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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1922/2000
of 11 September 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 12 September 2000.

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

Done at Brussels, 11 September 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 11 September 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	73,7
	999	73,7
0707 00 05	052	85,5
	628	142,3
	999	113,9
0709 90 70	052	59,5
	628	96,2
	999	77,8
0805 30 10	388	62,8
	524	79,2
	528	64,0
	999	68,7
0806 10 10	052	67,7
	064	65,1
	400	177,6
	999	103,5
0808 10 20, 0808 10 50, 0808 10 90	388	75,4
	400	52,2
	508	69,9
	512	69,9
	528	59,2
	720	66,1
	800	192,9
	804	73,7
	999	82,4
0808 20 50	052	87,8
	388	64,7
	999	76,3
0809 30 10, 0809 30 90	052	101,2
	999	101,2
0809 40 05	052	71,3
	064	54,3
	066	69,5
	068	62,1
	400	138,9
	624	226,5
	999	103,8

⁽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 1923/2000**of 11 September 2000****amending Regulation (EC) No 1490/2000 increasing to 250 272 tonnes the quantity of rye held by the German 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 1666/2000 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1490/2000 ⁽⁵⁾, as amended by Regulation (EC) No 1644/2000 ⁽⁶⁾, opened a standing invitation to tender for the export of 100 069 tonnes of rye held by the German intervention agency. Germany informed the Commission of the intention of its intervention agency to increase by 150 203 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 250 272 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 1490/2000 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 1490/2000 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 250 272 tonnes of rye to be exported to all third countries.
 2. The regions in which the 250 272 tonnes of rye 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, 11 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 168, 8.7.2000, p. 5.

⁽⁶⁾ OJ L 189, 27.7.2000, p. 3.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Nordrhein-Westfalen	32 152
Berlin/Brandenburg/Mecklenburg-Vorpommern	164 917
Hessen/Rheinland-Pfalz/Baden-Württemberg/ Saarland/Bayern	1 271
Sachsen/Sachsen-Anhalt/Thüringen	51 932'

COMMISSION REGULATION (EC) No 1924/2000**of 11 September 2000****laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of specific recognition to producers' organisations in the fisheries sector in order to improve the quality of their products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 12(5) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000, which repealed Council Regulations (EEC) No 3759/92 ⁽²⁾ and (EEC) No 1772/82 ⁽³⁾ with effect from 1 January 2001, provides that specific recognition may be granted to producers' organisations which implement a plan to improve the quality of their products. The conditions concerning specific recognition set out in that Regulation have been modified from the previous legal framework and so it is appropriate to enact detailed rules and to repeal the existing Regulation on this subject, namely Commission Regulation (EC) No 2636/95 ⁽⁴⁾.
- (2) It is necessary to define the products from aquaculture, which benefit from the plan to improve quality.
- (3) The information to be provided by the producers' organisations and certain aspects of the procedure for a decision to grant, withdrawal or refuse recognition by the Member should be laid down.
- (4) The conditions for withdrawing or refusing specific recognition need to be laid down.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The aquaculture products referred to in Article 12(1) of Regulation (EC) No 104/2000 shall be those products defined by Annex III, paragraph 2(2)(a), to Council Regulation (EC) No 2792/1999 ⁽⁵⁾.

Article 2

Producers' organisations which seek specific recognition shall forward to the competent authorities in the Member State the

following information:

1. a list of the products marketed by them or by their members in accordance with the common rules laid down by the organisation and which are subject to a plan to improve their quality;
2. details of the plan to improve the quality of those products; the plan shall include as a minimum the following details:
 - a reminder of the objectives targeted by the plan as outlined in the first two indents of Article 12(2) of Regulation (EC) No 104/2000,
 - a description of the measures that will be implemented at each stage of production and marketing,
 - a summary of the preparatory studies emphasising notably the existing standard of quality of the products in question, the deficiencies of the present system and the proposed methods to improve these deficiencies. These methods shall include training and the application of appropriate techniques and know-how;
3. a permanent system of evaluation and monitoring for ensuring that the plan meets the objectives sought;
4. the forecast budget for implementing the plan over three years.

