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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1262/2000**of 8 June 2000****laying down certain control measures in respect of vessels flying the flag of non-Contracting Parties to the Northwest Atlantic Fisheries Organisation (NAFO)**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas:

- (1) The Community is a Contracting Party to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, hereafter referred to as the 'NAFO Convention' ⁽³⁾.
- (2) The NAFO Convention provides a suitable framework for regional cooperation in the conservation and management of fishery resources through, *inter alia*, the setting up of an international organisation known as the Northwest Atlantic Fisheries Organisation, hereafter referred to as 'NAFO', and the adoption of proposals for conservation and enforcement measures for the fishery resources of the NAFO regulatory area, which become binding upon the Contracting Parties.
- (3) The practice of operating fishing vessels under the flag of non-contracting parties to NAFO as a means of avoiding compliance with conservation and enforcement measures established by NAFO remains one of the factors which seriously undermines the effectiveness of such measures and should, therefore, be discouraged.
- (4) NAFO has consistently invited the non-contracting parties concerned either to become a member of NAFO or to agree to apply the conservation and enforcement measures established by NAFO with a view to fulfilling their responsibilities with regard to fishing vessels entitled to fly their flag.

- (5) At its 19th annual meeting in September 1997, NAFO resolved to adopt a 'scheme to promote compliance by non-contracting party vessels with the conservation and enforcement measures established by NAFO', the objective of which is to ensure that the effectiveness of conservation and enforcement measures established by NAFO is not undermined by non-contracting vessels.

- (6) The said Scheme provides, *inter alia*, for the mandatory inspection of non-contracting party vessels when such vessels are voluntarily in the ports of Contracting Parties and, with due regard to the multispecies fisheries in the regulatory area of NAFO, a prohibition of landings and transshipments if, in the course of such inspection, it is established that the catch has been taken in contravention of conservation and enforcement measures established by NAFO as well as certain other collateral measures to be taken by Contracting Parties.

- (7) At the 20th annual meeting of NAFO in September 1998, certain specifications were made to the provisions of the scheme relating to at-sea transshipments and relevant sightings.

- (8) At the 21st annual meeting of NAFO in September 1999, additional specifications for Stateless vessels were made.

- (9) Under the Treaty, the authority over internal waters and ports is exercised by the Member States. However, as regards access to port facilities in the Community by non-contracting party vessels which are sighted engaging in fishing activities in the NAFO regulatory area, it is necessary to enact additional uniform measures at Community level, which supplement the measures provided for in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽⁴⁾ and ensure

⁽¹⁾ OJ C 56, 29.2.2000, p. 1.

⁽²⁾ Opinion delivered on 19 May 2000 (not yet published in the Official Journal).

⁽³⁾ OJ L 378, 30.12.1978, p. 1.

⁽⁴⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2846/98 (OJ L 358, 31.12.1998, p. 5).

that the operations of such vessels in Community ports do not undermine the effectiveness of the conservation and enforcement measures established by NAFO,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'fishing activities' shall mean fishing, fish processing operations, the transshipment of fish or fish products and any other activity in preparation for, or related to, fishing in the NAFO regulatory area;
- (b) 'NAFO regulatory area' shall mean the area referred to in Article I(2) of the NAFO Convention;
- (c) 'non-contracting party vessel' shall mean a vessel which has been sighted and reported as having engaged in fishing activities in the NAFO regulatory area and
 - (i) which flies the flag of a State which is not a contracting party to the NAFO Convention; or
 - (ii) for which there are reasonable grounds for suspecting it to be without nationality.

Article 2

Upon receipt of a report on a sighting of a non-contracting party vessel by a Community inspector assigned to the NAFO scheme of joint international inspection and surveillance, the Commission shall transmit this information without delay to the Secretariat of NAFO and, where possible, to the non-contracting party vessel, informing it that the information will be transmitted to all the Contracting Parties to the NAFO Convention and to its flag State.

Article 3

The Commission shall communicate to all Member States without delay each report on a sighting which it has received pursuant to Article 2 or by way of a notification from the Secretariat of NAFO or another Contracting Party.

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

Done at Luxembourg, 8 June 2000.

Article 4

Community fishing vessels shall be prohibited from receiving transshipments of fish from non-contracting party vessels.

Article 5

1. Member States shall ensure that each non-contracting party vessel which enters a designated port within the meaning of Article 28(e)(2) of Regulation (EEC) No 2847/93 is inspected by their competent authorities. The vessel may not land or tranship any catch until this inspection has been completed.

2. If, on completion of inspection, the competent authorities find that the non-contracting party vessel holds on board any of the species listed in Annexes I and II, the Member State concerned shall prohibit any landing and/or transshipment.

3. However, no such prohibition shall apply if the master of the inspected vessel or his representative proves to the satisfaction of the competent authorities of the Member State concerned that:

- species held on board were caught outside the NAFO regulatory area, or
- species held on board and listed in Annex II were caught in accordance with the conservation and enforcement measures established by NAFO.

Article 6

1. Member States shall communicate without delay to the Commission the results of each inspection and, where appropriate, any subsequent prohibition of landing and/or transshipment, which was applied as a result of the inspection. This information shall include the name of the inspected non-contracting party vessel and its flag State, the date and the port of inspection, the grounds for a subsequent prohibition of landing and/or transshipment or, where no such prohibition was applied, the evidence presented pursuant to Article 5(3).

2. The Commission shall transmit this information without delay to the Secretariat of NAFO and as soon as possible to the flag State of the inspected non-contracting party vessel.

Article 7

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

For the Council

The President

G. OLIVEIRA MARTINS

ANNEX I

LIST OF REGULATED SPECIES

<i>Common English name</i>	<i>Scientific name</i>
1. Atlantic cod	<i>Gadus morhua</i>
2. Atlantic redfish	<i>Sebastes</i> spp.
3. American plaice	<i>Hippoglossoides platessoides</i>
4. Yellowtail flounder	<i>Limanda ferruginea</i>
5. Witch flounder	<i>Glyptocephalus cynoglossus</i>
6. Capelin	<i>Mallotus villosus</i>
7. Greenland halibut	<i>Reinhardtius hippoglossoides</i>
8. Short-finned squid (Illex)	<i>Illex illecebrosus</i>
9. Shrimps	<i>Pandalus</i> spp.

