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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2112/2000  
of 5 October 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, 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 6 October 2000.

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

Done at Brussels, 5 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 5 October 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                         | 052                               | 90,2                  |
|                                    | 064                               | 69,3                  |
|                                    | 999                               | 79,8                  |
| 0707 00 05                         | 628                               | 132,0                 |
|                                    | 999                               | 132,0                 |
| 0709 90 70                         | 052                               | 75,9                  |
|                                    | 999                               | 75,9                  |
| 0805 30 10                         | 052                               | 72,3                  |
|                                    | 388                               | 53,6                  |
|                                    | 524                               | 55,6                  |
|                                    | 528                               | 65,9                  |
| 0806 10 10                         | 999                               | 61,9                  |
|                                    | 052                               | 82,4                  |
|                                    | 064                               | 58,3                  |
|                                    | 400                               | 221,4                 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 999                               | 120,7                 |
|                                    | 388                               | 209,3                 |
|                                    | 400                               | 57,7                  |
|                                    | 800                               | 183,6                 |
| 0808 20 50                         | 804                               | 68,5                  |
|                                    | 999                               | 129,8                 |
|                                    | 052                               | 91,7                  |
|                                    | 064                               | 63,4                  |
|                                    | 999                               | 77,5                  |

<sup>(1)</sup> 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 DECISION No 2113/2000/ECSC

of 5 October 2000

**initiating a 'new exporter' review of Decision No 283/2000/ECSC imposing a definitive anti-dumping duty on imports of certain flat rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled, originating, *inter alia*, in India, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Decision No 2277/96/ECSC of 28 November 1996 on protection against dumped imports from countries not members of the European Coal and Steel Community <sup>(1)</sup> ('the basic Decision'), as amended by Decision No 1000/1999/ECSC <sup>(2)</sup>, and in particular Article 11(4) thereof,

After consulting the Advisory Committee,

Whereas:

**A. Request for a review**

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Decision. The application was lodged by Ispat Industries Ltd ('the applicant'), an exporting producer in India.

**B. Product**

- (2) The product concerned is certain flat rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled ('hot-rolled coils'). This product is currently classifiable within CN codes 7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 10, 7208 37 90, 7208 38 10, 7208 38 90, 7208 39 10 and 7208 39 90. These CN codes are only given for information.

**C. Existing measures**

- (3) The measures currently in force are a definitive anti-dumping duty imposed by Commission Decision No 283/2000/ECSC <sup>(3)</sup>, under which imports into the Community of the product concerned originating in India and produced by this company are subject to a definitive anti-dumping duty of 9 %, with the exception of imports from several companies specifically mentioned, which are subject to individual duty rates.

**D. Grounds for the review**

- (4) The applicant alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 January 1998 to 31 December 1998 ('the original investigation period').

The applicant further alleges that it has begun exporting the product concerned to the Community after the end of the original investigation period, and that it is not related to any of the exporting producers of the product concerned which are subject to the above-mentioned anti-dumping measures.

**E. Procedure**

- (5) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment. No comments have been received.
- (6) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a review pursuant to Article 11(4) of the basic Decision with a view to determining the applicant's individual margin of dumping and, should the dumping be found, the level of duty to which its imports of the product concerned into the Community should be subject.

**(a) Questionnaires**

In order to obtain the information it deems necessary for its investigation the Commission will send a questionnaire to the applicant.

**(b) Collection of information and hearings**

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

<sup>(1)</sup> OJ L 308, 29.11.1996, p. 11.

<sup>(2)</sup> OJ L 122, 12.5.1999, p. 35.

<sup>(3)</sup> OJ L 31, 5.2.2000, p. 15.

**F. Repeal of the duty in force and registration of imports**

- (7) Pursuant to Article 11(4) of the basic Decision, the anti-dumping duty in force should be repealed with regard to imports of the product concerned originating in India which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of that Decision, in order to ensure that, should the review result in a finding of dumping in respect of the applicant, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

**G. Time limit**

- (8) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 6 or any other information to be taken into account during the investigation,
  - interested parties may make a written request to be heard by the Commission.

