

Official Journal

of the European Communities

ISSN 0378-6978

L 260

Volume 43

14 October 2000

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2277/2000 of 13 October 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 2278/2000 of 13 October 2000 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 62nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97	3
Commission Regulation (EC) No 2279/2000 of 13 October 2000 fixing the maximum aid for concentrated butter for the 234th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90	5
Commission Regulation (EC) No 2280/2000 of 13 October 2000 suspending the buying-in of butter in certain Member States	6
Commission Regulation (EC) No 2281/2000 of 13 October 2000 on an invitation to tender for the refund on export of wholly milled round grain rice to certain third countries	7
Commission Regulation (EC) No 2282/2000 of 13 October 2000 opening an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain European third countries	10
Commission Regulation (EC) No 2283/2000 of 13 October 2000 opening an invitation to tender for the refund on export of wholly milled, medium grain and long grain A rice to certain third countries	13
Commission Regulation (EC) No 2284/2000 of 13 October 2000 opening an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries	16
Commission Regulation (EC) No 2285/2000 of 13 October 2000 on a tendering procedure for the subsidy on consignments of husked long grain rice to Réunion	19

★ Commission Regulation (EC) No 2286/2000 of 13 October 2000 amending Regulation (EC) No 1773/2000 amending Regulation (EC) No 1899/97 setting rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulation (EC) No 3066/95	21
★ Commission Regulation (EC) No 2287/2000 of 13 October 2000 amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds and 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	22
Commission Regulation (EC) No 2288/2000 of 13 October 2000 amending representative prices and additional duties for the import of certain products in the sugar sector	32
Commission Regulation (EC) No 2289/2000 of 13 October 2000 fixing the import duties in the cereals sector	34

II Acts whose publication is not obligatory

Commission

2000/620/EC:

★ Commission Decision of 22 December 1999 on aid scheme C 1/99 (ex NN 133/98)/State aid to non-residential building tenants in the Customs House Docks Area in Dublin ⁽¹⁾ (notified under document number C(1999) 5206)	37
---	----

2000/621/EC:

★ Commission Decision of 3 May 2000 notified by Italy (Marche Region) concerning amendments to the single programming document for 1994 to 1999 for assistance from the Community Structural Funds for Objective 5(b) areas (notified under document number C(2000) 1336)	47
--	----

2000/622/EC:

★ Commission Decision of 29 September 2000 amending Decision 97/778/EC and updating the list of border inspection posts approved for veterinary checks ⁽¹⁾ (notified under document number C(2000) 2747)	51
--	----

2000/623/EC:

★ Commission Decision of 29 September 2000 amending Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorise imports of bovine animals, equidae, sheep and goats, fresh meat and meat products to take into account some aspects regarding Chile ⁽¹⁾ (notified under document number C(2000) 2748)	52
---	----

2000/624/EC:

★ Commission Decision of 13 October 2000 on certain protective measures against bluetongue in the Autonomous Community of the Balearic Islands, Spain ⁽¹⁾ (notified under document number C(2000) 3061)	57
---	----

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2277/2000
of 13 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 ⁽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 14 October 2000.

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

Done at Brussels, 13 October 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 13 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 ⁽¹⁾	Standard import value
0702 00 00	052	107,2
	064	68,9
	999	88,1
0707 00 05	052	94,1
	628	139,3
	999	116,7
0709 90 70	052	70,3
	999	70,3
0805 30 10	052	67,7
	388	56,8
	524	67,7
	528	64,0
0806 10 10	999	64,0
	052	98,0
	064	81,9
	400	239,8
0808 10 20, 0808 10 50, 0808 10 90	632	43,8
	999	115,9
	039	84,3
	388	55,5
	400	57,7
	800	167,1
	804	64,2
0808 20 50	999	85,8
	052	82,8
	064	59,9
	999	71,3

⁽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 2278/2000
of 13 October 2000**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 62nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award

in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) No bids will be accepted, taking into account the level of the bids, following the tender for the sale of traced intervention butter.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 62nd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

No award shall be made as regards the sale of traced butter from intervention stocks.

Article 2

This Regulation shall enter into force on 14 October 2000.

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

Done at Brussels, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 13 Oktober 2000 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 62nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	218	225	—	225
		Concentrated	211	—	—	—
Processing security		Unaltered	144	144	—	144
		Concentrated	144	—	—	—
Maximum aid	Butter ≥ 82 %		95	91	—	91
	Butter < 82 %		92	88	—	88
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security	Butter		105	—	—	—
	Concentrated butter		129	—	129	—
	Cream		—	—	44	—

COMMISSION REGULATION (EC) No 2279/2000**of 13 October 2000****fixing the maximum aid for concentrated butter for the 234th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 234th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

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

Article 2

This Regulation shall enter into force on 14 October 2000.

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

Done at Brussels, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 2280/2000
of 13 October 2000
suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 2 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as last regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 2099/2000 ⁽⁴⁾, lays down the criteria for opening or suspending the buying-in of butter by invitation to tender in the Member States.
- (2) Commission Regulation (EC) No 1964/2000 ⁽⁵⁾ suspending the buying-in of butter in certain Member States establishes the list of Member States in which intervention is suspended. As a result of the market prices communicated by the Ireland intervention must be suspended in this country and the list of Member

States established by Regulation (EC) No 1964/2000 adjusted accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1425/1999 is hereby suspended in Belgium, Denmark, Germany, Spain, France, Greece, Luxembourg, the Netherlands, Austria, Finland, Ireland, Portugal, the United Kingdom and Sweden.

Article 2

Regulation (EC) No 1964/2000 is hereby repealed.

Article 3

This Regulation shall enter into force on 14 October 2000.

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

Done at Brussels, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 249, 4.10.2000, p. 20.

⁽⁵⁾ OJ L 234, 16.9.2000, p. 15.

COMMISSION REGULATION (EC) No 2281/2000**of 13 October 2000****on an invitation to tender for the refund on export of wholly milled round grain rice to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Examination of the balance sheet shows that exportable amounts of rice are currently held by producers. This situation could affect the normal development of producer prices during the 2000/01 marketing year.
- (2) In order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community. The special situation of the rice market makes it necessary to limit the quantities of rice benefiting from the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the amount of refund to be fixed by tendering procedure.
- (3) It should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender.
- (4) In order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to Zones I to VI, excluding Turkey and Hungary, and Zone VIII, excluding Guyana, Madagascar and Surinam, noted in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾.
- (5) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁷⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁸⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro; Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day

for the submission of tenders; Paragraphs 3 and 4 of that Article specify the operative events applicable to advances and securities.

- (6) 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

1. An invitation to tender is opened for the refund on export of wholly milled round grain rice falling within CN codes 1006 30 61 and 1006 30 92, referred to in Article 13 of Regulation (EC) No 3072/95, for Zones I to VI (except for Turkey and Hungary) and for Zone VIII (except for Guyana, Madagascar and Surinam), as specified in the Annex to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 28 June 2001. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be EUR 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽⁹⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.

⁽⁵⁾ OJ L 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁸⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁹⁾ OJ L 152, 24.6.2000, p. 1.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall expire on 26 October 2000 at 10 a.m.

The final date for submission of tenders is hereby fixed at 28 June 2001.

Article 9

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, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled round grain rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund in euro per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2282/2000**of 13 October 2000****opening an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain European third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Examination of the balance sheet shows that exportable amounts of rice are currently held by producers. This situation could affect the normal development of producer prices during the 2000/01 marketing year.
- (2) In order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community. The special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure.
- (3) It should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender.
- (4) In order to avoid disturbances on the markets of the producing countries, the invitation to tender should be limited to certain countries.
- (5) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁵⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁶⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro. Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day for the submission of tenders. Paragraphs 3 and 4 of that Article specify the operative events applicable to advances and securities.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Article 1

1. An invitation to tender is opened for the refund on export of wholly milled, medium grain and long grain A rice falling within CN codes 1006 30 63, 1006 30 65, 1006 30 94 and 1006 30 96, as referred to in Article 13 of Regulation (EC) No 3072/95, to Bulgaria, Estonia, Latvia, Lithuania, Poland, the Czech Republic, Romania, Slovenia and Slovakia.

2. The invitation to tender referred to in paragraph 1 shall be open until 28 June 2001. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be EUR 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽⁷⁾, export licences issued under this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following that date.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁶⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

— either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,

— or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 26 October 2000.

The final date for submission of tenders is hereby fixed at 28 June 2001.

Article 9

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, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain European third countries

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund (in euro per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2283/2000**of 13 October 2000****opening an invitation to tender for the refund on export of wholly milled, medium grain and long grain A rice to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Examination of the balance sheet shows that exportable amounts of rice are currently held by producers. This situation could affect the normal development of producer prices during the 2000/01 marketing year.
- (2) In order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community. The special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure.
- (3) It should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender.
- (4) In order to avoid disturbances on the markets of the producing countries, the invitation to tender should be limited to certain zones specified in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾.
- (5) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁷⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁸⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro. Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day for the submission of tenders. Paragraphs 3 and 4 of

that Article specify the operative events applicable to advances and securities.

- (6) 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

1. An invitation to tender is opened for the refund on export of wholly milled, medium grain and long grain A rice falling within CN codes 1006 30 63, 1006 30 65, 1006 30 94 and 1006 30 96, as referred to in Article 13 of Regulation (EC) No 3072/95, for Zones I to VI (except Bulgaria, Estonia, Latvia, Lithuania, Poland, the Czech Republic, Romania, Slovenia, Slovakia, Hungary and Turkey) and for Zone VIII (except for Guyana, Madagascar and Surinam), as specified in the Annex to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 28 June 2001. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be EUR 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽⁹⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.

⁽⁵⁾ OJ L 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁸⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁹⁾ OJ L 152, 24.6.2000, p. 1.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 26 October 2000.

The final date for submission of tenders is hereby fixed at 28 June 2001.

Article 9

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, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled, medium grain and long grain A rice to certain third countries

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund (in euro per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2284/2000**of 13 October 2000****opening an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Examination of the balance sheet shows that exportable amounts of rice are currently held by producers. This situation could affect the normal development of producer prices during the 2000/2001 marketing year.
- (2) In order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community. The special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure.
- (3) It should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender.
- (4) In order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to certain zones specified in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾.
- (5) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁷⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁸⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro. Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day for the submission of tenders. Paragraphs 3 and 4 of

that Article specify the operative events applicable to advances and securities.

- (6) 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

1. An invitation to tender is opened for the refund on export of wholly milled long grain rice falling within CN code 1006 30 67, as referred to in Article 13 of Regulation (EC) No 3072/95, for Zones I to VI (except for Turkey and Hungary) and for Zone VIII (except for Guyana, Madagascar and Surinam), as specified in the Annex to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 28 June 2001. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be EUR 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽⁹⁾, export licences issued under this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following that date.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.

⁽⁵⁾ OJ L 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁸⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁹⁾ OJ L 152, 24.6.2000, p. 1.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 26 October 2000.

The final date for submission of tenders is hereby fixed at 28 June 2001.