Article 3

1. Within 30 days following receipt of a plan submitted by a producers' organisation the Member State shall forward to the Commission a full copy thereof.

2. Where the Commission rejects the plan within the period specified in Article 12(3) of Regulation (EC) No 104/2000, the Member State cannot grant specific recognition to the producers' organisation which submitted the plan. Where the Commission requests changes to a plan, the Member State concerned may approve the plan and grant specific recognition provided that the changes requested have been made.

3. The Member State shall notify the producers' organisation of its decision in writing not later than 30 days after the expiry of the period specified in Article 12(3) of Regulation (EC) No 104/2000. Where specific recognition is refused, reasons shall be given for the Member State's decision.

4. Where it is planned to withdraw specific recognition, that intention together with the reasons for the withdrawal shall be notified by the Member State to the producers' organisation at least two weeks prior to such withdrawal.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 388, 31.12.1992, p. 1.

⁽³⁾ OJ L 197, 6.7.1982, p. 1.

⁽⁴⁾ OJ L 271, 14.11.1995, p. 8.

⁽⁵⁾ OJ L 337, 30.12.1999, p. 10.

5. Member States shall inform the Commission within two months of any decision to grant, withdraw or refuse specific recognition and the reasons for any withdrawal or refusal.

Article 4

1. Withdrawal by a Member State of recognition from a producers' organisation pursuant to Article 6(1)(b) of Regulation (EC) No 104/2000 shall also entail the withdrawal of any specific recognition that has been granted to that producers' organisation.

2. Member States may refuse or withdraw specific recognition under the following cases:

- (a) where a producers' organisation fails to forward to the Member State the information required for monitoring its activities; or

- (b) where a producers' organisation fails to fulfil its obligations under this Regulation or Article 12 of Regulation (EC) No 104/2000.

3. Specific recognition shall be immediately withdrawn with retroactive effect where the organisation to which it has been granted has used it or benefits from it fraudulently. In such cases, any aid granted under Article 15(1)(b) of Regulation (EC) No 2792/1999 shall be recovered by the Member State.

Article 5

Regulation (EC) No 2636/95 is hereby repealed.

Article 6

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

It shall apply from 1 January 2001.

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

Done at Brussels, 11 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1925/2000**of 11 September 2000****establishing the operative events for the exchange rates to be applied when calculating certain amounts provided for by the mechanisms of Council Regulation (EC) No 104/2000 on the common organisation of the market in fishery and aquaculture products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) All the specific definitions of operative events for the exchange rates for calculations provided for by the mechanisms of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products ⁽²⁾ should be collated in a single Regulation.
- (2) Regulation (EC) No 104/2000 has made a number of changes to the aids available to producers' organisations, in particular the introduction of the operational programmes and amendments to the private storage aid mechanisms. The previous implementing regulation, Commission Regulation (EC) No 3516/93 ⁽³⁾, as amended by Regulation (EC) No 963/1999 ⁽⁴⁾, does not have provisions on exchange rates to be applied for these new mechanisms. For these reasons, Regulation (EC) No 3516/93 should be replaced by this Regulation.
- (3) The revised agrimonetary arrangements outlined in Regulation (EC) No 2799/98 support the need to replace Regulation (EC) No 3516/93 since references to the agrimonetary conversion rate are no longer applicable.
- (4) The operative events for financial compensation and carry-over aid should be consistent with the operative events for withdrawal prices and other amounts involved in their calculation.
- (5) The possibility for producers' organisations to use a margin of tolerance in the application of the withdrawal price and other prices in the common organisation of the markets in fishery and aquaculture products is constrained by the necessity of informing the Member State the level of the modified price at least two days before it is due to become applicable. Producers' organisations must therefore know the exchange rate for these prices in advance of the period for which it is to be applicable in order that they can meet this obligation to inform the competent authorities in advance. The opera-

tive event must be set before the period of its application.

