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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1197/2000
of 7 June 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 8 June 2000.

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

Done at Brussels, 7 June 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 7 June 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
0707 00 05	052	66,7
	628	125,1
	999	95,9
0709 90 70	052	59,1
	999	59,1
0805 30 10	388	56,2
	528	58,8
	999	57,5
0808 10 20, 0808 10 50, 0808 10 90	388	87,8
	400	67,6
	404	86,8
	508	68,6
	512	88,7
	528	87,0
	720	85,4
	804	77,7
	999	81,2
	052	127,8
0809 10 00	999	127,8
	052	300,9
0809 20 95	064	176,7
	400	384,6
	999	287,4

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

COMMISSION REGULATION (EC) No 1198/2000**of 7 June 2000****fixing the maximum export refund for white sugar for the 42nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1489/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1489/1999 of 7 July 1999 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1489/1999 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 42nd partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 42nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1489/1999 the maximum amount of the export refund is fixed at 46,269 EUR/100 kg.

Article 2

This Regulation shall enter into force on 8 June 2000.

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

Done at Brussels, 7 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 172, 8.7.1999, p. 27.

COMMISSION REGULATION (EC) No 1199/2000**of 7 June 2000****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 June 2000.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 7 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,38	—	0
1703 90 00 ⁽¹⁾	8,75	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 1200/2000**of 7 June 2000****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽²⁾, as amended by Regulation (EC) No 3290/94 ⁽³⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of

export refunds in the sugar sector ⁽⁴⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks; whereas it may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 June 2000.

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

Done at Brussels, 7 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 89, 10.4.1968, p. 3.

⁽³⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁴⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**to the Commission Regulation of 7 June 2000 fixing the export refunds on white sugar and raw sugar exported
in its unaltered state**

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	38,78 ⁽¹⁾
1701 11 90 9910	37,75 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	38,78 ⁽¹⁾
1701 12 90 9910	37,75 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4216
	— EUR/100 kg —
1701 99 10 9100	42,16
1701 99 10 9910	43,26
1701 99 10 9950	41,27
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4216

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Regulation (EC) No 2038/1999.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

COMMISSION REGULATION (EC) No 1201/2000**of 6 June 2000****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 955/1999 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1662/1999 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish

unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 June 2000.

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

Done at Brussels, 6 June 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 25.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	49,11 291,97 410,59	675,71 322,11 1 980,91	96,04 38,67 30,70	366,50 95 081,31	16 548,52 108,21	8 170,45 9 844,75
1.30	Onions (other than seed) 0703 10 19	a) b) c)	29,31 174,28 245,09	403,34 192,27 1 182,44	57,33 23,09 18,32	218,77 56 755,95	9 878,14 64,60	4 877,11 5 876,53
1.40	Garlic 0703 20 00	a) b) c)	116,81 694,53 976,73	1 607,37 766,24 4 712,19	228,46 92,00 73,02	871,84 226 179,96	39 365,71 257,42	19 435,91 23 418,74
1.50	Leeks ex 0703 90 00	a) b) c)	45,99 273,44 384,55	632,84 301,67 1 855,23	89,95 36,22 28,75	343,25 89 049,06	15 498,63 101,35	7 652,09 9 220,17
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 462,22	760,67 362,61 2 229,99	108,12 43,54 34,56	412,59 107 037,01	18 629,36 121,82	9 197,82 11 082,64
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 354,90 499,10	821,35 391,54 2 407,89	116,74 47,01 37,31	445,50 115 575,96	20 115,53 131,54	9 931,58 11 966,77
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	35,54 211,30 297,15	489,01 233,11 1 433,59	69,51 27,99 22,21	265,24 68 810,58	11 976,20 78,31	5 912,98 7 124,67
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 629,95 885,90	1 457,90 694,99 4 274,01	207,22 83,44 66,23	790,77 205 147,81	35 705,15 233,48	17 628,60 21 241,07
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	84,62 503,16 707,59	1 164,46 555,10 3 413,76	165,51 66,65 52,90	631,61 163 856,46	28 518,56 186,49	14 080,38 16 965,75
1.110	Cabbage lettuce (head lettuce) 0705 11 10	a) b) c)	152,67 907,73 1 276,55	2 100,79 1 001,45 6 158,69	298,60 120,24 95,43	1 139,47 295 610,34	51 449,79 336,44	25 402,15 30 607,59
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,74 182,45	300,25 143,13 880,22	42,68 17,18 13,64	162,86 42 249,41	7 353,34 48,08	3 630,54 4 374,52
1.130	Carrots ex 0706 10 00	a) b) c)	27,08 161,03 226,46	372,67 177,65 1 092,53	52,97 21,33 16,93	202,14 52 440,19	9 127,00 59,68	4 506,25 5 429,67
1.140	Radishes ex 0706 90 90	a) b) c)	129,01 767,06 1 078,72	1 775,22 846,25 5 204,25	252,32 101,60 80,64	962,88 249 798,19	43 476,37 284,30	21 465,46 25 864,18
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	623,21 3 705,45 5 210,99	8 575,59 4 088,00 25 140,32	1 218,90 490,82 389,57	4 651,41 1 206 707,28	210 022,55 1 373,38	103 693,80 124 942,85

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	147,49 876,94 1 233,24	2 029,52 967,48 5 949,76	288,47 116,16 92,20	1 100,81 285 581,82	49 704,37 325,03	24 540,39 29 569,23
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	117,10 696,26 979,15	1 611,37 768,14 4 723,90	229,03 92,23 73,20	874,01 226 742,06	39 463,54 258,06	19 484,22 23 476,94
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 318,94	2 170,55 1 034,71 6 363,22	308,51 124,23 98,60	1 177,31 305 427,23	53 158,38 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	382,62 2 274,93 3 199,24	5 264,91 2 509,80 15 434,69	748,33 301,33 239,17	2 855,69 740 847,88	128 941,59 843,17	63 661,95 76 707,62
1.200.2	— other ex 0709 20 00	a) b) c)	219,48 1 304,94 1 835,15	3 020,05 1 439,67 8 853,62	429,26 172,85 137,19	1 638,08 424 964,02	73 963,28 483,66	36 517,67 44 000,91
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	101,32 602,41 847,17	1 394,16 664,60 4 087,15	198,16 79,79 63,33	756,20 196 178,81	34 144,13 223,28	16 857,88 20 312,42
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	81,29 483,30 679,67	1 118,52 533,20 3 279,06	158,98 64,02 50,81	606,68 157 391,06	27 393,28 179,13	13 524,80 16 296,32
1.230	Chantarelles 0709 51 30	a) b) c)	1 316,23 7 825,97 11 005,69	18 111,77 8 633,93 53 096,75	2 574,33 1 036,62 822,78	9 823,84 2 548 584,41	443 570,86 2 900,60	219 002,91 263 881,22
1.240	Sweet peppers 0709 60 10	a) b) c)	169,88 1 010,04 1 420,42	2 337,54 1 114,31 6 852,77	332,25 133,79 106,19	1 267,89 328 925,42	57 248,14 374,36	28 264,95 34 057,04
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 614,99	1 012,07 482,46 2 967,00	143,85 57,93 45,98	548,95 142 412,66	24 786,35 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	60,08 357,21 502,35	826,70 394,09 2 423,56	117,50 47,32 37,56	448,40 116 328,39	20 246,49 132,40	9 996,24 12 044,68
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 475,64	2 428,42 1 157,63 7 119,19	345,16 138,99 110,32	1 317,18 341 712,93	59 473,76 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	107,37 638,39 897,78	1 477,44 704,30 4 331,30	210,00 84,56 67,12	801,37 207 897,50	36 183,72 236,61	17 864,88 21 525,77

