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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1363/2000
of 19 June 2000
fixing certain sugar prices and the standard quality of beet for the 2000/2001 marketing year**

THE COUNCIL OF THE EUROPEAN UNION,

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 Articles 2(3), 3(4) and 4(3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas:

- (1) When sugar prices are fixed, account should be taken of the objectives of the common agricultural policy. The common agricultural policy seeks in particular to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and to ensure that they reach consumers at reasonable prices.
- (2) In order to attain those objectives, the target price for sugar must be fixed at a level which, having regard in particular to the resultant level of the intervention price, ensures a fair remuneration for beet and sugar cane producers while at the same time respecting the consumers' interests and which is likely to maintain the balance between the prices of the principal agricultural products.
- (3) Given the characteristics of the sugar market, marketing involves relatively slight risks only. Consequently, when the intervention price for sugar is fixed, the difference between the target price and the intervention price can be set relatively low.

- (4) The basic price for beet must take account of the intervention price, of undertakings' revenue from the sale of molasses, which can be valued at EUR 7,61/100 kg, that amount being derived from the price of molasses referred to in Article 14(2) of Regulation (EC) No 2038/1999, that price being valued at EUR 8,21/100 kg, and of the costs of processing and delivering the beet to factories and be based on an estimated Community yield of 130 kg of white sugar per tonne of beet with a 16 % sugar content,

HAS ADOPTED THIS REGULATION:

Article 1

1. The target price for white sugar shall be EUR 66,50/100 kg.
2. The intervention price for white sugar shall be EUR 63,19/100 kg for the non-deficit areas of the Community.

Article 2

The basic price for beet applicable in the Community shall be EUR 47,67/t delivered to the collection centre.

Article 3

Standard quality beet shall:

- (a) be of sound and fair merchantable quality;
- (b) have a sugar content of 16 % at the reception point.

Article 4

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

It shall apply for the 2000/2001 marketing year.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ C 86E, 24.3.2000, p. 5.

⁽³⁾ Opinion of the European Parliament of 16 May 2000 (not yet published in the Official Journal).

⁽⁴⁾ OJ C 168, 16.6.2000, p. 17.

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

Done at Luxembourg, 19 June 2000.

For the Council

The President

L. CAPOULAS SANTOS

COUNCIL REGULATION (EC) No 1364/2000

of 19 June 2000

fixing the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet and the compensation to offset storage costs for the 2000/2001 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

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 Articles 3(5), 5(4) and 8(4) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas:

- (1) Council Regulation (EC) No 1363/2000 of 19 June 2000 fixing certain sugar prices and the standard quality of beet for the 2000/2001 marketing year ⁽³⁾ fixes the intervention price for white sugar at EUR 63,19/100 kg for non-deficit areas.
- (2) Article 3(1) of Regulation (EC) No 2038/1999 provides that a derived intervention price for white sugar is to be fixed for each deficit area. When those prices are fixed, account should be taken of the regional variations in the price of sugar which, given a normal harvest and free movement of sugar, may be expected to occur under natural conditions of price formation on the market.
- (3) A situation of short supply is foreseeable in the areas of production in Ireland, the United Kingdom, Spain, Portugal and Finland.
- (4) Article 3(5) of Regulation (EC) No 2038/1999 provides for the fixing of an intervention price for raw sugar. That price should be established on the basis of the intervention price for white sugar.
- (5) Regulation (EC) No 1363/2000 fixes the basic price for beet at EUR 47,67/t. Article 5(2) of Regulation (EC) No 2038/1999 provides that the minimum price to be fixed for A beet is to be 98 % of the basic price for beet and the minimum price to be fixed for B beet is in principle to be 68 % of that basic price, without prejudice to Article 33(5) of that Regulation.
- (6) Article 5 of Council Regulation (EEC) No 1358/77 of 20 June 1977 laying down general rules for offsetting storage costs for sugar and repealing Regulation (EEC)

No 750/68 ⁽⁴⁾ provides that the reimbursement to offset storage costs is to be fixed per month and per unit of weight, taking account of financing costs, insurance and specific storage costs. An interest rate of 3,75 % should be used for calculating the financing costs,

HAS ADOPTED THIS REGULATION:

Article 1

The derived intervention prices for white sugar in the deficit areas of the Community shall be:

- (a) EUR 64,65/100 kg for all areas in Ireland and the United Kingdom;
- (b) EUR 64,65/100 kg for all areas in Portugal;
- (c) EUR 64,65/100 kg for all areas in Finland;
- (d) EUR 64,88/100 kg for all areas in Spain.

Article 2

The intervention price for raw sugar shall be EUR 52,37/100 kg.

Article 3

1. The minimum price for A beet applicable in the Community shall be EUR 46,72/t.
2. Except where Article 33(5) of Regulation (EC) No 2038/1999 applies, the minimum price for B beet applicable in the Community shall be EUR 32,42/t.

Article 4

The reimbursement provided for in Article 8 of Regulation (EC) No 2038/1999 shall be EUR 0,33/100 kg white sugar per month.

Article 5

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

It shall apply for the 2000/2001 marketing year.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ C 86E, 24.3.2000, p. 7.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ L 156, 25.6.1977, p. 4. Regulation as last amended by Regulation (EEC) No 3042/78 (OJ L 361, 23.12.1978, p. 8).

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

Done at Luxembourg, 19 June 2000.

For the Council

The President

L. CAPOULAS SANTOS

COUNCIL REGULATION (EC) No 1365/2000**of 19 June 2000****amending Regulation (EEC) No 2759/75 on the common organisation of the market in pigmeat**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

Article 1

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

Regulation (EEC) No 2759/75 is amended as follows:

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

1. Article 4(1) shall be replaced by the following:

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

‘1. The basic price for meat of domestic swine, in carcasses or half carcasses, hereinafter referred to as “slaughtered pigs”, of the standard quality shall be EUR 1 509,39/t from 1 July 2000.

Whereas:

The standard quality shall be defined in terms of the weight and lean-meat content of pig carcasses, determined in accordance with Article 2(2) and (3) of Regulation (EEC) No 3220/84 as follows:

(1) Article 4 of Council Regulation (EEC) No 2759/75 ⁽⁴⁾ provides for a basic price to be fixed annually for certain presentations of meat of domestic swine. In accordance with the approach followed for the reform of the common organisation of the markets in connection with Agenda 2000 and in order to enable producers to work out longer-term production plans, the basic price should be fixed without any limit in time, without prejudice to any revisions that may be called for in the future.

— carcasses weighing from 60 to less than 120 kg: grade E,
— carcasses weighing from 120 to 180 kg: grade R.’

(2) The basic price must be set at a level that helps to stabilise market prices without leading to the formation of structural surpluses within the Community.

2. Article 4(4) shall be deleted;

(3) The basic price must be fixed for a standard quality defined in Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽⁵⁾.

3. Article 23 shall be deleted;

(4) The measures necessary for the implementation of Regulation (EEC) No 2759/75 should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁶⁾,

4. Article 24 shall be replaced by the following:

‘Article 24

1. The Commission shall be assisted by the Management Committee for Pigmeat, hereinafter referred to as “the Committee”.

2. Where reference is made to this paragraph Articles 4 and 7 of Decision 1999/468/EC shall apply.

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

3. The Committee shall adopt its rules of procedure.’

Article 2

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

⁽¹⁾ OJ C 86E, 24.3.2000, p. 5.

⁽²⁾ Opinion of the European Parliament of 16 May 2000 (not yet published in the Official Journal).

⁽³⁾ OJ C 168, 16.6.2000, p. 17.

⁽⁴⁾ OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31.12.1994, p. 105).

⁽⁵⁾ OJ L 301, 20.11.1984, p. 1. Regulation as last amended by Regulation (EC) No 3513/93 (OJ L 320, 22.12.1993, p. 5).

⁽⁶⁾ OJ L 184, 17.7.1999, p. 23.

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

Done at Luxembourg, 19 June 2000.

For the Council

The President

L. CAPOULAS SANTOS

COMMISSION REGULATION (EC) No 1366/2000
of 28 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 29 June 2000.

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

Done at Brussels, 28 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 28 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
0709 90 70	052	62,6
	999	62,6
0805 30 10	388	48,0
	524	73,8
	528	55,7
	999	59,2
	388	83,0
0808 10 20, 0808 10 50, 0808 10 90	400	89,6
	508	77,4
	512	90,2
	528	83,6
	804	82,2
	999	84,3
	052	234,8
	064	110,4
	999	172,6
	052	290,6
0809 10 00	060	130,3
	066	134,5
	068	138,7
	400	383,9
	616	199,5
	999	212,9
	999	212,9

⁽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 1367/2000**of 28 June 2000****amending Regulation (EC) No 1392/1999 increasing to 105 787 tonnes the quantity of barley held by the Finnish 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 1392/1999 ⁽⁵⁾, as last amended by Regulation (EC) No 1083/2000 ⁽⁶⁾, opened a standing invitation to tender for the export of 84 632 tonnes of barley held by the Finnish intervention agency. Finland informed the Commission of the intention of its intervention agency to increase by 21 155 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of barley held by the Finnish intervention agency for which a standing invitation to tender for export has been opened should be increased to 105 787 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 1392/1999 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 1392/1999 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 105 787 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 105 787 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, 28 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 163, 29.6.1999, p. 21.

⁽⁶⁾ OJ L 122, 24.5.2000, p. 41.