**H. Non-cooperation**

- (9) In cases in which any interested party refuses access to, or otherwise does not provide, necessary information within the relevant time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Decision, on the basis of the facts available.
- (10) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available,

HAS ADOPTED THIS DECISION:

*Article 1*

A review of Decision No 283/2000/ECSC is hereby initiated pursuant to Article 11(4) of Decision No 2277/96/ECSC, in order to determine if, and to what extent, imports of hot-rolled coils falling within CN codes 7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 10, 7208 37 90, 7208 38 10, 7208 38 90, 7208 39 10 and

7208 39 90, originating in India, produced and sold for export to the Community by Ispat Industries Ltd (TARIC additional code A204), India, should be subject to the anti-dumping duty imposed by Decision No 283/2000/ECSC.

*Article 2*

The anti-dumping duty imposed by Decision No 283/2000/ECSC is hereby repealed with regard to imports of the product identified in Article 1 of this Decision.

*Article 3*

The customs authorities are hereby directed, pursuant to Article 14(5) of Decision No 2277/96/ECSC, to take the appropriate steps to register the imports identified in Article 1 of this Decision. Registration shall expire nine months following the date of entry into force of this Decision.

*Article 4*

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 6 or any other information within 40 days from the date of entry into force of this Decision, unless otherwise specified. Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit. This time limit applies to all interested parties, including parties not named in the application, and it is consequently in the interest of these parties to contact the Commission without delay.

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified), and must indicate the name, address, e-mail address, telephone and fax, and/or telex numbers of the interested party.

Any information relating to the matter and any request for a hearing should be sent to the following address:

European Commission  
Trade Directorate-General  
DM-24 8/38  
Rue de la Loi/Wetstraat 200  
B-1049 Brussels  
Fax (32-2) 295 65 05  
Telex COMEU B 21877.

*Article 5*

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

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

Done at Brussels, 5 October 2000.

*For the Commission*

Pascal LAMY

*Member of the Commission*

  

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**COMMISSION REGULATION (EC) No 2114/2000  
of 5 October 2000**

**amending Regulation (EC) No 174/1999 laying down special detailed rules for the application of  
Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of  
milk and milk products**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, and in particular Article 26(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 174/1999 <sup>(3)</sup>, as last amended by Regulation (EC) No 1961/2000 <sup>(4)</sup>, lays down special detailed rules for the application of Council Regulation (EEC) No 804/68 <sup>(5)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(6)</sup>, as regards export licences and export refunds in the case of milk and milk products. In order to ensure the smooth operation of the export refund arrangements and reduce the risk of speculative applications and disturbances of the arrangements for certain milk products, given the market situation, the period of validity of export licences should be reduced and the security laid down in that Regulation should be increased.

- (2) 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*

Regulation (EC) No 174/1999 is amended as follows:

1. Article 6(a) is replaced by the following:  
'(a) the end of the fourth month following issue in the case of products falling within CN code 0402 10;'
2. Article 9(b) is replaced by the following:  
'(b) 30 % for products covered by CN code 0402 10;'

*Article 2*

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

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

Done at Brussels, 5 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 20, 27.1.1999, p. 8.

<sup>(4)</sup> OJ L 234, 16.9.2000, p. 10.

<sup>(5)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(6)</sup> OJ L 206, 16.8.1996, p. 21.

**COMMISSION REGULATION (EC) No 2115/2000**  
**of 5 October 2000**  
**on the issue of import licences for garlic originating in China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1104/2000 of 25 May 2000 concerning a protective measure applicable to imports of garlic from China <sup>(3)</sup>, and in particular Article 1(3) thereof,

Whereas:

- (1) Pursuant to Commission Regulation (EEC) No 1859/93 <sup>(4)</sup>, as amended by Regulation (EC) No 1662/94 <sup>(5)</sup>, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence.
- (2) Article 1(1) of Regulation (EC) No 1104/2000, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 29 May 2000 to 31 May 2001.
- (3) Given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 2 October 2000 is in excess of

the maximum quantity given in the Annex to that Regulation for the month of October 2000. It is therefore necessary to determine to what extent import licences may be issued in response to these applications. The issue of licences in response to applications lodged after 2 October 2000 and before 22 October 2000 should be refused,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences applied for on 2 October 2000 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,484 % of the quantity applied for, having regard to the information available to the Commission on 2 October 2000.

