deducted only for two years, the aided investment would give the firm a cost advantage in the remaining eight years which would be incompatible with the Community rules.
- (15) The Belgian authorities further stated that, over the 10-year period in question, the firm expected to make energy cost savings of BEF 510 075 887 but that over the same period it would spend an extra amount of BEF 485 533 829 in connection with the investment, broken down as follows:

(BEF)

Interest	71 494 734
Financial charges	173 399 095
Operating costs	188 000 000

Over a 10-year period, the additional costs should be offset against the cost savings brought about by the new investment, so that the firm would make a net saving of only BEF 24 542 000, i.e. the amount to be deducted if the life of the investment were to be taken into account.

- (16) The Commission could not agree with this approach and had serious doubts as to the compatibility of the aid to be granted to the project. It therefore decided to initiate the procedure under Article 6(5) of the Steel Aid Code.

III. COMMENTS FROM INTERESTED PARTIES

- (17) The recipient, Sidmar, was the only interested party to send comments. In a letter dated 29 October 1999, it takes the view that the investment is not an investment in energy saving, as notified by the Belgian authorities, but an investment in compliance with new environmental standards as it cannot be dissociated from the first part of the project, described under 'electrofilter'. It then states that, under the guidelines on State aid for

environmental protection, when a company carries out a project to comply with new environmental standards, no cost savings are to be deducted from the cost of the investment. Sidmar further points out that, if the Commission were to continue to regard the project as an investment in energy saving and to deduct such savings, then all the costs related to the project, as described above, should be deducted from the savings.

IV. COMMENTS FROM BELGIUM

- (18) As part of the procedure, the Belgian authorities confirmed the position given in the notification, namely, that only two years' savings should be deducted from investment costs relating to 'construction of circular cooler for sintering plant No 2'. In support of Sidmar's position, they nevertheless consider that, if a 10-year period were to be undertaken, it would also be necessary to take account of all the costs relating to the investment. They also confirmed the comments made by Sidmar under the procedure, stating that the firm's intention in implementing the project is to reduce dust emissions from the sintering plant in order to comply with the new VLAREM II standards and that the investment project constitutes a whole. The energy-saving effect had never constituted the main reason for undertaking the project. Accordingly, the Belgian authorities considered that the Commission should examine the admissible aid under the rules in its guidelines on State aid for environmental protection concerning investment aid to help firms comply with new standards.

V. ASSESSMENT OF THE AID

- (19) Article 3 of the Steel Aid Code allows steel companies to benefit from aid for carrying out investments which help to improve environmental protection. The rules and conditions applicable to environmental aid are set out in the Annex to the Steel Aid Code and the guidelines on environmental aid. Under those rules, aid for investment to help firms comply with new mandatory standards can be authorised up to 15 % gross of the eligible costs (point 3.2(A) of the guidelines on environmental aid). Aid for investments that allow significantly higher levels of environmental protection than those required by law may be authorised up to 30 % of the eligible costs (point 3.2(B) of the guidelines). The eligible costs, in any case, must relate solely to environmental protection.

- (20) As stated in the Annex to the Steel Aid Code, in assessing aid for environmental protection, the Commission endeavours to prevent general investment aid for new equipment being granted under cover of environmental protection. The Commission therefore rigorously checks that only investment costs that are related to environmental protection are considered eligible for aid.

Contrary to the position taken by Sidmar, the guidelines state clearly that 'the eligible costs must be strictly confined to the extra investment costs necessary to meet environmental objectives'. This applies to any investment regardless of the initial reason that led the company to carry out the investment, whether to comply with new rules, to improve on standards or to reduce energy consumption. As stated in point 2.3 of the guidelines, 'aid for energy conservation will be treated like aid for environmental purposes'.

- (21) As it stated when opening the procedure, the Commission believes that the 'construction of circular cooler for sintering plant No 2' project achieves significant benefits for the environment and that it thus qualifies for aid under the guidelines on environmental aid. While the Commission therefore acknowledges that the project was aimed at such environmental objectives, it would not alter its approach to the case if the savings had not been made in energy costs but in another type of cost. To ensure that the eligible costs are strictly confined to the extra investment costs necessary to meet environmental objectives, the Commission deducts from the investment costs all production cost advantages that the company derives from the investment. This can be done only by taking into consideration the savings made during the lifetime of the equipment or, as an acceptable equivalent, the depreciation period of the equipment. In the present case, therefore, Belgium must deduct from the investment cost the savings made over 10 years as a direct result of the investment.
- (22) Operating costs related to the project cannot be considered eligible for aid either. Costs such as financing costs, maintenance costs and normal running costs for any given equipment are part of the normal running costs of any company. They cannot be regarded as part of the extra investment costs necessary to meet environmental objectives. Thus, the costs incurred by Sidmar during the 10-year depreciation period of the equipment in question do not qualify for aid to protect the environment.