ANNEX II

LIST OF NON-REGULATED SPECIES

<i>Common English name</i>	<i>Scientific name</i>
1. Haddock	<i>Melanogrammus aeglefinus</i>
2. Silver hake	<i>Merluccius bilinaris</i>
3. Red hake	<i>Urophycis chuss</i>
4. Pollock	<i>Pollachis virens</i>
5. Roundnose grenadier	<i>Macrourus rupestris</i>
5a. Roundnose grenadier	<i>Coryphaenoides rupestris</i>
5b. Roughhead grenadier	<i>Macrourus berglax</i>
6. Atlantic herring	<i>Clupea harengus</i>
7. Atlantic mackerel	<i>Scomber scombrus</i>
8. Atlantic butterfish	<i>Peprilus triacanthus</i>
9. River herring	<i>Alosa pseudoharengus</i>
10. Atlantic argentine	<i>Argentina silus</i>
11. Long-finned squid (Loligo)	<i>Loligo pealei</i>
12. Wolf-fish (NS)	<i>Anarchichas</i> spp.
13. Skate (NS)	<i>Raja</i> spp.

COUNCIL REGULATION (EC) No 1263/2000**of 8 June 2000****amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission,

Whereas:

- (1) By virtue of Regulation (EC) No 2505/96 ⁽¹⁾, the Council opened Community tariff quotas for certain agricultural and industrial products. Community demand for the products in question should be met under the most favourable conditions. Community tariff quotas should therefore be opened at zero rates of duty for appropriate volumes and increased in the case of certain existing tariff quotas, while avoiding any disturbance to the markets for these products.
- (2) Regulation (EC) No 2505/96 should therefore be amended,

Article 1

For the quota period from 1 January to 31 December 2000, Annex I to Regulation (EC) No 2505/96 shall be amended as follows:

- order number 09.2950: the amount of the tariff quota shall be altered to 5 000 tonnes.

Article 2

The table set out in the Annex to this Regulation shall be added to the table in Annex I to Regulation (EC) No 2505/96.

Article 3

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

It shall apply from 1 July 2000, except for Article 1 which shall apply from 1 January 2000.

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

Done at Luxembourg, 8 June 2000.

For the Council

The President

G. OLIVEIRA MARTINS

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

ANNEX

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2986	ex 3824 90 95	74	Mixture of tertiary amines containing: — 60% by weight of dodecyl-dimethylamin, or more — 20 % by weight of dimethyl-(tetradecyl)amine, or more — 0,5 % by weight of hexadecyl-dimethylamine, or more	6 000 tonnes	0	1.7. to 31.12.2000
09.2987	ex 3905 91 00	93	Copolymer of ethylene and vinyl alcohol (EVOH)	1 200 tonnes	0	1.7. to 31.12.2000
09.2988	ex 4823 90 50 ex 4823 90 90	30 13	Paper of a kind used for the production of electrolytic capacitors (condensor paper), made up from other material than esparto, containing not more than 5 mg/kg of sulphate and not more than 1 mg/kg of chlorine, having a thickness of 25 µm or more but not exceeding 80 µm and a width of not more than 800 mm	705 tonnes	0	1.7. to 31.12.2000

COUNCIL REGULATION (EC) No 1264/2000
of 8 June 2000
amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and
on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Regulation (EEC) No 2658/87 ⁽¹⁾ established a nomenclature of goods called the 'Combined Nomenclature', which provides for an exemption from tariff duties for rubber condoms, which fall under Chapter 40.
- (2) Polyurethane condoms fall under Chapter 39 and are therefore subject to a customs duty of 6,5 %.
- (3) On public health grounds, it is in the interest of the Community autonomously to extend this exemption from customs duties to polyurethane condoms. The Combined Nomenclature and the law referring to it should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

A reference to a footnote 2 is hereby added to column 3 for CN code 3926 90 99 in Chapter 39, Section VII of Part Two, 'Schedule of Customs Duties' of Annex I to Regulation (EEC) No 2658/87. The text of footnote 2 is as follows: 'Customs duty is autonomously suspended, for an indefinite period, for sheath contraceptives of polyurethane (TARIC code 3926 90 99 60)'.

Article 2

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

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

Done at Luxembourg, 8 June 2000.

For the Council

The President

G. OLIVEIRA MARTINS

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 254/2000 (OJ L 28, 3.2.2000, p. 16).

COMMISSION REGULATION (EC) No 1265/2000
of 16 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 17 June 2000.

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

Done at Brussels, 16 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 16 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
0702 00 00	052	64,9
	999	64,9
0707 00 05	052	85,5
	628	130,8
	999	108,2
0709 90 70	052	68,0
	999	68,0
0805 30 10	388	56,5
	528	63,8
	999	60,1
0808 10 20, 0808 10 50, 0808 10 90	388	81,9
	400	98,9
	404	89,8
	508	85,3
	512	88,8
	524	92,1
	528	87,1
	720	62,5
	804	73,4
	999	84,4
	052	266,9
	999	266,9
0809 10 00		
0809 20 95	052	290,2
	064	193,3
	068	128,1
	400	358,6
	999	242,6

⁽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 1266/2000**of 16 June 2000****on the issuing of import licences for bananas under the tariff quotas and the quantity of traditional ACP bananas for the third quarter of 2000 and on the submission of new applications**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 20 thereof,

Whereas:

(1) Commission Regulation (EC) No 2362/98 ⁽³⁾, as amended by Regulation (EC) No 756/1999 ⁽⁴⁾, lays down detailed rules for the implementation of Regulation (EEC) No 404/93 regarding imports of bananas into the Community.

(2) Article 17 of Regulation (EC) No 2362/98 lays down that where, in the case of a given quarter and for any one or more of the origins listed in Annex I, the quantities applied for appreciably exceed any indicative quantity fixed under Article 14 or exceed the quantities available, a percentage reduction to be applied to the amounts requested shall be fixed.

(3) The indicative quantities available for import under the tariff quotas and the quantity of traditional ACP bananas are laid down for the third quarter of 2000 by Commission Regulation (EC) No 1077/2000 ⁽⁵⁾.