ANNEX

'ANNEX I

(tonnes)	
Place of storage	Quantity
Koria	26 834
Turenki	21 315
Kokemäki	20 761
Loimaa	15 722
Kaipiainen	6 034
Kirkniemi	4 282
Mustio	2 093
Perniö	6 287
Turenki	2 459'

COMMISSION REGULATION (EC) No 1368/2000**of 28 June 2000****amending Regulation (EC) No 539/2000 increasing to 220 307 tonnes the quantity of common wheat of breadmaking quality held by the German intervention agency for which a standing invitation to tender for export to certain ACP countries 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 539/2000⁽⁵⁾, as last amended by Regulation (EC) No 1188/2000⁽⁶⁾, opened a standing invitation to tender for the export of 150 024 tonnes of common wheat of breadmaking quality held by the German intervention agency. Germany informed the Commission of the intention of its intervention agency to increase by 70 283 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of common wheat of breadmaking quality held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 220 307 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 II to Regulation (EC) No 539/2000 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 539/2000 is hereby amended as follows:

1. Article 1(1) is replaced by the following:

‘1. A standing invitation to tender is hereby issued for the export of 220 307 tonnes of common wheat of breadmaking quality, held by the German intervention agency.’

2. Article 1(3) is replaced by the following:

‘3. The regions in which the 220 307 tonnes of German common wheat of breadmaking quality are stored listed in Annex II.’

3. Annex II 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, 28 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 66, 14.3.2000, p. 14.

⁽⁶⁾ OJ L 133, 6.6.2000, p. 21.

ANNEX

‘ANNEX II

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Nordrhein-Westfalen	101 920
Hessen/Rheinland-Pfalz/Baden-Württemberg/ Saarland/Bayern	24 911
Berlin/Brandenburg/Mecklenburg-Vorpommern	29 225
Sachsen/Sachsen-Anhalt/Thüringen	64 251’

COMMISSION REGULATION (EC) No 1369/2000
of 27 June 2000
establishing a forecast balance and fixing the amount of aid for the supply to the Canary Islands of
beef and veal products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1305/2000 ⁽²⁾, and in particular Articles 3(4) and 4(4) thereof,

Whereas:

- (1) Pursuant to Regulation (EEC) No 1601/92, the quantities of the specific supply balances for the beef and veal sector should be established for the period 1 July 2000 to 30 June 2001 for supplies to the Canary Islands of beef and veal and pure-bred breeding animals.
- (2) The quantities in the forecast supply balance for those products are laid down in Commission Regulation (EC) No 1375/1999 ⁽³⁾, as amended by Regulation (EC) No 1308/2000 ⁽⁴⁾, for the period 1 July 1999 to 30 June 2000. To continue to satisfy requirements for beef and veal products, the abovementioned quantities should be laid down for the period 1 July 2000 to 30 June 2001.
- (3) Application of the criteria for fixing the amount of Community aid to the current market situation in the sector in question and, in particular, to the exchange rates and prices for those products in the European part of the Community and on the world market, gives rise to aid for the supply of the Canary Islands with beef and veal products at the levels laid down in the Annexes hereto.

(4) Pursuant to Regulation (EEC) No 1601/92, the supply arrangements are applicable from 1 July. This Regulation should therefore apply immediately.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Articles 2, 3 and 4 of Regulation (EEC) No 1601/92, the quantities in the forecast supply balance in the beef and veal sector benefiting, as appropriate, from exemption from import duties for products from third countries or for Community aid for products from the Community market shall be as set out in Annex I.

Article 2

The amount of the aid granted to the products referred to in Annex I and coming from the Community market shall be as set out in Annexes II and III.

Article 3

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

It shall apply from 1 July 2000.

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

Done at Brussels, 27 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 148, 22.6.2000, p. 15.

⁽³⁾ OJ L 162, 26.6.1999, p. 53.

⁽⁴⁾ OJ L 148, 22.6.2000, p. 20.

ANNEX I

Canary Islands: forecast supply balance for beef and veal products from 1 July 2000 to 30 June 2001

CN code	Description	Number or quantity (tonnes)
0102 10 00	Pure-bred breeding animals ⁽¹⁾	4 300 (*)
0201	Meat of bovine animals, fresh or chilled	20 000
0202	Meat of bovine animals, frozen	20 000

⁽¹⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

(*) Head.

ANNEX II

Amounts of aid to be granted to the products referred to in Annex I and coming from the Community market

(EUR/100 kg net)	
Product code	Amount of aid
0201 10 00 9110 ⁽¹⁾	47,50
0201 10 00 9120	24,50
0201 10 00 9130 ⁽¹⁾	63,00
0201 10 00 9140	34,00
0201 20 20 9110 ⁽¹⁾	63,00
0201 20 20 9120	34,00
0201 20 30 9110 ⁽¹⁾	47,50
0201 20 30 9120	24,50
0201 20 50 9110 ⁽¹⁾	79,50
0201 20 50 9120	43,50
0201 20 50 9130 ⁽¹⁾	47,50
0201 20 50 9140	24,50
0201 20 90 9700	24,50
0201 30 00 9100 ^{(2) (6)}	113,50
0201 30 00 9120 ^{(2) (6)}	69,50
0201 30 00 9060 ⁽⁶⁾	34,00
0202 10 00 9100	24,50
0202 10 00 9900	34,00
0202 20 10 9000	34,00
0202 20 30 9000	24,50
0202 20 50 9100	43,50
0202 20 50 9900	24,50
0202 20 90 9100	24,50
0202 30 90 9200 ⁽⁶⁾	34,00

NB: The product codes and footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

ANNEX III

Amount of aid which may be granted in the Canary Islands for pure-bred breeding bovines originating in the Community*(EUR/head)*

CN code	Description	Amount of aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	648

⁽¹⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

COMMISSION REGULATION (EC) No 1370/2000**of 27 June 2000****amending Regulation (EEC) No 1913/92 laying down detailed rules for implementing the specific arrangements for supplying the Azores and Madeira with beef and veal sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Regulation (EEC) No 1600/92, the quantities of the specific supply balances for the beef and veal sector should be established for supplies to the Azores and Madeira of beef and veal and pure-bred breeding animals.
- (2) The quantities in the forecast supply balance for fresh or chilled meat of bovine animals are laid down in Commission Regulation (EEC) No 1913/92 ⁽³⁾, as last amended by Regulation (EC) No 1105/2000 ⁽⁴⁾.
- (3) The aid for the products in the forecast supply balance coming from the Community market is laid down in Regulation (EEC) No 1913/92.
- (4) Application of the criteria for fixing the amount of Community aid to the current market situation in the sector in question and, in particular, to the exchange rates and prices for those products in the European part

of the Community and on the world market, gives rise to aid for the supply of Madeira and the Azores with beef and veal products at the levels laid down in the Annex hereto.

- (5) Pursuant to Regulation (EEC) No 1600/92, the supply arrangements are applicable from 1 July. This Regulation should therefore apply immediately.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1913/92 is amended as follows:

1. Annex I is replaced by Annex I to this Regulation.
2. Annex II is replaced by Annex II to this Regulation.
3. Annex III is replaced by Annex III 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*.

It shall apply from 1 July 2000.

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

Done at Brussels, 27 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 192, 11.7.1992, p. 35.

⁽⁴⁾ OJ L 125, 26.5.2000, p. 24.

ANNEX I

'ANNEX I

Madeira: forecast supply balance for beef and veal products from 1 July 2000 to 30 June 2001

(tonnes)

CN code	Description	Quantity
0201	Meat of bovine animals, fresh or chilled	4 300
0202	Meat of bovine animals, frozen	1 700'

ANNEX II

'ANNEX II

Amounts of aid to be granted to the products referred to in Annex I and coming from the Community market

(EUR/100 kg net)

Product code	Amount of aid
0201 10 00 9110 ⁽¹⁾	47,50
0201 10 00 9120	24,50
0201 10 00 9130 ⁽¹⁾	63,00
0201 10 00 9140	34,00
0201 20 20 9110 ⁽¹⁾	63,00
0201 20 20 9120	34,00
0201 20 30 9110 ⁽¹⁾	47,50
0201 20 30 9120	24,50
0201 20 50 9110 ⁽¹⁾	79,50
0201 20 50 9120	43,50
0201 20 50 9130 ⁽¹⁾	47,50
0201 20 50 9140	24,50
0201 20 90 9700	24,50
0201 30 00 9100 ^{(2) (6)}	113,50
0201 30 00 9120 ^{(2) (6)}	69,50
0201 30 00 9060 ⁽⁶⁾	34,00
0202 10 00 9100	24,50
0202 10 00 9900	34,00
0202 20 10 9000	34,00
0202 20 30 9000	24,50
0202 20 50 9100	43,50
0202 20 50 9900	24,50
0202 20 90 9100	24,50
0202 30 90 9200 ⁽⁶⁾	34,00

NB: The product codes and footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

ANNEX III

‘ANNEX III

PART 1

Azores: supply of pure-bred breeding bovines originating in the Community from 1 July 2000 to 30 June 2001

CN code	Description	Number of animals to be supplied	Aid (EUR/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	1 150	518

⁽¹⁾ Entry under this subheading is subject to be conditions laid down in the relevant Community provisions.

PART 2

Madeira: supply of pure-bred breeding bovines originating in the Community from 1 July 2000 to 30 June 2001

CN code	Description	Number of animals to be supplied	Aid (EUR/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	200	564

⁽¹⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.’