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	120,62 717,19 1 008,58	1 659,80 791,23 4 865,90	235,92 95,00 75,40	900,28 233 557,53	40 649,75 265,82	20 069,88 24 182,62
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	127,31 756,94 1 064,48	1 751,79 835,08 5 135,57	248,99 100,26 79,58	950,17 246 501,69	42 902,63 280,55	21 182,19 25 522,86
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	55,64 330,81 465,22	765,59 364,96 2 244,42	108,82 43,82 34,78	415,26 107 729,80	18 749,94 122,61	9 257,35 11 154,38
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	60,53 359,92 506,16	832,97 397,08 2 441,94	118,39 47,67 37,84	451,80 117 210,36	20 399,99 133,40	10 072,03 12 136,00
2.60.3	— Others 0805 10 50	a) b) c)	51,50 306,21 430,62	708,66 337,82 2 077,50	100,73 40,56 32,19	384,38 99 717,90	17 355,50 113,49	8 568,88 10 324,82
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines ex 0805 20 10	a) b) c)	79,34 471,75 663,42	1 091,78 520,45 3 200,67	155,18 62,49 49,60	592,18 153 628,50	26 738,42 174,85	13 201,48 15 906,74
2.70.2	— Monreales and satsumas ex 0805 20 30	a) b) c)	59,35 352,86 496,23	816,63 389,29 2 394,04	116,07 46,74 37,10	442,94 114 911,04	19 999,80 130,78	9 874,44 11 897,93
2.70.3	— Mandarines and wilkings ex 0805 20 50	a) b) c)	62,27 370,24 520,67	856,86 408,47 2 511,97	121,79 49,04 38,93	464,76 120 571,92	20 985,06 137,23	10 360,89 12 484,05
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	51,73 307,58 432,55	711,84 339,34 2 086,84	101,18 40,74 32,34	386,10 100 165,96	17 433,48 114,00	8 607,38 10 371,21
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	102,78 611,07 859,35	1 414,22 674,16 4 145,94	201,01 80,94 64,24	767,07 199 000,34	34 635,21 226,49	17 100,34 20 604,56
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	69,26 411,83 579,15	953,09 454,34 2 794,10	135,47 54,55 43,30	516,96 134 113,81	23 341,97 152,64	11 524,56 13 886,19
2.90.2	— pink ex 0805 40 00	a) b) c)	72,17 429,09 603,43	993,05 473,39 2 911,25	141,15 56,84 45,11	538,63 139 736,93	24 320,65 159,04	12 007,76 14 468,41
2.100	Table grapes 0806 10 10	a) b) c)	154,94 921,20 1 295,49	2 131,96 1 016,31 6 250,08	303,03 122,02 96,85	1 156,38 299 996,96	52 213,26 341,43	25 779,10 31 061,78

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	27,47 163,33 229,69	378,00 180,19 1 108,14	53,73 21,63 17,17	205,03 53 189,34	9 257,39 60,54	4 570,62 5 507,24
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	81,07 482,03 677,88	1 115,57 531,79 3 270,41	158,56 63,85 50,68	605,08 156 975,93	27 321,03 178,66	13 489,13 16 253,34
2.120.2	— other ex 0807 19 00	a) b) c)	95,26 566,41 796,54	1 310,85 624,89 3 842,92	186,32 75,03 59,55	711,01 184 455,66	32 103,77 209,93	15 850,50 19 098,60
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	129,52 770,09 1 082,99	1 782,24 849,60 5 224,85	253,32 102,01 80,96	966,69 250 786,85	43 648,44 285,43	21 550,41 25 966,55
2.140.2	Other ex 0808 20 50	a) b) c)	68,75 408,78 574,87	946,04 450,98 2 773,44	134,47 54,15 42,98	513,14 133 121,85	23 169,32 151,51	11 439,32 13 783,48
2.150	Apricots 0809 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	a) b) c)	60,10 357,34 502,53	826,99 394,23 2 424,43	117,55 47,33 37,57	448,56 116 369,83	20 253,70 132,44	9 999,80 12 048,97
2.180	Nectarines ex 0809 30 10	a) b) c)	186,92 1 111,36 1 562,92	2 572,05 1 226,10 7 540,26	365,58 147,21 116,84	1 395,08 361 923,91	62 991,40 411,91	31 100,55 37 473,71
2.190	Plums 0809 40 05	a) b) c)	149,44 888,52 1 249,53	2 056,32 980,25 6 028,33	292,28 117,69 93,41	1 115,35 289 352,90	50 360,71 329,32	24 864,44 29 959,69
2.200	Strawberries 0810 10 00	a) b) c)	394,59 2 346,13 3 299,36	5 429,68 2 588,34 15 917,72	771,75 310,76 246,66	2 945,06 764 032,78	132 976,83 869,56	65 654,25 79 108,19
2.205	Raspberries 0810 20 10	a) b) c)	750,86 4 464,41 6 278,32	10 332,06 4 925,32 30 289,62	1 468,55 591,35 469,36	5 604,12 1 453 867,69	253 039,82 1 654,68	124 932,59 150 533,91
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	1 822,37 10 835,32 15 237,75	25 076,36 11 953,96 73 514,22	3 564,25 1 435,23 1 139,16	13 601,44 3 528 600,36	614 138,69 4 015,97	303 216,85 365 352,38
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	136,06 808,98 1 137,67	1 872,23 892,50 5 488,66	266,11 107,16 85,05	1 015,50 263 449,67	45 852,35 299,84	22 638,55 27 277,66

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	347,17 2 064,18 2 902,86	4 777,16 2 277,29 14 004,80	679,01 273,42 217,02	2 591,14 672 214,86	116 996,29 765,06	57 764,23 69 601,34
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	310,11 1 843,84 2 593,00	4 267,23 2 034,20 12 509,87	606,53 244,23 193,85	2 314,55 600 459,79	104 507,61 683,40	51 598,23 62 171,79
2.250	Lychees ex 0810 90 30	a) b) c)	433,40 2 576,90 3 623,90	5 963,75 2 842,94 17 483,43	847,66 341,33 270,92	3 234,75 839 184,84	146 056,74 955,09	72 112,16 86 889,46

COMMISSION REGULATION (EC) No 1202/2000
of 7 June 2000
on the issuing of system B export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 470/2000 ⁽³⁾ fixed the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of oranges, lemons and apples.
- (3) Those overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The rate of

refund for all products covered by licences applied for under system B from 17 March to 16 May 2000 should be the indicative rate,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 17 March and 16 May 2000, by which the quantities applied for and the rates of refund applicable must be multiplied, shall be as fixed in the Annex hereto.