VI. CONCLUSION

- (23) The aid notified by Belgium for the 'construction of circular cooler for sintering plant No 2' project does not comply with the conditions set out in the guidelines on environmental aid and the Steel Aid Code. The aid to the other projects, however, complies with all the conditions, as the Commission already stated when it initiated the procedure. The Commission accordingly considers

that the aid to the projects relating to 'dust collection at unloading crane', 'treatment of filtrate from blast furnaces', 'adjustments to blast furnace No 4', 'optimisation of industrial sewers', 'improved dust collection at blast-furnaces loading sites', amounting to BEF 24 516 600, is compatible with the common market. However, the aid to the 'construction of circular cooler for sintering plant No 2' project amounting to BEF 78 438 600 is considered incompatible,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which Belgium plans to grant to NV Sidmar for the financing of the environmental projects relating to 'dust collection at unloading crane', 'treatment of filtrate from blast furnaces', 'adjustments to blast furnace No 4', 'optimisation of industrial sewers', 'improved dust collection at blast-furnaces loading sites' amounting to BEF 24 516 600 is compatible with the common market.

Article 2

The State aid which Belgium plans to grant to NV Sidmar for the environmental project relating to the 'construction of circular cooler for sintering plant No 2' amounting to BEF 78 438 600 is incompatible with the common market.

Accordingly, the aid for this investment project may not be implemented.

Article 3

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

Article 4

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 15 February 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 10 May 2000

on publication of the references of standards EN 1459:1999 'Safety of industrial trucks — Self-propelled variable reach trucks' and EN 1726-1:1999 'Safety of industrial trucks — Self-propelled trucks up to and including 10 000 kg capacity and industrial tractors with a drawbar pull up to and including 20 000 N — Part 1: General requirements'

(notified under document number C(2000) 1174)

(Text with EEA relevance)

(2000/361/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery ⁽¹⁾, as amended by Directive 98/79/EC ⁽²⁾,

Having regard to the opinion of the Committee set up by Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations ⁽³⁾, as amended by Directive 98/48/EC ⁽⁴⁾,

Whereas:

- (1) Article 2 of Directive 98/37/EC, as amended, provides that machinery may be placed on the market and put into service only if it does not endanger the health or safety of persons and, where appropriate, domestic animals or property, when properly installed and maintained and used for its intended purpose.
- (2) Machinery which conforms to harmonised standards the references of which have been published in the *Official Journal of the European Communities* is presumed to satisfy the essential health and safety requirements referred to in Article 3 of Directive 98/37/EC, as amended.
- (3) Member States are required to publish the references of the national standards which transpose the harmonised standards.
- (4) Harmonised standards EN 1459:1999 'Safety of industrial trucks — Self-propelled variable reach trucks' and EN 1726-1:1999 'Safety of industrial trucks — Self-propelled trucks up to and including 10 000 kg capacity and industrial tractors with a drawbar pull up to and including 20 000 N — Part 1: General requirements' deal with equipment which presents a special risk to the operator, namely the risk of being crushed

between the ground and the truck in the event of the truck accidentally tipping over.

- (5) In view of the large number of accidents which have occurred in their territory, several Member States have taken the view that, although they are correct, the abovementioned standards do not cover all the essential requirements of the Directive and in particular the risk of the operator being crushed.
- (6) It is necessary to draw attention to this potential hazard which is not referred to in the abovementioned standards.
- (7) Pending amendment of the standards, it is essential, for the sake of efficacy, to take account now of the shortcomings, which nonetheless do not affect the present contents of the standards.
- (8) It is therefore necessary to publish standards EN 1726-1:1999 and EN 1459:1999 together with an appropriate warning and an indication that a standardisation mandate must be given to the European Committee for Standardisation (CEN) to amend the standards,

HAS ADOPTED THIS DECISION:

Article 1

The publication attached to this Decision, is made in accordance with Article 5(2) of Directive 98/37/EC, as amended, of the following harmonised standards: EN 1459:1999 'Safety of industrial trucks — Self-propelled variable reach trucks' and EN 1726-1:1999 'Safety of industrial trucks — Self-propelled trucks up to and including 10 000 kg capacity and industrial tractors with a drawbar pull up to and including 20 000 N — Part 1: General requirements' and shall be accompanied by the following warning:

'Users of the standard are informed that the standard does not cover the risks to which the operator is exposed in the event of the truck accidentally tipping over. The standard does not give a presumption of conformity in that respect.'

⁽¹⁾ OJ L 207, 23.7.1999, p. 1.

⁽²⁾ OJ L 331, 7.12.1998, p. 1.