Article 9

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, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund (in euro per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2285/2000**of 13 October 2000****on a tendering procedure for the subsidy on consignments of husked long grain rice to Réunion**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 10(1) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2692/89 ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, lays down detailed rules for exports of rice to Réunion.
- (2) Examination of the supply situation on the island of Réunion shows a shortage of rice. In view of the availability of rice on the Community market, Réunion should be allowed to obtain supplies on that market. Because of the special situation of Réunion, it is appropriate to limit the quantities to be delivered and, therefore, to fix the amount of the subsidy by tendering procedure.
- (3) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁵⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁶⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro. Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day for the submission of tenders. Paragraphs 3 and 4 of that Article specify the operative events applicable to advances and securities.
- (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

1. A tendering procedure is hereby opened for the subsidy for consignments of husked long grain rice falling within CN

code 1006 20 98, referred to in Article 10(1) of Regulation (EC) No 3072/95, to Réunion.

2. The tendering procedure referred to in paragraph 1 shall be open until 28 June 2001. During that period, weekly invitations to tender shall be made for which the date for submission of tenders shall be set out in the notice of invitation to tender.

3. The tendering procedure shall take place in accordance with the provisions of Regulation (EEC) No 2692/89 and this Regulation.

Article 2

A tender shall be admissible only if it covers a quantity of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 7(3)(a) of Regulation (EEC) No 2692/89 shall be EUR 30 per tonne.

Article 4

The subsidy documents issued in the context of this tendering procedure shall, for the purposes of determining their period of validity, be considered as having been issued on the final day of the period for the submission of tenders.

Article 5

Tenders must reach the Commission via the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, Member States shall inform the Commission accordingly within the same deadline as that given in the proceeding paragraph.

Article 6

The time laid down for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum subsidy,
- or not to take any action on the tenders.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁶⁾ OJ L 164, 30.6.1999, p. 53.

2. Where a maximum subsidy is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum subsidy level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall expire on 26 October 2000 at 10 a.m.

The final date for submission of tenders shall be 28 June 2001.

Article 9

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, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the subsidy for consignments of husked long grain rice to Réunion

Deadline for the submission of tenders (date/time)

1	2	3
Serial numbers of tenderers	Quantities (tonnes)	Amount of subsidy (in euro per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2286/2000**of 13 October 2000****amending Regulation (EC) No 1773/2000 amending Regulation (EC) No 1899/97 setting rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulation (EC) No 3066/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary ⁽¹⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1173/2000 ⁽²⁾ provides for the possibility of cancelling import licences issued for products falling within groups 1, 2, 4, 7, 8, 9, 44 and 45 listed in Part A of Annex I to Regulation (EC) No 1899/97 ⁽³⁾, as last amended by Regulation (EC) No 1773/2000, against applications submitted between 1 and 10 July 2000 in order to limit the trade problems that might temporarily arise from the parallel existence of two different management procedures for some tariff quotas in the poultrymeat sector.
- (2) Problems have also risen during the transitional period with licences issued against applications submitted between 1 and 10 April 2000 for the above products and for hatching eggs falling within group 10. The possibility of cancelling licence applications and releasing the relevant security should therefore be extended.
- (3) A deadline should be laid down for the submission of requests for cancellation, giving traders a reasonable time for submission.

- (4) Regulation (EC) No 1773/2000 applies from 1 July 2000 and this Regulation should therefore apply from that same date.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1773/2000 is replaced by the following:

'Article 2

1. Holders of import licences issued under Regulation (EC) No 1899/97 for groups 1, 2, 4, 7, 8, 9, 10, 44 and 45 listed in Part A of Annex I thereto in its version before entry into force of this Regulation who applied for them between 1 and 10 April and 1 and 10 July 2000 may, before 31 December 2000, request their cancellation and release of the security.
2. Member States shall notify to the Commission before the end of the following month the monthly volume of cancelled licences for each of the said groups, indicating the application period concerned.'

Article 2

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

It shall apply from 1 July 2000.

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

Done at Brussels, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 4.8.2000, p. 6.

⁽²⁾ OJ L 205, 12.8.2000, p. 3.

⁽³⁾ OJ L 267, 30.9.1997, p. 67.

**COMMISSION REGULATION (EC) No 2287/2000
of 13 October 2000**

amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds and 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 markets in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(14) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 1000/2000 ⁽⁴⁾ establishes, on the basis of the Combined Nomenclature, an agricultural product nomenclature for export refunds.
- (2) The refund nomenclature currently lays down only a minimum fat content. In view of the adoption by the Codex Alimentarius Commission, at its session of 28 June to 3 July 1999, of a minimum milk-protein content for certain milk products that will be generally recognised and applied in international trade, the nomenclature should be amended with the insertion of the same minimum protein content and a maximum water content for the products concerned.
- (3) In the interests of simplification, those codes relating to products for which there is no longer a refund or for which no licence applications have been received since July 1995 should be deleted. In addition, the refund granted for skimmed milk powder incorporated in certain compound feedingstuffs should be abolished (and the relevant codes deleted), since those products are eligible for aid when skimmed milk powder is incorporated.
- (4) Annex II to Commission Regulation (EC) No 174/1999 ⁽⁵⁾, as last amended by Regulation (EC) No 1961/2000 ⁽⁶⁾, lays down the product groups for which, on

certain conditions, a refund is granted for a product different from that for which the refund was fixed in advance. That Annex should be adjusted in line with the proposed amendments.

- (5) 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

Sector 9 of Annex I to Regulation (EEC) No 3846/87 is amended as follows:

1. the information relating to CN codes 0401 to 0405 is replaced by that given in Annex I hereto;
2. the information relating to CN code 2309 is deleted;
3. footnote 8 is replaced by the following:

⁽⁸⁾ Where, for products falling within this code, the milk-protein content (nitrogen content $\times$ 6,38) in non-fat milk solids is less than 34 %, no refund is payable. Where, for powdered products falling within this code, the water content in product weight is more than 5 %, no refund is payable.'

4. footnotes 2 and 9 are deleted.

Article 2

Annex II to Regulation (EC) No 174/1999 is replaced by Annex II hereto.

Article 3

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁴⁾ OJ L 114, 13.5.2000, p. 10.

⁽⁵⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁶⁾ OJ L 234, 16.9.2000, p. 10.

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

Done at Brussels, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

‘9. Milk and milk products

CN code	Description of goods	Product code
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁵⁾ :	
0401 10	– Of a fat content, by weight, not exceeding 1 %:	
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000
0401 10 90	– – Other	0401 10 90 9000
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:	
	– – Not exceeding 3 %:	
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:	
	– – – – Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100
	– – – – Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500
0401 20 19	– – – Other:	
	– – – – Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100
	– – – – Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500
	– – Exceeding 3 %:	
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres	
0401 20 99	– – – Other:	
0401 30	– Of a fat content, by weight, exceeding 6 %:	
	– – Not exceeding 21 %:	
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:	
	– – – – Of a fat content, by weight:	
	– – – – – Exceeding 10 % but not exceeding 17 %	0401 30 11 9400
	– – – – – Exceeding 17 %	0401 30 11 9700
0401 30 19	– – – Other:	
	– – – – Of a fat content, by weight, exceeding 17 %:	0401 30 19 9700
	– – Exceeding 21 % but not exceeding 45 %:	
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:	
	– – – – Of a fat content, by weight:	
	– – – – – Not exceeding 35 %	0401 30 31 9100
	– – – – – Exceeding 35 % but not exceeding 39 %	0401 30 31 9400
	– – – – – Exceeding 39 %	0401 30 31 9700
0401 30 39	– – – Other:	
	– – – – Of a fat content, by weight:	
	– – – – – Not exceeding 35 %	0401 30 39 9100
	– – – – – Exceeding 35 % but not exceeding 39 %	0401 30 39 9400
	– – – – – Exceeding 39 %	0401 30 39 9700
	– – Exceeding 45 %:	
0401 30 91	– – – In immediate packings of a net content not exceeding 2 litres:	
	– – – – Of a fat content, by weight:	
	– – – – – Not exceeding 68 %	0401 30 91 9100
	– – – – – Exceeding 68 %	0401 30 91 9500

CN code	Description of goods	Product code
0401 30 99	--- Other: ---- Of a fat content, by weight: ----- Not exceeding 68 % ----- Exceeding 68 %	0401 30 99 9100 0401 30 99 9500
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter ⁽⁸⁾ :	
ex 0402 10	- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % ⁽¹¹⁾ : -- Not containing added sugar or other sweetening matter ⁽¹³⁾ :	
0402 10 11	--- In immediate packings of a net content exceeding 2,5 kg	0402 10 11 9000
0402 10 19	--- Other -- Other ⁽¹⁴⁾ :	0402 10 19 9000
0402 10 91	--- In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000
0402 10 99	--- Other - In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % ⁽¹¹⁾ : -- Not containing added sugar or other sweetening matter ⁽¹³⁾ :	0402 10 99 9000
ex 0402 21	--- Of a fat content, by weight, not exceeding 27 %: ---- In immediate packings of a net content not exceeding 2,5 kg: ----- Of a fat content, by weight: ----- Not exceeding 11 % ----- Exceeding 11 % but not exceeding 17 % ----- Exceeding 17 % but not exceeding 25 % ----- Exceeding 25 % ---- Other:	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900
0402 21 17	----- Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000
0402 21 19	----- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: ----- Not exceeding 17 % ----- Exceeding 17 % but not exceeding 25 % ----- Exceeding 25 %	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900
0402 21 91	--- Of a fat content, by weight, not exceeding 27 %: ---- In immediate packings of a net content not exceeding 2,5 kg: ----- Of a fat content, by weight: ----- Not exceeding 28 % ----- Exceeding 28 % but not exceeding 29 % ----- Exceeding 29 % but not exceeding 45 % ----- Exceeding 45 %	0402 21 91 9100 0402 21 91 9200 0402 21 91 9350 0402 21 91 9500
0402 21 99	---- Other: ----- Of a fat content, by weight: ----- Not exceeding 28 % ----- Exceeding 28 % but not exceeding 29 % ----- Exceeding 29 % but not exceeding 41 % ----- Exceeding 41 % but not exceeding 45 % ----- Exceeding 45 % but not exceeding 59 % ----- Exceeding 59 % but not exceeding 69 % ----- Exceeding 69 % but not exceeding 79 % ----- Exceeding 79 %	0402 21 99 9100 0402 21 99 9200 0402 21 99 9300 0402 21 99 9400 0402 21 99 9500 0402 21 99 9600 0402 21 99 9700 0402 21 99 9900