The above subparagraph shall not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 8 June 2000.

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

Done at Brussels, 7 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 57, 2.3.2000, p. 12.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 17 March and 16 May 2000

Product	Destination or group of destinations	Percentage for the issuing of licences	Rate of refund (EUR/tonne net)
Tomatoes	A00	100 %	20,0
Shelled almonds	A00	100 %	50,0
Shelled hazelnuts	A00	100 %	114,0
Oranges	A00	100 %	50,0
Lemons	A00	100 %	45,0
Apples	F07	100 %	40,0

COMMISSION REGULATION (EC) No 1203/2000**of 7 June 2000****amending Regulation (EC) No 441/2000 increasing to 49 973 tonnes the quantity of barley held by the Irish intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 39/1999⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 441/2000⁽⁵⁾, as amended by Regulation (EC) No 1083/2000⁽⁶⁾, opened a standing invitation to tender for the export of 29 977 tonnes of barley held by the Irish intervention agency. Ireland informed the Commission of the intention of its intervention agency to increase by 19 996 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of barley held by the Irish intervention agency for which a standing invitation to tender for export has been opened should be increased to 49 973 tonnes.
- (3) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in

store. Annex I to Regulation (EC) No 441/2000 must therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 441/2000 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 49 973 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.

2. The regions in which the 49 973 tonnes of barley are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 7 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 54, 26.2.2000, p. 29.

⁽⁶⁾ OJ L 122, 24.5.2000, p. 41.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Bagnelstown/County Carlow	1 796
Baltinglass/County Wicklow	15 000
Bridgetown/County Wexford	2 548
Enniscorthy/County Wexford	2 058
Ferns/County Wexford	7 684
Freshford Road/Kilkenny	3 309
Gorey/County Wexford	10 759
Naas/County Kildare	2 167
Palmerstown/County Kilkenny	4 652

COMMISSION REGULATION (EC) No 1204/2000
of 7 June 2000
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 8 June 2000.

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

Done at Brussels, 7 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	76,44	111,06		173,10
1006 10 23	(7)	76,44	111,06		173,10
1006 10 25	(7)	76,44	111,06		173,10
1006 10 27	(7)	76,44	111,06		173,10
1006 10 92	(7)	76,44	111,06		173,10
1006 10 94	(7)	76,44	111,06		173,10
1006 10 96	(7)	76,44	111,06		173,10
1006 10 98	(7)	76,44	111,06		173,10
1006 20 11	150,46	48,32	70,89		112,85
1006 20 13	150,46	48,32	70,89		112,85
1006 20 15	150,46	48,32	70,89		112,85
1006 20 17	224,75	74,32	108,04	0,00	168,57
1006 20 92	150,46	48,32	70,89		112,85
1006 20 94	150,46	48,32	70,89		112,85
1006 20 96	150,46	48,32	70,89		112,85
1006 20 98	224,75	74,32	108,04	0,00	168,57
1006 30 21	(7)	146,86	212,59		341,25
1006 30 23	(7)	146,86	212,59		341,25
1006 30 25	(7)	146,86	212,59		341,25
1006 30 27	(7)	146,86	212,59		341,25
1006 30 42	(7)	146,86	212,59		341,25
1006 30 44	(7)	146,86	212,59		341,25
1006 30 46	(7)	146,86	212,59		341,25
1006 30 48	(7)	146,86	212,59		341,25
1006 30 61	(7)	146,86	212,59		341,25
1006 30 63	(7)	146,86	212,59		341,25
1006 30 65	(7)	146,86	212,59		341,25
1006 30 67	(7)	146,86	212,59		341,25
1006 30 92	(7)	146,86	212,59		341,25
1006 30 94	(7)	146,86	212,59		341,25
1006 30 96	(7)	146,86	212,59		341,25
1006 30 98	(7)	146,86	212,59		341,25
1006 40 00	(7)	45,38	(7)		105,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	224,75	455,00	150,46	455,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	323,08	275,11	421,72	310,54	—
(b) fob price (EUR/tonne)	—	—	—	390,09	278,91	—
(c) Sea freight (EUR/tonne)	—	—	—	31,63	31,63	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1205/2000
of 7 June 2000
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

(EC) No 1441/1999 ⁽⁴⁾, as last amended by Regulation (EC) No 1079/2000 ⁽⁵⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 June 2000.

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

Done at Brussels, 7 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 16.

⁽³⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁴⁾ OJ L 166, 1.7.1999, p. 77.

⁽⁵⁾ OJ L 121, 23.5.2000, p. 7.

ANNEX

to the Commission Regulation of 7 June 2000 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	20,47	6,07
1701 11 90 ⁽¹⁾	20,47	11,62
1701 12 10 ⁽¹⁾	20,47	5,88
1701 12 90 ⁽¹⁾	20,47	11,10
1701 91 00 ⁽²⁾	23,66	13,84
1701 99 10 ⁽²⁾	23,66	8,88
1701 99 90 ⁽²⁾	23,66	8,88
1702 90 99 ⁽³⁾	0,24	0,40

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 1206/2000**of 7 June 2000****temporarily suspending the issuing of export licences for certain milk products and determining what proportion of the amounts covered by pending applications for export licences may be allocated**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as amended by Regulation (EC) No 1040/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽³⁾, as amended by Regulation (EC) No 1596/1999 ⁽⁴⁾, and in particular Article 10(3) thereof,

Whereas:

The issue of the licences requested for certain products would result in an overrun of the maximum quantities which can be exported with refunds during the 12 months' period in question. The issue of export licences for the products concerned

should be temporarily suspended and licences only issued for certain of those products for which applications are pending,

HAS ADOPTED THIS REGULATION:

Article 1

1. The issue of export licences for milk products referred to in the Annex is hereby suspended for the period 8 to 14 June 2000 inclusive, excluding licences for destination '970'.
2. No export licences shall be issued for milk products for which applications submitted from 3 to 7 June 2000 inclusive are still pending, excluding applications for licences for destination '970'.
3. Export licences shall be issued for milk products referred to as annexed for applications submitted on 2 June 2000.

Article 2

This Regulation shall enter into force on 8 June 2000.

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

Done at Brussels, 7 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 118, 19.5.2000, p. 1.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 188, 21.7.1999, p. 39.