(4) In the case of the quantities covered by licence applications that are either less than, or do not appreciably exceed the indicative quantities fixed for the given quarter, import licences are issued for the quantities applied for. However, for certain origins, the quantities applied for appreciably exceed the indicative quantities. A reduction percentage should therefore be set to be applied to each licence application for the origin or origins involved.

(5) The maximum quantity for which licence applications may still be submitted in accordance with Article 18 of Regulation (EC) No 2362/98 should be set, taking account of the applications accepted at the end of the application period and of the available quantities.

(6) This Regulation should apply immediately to permit licences to be issued as quickly as possible.

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

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for bananas shall be issued under the tariff quotas and the quantity of traditional ACP bananas referred to in Article 18 of Regulation (EEC) No 404/93 for the third quarter of 2000 for:

- (a) the quantity indicated in the licence application multiplied by reduction coefficients of 0,6136, 0,7754, 0,8492 and 0,5790, for applications indicating origins 'Colombia', 'Costa Rica', 'Ecuador' and 'Other' respectively;
- (b) the quantity indicated in the licence application for applications indicating origins other than those referred to in (a).

Article 2

The quantities for which licence applications may still be lodged in respect of the third quarter of 2000 are laid down in the Annex.

Article 3

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

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 293, 31.10.1998, p. 32.

⁽⁴⁾ OJ L 98, 13.4.1999, p. 10.

⁽⁵⁾ OJ L 121, 23.5.2000, p. 4.

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

Done at Brussels, 16 June 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

	(tonnes)
	Quantities available for new applications
Panama	28 421,515
Traditional ACP bananas	176 390,064

COMMISSION REGULATION (EC) No 1267/2000**of 16 June 2000****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2176/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2176/1999 is hereby fixed on the basis of the tenders submitted from 9 to 15 June 2000 at 295,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 267, 15.10.1999, p. 4.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1268/2000**of 16 June 2000****fixing the maximum subsidy on exports of husked long grain rice to Réunion pursuant to the invitation to tender referred to in Regulation (EC) No 2177/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 12 to 15 June 2000 at 300,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 2177/1999.

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 267, 15.10.1999, p. 7.

COMMISSION REGULATION (EC) No 1269/2000**of 16 June 2000****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2178/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2178/1999 is hereby fixed on the basis of the tenders submitted from 9 to 15 June 2000 at 202,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 267, 15.10.1999, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1270/2000**of 16 June 2000****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2179/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2179/1999 is hereby fixed on the basis of the tenders submitted from 9 to 15 June 2000 at 182,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 267, 15.10.1999, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1271/2000**of 16 June 2000****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2180/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2180/1999 is hereby fixed on the basis of the tenders submitted from 9 to 15 June 2000 at 183,00 EUR/t.

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 267, 15.10.1999, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 1272/2000
of 16 June 2000
amending Council Regulation (EC) No 337/2000 concerning a flight ban and a freeze of funds and
other financial resources in respect of the Taliban of Afghanistan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 337/2000 of 14 February 2000 concerning a flight ban and a freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7, first indent, thereof,

Whereas:

- (1) In accordance with Article 3 of Regulation (EC) No 337/2000 all funds and other financial resources designated by the Taliban Sanctions Committee are to be frozen and such funds and financial resources are not to be made available to or for the benefit of either the Taliban or any undertaking owned or controlled, directly or indirectly, by the Taliban.
- (2) On 12 April 2000, the Taliban Sanctions Committee, established pursuant to United Nations Security Council Resolution 1267 (1999) designated the funds and finan-

cial resources that should be frozen, including those of a number of undertakings that are owned or controlled by the Taliban and of one person who is included in the definition of Taliban. It is therefore appropriate to amend Regulation (EC) No 337/2000 accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 337/2000 is replaced by the text in the Annex to this Regulation.

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, 16 June 2000.

For the Commission

Christopher PATTEN

Member of the Commission

⁽¹⁾ OJ L 43, 16.2.2000, p. 1.

ANNEX

'ANNEX I

Funds and other financial resources designated by the Taliban Sanctions Committee, as referred to in Articles 2 and 3

Funds and other financial resources belonging to:

- Ariana Afghan Airlines or Bakhtar Afghan Airlines, Afghan Authority Building, PO Box 76, Ansari Watt, Kabul, Afghanistan, including those belonging to any of its offices or subsidiaries, and that company's accounts with Citibank, New Delhi, India and with Punjab National Bank, New Delhi, India,
- Banke Millie Afghan, Bank E. Millie Afghan or Afghan National Bank, Jada Ibn Sana, Kabul, Afghanistan, including those belonging to any of its offices or subsidiaries,
- Da Afghanistan Bank, Bank of Afghanistan, Central Bank of Afghanistan or Afghan State Bank, Ibni Sina Wat, Kabul, Afghanistan, including those belonging to any of its offices or subsidiaries,
- Mohammed OMAR (Leader of the Faithful or Amir ul-Mumineen), born at Hotak, Kandahar Province, Afghanistan, in 1950.

The definition of funds and other financial resources comprises any financial assets and economic benefits of any kind, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban. The funds and other financial resources thus designated include, but are not limited to:

1. cash;
 2. cheques, drafts, money orders and other payment instruments;
 3. deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 4. publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, derivatives contracts;
 5. interest, dividends or other income on or value accruing from or generated by assets;
 6. credit rights of set-off, guarantees, performance bonds or other financial commitments;
 7. letters of credit, bills of lading, bills of sale; and
 8. documents evidencing an interest in funds or financial resources.'
-

COMMISSION DECISION No 1273/2000/ECSC
of 16 June 2000
amending Decision No 1566/86/ECSC on iron and steel statistics

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 47 thereof,

Whereas:

- (1) The evolution in the iron steel industry requires a periodic adaptation of statistics collection.
- (2) Compulsory requests for statistical information at the Community level which impose a workload on enterprises and statistical agencies must be restricted to what is needed to achieve Community policy aims.
- (3) The Commission's policy requirements for statistics on the steel industry in the final years of the Treaty require less detail than was previously needed.
- (4) Information on consumption of alloying elements in steel works, on receipts and stocks of certain raw mate-

rials and solid fuel in iron and steel works can be dispensed with for Community policy purposes.