CN code	Description of goods	Product code
ex 0402 29	-- Other ⁽¹⁴⁾ :	
	--- Of a fat content, by weight, not exceeding 27 %:	
	---- Other:	
0402 29 15	----- In immediate packings of a net content not exceeding 2,5 kg:	
	----- Of a fat content, by weight:	
	----- Not exceeding 11 %	0402 29 15 9200
	----- Exceeding 11 % but not exceeding 17 %	0402 29 15 9300
	----- Exceeding 17 % but not exceeding 25 %	0402 29 15 9500
	----- Exceeding 25 %	0402 29 15 9900
0402 29 19	----- Other:	
	----- Of a fat content, by weight:	
	----- Exceeding 11 % but not exceeding 17 %	0402 29 19 9300
	----- Exceeding 17 % but not exceeding 25 %	0402 29 19 9500
	----- Exceeding 25 %	0402 29 19 9900
	--- Of a fat content, by weight, not exceeding 27 %:	
0402 29 91	---- In immediate packings of a net content not exceeding 2,5 kg	0402 29 91 9000
0402 29 99	---- Other:	
	----- Of a fat content, by weight:	
	----- Not exceeding 41 %	0402 29 99 9100
	----- Exceeding 41 %	0402 29 99 9500
	- Other:	
0402 91	-- Not containing added sugar or other sweetening matter ⁽¹³⁾ :	
	--- Of a fat content, by weight, not exceeding 8 %:	
	---- In immediate packings of a net content not exceeding 2,5 kg:	
	----- Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 7,4 %	0402 91 11 9370
0402 91 19	---- Other:	
	----- Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 7,4 %	0402 91 19 9370
	--- Of a fat content, by weight exceeding 8 % but not exceeding 10 %:	
0402 91 31	---- In immediate packings of a net content not exceeding 2,5 kg:	
	----- Of a non-fat lactic dry matter content of 15 % or more	0402 91 31 9300
0402 91 39	---- Other:	
	----- Of a non-fat lactic dry matter content of 15 % or more	0402 91 39 9300
	--- Of a fat content, by weight exceeding 45 %	
0402 91 99	---- Other	0402 91 99 9000
0402 99	-- Other ⁽¹⁴⁾ :	
	--- Of a fat content, by weight, not exceeding 9,5 %:	
0402 99 11	---- In immediate packings of a net content not exceeding 2,5 kg:	
	----- Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight, exceeding 6,9 %	0402 99 11 9350
0402 99 19	---- Other:	
	----- Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 6,9 %	0402 99 19 9350
	--- Of a fat content, by weight exceeding 9,5 % but not exceeding 45 %:	

CN code	Description of goods	Product code
0402 99 31	----- In immediate packings not exceeding 2,5 kg: ----- Of a fat content, by weight, not exceeding 21 %: ----- Of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more ----- Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ----- Of a fat content, by weight, exceeding 39 %	0402 99 31 9150 0402 99 31 9300 0402 99 31 9500
0402 99 39	----- Other: ----- Of a fat content, by weight, not exceeding 21 %, of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruits, nuts or cocoa:	
ex 0403 90	----- Other: ----- Not flavoured nor containing added fruit, nuts or cocoa: ----- In powder, granules or other solid forms ⁽⁸⁾ ⁽¹²⁾: ----- Not containing added sugar or other sweetening matter, with a fat content by weight ⁽¹⁾:	
0403 90 11	----- Not exceeding 1,5 %	0403 90 11 9000
0403 90 13	----- Exceeding 1,5 % but not exceeding 27 %: ----- Not exceeding 11 % ----- Exceeding 11 % but not exceeding 17 % ----- Exceeding 17 % but not exceeding 25 % ----- Exceeding 25 %	0403 90 13 9200 0403 90 13 9300 0403 90 13 9500 0403 90 13 9900 0403 90 19 9000
0403 90 19	----- Exceeding 27 % ----- Other, of a fat content, by weight ⁽⁴⁾:	
0403 90 33	----- Exceeding 1,5 % but not exceeding 27 %: ----- Exceeding 11 % but not exceeding 25 % ----- Exceeding 25 % ----- Other: ----- Not containing added sugar or other sweetening matter, with a fat content by weight ⁽¹⁾:	0403 90 33 9400 0403 90 33 9900
0403 90 51	----- Not exceeding 3 %: ----- Not exceeding 1,5 %	0403 90 51 9100
0403 90 59	----- Exceeding 6 %: ----- Exceeding 17 % but not exceeding 21 % ----- Exceeding 21 % but not exceeding 35 % ----- Exceeding 35 % but not exceeding 39 % ----- Exceeding 39 % but not exceeding 45 % ----- Exceeding 45 %	0403 90 59 9170 0403 90 59 9310 0403 90 59 9340 0403 90 59 9510
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included:	
0404 90	----- Other: ----- Not containing added sugar or other sweetening matter, of a fat content by weight ⁽¹⁾:	
0404 90 21	----- Not exceeding 1,5 %: ----- In powder or granules, with a water content not exceeding 5 % and a milk protein content in milk solids-non-fat: ----- Of 29 % or more but less than 34 % ----- Of 34 % or more	0404 90 21 9120 0404 90 21 9160

CN code	Description of goods	Product code
0404 90 23	--- Exceeding 1,5 % but not exceeding 27 % ⁽⁸⁾ : ---- In powder or granules: ----- Of a fat content, by weight: ----- Not exceeding 11 %	0404 90 23 9120
	----- Exceeding 11 % but not exceeding 17 %	0404 90 23 9130
	----- Exceeding 17 % but not exceeding 25 %	0404 90 23 9140
	----- Exceeding 25 %	0404 90 23 9150
ex 0404 90 29	--- Exceeding 27 % ⁽⁸⁾ : ---- In powder or granules, of a fat content by weight: ----- Not exceeding 28 %	0404 90 29 9110
	----- Exceeding 28 % but not exceeding 29 %	0404 90 29 9115
	----- Exceeding 29 % but not exceeding 45 %	0404 90 29 9125
	----- Exceeding 45 %	0404 90 29 9140
	-- Other, of a fat content by weight ⁽⁴⁾ ⁽⁸⁾ :	
0404 90 81	--- Not exceeding 1,5 %:	
	---- In powder or granules:	0404 90 81 9100
ex 0404 90 83	--- Exceeding 1,5 % but not exceeding 27 %:	
	---- In powder or granules:	
	----- Of a fat content, by weight:	
	----- Not exceeding 11 %	0404 90 83 9110
	----- Exceeding 11 % but not exceeding 17 %	0404 90 83 9130
	----- Exceeding 17 % but not exceeding 25 %	0404 90 83 9150
	----- Exceeding 25 %	0404 90 83 9170
	---- Other than powder or granules:	
	----- Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of not less than 15 % by weight and a fat content by weight exceeding 6,9 %	0404 90 83 9936
ex 0405	Butter and other fats and oils derived from milk, dairy spreads:	
0405 10	- Butter: -- Of a fat content, by weight, not exceeding 85 %: --- Natural butter:	
0405 10 11	---- In immediate packings of a net content not exceeding 1 kg: ----- Of a fat content, by weight: ----- Of 80 % or more but less than 82 %	0405 10 11 9500
	----- Of 82 % or more	0405 10 11 9700
0405 10 19	---- Other: ----- Of a fat content by weight: ----- Of 80 % or more but less than 82 %	0405 10 19 9500
	----- Of 82 % or more	0405 10 19 9700
0405 10 30	--- Recombined butter: ---- In immediate packings of a net content not exceeding 1 kg: ----- Of a fat content by weight: ----- Of 80 % or more but less than 82 %	0405 10 30 9100
	----- Of 82 % or more	0405 10 30 9300
	---- Other:	
	----- Of a fat content by weight:	
	----- Of 82 % or more	0405 10 30 9700

CN code	Description of goods	Product code
0405 10 50	--- Whey butter: ---- In immediate packings of a net content not exceeding 1 kg: ----- Of a fat content by weight: ----- Of 82 % or more	0405 10 50 9300
	---- Other: ----- Of a fat content by weight: ----- Of 80 % or more but less than 82 %	0405 10 50 9500
	----- Of 82 % or more	0405 10 50 9700
0405 10 90	-- Other	0405 10 90 9000
ex 0405 20	- Dairy spreads:	
0405 20 90	-- Of a fat content by weight of more than 75 % but less than 80 %	
	--- Of a fat content by weight:	
	---- Of more than 75 % but less than 78 %	0405 20 90 9500
	---- Of 78 % or more	0405 20 90 9700
0405 90	- Other:	
0405 90 10	-- Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %	0405 90 10 9000
0405 90 90	-- Other	0405 90 90 9000'

ANNEX II

ANNEX II

Product groups set by Article 4(3)

Group No	Milk product code (nomenclature for export refunds)	Group No	Milk product code (nomenclature for export refunds)
1	0401 10 10 9000	6	0402 29 19 9300
	0401 20 11 9100		0402 29 19 9500
	0401 20 11 9500		0402 29 19 9900
	0401 20 91 9000		0402 29 99 9100
	0401 30 11 9400		0402 29 99 9500
	0401 30 11 9700	8	0402 91 11 9370
	0401 30 31 9100		0402 91 31 9300
	0401 30 31 9400		0402 91 51 9000
	0401 30 31 9700	10	0402 91 19 9370
	0401 30 91 9100		0402 91 39 9300
	0401 30 91 9500		0402 91 59 9000
2	0401 10 90 9000		0402 91 99 9000
	0401 20 19 9100	11	0402 99 31 9300
	0401 20 19 9500		0402 99 31 9500
	0401 20 99 9000	12	0402 99 11 9350
	0401 30 19 9700		0402 99 31 9150
	0401 30 39 9100		0402 99 31 9300
	0401 30 39 9400		0402 99 31 9500
	0401 30 39 9700		0402 99 91 9000
	0401 30 99 9100	14	0402 99 19 9350
	0401 30 99 9500		0402 99 39 9150
3	0402 21 11 9200		0402 99 39 9300
	0402 21 11 9300		0402 99 39 9500
	0402 21 11 9500		0402 99 39 9000
	0402 21 11 9900	17	0403 90 11 9000
	0402 21 91 9100		0403 90 13 9200
	0402 21 91 9200		0403 90 13 9300
	0402 21 91 9350		0403 90 13 9500
	0402 21 91 9500		0403 90 13 9900
4	0402 21 17 9000	18	0403 90 19 9000
	0402 21 19 9300		0403 90 33 9400
	0402 21 19 9500	19	0403 90 33 9900
	0402 21 19 9900		0403 90 51 9100
	0402 21 99 9100		0403 90 59 9170
	0402 21 99 9200		0403 90 59 9310
	0402 21 99 9300		0403 90 59 9340
	0402 21 99 9400		0403 90 59 9370
	0402 21 99 9500		0403 90 59 9510
	0402 21 99 9600	21	0404 90 21 9120
	0402 21 99 9700		0404 90 21 9160
	0402 21 99 9900		0404 90 23 9120
5	0402 29 15 9200		0404 90 23 9130
	0402 29 15 9300		0404 90 23 9140
	0402 29 15 9500		0404 90 23 9150
	0402 29 15 9900		
	0402 29 91 9000		

Group No	Milk product code (nomenclature for export refunds)	Group No	Milk product code (nomenclature for export refunds)
22	0404 90 81 9100		0405 10 30 9300
	0404 90 83 9110		0405 10 30 9700
	0404 90 83 9130		0405 10 50 9300
	0404 90 83 9150		0405 10 50 9500
	0404 90 83 9170		0405 10 50 9700
23	0405 10 11 9500		0405 10 90 9000
	0405 10 11 9700		0405 20 90 9500
	0405 10 19 9500		0405 20 90 9700
	0405 10 19 9700		0405 90 10 9000
	0405 10 30 9100		0405 90 90 9000'

COMMISSION REGULATION (EC) No 2288/2000
of 13 October 2000
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

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

(EC) No 1411/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 2249/2000 ⁽⁶⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 October 2000.

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

Done at Brussels, 13 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 161, 1.7.2000, p. 22.

⁽⁶⁾ OJ L 257, 11.10.2000, p. 21.

ANNEX

to the Commission Regulation of 13 October 2000 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	30,65	2,09
1701 11 90 ⁽¹⁾	30,65	6,21
1701 12 10 ⁽¹⁾	30,65	1,96
1701 12 90 ⁽¹⁾	30,65	5,78
1701 91 00 ⁽²⁾	29,60	10,43
1701 99 10 ⁽²⁾	29,60	5,91
1701 99 90 ⁽²⁾	29,60	5,91
1702 90 99 ⁽³⁾	0,30	0,35

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2289/2000
of 13 October 2000
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 October 2000.