ANNEX

Product code	Product code	Product code	Product code
0401 10 10 9000	0402 21 99 9700	0402 99 39 9300	0404 90 23 9917
0401 10 90 9000	0402 21 99 9900	0402 99 39 9500	0404 90 23 9919
0401 20 11 9100	0402 29 15 9200	0402 99 91 9000	0404 90 23 9931
0401 20 11 9500	0402 29 15 9300	0402 99 99 9000	0404 90 23 9933
0401 20 19 9100	0402 29 15 9500	0403 10 11 9400	0404 90 23 9935
0401 20 19 9500	0402 29 15 9900	0403 10 11 9800	0404 90 23 9937
0401 20 91 9100	0402 29 19 9200	0403 10 13 9800	0404 90 23 9939
0401 20 91 9500	0402 29 19 9300	0403 10 19 9800	0404 90 29 9110
0401 20 99 9100	0402 29 19 9500	0403 10 31 9400	0404 90 29 9115
0401 20 99 9500	0402 29 19 9900	0403 10 31 9800	0404 90 29 9120
0401 30 11 9100	0402 29 91 9100	0403 10 33 9800	0404 90 29 9130
0401 30 11 9400	0402 29 91 9500	0403 10 39 9800	0404 90 29 9135
0401 30 11 9700	0402 29 99 9100	0403 90 11 9000	0404 90 29 9150
0401 30 19 9100	0402 29 99 9500	0403 90 13 9200	0404 90 29 9160
0401 30 19 9400	0402 91 11 9110	0403 90 13 9300	0404 90 29 9180
0401 30 19 9700	0402 91 11 9120	0403 90 13 9500	0404 90 81 9100
0401 30 31 9100	0402 91 11 9310	0403 90 13 9900	0404 90 81 9910
0401 30 31 9400	0402 91 11 9350	0403 90 19 9000	0404 90 81 9950
0401 30 31 9700	0402 91 11 9370	0403 90 31 9000	0404 90 83 9110
0401 30 39 9100	0402 91 19 9110	0403 90 33 9200	0404 90 83 9130
0401 30 39 9400	0402 91 19 9120	0403 90 33 9300	0404 90 83 9150
0401 30 39 9700	0402 91 19 9310	0403 90 33 9500	0404 90 83 9170
0401 30 91 9100	0402 91 19 9350	0403 90 33 9900	0404 90 83 9911
0401 30 91 9400	0402 91 19 9370	0403 90 39 9000	0404 90 83 9913
0401 30 91 9700	0402 91 31 9100	0403 90 51 9100	0404 90 83 9915
0401 30 99 9100	0402 91 31 9300	0403 90 51 9300	0404 90 83 9917
0401 30 99 9400	0402 91 39 9100	0403 90 53 9000	0404 90 83 9919
0401 30 99 9700	0402 91 39 9300	0403 90 59 9110	0404 90 83 9931
0402 21 11 9200	0402 91 51 9000	0403 90 59 9140	0404 90 83 9933
0402 21 11 9300	0402 91 59 9000	0403 90 59 9170	0404 90 83 9935
0402 21 11 9500	0402 91 91 9000	0403 90 59 9310	0404 90 83 9937
0402 21 11 9900	0402 91 99 9000	0403 90 59 9340	0404 90 89 9130
0402 21 17 9000	0402 99 11 9110	0403 90 59 9370	0404 90 89 9150
0402 21 19 9300	0402 99 11 9130	0403 90 59 9510	0404 90 89 9930
0402 21 19 9500	0402 99 11 9150	0403 90 59 9540	0404 90 89 9950
0402 21 19 9900	0402 99 11 9310	0403 90 59 9570	0404 90 89 9990
0402 21 91 9100	0402 99 11 9330	0403 90 61 9100	2309 10 70 9100
0402 21 91 9200	0402 99 11 9350	0403 90 61 9300	2309 10 70 9200
0402 21 91 9300	0402 99 19 9110	0403 90 63 9000	2309 10 70 9300
0402 21 91 9400	0402 99 19 9130	0403 90 69 9000	2309 10 70 9500
0402 21 91 9500	0402 99 19 9150	0404 90 21 9100	2309 10 70 9600
0402 21 91 9600	0402 99 19 9310	0404 90 21 9910	2309 10 70 9700
0402 21 91 9700	0402 99 19 9330	0404 90 21 9950	2309 10 70 9800
0402 21 91 9900	0402 99 19 9350	0404 90 23 9120	2309 90 70 9100
0402 21 99 9100	0402 99 31 9110	0404 90 23 9130	2309 90 70 9200
0402 21 99 9200	0402 99 31 9150	0404 90 23 9140	2309 90 70 9300
0402 21 99 9300	0402 99 31 9300	0404 90 23 9150	2309 90 70 9500
0402 21 99 9400	0402 99 31 9500	0404 90 23 9911	2309 90 70 9600
0402 21 99 9500	0402 99 39 9110	0404 90 23 9913	2309 90 70 9700
0402 21 99 9600	0402 99 39 9150	0404 90 23 9915	2309 90 70 9800

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 May 2000

concerning the request by France to maintain pursuant to Article 18(3) of Directive 1999/5/EC of the European Parliament and of the Council (the 'R&TTE Directive') a requirement for telecommunications terminal equipment intended for connection to the analogue public switched telephone network of France Telecom

(notified under document number C(2000) 1390)

(Only the French text is authentic)

(Text with EEA relevance)

(2000/373/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ⁽¹⁾, and in particular Article 18(3), thereof,

Whereas:

- (1) Directive 1999/5/EC establishes a regulatory framework for the placing on the market, free movement and putting into service in the Community of radio equipment and telecommunications terminal equipment. Member States must apply its provisions and notably ensure that equipment meeting the essential requirements contained in article 3 as of 8 April 2000. Apart from the essential requirements referred to in Article 3(1), the Member States may request to continue, for a period of up to 30 months following this date to require telecommunications terminal equipment not to be capable of causing unacceptable deterioration of a voice telephony service accessible within the framework of the universal service as defined in Directive 98/10/EC of the European Parliament and of the Council ⁽²⁾.
- (2) France requested by letter of 18 October 1999 to apply Article 18(3) for the full period of 30 months for terminal equipment to be attached to the network of

France Telecom. The main reason for the request is the fact that around 22,2 % of the analogue extension lines of the France Telecom network offering the Voice Telephony service are not equipped to limit power consumption by terminals. Interface cards in the network as well as end-user equipment connected to such extension lines risk to wear out more quickly due to overheating if terminals don't limit current. Therefore a particular situation within the meaning of Article 18(3) can be considered to exist in France, justifying a continuation for the affected lines of the existing regulatory requirements.

- (3) France Telecom is taking measures to resolve this situation by introducing current limitation in the network. These measures will minimise the risks within 30 months after 8 April 2000.
- (4) According to Article 6(3) of Directive 1999/5/EC, manufacturers have to provide information for the user on the intended use of telecommunications terminal equipment. Such information shall be sufficient to identify interfaces of the public telecommunications networks to which the equipment is intended to be connected.
- (5) Only equipment declared for connection to the affected lines needs to delimit current to ensure that unacceptable deterioration of a voice telephony service is not caused,

⁽¹⁾ OJ L 91, 7.4.1999, p. 10.