- (5) Commission Decision No 1566/86 ECSC ⁽¹⁾ was modified by Decisions No 4104/88/ECSC ⁽²⁾, No 3938/89/ECSC ⁽³⁾, No 3731/91/ECSC ⁽⁴⁾ and No 3641/92/ECSC ⁽⁵⁾,

HAS ADOPTED THIS DECISION:

Article 1

The Questionnaires 2-53 and 2-55 in the Annex to Decision No 1566/86/ECSC are deleted.

Article 2

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

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

Done at Brussels, 16 June 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 141, 28.5.1986, p. 1.

⁽²⁾ OJ L 365, 30.12.1988, p. 1.

⁽³⁾ OJ L 381, 29.12.1989, p. 1.

⁽⁴⁾ OJ L 359, 30.12.1991, p. 1.

⁽⁵⁾ OJ L 376, 22.12.1992, p. 1.

COMMISSION REGULATION (EC) No 1274/2000**of 16 June 2000****fixing the maximum purchasing price for butter for the 11th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as amended by Regulation (EC) No 1040/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EEC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 11th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 13 June 2000, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 333, 24.12.1999, p. 11.

COMMISSION REGULATION (EC) No 1275/2000**of 16 June 2000****fixing the maximum aid for concentrated butter for the 227th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as amended by Regulation (CE) No 1040/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 227th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

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

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1276/2000
of 16 June 2000
suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as amended by Regulation (EC) No 1040/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 2 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾ lays down the criteria for opening or suspending the buying-in of butter by invitation to tender in the Member States.
- (2) Commission Regulation (EC) No 1131/2000 ⁽⁴⁾ suspending the buying-in of butter in certain Member States establishes the list of Member States in which intervention is suspended. As a result of the market prices communicated by the United Kingdom intervention must no longer be suspended in this country and

the list of Member States established by Regulation (EC) No 1131/2000 adjusted accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Regulation (EC) No 1131/2000 is hereby repealed.

Article 3

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 127, 27.5.2000, p. 41.

COMMISSION REGULATION (EC) No 1277/2000**of 16 June 2000****amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (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⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 26 of Commission Regulation (EC) No 2799/1999 ⁽³⁾, as last amended by Regulation (EC) No 1126/2000 ⁽⁴⁾, intervention agencies have organised a standing invitation to tender for skimmed milk powder taken into storage before 1 June 1999.

- (2) In view of the quantity still available and the market situation, that date should be amended to 1 July 1999.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 340, 31.12.1999, p. 3.

⁽⁴⁾ OJ L 127, 27.5.2000, p. 35.

COMMISSION REGULATION (EC) No 1278/2000**of 16 June 2000****fixing the minimum selling price for skimmed-milk powder for the 11th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as amended by Regulation (EC) 1040/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽³⁾, as last amended by Regulation (EC) No 1126/2000 ⁽⁴⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award. The amount of the processing security shall also be fixed taking account of the difference between the market

price of skimmed-milk powder and the minimum selling price.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 11th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 13 June 2000, the minimum selling price and the processing security are fixed as follows:

- minimum selling price:
 - Germany and the Netherlands: EUR 221,55/100 kg,
 - other Member States: EUR 218,52/100 kg,
- processing security: EUR 70,00/100 kg.

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 340, 31.12.1999, p. 3.

⁽⁴⁾ OJ L 127, 27.5.2000, p. 35.

**COMMISSION REGULATION (EC) No 1279/2000
of 16 June 2000
amending the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2519/98 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1258/2000 ⁽⁵⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1258/2000,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1258/2000 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 June 2000.

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

Done at Brussels, 16 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 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

⁽⁵⁾ OJ L 142, 16.6.2000, p. 38.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	12,63	2,63
	medium quality ⁽¹⁾	22,63	12,63
1001 90 91	Common wheat seed	30,97	20,97
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	30,97	20,97
	medium quality	65,50	55,50
	low quality	82,10	72,10
1002 00 00	Rye	73,79	63,79
1003 00 10	Barley, seed	73,79	63,79
1003 00 90	Barley, other ⁽³⁾	73,79	63,79
1005 10 90	Maize seed other than hybrid	92,50	82,50
1005 90 00	Maize other than seed ⁽³⁾	92,50	82,50
1007 00 90	Grain sorghum other than hybrids for sowing	73,79	63,79

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(for 15 June 2000)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	125,34	115,10	103,14	85,05	165,86 (**)	155,86 (**)	104,70 (**)
Gulf premium (EUR/t)	—	6,31	1,67	9,40	—	—	—
Great Lakes premium (EUR/t)	22,19	—	—	—	—	—	—

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

(**) Fob Great Lakes.

2. Freight/cost: Gulf of Mexico — Rotterdam: 18,64 EUR/t; Great Lakes — Rotterdam: 27,10 EUR/t.

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

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2000 OF THE EU-BULGARIA ASSOCIATION COUNCIL

of 28 February 2000

extending by five years the period within which any public aid granted by Bulgaria will be assessed taking into account the fact that Bulgaria is to be regarded as an area identical to those areas of the Community described in Article 87(3)(a) of the Treaty establishing the European Community

(2000/385/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and the member States, of the one part, and the Republic of Bulgaria, of the other part ⁽¹⁾ and in particular Article 64(4)(a) thereof,

Whereas:

- (1) Article 64(4)(a) of the Europe Agreement provides that the Association Council shall, taking into account the economic situation of Bulgaria, decide whether the period within which any public aid granted by Bulgaria shall be assessed taking into account the fact that Bulgaria shall be regarded as an area identical to those areas of the Community described in Article 87(3)(a) of the Treaty should be extended for a further period of five years.
- (2) It is appropriate to make such an extension,

HAS DECIDED AS FOLLOWS:

Article 1

The period within which any public aid granted by Bulgaria shall be assessed, taking into account the fact that Bulgaria shall be regarded as an area identical to those areas of the

Community described in Article 87(3)(a) of the Treaty, shall be extended for a further period of five years.