⁽³⁾ OJ L 204, 21.7.1998, p. 37.

⁽⁴⁾ OJ L 217, 5.8.1998, p. 18.

Article 2

Where Member States, pursuant to Article 5(2) of Directive 98/37/EC, as amended, publish the references of the national standards which transpose harmonised standards EN 1459:1999 and EN 1726-1:1999, they shall accompany such publication with a warning identical to that provided for in Article 1.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 10 May 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

Publication of the titles and references of harmonised standards pursuant to the Directive

ESB ⁽¹⁾	Reference	Title of harmonised standards	Year of ratification
CEN	EN 1459	Safety of industrial trucks — Self-propelled variable reach trucks	1999

Warning: 'Users of the standard EN 1459 are informed that the standard does not cover the risks to which the operator is exposed in the event of the truck accidentally tipping over. The standard does not give a presumption of conformity in that respect.'

CEN	EN 1726-1	Safety of industrial trucks — Self-propelled trucks up to and including 10 000 kg capacity and industrial tractors with a drawbar pull up to and including 20 000 N — Part 1: General requirements	1999
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Warning: 'Users of the standard EN 1726-1 are informed that the standard does not cover the risks to which the operator is exposed in the event of the truck accidentally tipping over. The standard does not give a presumption of conformity in that respect.'

(¹) ESB European Standardisation body):

- CEN: rue de Stassart 36, B-1050 Brussels, tel. (32-2) 550 08 11, fax (32-2) 550 08 19,
- Cenelec: rue de Stassart 35, B-1050 Brussels, tel. (32-2) 519 68 71, fax (32-2) 519 69 19,
- ETSI: BP 152, F-06561 Valbonne Cedex, tel. (33-4) 92 94 42 12, fax (33-4) 93 65 47 16.

WARNING:

- Full information about the availability of the standards may be obtained either from the European Standardisation bodies or from the national standardisation bodies, lists of which are given in the Annexes to Directive 98/34/EC.
- Publication of the references in the *Official Journal of the European Communities* does not mean that the standards are available in all Community languages.
- The Commission updates this list ⁽¹⁾.

⁽¹⁾ OJ C 183, 13.6.1998, p. 2.
OJ C 317, 15.10.1998, p. 5.
OJ C 346, 14.11.1998, p. 5.
OJ C 165, 11.6.1999, p. 4.
OJ C 318, 5.11.1999, p. 5.

COMMISSION DECISION
of 25 May 2000
on the total amount of Community aid for the eradication of classical swine fever in the Netherlands in 1997

(notified under document number C(2000) 1385)

(Only the Dutch text is authentic)

(2000/362/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Commission Decision 94/370/EC ⁽²⁾, and in particular Article 3(3) and (5) thereof,

Whereas:

- (1) Outbreaks of classical swine fever occurred in the Netherlands in 1997. The appearance of the disease represents a serious danger to the Community pig herd. With a view to the speedy eradication of the disease the Community is able to contribute to expenditure incurred by the Member State.
- (2) On 22 June 1998 the Netherlands presented an application for reimbursement of all the expenditure incurred in the country in 1997. This application was replaced by a new application lodged on 2 June 1999.
- (3) The Commission adopted Decisions 98/25/EC ⁽³⁾ and 1999/18/EC ⁽⁴⁾ on Community financial aid towards the eradication of classical swine fever in the Netherlands. These Decisions provided for the payment of two initial advances amounting to EUR 74 429 868.
- (4) The total amount of Community aid must now be fixed.
- (5) The Commission has checked to see whether all Community veterinary rules have been observed and all the conditions for Community financial assistance have been met.
- (6) As a result of these checks, not all of the expenditure submitted could be accepted as eligible. This position was confirmed in a report by the Court of Auditors.
- (7) The Commission's initial comments were officially notified to the Netherlands authorities on 13 January 1998.

- (8) Further comments and the method for calculating the eligible expenditure were officially notified to the Netherlands authorities on 5 May and 29 October 1999.
- (9) The Standing Veterinary Committee has not given an opinion; the Commission therefore proposed these measures to the Council on 17 February 2000 in accordance with Article 41 of Decision 90/424/EEC, the Council being required to act within three months.
- (10) However, the Council has not acted within the required time limit; these measures should now be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The total amount of Community financial aid for the eradication of classical swine fever in 1997 in the Netherlands is hereby fixed at EUR 109 937 795.

Article 2

The balance of EUR 35 507 928 shall be paid as appropriations become available.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 25 May 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 36, 8.2.1994, p. 15.

⁽³⁾ OJ L 8, 14.1.1998, p. 28.

⁽⁴⁾ OJ L 6, 12.1.1999, p. 18.