⁽²⁾ OJ L 101, 1.4.1998, p. 24.

HAS ADOPTED THIS DECISION:

Article 2

This Decision is addressed to the French Republic.

Article 1

France may continue to require telecommunications terminal equipment, intended for connection to lines of the network of France Telecom which don't delimit current used by such equipment, not to be capable of causing unacceptable deterioration of a voice telephony service accessible within the framework of the universal service accessible within the framework of the universal service as defined in Directive 98/10/EC.

Done at Brussels, 26 May 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

COMMISSION DECISION
of 5 June 2000
amending Decision 98/272/EC on epidemio-surveillance for transmissible spongiform encephalopathies

(notified under document number C(2000) 1144)

(Text with EEA relevance)

(2000/374/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decision 98/272/EC of 23 April 1998 on epidemio-surveillance for transmissible spongiform encephalopathies ⁽⁴⁾ lays down the rules for measures to be taken by Member States where a transmissible spongiform encephalopathy (TSE) is suspected in an animal, the minimum requirements for the monitoring of bovine spongiform encephalopathy (BSE) and scrapie and the rules for sampling and laboratory testing for the presence of a TSE.
- (2) It is necessary to further clarify the measures in relation to animals killed following a suspicion of a TSE.
- (3) A report of the evaluation of tests for the diagnosis of TSE in bovines was published by the Commission on 8 July 1999 and three tests were found to have an excellent sensitivity and an excellent specificity in detecting TSE in animals in the clinical stage of the disease.
- (4) The use of the test in monitoring for BSE in bovine animals could significantly improve the efficacy of the monitoring, in particular if targeted on fallen stock and emergency slaughtered animals, as demonstrated in a monitoring programme carried out in Switzerland.
- (5) The monitoring programme should be reviewed on a regular basis in the light of the results and experience gained in implementing the programme, therefore it is necessary to amend the rules on reporting and records

and to introduce an additional report covering the first six months.

- (6) The rules for laboratory testing for the diagnosis of BSE in bovine animals should be revised in the light of the recommendations of the Manual of Standards for Diagnostic Tests and Vaccines of the World Organisation for Animal Health (Office international des épizooties) and the evaluation of the tests.
- (7) It is necessary to list the national reference laboratories for TSEs.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 98/272/EC is amended as follows:

1. The last sentence in Article 3(2) is replaced by the following:

‘All parts of the body of the suspect animal, including the hide, shall be retained under official supervision until a negative diagnosis has been made or until it has been destroyed by incineration or, under exceptional circumstances, burned or buried in strict compliance with the conditions laid down in Article 3(2) of Council Directive 90/667/EEC (*).

(*) OJ L 363, 27.12.1990, p. 51.’

2. In Article 4, paragraph 1, the word ‘Annex’ is replaced by ‘Annex I’.
3. In Article 4, paragraph 2 is replaced by the following:

‘2. Member States shall submit an annual report to the Commission covering at least the information referred to in Annex II, part A. The report for each calendar year shall be submitted at the latest by 31 March of the following year. The Commission shall present a summary of the country reports for each period covering at least the information referred to in Annex II, part B, to the Standing Veterinary Committee within three months of the receipt of the country reports.’

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁴⁾ OJ L 122, 24.4.1998, p. 59.

4. In Article 4, the following paragraph 3 is added:

‘3. Member States shall ensure that all official investigations and laboratory examinations are recorded in accordance with Annex III.’

5. Article 5 is replaced by the following:

‘Article 5

1. Sampling and laboratory testing for the presence of BSE in bovine animals shall be carried out using the methods and protocols laid down in Annex IV. Sampling and laboratory testing for the presence of scrapie in sheep shall be carried out using the methods and protocols laid down in the Manual of Standards for Diagnostic Tests and Vaccines of the World Organisation for Animal Health (Office international des épizooties), May 1999 edition.

2. The national reference laboratory in each Member State, as set out in Annex V, shall ensure coordination of diagnostic methods and protocols between the laboratories approved for testing for the presence of TSEs and regularly verify the use of those diagnostic methods and protocols.’

6. The following Article 8a is added:

‘Article 8a

Without prejudice to Article 4(2), Member States shall submit a report covering January-June 2001 including at

least the information referred to in Annex II, part A, to the Commission by 1 October 2001, at the latest.

The provisions of Annex I and II shall be reviewed every six months in the light of the results of the monitoring and experience gained in implementing the programme. The provisions of Annex IV shall be reviewed in the light of the development of the Manual of Standards for Diagnostic Tests and Vaccines of the World Organisation for Animal Health (Office international des épizooties). The provisions of Annex IV A shall be reviewed in the light of further evaluation of diagnostic methods.’

7. The Annex is replaced by the Annex to the present Decision.

Article 2

This Decision shall apply from 1 January 2001.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 June 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'ANNEX I

A. MINIMAL REQUIREMENTS FOR A PROGRAMME FOR MONITORING BSE IN BOVINE ANIMALS**1. Selection of sub-populations**

Bovine animals over 24 months of age as follows:

- 1.1. Animals subject to "special emergency slaughtering"; as defined in Article 2(n) and animals slaughtered in accordance with Annex I, Chapter VI, point 28(c) of Council Directive 64/433/EEC ⁽¹⁾ (including animals referred to in Commission Regulation (EC) No 716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom ⁽²⁾), and subject to "special emergency slaughtering" as defined in Article 2(n) or slaughtered in accordance with Annex I, Chapter VI, point 28(c) of Directive 64/433/EEC.
- 1.2. Dead animals not slaughtered for human consumption (excluding animals referred to in Regulation (EC) No 716/96).

2. Sample size

The combined number of samples tested annually in each Member State from the sub-populations referred to in point 1.1 and 1.2 shall not be less than the sample sizes indicated in the table. As many as possible, but in any case at least 10 % of the samples must be collected from the sub-population referred to in point 1.2. The selection of samples within each sub-population shall be random. The sampling shall be representative for each region and continuous. Member States may however decide to sample only the sub-population referred to in point 1.1 in remote areas where the animal density is low.

Total population over 24 months	Sample size ⁽¹⁾	Total population over 24 months	Sample size ⁽¹⁾
100 000	950	4 500 000	6 000
200 000	1 550	5 000 000	6 500
300 000	1 890	5 500 000	7 000
400 000	2 110	6 000 000	7 500
500 000	2 250	6 500 000	8 000
600 000	2 360	7 000 000	8 500
700 000	2 440	7 500 000	9 000
800 000	2 500	8 000 000	9 500
900 000	2 550	8 500 000	10 000
1 000 000	2 590	9 000 000	10 500
1 500 000	3 000	9 500 000	11 000
2 000 000	3 500	10 000 000	11 500
2 500 000	4 000	10 500 000	12 000
3 000 000	4 500	11 000 000	12 500
3 500 000	5 000	11 500 000	13 000
4 000 000	5 500	12 000 000	13 500

⁽¹⁾ The sample size has been calculated to detect a prevalence of 0,1 % with a 95 % confidence in the sub-populations referred to in point 1, based on the assumption that the proportion of these sub-populations in the total population of bovine animals over 24 months of age is 1 %. Where the size of the total population of bovine animals over 24 months of age is 1 500 000 animals or more, the sample size has been increased by 500 samples per 500 000 animals as a proportionality adjustment, to take account of the larger likelihood of variation in risk for BSE within the population.