Article 2

Within two years from the date on which the extended period of five years enters into force and thereafter annually until the end of the five-year period, Bulgaria shall provide the Commission of the European Communities with the necessary regional data to assess, according to the method used by the Commission, whether Bulgaria continues to fulfil the conditions to be regarded as an area identical to those areas of the Community described in Article 87(3)(a) of the Treaty.

Article 3

This Decision shall enter into force on the day of its adoption. It shall apply as from 1 January 1998.

Done at Brussels, 28 February 2000.

For the Association Council

The President

N. MIHAILOVA

⁽¹⁾ OJ L 358, 31.12.1994, p. 2.

COMMISSION

COMMISSION DECISION

of 8 December 1999

on the measure which the Netherlands intends to implement concerning rationalisation of pig assembly centres

(notified under document number C(1999) 5209)

(Only the Dutch text is authentic)

(2000/386/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 in accordance with that provision given notice to interested parties to submit their comments ⁽¹⁾, and in the light of those comments,

Whereas:

I. Procedure

(1) The Netherlands notified the Commission of the above measure by letter of 6 August 1998 (registered as received on 10 August 1998). The Netherlands provided additional information to the Commission by letter of 29 September 1998 (registered as received on 5 October 1998) and by letter of 3 November 1998 (registered as received on 5 November 1998). Further information was provided at a meeting with Dutch Government representatives on 7 December 1998.

(2) By letter of 3 February 1999 the Commission notified the Netherlands that it had decided to initiate the procedure under Article 88(2) of the EC Treaty.

(3) The Commission's decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽¹⁾. The Commission invited interested parties to submit their comments on the measure.

(4) Having received interested parties' comments, the Commission forwarded these to the Netherlands for reaction and received the Netherlands' response by letter of 30 July 1999.

II. Description of the measure

(5) The measure is intended to accompany the more stringent hygiene rules which have been introduced for pig assembly centres in order to prevent the spread of classical swine fever. The amended rules serve partly to implement Council Directive 64/432/EEC ⁽²⁾, as amended by Directive 97/12/EC ⁽³⁾, but also contain additional requirements. In accordance with the second subparagraph of Article 10(1) of 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 ⁽⁴⁾, as last amended by Directive 92/118/EEC ⁽⁵⁾, the hygiene measures were notified as temporary protection measures. Since the Netherlands wishes to make the measures permanent, they were also notified (No 98/0392/NL) as a technical specification under Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations ⁽⁶⁾, as consolidated by European Parliament and Council Directive 98/34/EC ⁽⁷⁾ and subsequently amended by Directive 98/48/EC ⁽⁸⁾.

⁽²⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽³⁾ OJ L 109, 25.4.1997, p. 1.

⁽⁴⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁵⁾ OJ L 62, 15.3.1993, p. 49.

⁽⁶⁾ OJ L 109, 26.4.1983, p. 8.

⁽⁷⁾ OJ L 204, 21.7.1998, p. 37.

⁽⁸⁾ OJ L 217, 5.8.1998, p. 26.

⁽¹⁾ OJ C 108, 17.4.1999, p. 5.

All pig assembly centres were closed and their operating licences revoked following the outbreak of classical swine fever. In order to reopen, firms must obtain a new licence, which will be issued only if they satisfy the new hygiene requirements.

Firms which are prepared to adapt their facilities may receive investment aid.

Firms which are unwilling/unable to meet the new hygiene requirements and therefore remain closed are offered aid for permanently ceasing to operate. The firms (including their shareholders) receiving this aid must undertake not to become involved, either directly or indirectly, in operating a pig assembly centre.

- (6) The aid offered comprises two components: compensation for loss of income and compensation for loss of assets.
- (7) The compensation for loss of income is NLG 3,75 per pig-equivalent⁽¹⁾, unless proof can be furnished from the annual accounts or an accountant's report that the average income margin per pig-equivalent exceeds NLG 0,75, in which case the aid may be increased up to a maximum of NLG 5 per pig-equivalent.

This calculation is based on an independent consultant's report which shows that profit per pig-equivalent varies from NLG 0,74 to NLG 1,28. The operator's return from pig assembly activities is therefore assumed to be at least NLG 0,75 per pig-equivalent. This figure is then multiplied by five to compensate for loss of income over seven years — with a correction of about 30 % because the aid is now already at the recipient's disposal, whereas the income would otherwise be earned over a number of years. A higher level of aid may be obtained if it can be demonstrated that the actual profit margin was higher.

The seven-year period is likewise based on the consultant's report, which compares various compensation schemes. Given the difficulty of setting an individual correction factor for each firm, a 30 % average has been fixed as standard.

- (8) Compensation for loss of assets is based on an independent expert's estimate, expressed as the loss of rental value per m² actually used for bringing in, collecting, weighing and transporting pigs, together with the estimated loss of rental value for the washplace and the office space attributable to the assembly centre, multi-

plied by a yield factor of 10 (based on the independent consultant's report) and the estimated value of the inventory.

If the assembly centre is also used for animals other than pigs, no compensation will be granted for loss of assets: since collection of other animals can continue, it is assumed that no such loss has been incurred.

The inventory included in the loss of assets estimate must be destroyed. The assembly centre's assets must not under any circumstances be used for a pig assembly centre or, during a ten-year period after ceasing to operate, for an assembly centre for other animals.

- (9) The measure, which runs until the end of 2001, can be extended and payment spread over subsequent years if revenue from the parafiscal charge is insufficient for payment in 2001.

- (10) The scheme entered into force following its publication in the Dutch Official Gazette. The Dutch authorities stated that the intention was to give operators the opportunity to take an informed decision on whether or not to continue operating. Applications for aid for ceasing operation had to be submitted by 30 September 1998.

However, the Dutch authorities delayed implementation pending Commission approval of the aid. The ordinance on the parafiscal charge is moreover still subject to approval at national level.