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

Done at Brussels, 13 October 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 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	9,19	0,00
	low quality	38,01	28,01
1002 00 00	Rye	39,95	29,95
1003 00 10	Barley, seed	39,95	29,95
1003 00 90	Barley, other ⁽³⁾	39,95	29,95
1005 10 90	Maize seed other than hybrid	63,21	53,21
1005 90 00	Maize other than seed ⁽³⁾	63,21	53,21
1007 00 90	Grain sorghum other than hybrids for sowing	39,95	29,95

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 29 September 2000 to 12 October 2000)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	137,74	135,09	113,44	91,48	189,11 (**)	179,11 (**)	110,31 (**)
Gulf premium (EUR/t)	—	16,29	9,12	5,88	—	—	—
Great Lakes premium (EUR/t)	25,17	—	—	—	—	—	—

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

(**) Fob Great Lakes.

2. Freight/cost: Gulf of Mexico — Rotterdam: 20,33 EUR/t; Great Lakes — Rotterdam: 30,63 EUR/t.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 December 1999

on aid scheme C 1/99 (ex NN 133/98)/State aid to non-residential building tenants in the Customs House Docks Area in Dublin

(notified under document number C(1999) 5206)

(Only the English text is authentic)

(Text with EEA relevance)

(2000/620/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having called on interested parties to submit their comments⁽¹⁾ pursuant to the provisions cited above and having regard to their comments,

Whereas:

I

PROCEDURE

- (1) The Commission was informed on the above State aid scheme while examining notified aid scheme N 267/98, concerning tax incentives in a 12-acre site in the Customs House Docks Area (CHDA).
- (2) In 1986 the Commission had approved the urban renewal scheme 'Incentives for development of certain inner city areas' (N 56/86, letter to the Irish authorities SG (86) D/10282 of 19 September 1986) providing for a package of tax incentives for building owners and tenants in a 27-acre site in the CHDA (the 'original' site). Following a request by the Commission, the Irish authorities informed it of the extension of the above

scheme with regard to its geographical scope and its termination date, by letter of 28 June 1990. At the time, the Commission did not react to this communication.

- (3) The Irish authorities further modified this scheme by way of the Finance Acts of 1992 to 1994 and 1995, without notifying these modifications to the Commission. However, by letter of 30 January 1998 the Irish authorities notified to the Commission a scheme providing for the same package of incentives for a 12-acre site in the CHDA. By letter of 8 May 1998, the Irish authorities withdrew from this notification the tax incentives offered to tenants. By letter of 20 October 1998 the authorities announced that despite their withdrawal from the notification, the tax incentives for tenants could be lawfully awarded, since, according to Ireland, they were covered by the approval in 1986 of the first urban renewal scheme (N 56/86).
- (4) By letter dated 9 February 1999, the Commission informed Ireland that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the tax incentives for tenants awarded on the basis of the Finance Acts of 1992 to 1994 and 1995.
- (5) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission invited interested parties to submit their comments on the aid.

⁽¹⁾ OJ C 99, 10.4.1999, p. 2.

⁽²⁾ See footnote 1.

(6) The Irish authorities submitted their comments to the Commission by letter of 9 March 1999. By letter dated 27 July 1999 Ireland informed the Commission that no grants had been made after 2 December 1998 and that no further grants would be made under the scheme, the scheme having terminated on that date. By letter dated 22 November 1999 Ireland informed the Commission that it would modify the scheme.

(7) The Commission has also received comments from the following interested parties: the Irish Business and Employers Confederation (IBEC), A & L Goodbody, the Dublin Chamber of Commerce and KPMG Chartered Accountants. The Commission has forwarded these comments to Ireland, which was given the opportunity to react.

II

DESCRIPTION OF THE AID

(8) The aid covered by this investigation procedure takes the form of tax incentives for tenants of non-residential property. The incentives in question are the following:

- 'double rent relief', meaning that for tax purposes the company is deemed to pay double the actual annual rent. In principle, this aid is granted against trading income for 10 years,
- 'local rates remission', meaning relief, in principle for 10 years, from the local property tax.

(9) The geographical area concerned consists of two sites in the CHDA, namely, a 27-acre site, designated in 1986, and a 12-acre site designated at a later stage.

(10) The aid recipients are tenant companies entering into leasing contracts in relation to non-residential buildings in the CHDA. The scheme is not sector-specific. International financial services companies are not excluded. The scheme does not apply to sectors of industrial activity subject to special rules and frameworks of Community law, including sectors falling under the ECSC Treaty, and those of shipbuilding, transport, fisheries and agriculture, together with the processing and marketing of agricultural products (as set out in the relevant guidelines ⁽³⁾).

(11) Qualifying leases are long-term (at least 15 years at the 27-acre site and 25 years — with one case of 14 years — at the 12-acre site).

(12) The purpose of the scheme is to promote regional development by providing an incentive to companies to operate in the area in question, which used to be one of the most derelict and dangerous of Dublin. It is noted that the whole of Ireland qualifies, until 31 December

1999, as an assisted region under Article 87(3)(a) EC for the purposes of national regional aid and as an Objective 1 region for the purposes of the Structural Funds.

Duration of the scheme

(13) It is noted that the initial urban renewal scheme, including the modifications communicated in 1990, had a termination date set at 24 January 1993 (a time limit within which expenditure qualifying for the award of capital allowances to the building owners must have been incurred). The same date was also the deadline for entering into leasing contracts giving entitlement to tax incentives for the tenants.

(14) With the 1992 to 1994 Finance Acts the scheme's termination date was extended to 24 January 1997 and the following special clause was added:

'a lease for double rent relief purposes may be entered into for up to two years after the scheme's termination date.'

This clause applies when no leasing contracts have been entered into during the construction works, or before, and thus the completed building has no tenants.

(15) By virtue of this clause, the deadline for entry into qualifying leasing contracts was extended to 24 January 1999. The 1995 Finance Act also extended the scheme's termination date to 24 January 1999 and consequently, in accordance with the special clause mentioned above, the deadline for qualifying leasing contracts to 24 January 2001.

(16) By letter dated 27 July 1999 Ireland informed the Commission that the scheme had been modified, the termination date of the scheme now being 2 December 1998. In addition, during the course of the proceedings Ireland informed the Commission that it would modify the scheme. Under the terms of the modified scheme, the two reliefs will be available only until 31 December 2003 (that is, the reliefs will be available only in relation to rent and rates normally accruing up to and including 31 December 2003), unless certain conditions are fulfilled. Those conditions are either that (a) the construction of the building was completed before 1 April 1998 or (b) the construction of the building commenced before 1 April 1998 and the tenant occupation of the completed building commenced before 9 February 1999. Where either condition (a) or (b) applies, the two reliefs will continue to their intended end-date. This Decision is restricted to assessing the compatibility with the common market of the modified scheme.

⁽³⁾ OJ C 29, 2.2.1996, p. 4.

Grounds for initiating the procedure

(a) *Unlawfulness of the aid*

- (17) The non-notified modifications to the initial scheme, effected by the 1992 to 1994 and 1995 Finance Acts, extended significantly the scheme's termination date, the deadline for entering into leasing contracts and consequently the end of the enjoyment of the double rent relief and rates remission. In the Commission's view, such modifications to a scheme are not simply implementing measures and, although they do not alter the nature of the aid, they change the scheme to a substantive degree. Thus they should have been notified pursuant to Article 88(3) EC which lays down that 'the Commission should be informed, in sufficient time to enable it to submit its comments, of any plans to [...] alter aid'.

(b) *Doubts as to the compatibility of the aid*

- (18) In its decision opening the procedure the Commission stated its view that the double rent relief and the local rates remission constitute operating aid because they relieve the ordinary tax burdens of a company.
- (19) No derogation among those provided under Articles 87(2) and 87(3)(c) EC may apply in relation to this aid. The only possible derogation from Article 87(1) EC would be the one laid down in Article 87(3)(a) EC (aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment). This is possible, first, because Ireland as a whole qualifies as an assisted area for national regional aid on the basis of that Article. Secondly, it is possible because, according to the 1988 Commission communication on the method for the application of Article 92(now Article 87)(3)(a) and (c) to regional aid⁽⁴⁾ and specifically point 6 thereof concerning the range of aid instruments required to promote regional development in Article 87(3)(a) areas, it is accepted that the Commission may, by way of derogation, authorise certain operating aid in Article 87(3)(a) regions under certain conditions which must be demonstrated by the Member States. Thus, the aid must be:

- limited in time and designed to overcome the structural handicaps of enterprises located in those regions,
- designed to promote a durable and balanced development of economic activity and not give rise to overcapacity at the Community level, such that the resulting Community sectorial problem produced is more serious than the original regional problem; in this context a sectorial approach is required and in particular the Community rules, directives and guidelines applicable to certain industrial (steel, shipbuilding, synthetic fibres, textile and clothing) and agricultural sectors, and those concerning certain

industrial enterprises involving the processing of agricultural products are to be observed;

- not granted in violation of the specific rules on aid granted to companies in difficulties.

In addition, an annual report must be sent to the Commission, indicating total expenditure (or loss of revenue in the case of tax concessions and social security reductions) by type of aid and an indication of the sectors concerned. Furthermore, aid designed to promote exports to other Member States is excluded.

- (20) The 1988 communication, mentioned above, recognises that 'in the early stages of development [of the Article 87(3)(a) regions] maintenance of existing investment, perhaps on a short or medium-term basis, can form a *sine qua non* for the attraction [through operating aid] of new investment which will help in turn to develop the region'. Considering that in 1994, the regions concerned were no longer in the early stages of their development and also that the operating aid awarded through the tax incentives for tenants is enjoyed for 10 years, the question at this stage is whether successive geographical and time extensions of a scheme with long-lasting effects could be in keeping with the above position taken in the 1988 communication.
- (21) It was in these circumstances that the Commission expressed its doubts, in a decision opening the Article 88(2) EC procedure, as to whether the tax incentives for Tenants under the 1992 to 1994 and 1995 Finance Act were compatible with the common market⁽⁵⁾.

III

COMMENTS FROM THE IRISH AUTHORITIES

- (22) In their written comments, the Irish authorities have presented three lines of argument.
- (23) The contested aid is not unlawful (NN) but covered by the approved 1986 urban renewal scheme (N 56/86). The authorities' response aims to prove that, without time extensions of that original scheme, no results in terms of urban development would have been achieved.

⁽⁴⁾ OJ C 212, 12.8.1988, p. 2.

⁽⁵⁾ It is noted that in the decision opening this procedure the Commission has approved the tax incentive of capital allowances for building owners in the 12-acre site (N 267/98, termination date, 31 December 1999) and for the 27-acre site (NN 133/98, termination date 24 January 1999).

Thus, the authorities consider these extensions to be 'essential implementing measures' of the 1986 scheme and not, as the Commission maintains, substantive modifications to the original scheme which justify a notification.