⁽¹⁾ OJ 121, 29.7.1964, p. 2012/64.

⁽²⁾ OJ L 99, 20.4.1996, p. 14.

B. MINIMAL REQUIREMENTS FOR A PROGRAMME FOR MONITORING SCRAPIE IN OVINE AND CAPRINE ANIMALS

1. Selection of sub-populations

Selection must be by means of a risk assessment of sub-populations of native-born animals displaying clinical signs compatible with scrapie. Within each sub-population and age group, selection must be random.

The following shall be the criteria for the selection:

- animals displaying behavioural or neurological signs lasting for at least 15 days and resistant to treatment,
- moribund animals without signs of infectious or traumatic illness,
- animals displaying other progressive disease conditions.

2. Age of targeted animals

The sample must target the oldest animals in the sub-population. However, all targeted animals must be over 12 months of age.

3. Sample size

The minimum number of animals to be examined on an annual basis must comply with the sample sizes referred to in the table. Animals examined in accordance with Article 3 may be included within the minimum sample size.

Table

Minimum number of annual neurohistological investigations of animals showing clinical signs compatible with scrapie

Total population over 12 months ⁽¹⁾	Sample size
100 000	10
300 000	30
500 000	50
700 000	69
1 000 000	99
2 500 000	195
5 000 000	300
7 000 000	336
10 000 000	367
20 000 000	409
30 000 000	425
40 000 000	433

⁽¹⁾ Where the size of the total population over 12 months of age is not known, the sample size shall be based on the total population over six months of age.

C. MONITORING IN HIGHER RISK ANIMALS**Monitoring in higher risk animals**

In addition to the monitoring programmes set out in parts A and B, Member States may on a voluntary basis carry out targeted surveillance for TSEs in higher risk animals, such as:

- animals originating from countries with indigenous TSE,
- animals which have consumed potentially contaminated feedingstuffs,
- animals born or derived from TSE infected dams.

D. COMMON PROVISIONS

Member States shall ensure that no parts of the body of animals sampled pursuant to this Annex are used for human food, animal feed, fertilisers, cosmetic or medicinal products or medical devices until the laboratory examination has been concluded with negative results.

ANNEX II**A. INFORMATION TO BE PRESENTED IN THE REPORT BY MEMBER STATES**

1. The number of suspected cases per animal species placed under movement restrictions in accordance with Article 3(1).
2. The number of suspected cases per animal species subject to laboratory examination in accordance with Article 3(2) and the outcome of the examination.
3. The estimated size of each sub-population referred to in Annex I(A)(1).
4. The number of bovine animals tested within each sub-population as referred to in Annex I(A)(1) and Annex I(C), method for sample selection and the outcome of the tests.
5. The number of ovine and caprine animals examined within each sub-population as referred to in Annex I(B)(1) and Annex I(C) and the outcome of the examination.
6. Number, age distribution and geographical distribution of positive cases of BSE and scrapie. The year and, where possible, month of birth should be given for BSE cases born after the introduction of a feed ban.
7. Positive TSE cases confirmed in animals other than bovine, ovine and caprine animals.

B. INFORMATION TO BE PRESENTED IN THE SUMMARY BY THE COMMISSION

The summary shall be presented in a tabled format covering at least the following information for each Member State:

1. the total population of bovine animals over 24 months of age and the estimated size of each sub-population referred to in Annex I(A)(1);
2. the number of suspected cases as referred to in part A(1) and (2), per animal species;
3. the number of bovine animals tested as referred to in part A(4);
4. the number of ovine and caprine animals examined as referred to in part A(5);
5. the number and age distribution of positive BSE cases;
6. positive BSE cases born after the introduction of a feed ban and the year and month of birth;
7. positive cases of scrapie;
8. positive TSE cases in animals other than bovine, ovine and caprine animals.

ANNEX III**RECORDS**

1. The competent authority shall keep records of
 - the number and types of animals placed under movement restrictions as referred to in Article 3(1),
 - the number and outcome of clinical and epidemiological investigations as referred to in Article 3(1),
 - the number and outcome laboratory examinations as referred to in Article 3(2),
 - the number, identity and origin of animals sampled in the framework of the monitoring programmes as referred to in Annex I and, where possible, age, breed and anamnestic information.

The records shall be kept for seven years.

2. The investigating laboratory shall keep all records of testing, in particular laboratory workbooks, paraffin blocks and, where appropriate, photographs of Western blots.

The records shall be kept for seven years.

ANNEX IV

SAMPLING AND LABORATORY TESTING FOR THE PRESENCE OF BSE IN BOVINE ANIMALS**1. Collection of samples**

The competent authority shall ensure that samples are collected using the methods and protocols laid down in the Manual of Standards for Diagnostic Tests and Vaccines of the World Organisation for Animal Health (Office international des épizooties), May 1999 edition. In the absence of such methods and protocols, the competent authority shall ensure that the samples are collected in a manner appropriate for the correct application of tests.

2. Laboratory testing**2.1. Suspect cases**

Tissues from bovine animals sent for laboratory testing following the provisions of Article 3(2) shall be subject to a histopathology examination as laid down in the Manual of Standards for Diagnostic Tests and Vaccines of the World Organisation for Animal Health (Office international des épizooties), May 1999 edition, except where the material is autolysed. Where the result of the histopathology examination is inconclusive or negative or where the material is autolysed, the tissues shall be subjected to an examination by one of the other diagnostic methods laid down in the above Manual (immunocytochemistry, immuno-blotting or demonstration of characteristic fibrils by electron microscopy)

2.2. Animals examined in the framework of the annual monitoring programme

Bovine animals examined in the framework of the annual monitoring programme as laid down in Annex I(A) and the targeted surveillance programme as laid down in Annex I(C) shall be examined by one of the tests listed in Annex IV(A).

Where the result of the monitoring test is inconclusive or positive, the tissues shall be subject to a histopathology examination of the brainstem as laid down in the Manual of Standards for Diagnostic Tests and Vaccines of the World Organisation for Animal Health (Office international des épizooties), May 1999 edition, except where the material is autolysed or otherwise not suitable for examination by histopathology. Where the result of the histopathology examination is inconclusive or negative or where the material is autolysed, the tissues shall be subjected to an examination by one of the other diagnostic methods mentioned in point 2.1, however, the method must not be the same as the method used in the monitoring test.

3. Interpretation of results

An animal examined as referred to in point 2.1 shall be regarded a positive BSE case, if the result of one of the tests is positive.