- (11) The recipients are pig assembly centres.
- (12) The estimated budget for 1999, 2000 and 2001 is NLG 10 million a year. The Ministry will pay NLG 20 million, while the Livestock and Meat Marketing Board will pay the remaining NLG 10 million out of the proceeds from a parafiscal charge on pigs brought to assembly centres.
- (13) The Livestock and Meat Marketing Board will levy the parafiscal charge on pig assembly centres. The charge, which is based on the number of pigs brought in, transhipped and transported out, is NLG 0,40 per piglet, NLG 0,80 per pig and NLG 1,00 per sow (should the proceeds prove insufficient, these amounts can be increased to maxima of NLG 1,00, NLG 1,50 and NLG 2,00 respectively). The charge must not be included in the price invoiced by the assembly centre to its customers. The charge does not apply to imported animals.

⁽¹⁾ A pig-equivalent is a unit of account which is used to express the average number of pigs kept at the assembly centre during 1994, 1995 and 1996, on the basis of which different sorts of pigs can be compared: a piglet weighing less than 45 kg represents 0,45 pig-equivalent, a pig weighing 45 kg or more intended for slaughter represents 1 pig-equivalent, a pig weighing 45 kg or more intended for breeding represents 1,82 pig-equivalent.

- (14) The procedure was initiated for the following reasons.

In the notification, the Dutch authorities justified the aid by referring to Commission practice as regards aid for ceasing production.

The Commission generally regards aid for up to 100 % of the costs involved in shedding agricultural production capacity as compatible with the common market (see, for example, aid measures N547/96, N452/95, N47/95, N463/93 and N458/94), provided that the following four conditions are met:

1. the aid must be in the general interest of the sector concerned;
2. the recipient must do sufficient in return;
3. under no circumstances must the aid scheme serve as rescue and restructuring aid;
4. loss of assets and losses resulting from future income foregone must not be overcompensated.

- (15) In the case at issue, however, the Dutch authorities' proposed rules on ceasing production do not seem a suitable basis for approving the aid measure. While the rules relate to voluntary cessation of production, the firms in the case at issue have already been closed by law. Granting compensation to closed firms which are unable to meet hygiene requirements may result in overcompensation and even adversely affect trade on potential new markets (or on related markets where they are already active). The measure thus appears to lack the incentive effect which the Commission normally requires State aid measures to contain before they may be considered for approval.

Firms which are unable or unwilling to meet the new hygiene requirements and which permanently cease to operate because of the costs resulting from those requirements and because of the expected profit are, in the Commission's opinion, taking a normal business decision; the new hygiene rules appear to be a normal business risk. The Commission therefore considers that particularly compensation for loss of income, but also any other form of compensation, can be regarded as overcompensation.

- (16) Another reason for initiating the procedure was the method used to calculate compensation for loss of income. The independent consultant's report shows that profit per pig-equivalent varies from NLG 0,74 to NLG 1,28. This amount is based on the annual accounts of five of the 48 pig assembly centres in the Netherlands. Pig assembly activities are often only a (small) part of a firm's transport, trade and export operations. Annual accounts do not always make it possible to determine the return from pig assembly activities alone

and are sometimes not usable for other reasons either (because one-off entries or important subsidiary operations give a distorted picture).

The Commission has doubts about the statistical significance of a random sample of just five firms for the purposes of determining compensation. Given the five firms' widely differing profit margins, it doubts whether the minimum profit margin can be set at NLG 0,75 without this leading to overcompensation for some firms.

- (17) The Commission therefore takes the view that the proposed scheme is not based on objective criteria and that resultant overcompensation cannot be ruled out.
- (18) In the light of the above, the Commission doubts whether the proposed aid measure is compatible with the common market and has decided to initiate the procedure.

III. Interested parties' comments

- (19) The Livestock, Meat and Eggs Marketing Board replied by fax on 29 June 1999.
- (20) The Board refers to the circumstances in which the new scheme was introduced: no provision was made for transitional arrangements. Although they seek to protect society's interests and those of the pig sector, the new rules are disproportionately harmful to a relatively small group of assembly centres.
- (21) In a comparable case concerning pigswill, the Dutch Supreme Court ruled on 18 January 1991 that there was a right to compensation. In that case an immediate ban on feeding kitchen and slaughter waste to pigs was accompanied by inadequate compensation arrangements. The Supreme Court ruled that the Minister had acted unlawfully by introducing the measure without providing for transitional measures or other compensation arrangements.
- (22) On the basis of that judgment, the Dutch Government is required to compensate the loss incurred by assembly centres which have had to cease operating.
- (23) The Board also points out that the Commission is entirely mistaken in the view that, since assembly centres not satisfying the new rules would have had to close in any case, no aid needs to be granted. The closure of firms resulting from swine fever was only temporary. Since all the firms concerned had met the requirements applying before the outbreak, they could assume that they would be able to resume operating after the outbreak. If firms which do not meet the new

requirements should not be granted aid because they would have ceased operating anyway, it must be borne in mind that this is not a voluntary decision and results from the more stringent hygiene requirements. Based on the Supreme Court judgment referred to above and given the lack of transitional measures, the State is in any case obliged to compensate the loss.