- (24) The double rent relief and rates remission in favour of tenants are not operating aid. The authorities insist on the 'package' logic: incentives to both owners and tenants are necessary in order to attract the investments in the derelict areas concerned. Thus, the whole package constitutes investment aid. On the basis of this logic, the Commission had approved this combination of reliefs in 1986, without making any mention of whether the aid was investment or operating aid. The Commission did not contest this logic up to as recently as December 1997, when it approved as investment aid the same package of reliefs for different enterprise zones in Ireland.
- (25) Even if the reliefs for tenants were to be considered operating aid, this is compatible with the relevant rules. The authorities describe how the award of the aid in the 27 and 12-acre sites complied with the conditions for the admissibility of regional operating aid as these are laid down in the 1988 guidelines.
- (26) Specifically, the incentives are limited in time.

Incentives to overcome the structural handicaps of enterprises

- (27) The fiscal incentives in question were specifically designed to overcome the structural handicaps of the enterprises operating in the area in question.
- (28) The argumentation on this point must be read in the context of a regional development policy for an area covered by the derogation under Article 87(3)(a) EC as well as in the context of a targeted and integrated urban development policy (also endorsed by other Community actions, like the URBAN initiative). For reasons pertaining to the condition of the site, the structural handicap of the enterprises receiving aid is related to their location.
- (29) The authorities provide a historical review and photographic record of the urban renewal process specifically as follows.
- (30) The first urban renewal scheme was approved in 1986 in order to reclaim former dockland areas which had become redundant with the transfer of the port facilities to a new location. With the continuing decline of port employment, the area became under-utilised and derelict and also suffered from significant social problems during the 1970s and 1980s, notably high unemployment,

with associated poverty, crime and vandalism. During this period most new commercial and residential development within the city took place on the more fashionable south side of the river Liffey, continuing an established trend. In the absence of occupier demand to settle in these areas, no commercial developer was prepared to risk operating there. The bias against the CHDA was reinforced by the fact that it was located beside a local authority residential complex (in Sheriff Street) with a reputation for social deprivation, drug-taking, crime and vandalism.

(a) The period between 1986 and 1991

- (31) The Customs House Docks Development Company has been awarded, by way of an international competition, the contract for the development of the CHDA. The winning proposal for the CHDA included offices, residential apartments, and hotel, car-parking, cultural, retail and leisure facilities.
- (32) In 1987 it was recognised that the development of the CHDA would have to act as a catalyst for the development of adjoining sites. On 23 May 1988 the 12-acre site was designated as a buffer between completed developments and further dereliction in the eastern part of the CHDA, notably the Sheriff Street residential complex. The Irish authorities have provided clear evidence (letter of 11 June 1999) showing that this designation was annexed to the 1990 communication to the Commission concerning modifications to the initial scheme.
- (33) Construction works on the 27-acre site commenced in June 1988.

(b) The period between 1991 and 1994

- (34) By the end of 1991, only 34 % of the total development proposed in the 27-acre site had been completed. No development took place between 1991 and 1994 owing to the economic crisis (the Gulf war, economic recession, the currency crisis of 1992 to 1993, high interest rates and an unprecedented decline in the Irish property market). Unlike the more established southern location, commercial banks were unable to secure project finance.

(c) The period between 1994 and 1997

- (35) By the end of May 1995 only 38 % of the 27-acre site was fully developed. The extension of the tax incentives allowed for 60 % of the site to be developed by the end of that period. The difficulties over the 12-acre site continued and posed a problem of image and security for candidate projects in the 27-acre site.

(d) *The period since 1997*

- (36) Only when the development of the 27-acre site was substantially advanced was it possible to envisage the development of the 12-acre site. The authorities cite professional views according to which the continued availability of tax incentives was a *sine qua non* for the continuation of development works. The demolition and redevelopment of the Sheriff Street residential complex, owing to residential tax incentives, also favoured the cultural revolution required if commercial office development was to take place in the most deprived inner city area of Dublin.
- (37) The professional advisors cited by the Irish authorities confirm that tenants would be most unlikely to operate in the CHDA, in preference to other more attractive areas, unless the incentives were available. It is also pointed out in the authorities' comments and in the supporting reports that the existence of pre-letting agreements, or agreements for lease, were important for the investors in buildings and for banks in the granting of loans.
- (38) The incentives offered were designed to alleviate the structural handicap of the enterprises operating in the area by helping to improve it.

Durable and balanced development

- (39) The tax incentives have been designed to promote a durable and balanced development of economic activity in the CHDA and not to give rise to sectorial overcapacity.
- (40) The durable character of the results obtained through this scheme is a priority objective of the scheme. In their written opinion the authorities emphasise that all tax reliefs (double rent relief, rates remission and the capital allowances) are combined and structured in a way which seeks to tie both the owners and the tenants into a long-term commitment to the area. (The capital allowances for instance are adjusted downwards if the owner sells the building during the 14-year write-off period). Without the double rent relief and rates remission spread over ten years, it would not be possible to persuade tenants to commit themselves for such long periods to the area. Through this commitment, the area is given time to become established and accepted as a business location.
- (41) As regards the balanced nature of the development, the authorities prove that the incentives in the CHDA have been provided, without targeting specific sectors, as part of an integrated and wider development plan of the area which is coordinated by a single authority and combines, successfully, enterprise and residential development.

- (42) The scheme has not given rise to sectorial overcapacity at the Community level.
- (43) Special rules on State aid in certain sectors and on enterprises in difficulties have been adhered to.
- (44) The incentives in question were never designed to promote exports to other Member States.
- (45) Since the incentives under examination had never been described by the Commission as operating aid, the Irish authorities have not submitted annual reports. They have, however, made regular public pronouncements (such as public invitations for tender in the C series of the *Official Journal of the European Communities*) announcing the development of the site. In the context of this investigation procedure, however, the authorities have provided all information requested on all the projects in the CHDA.
- (46) Furthermore the authorities have underlined that the double rent relief and the rates remission for non-residential property tenants have not been included in the new urban renewal (N 563/98) or pilot rural renewal scheme (N 564/98), nor in the scheme concerning an enterprise zone adjacent to the Cork regional airport (N 204/99).
- (47) In its letter initiating the Article 88(2) EC procedure, the Commission had also pointed out that the successive extensions of this long-lasting operating aid might extend the effect of this aid beyond the 'early stages of development'. The authorities answer this point by referring to the slow progress in developing the CHDA, completed development representing by now just 13 % of the 'urban waste land' in the Docklands area.

IV

COMMENTS FROM INTERESTED PARTIES

- (48) Comments submitted by interested parties may be summarised as follows.
- (49) The incentives are either not State aid or are, at least, aid exempted under Article 86(2) EC, because the State is only rewarding in a reasonable manner the 'occupants' for taking the risk (which would have been otherwise borne by the State) of developing the site. The Customs House Docks Authority (and its successor, the Dublin Docklands Development Authority) has been entrusted with the public service obligation to develop the sites in question. The site's 'occupants' are essentially performing, through joint ventures with this Authority, some of the tasks which have been entrusted to the Authority on behalf of the State. The aid is permissible in the light of Article 86(2) EC, as being necessary to ensure the performance of a service of general economic interest.

- (50) The measures in question are not unlawful aid, because they represent an 'immaterial' modification to an existing scheme which was approved by the Commission under Article 87(3)(a) EC in 1986. Geographical extensions do not alter in any material way the conditions on the basis of which that approval was granted. Furthermore, the 12-acre geographical extension had been communicated to the Commission in 1990. Time extensions were introduced in order to help fulfil the urban renewal objective of the scheme which was being achieved at a very slow pace.
- (51) The measures in question do not fall within the scope of Article 87(1) EC because they do not affect trade between Member States, and because the levels of aid received by individual recipients are *de minimis*.
- (52) To the extent to which the aid is considered to fall within the scope of Article 87(1) EC it qualifies for exemption under Article 87(3)(a) EC, as regional investment aid. Besides the status of the area in question as an area qualifying for regional aid, the party underlines the unemployment situation, the lengthy process of development and the absolute need to find and secure tenants.
- (53) Even if the scheme were to be considered operating aid, it is compatible with the common market because it complies with the conditions set forth in the 1988 communication on the application of Article 87(3) to regional aid, as far as the granting of aid in regions contemplated by Article 87(3)(a) is concerned.
- (54) A legitimate expectation has been created on the part of the recipients who are already installed in the area and who have taken all diligent and prudent steps to verify themselves that the aid was legal; a tenant in the 'original' site had moved activities there on the clear understanding and expectation that the CHDA as a whole would be developed.
- (55) It is questioned how the Commission could conclude that the scheme is incompatible with the common market without having researched comparable urban renewal incentives in other Member States. It is claimed that such incentives are very common and feature in URBAN programmes.
- unlawful, operating State aid, within the scope of Article 87(1) EC.
- (57) The Commission considers that the measures in question involve aid granted by the Member State or through State resources. Article 87(1) EC refers to aid granted 'in any form whatsoever'. Aid granted in the form of tax exemptions (such as rates remission) or other favourable tax arrangements (such as double rent relief) involve State resources, in so far as the Member State thereby forgoes fiscal income, or the possibility of fiscal income, that would normally accrue to it. This is so whether or not such aid is granted by the central authorities of the Member State or by its local authorities, which are part of or emanations of the Member State. The Commission considers that such aid clearly distorts or threatens to distort competition by favouring the recipient undertakings compared with other undertakings located in the same Member State that do not receive such aid. Furthermore, having regard to the broad terms of the scheme, it cannot be excluded that such aid may affect trade between Member States. This is confirmed by the information that the Commission has concerning the activities of certain of the individual beneficiaries. In particular, for example, the Commission considers that aid to undertakings operating in the financial services sector (and related or analogous sectors) is, in principle, capable of affecting trade between Member States. In the first place, there is significant intra-Community trade in financial services, a sector that has been the subject of extensive liberalising legislation at Community level, and which may be profoundly affected by the introduction of the euro. In the second place, financial services companies are increasingly mobile, and State aid may well be a significant factor affecting their assessments of the best place to operate their business. Similarly, in a sector such as hotels, regardless of the geographic market that the particular establishment may be said to be serving, there always remains the possibility that undertakings in other Member States may wish to establish themselves in that market, but are prevented or deterred from doing so because of the State aid. In such cases, too, the Commission considers that an effect on trade between Member States cannot be ruled out.

V

ASSESSMENT OF THE AID

V.1. *State aid*

- (56) After having considered the opinion of the Irish authorities as well as the arguments of the parties, the Commission maintains its position, expressed in the letter to the Irish authorities initiating the Article 88(2) EC procedure, that the aid scheme under examination constitutes
- (58) The Commission does not accept the contention that, even if the Member State is only rewarding the beneficiaries in a reasonable manner because they have agreed to behave in a way that not only benefits them but also fulfils one of the Member State's (and the Community's) policy objectives, it follows that no State aid is involved. Such an application of Article 87(1) may be appropriate in certain cases where the Member State is directly purchasing, for example, land, goods, securities or services for consumption by it. It is not appropriate

when, as in this case, the State is inducing behaviour intended to achieve more general policy objectives, such as those indicated in Article 87(2), Article 87(3) or Article 86(2) EC. Any other approach would risk depriving Article 88(3) EC of its effectiveness. Presenting the arrangements under consideration as a 'transfer of risk' by the Member State does not change this view, but confirms it. Thus, whether or not the subsidy in the present case may be considered compatible with the common market must be assessed not in the context of Article 87(1) EC but in the context of Article 87(3) EC and, where appropriate, in the context of Article 86(2) EC ⁽⁶⁾.