- (6) An operative event should be introduced for the financial compensation for the operational programmes. This should be the first day of the fishing year so that the producers' organisation can know the level of aid in advance.
- (7) An operative event should be established for the rate of exchange to be applied to the different prices notified to the Commission in the context of the common organisation of the market. This operative event must correspond to a single day of the period for which the price is calculated. Since practical use is made of this information a posteriori, the operative event should be established as the last day of the period for which the price is calculated.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes the operative events for the exchange rates to be used for the mechanisms laid down in Regulation (EC) No 104/2000.

The exchange rate to be used shall be the rate most recently fixed by the European Central Bank (ECB) prior to the operative event as set out in Article 1 of Commission Regulation (EC) No 2808/98 ⁽⁵⁾.

Article 2

For the fisheries sector, the operative event for the exchange rate for the withdrawal price and for the amounts linked to that price, which are listed in Annex I, shall be the 22nd day of the month before the operation took place.

Article 3

The operative event for the exchange rate applicable to the financial compensation provided for in Article 21 of Regulation (EC) No 104/2000 shall be the 22nd day of the month before the operation took place.

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 17, 21.1.2000, p. 22.

⁽³⁾ OJ L 320, 22.12.1993, p. 10.

⁽⁴⁾ OJ L 119, 7.5.1999, p. 26.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 36.

Article 4

The operative event for the exchange rate applicable to the carry-over aid provided for in Article 23 of Regulation (EC) No 104/2000, to the flat-rate aid provided for in Article 24(4) of the same Regulation and to the private storage aid provided for in Article 25 of the same Regulation shall be the 22nd day of the month before the stored products were withdrawn.

Article 5

The operative event for the exchange rate applicable to the financial compensation for operational programmes as provided for in Article 10(2) of Regulation (EC) No 104/2000 shall be the first day of the fishing year for which the operational programme was established.

Article 6

The operative event for the exchange rate applicable to the compensatory allowance for tuna for canning provided for in Article 27(1) of Regulation (EC) No 104/2000 shall be the second day of the month the product is delivered.

Article 7

In all cases where an advance may be granted in respect of measure provided for in Regulation (EC) No 104/2000, the

operative event for the exchange rate shall be the event corresponding to the measure taken, as set out in Articles 2 to 6.

Article 8

The exchange rate applicable to average market prices notified under Commission Regulation (EEC) No 2210/93 ⁽¹⁾ shall be the exchange rate in force on the last day of the period for which the price is calculated.

Article 9

Regulation (EC) No 3516/93 is hereby repealed.

References to the repealed Regulation (EC) No 3516/93 shall be construed as referring to this Regulation and should be read in accordance with the correlation table in Annex II.

Article 10

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

It shall be applicable from 1 January 2001.

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

Done at Brussels, 11 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 197, 6.8.1993, p. 8.

ANNEX I

1. Community withdrawal price provided for in Article 20(1) of Regulation (EC) No 104/2000.
2. Community selling price provided for in Article 22 of Regulation (EC) No 104/2000.
3. Standard value to be deducted from financial compensation as provided for in Article 21(5) of Regulation (EC) No 104/2000.
4. Unit amount of Community carry-over aid provided for in Article 23 of Regulation (EC) No 104/2000.
5. Unit amount of flat-rate aid for autonomous withdrawal provided for in Article 24(4) of Regulation (EC) No 104/2000.
6. Community selling price for private storage aid provided for in Article 25(1) of Regulation (EC) No 104/2000.

ANNEX II

Regulation (EC) No 3516/93	This Regulation
Article 1	Article 2
Article 2	Article 3
Article 3	Article 4
Article 4	Article 4
Article 5	Article 6
Article 6	—
Article 7	—
Article 8	Article 7
Article 9	Article 8
Article 10	—
Article 11	Article 9
Article 12	Article 10

COMMISSION REGULATION (EC) No 1926/2000

of 11 September 2000

providing for the granting of compensation to producers' organisations in respect of tuna delivered to the processing industry from 1 October to 31 December 1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, as last amended by Regulation (EC) No 3318/94 ⁽²⁾, and in particular Article 18(6) thereof,

Whereas:

- (1) The compensatory allowance provided for in Article 18 of Regulation (EEC) No 3759/92 is to be granted under certain conditions to Community tuna producers' organisations in respect of quantities of tuna delivered to the processing industry during the calendar quarter for which prices have been recorded, where both the average quarterly selling price recorded on the Community market and the free-at-frontier price plus any applicable countervailing charge are lower than 91 % of the Community producer price for the product concerned.
- (2) An examination of the situation on the Community market has shown that in the period 1 October to 31 December 1999 both the average quarterly selling price and the free-at-frontier price as referred to in Article 18 of Regulation (EEC) No 3759/92 for yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each, yellowfin tuna (*Thunnus albacares*) not weighing more than 10 kg each and skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) were lower than 91 % of the Community producer price in force laid down in Council Regulation (EC) No 2763/98 of 17 December 1998 fixing, for the 1999 fishing year, the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604 ⁽³⁾.
- (3) The amount of the allowance provided for in Article 18(2) of Regulation (EEC) No 3759/92 may not in any case exceed either the difference between the triggering threshold and the average selling price of the product in

question on the Community market or a flat-rate amount equivalent to 12 % of that threshold.

- (4) The quantities on which compensation as provided for in Article 18(1) of Regulation (EEC) No 3759/92 is payable may under no circumstances exceed the limits laid down in paragraph 3 of that Article for the quarter concerned.
- (5) The quantities of yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each, yellowfin tuna (*Thunnus albacares*) not weighing more than 10 kg each and skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*) sold and delivered to the processing industry established in the customs territory of the Community were higher during the quarter concerned than the quantities sold and delivered during the same quarter of the three previous fishing years. Since those quantities exceed the limit set in Article 18(3) of Regulation (EEC) No 3759/92, the total quantities of those products on which compensation is payable should therefore be limited.
- (6) In accordance with the ceilings laid down in Article 18(4) of Regulation (EEC) No 3759/92 for the purpose of calculating the allowance to be granted to each producers' organisation, the quantities on which the allowance is payable should be allocated among the producers' organisations concerned in proportion to the quantities produced by them in the same quarter of the 1996, 1997 and 1998 fishing years.
- (7) A decision should therefore be taken to grant the allowance on the products in question for the period 1 October to 31 December 1999.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory allowance provided for in Article 18 of Regulation (EEC) No 3759/92 shall be granted for the period 1 October to 31 December 1999 in respect of the following product:

⁽¹⁾ OJ L 388, 31.12.1992, p. 1.

⁽²⁾ OJ L 350, 31.12.1994, p. 15.

⁽³⁾ OJ L 346, 22.12.1998, p. 5.

Product	(EUR/tonne) Maximum allowance in accordance with the first and second indents of Article 18(2) of Regulation (EEC) No 3759/92
Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	136
Yellowfin tuna (<i>Thunnus albacares</i>) not weighing more than 10 kg each	106
Skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>)	84

Article 2

1. The total quantities on which the allowance for these species is payable shall be:

- yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each: 8 581,582 t

- yellowfin tuna (*Thunnus albacares*) not weighing more than 10 kg each: 6 667,370 t
- skipjack or stripe-bellied bonito (*Euthynnus (Katsuwonus) pelamis*): 12 563,115 t.

2. The allocation of the total quantity among the producers' organisations concerned shall be as set out in the Annex hereto.

Article 3

Entitlement to the compensatory allowance shall be determined on the basis of sales covered by invoices the date of which falls within the quarter concerned and used to calculate the average monthly selling price referred to in Article 7(1)(b) of Commission Regulation (EEC) No 2210/93 ⁽¹⁾.

Article 4

This Regulation shall enter into force on the third 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, 11 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 197, 6.8.1993, p. 8.

ANNEX

Allocation among producers' organisations of quantities of tuna on which the compensatory allowance is payable for the period 1 October to 31 December 1999 in accordance with Article 18(4) of Regulation (EEC) No 3759/92, broken down by compensation percentage band

1.

(tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	Quantities 100 % of which is eligible for compensation (first indent of Article 18(4))	Quantities 50 % of which is eligible for compensation (second indent of Article 18(4))	Total quantities on which compensation is payable (first and second indents of Article 18(4))
Opagac	2 990,747	0	2 990,747
OPTUC	2 714,870	880,155	3 595,025
OP 42 (CAN.)	108,256	0	108,256
Orthongel	1 777,962	109,592	1 887,554
APASA	0	0	0
Madeira	0	0	0
EU — Total	7 591,835	989,747	8 581,582

2.

(tonnes)

Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	Quantities 100 % of which is eligible for compensation (first indent of Article 18(4))	Quantities 50 % of which is eligible for compensation (second indent of Article 18(4))	Total quantities on which compensation is payable (first and second indents of Article 18(4))
Opagac	3 917,997	73,196	3 991,193
OPTUC	2 627,098	49,079	2 676,177
OP 42 (CAN.)	0	0	0
Orthongel	0	0	0
APASA	0	0	0
Madeira	0	0	0
EU — Total	6 545,095	122,275	6 667,370

3.

(tonnes)

Skipjack or Stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>)	Quantities 100 % of which is eligible for compensation (first indent of Article 18(4))	Quantities 50 % of which is eligible for compensation (second indent of Article 18(4))	Total quantities on which compensation is payable (first and second indents of Article 18(4))
Opagac	5 487,417	438,176	5 925,593
OPTUC	5 997,765	478,928	6 476,693
OP 42 (CAN.)	159,639	0	159,639
Orthongel	1,190	0	1,190
APASA	0	0	0
Madeira	0	0	0
EU — Total	11 646,011	917,104	12 563,115

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 2/2000 OF THE EU-ROMANIA ASSOCIATION COUNCIL

of 17 July 2000

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

(2000/539/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part and in particular Article 64(4)(a) thereof,

Whereas:

- (1) Article 64(4)(a) of the Europe Agreement lays down that the Association Council shall, taking into account the economic situation of Romania, decide whether the period within which any public aid granted by Romania shall be assessed taking into account the fact that Romania shall be regarded as an area identical to those areas of the Community described in Article 87(3)(a) of the Treaty establishing the European Community should be extended for a further period of five years.
- (2) The GDP per capita of Romania measured in Purchasing Power Standards reached 31 % of the Community average in 1997; it is appropriate to make such an extension,

HAS DECIDED AS FOLLOWS:

Article 1

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

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

Article 2

Within six months of the date of adoption of this Decision, Romania shall submit the GDP per capita figures which have been harmonised at NUTS II level at the European Commission. The Romanian State aid monitoring authority and the European Commission shall then jointly evaluate the eligibility of the regions as well as the maximum aid intensities in relation thereto in order to draw up the regional aid map on the basis of the Community guidelines on national regional aid ⁽¹⁾. Thereafter, the joint proposal shall be submitted to the Association Committee, which shall take a decision to this effect.

Article 3

This Decision enters into force on the day of its adoption. It applies as from 1 January 1998.

Done at Brussels, 17 July 2000.

For the Council

The President

P. ROMAN

⁽¹⁾ OJ C 74, 10.3.1998, p. 9.

COMMISSION

COMMISSION DECISION

of 6 September 2000

recognising in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of RH-7281 (zoxamide), B-41; E-187 (milbemectin), BAS500F (pyraclostrobin) and AEF130360 (foramsulfuron) in Annex I to Council Directive 91/414/EEC concerning the placing of plant-protection products on the market

(notified under document number C(2000) 2285)