IV. The Netherlands' comments

- (24) By letter of 5 March 1999 the Dutch authorities replied as follows to the Commission's letter notifying the Netherlands that the procedure would be initiated.
- (25) In the Dutch authorities' view, the Commission took insufficient account of the context surrounding the aid measure's approval. In the light of the damage caused by swine fever, tightening up the veterinary and hygiene rules was seen as a way of preventing such problems in future. At the same time, the number of pig assembly centres had to be reduced. The package of measures had to be introduced as quickly as possible in order to minimise the risk. Since trade had in any case come to a standstill because of the outbreak of swine fever, all operating licences were revoked. Under normal circumstances provision would have been made for a transitional period, particularly since investment (in some cases up to NLG 1 million) had to be raised by firms which had not been operating for some time and hence had not been generating any turnover.
- (26) A comparison can be drawn with the hygiene regulations introduced on 1 July 1998 to control infectious diseases, which was also aimed at preventing swine fever, except for the provisions on washing installations and disinfection facilities for vehicles in pig slaughterhouses; since those provisions did not enter into force until 1 December 1998, pig slaughterhouse operators were given the opportunity to invest in installations as required.
- (27) The Commission is wrong to regard tightening up the hygiene requirements as something separate from the adaptation policy. Tightening up the requirements with immediate effect is possible only if the adaptation measures are approved. The Commission's reference to the Supreme Court ruling, and to the fact that the free interplay of market forces without the aid measure would not by itself induce potential aid recipients to adopt a course of action which would contribute towards achieving those objectives, are not relevant here since the aid is regarded as necessary because otherwise it would not be possible to tighten up the requirements with immediate effect.
- (28) Nor can closure be said to be voluntary and permanent. Without government measures, all assembly centres would have been able to continue operating. The Commission rightly points out that it is not possible to say with certainty whether the operators planned to resume, but this is irrelevant. All aid schemes for ceasing production are intended for operators who are prepared to stop, subject to certain conditions. The underlying motives for making use of such a scheme are in themselves irrelevant (apart from the fact that the aid scheme must not serve as rescue and restructuring aid). The proposed aid measure is therefore in accordance with the policy which the Commission normally applies to schemes for ceasing production.
- (29) The Dutch authorities notified the following changes to the compensation arrangements by letter of 27 May 1999. In view of the Commission's comments, 14 firms were examined more closely and it was found that in a number of them the profit margin was lower than the minimum of NLG 0,75 stated in the scheme.
- (30) Compensation was revised accordingly to NLG 2,5 per pig-equivalent (instead of the original NLG 3,75), unless it can be demonstrated from the annual accounts or an accountant's report that the average income margin per pig-equivalent exceeds NLG 0,50, in which case the aid is increased proportionally up to a maximum of NLG 5,75 per pig-equivalent (instead of the original NLG 5).
- (31) By letter of 30 July 1999 the Dutch authorities responded to the Board's letter. Although the Board supports the Dutch Government's statements, the Government considers the reference to the Supreme Court ruling less appropriate. The Dutch Government questions whether the case now at issue corresponds to the one dealt with on that occasion by the Supreme Court. At any event the question of whether the Dutch Government is obliged to pay compensation under Dutch law is not, in the Government's view, relevant for the purposes of determining whether the scheme is compatible with the common market.
- (32) The Dutch authorities confirm that the ruling referred to shows that the Government is not free simply to make regulations more stringent without taking other interests into account. The Dutch Government takes the view that tightening up the hygiene rules for assembly centres does not result in an obligation to pay compensation. From an administrative viewpoint it regards the lack of a transitional period as the main justification for the proposed aid scheme, which is therefore considered to be compatible with the common market on the basis of Article 87 of the Treaty.

V. Assessment of the measure

- (33) Article 21 of Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾ (as last amended by Regulation (EC) No 3290/94 ⁽²⁾) stipulates that, save as otherwise provided in that Regulation, Articles 92 to 94 (now Articles 87 to 89) of the Treaty are to apply to this sector.
- (34) Article 87(1) of the Treaty is to apply on condition that the measures provide a firm with an economic advantage which it would not have had in the normal conduct of its business, that the aid is granted to certain firms, that the aid is granted by a Member State or via State resources, and that the aid tangibly affects trade between the Member States.
- (35) According to the judgment of the Court of Justice of the European Communities of 27 September 1988 in Joined Cases 106 to 120/87 (*Asteris v Greece*) ⁽³⁾, compensation which can be claimed on the basis of national case law does not constitute aid within the meaning of Article 92(1) (now Article 87(1)) of the Treaty.
- (36) In the light of the Board's comments and the reference to Dutch legislation, an examination must be made as to whether the measure is actually an aid measure. According to the information supplied and the references to the Supreme Court ruling, the Dutch authorities are legally obliged to make provision for a transitional period or a compensation scheme based on the principle of equality vis-a-vis government encumbrances. The Supreme Court states that a sudden ban on using pigswill is not a normal business risk for approved firms operating in accordance with the rules. Although the ban on using pigswill is in itself regarded as a lawful measure from the viewpoint of animal health, the Minister is acting unlawfully if no arrangements are made to give firms the opportunity to adapt or, if that is not possible, otherwise to offer those firms compensation. The State must compensate for the loss incurred. The underlying idea is that the whole pig sector benefited from that measure (less risk of African swine fever), while for certain pig farmers (who used only pigswill as feed) the new measures were disproportionately harsh. In the case at issue, pig assembly centres face disproportionate difficulty while the more stringent hygiene rules benefit the whole pig sector.
- (37) Although the Dutch authorities consider the Supreme Court ruling not to be relevant for the purposes of determining whether the measure is compatible with the common market, they nevertheless indirectly confirm that there is a legal obligation to make provision for transitional measures or compensation arrangements by stressing that adaptation policy cannot be regarded separately from tightening up the hygiene rules and that one is not possible without the other.
- (38) The Dutch authorities pointed out that the lack of a transitional period constitutes the main justification for the proposed aid measure from an administrative viewpoint. They demonstrated that the assembly centres which do not cease operating can receive investment aid: at the same time as the measure at issue, the scope of an investment aid measure is extended to include investment for adapting facilities. The following amounts may be granted on the basis of that investment measure: maximum NLG 500 000, average NLG 304 000, minimum NLG 78 000. Under the measure at issue, the amounts are: maximum NLG 1 738 000, average NLG 741 000, minimum NLG 34 000. According to the Dutch authorities, the difference in aid amounts is justified because permanently ceasing production has more serious consequences than continuing to operate after adapting facilities. The Dutch authorities also point out that firms themselves may choose between cessation and adaptation; since a number of firms have continued operating, it can be assumed that the aid under the investment scheme provides sufficient compensation for the lack of a transitional period.
- (39) In the case at issue compensation is paid only to assembly centres which permanently cease operating, while the other assembly centres do not receive the same compensation although they were nevertheless in the same situation (temporary cessation of operation without provision for a transitional period during which firms could adapt to meet the new hygiene rules). The Dutch authorities pointed out that an investment aid scheme exists for the benefit of firms which wish to adapt and to continue operating. Both measures together should therefore be regarded as measures under which all assembly centres are offered compensation for the lack of a transitional period for the introduction of more stringent hygiene rules.
- (40) Given the differences between the two measures (*inter alia* the amounts of aid which can be obtained), it is difficult to regard the measures as components of one and the same compensation scheme. The proposed measure must therefore be regarded as aid within the meaning of Article 87(1). All the conditions of Article 87(1) appear to be met: the aid provides firms with an economic advantage which they would not have had in the normal conduct of their business; the aid is granted to certain firms and is funded with State resources; moreover, the aid threatens to have an adverse effect on

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 349, 31.12.1994, p. 105.