V.2. *No existing aid scheme*

(59) Ireland and certain of the interested parties have argued that the scheme under examination is an existing aid scheme, or that the individual aid grants in question are covered by an existing aid scheme. The Commission notes that the argument invoked does not concern the substantive conditions of the individual aid in relation to the scheme that is alleged to cover it. The problem is purely temporal. Furthermore, there is no dispute as to the facts. The date on which the aid scheme previously authorised by the Commission came to an end is not disputed: neither are the dates on which the individual aids in question were granted. Nor is it disputed that the individual grants were made after the end of the period of validity of the scheme originally authorised by the Commission. Finally, it is not disputed that the new scheme (or the extension of the original scheme) was not notified to the Commission and has never been authorised by it. Thus, the argument advanced by Ireland and certain of the interested parties is essentially a question of principle, in respect of which the Commission requires no further factual information in order to reach its determination.

(60) When the Commission approves an aid scheme that is established for a defined period of time, the Commission's authorisation only covers the scheme up to the specified date. If a new scheme is established to cover the period after the specified date, or if the existing scheme is modified so as to extend its period of validity, or if new individual aids are granted, then new aid is involved, which is not covered by the Commission's original authorisation. Such new aid must be notified to the Commission in accordance with Article 88(3) EC. The Commission is not entitled to treat such arrangements as existing aid.

(61) The Commission considers that, in principle, any modification of an existing scheme requires notification. In any event, the Commission does not consider that temporal extensions to aid schemes could, as a general rule, be described as immaterial — certainly not in this case, where the extensions cover several years. Neither does the Commission consider that modifications of the essential elements of a scheme, whether of its substantive provisions, territorial scope, or temporal application, could be considered to be implementing measures. Nor would considerations of practical expediency, including the assertion that the extension contributed in practice to the realisation of the original scheme's objective, release the Commission from its obligation to apply the appropriate Treaty rules ⁽⁷⁾.

(62) Having regard to all these considerations, the Commission confirms its view that the aid scheme in question is not an existing aid scheme, and that the individual aid grants concerned are not covered by any existing aid scheme.

V.3. *Failure to notify*

(63) The Commission recalls the rule contained in Article 88(3) EC pursuant to which the Commission is to be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. The Commission notes and regrets that, in this case, Ireland has not complied with that obligation.

(64) The Commission would further recall that undertakings in receipt of State aid that has been implemented without being notified to the Commission, and which has been found by the Commission to be incompatible with the common market, are not entitled to rely on the Community law principle of legitimate expectations in order to justify retaining such State aid. In any event, such considerations are irrelevant, regard being had to the Commission's determination that the scheme, as modified by Ireland, is compatible with the common market.

V.4. *De minimis*

(65) The Commission stresses that this Decision concerns the scheme, not the individual measures implementing the scheme in relation to specific undertakings, some of which may constitute State aid within the meaning of Article 87(1) EC, and some of which may not. This Decision does not affect any State measures which do not constitute State aid within the meaning of Article 87(1) EC. Such measures may continue to be implemented without contravening the State aid rules. In

⁽⁶⁾ Case T-106/98 *FFSA v Commission* [1997] ECR II-229.

⁽⁷⁾ Case C-295/97 *Piaggio*, judgment of 17 June 1999, paragraphs 45 and 46, not yet published in the Official Journal.

particular, the Commission points out that measures in conformity with the *de minimis* rule⁽⁸⁾ are not caught by Article 87(1) EC. Should the Member State have any doubt as to whether or not, in a specific case, Article 87(1) EC applies, it is for the Member State to notify the Commission of the specific case.

V.5. *Compatibility with the common market*

Operating aid

- (66) In principle, the Commission does not consider the payment of periodic taxes, rates or other charges, expenses or rents to be in the nature of investment. On the contrary, the Commission considers that an undertaking doing business in Ireland would normally have to bear the expense of paying taxes on its taxable income, established, in principle, on the basis of income less costs, without any special provision for artificially inflating such costs (such as double rent relief). Such undertakings would also normally have to bear the expense of paying local rates and other charges or rents. In the Commission's view, such expenses would normally have to be borne by the undertaking in its day-to-day management or its usual activities. They would normally occur periodically over a continuous and indefinite period. The Commission concludes that the aid in this case is aid intended to relieve an undertaking of the expenses which it would itself normally have had to bear in its day-to-day management or its usual activities⁽⁹⁾. In this respect, the Commission recalls its view that operating aid typically takes the form of tax exemptions. The Commission concludes that such aid is not investment aid, but operating aid. The Commission does not consider that assertions about the unemployment situation, the lengthy process of development, the risks taken by tenants and the absolute need to find and secure tenants are capable of altering the objective characteristics of the aid. Neither does the Commission consider in all the circumstances of this case that the aids in question should be considered together with the capital allowances granted to developers as a single 'package', the whole being construed as investment aid. Such an approach could well cause operating aids to be given the more favourable treatment reserved for investment aid, not only in regions covered by Article 87(3)(a) EC, but also in regions covered by Article 87(3)(c) EC. Such an approach would also be a matter of particular concern in regions shortly due to lose their Article 87(3)(a) status, as in this case. In the light of all these

considerations, the Commission confirms its view that the measures in question involve operating aid.

Application of the substantive regional aid rules

- (67) The aid in question will be assessed on the basis of Article 87(3)(a) EC which is the only derogation from Article 87(1) EC which may apply in this case.
- (68) The Commission accepts the arguments put forward by the Irish authorities on the compliance of this operating aid with the substantive conditions laid down in the regional aid communication specifically as follows.
- (69) The aid is limited in time
- (70) The history of the development of the site, professional experts' opinions and the comments of tenants, prove that the handicap suffered by the enterprises operating in the CHDA has been the poor condition of the site and the fear that its deservedly negative reputation in terms of safety would reflect upon the image of the company. The incentives were specifically designed to overcome this handicap.
- (71) The incentives have been designed to promote a durable and balanced development of economic activity in the CHDA and do not give rise to sectorial overcapacity. The incentives have not targeted specific sectors but were designed to alleviate the structural handicap of enterprises operating in the area, by helping to improve the area as such. Furthermore, the overall effect of the scheme has been a balanced economic development in the CHDA, achieved as part of an overall plan having a beneficial impact upon the residential sector as well.
- (72) Special rules on State aid in certain sectors and on enterprises in difficulties have been adhered to.
- (73) The incentives were never designed to promote exports to other Member States.
- (74) In the context of the procedure under Article 88(2) EC, the Irish authorities have fully informed the Commission on the implementation of the scheme so far.

Employment

- (75) One of the interested parties (but not the Member State) has referred to the guidelines on employment aid⁽¹⁰⁾. Having regard to the fact that the Commission approves the modified scheme as compatible with the common market, the Commission considers that these submissions are no longer pertinent.

⁽⁸⁾ Commission notice on the *de minimis* rule for State aid (OJ C 68, 6.3.1996, p. 9).

⁽⁹⁾ Case T-459/93 *Siemens v Commission* [1995] ECR II-1675, paragraph 48.

⁽¹⁰⁾ OJ C 334, 12.12.1995, p. 4.

Effects of the aid beyond the period of eligibility as an assisted area

assisted areas, ensuring that aid is focused on those regions that most need it.

(76) In principle, the Commission takes as the point of departure for its analysis the time at which an aid is granted as opposed to the time when payments are subsequently made. However, when assessing whether or not it may consider an aid to be compatible with the common market, the Commission takes into account all the relevant facts, which may in certain circumstances include the time at which the costs (in respect of which aid is granted) accrue and the time at which the aid is paid. In the great majority of cases, no special difficulty should arise. A difficulty may arise, however, particularly in the case of operating aid, where aid is granted in relation to costs which are expected to accrue periodically over a relatively long period of time in the future, the aid also being paid periodically as those costs accrue. This may apply especially when the period of time in question extends significantly beyond the validity of an existing legislative framework, and particularly when the aid grant would post-date the time at which relevant changes in the legal framework became reasonably foreseeable. Such considerations are further reinforced in cases of fiscal aid, in respect of which the Commission is making special efforts to ensure equitable conditions of competition ⁽¹¹⁾.

(77) These concerns may be particularly pertinent in the context of regional aid, especially when the region in question loses its status as an assisted region, or changes its status, with the consequence that operating aid can no longer be authorised. Exceptionally, operating aid may be considered to contribute to regional development in Article 87(3)(a) regions, provided that certain conditions continue to be fulfilled. Such aid may be justified because of the handicap affecting the undertaking as a result of its location in an Article 87(3)(a) region, and because of the contribution that the undertaking makes, simply by its presence, to the development of the Article 87(3)(a) region. As long as both of these elements are present — that is, as long as the region continues to fall under Article 87(3)(a) — such aid may continue to be justified. However, as soon as the region ceases to fall under Article 87(3)(a), the justification for such operating aid also ceases. It is this continuous nature of operating aid that particularly leads to the conclusion that such aid should not, in principle, be authorised in relation to periodic costs that continue to accrue for a significant period after the date on which the region in question ceases to fall under Article 87(3)(a). Otherwise, the restrictive and strict nature of the derogation, as an exception from the general rule, would not be respected. Any other approach could compromise the effectiveness of the exercise by which the Commission periodically establishes the list of

(78) The Commission would also point out that periodic tax exemptions are as a rule regarded as schemes, having regard to the fact that Member States usually remain, in principle, free at any time to alter their fiscal arrangements. As aid schemes, periodic tax exemptions would be susceptible to the procedure provided for by Article 88(1) EC. The Commission would also recall that its objective as regards regional aid schemes is to limit their period of validity to the period of validity of the existing regional aid maps. For example, the Commission proposed appropriate measures to that effect in the context of the introduction of the 1998 regional aid guidelines. In these circumstances, the Commission cannot accept that by the simple device of the Member State's entry into a formal commitment, whether by administrative act or by contract, what is in reality an aid scheme potentially caught by the Article 88(1) EC procedure could be presented as escaping that procedure, and as not being subject to any further scrutiny. The formal circumstances of the grant should not be permitted to obscure the real effect of the aid.

(79) Having regard to all of these considerations, having regard to the complex social and economic assessments that may be involved, and having regard to the need to ensure that aid does not adversely affect trading conditions to an extent contrary to the common interest, the Commission may consider such arrangements to be incompatible with the common market.

(80) In this case, it is anticipated that Dublin, which has been a region eligible for regional aid under Article 87(3)(a) EC, will become a region eligible for regional aid under Article 87(3)(c) EC with effect from 1 January 2000. Consequently, it would not be possible for Ireland to grant regional aid in the form of operating aid, in the Dublin area, with effect from that date. Notwithstanding this situation, the Member State originally envisaged that it would allow periodic tax incentives (in the form of double rent relief and rates remission) to be available in relation to costs normally incurred and taxes paid periodically over a period of some 10 years, such period potentially extending, substantially beyond the date on which Dublin's status as an assisted region under Article 87(3)(a) would normally be lost. Having regard to the considerations set out already and to all the circumstances of the case, the Commission would not normally consider that such a measure would be compatible with the common market. However, the Commission has also taken into account the fact that Ireland has modified the original scheme, introducing, with certain exceptions, a termination date of 31 December 2003. Having regard to all the particular circumstances of the case, and particularly to the fact that the Commission treated similar aid measures as investment aid until the end of

⁽¹¹⁾ Commission notice on the application of the State aid rules to measures relating to direct business taxation (OJ C 384, 10.12.1998, p. 3).