For the abovementioned products applications for import licences lodged after 2 October 2000 and before 22 October 2000 shall be refused.

*Article 2*

This Regulation shall enter into force on 6 October 2000.

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

Done at Brussels, 5 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 80.

<sup>(3)</sup> OJ L 125, 26.5.2000, p. 21.

<sup>(4)</sup> OJ L 170, 13.7.1993, p. 10.

<sup>(5)</sup> OJ L 176, 9.7.1994, p. 1.

**COMMISSION REGULATION (EC) No 2116/2000**  
**of 5 October 2000**  
**concerning tenders notified in response to the invitation to tender for the export of common**  
**wheat issued in Regulation (EC) No 1701/2000**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to all third countries, with the exclusion of certain ACP States, was opened pursuant to Commission Regulation (EC) No 1701/2000 <sup>(5)</sup>, as amended by Regulation (EC) No 2019/2000 <sup>(6)</sup>.

- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

- (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*

No action shall be taken on the tenders notified from 29 September to 5 October 2000 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 1701/2000.

*Article 2*

This Regulation shall enter into force on 6 October 2000.

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

Done at Brussels, 5 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 195, 1.8.2000, p. 18.

<sup>(6)</sup> OJ L 241, 26.9.2000, p. 37.

**COMMISSION REGULATION (EC) No 2117/2000****of 5 October 2000****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2014/2000**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2014/2000 <sup>(5)</sup>.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 29 September to 5 October 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2014/2000, the maximum refund on exportation of common wheat shall be EUR 3,00/t.

*Article 2*

This Regulation shall enter into force on 6 October 2000.

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

Done at Brussels, 5 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 241, 26.9.2000, p. 23.

**COMMISSION REGULATION (EC) No 2118/2000**  
**of 5 October 2000**  
**concerning tenders notified in response to the invitation to tender for the export of rye issued in**  
**Regulation (EC) No 1740/2000**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1740/2000 <sup>(5)</sup>.
- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92

and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (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*

No action shall be taken on the tenders notified from 29 September to 5 October 2000 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 1740/2000.

*Article 2*

This Regulation shall enter into force on 6 October 2000.

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

Done at Brussels, 5 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 199, 5.8.2000, p. 3.

**COMMISSION REGULATION (EC) No 2119/2000**  
**of 5 October 2000**  
**concerning tenders notified in response to the invitation to tender for the export of oats issued in**  
**Regulation (EC) No 2097/2000**

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 organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>,

Having regard to Commission Regulation (EC) No 2097/2000 of 3 October 2000 on a special intervention measure for cereals in Finland and Sweden <sup>(5)</sup>, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 2097/2000.

- (2) Article 8 of Regulation (EC) No 2097/2000 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

- (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*

No action shall be taken on the tenders notified from 4 to 5 October 2000 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 2097/2000.

*Article 2*

This Regulation shall enter into force on 6 October 2000.

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

Done at Brussels, 5 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 249, 4.10.2000, p. 15.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

**COUNCIL DECISION  
of 28 September 2000  
establishing a European Refugee Fund**

(2000/596/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(2)(b) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(4)</sup>,

Whereas:

- (1) The preparation of a common policy on asylum, including common European arrangements for asylum is a constituent part of the European Union's objective of gradually creating an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the European Union.
- (2) Implementation of such a policy should be based on solidarity between Member States and requires the existence of mechanisms intended to promote a balance in the efforts made by Member States in receiving and bearing the consequences of receiving refugees and displaced persons. To that end, a European Refugee Fund should be established.
- (3) It is necessary to support the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons, including fair and effective asylum procedures, so as to protect the rights of persons requiring international protection.