COMMISSION REGULATION (EC) No 1371/2000**of 27 June 2000****amending Regulation (EC) No 1384/1999 establishing the forecast supply balance of the Canary Islands for products of the processed fruit and vegetable sector for the period 1 July 1999 to 30 June 2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1305/2000 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1384/1999 ⁽³⁾ establishes the forecast supply balance for processed fruit and vegetables for the Canary Islands for the period 1 July 1999 to 30 June 2000. That balance can be revised and since the quantities fixed for certain products are in the process of being completely exhausted, it is necessary to increase the quantities of certain products for the current marketing year, on the basis of the updated requirements of the Canary Islands market.

- (2) The supply balance is applicable from 1 July 1999 to 30 June 2000. As a result, provision should be made for this Regulation to apply immediately.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1384/1999 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, 27 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 148, 22.6.2000, p. 15.

⁽³⁾ OJ L 163, 29.6.1999, p. 5.

ANNEX

'ANNEX

Forecast supply balance of the Canary Islands for products of the processed fruit and vegetable sector for the period 1 July 1999 to 30 June 2000

(tonnes)		
CN code	Description	Quantity
<i>Part I</i>		
2007 99	Preparations other than homogenised, containing fruit other than citrus fruit	6 000 ⁽¹⁾
<i>Part II</i>		
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or sweetening matter or spirit, not elsewhere specified or included:	
2008 20	– Pineapples	3 000
2008 30	– Citrus fruit	500
2008 40	– Pears	3 850 ⁽²⁾
2008 50	– Apricots	200
2008 70	– Peaches	8 000
2008 80	– Strawberries	700 ⁽³⁾
	– Other, including mixtures other than those of subheading 2008 19:	
2008 92	– – Mixtures	2 920 ⁽⁴⁾
2008 99	– – Other than palm hearts and mixtures	1 350
Total		20 520

⁽¹⁾ Of which 1 000 tonnes for the processing and/or packaging sector.

⁽²⁾ Of which 2 250 tonnes for the processing and/or packaging sector.

⁽³⁾ Of which 600 tonnes for the processing and/or packaging sector.

⁽⁴⁾ Of which 670 tonnes for the processing and/or packaging sector.'

COMMISSION REGULATION (EC) No 1372/2000
of 28 June 2000
establishing a forecast balance for the supply to the Canary Islands of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1305/2000 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) In application of Regulation (EEC) No 1601/92, the quantities of the forecast supply balance for the milk sector should be determined for the period 1 July 2000 to 30 June 2001 for supplies to the Canary Islands.
- (2) The quantities of the forecast supply balance for those products is fixed in Commission Regulation (EC) No 1337/1999 ⁽³⁾, as last amended by Regulation (EC) No 1186/2000 ⁽⁴⁾, for the period 1 July 1999 to 30 June 2000. In order to continue to satisfy requirements for milk and milk products, the abovementioned quantities should be fixed for the period 1 July 2000 to 30 June 2001.

- (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 purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92, the quantities of the forecast supply balance for the Canary Islands in the milk sector benefiting, as appropriate from exemption from import duties for products from third countries or for Community aid for products from the Community market shall be as set out in the Annex hereto.

Where, as regards a particular product separate amounts are fixed in the forecast supply balance for direct consumption, and for processing and/or packaging respectively, an adjustment in the breakdown as between the prescribed uses is permitted, within a limit of 20 % of the total quantity fixed for that product.

Article 2

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

It shall apply from 1 July 2000.

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

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 148, 22.6.2000, p. 15.

⁽³⁾ OJ L 159, 25.6.1999, p. 18.

⁽⁴⁾ OJ L 133, 6.6.2000, p. 17.

ANNEX

Forecast supply balance for milk and milk products for the Canary Islands for the period 1 July 2000 to 30 June 2001

(in tonnes)		
CN code	Designation of goods	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	106 250 ⁽¹⁾
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	26 000 ⁽²⁾
0405	Butter and other fats and oils derived from milk; dairy spreads	4 000
0406	Cheeses	}
0406 30		
0406 90 23		
0406 90 25		
0406 90 27		
0406 90 76		
0406 90 78		
0406 90 79		
0406 90 81		
0406 90 86		
0406 90 87		}
0406 90 88		
1901 90 99	Milk-based preparations without fat	5 000 ⁽³⁾
2106 90 92	Milk-based preparations for children not containing milk fat	200

⁽¹⁾ Of which 1 250 tonnes are for the processing and/or packaging sector.

⁽²⁾ To be allocated as follows:

- 6 000 tonnes falling within CN Codes 0402 91 and/or 0402 99 for direct consumption,
- 6 000 tonnes falling within CN Codes 0402 91 and/or 0402 99 for the processing and/or packaging sector,
- 14 000 tonnes falling within CN Codes 0402 10 and/or 0402 21 for the processing and/or packaging sector.

⁽³⁾ The entire amount is for the processing and/or packaging sector.

COMMISSION REGULATION (EC) No 1373/2000**of 28 June 2000****establishing the forecast supply balance of the Canary Islands for products of the processed fruit and vegetable sector for the period 1 July 2000 to 30 June 2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1305/2000 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Pursuant to Articles 2 and 3 of Regulation (EEC) No 1601/92, the quantities of certain processed fruit and vegetable products in the forecast supply balance, falling within CN codes 2007 99 and 2008 and qualifying for exemption from duty on imports from third countries or for aid for consignments from the rest of the Community, should be determined.
- (2) Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, lays down common rules for the application of the arrangements for the supply of certain agricultural products to the Canary Islands.
- (3) Pursuant to Regulation (EEC) No 1601/92, the supply arrangements apply from 1 July. As a result, provision

should be made for this Regulation to apply immediately.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purpose of applying Articles 2 and 3 of Regulation (EEC) No 1601/92, the quantities covered by the forecast supply balance of processed fruit and vegetable products qualifying for exemption from duty on imports from third countries or for Community aid shall be as set out in the Annex.
2. Without prejudice to a revision of the supply balance during the period concerned, the quantities laid down for the various products listed in Part II of the Annex may be exceeded by up to 20 % provided that the overall quantity is not exceeded.

Article 2

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

It shall apply from 1 July 2000.

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

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 148, 22.6.2000, p. 15.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.

ANNEX

Forecast supply balance of the Canary Islands for products of the processed fruit and vegetable sector for the period 1 July 2000 to 30 June 2001

		(tonnes)
CN code	Description	Quantity
<i>Part I</i>		
2007 99	Preparations other than homogenised, containing fruit other than citrus fruit	5 500 ⁽¹⁾
<i>Part II</i>		
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or sweetening matter or spirit, not elsewhere specified or included:	
2008 20	– Pineapples	3 550
2008 30	– Citrus fruit	500
2008 40	– Pears	3 650 ⁽²⁾
2008 50	– Apricots	200
2008 70	– Peaches	8 000
2008 80	– Strawberries	700 ⁽³⁾
	– Other, including mixtures other than those of subheading 2008 19:	
2008 92	– – Mixtures	2 700 ⁽⁴⁾
2008 99	– – Other than palm hearts and mixtures	1 600
Total		20 900

⁽¹⁾ Of which 1 000 tonnes for the processing and/or packaging sector.

⁽²⁾ Of which 2 250 tonnes for the processing and/or packaging sector.

⁽³⁾ Of which 600 tonnes for the processing and/or packaging sector.

⁽⁴⁾ Of which 670 tonnes for the processing and/or packaging sector.

COMMISSION REGULATION (EC) No 1374/2000
of 28 June 2000
deferring the final date for sowing certain arable crops in certain regions in the 2000/01 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as amended by Regulation (EC) No 2704/1999 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Article 8(2) of Regulation (EC) No 1251/1999 lays down that, to qualify for area payments for cereals, protein crops and linseed under the support system for certain arable crops, producers must have sown the seed at the latest by 31 May preceding the relevant harvest.
- (2) Because of particularly severe weather conditions this year, the final dates for sowing seeds fixed in several Member States cannot be complied with in all cases. Consequently, the final date for sowing cereals and/or oilseeds and/or linseed for the 2000/01 marketing year should, where necessary, be deferred for certain specific regions. In order to do so, a derogation from Regulation

(EC) No 1251/1999 should be laid down as permitted by the 11th indent of Article 9 of that Regulation.

- (3) 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 final dates for sowing for the 2000/01 marketing year are fixed in the Annex for the crops, Member States and regions indicated.

Article 2

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

It shall apply from 31 May 2000.

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

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 327, 21.12.1999, p. 12.