(2000/540/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market ⁽¹⁾ as last amended by Commission Directive 2000/10/EC ⁽²⁾ and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC (hereinafter 'the Directive') has provided for the development of a Community list of active substances authorised for incorporation in plant-protection products.
- (2) A dossier for the active substance RH-7281 (zoxamide) was submitted by Rohm and Haas France SA to the authorities of the United Kingdom on 2 June 1999 with a view to obtaining its inclusion in Annex I to the Directive.
- (3) A dossier for the active substance B-41; E-187 (milbemectin) was submitted by Sankyo Company Limited to the Dutch authorities on 6 March 2000 with a view to obtaining its inclusion in Annex I to the Directive.
- (4) A dossier for the active substance BAS500F (pyraclostrobin) was submitted by BASF AG to the German authorities on 28 February 2000 with a view to obtaining its inclusion in Annex I to the Directive.
- (5) A dossier for the active substance AEF130360 (foramsulfuron) was submitted by Aventis GmbH to the German authorities on 30 March 2000 with a view to obtaining its inclusion in Annex I to the Directive.
- (6) The said authorities indicated to the Commission that, on preliminary examination, the dossier appears to satisfy the data and information requirements of Annex II to the Directive. Further, they believe that the dossier contains data and information required by Annex III to the Directive in respect of at least one plant-protection

product containing the active substances concerned. Subsequently, in accordance with the provisions of Article 6(2), the dossiers were submitted by the applicant to the Commission and other Member States.

- (7) The dossier for RH-7281 (zoxamide), B-41; E-187 (milbemectin), BAS500F (pyraclostrobin) and AEF130360 (foramsulfuron) were referred to the Standing Committee on Plant Health on 31 May 2000.
- (8) Article 6(3) of the Directive requires it being confirmed at the level of the Community that each dossier is to be considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant-protection product containing the active substance concerned, in Annex III to the Directive.
- (9) Such confirmation is necessary in order to pursue the detailed examination of the dossier as well as in order to open to Member States the possibility of granting provisional authorisation for plant-protection products containing this active substance in due respect of the conditions laid down in Article 8(1) of the Directive, and in particular the condition to make a detailed assessment of the active substances and the plant-protection products with regard to the requirements of the Directive.
- (10) Such Decision does not prejudice the right of the Commission to request the applicant to submit further data or information, to the rapporteur Member State concerned, in order to clarify certain points in the dossier. The submission of further data necessary to clarify the dossier shall not affect the time limit for the submission of the report referred to under recital 12.
- (11) The Member States and the Commission agree that the United Kingdom will pursue the detailed examination for the dossier for RH-7281 (zoxamide), that the Netherlands will pursue the detailed examination for the dossier for B-41; E-187 (milbemectin) and that Germany will pursue the detailed examination for the dossiers BAS500F (pyraclostrobin) and AEF130360 (foramsulfuron).

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 57, 2.3.2000, p. 28.

- (12) The United Kingdom, the Netherlands and Germany will report the conclusions of their examinations accompanied by any recommendations on inclusion or non-inclusion and any conditions related thereto to the Commission as soon as possible and at the latest within a period of one year from the date of publication of this Decision.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The following dossiers satisfy, in principle, the data and information requirements provided for in Annex II and, for at least one plant-protection product containing the active substance concerned, in Annex III to the Directive, taking into account the uses proposed:

1. the dossier submitted by Rohm and Haas France SA to the Commission and the Member States with a view to the inclusion of RH-7281 (zoxamide) as active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 31 May 2000;

2. the dossier submitted by Sankyo Company Limited on the Commission and the Member States with a view to the inclusion of B-41; E-187 (milbemectin) as active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 31 May 2000;
3. the dossier submitted by BASF AG to the Commission and the Member States with a view to the inclusion of BAS500F (pyraclostrobin) as active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 31 May 2000;
4. the dossier submitted by Aventis GmbH to the Commission and the Member States with a view to the inclusion of AEF130360 (foramsulfuron) as active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 31 May 2000.

Article 2

This Decision is addressed to the Members States.

Done at Brussels, 6 September 2000.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 6 September 2000
on criteria for assessing national plans according to Article 6 of Council Directive 1999/13/EC
(notified under document number C(2000) 2473)

(2000/541/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations ⁽¹⁾, and in particular Article 6(5) thereof,

Whereas:

- (1) Member States may define and implement national plans for reducing emissions from certain activities and installations covered by the Directive.
- (2) Criteria for national plans are important to ensure that national plans shall result in emission reductions equivalent to these achievable by application of emission limit values.
- (3) The Commission has to decide, based on these criteria, if national plans submitted by a Member State are to be considered as sufficient or insufficient.