- (4) The integration of refugees into the society of the country in which they are established is one of the objectives of the Geneva Convention and, to this end, there should be support for action by the Member States intended to promote their social and economic integration, in so far as it contributes to economic and social cohesion, the maintenance and strengthening of which is one of the Community's fundamental objectives referred to in Articles 2 and 3(1)(k) of the Treaty.
- (5) It is in the interests of both the Member States and the persons concerned that refugees and displaced persons who are allowed to stay in the territory of the Member States are given the opportunity to provide for themselves by working.
- (6) Since measures supported by the Structural Funds and other Community measures in the field of education and vocational training are not in themselves sufficient to promote such integration, support should be given for special measures to enable refugees and displaced persons to benefit fully from the programmes which are organised.
- (7) Practical support is needed to create or improve conditions enabling refugees and displaced persons to take an informed decision to leave the territory of the Member States and return home, should they so wish.
- (8) Practical ways are to be found of testing innovative action in this field and exchanges between Member States should be encouraged with a view to identifying and promoting the most effective practices.
- (9) Account should be taken of the experience acquired during implementation of the Council's joint action 1999/290/JHA <sup>(5)</sup> on the reception and voluntary repatriation of refugees, displaced persons and asylum-seekers.

<sup>(1)</sup> OJ C 116 E, 26.4.2000, p. 72.

<sup>(2)</sup> Opinion delivered on 11 April 2000 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 168, 16.6.2000, p. 20.

<sup>(4)</sup> Opinion delivered on 15 June 2000 (not yet published in the Official Journal).

<sup>(5)</sup> OJ L 114, 1.5.1999, p. 2.

- (10) As called for by the European Council at its meeting in Tampere on 15 and 16 October 1999, a financial reserve should be established for the implementation of emergency measures to provide temporary protection in the event of a mass influx of refugees.
- (11) It is fair to allocate resources proportionately to the burden on each Member State by reason of its efforts in receiving refugees and displaced persons.
- (12) The support provided by the European Refugee Fund will be more efficient and better targeted if the co-financing of eligible action is based on a request from each Member State taking into account its situation and needs.
- (13) In order to speed up and simplify co-financing procedures, the responsibilities of the Commission should be distinguished from those of the Member States. Provision should, therefore, be made for the Commission, after examining the Member States' requests for co-financing, to adopt co-financing decisions, while the Member States are to assure the management of the action.
- (14) Such decentralised implementation of action by the Member States should provide sufficient guarantees as to the details and quality of implementation, the results of their action and the evaluation thereof and sound financial management and its supervision.
- (15) One way of ensuring that the action of the European Refugee Fund is effective is efficient monitoring. The conditions of such monitoring should be set out.
- (16) Without prejudice to the Commission's responsibilities for financial control, cooperation between the Member States and the Commission in this regard should be established.
- (17) The responsibility of the Member States for the pursuit and correction of irregularities and infringements, and that of the Commission where the Member States do not comply with their obligations, should be specified.
- (18) The effectiveness and impact of the action supported by the European Refugee Fund also depend on the evaluation thereof and the responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of evaluation, should be laid down.
- (19) Action should be evaluated with a view to a mid-term review and assessment of its impact, and the evaluation process should be incorporated into the monitoring of the action.
- (20) The measures necessary for the implementation of this Decision 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 Commissions <sup>(1)</sup>.

- (21) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of the proposed action, namely to demonstrate solidarity between Member States by achieving a balance in the efforts made by those Member States in receiving refugees and displaced persons and bearing the consequences of so doing, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact of the action, be better achieved by the Community. This Decision does not go beyond what is necessary to achieve those objectives.
- (22) This Decision applies to the United Kingdom and to Ireland by virtue of the notifications which they have communicated, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community.
- (23) Denmark in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community is not participating in the adoption of this Decision and is therefore not bound by it nor subject to its application,

HAS ADOPTED THIS DECISION:

#### CHAPTER I

### OBJECTIVES AND TASKS

#### Article 1

### Establishment and objective of the European Refugee Fund

1. A European Refugee Fund (hereinafter referred to as the Fund) shall be established to support and encourage the efforts made by the Member States in receiving and bearing the consequences of receiving refugees and displaced persons.