An animal examined as referred to in point 2.2 shall be regarded as a positive BSE case if the result of the monitoring test is positive or inconclusive, and

- the result of the subsequent histopathology examination is positive, or
- the result of another diagnostic method mentioned in point 2.1 is positive.

ANNEX IV A

1. Immunoblotting test based on a Western blotting procedure for the detection of the protease-resistant fragment PrP^{Res} (Prionics check test).
2. Chemiluminescent ELISA involving an extraction procedure and an ELISA technique, using an enhanced chemiluminescent reagent (Enfer test).
3. Sandwich immunoassay for PrP^{Res} carried out following denaturation and concentration steps (CEA test).

ANNEX V

NATIONAL REFERENCE LABORATORIES

The national reference laboratories are:

Austria:	Bundesanstalt für Tierseuchenbekämpfung, Mödling Robert-Koch-Gasse 17 A-2340 Mödling
Belgium:	CERVA-CODA-VAR Centre d'étude et de recherches vétérinaires et agrochimiques Centrum voor Onderzoek in Diergeneeskunde en Agrochemie Veterinary and Agrochemical Research Centre Groeselenberg 99 B-1180 Bruxelles
Denmark:	Statens Veterinære Serumlaboratorium Bülowsvej 27 DK-1790 København V
Finland:	Eläinlääkintä- ja elintarvikelaitos Hämeentie 57 FIN-00550 Helsinki
France:	Agence française de sécurité sanitaire des aliments Laboratoire de pathologie bovine 31, avenue Tony Garnier BP 7033 F-69342 Lyon Cédex
Germany:	Bundesforschungsanstalt für Viruskrankheiten der Tiere Anstaltsteil Tübingen Postfach 1149 D-72001 Tübingen
Greece:	1. Department of Pathology, Faculty of Veterinary Medicine University of Thessaloniki Giannitson & Voutyra St. GR-54627 Thessaloniki 2. Athens Centre of Veterinary Institutes Laboratory of Pathology 25 Neapoleos St. GR-14310 Athens
Ireland:	The Central Veterinary Research Laboratory Abbotstown Castleknock Dublin 15 Ireland
Italy:	Istituto Zooprofilattico Sperimentale del Piemonte, Liguria e Valle D'Aosta CEA Via Bologna I-148-10150 Torino
Luxembourg:	CERVA-CODA-VAR Centre d'étude et de recherches vétérinaires et agrochimiques Centrum voor Onderzoek in Diergeneeskunde en Agrochemie Veterinary and Agrochemical Research Centre Groeselenberg 99 B-1180 Bruxelles
Netherlands:	Instituut voor Dierhouderij en Diergezondheid, ID-Lelystad Edelhertweg 15 Postbus 65 8200 AB Lelystad Nederland
Portugal:	Laboratório Nacional de Investigação Veterinária Estrada de Benfica, 701 P-1500 Lisboa

Spain: Veterinary School Laboratory
 Animal Pathology Department
 Pathological Anatomy
 E-Zaragoza

Sweden: The National Veterinary Institute
 S-751 89 Uppsala

United Kingdom: The Veterinary Laboratories Agency
 Woodham Lane
 New Haw
 Addlestone
 Surrey KT15 3NB
 United Kingdom'

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 276/99/COL

of 17 November 1999

including new guidelines on State aid to shipbuilding granted as development assistance to a developing country and amending for the twenty-first time the Procedural and Substantive Rules in the Field of State aid

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area ⁽¹⁾, in particular to Articles 61 to 63,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice ⁽²⁾, in particular Article 24 and Article 1 of Protocol 3 thereof,

Whereas under Article 24 of the Surveillance and Court Agreement the EFTA Surveillance Authority shall give effect to the provisions concerning State aid;

Whereas under Article 5(2)(b) of the Surveillance and Court Agreement the EFTA Surveillance Authority shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if the EFTA Surveillance Authority considers it necessary;

Recalling the Procedural and Substantive Rules in the Field of State Aid ⁽³⁾ adopted on 19 January 1994 by the EFTA Surveillance Authority ⁽⁴⁾;

Whereas on 10 June 1997, the European Commission communicated to the Member States, an updated list of eligible countries (Letter to Member States SG(97) D/4345 dated 10 June 1997);

Whereas the uniform application of the EEA State aid rules is to be ensured throughout the European Economic Area;

Whereas according to point II under the heading 'GENERAL' at the end of Annex XV to the EEA Agreement, the EFTA Surveillance Authority is to adopt, after consultation with the European Commission, acts corresponding to those adopted by the Commission, in order to maintain equal conditions of competition;

Whereas the Council Regulation (EC) No 1540/98 of 29 June 1998 establishing new rules on aid to shipbuilding, replacing the Council Directive 90/684/EEC of 21 December 1990 on aid to shipbuilding, as last amended by Council Directive 94/73/EC of 19 December 1994, was included into point 1(b) of Annex XV to the EEA Agreement by Decision of the EEA Joint Committee No 12/99 of 29 January 1999,

⁽¹⁾ Hereinafter referred to as the EEA Agreement.

⁽²⁾ Hereinafter referred to as the Surveillance and Court Agreement.

⁽³⁾ Hereinafter referred to as the State Aid Guidelines.

⁽⁴⁾ Initially published in OJ L 240, 15.9.1994 and in the EEA Supplement thereto No 34 on the same date, last amendment (20th) adopted by Decision No 275/99/COL of 17 November 1999 (OJ L 137, 8.6.2000).

HAS ADOPTED THIS DECISION:

1. Chapter 31 of the State Aid Guidelines shall be replaced by the text in Annex I to this Decision.
2. The EFTA States shall be informed of this Decision by means of a letter, together with a copy of the Decision, including Annex I.
3. The EC Commission shall be informed, in accordance with Protocol 27(d) to the EEA Agreement by means of a copy of the Decision, including Annex I.
4. The Decision, including Annex I, shall be published in the EEA Section of and the EEA Supplement to the *Official Journal of the European Communities*.
5. This Decision shall be authentic in the English language.

Done at Brussels, 17 November 1999.

For the EFTA Surveillance Authority

Knut ALMESTAD

The President

ANNEX I

31. AID TO SHIPBUILDING GRANTED AS DEVELOPMENT ASSISTANCE TO A DEVELOPING COUNTRY ⁽¹⁾

1. Article 3(5) of the Act referred to in point 1(b) of Annex XV to the EEA Agreement on aid to shipbuilding ⁽²⁾ establishes that aid to shipbuilding and ship conversion granted as development assistance to a developing country shall not be subject to the prevailing maximum production aid ceiling, as fixed under Article 3(1) of the Shipbuilding Regulation.
2. Such aid may be deemed compatible with the functioning of the EEA Agreement provided that it complies with the terms laid down for that purpose by OECD Working Party No 6 in its agreement concerning the interpretation of Articles 6 to 8 of the OECD Council Resolution of 3 August 1981 (Understanding on Export Credits for Ships).
3. Any such individual proposal is subject to prior notification to the EFTA Surveillance Authority. On the basis of the notification, the Authority shall verify the particular development content of the proposed aid and satisfy itself that it falls within the scope of the Understanding on Export Credits for Ships.
4. As regards the latter point, the EFTA Surveillance Authority ensures that the proposed aid complies with the criteria laid down in OECD document C/WP6(84)3 of 18 January 1984 concerning the interpretation of Article 6 of the Understanding on Export Credits for Ships ⁽³⁾.
5. Accordingly, the following criteria must be adhered to by the EFTA States granting development aid:
 1. the aid may not be granted for construction of ships which will be operated under a flag of convenience;
 2. in the event that the aid cannot be classified as public development aid in the framework of OECD the donor must confirm that the aid is part of an inter-governmental agreement;
 3. the donor must give appropriate assurances that the real owner is resident in the beneficiary country and that the beneficiary company is not a non-operational subsidiary of a foreign company;
 4. the beneficiary must give undertakings not to sell the ship without prior government approval.