ANNEX

Final dates for sowing for the 2000/01 marketing year

Crop	Member State	Region	Final date
Maize, sunflower, sorghum	Spain	The entire country with the exception of Galicia, Asturias, Cantabria, the Basque Country and the Canary Islands	15 June 2000
Maize, sunflower, sorghum, linseed	Portugal	All continental Portugal	15 June 2000
Maize, sorghum, sunflower, buckwheat, soya	France	Upper Normandy Lower Normandy Britanny Loire Region Centre Poitou-Charentes Limousin Aquitaine Midi-Pyrénées	15 June 2000
Maize, soya, sunflower, sorghum	Italy	Piedmont	15 June 2000
Maize, soya	Austria	The entire country	15 June 2000
Maize	Luxembourg	The entire country	15 June 2000
All crops	United Kingdom	The entire country	15 June 2000
Maize, soya, sunflower	Greece	Macedonia Thrace	15 June 2000
Maize	Belgium	West Flanders East Flanders Hainaut	15 June 2000
All crops	Finland	C3 C4	30 June 2000
All crops	Sweden	Dalarna Gävleborg Jämtland Västernorrland Västerbotten Norrbotten	30 June 2000

COMMISSION REGULATION (EC) No 1375/2000
of 28 June 2000
amending Regulation (EEC) No 2282/90 laying down detailed rules for increasing the consumption
and utilisation of apples and the consumption of citrus fruit

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1195/90 of 7 May 1990 on measures to increase the consumption and utilisation of apples ⁽¹⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 1201/90 of 7 May 1990 on measures to increase the consumption of citrus fruit ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2282/90 ⁽³⁾, as last amended by Regulation (EC) No 1099/1999 ⁽⁴⁾, lays down detailed rules for increasing the consumption and utilisation of apples and the consumption of citrus fruit.
- (2) Regulation (EEC) No 2282/90 stipulates that, following scrutiny by the Management Committee for Fruit and Vegetables, the Commission must draw up a list of successful applications for Community financial assistance before 30 June of the year following their submission.
- (3) Commission Regulation (EC) No 481/1999 of 4 March 1999 laying down general rules for the management of promotional programmes for certain agricultural prod-

ucts ⁽⁵⁾ specifies that the competent bodies are to conclude contracts with the parties concerned within 30 calendar days of notification of the Commission decision.

- (4) Budget planning for the 2000 financial year entails a deferral of the final date by which the Commission must draw up the list of successful programmes.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The following text is added to the first paragraph of Article 6 of Regulation (EEC) No 2282/90:

'However, for applications submitted before 31 December 1999, the Commission shall draw up that list by 30 September 2000 at the latest.'

Article 2

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

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

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 119, 11.5.1990, p. 53.

⁽²⁾ OJ L 119, 11.5.1990, p. 65.

⁽³⁾ OJ L 205, 3.8.1990, p. 8.

⁽⁴⁾ OJ L 133, 28.5.1999, p. 27.

⁽⁵⁾ OJ L 57, 5.3.1999, p. 8.

**COMMISSION REGULATION (EC) No 1376/2000
of 28 June 2000**

amending Regulation (EEC) No 2999/92 laying down detailed rules for the application of the specific measures for the supply of processed fruit and vegetables to Madeira and establishing the forecast supply balance for the period 1 July 2000 to 30 June 2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The quantities of products eligible for the specific supply arrangements are determined by means of periodic forecast balances which may be revised according to the essential requirements of the market taking into account local production and traditional trade flows.
- (2) Commission Regulation (EEC) No 2999/92 ⁽³⁾, as last amended by Regulation (EC) No 1385/1999 ⁽⁴⁾, lays down detailed rules for the application of the specific measures for the supply of processed fruit and vegetables to Madeira and the forecast balance fixing the quantities eligible for the specific supply arrangements for the period 1 July 1999 to 30 June 2000.

- (3) Evaluation of the requirements of the Madeira market for the period 1 July 2000 to 30 June 2001 has led to establishment of a forecast supply balance as set out in the Annex.
- (4) The supply arrangements are applicable from 1 July. As a result, provision should be made for this Regulation to apply immediately.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2999/92 is replaced by 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*.

It shall apply from 1 July 2000.

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

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 301, 17.10.1992, p. 7.

⁽⁴⁾ OJ L 163, 29.6.1999, p. 7.

ANNEX

'ANNEX

**Forecast supply balance covering processed fruit and vegetable products for Madeira for the period 1 July 2000
to 30 June 2001**

(tonnes)		
CN code	Description	Quantity
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or sweetening matter or spirit, not elsewhere specified or included:	
2008 20	– Pineapples	
2008 40	– Pears	780
2008 60	– Cherries	
2008 70	– Peaches	
	– Other, including mixtures other than those of subheading 2008 19:	
2008 92	– – Mixtures	20
2008 99	– – Other than palm hearts and mixtures	
Total		800'

COMMISSION REGULATION (EC) No 1377/2000**of 28 June 2000****amending Regulation (EC) No 1432/94 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues ⁽¹⁾, as amended by Commission Regulation (EC) No 2198/95 ⁽²⁾, and in particular Article 7 thereof,Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽⁴⁾, and in particular Article 22 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1432/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2068/96 ⁽⁶⁾, lays down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Regulation (EC) No 774/94.
- (2) The utilisation of import quotas for pigmeat has been generally low in recent years and the relatively high security for import licences may be one discouraging

factor in trade. In order to facilitate trade of pigmeat and to harmonise the levels of securities for import licences within the meat sectors it is necessary to review the level of security set in Regulation (EC) No 1432/94.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 6 of Regulation (EC) No 1432/94 is replaced by the following:

'Article 6

A security of EUR 20 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.'

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 July 2000.

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

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 91, 8.4.1994, p. 1.⁽²⁾ OJ L 221, 19.9.1995, p. 3.⁽³⁾ OJ L 282, 1.11.1975, p. 1.⁽⁴⁾ OJ L 349, 31.12.1994, p. 105.⁽⁵⁾ OJ L 156, 23.6.1994, p. 14.⁽⁶⁾ OJ L 277, 30.10.1996, p. 12.

COMMISSION REGULATION (EC) No 1378/2000
of 28 June 2000
amending Regulation (EC) No 1486/95 opening and providing for the administration of a tariff
quota in the pigmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1486/95 ⁽²⁾, as last amended by Regulation (EC) No 1409/1999 ⁽³⁾, opened quotas for a specific period. In the framework of the World Trade Organisation, the Commission committed itself to increasing tariff quotas for certain products in the pigmeat sector. It is necessary to specify the new quantities covered by the import arrangements from 1 July 2000.
- (2) The utilisation of import quotas for pigmeat has been generally low in recent years and the relatively high security for import licences may be one discouraging factor in trade. In order to facilitate trade of pigmeat and to harmonise the levels of securities for import licences within the meat sectors it is necessary to review the level of security.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1486/95 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

The import tariff quotas referred to in Annex I shall be opened annually for the groups of products and for the conditions laying them down.'

2. Paragraph 3 of Article 5 is replaced by the following:

'3. A security of EUR 20 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.'

3. Annex I is replaced by 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*.

It shall apply with effect from 1 July 2000.

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

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 145, 29.6.1995, p. 58.

⁽³⁾ OJ L 164, 30.6.1999, p. 51.

ANNEX

ANNEX I

Group No	CN code	Product description	Customs duty EUR/tonne	Quantities in tonnes from 1 July 2000
G2	ex 0203 19 55 ex 0203 29 55	Loins and hams boneless, fresh, chilled or frozen	250	34 000
G3	ex 0203 19 55 ex 0203 29 55	Tenderloin fresh, chilled or frozen	300	5 000
G4	1601 00 91 1601 00 99	Sausages, dry or for spreading, uncooked Other sausages	747 502	} 3 000
G5	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Other prepared or preserved meat, meat offal or blood	784 646 784 646 646 428 375 271	} 6 100
G6	0203 11 10 0203 21 10	Carcases and half-carcases fresh, chilled or frozen	268	15 000
G7	0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15 ex 0203 19 55 0203 19 59 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15 ex 0203 29 55 0203 29 59	Cuts of domestic swine, fresh, chilled or frozen, with or without bone. Excluding tenderloin presented alone	389 300 300 434 233 434 434 389 300 300 434 233 434 434	} 5 500'

COMMISSION REGULATION (EC) No 1379/2000**of 28 June 2000****fixing the maximum export refund for white sugar for the 45th 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 45th 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 45th 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 44,870 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 June 2000.

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

Done at Brussels, 28 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 1380/2000**of 28 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 29 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, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties 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⁾	8,46	—	0
1703 90 00 ⁽¹⁾	8,88	—	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 1381/2000**of 28 June 2000****altering the export refunds on white sugar and raw sugar exported in the natural 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 the third subparagraph of Article 18(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1302/2000 ⁽²⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1302/2000 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

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, as fixed in the Annex to Regulation (EC) No 1302/2000, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 June 2000.

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

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 148, 21.6.2000, p. 8.

ANNEX

to the Commission Regulation of 28 June 2000 altering 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	36,85 ⁽¹⁾
1701 11 90 9910	36,38 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,85 ⁽¹⁾
1701 12 90 9910	36,38 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4006
	— EUR/100 kg —
1701 99 10 9100	40,06
1701 99 10 9910	41,85
1701 99 10 9950	39,86
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4006

⁽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 1382/2000**of 28 June 2000****determining the allocation of export licences for certain milk products to be exported to the Dominican Republic under the quota referred to in Article 20a of Regulation (EC) No 174/1999**

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) No 1040/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down 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 last amended by Regulation (EC) No 1596/1999 ⁽⁴⁾, and in particular Article 20a(11) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1158/2000 ⁽⁵⁾ opens the procedure for allocating export licences for certain milk products to be exported to the Dominican Republic from 1 July 2000 under a quota opened for that country.
- (2) Applications submitted for the products referred to in Article 20a of Regulation (EC) No 174/1999 cover quantities greater than those available. As a result, allo-

cation coefficients should be set for the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities covered by export licence applications for the products referred to in Article 20a(3) of Regulation (EC) No 174/1999 submitted for the period 1 July 2000 to 30 June 2001 shall be multiplied by the following allocation coefficients:

- 0,626595 for applications submitted for the part of the quota referred to in Article 20a(4)(a) of Regulation (EC) No 174/1999,
- 0,636997 for applications submitted for the part of the quota referred to in Article 20a(4)(b) of Regulation (EC) No 174/1999.