2. The Fund shall operate from 1 January 2000 to 31 December 2004.

#### Article 2

### Financial provisions

1. The financial reference amount for implementing this Decision shall be EUR 216 million.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective. The budget authority shall allocate the annual appropriations between the measures referred to respectively in Articles 4 and 6 of this Decision.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

*Article 3***Groups targeted by the action**

For the purposes of this Decision the target groups shall comprise the following categories:

1. any third-country nationals or stateless persons having the status defined by the Geneva Convention of 28 July 1951 relating to the Status of Refugees and permitted to reside as refugees in one of the Member States;
2. any third-country nationals or stateless persons enjoying a form of international protection granted by a Member State in accordance with its national legislation or practice;
3. any third-country nationals or stateless persons who have applied for one of the forms of protection described in points 1 and 2;
4. third-country nationals or stateless persons benefiting from temporary protection arrangements in a Member State;
5. persons whose right to temporary protection is being examined in a Member State.

*Article 4***Measures**

1. To achieve the objective described in Article 1 and with regard to the relevant categories of persons as listed in Article 3, the Fund shall support Member States' action relating to:

- (a) conditions for reception;
- (b) integration of persons whose stay in the Member State is of a lasting and/or stable nature;
- (c) repatriation, provided that the persons concerned have not acquired a new nationality and have not left the territory of the Member State.

2. With regard to the conditions for reception and access to asylum procedures, the action may concern in particular infrastructure for services for accommodation, supply of material aid, health care, social assistance or help with administrative and judicial formalities, including legal assistance. Here, account may also be taken of the special needs of the most vulnerable persons.

3. As regards integration into the society of the Member State of residence of persons referred to in paragraph 1(b) and members of their family, the action may in particular be to provide social assistance in areas such as housing, means of subsistence and health care or to enable beneficiaries to adjust to the society of the Member State or to provide for themselves.

4. As regards repatriation, the action may concern in particular information and advice about voluntary return programmes and the situation in the country of origin and/or general or vocational training and help in resettlement.

*Article 5***Community action**

1. At the Commission's initiative, up to 5 % of the Fund's available resources may be used to finance innovative action or action of interest to the Community as a whole, separate from the action implemented by the Member States, including studies, exchanges of experience and steps to promote cooperation at Community level, as well as assessment of the implementation of measures and technical assistance.

2. The Commission shall examine the applications submitted by two or more Member States with a view to the joint implementation of transnational action.

3. The Fund may provide up to 100 % of the funding for such action.

*Article 6***Emergency measures**

1. By decision of the Council, acting unanimously on a proposal from the Commission, the Fund may also be used to finance emergency measures, separate from and in addition to the action referred to in Article 4, to help one or more or all Member States in the event of a sudden mass influx of refugees or displaced persons, or if it was necessary to evacuate them from a third country, in particular in response to an appeal by international organisations.

After the entry into force of the Directive on temporary protection, the decision of the Council provided for in the first subparagraph will be taken under the conditions set out in the said Directive.

2. In the situation referred to in paragraph 1, eligible emergency measures cover the following types of action:

- (a) reception and accommodation;
- (b) provision of means of subsistence, including food and clothing;
- (c) medical, psychological or other assistance;
- (d) staff and administration costs incurred as a result of the reception of persons and implementation of the measures;
- (e) costs of logistics and transport.

## CHAPTER II

**DETAILED PROVISIONS***Article 7***Implementation**

The Member States shall be responsible for implementation of action supported by the Fund. To this end, each Member State shall appoint a responsible authority, which shall handle all communication with the Commission. That authority shall be a public administration but may delegate its responsibility for implementation to another public administration or a non-governmental organisation.