1997, the Commission considers that such arrangements would be reasonable, also having regard to the length of transitional arrangements that may be considered compatible with the common market in similar circumstances. The Commission concludes that the modified scheme may be considered compatible with the common market.

Article 86(2) EC

- (81) One of the interested parties (but not the Member State) has invited the Commission to take cognisance of the relevance of Article 86(2) EC to this case. Having regard to the fact that the Commission approves the modified scheme as compatible with the common market, the Commission considers that these submissions are no longer pertinent.

VI

CONCLUSIONS

- (82) The Commission finds that Ireland has unlawfully implemented the aid in question, in breach of Article 88(3) of the Treaty. However, after examining the modified scheme (and taking into account the undertaking given by Ireland) the Commission has concluded that it may

be considered compatible with the common market pursuant to Article 87(3)(a) EC,

HAS ADOPTED THIS DECISION:

Article 1

The modified State aid scheme by which entitlement to double rent relief and rates remission may be granted to lessees in the relevant area of the Customs House Docks Area of Dublin, Ireland, is compatible with the common market.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 22 December 1999.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 3 May 2000

notified by Italy (Marche Region) concerning amendments to the single programming document for 1994 to 1999 for assistance from the Community Structural Funds for Objective 5(b) areas

(notified under document number C(2000) 1336)

(Only the Italian text is authentic)

(2000/621/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having called on interested parties to submit their comments ⁽¹⁾ pursuant to the provision cited above and having regard to their comments,

Whereas:

I

PROCEDURE

- (1) By letter of 14 May 1998, recorded as received on 18 May, the Italian Permanent Representation to the European Union notified an aid scheme for the Marche Region in accordance with Article 88(3) of the Treaty.
- (2) By telex No 28448 of 15 July 1998, the Commission requested further information. By letter of 12 October 1998, recorded as received on 20 October, and by fax of 23 November 1998, recorded as received on the same day, the Italian authorities provided further information and made corrections.
- (3) By letter of 21 December 1998 (SG(98) D/12141), the Commission informed Italy of its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of certain aspects of the way the aid measures were applied.
- (4) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission called on interested parties to submit their comments on the aid.
- (5) By letter of 31 March 1999, the Italian authorities submitted their observations to the Commission. No comments have been received from interested parties.

II

DESCRIPTION

- (6) The measures concern a large number of amendments and extensions to the single programming document (SPD) for assistance from the Community Structural Funds to the areas of the Marche Region eligible under Objective 5(b) in the programming period 1994 to 1999. They consist of grants in respect of investments for primary production, processing and marketing and the mounting of promotional campaigns, research, technical assistance, promotion and dissemination, voca-

tional training, the preparation of production rules and quality manuals and checks, suitability tests and checks on the origin of products listed in Annex I to the Treaty ⁽³⁾.

- (7) The objective of the measures is to promote the development of the areas of the Marche Region eligible under Objective 5(b) which were hit by a number of earthquakes in 1997, through joint action involving the EAGGF, national financial resources and those of the private sector under the SPD for the Objective 5(b) areas of the Region.
- (8) The aid measures were applicable until December 1999. In the case in point, since they involve a package of measures most of which are to be Community part-financed and for reasons of consistency, the Commission has decided to apply Article 15(2) of Regulation (EEC) No 2082/93 concerning measures part-financed by the Structural Funds ⁽⁴⁾ to all the measures covered by the notification. Under that Article, expenditure may not be considered eligible for assistance from the Funds if it has been incurred before the date on which the corresponding application reaches the Commission. The Commission therefore regards the start date for the granting of the aids covered by this Decision to be the date when it received the first notification, i.e. 14 May 1998.
- (9) However, in their letter of 12 October 1998, the Italian authorities stated that they intended to grant certain aids to cover expenditure incurred by the beneficiaries before that date.

In respect of aid measures for primary agricultural production, the Italian authorities declared that:

⁽¹⁾ OJ C 233, 14.8.1999, p. 2.

⁽²⁾ See footnote 1.

⁽³⁾ For a detailed description of the measures, see OJ C 233, 14.8.1999, p. 2.

⁽⁴⁾ Council Regulation (EEC) No 2082/93 of 20 July 1993 amending Regulation (EEC) No 4253/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments (OJ L 193, 31.7.1993, p. 20).

- (a) all expenditure incurred by recipients before 14 May 1998 and complying with Commission Decision C(97) 2491 of 18 September 1997 on the application to the Marche Region of Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures⁽⁵⁾ and on the horizontal provisions of Commission Decision C(95)736 of 3 April 1995 approving the Objective 5(b) SPD for Marche would be regarded as eligible and would qualify for part-financing by the Community;
- (b) all expenditure incurred by recipients before 14 May 1998 and after 9 October 1997, the date on which the regional public invitations to submit applications for assistance were published, and complying with the decision adopted by the Commission on the aid measures would also be regarded as eligible and would qualify for part-financing by the Community, subject to approval.

In respect of aid measures concerning on-farm investment for processing and marketing, the Italian authorities declared that the expenditure incurred by each beneficiary operator before 14 May 1998 would also be considered eligible for a Community contribution, but only where this was in accordance with Commission Decision C(97)2137 of 2 October 1997 on the application in the Marche Region of Council Regulation (EC) No 951/97 of 20 May 1997 on improving the processing and marketing conditions for agricultural products⁽⁶⁾ and the horizontal provisions of Commission Decision C(95)736 of 3 April 1995 approving the Objective 5(b) SPD for Marche.

- (10) In accordance with its standard practice, the Commission takes the view that, if it is to contribute to the development of certain economic activities or of certain economic areas in accordance with Article 87(3)(c) of the Treaty, aid must have an incentive effect. If the investment has already been made, that incentive effect is lacking and the aid in question is regarded simply as operating aid, which is incompatible with the common market and therefore prohibited by the Treaty.
- (11) In this particular case, in their informal contacts with the Commission the Italian authorities pointed out that some of the measures were included in the programme implementing Regulation (EC) No 950/97 in the Marche Region but that following the earthquake suffered by the Region in 1997, the funds available were used for other purposes and that the Region had therefore requested amendments to the programme of assistance from the Community Structural Funds for Objective 5(b) areas for 1994 to 1999. The Italian authorities did not, however,

refer to this in their written replies to the Commission's questions during the scrutiny phase.

- (12) In view of its doubts about the incentive effect of the measures, the Commission therefore decided to initiate the procedure with regard to the aid granted for investments in primary production and in on-farm processing and marketing of agricultural products in respect of expenses incurred before 14 May 1998, the date on which the Commission was notified of the measures. However, it did not raise objections to the aid paid in respect of expenditure incurred after 14 May 1998, on the grounds that in such cases the measures qualified under the derogation provided for in Article 87(3)(c) of the Treaty and could therefore be considered compatible with the common market, and the Commission did not raise objections to the other measures covered by the notification.

III

COMMENTS FROM ITALY

- (13) The Italian authorities emphasise that no aid has yet been paid, so there is no question of an infringement of Article 88(3) of the Treaty.
- (14) The Italian authorities emphasise that the Regulations governing the Structural Funds are based on partnership and technical assistance with the Member State. They refer to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽⁷⁾, Article 8 of which requires the Member States to take the measures necessary to prevent and deal with irregularities in the management of the Funds. It is therefore clear that 'expenditure [...] not considered eligible for assistance' referred to in Article 15(2) of Regulation (EEC) No 2082/93, means expenditure committed and implemented by the national authority through finance from the rotating fund and certainly not that incurred by an economic operator who is a beneficiary of part-funded assistance but lays himself open to the risk of not being reimbursed.
- (15) In any case, however, the Italian authorities contest the claim that the measure produces retrospective effect. They emphasise that the measure contains a suspensory clause that makes payment of the aid subject to approval by the Commission. Furthermore, they consider that the measure meets the conditions laid down in Article 15(2) of Regulation (EEC) No 2082/93 in so far as the notification to the Commission came later than the request submitted in July 1997 for an amendment to measures in the Objective 5(b) single programming document.

⁽⁵⁾ OJ L 142, 2.6.1997, p. 1.

⁽⁶⁾ OJ L 142, 2.6.1997, p. 22.

⁽⁷⁾ OJ L 94, 28.4.1970, p. 13.

(16) The Italian authorities explain that the delay in preparing the notification of the aid measures pursuant to Article 88(3) of the Treaty was due mainly to the unforeseeable circumstances arising from the earthquake that affected the region in 1997, which required staff to be redeployed to other more urgent tasks. Various discussions and meetings also took place with the Commission departments and no mention was made at any of these of the problem of the formal date of submission of the application for approval of the aid scheme. Had this been the case, an invitation, albeit incomplete, would have been submitted immediately.

(17) The Italian authorities also consider that the aids have the necessary incentive effect and cannot therefore be regarded as operating aid. In the case of the Marche Region, invitations had to be issued subject to approval because of the Region's need to maintain its intended programming beyond the formal cut-off date for accepting the proposed amendments. Assistance may legitimately be granted to a final beneficiary (i.e. a beneficiary operator) where he submits an application in response to a public invitation. The fact of submitting an application for assistance implies a legal obligation on the administration entitling the applicant to Community finance, even if the invitation itself is 'conditional'. The suspensory condition relates to recognition of the compatibility of the aids, not the legitimacy of the request for funding.

IV

ASSESSMENT

(18) The measures in respect of which the Commission initiated the procedure provided for in Article 88(2) of the Treaty consist of a series of aids for investments in the primary production of agricultural products and for on-farm investment in the processing and marketing of agricultural products. The aid is granted selectively to individual beneficiaries. The aid for primary production is granted in the livestock (meat and dairy), fruit and vegetables, olive oil and wine sectors. The aids for on-farm processing and marketing are granted in the seeds, oilseeds, meat, cheese and organic products sectors. Between them these sectors account for a substantial proportion of agricultural production, and it is clear that intra-Community trade involves large quantities of the products concerned, without it being necessary to give detailed figures for each sector. It is accepted that in the agricultural sector, because of the existence of the

common agricultural policy, even relatively small amounts of aid may distort the conditions of competition and affect trade between Member States. The Commission therefore concludes that the measures concerned constitute State aid within the meaning of Article 87(1) of the Treaty.

(19) The prohibition on State aid contained in Article 87(1) is subject to exceptions. After a preliminary examination, the Commission concluded that the various measures facilitated the development of certain economic activities without adversely affecting trading conditions to an extent contrary to the common interest and that they could therefore qualify under the derogation provided for in Article 87(3)(c) of the Treaty in so far as they related to expenses incurred after the notification of the aid measures to the Commission on 14 May 1998.

(20) However, the Commission expressed doubts as to whether aid in respect of expenditure incurred before that date could be regarded as facilitating the development of certain economic activities within the meaning of Article 87(3)(c) of the Treaty. In accordance with long-standing Commission practice, which has been upheld by the Court of Justice⁽⁸⁾ aid can only be regarded as facilitating the development of certain economic activities or areas if the Commission is able to establish that market forces alone would not have induced the potential recipients to act in a way that helps achieve the desired objective. Since the information then available to the Commission showed that the producers in the Marche Region had voluntarily entered into the expenditure concerned, without the inducement of aid this element was lacking. Aid awarded after the event to cover the expenditure incurred would simply be operating aid not qualifying for exemption on any of the grounds referred to in Article 87(2)(b).