Article 2

This Regulation shall enter into force on 1 July 2000.

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

Done at Brussels, 28 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.

⁽⁵⁾ OJ L 130, 31.5.2000, p. 28.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 March 2000

on state aid implemented by Germany in favour of Kvaerner Warnow Werft GmbH (1999) and amending Decision 1999/675/EC

(notified under document number C(2000) 1008)

(Only the German text is authentic)

(Text with EEA relevance)

(2000/416/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Directive 90/684/EEC of 21 December 1990 on aid to shipbuilding ⁽¹⁾, as last amended by Directive 94/73/EC ⁽²⁾, and Council Directive 92/68/EEC of 20 July 1992 ⁽³⁾ amending Directive 90/684/EEC on aid to shipbuilding,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽⁴⁾ and having regard to their comments,

Whereas:

was 106 945 cgt for 1998 and 104 560 cgt for 1999. The Commission services sent a letter to the German authorities on 25 September 1998 requesting them to take the necessary measures to make the undertaking comply with the capacity limitation and to inform the Commission of the contents and the result of these measures. Germany replied with its letter dated 20 October 1998.

(2) By letter dated 16 December 1998, the Commission informed Germany of its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of this exceeding of the capacity limitation.

(3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁵⁾. The Commission invited interested parties to submit their comments on the matter.

(4) The Commission received comments from interested parties. It forwarded them to Germany, which was given the opportunity to react. Germany submitted its comments with a letter dated 18 February 1999.

(5) Commission staff visited the shipyard with an external expert on 15 October 1999. On this occasion, the shipyard presented its amended production plan, which took account of the restriction of production to 91 000 cgt in 1999. The revised production figure for that year was 90 912 cgt.

I. Procedure

(1) By receiving on 4 September 1998 the regular monitoring report of 30 June 1998 on the shipbuilding capacity of Kvaerner Warnow Werft GmbH (hereinafter referred to as KWW), the Commission was informed that KWW would exceed its annual new-building capacity limitation of 85 000 cgt in both 1998 and 1999. The forecast production indicated in the report

⁽¹⁾ OJ L 380, 31.12.1990, p. 27.

⁽²⁾ OJ L 351, 31.12.1994, p. 10.

⁽³⁾ OJ L 219, 4.8.1992, p. 54.

⁽⁴⁾ OJ C 41, 16.2.1999, p. 23.

⁽⁵⁾ See footnote 4.

- (6) Commission staff again visited the shipyard on 25 January 2000 with an external expert in order to verify production. It was confirmed that the KWW's output in 1999 was 90 831 and that the capacity limitation of 91 000 cgt had therefore been complied with.
- (7) This Decision is concerned with whether the capacity limitation was exceeded in 1999. The Commission issued a negative Decision concerning the exceeding of capacity in 1998 on 8 July 1999 (Decision 1999/675/EC) ⁽⁶⁾. The procedure opened in respect of 1998 and 1999 has thus already been partly closed.

II. Detailed description of the aid

- (8) The Commission approved restructuring aid in accordance with Directive 90/684/EEC to allow the comprehensive restructuring of the East German shipyard KWW by its Decisions communicated to Germany by letters of 3 March 1993 (N 692/D/91), 17 January 1994 (N 692/J/91), 20 February 1995 (N 1/95), 18 October 1995 (N 637/95) and 11 December 1995 (N 797/95). The aid was approved subject to a capacity restriction of 85 000 cgt per year, compliance with which is monitored by the Commission.
- (9) The shipyard Warnow Werft, situated in Rostock-Warnemünde in Mecklenburg — Vorpommern, Germany, was sold by the Treuhandanstalt to the Norwegian Kvaerner group in October 1992. Under paragraph 27 of the sales contract, sent by Germany to the Commission for scrutiny and approval by letter dated 30 October 1992, Kvaerner undertook until 31 December 2005, with regard to Warnow Werft, not to exceed an annual new-building capacity of 85 000 cgt unless the requirements based on the EC Treaty became less restrictive.
- (10) Directive 90/684/EEC, as amended by Directive 92/68/EEC, contains a derogation from the rules on operating aid applicable to other Community yards for the shipyards in the former German Democratic Republic in order to create the possibility for these yards to undergo urgent and comprehensive restructuring and to become competitive. After the privatisation of Warnow Werft, the Commission approved the restructuring aid for the yard in four tranches in accordance with the said Directive. The total amount of aid approved by several Decisions was as follows:

N 692/D/91 — Commission letter of 3 March 1993 (SG (93) D/4052)

- DEM 45,5 million in operating aid,
- DEM 82,4 million in operating aid in the form of an exemption from previous liabilities,
- DEM 127,5 million in investment aid,
- DEM 27,0 million in closure aid;

N 692/J/91 — Commission letter of 17 January 1994 (SG (94) D/567)

- DEM 617,1 million in operating aid;

N 1/95 — Commission letter of 20 February 1995 (SG (95) D/1818)

- DEM 222,5 million in investment aid;

N 637/95 — Commission letter of 18 October 1995 (SG (95) D/12821)

- DEM 66,9 million in investment aid;

N 797/95 — Commission letter of 11 December 1995 (SG (95) D/15969)

- DEM 58,0 million in investment aid.

- (11) Consequently, the total amount of aid concerned by these Decisions was EUR 372,5 million in operating aid (DEM 745 million) EUR 237,45 million in investment aid (DEM 474,9 million) and EUR 113,5 million in closure aid (DEM 27,0 million). This results in total aid of EUR 623,45 million (DEM 1 246,9 million).
- (12) The aid was approved on the condition that the yearly new-building capacity did not exceed 85 000 cgt. The capacity limitation was included both in the notified sales contract (paragraph 27) concerning the privatisation of Warnow Werft and in the above-mentioned Commission Decisions authorising the aid. In the Decisions communicated to Germany by the letters of 17 January 1994, 20 February 1995, 18 October 1995 and 11 December 1995, it was clearly stated that the Commission would be obliged to demand the recovery of the aid if the capacity limitation were not complied with.
- (13) When opening the procedure, the Commission noted that the main condition for the approval of the aid was an annual capacity limitation of 85 000 cgt. Such a limit was set in order to offset the distortive effect of the aid on the shipbuilding industry. According to the regular monitoring report of 30 June 1998 on KWW's shipbuilding capacity, the yard would exceed its annual new-building capacity limitation of 85 000 cgt in both 1998, by producing 106 945 cgt, and 1999, by producing 104 560 cgt. This meant that an essential condition on which the aid was approved was not being complied with.

⁽⁶⁾ OJ L 274, 23.10.1999, p. 23.

- (14) For this reason the Commission doubted whether the aid approved by the Commission to allow the restructuring and the continued operation of the former East German shipyard Warnow Werft by its Decisions communicated to Germany by letters of 3 March 1993 (N 692/D/91), 17 January 1994 (N/692/J/91), 20 February 1995 (N 1/95), 18 October 1995 (N 637/95) and 11 December 1995 (N 797/95) could still be deemed compatible with the common market.
- (15) On 21 July 1999, the Commission decided on the reallocation of the 22 000 cgt capacity of the closed Elbe-Werft Boizenburg. This capacity was distributed among the four remaining shipyards in the former German Democratic Republic, and the Commission approved this reallocation in its Decision on State aid measure N 352/99, of which it notified Germany by letter of 5 August 1999 (SG(99) D/6192). Under this Decision, KWW was allocated an additional 6 000 cgt, which increased its capacity limitation to 91 000 cgt from 1999.

III. Comments from interested parties

- (16) The Commission has received comments from KWW, a Member State (Denmark), the Federation of Danish Industry (Dansk Industri) and the Association of Danish Shipbuilders (Foreningen of Jernskibs- og Maskinbyggerier i Danmark).
- (17) These comments relate solely to the exceeding of the capacity limitation in 1998 and are presented in detail in the relevant Commission Decision ⁽⁷⁾. They are therefore not relevant to this Decision.

IV. Comments from Germany

- (18) Germany's comments, which relate solely to the exceeding of the capacity limitation in 1998, are presented in detail in the relevant Commission Decision ⁽⁷⁾, and are therefore not relevant to this Decision.

V. Assessment

- (19) The Commission notes that the aid approved in compliance with the provisions of Council Directive 90/684/EEC is considered compatible with the common market as it complies with Article 87(3)(e) of the EC Treaty. However, this applies only in so far as the conditions laid down in the Commission decisions approving the aid in accordance with the above Directives are met. Should the conditions for approving the aid not be complied with, the aid falls under the general prohibition of Article 87(1) of the EC Treaty and must therefore be considered incompatible with the common market, unless it can be declared compatible for other reasons.
- (20) Article 10(a) of Directive 90/684/EEC, inserted by Directive 92/68/EEC contains a derogation from the rules on operating aid applicable to other Community yards for the shipyards in the former German Democratic Republic in order to create the possibility for these yards to undergo urgent and comprehensive restructuring and to become competitive. Under Article 10(a)(2) of Directive 90/684/EEC, as amended by Directive 92/68/EEC, operating aid for the shipbuilding and ship conversion activities of the yards situated in the

former German Democratic Republic may, until 31 December 1993, be considered compatible with the common market under certain conditions relating to the amount of aid and an annual reporting obligation on the part of the German Government. One of the conditions laid down in this provision is the German Government's undertaking to carry out before 31 December 1995 a genuine and irreversible reduction of 40 % of the shipbuilding capacity of 545 000 cgt existing on 1 July 1990.