*Article 8***Requests for co-financing**

1. Member States shall send the Commission each year, in accordance with the time table set out in Article 11, a request for co-financing for their implementation programme for the year in question, which describes, for each of the domains referred to in Article 4:

- (a) the situation in the Member State and the requirements justifying the implementation of measures eligible for support from the Fund;
- (b) the actions the Member State intends to implement, including:
  - (i) their nature and their purpose;
  - (ii) the expected quantified results;
  - (iii) their cost as well as the funding from the Member State and, where applicable, from the organisation(s) involved.

2. In addition, the first request for co-financing shall include a description of the system put in place by the Member State to:

- (a) ensure coordination and consistency of actions;
- (b) select projects and ensure the procedure is transparent;
- (c) manage, monitor, check and evaluate projects.

3. The request shall contain, for each of the aspects referred to in paragraphs 1 and 2, sufficiently detailed information to enable the Commission to verify that it complies with the provisions of this Decision and the financial rules in force.

*Article 9***Selection criteria**

1. Member States shall have sole responsibility for the selection of individual projects and for the financial management and administration of projects supported by the Fund, with due respect for Community policies and the criteria for eligibility.

2. Following a public call for proposals, projects, which must be of a non-profit making nature, shall be presented by public authorities (national, regional or local, central or devolved), education or research institutions, training establishments, the social partners, government agencies, international organisations or non-governmental organisations, operating individually or in partnerships, with a view to obtaining funding from the Fund.

3. The responsible authority shall select projects on the basis of the following criteria:

- (a) the situation and requirements in the Member State;
- (b) the cost-effectiveness of the expenditure, in view of the number of persons concerned by the project;

- (c) the experience, expertise, reliability and financial contribution of the organisation applying for funding and any partner organisation;
- (d) the extent to which the projects complement other action funded by the budget of the European Communities or as part of national programmes.

*Article 10***Distribution of resources**

1. For the years 2000 to 2004 each Member State shall receive the following fixed amount of the European Refugee Fund's annual allocation:

For the year 2000: EUR 500 000

For the year 2001: EUR 400 000

For the year 2002: EUR 300 000

For the year 2003: EUR 200 000

For the year 2004: EUR 100 000

2. The remainder of the available resources shall be distributed proportionally between the Member States as follows:

- (a) 65 % in proportion to the number of persons referred to in Article 3, points 3, 4 and 5 that have entered over the previous three years;
- (b) 35 % in proportion to the number of persons admitted in one of the categories in Article 3, points 1 and 2 over the previous three years.

3. The reference figures shall be the most recent figures established by the Statistical Office of the European Communities.

*Article 11***Timetable**

1. The Commission shall provide the Member States by 1 June each year at the latest with an estimate of the amounts to be allocated to them for the following year from the total amounts allocated within the framework of the annual budgetary procedure.

2. The Member States shall submit the request for co-financing referred to in Article 7 to the Commission by 1 October each year at the latest.

3. The Commission shall approve the request for co-financing within three months of submission of the request, having carried out the checks provided for in Article 8(2).

*Article 12***Technical and administrative assistance**

A sum not exceeding 5 % of a Member State's total allocation may be set aside for technical and administrative assistance in the preparation, monitoring and evaluation of the actions under its responsibility within the meaning of Article 7.

## CHAPTER III

## FINANCIAL PROVISIONS

## Article 13

**Financing structure**

For any given measure, the contribution from the Fund shall not exceed 50 % of the total cost of the measure.

That proportion may be increased to 75 % in Member States covered by the Cohesion Fund.

## Article 14

**Eligibility**

1. Expenditure may not be considered eligible for support from the Fund if it has actually been paid before the date on which the Member State's request for co-financing is approved by the Commission. That date shall constitute the starting point for the eligibility of expenditure.

2. The Commission shall adopt the rules governing eligibility of expenditure in accordance with the procedure referred to in Article 21(2).

## Article 15

**Decision on co-financing from the Fund**

After examining the request for co-financing, the Commission shall, in accordance with the procedure referred to in Article 21(2), adopt the decision on co-financing by the Fund. The decision shall state the amount allocated to the Member State.