⁽³⁾ [1988] ECR 5515, paragraph 24.

trade between the Member States by strengthening the competitive position of the firms concerned compared with other firms in the Community. An examination must therefore be made of whether a derogation can be granted from the general principle whereby State aid is incompatible on the basis of Article 87(1).

(41) The ban on State aid referred to in that provision is not unconditional. The derogations referred to in Article 87(2)(a) and (c) of the Treaty clearly do not apply in this case. Nor can it be inferred from any of the Dutch authorities' comments that the purpose of the aid would be to make good the damage caused by natural disasters or exceptional occurrences, within the meaning of Article 87(2)(b). As regards the derogations contained in Article 87(3), the measure must be examined to see whether it can facilitate the development of certain economic activities, within the meaning of Article 87(3)(c). Thus the Dutch authorities' arguments have to be examined to see whether they are sufficient to make the measure eligible for that derogation.

(42) As noted above, the Dutch authorities refer to Commission practice regarding aid for ceasing production (see recital 14). The Commission nevertheless expressed its doubts about this argument, given the lack of incentive effect, on the basis of which it initiated the procedure under Article 88(2). In its judgment in Case 730/79 (*Philip Morris v Commission*)⁽¹⁾, the Court of Justice of the European Communities agreed with the principle that aid which a Member State grants to firms is eligible for the derogations contained in Article 87(3) only when the Commission is able to establish that the aid contributes towards achieving one of the objectives (specified in those provisions) which the aid recipient would not be able to achieve on its own under normal market conditions (see also Commission Decision 89/661/EEC — *Alfa Romeo* ⁽²⁾). Were an exception to be made for aid which in no way contributes towards achieving such an objective or which is not necessary for that purpose, this would mean that firms in certain Member States would benefit unfairly just from a strengthening of their financial position, a situation which could adversely affect trade between Member States and distort competition, without justification on grounds of Community interest as required by Article 87(3).

(43) The Dutch authorities have various objectives in this case: they wish to tighten up the hygiene requirements and at the same time reduce the number of pig assembly centres (closing 35 out of 48) so that the remaining ones can operate on a larger scale, which will help to

improve quality and limit the veterinary risks, and all of this in combination with an economically healthy sector. Reducing the number of assembly centres is regarded as an essential aspect, since they can also be a source of disease.

(44) On initiating the procedure, the Commission pointed out that firms which are unable or unwilling to meet the new hygiene requirements and which permanently cease operating appear to be taking a normal business decision. Aid for ceasing operation in such circumstances cannot in principle be accepted, since the new hygiene rules count as a normal business risk.

(45) Ceasing to operate because the hygiene rules have been tightened up must nevertheless be seen in the context of a broader policy aimed at reducing veterinary risks by limiting the number of assembly centres and thereby contributing towards the sector's development.

Aid is granted for investment aimed at adapting facilities to the new hygiene rules, but such aid by itself would certainly not be sufficient to achieve the supplementary objective of reducing the number of pig assembly centres, an objective which also helps to reduce the veterinary risk. This animal health aspect justifies the aid for permanently ceasing production.

The aid measure must be assessed in the context of a dual policy under which aid is granted both for adapting facilities and for permanently ceasing production. In that context the assembly centres clearly had the choice between adapting their facilities or permanently closing down in the same way as if they had not been closed owing to a government measure. The aid clearly constitutes an incentive for the firms to follow a certain course of action (closure) which they would not otherwise have followed. The aid can therefore be regarded as a measure with incentive effect.

(46) The other conditions governing Commission approval for aid for closing production capacity appear to have been met in this case:

1. The aid must be in the general interest of the sector concerned. The aid benefits the whole sector.
2. The recipient must do sufficient in return. Recipients are required to cease all assembly centre operations.
3. Under no circumstances must the aid scheme serve as rescue and restructuring aid. No aid is granted on the basis of the firm's financial situation.

⁽¹⁾ [1980] ECR 2671.

⁽²⁾ OJ L 394, 30.12.1989, p. 9.

4. Loss of assets and losses resulting from future income foregone must not be overcompensated. Under the amended compensation scheme, which is based on a much larger group of firms (14 out of 48), considerably lower (minimum) compensation is granted, so there is no question of overcompensation.

(47) On the basis of the above, the Commission considers that the aid measures proposed by the Dutch Government facilitate the development of economic activity in the sector. The measure therefore falls under Article 87(3)(c) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The aid measure which the Netherlands intends to implement concerning rationalisation of pig assembly centres is compat-

ible with the common market within the meaning of Article 87(3)(c) of the Treaty.

The aid measure may therefore be implemented.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 8 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION
of 16 June 2000
repealing Common Position 98/633/CFSP on the Process on stability and good-neighbourliness in
South-East Europe
(2000/387/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 9 November 1998, the Council defined Common Position 98/633/CFSP ⁽¹⁾ which aims at consolidating the Union's support for the Royaumont Process on stability and good-neighbourliness in South-East Europe.
- (2) On 10 June 1999, the Foreign Ministers of the Member States of the European Union and the Commission of the European Communities, together with the other participants in the Stability Pact for South-East Europe agreed to establish a Stability Pact for South-East Europe.
- (3) The objectives of the Royaumont Process are contained within the scope of working table 1 on democratisation and human rights of the Stability Pact.
- (4) The activities heretofore carried out under the Royaumont Process have therefore been integrated into that working table.
- (5) Common Position 98/633/CFSP should therefore be repealed,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Common Position 98/633/CFSP is hereby repealed.

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

This Common Position shall be published in the Official Journal.

Done at Luxembourg, 16 June 2000.

For the Council

The President

L. CAPOULAS SANTOS

⁽¹⁾ OJ L 302, 12.11.1998, p. 1.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1252/2000 of 15 June 2000 fixing the export refunds on milk and milk products**

(Official Journal of the European Communities L 142 of 16 June 2000)

On page 12, in the Annex, column 'Amount of refund', for product code 0403 90 39 9000:

for: '0,8220',

read: '0,8280'.