- (21) Investment aid is regulated in Article 6 and closure aid in Article 7 of Directive 90/684/EEC. Under Article 6(1), investment aid may not be granted for investment in existing yards unless it is linked to a restructuring plan which does not involve any increase in the shipbuilding capacity of the yard or unless it is directly linked to a corresponding irreversible reduction of capacity of other yards in the same Member State over the same period. Article 6(3) provides that investment aid may be deemed compatible with the common market provided that the amount and intensity of such aid is justified by the extent of the restructuring involved. Under Article 7, aid to defray the normal costs resulting from the partial or total closure of shipbuilding or ship-repair yards may be considered compatible with the common market provided that the capacity reduction resulting from such aid is of a genuine and irreversible nature.
- (22) In the Commission proposal for Directive 92/68/EEC ⁽⁸⁾, it is stated that taking into account the impact of restructuring on conditions of competition in the Community, a balance has to be struck between the restructuring of the former German Democratic Republic shipbuilding industry, which is only possible with the support of a substantial amount of State aid, and the possible negative influence on the competition conditions of other Community yards resulting from this aid. The possibility of giving extra aid above the current ceilings has to be met by accompanying restructuring and capacity reductions.
- (23) One of the conditions laid down in Article 10(a)(2) of Directive 90/684/EEC for the compatibility of the operating aid with the common market is the German Government's undertaking to carry out before 31 December 1995 a genuine and irreversible reduction of 40 % of the shipbuilding capacity of 545 000 cgt existing on 1 July 1990. The corresponding maximum overall capacity for the shipyards situated and operating in the territories of the former German Democratic Republic is therefore 327 000 cgt. Germany distributed this total capacity among the five remaining new-building yards. In this context, the capacity for KWW was set at 85 000 cgt ⁽⁹⁾.

⁽⁸⁾ OJ C 155, 20.6.1992, p. 20.

⁽⁹⁾ It should be noted that the Court of First Instance confirmed the importance of the allocation of capacities to the individual yards for the legality of the aid decision in case T-266/94 *Skibsværftsforeningen and Others v Commission* [1996] ECR II-1399 (paragraphs 151 to 198).

⁽⁷⁾ See footnote 6.

- (24) The total of EUR 623,45 million (DEM 1246,9 million) in restructuring aid was approved in four tranches in five separate Commission Decisions. The first Decision releasing the first tranche of aid was communicated to Germany by letter of 3 March 1993 (N 692/D/91), the second by letter of 17 January 1994 (N 692/J/91), the third by letter of 20 February 1995 (N 1/95), the fourth by letter of 18 October 1995 (N 637/95), and the fifth by letter of 11 December 1995 (N 797/95).
- (25) The Commission notes that the annual capacity limitation of 85 000 cgt was one of the main conditions for the approval of the aid. The aid was approved on the basis of the restructuring plan notified to the Commission. This annual limitation was incorporated into the privatisation contract for Warnow Werft, which was approved by the Commission as part of the restructuring programme. In addition, the obligation to comply with the capacity limitation of 85 000 cgt was expressly mentioned in all other Commission Decisions approving the aid except the first one, dated 3 March 1993. In these Decisions, it was also expressly stated that, in the event of non-compliance with this capacity limitation, the Commission would be obliged to require the reimbursement of all aid.
- (26) On 21 July 1999, the capacity of the closed Elbwerft Boizenburg of 22 000 cgt was reallocated among the four remaining shipyards in the former German Democratic Republic. The Commission approved this reallocation by its Decision on State aid measure No N 325/99, which was notified to Germany by letter of 5 August 1999 (SG(99) D/6192). KWW was allocated an additional 6 000 cgt, increasing its capacity limitation from 85 000 cgt to 91 000 cgt with effect from 1999.
- (27) The Commission notes that the comments contained in recitals 16 to 25 apply even with the new capacity limitation of 91 000 cgt.
- (28) During a visit to the shipyard on 25 January 2000, it was confirmed that KWW's output in 1999 had been 90 831 cgt. KWW had thus not exceeded the annual capacity limitation of 91 000 cgt in 1999.
- (29) Consequently, one of the essential conditions for the granting of aid, i.e. the capacity limitation laid down in the Commission Decision approving the aid adopted on the basis of Directive 90/684/EEC, in the wording of Directive 92/68/EEC, was complied with in 1999.
- (30) On 15 February 2000, the Commission issued a negative Decision on the exceeding of the capacity limitation in 1997⁽¹⁰⁾. Both KWW and Germany had argued in this case that the shipyard had not received all of the restructuring aid approved by the Commission. On the basis of the auditor's report concerning the actual use of the restructuring aid up to the end of 1996, which Germany transmitted to the Commission at the latter's request on 30 June 1999, the Commission concluded that KWW had received only DEM 62,5 million of the approved DEM 73 million in *Wettbewerbshilfe*. It had thus received DEM 10,5 million less than had been approved by the Commission.
- (31) The Commission accordingly found in its Decision of 15 February 2000 that KWW had received DEM 10,5 million less in *Wettbewerbshilfe* as approved operating aid for loss compensation than had been authorised by the Commission. The amount of aid received by KWW was thus EUR 367,25 million (DEM 734,5 million) in operating aid, EUR 37,45 million (DEM 474,9 million) in investment aid and EUR 13,5 million (DEM 27 million) in closure aid, i.e. a total of EUR 618,2 million (DEM 1 236,4 million). This amount was then taken as a basis for calculating the amount of incompatible aid.
- (32) In the Decision of 8 July 1999 on the exceeding of the capacity limitation in 1998, the amount of incompatible aid was calculated on the basis of the amount of aid authorised⁽¹¹⁾. Since the amount of aid received was less than the amount authorised by the Commission, the Commission is hereby amending its Decision of 8 July 1999 in such a way as to calculate the amount of incompatible aid on the basis of the amount of aid actually received by the shipyard.
- (33) On the basis of the method of calculation used in the Decision of 8 July 1999, the amount of incompatible aid in 1998 resulting from the fact that the capacity limitation was exceeded corresponds to the proportion of the excess — in this case, more than 20 %, which represents a significant distortion of competition — to the total capacity limitation, on the basis of the total aid received by KWW, i.e. EUR 604,7 million (DEM 1 209,4 million), made up of EUR 367,25 million (DEM 734,5 million) in operating aid and EUR 237,45 million (DEM 474,9 million) in investment aid. The amount of aid which, in 1998, cannot be deemed compatible with the common market as a result of the fact that KWW exceeded the authorised capacity is thus EUR 41,5 million (DEM 82,2 million). This amount should be recovered.

⁽¹⁰⁾ State aid case C 46/99.

⁽¹¹⁾ See footnote 6.

- (34) As the Commission stated in its Decision of 8 July 1999 on the exceeding of capacity in 1998⁽¹²⁾ and its Decision of 15 February 2000 on the exceeding of capacity in 1997⁽¹³⁾ the extent to which competition is distorted depends on the extent to which the authorised capacity is exceeded. The Commission accordingly takes the view that the amount of aid corresponding to the extent to which the capacity limitation was exceeded should be deemed incompatible with the common market.
- (35) Since the capacity limitation was complied with in 1999, none of the aid granted for that year can, according to the same reasoning, be deemed incompatible with the common market.
- (36) The Commission thus notes that of the aid of EUR 618,2 million (DEM 1 236,4 million) received by KWW which was approved in four tranches in Commission Decisions notified to Germany by letters of 3 March 1993 (N 692/D/91), 17 January 1994 (N 692/J/91), 20 February 1995 (N 1/95), 18 October 1995 (N 637/95) and 11 December 1995 (N 797/95), the portion which corresponds to compliance with the capacity limitation in 1999 meets the conditions of Article 87(3)(e) of the EC Treaty and is compatible with the common market pursuant to Article 87(1) of the EC Treaty.

VI. Conclusions

- (37) The Commission concludes that KWW did not exceed the annual capacity limitation of 91 000 cgt in 1999. This annual capacity limitation was laid down by the Commission in Decisions notified by letters of 3 March 1993, 17 January 1994, 20 February 1995, 18 October 1995 and 11 December 1995 as an essential condition for the approval of aid totalling EUR 23,95 million (DEM 1 246,9 million) pursuant to Directive 90/684/EEC, as amended by Directive 92/68/EEC, and thus for the compatibility of the aid with the common market under Article 87(3)(e) of the EC Treaty.
- (38) In the Decision of 8 July 1999 on the exceeding of capacity in 1998 and of 15 February 2000 on the exceeding of capacity in 1997, the Commission based its assessment on the premise that the extent to which competition was distorted depended on the extent to

which the capacity limitation was exceeded, and that the amount of aid corresponding to this exceeding of capacity should be deemed incompatible with the common market. The amount of aid corresponding to compliance with the capacity limitation meets the conditions of Article 87(3)(e) of the EC Treaty and is compatible with the common market pursuant to Article 87(1) of the EC Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Kvaerner Warnow Werft GmbH (KWW) complied in 1999 with the capacity limitation compliance with which is, pursuant to the Decision on State aid measure N 325/99, notified by letter of 5 August 1999, a condition for the compatibility of the aid with the common market.

Article 2

Article 1 of Decision 1999/675/EC shall be worded as follows:

'Article 1

The State aid which Germany has implemented in favour of Kvaerner Warnow Werft GmbH in an amount of EUR 41,1 million (DEM 82,2 million) is incompatible with the common market pursuant to Article 87(1) of the EC Treaty.'