## Article 16

**Budget commitments**

Community budget commitments shall be made on the basis of the Commission decision on co-financing.

## Article 17

**Payments**

1. Payment by the Commission of the contribution from the Fund shall be made to the responsible authority in accordance with the corresponding budget commitments.

2. As soon as the Commission decision on the contribution from the Fund is adopted, an initial payment, representing 50 % of the amount, shall be made to the Member State for the year in question. An interim payment of up to 30 % shall be made when the Member State states that it has actually spent half of the initial payment.

The balance shall be paid within three months of approval of the accounts submitted by the Member State and the annual report on implementation of the programme.

## CHAPTER IV

## CHECKS AND EVALUATION

## Article 18

**Checks**

1. Without prejudice to the Commission's responsibility for implementing the general budget of the European Communities, Member States shall take responsibility in the first instance for the financial control of the action. To that end, the measures they take shall include:

- (a) verifying that management and control arrangements have been set up and are being implemented in such a way as to ensure that Community funds are being used efficiently and correctly;
- (b) providing the Commission with a description of these arrangements;
- (c) ensuring that the action is managed in accordance with the applicable Community rules and that the funds placed at its disposal is used in accordance with the principles of sound financial management;
- (d) certifying that the declarations of expenditure presented to the Commission are accurate and ensuring that they result from accounting systems based on verifiable supporting documents;
- (e) preventing, detecting and correcting irregularities, notifying these to the Commission, in accordance with the rules and keeping the Commission informed of the progress of administrative and legal proceedings;
- (f) cooperating with the Commission to ensure that Community funds are used in accordance with the principle of sound financial management;
- (g) recovering any amounts lost as a result of an irregularity detected and, where appropriate, charging interest on late payments.

2. The Commission, in its responsibility for the implementation of the general budget of the European Communities, shall ensure that Member States have smoothly functioning management and control systems so that Community funds are efficiently and correctly used.

To that end, without prejudice to the powers of the Court of Auditors or the checks carried out by the Member States in accordance with national laws, regulations and administrative provisions, Commission officials or servants may, in accordance with arrangements agreed with the Member States in the framework of the cooperation described in paragraph (1)(f), carry out on-the-spot checks, including sample checks, on the operations financed by the Fund and on management and control systems with a minimum of one working day's notice. The Commission shall give notice to the Member State concerned with a view to obtaining all the assistance necessary. Officials or servants of the Member State concerned may take part in such checks.

The Commission may require the Member State concerned to carry out an on-the-spot check to verify the correctness of one or more transactions. Commission officials or servants may take part in such checks.

3. After completing the necessary verifications, the Commission shall suspend the interim payments in the following situations:

- (a) a Member State is not implementing the action as agreed in the co-financing decision; or
- (b) all or part of an action justifies neither part nor the whole of the co-financing from the Fund.

In those cases, the Commission shall, stating its reasons, request that the Member State submit its comments and, where appropriate, carry out any corrections within a specified period of time.

4. At the end of the period set by the Commission, the Commission may, if no agreement has been reached and the Member State has not made the corrections and taking account of any comments made by the Member State, decide within three months to:

- (a) reduce the interim payment referred to in Article 17(2); or
- (b) make the financial corrections required by cancelling all or part of the contribution of the Fund to the action in question.

In the absence of a decision to do either (a) or (b) the interim payments shall immediately cease to be suspended.

#### Article 19

##### Financial corrections

1. The Member States shall, in the first instance, bear the responsibility for investigating irregularities, acting upon evidence of any major change affecting the nature or conditions for the implementation or supervision of an action and making the financial corrections required.

The Member State shall make the financial corrections required in connection with the individual or systemic irregularity. The corrections made by the Member State shall consist in cancelling all or part of the Community contribution. The Community funds released in this way may be re-used by the Member State for action in the same field as referred to in Article 4, in compliance with the arrangements to be defined in accordance with the procedure referred to in Article 21(2).