Furthermore the aid granted must contain a grant element of at least 25 % in accordance with the OECD method of calculation, see OECD document C/WP6(85)62 of 21 October 1985.

6. The Understanding on Export Credits for Ships does not, on the other hand, provide for any criteria applicable to the classification of countries eligible for development aid. The EFTA Surveillance Authority has decided, taking into account the practice of the European Commission, to consider compatible with the functioning of the EEA Agreement the granting of development aid to the following countries under the terms of Article 3(5) of the Shipbuilding Regulation:
 - (a) ACP States ⁽⁴⁾
 - (b) overseas countries and territories of EC Member States ⁽⁵⁾
 - (c) all countries not included in (a) or (b) above which are classified on the OECD DAC-list as least-developed countries (LLDC), lowincome countries (LIC) or lower middle-income countries (LMIC). These countries are the following:
 - Afghanistan (LLDC),
 - Albania (LIC),
 - Algeria (LMIC),
 - Armenia (LIC),
 - Azerbaijan (LIC),
 - Bangladesh (LLDC),
 - Bhutan (LLDC),
 - Bolivia (LMIC),

⁽¹⁾ This chapter corresponds to the Commission letter to Member States SG(89) D/311 dated 3 January 1989, as last updated by the Commission letter to Member States SG(97) D/4345 dated 10 June 1997. The up-dated lists of eligible countries and flags of convenience are published in the Commission notice as regards the list of countries eligible for development aid pursuant to Article 4(7) of the seventh Council Directive 90/684/EEC as last amended by Council Regulation (EC) No 1904/96 on aid to shipbuilding. OJ C 218, 18.7.1997, p. 8.

⁽²⁾ Council Regulation (EC) No 1540/98 of 29 June 1998 establishing new rules on aid to shipbuilding. This Council Regulation, as adapted for the purpose of the EEA Agreement by the EEA Joint Committee Decision No 12/99 of 29 January 1999, will hereinafter be referred to as the Shipbuilding Regulation.

⁽³⁾ Working Party No 6 of the Council: Revision of the definitions and administrative procedures concerning the Understanding on Export Credits for Ships.

⁽⁴⁾ See Decision 91/400/EEC of the Council and the Commission of 25 February 1991 on the conclusion of the fourth ACP-EEC Convention (OJ L 229, 17.8.1991, p. 1). List of ACP countries in Commission notice as regards the list of eligible countries (OJ C 218, 18.7.1997, p. 9).

⁽⁵⁾ See Annex I to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community (OJ L 263, 19.9.1991, p. 1). List of OCT countries in Commission notice as regards the list of eligible countries (OJ C 218, 18.7.1997, p. 10 and 11).

- Bosnia and Herzegovina (LIC),
- Cambodia (LLDC),
- China (LIC),
- Colombia (LMIC),
- Costa Rica (LMIC),
- Cuba (LMIC),
- East Timor (LMIC),
- Ecuador (LMIC),
- Egypt (LMIC),
- El Salvador (LMIC),
- Former Yugoslav Republic of Macedonia (LMIC),
- Georgia (LIC),
- Guatemala (LMIC),
- Honduras (LIC),
- India (LIC),
- Indonesia (LMIC),
- Iran (LMIC),
- Iraq (LMIC),
- Jordan (LMIC),
- Kazakhstan (LMIC),
- Kyrgyzstan (LIC),
- Laos (LLDC),
- Lebanon (LMIC),
- Maldives (LLDC),
- Marshall Islands (LMIC),
- Federated States of Micronesia (LMIC),
- Moldova (LMIC),
- Mongolia (LIC),
- Morocco (LMIC),
- Myanmar (LLDC),
- Nepal (LLDC),
- Nicaragua (LIC),
- Niue (LMIC),
- North Korea (LMIC),
- Pakistan (LIC),
- Palau Islands (LMIC),
- Palestinian Administered Areas (LMIC),
- Panama (LMIC),
- Paraguay (LMIC),
- Peru (LMIC),
- Philippines (LMIC),
- Sri Lanka (LIC),
- Syria (LMIC),
- Tajikistan (LIC),
- Thailand (LMIC),
- Tokelau (LMIC),
- Tunisia (LMIC),
- Turkey (LMIC),
- Turkmenistan (LMIC),
- Uzbekistan (LMIC),
- Venezuela (LMIC),
- Vietnam (LIC),
- Yemen (LLDC),
- Federal Republic of Yugoslavia (LMIC).

7. Countries appearing in the upper middle-income countries (UMIC) classification will not be considered eligible.
8. In order to safeguard the EFTA States' shipbuilding interests the EFTA Surveillance Authority would, however, allow the EFTA States to grant development aid to countries not falling under the above categories provided it can be substantiated by the EFTA States that a third country participant to the OECD Understanding is planning to grant development aid for a particular contract. In this event the EFTA Surveillance Authority may deem compatible with the functioning of the EEA Agreement development aid to be granted for this contract up to the same level as that planned by a third country participant to the OECD Understanding in terms of OECD grant element.

9. In order to tighten up the application of Article 3(5) of the Shipbuilding Regulation and ensure compliance with the criteria referred to in paragraph 5) the EFTA States are required to formally engage in each individual notification of development projects under Article 3(5) of the Shipbuilding Regulation that these criteria are adhered to. They will also be expected to give the relevant details of the contract in order to determine how the contract price relates to market prices of comparable vessels.
 10. The EFTA States are advised that as regards the criterion of flag of convenience (point 1, paragraph 5) the EFTA Surveillance Authority will consider the following countries as having a flag of convenience:
 - Antigua and Barbuda,
 - Bahamas,
 - Bermuda,
 - Cayman Islands,
 - Cyprus,
 - Honduras,
 - Lebanon,
 - Liberia,
 - Malta,
 - Marshall Islands,
 - Panama,
 - St Vincent,
 - Vanuatu,
 - Mauritius,
 11. The provisions of this chapter will be valid until the expiry of the Act referred to in point 1(b) of Annex XV to the EEA Agreement.'
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