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 March 2000.

For the Commission

Mario MONTI

Member of the Commission

⁽¹²⁾ See footnote 6.

⁽¹³⁾ State aid case C 46/99.

COMMISSION RECOMMENDATION

of 25 May 2000

on unbundled access to the local loop: enabling the competitive provision of a full range of electronic communications services including broadband multimedia and high-speed Internet

(notified under document number C(2000) 1259)

(Text with EEA relevance)

(2000/417/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

stimulate the development of new types of telecommunication services.

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

- (4) The Council Directive 92/44/EEC of 5 June 1992 on the application of open network provision to leased lines ⁽⁴⁾, as amended by Directive 97/51/EC ⁽⁵⁾ and Commission Decision No 80/98/EC of 7 January 1998 ⁽⁶⁾ and in particular Article 8(2) establish conditions on the provision of leased lines.

Whereas:

- (5) The Commission Directive 90/388/EEC ⁽⁷⁾ as last amended by Directive 99/64/EC ⁽⁸⁾ and in particular Article 4(c) lays down requirements for the rebalancing of tariffs in a fully liberalised market.

- (1) The conclusions of the special European Council of Lisbon on 23 and 24 March 2000 note that for Europe to fully seize the growth and job potential of the digital, knowledge-based economy, it is required that businesses and citizens have access to an inexpensive, world-class communications infrastructure and a wide range of services, and to provide this calls on the Member States, together with the Commission, 'to work towards introducing greater competition in local access networks before the end of 2000 and unbundling the local loop, in order to help bring about a substantial reduction in the costs of using the Internet'.

- (6) The 'local loop' refers to the physical copper line circuit in the local access network connecting the customer's premises to the operator's local switch, concentrator or equivalent facility. As noted in the Commission fifth report on the implementation of the telecommunications regulatory package ⁽⁹⁾, the local access network remains one of the least competitive segments of the liberalised telecommunications market, because new entrants do not have wide-spread alternative network infrastructures and are unable with traditional technologies to match the economies of scale and scope of operators notified as having significant market power in the fixed network (hereinafter referred to as 'notified operators'). This results from the fact that operators rolled out their old copper local access networks over significant periods of time protected by exclusive rights and were able to fund its investment costs through monopoly rents.

- (2) The Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in telecommunications with regard to ensuring universal service and interoperability through application of the principles of open network provision (ONP) ⁽¹⁾ as amended by Directive 98/61/CE ⁽²⁾, and in particular Articles 4(2), 7, 9 and 11, lays down principles on access to networks including collocation, and gives national regulatory authorities powers to exercise their responsibility in this regard.

- (7) The provision of new loops with high capacity optical fibre directly to major users is a specific market that is developing under competitive conditions with new investments and therefore this recommendation does not address unbundled access to fibre local loops.

- (3) The Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision to voice telephony and on universal service for telecommunications in a competitive environment ⁽³⁾, and in particular Article 16, establish conditions on special network access in order to

- (8) It would not be economically viable to new entrants to duplicate the incumbent's copper local loop access infrastructure in its entirety and in a reasonable time period, and alternative infrastructures (e.g. cable television, satellite, wireless local loops) do not generally offer the same functionality or ubiquity.

⁽¹⁾ OJ L 199, 26.7.1997, p. 32.

⁽²⁾ OJ L 268, 3.10.1998, p. 37.

⁽³⁾ OJ L 101, 1.4.1998, p. 24.

⁽⁴⁾ OJ L 165, 19.6.1992, p. 32.

⁽⁵⁾ OJ L 295, 29.10.1997, p. 23.

⁽⁶⁾ OJ L 14, 20.1.1998, p. 27.

⁽⁷⁾ OJ L 192, 24.7.1990, p. 10.

⁽⁸⁾ OJ L 175, 10.7.1999, p. 39.

⁽⁹⁾ COM(1999)537

- (9) Notified operators are already rolling out their own broadband high speed bit stream services for Internet access in their copper loops, but may delay the introduction of some types of digital subscriber loop (DSL) technologies and services in the local loop, where these could substitute for their current offerings. Any such delays would be at the expense of users. Therefore it is appropriate to allow third parties to have unbundled access to the local loop of the notified operator, in particular, as noted in point 5 of Commission Recommendation on leased lines interconnection pricing⁽¹⁰⁾, to meet users' needs for the competitive provision of leased lines and highspeed Internet access.
- (10) In accordance with Article 4(2) of Directive 97/33/EC and Article 16 of Directive 98/10/EC, notified operators shall deal with reasonable requests for network access from new entrants, in particular for shared access⁽¹¹⁾ to the copper line, and should seek to agree commercial and technical conditions. However, the availability of only shared access to the local loop does not meet all market demands and therefore, it is considered appropriate that the notified operator provides also full local loop unbundling⁽¹²⁾, in parallel to shared access, to reinforce competition and improve choice for all types of users, by allowing the market to decide which unbundled access offerings best meet the customers' needs.
- (11) Although commercial negotiation is the preferred method for reaching agreement on technical and pricing issues for local loop access, experience shows that in most of the cases regulatory intervention is necessary due to imbalance in the negotiation power between the new entrant and the notified operator, and lack of other alternatives. The national regulatory authority, in accordance with Article 9 of Directive 97/33/EC and Article 16(4) of Directive 98/10/EC, may intervene at its own initiative to specify issues, including pricing, designed to ensure interoperability of services, maximise economic efficiency and benefit end users.
- (12) Costing and pricing rules for local loops and associated facilities (such as collocation and leased transmission capacity) should be transparent, non-discriminatory and be objective to ensure fairness. Pricing rules should ensure that the local loop provider is able to cover its appropriate costs in this regard plus a reasonable return. Pricing rules for local loops should ensure that there is no distortion of competition, in particular no margin squeeze between prices of wholesale and retail services of the notified operator. In this regard it is considered important that competition authorities are consulted.
- (14) The Directive 98/10/EC requires Member States to ensure that all reasonable requests for connection to the fixed public telephone network at a fixed location and access to fixed public telephone services are met by at least one operator. Where a customer decides to enter into a contractual agreement with a new entrant for exclusive provision of services by means of full unbundled local loop, then it is considered that the notified operator has fulfilled its obligation under Article 5 of Directive 98/10/EC. Users should be fully informed of such conditions in their contracts in accordance with Article 10 of Directive 98/10/EC and this without prejudice to the application of Community law regarding consumer protection.

⁽¹⁰⁾ (not yet published)

⁽¹¹⁾ 'Shared use of the copper line' allows access to the unused high frequency part of the spectrum to deploy limited ADSL services (i.e. data rates up to 8 Mbit/s), while the lower frequency part of the spectrum continues to be used by the notified operator to provide basic voice telephone service over the same copper line. The International Telecommunication Union (ITU) has worked out technical specifications for ADSL full rate — with speeds up to 8 Mbit/s downstream and 1 Mbit/s upstream — in its Recommendation 6.992.1. This includes a number of country-specific variants in order to accommodate regional local loop infrastructure differences. ADSL can achieve its highest speeds at a distance of 4 km or less. The connection also allows the provision of voice phone service on the basic frequency band of the same line. In addition ITU has worked out a variant ADSL solution in its Recommendation G.992.2, also known as G.Lite, that is very easy to deploy in the customer premises because is 'splitter-less' (it needs a very simple serial filter that separates voice and data and does not call for any rewiring at the customer premises). Speeds are up to 1,5 Mbit/s downstream to the user and 385 kbit/s upstream. Some PC suppliers are already marketing PC equipment with integrated G.Lite-ADSL modems so that standard universal solutions can be rolled-out in a large scale in the residential market.

⁽¹²⁾ 'Full local loop unbundling' gives the new entrant exclusive use of the full frequency spectrum available on the copper line, thus enabling the most innovative and advanced DSL technologies and services, i.e. data rates of up to 60 Mbit/s to the user using VDSL (Very high speed DSL). Work on standardisation on VDSL is currently taking place in ITU and ETSI.

- (15) The Licensing Directive 97/13/EC foresees the use of general authorisations for telecommunications services, except under certain conditions as set out in Article 7 thereof. Companies using DSL technology on unbundled local loops to provide services to customers should be authorised in accordance with the Directive 97/13/EC on the basis of the activities they undertake and, in line with the principle of technological neutrality, no specific regulatory restrictions should be placed on services provided in this way. Authorised data network operators or voice telephony network operators should be entitled to operate shared access and/or full unbundled local loops from notified operators without additional authorisations or being subject to additional restrictions.
- (16) It is appropriate that the Commission reviews this recommendation periodically on the basis of market developments and the experience acquired, in particular as regards pricing issues and the content of the reference offer included in the Annex.
- (17) The Community competition rules apply beside the present recommendation,

HEREBY RECOMMENDS:

Article 1

Provision of access to the local loop

1. In the context of the promotion of an advanced, harmonised and competitive electronic communications market that provides a wide choice for users for a full range of communications services, including broadband multimedia and high-speed Internet services, this recommendation concerns conditions for the provision to new entrants of unbundled access to the local loop and associated facilities, by public fixed network operators designated by the national regulatory authority as having significant market power (hereinafter referred to as 'notified operators') in accordance with Directive 97/33/EC, Directive 92/44/EEC, and, Directive 98/10/EC.
2. Without prejudice to the application of Community competition rules, it is recommended that in Member States where full unbundled access is not yet available, appropriate legal and regulatory measures be adopted to mandate, by 31 December 2000, full unbundled access to the copper local loop

of notified operators under transparent, fair, and non-discriminatory conditions.