2. If, after completing the necessary verifications, the Commission concludes that a Member State has not complied with its obligations under paragraph 1 of this Article, Article 18(3) and (4) shall apply.

3. Any sum received unduly and to be recovered shall be repaid to the Commission, together with interest on account of late payment.

#### Article 20

##### Monitoring and evaluation

1. In each Member State the responsible authority shall take whatever measures are necessary to monitor and evaluate action.

To that end, the agreements and contracts it enters into with organisations charged with implementing the action shall contain clauses requiring them to present at least one report a year detailing progress made with regard to implementation of the action and achievement of the objectives attributed to it.

In addition, the responsible authority shall have an independent assessment made of the execution and of the effect of the actions implemented.

2. Each year the responsible authority shall draw up a summary report on implementation of the action in progress, which shall be attached to the request for co-financing referred to in Article 8.

3. Within six months of the deadline fixed in the co-financing decision for the execution of expenditure, the responsible authority shall send the Commission a final report consisting of:

- (a) financial accounts and a report on implementation of the action in accordance with the rules adopted by the Commission by the procedure referred to in Article 21(2);
- (b) the report on assessment referred to in paragraph 1.

4. The Commission shall submit a mid-term report to the European Parliament and the Council by 31 December 2002 at the latest and a final report by 1 September 2005 at the latest.

#### CHAPTER V

##### THE COMMITTEE

#### Article 21

##### The Committee

- 1. The Commission shall be assisted by a committee.
- 2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.
- 3. The Committee shall adopt its rules of procedure.
- 4. The Committee may consider any question relating to this Decision, raised by the chairman or by a representative of a Member State.

#### CHAPTER VI

##### SPECIAL PROVISIONS CONCERNING EMERGENCY MEASURES

#### Article 22

##### Special provisions concerning emergency measures

1. The provisions of paragraphs 2 to 5 of this Article shall apply to the implementation of the emergency measures provided for in Article 6.

2. Financial assistance from the Fund shall be limited to a period of six months and shall not exceed 80 % of the cost of each measure.

3. The Member State or Member States affected by a mass influx as referred to in Article 6(1) shall provide the Commission with a statement of requirements and a plan for the implementation of the emergency measures, including a description of the planned measures and the bodies responsible for their implementation.

4. Available resources shall be distributed among the Member States on the basis of the number of persons having entered each Member State as part of the mass influx referred to in Article 6(1).

5. Article 9 and Articles 18 to 21 shall apply.

#### CHAPTER VII

#### TRANSITIONAL PROVISIONS

##### Article 23

##### Transitional provisions

By way of derogation from Article 11, the following timetable shall apply for the implementation of the financial years 2000 and 2001:

- the Commission shall inform the Member States of the estimated amounts allocated to them the day after this Decision enters into force. If the Statistical Office of the European Community does not yet have all the statistics required by Article 10 the figures used shall be those supplied by the Member States; in that case the Commission shall adopt, in accordance with the procedure referred to in Article 21(2), the rules for interpreting the statistics supplied by the Member States,
- the Member States shall submit the requests for co-financing referred to in Article 8 to the Commission no later than 20 November 2000,
- the Commission shall approve requests for co-financing within three months of this submission, following verification of the particulars provided for in Article 8(2) and, with

respect to the financial year 2000, subject to the carrying forward of appropriations to the financial year 2001,

- by way of derogation from Article 14, expenditure actually paid between 1 January 2000 and the deadline fixed in the decision granting the co-financing may be eligible for support from the Fund.

#### CHAPTER VIII

#### FINAL PROVISIONS

##### Article 24

##### Implementation

1. The Commission shall be responsible for the implementation of this Decision.
2. Where necessary, the Commission shall adopt any other provisions required for the implementation of this Decision in accordance with the procedure referred to in Article 21(2).

##### Article 25

##### Review clause

The Council shall review this Decision on the basis of a proposal from the Commission by 31 December 2004 at the latest.

##### Article 26

##### Addressees

This Decision is addressed to the Member States.

Done at Brussels, 28 September 2000.

*For the Council*

*The President*

D. VAILLANT