- (4) The Commission will inform the Advisory Committee established by Article 13 of the Directive on the criteria,

DECIDES:

Sole Article

For assessing national plans according to Article 6 of Directive 1999/13/EC, the criteria laid down in the annex to this Decision apply.

Done at Brussels, 6 September 2000.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 85, 29.3.1999, p. 1.

ANNEX

Criteria for assessing national plans according to Article 6 of Directive 1999/13/EC**A. CRITERIA FOR DEMONSTRATING THAT THE MEMBER STATE HAS DETAILED KNOWLEDGE OF CURRENT EMISSIONS**

1. The national plan should demonstrate that the Member State has detailed knowledge of current emissions.

Minimum acceptable evidence

The Member State should submit a written statement which: identifies the activity or activities to which the plan applies; classifies according to a documented system; identifies the number of installations affected by the plan; quantifies the total emissions from installations affected by the plan; identifies the source of any emission factors and activity statistics used in estimating emissions; and describes methods used to derive emission factors, for example, methods used to make measurements.

B. CRITERIA FOR JUSTIFYING THE DEPLOYMENT OF A NATIONAL PLAN

2. The national plan should justify the case for adopting a different approach to the provisions of Article 5(2) and (3) and Annex II.

Minimum acceptable evidence

The Member State should submit a written statement which explains the benefits of using a national plan as opposed to using the provisions of Article 5(2) and (3) and Annex II.

C. CRITERIA FOR DEMONSTRATING THAT THE NATIONAL PLAN IS COMPATIBLE WITH EU LEGISLATION, POLICIES, AND INTERNATIONAL COMMITMENTS IN FORCE

3. The national plan shall confirm compatibility with Directives, published EU policies, bilateral treaties and international treaties and agreements.

Minimum acceptable evidence

The Member State should submit a written statement with supporting evidence that it has considered the compatibility of the national plan with all other relevant legislation.

D. MORE DETAILED CRITERIA TO BE CONSIDERED WHEN THE NATIONAL PLAN HAS MET CRITERIA A, B AND C

The suggested minimum acceptable evidence is detailed after all of criteria 4 to 26.

Criteria for demonstrating compliance with specific requirements of Article 6 of Directive 1999/13/EC

4. The national plan shall apply to existing installations only (Article 6(1)).
5. The national plan shall not apply to activities 4 and 11 of Annex II(A)(Article 6(1)).
6. The national plan shall not exclude from the scope of Directive 1999/13/EC any activity listed in Annex 1 (Article 6(1)).
7. The national plan shall not exempt an existing installation from the provisions laid down in Directive 96/61/EC (Article 6(1)).
8. The national plan shall include a list of the measures taken or to be taken to ensure that the aim specified in Article 6(1) will be achieved (Article 6(2)).
9. The national plan shall detail the proposed plan monitoring mechanism (Article 6(2)).
10. The national plan shall set binding interim targets against which progress towards the aim specified in Article 6(1) can be measured (Article 6(2)).
11. The national plan shall identify the activity or activities to which the plan refers (Article 6(2)).

12. The national plan shall specify the reduction in emissions to be achieved by those activities which corresponds to that which would have been achieved by applying the emission limit values and/or fugitive emission values under Article 5(2) and (3) and Annex II (Article 6(2)).
13. The national plan shall list the number of installations affected by the plan and their total emissions and the total emission of each of the activities (Article 6(2)).
14. The national plan shall describe the range of instruments through which its requirements will be achieved, evidence that these instruments will be enforceable and details of the means by which compliance with the plan will be demonstrated (Article 6(2)).