3. The recommended provision of full unbundled access to the local loop of notified operators is without prejudice to the obligations under ONP Directives 97/33/EC and 98/10/EC for notified operators to ⁽¹³⁾:

- meet requests for other forms of access including shared access to the local loop, in accordance with Article 4(2) of Directive 97/33/EC and Article 16 of Directive 98/10/EC;
- comply with the principle of non-discrimination when using the fixed public telephone network to deliver high speed bit stream services to third parties as provided to its own services, in accordance with Article 16(7) of Directive 98/10/EC.

Roll-out of new services

4. In applying the principle of non-discrimination imposed on notified operators under Community law, it is recommended that national regulatory authorities ensure that a notified operator provides its competitors with the same facilities as those that it provides to itself or to its associated companies, and with the same conditions and time-scales. This applies in particular to the roll-out of new service in the local access network, access to unbundled local loops, availability of collocation space, provision of leased transmission capacity for access to collocation sites, ordering, provisioning, quality and maintenance procedures.

Pricing

5. In order to avoid lengthy disputes on pricing between new entrants and notified operators that would delay the effective implementation of local loop unbundling, it is recommended that national regulatory authorities specify the pricing methodology and the relevant parameters used to calculate prices. Where appropriate, Member States may set the actual prices where compatible with Community law ⁽¹⁴⁾, and for this purpose it is appropriate that a competition analysis is carried out.

6. For as long as the level of competition in the local access network is insufficient to prevent excessive pricing of unbundled access to local loops, it is recommended that prices for unbundled access to local loops follow the principle of cost orientation. In principle a forward-looking approach based on current costs ⁽¹⁵⁾ will foster fair and sustainable competition and provide alternative investment incentives; however, if this could result in distortions of competition in the short term, for example where the notified operator's enduser tariffs remain unbalanced on the basis of current costs, then it is recommended that the national regulatory authority, following the procedure of point 5, specify the reasonable time period necessary for the gradual adjustment to current costs of the price of local loops, while keeping consistency with the cost system used when regulating retail services.

⁽¹³⁾ See also Commission communication on Unbundled Access to the local loop (in the Official Journal).

⁽¹⁴⁾ See footnote 13.

⁽¹⁵⁾ Current costs are the costs of building an efficient modern equivalent infrastructure and providing such a service today.

7. In accordance with the principle of non-discrimination, where notified operators are already providing their own high speed digital subscriber loop (DSL) services using unbundled access to the local loop, national regulatory authorities may require that competitors are given access to the local loops at the same price which the notified operator imputes to its own DSL services. This 'non-discrimination' pricing rule would also apply to the access by new entrants of associated facilities such as collocation and leased transmission capacity in the core network as used by the notified operator to support its own DSL services or those of a subsidiary or associated company.

8. To provide confidence in the fair pricing of facilities, and to demonstrate compliance with the obligations for non-discrimination, it is recommended that appropriate and detailed cost accounting information, including internal transfer pricing consistent with the guidelines in Commission Recommendation 98/322 ⁽¹⁶⁾, is made available to the national regulatory authority who may make it available to interested parties under a non-disclosure agreement, while taking account of considerations of commercial confidentiality.

9. It is recommended that national regulatory authorities conduct periodic reviews of the market conditions on local access, adjusting pricing principles and obligations as necessary or removing price regulation once the market offers sufficient competition and choice of alternative offerings. The review period should be announced in advance in order to provide predictability to market players.

Technical conditions and collocation

10. Physical access should be provided to any feasible termination point of the copper local loop where the new entrant can collocate and connect its own network equipment and facilities to deliver services to its customer, either in the local switch, concentrator or equivalent facility. In principle collocating companies should be allowed to place any equipment necessary to access the unbundled local loop using available collocation space, and, to deploy or rent transmission links from there up to the point of presence of the new entrant. It is recommended that national regulatory authorities ensure that collocation space is offered to competitors in a way that is transparent, fair, and non-discriminatory.

⁽¹⁶⁾ See methodology for implementation of accounting separation and a current cost-accounting approach in Commission Recommendation 98/322/EC (OJ L 141, 13.5.1998, p. 6).

11. With regard to technologies and services used with unbundled local loops, it is recommended that national regulatory authorities ensure that any restrictions designed to protect network integrity, and in the case of shared access to the local loop to protect the voice telephony channel, are non-discriminatory and based on objective criteria identified in advance, in accordance with Article 13(2)(b) of Directive 98/10/EC. In line with the principle of technological neutrality for the access to copper local loops, no additional or specific regulatory restrictions should be placed on companies that use new DSL technologies on the local loop as a means to provide customer services.

Transparency and coordination

12. So as to minimise the time for deployment of competitive DSL services by new entrants, it is recommended that national regulatory authorities ensure that notified operators make available as soon as possible, and ideally on Internet, a reference offer for full unbundled access and shared access to the local loop, containing a description of the offerings and the associated terms and conditions, including prices.

The Annex provides an indicative list of items to be included in the reference offer for unbundled access to the local loop.

13. In addition, it is recommended that national regulatory authorities ensure easy availability of the following information concerning communications services over unbundled local loops:

- licensing conditions for operators,
- information for users who take service from operators using unbundled local loop access, including all contractual conditions, specially tariffs, users' rights, minimum rental periods and universal service aspects, termination of service, complaints and redress procedures.

14. National regulatory authorities are recommended to set up national coordination groups of interested parties, including user representatives, to refine the requirements under points 12 and 13, and to advise on an ongoing basis on the degree of detail in the information to be published in the reference offer. Notified operators should report regularly to their NRA on their implementation of local loop unbundling, including statistical information for the items identified in the reference offer.

15. It is recommended that Member States ensure that national coordination groups take note of similar activities being undertaken in other Member States and relevant international organisations. In order to facilitate coordination, it is recommended that national regulatory authorities report periodically to the ONP committee on issues associated with implementation of unbundled access to the local loop.

Review

16. This recommendation, and in particular the Annex, will be reviewed by the Commission in the light of market development, and updated where necessary.

Article 2

This Recommendation is addressed to Member States.

Done at Brussels, 25 May 2000.

For the Commission

Erkki LIIKANEN and Mario MONTI

Members of the Commission

ANNEX

INDICATIVE LIST OF ITEMS TO BE INCLUDED A REFERENCE OFFER ⁽¹⁾ FOR UNBUNDLED ACCESS TO THE LOCAL LOOP TO BE PUBLISHED BY NOTIFIED OPERATORS**A. Conditions for unbundled access to the local loop**1. *Network elements to which access is offered:*

covering in particular the following elements:

- access to raw copper local loops (copper terminating at the local switch) and subloops (copper terminating at the remote concentrator or equivalent facility), in the case of full unbundling,
- access to non-voice frequencies of a local loop, in the case of shared access to the local loop,
- access to space within a main distribution frame (MDF) site of the notified operator for attachment of DSL access multiplexors (DSLAMs) and similar types of equipment to the local loop of the notified operator.

2. Availability: all relevant detail regarding local network architecture, information concerning the locations of physical access sites, availability of copper pairs in specific parts of the access network;
3. Technical conditions: technical characteristics of copper pairs in the local loop; lengths, wire diameters, loading coils and bridged taps; line testing and conditioning procedures. Specifications for DSL equipment, splitters etc, with reference to relevant international standards or recommendations; spectrum limitations and electromagnetic compatibility requirements designed to prevent interference with other systems;
4. Provisioning procedures: line investigations for specific DSL technologies, ordering and provisioning procedures, usage restrictions,

B. Collocation services

5. Information on collocation sites: in particular the precise locations ⁽²⁾ of the notified operator's relevant sites; including switches, main distribution frame (MDF), concentrators, and remote distribution points such as street cabinets, pedestals and vaults; specification of the Website(s) where the updated list of locations is published; availability of alternatives when physical collocation is not available.
6. Collocation options at the sites indicated under point 5: the types of collocation available e.g. shared, caged/cageless, physical, or virtual; availability of power and air-conditioning facilities at these sites; rules for subleasing of collocation space.
7. Equipment characteristics: restrictions, if any, on equipment that can be collocated.
8. Security Issues: measures put in place by notified operators to ensure the security of their locations; conditions for access by the staff of competitive operators in order to identify and repair service problems.
9. Safety Standards: (In principle safety standards used by the incumbent and its affiliates should be deemed adequate for competitive operators' equipment).
10. Inspections: conditions for competitive operators and NRAs to inspect the locations at which physical collocation is available, or sites where collocation has been refused on grounds of lack of capacity.

C. Operational support systems

11. Conditions for access to be notified operator's operational support systems, information systems or databases for pre-ordering, provisioning, ordering, maintenance and repair requests and billing.
12. In principle the operational support system (OSS) elements listed should cover access to all loop qualification information, including information on whether a particular loop is capable of supporting advanced services.

⁽¹⁾ A reference offer for unbundled local loop access includes the basic set of technical facilities, including terms and conditions, and prices, offered to market players.

⁽²⁾ Availability of this information may be restricted to only interested parties to avoid concerns on public security.

D. Supply conditions

13. Timeframes: lead time for responding to requests for supply of services and facilities, as well as contractual compensation provided in case of failure to meet those time frames, service level agreements, fault resolution and escalation procedures.
 14. Prices for each feature, function and facility listed above, shown separately, including on time payments and recurring rental payments.
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