Criteria for demonstrating compatibility with other relevant provisions of Directive 1999/13/EC

15. The national plan shall identify the necessary measures which have been or will be adopted to ensure that installations affected by the plan will comply with Article 5 (except, where allowed for in the plan, paragraphs 2 and/or 3), Articles 8 and 9 and any requirements of the plan no later than 31 October 2007 (Article 4(1)).
16. The national plan shall identify the necessary measures which have been or will be adopted to ensure that installations affected by the plan will have been registered or authorised by 31 October 2007 at the latest (Article 4(2)).
17. The national plan shall identify the necessary measures which have been or will be adopted to ensure that installations affected by the plan will meet the requirements for monitoring laid down in Article 8.
18. The national plan shall identify the necessary measures which have been or will be adopted to ensure that installations affected by the plan will demonstrate compliance with emission limit values and/or fugitive emission values set by the national plan in accordance with Article 9.
19. The national plan shall identify the necessary measures which have been or will be adopted to ensure that installations affected by the plan will comply with Article 10 if it is found that the requirements of the Directive or of the plan have been breached.
20. The national plan shall describe how the reports sent by the Member State to the Commission in accordance with Article 11 shall include sufficient representative data to demonstrate that the requirements of Article 6 have been complied with (Article 11(2)).
21. The national plan shall describe the necessary measures which have been or will be adopted to ensure public access to information relating to installations affected by the plan in accordance with Article 12.

Criteria for demonstrating that the plan shall result in an equivalent reduction of annual emissions

22. The national plan shall quantify the current annual emissions from installations affected by the plan.
23. The national plan shall quantify the reduction in annual emissions from installations affected by the plan which would have been achieved by applying the emission limit values for waste gases and/or fugitive emission values under Article 5(2) and (3) and Annex II.
24. The national plan shall quantify the reduction in annual emissions from installations affected by the plan which will be achieved by its implementation.
25. The national plan shall demonstrate that the reduction under criterion 24 shall be at least as great as the reduction under criterion 23.

Criteria for validating the means by which compliance with the plan will be demonstrated in accordance with criterion 14 and Article 6(2)

26. The national plan shall show that the means by which compliance with the plan will be demonstrated are sufficiently robust to enable a third party to verify compliance.

Minimum acceptable evidence for criteria 4 to 26

There are four main areas where evidence should be provided, summarised as follows.

- (i) The Member State should submit a list of designated installations to be covered by the national plan, broken down to at least activity level (as specified in Annex II(A) and preferably to Corinair/EMEP SNAP level 2.

- (ii) The Member State should submit details of how the national plan will be implemented by their competent authority, including:
- identification of the competent authority,
 - how time scales will be set and monitored by the competent authority,
 - how the competent authorities will maintain records of each installation to be covered by the national plan,
 - how at an installation level these records will contain detail of activities covered; measures taken; hours during which equipment is operated; emission limit values and/or fugitive emission values and/or binding interim targets to be met; means of monitoring/demonstrating compliance with emission limit values and fugitive emission values,
 - methods for monitoring, reporting and demonstrating compliance with the plan. The Member State should utilise either a mass balance approach, in accordance with Annex III, or measurement procedures for mass concentrations and volume flow rates, in accordance with recognised international or European standards. If the Member State proposes alternative means of demonstration, the national plan should provide evidence of comparable rigour.
- (iii) The Member State should submit an inventory of emissions for all installations affected by the national plan. The Member State shall provide evidence in the form of representative data and documented methodologies to enable independent verification of the reported emissions. This inventory must be suitable to demonstrate equivalence with the Directive and the Member State shall provide representative calculations of the reductions in annual emissions reported under criteria 23 and 24 to enable independent verification of the calculation methodologies.
- (iv) The Member State should describe how the national plan, its targets, and the progress of individual installations towards these targets will be made available to the public. There may be instances where certain information might be regarded as confidential and therefore withheld from public access. Examples include:
- identities of installations of a military nature,
 - details regarding some installations where indicators of production volume may be commercially sensitive, such as solvent inputs, hours operated, and volume flow rates.
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CORRIGENDA

Corrigendum to Commission Regulation (EC) No 548/2000 of 14 March 2000 amending Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Council Regulation (EEC) No 2092/91

(Official Journal of the European Communities L 67 of 15 March 2000)

On page 13, in the Annex, point 1.5:

for: '5. Duration of the inclusion: 30.6.200.',

read: '5. Duration of the inclusion: 30.6.2003.'.