(21) The Commission considers that the answers provided by the Italian authorities under the procedure dispel the abovementioned doubts. In particular, the Commission has taken into consideration the explanations provided of the programming procedure in the Marche Region as described by the competent authorities and outlined in paragraph 17.

(22) It emerges from the information provided by the Italian authorities that a response to a regional invitation can be considered as equivalent to an aid application. The conditions laid down by the Italian authorities correspond to those set out in the Commission's Guidelines on national regional aid⁽⁹⁾ and the Commission's Guidelines for State aid in the agriculture sector⁽¹⁰⁾, whereby aid schemes must stipulate that no aid may be granted until an application has been submitted to the competent authorities and that no aid may be granted in respect of work already begun or activities undertaken before an aid application has been properly submitted to the competent authorities. Although the latter Guidelines were adopted after the facts of the present case

⁽⁸⁾ See in particular the judgment in Case C-730/79 *Philip Morris v Commission* [1980] ECR 2671.

⁽⁹⁾ OJ C 74, 10.3.1998, p. 9 (in particular point 4.2).

⁽¹⁰⁾ OJ C 28, 1.2.2000, p. 2 (in particular point 3.6).

took place, they are intended to apply the general principles previously followed by the Commission and set out in paragraph 20. The Commission therefore considers it appropriate to apply the same principle by analogy to the case in question. The Commission therefore considers the aid to be compatible with the common market in accordance with Article 87(3)(c) of the Treaty, provided that the beneficiary has submitted an application for assistance to the competent authorities before the expenditure is actually incurred.

- (23) In order to avoid misunderstandings in future, the Commission strongly urges the Italian authorities to ensure that aid schemes are notified to the Commission before invitations are published, even if those invitations do contain a suspensory clause making payment of the aid conditional on Commission approval. Nevertheless, in the present case the Commission recognises that the administrative resources of the Region were under some strain as a result of the earthquakes which affected the region in 1997.
- (24) This Decision is without prejudice to any future decisions on Community contributions towards the financing of the measures concerned,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which Italy is planning to implement by amendments to the single programming document for the Marche Region (Objective 5(b)) is compatible with the common market, subject to the conditions set out in Article 2.

Article 2

No aid may be granted in respect of expenditure incurred before 14 May 1998, unless the beneficiary has submitted an application for assistance to the competent authorities prior to that date in respect of the relevant expenditure under the scheme notified.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 3 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION
of 29 September 2000
amending Decision 97/778/EC and updating the list of border inspection posts approved for
veterinary checks

(notified under document number C(2000) 2747)

(Text with EEA relevance)

(2000/622/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 6(2) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC, and 90/675/EEC ⁽²⁾, as last amended by Directive 96/43/EC ⁽³⁾ and in particular Article 6(4) thereof,

Whereas:

- (1) Commission Decision 97/778/EC ⁽⁴⁾, as last amended by Commission Decision 2000/501/EC ⁽⁵⁾, draws up a list of border inspection posts approved for veterinary checks of live animals and animal products from third countries.
- (2) At the request of the United Kingdom authorities and following a Community inspection, a border inspection post at the airport of Prestwick must be added to the list.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee.

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Decision 97/778/EC, the list of border inspection posts for the United Kingdom is amended by the addition of the following entry:

1	2	3	4	5
Prestwick	0731199	A		U, E

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 162, 1.7.1996, p. 1.

⁽⁴⁾ OJ L 315, 19.11.1997, p. 15.

⁽⁵⁾ OJ L 200, 8.8.2000, p. 61.

COMMISSION DECISION

of 29 September 2000

amending Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorise imports of bovine animals, equidae, sheep and goats, fresh meat and meat products to take into account some aspects regarding Chile

(notified under document number C(2000) 2748)

(Text with EEA relevance)

(2000/623/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾ as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Council Decision 79/542/EEC ⁽³⁾, as last amended by Commission Decision 2000/236/EC ⁽⁴⁾, draws up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products.
- (2) Following Community veterinary missions, it appears that Chile is covered by sufficiently well-structured and organised veterinary services.
- (3) Chile has during the last 24 months been free from foot-and-mouth disease and during the last 12 months been free from vesicular stomatitis, classical swine fever, African swine fever, porcine enteroviral encephalomyelitis (Teschin disease), swine vesicular disease and vesicular exanthema and that no vaccinations have been carried out against any of these diseases for the past 12 months and that the importation of animals vaccinated

against foot-and-mouth disease and classical swine fever is forbidden.

- (4) Chile must be included on the list of third countries from which Member States authorise the imports of live pigs and pigmeat.
- (5) Annex of Council Decision 79/542/EEC must be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Part I of the Annex to Decision 79/542/EEC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 146, 14.6.1979, p. 15.

⁽⁴⁾ OJ L 74, 23.3.2000, p. 19.

ANNEX

'ANNEX

Imports shall fulfil the appropriate animal and public health requirements

Part 1

Live animals, fresh meat and meat products

ISO country code	Country or territory	Fresh meat and meat products domestic				Fresh meat wild		Live animals				Animal health		
		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals
AL	Albania	O	X	X	X	O	X	O	O	O	O			
AR	Argentina	X	X	O	X	X	X	X	X	X	X		(3)	
AU	Australia	X	X	X	X	X	X	X	X	X	X			
BA	Bosnia-Herzegovina	X	X	X	X	X	X	X	X	O	X	(1)		
BG	Bulgaria	X	X	X	X	X	X	X	X	X	X	(1)		
BH	Bahrain	O	O	O	O	O	O	O	O	O	O		(3) (4)	
BR	Brazil	X	X	O	X	O	X	O	O	O	X		(3)	(5)
BW	Botswana	X	X	O	X	X	X	O	O	O	O	(1) (2)	(3)	
BY	Belarus	X	X	X	X	X	X	X	X	X	X	(1)		
BZ	Belize	X	O	O	X	O	X	O	O	O	O			
CA	Canada	X	X	X	X	X	X	X(a)	X	X	X			
CH	Switzerland	X	X	X	X	X	X	X	X	X	X			
CL	Chile	X	X	X	X	X	X	O	X	X	X			
CN	People's Republic of China	O	O	X	X	X	X	O	O	O	O	(1)	(3)	
CO	Columbia	X	O	O	X	O	X	O	O	O	O		(3)	
CR	Costa Rica	X	O	O	X	O	X	O	O	O	O			
CU	Cuba	X	O	O	X	O	X	O	O	O	O			
CY	Cyprus	X	X	X	X	X	X	O	O	X	X			

ISO country code	Country or territory	Fresh meat and meat products domestic				Fresh meat wild		Live animals				Animal health		
		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals
CZ	Czech Republic	x	x	x	x	x	x	x	x	x	x			
DZ	Algeria	o	o	o	o	o	o	o	o	o	x			
EE	Estonia	x	x	x	x	x	x	x	x	x	x	(1)		
ET	Ethiopia	o	o	o	o	o	o	o	o	o	o		(3)	
FK	Falkland Islands	x	x	o	x	x	x	x	x	x	x			
GL	Greenland	x	x	o	x	x	x	o	x	o	x	(1)		
GT	Guatemala	x	o	o	x	o	x	o	o	o	o			
HK	Hong Kong	o	o	o	o	o	o	o	o	o	o		(3)	
HN	Honduras	x	o	o	x	o	x	o	o	o	o			
HR	Croatia	x	x	x	x	x	x	x	x	x	x	(1)		
HU	Hungary	x	x	x	x	x	x	x	x	x	x			
IL	Israel	o	o	o	x	o	x	o	o	o	x		(3)	
IN	India	o	o	o	o	o	o	o	o	o	o		(3)	
IS	Iceland	x	x	x	x	x	x	x	x	x	x			
KE	Kenya	o	o	o	o	o	o	o	o	o	o		(3)	
LI	Lithuania	x	x	x	x	x	x	x	x	x	x	(1)		
LV	Latvia	x	x	x	x	x	x	x	x	x	x	(1)		
MA	Morocco	o	o	o	x	o	x	o	o	o	x		(3)	
MG	Madagascar	x	x	o	x	o	x	o	o	o	o		(3)	
807	Former Yugoslav Republic of Macedonia	o	x	o	x	o	x	o	o	o	x			

ISO country code	Country or territory	Fresh meat and meat products domestic				Fresh meat wild		Live animals				Animal health		
		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals
UY	Uruguay	x	x	o	x	x	x	o	x	o	x		(3)	
YU	Federal Republic of Yugoslavia	x	x	x	x	x	x	x	x	o	x	(1)		
ZA	South Africa	x	x	x	x	x	x	o	o	o	x	(1) (2)	(3)	(5)
ZW	Zimbabwe	x	o	o	o	x	x	o	o	o	o		(3)	

b = Bovines (including buffalo and bison)
 s/g = Sheep/goat
 p = Pig
 e = Equidae
 c/h = Clovenhoofed animals
 x = Authorised
 o = Unauthorised

Special remarks

(1) excluding meat of wild swine.
 (2) excluding bone-in meat and offal.
 (3) notwithstanding the restrictions in the above list, meat products which have undergone heat treatment in a hermetically sealed container to a Fo value of 3 or more are authorised
 (4) notwithstanding the restrictions in the above list, meat products which have been treated to a centre temperature of at least 80° C are authorised.
 (5) Member States shall only import equidae in accordance with Commission Decision 92/160/EEC establishing the regionalisation

Additional notes

(a) Imports of live bovine animals are restricted to animals intended for reproduction and to veal calves aged under two weeks intended for fattening.'

COMMISSION DECISION
of 13 October 2000
on certain protective measures against bluetongue in the Autonomous Community of the Balearic Islands, Spain

(notified under document number C(2000) 3061)

(Text with EEA relevance)

(2000/624/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) On 10 October 2000, Spain confirmed to the Commission that there had been cases of bluetongue on sheep holdings on the islands of Majorca and Minorca in the Balearic archipelago.
- (2) To prevent the disease from spreading, the Spanish authorities have banned the movement from the territory of the Autonomous Community of the Balearic Islands of animals of species susceptible to bluetongue and their sperm, ova and embryos.
- (3) Bluetongue appears on List A of the International office of Epizootics (IOE). Its spread would be a grave risk to the Community and could have an international impact on trade.
- (4) For the sake of clarity and transparency, Community measures should be adopted to prevent the spread of the disease, particularly with regard to movements from the territory of the Autonomous Community of the Balearic Islands of animals of species susceptible to bluetongue and their sperm, ova and embryos. Such measures will take account of the measures already adopted by the Spanish authorities.
- (5) Pending a meeting of the Standing Veterinary Committee and in collaboration with the Member State concerned, the Commission should take provisional

protective measures with regard to movements of live animals of susceptible species from the territory of the Autonomous Community of the Balearic Islands,

HAS ADOPTED THIS DECISION:

Article 1

Spain hereby bans the movement from the territory of the Autonomous Community of the Balearic Islands animals of species susceptible to bluetongue and their sperm, ova und embryos.

Article 2

Member States shall amend the measures they apply to trade so that they confirm to this Decision and shall immediately inform the Commission thereof.

Article 3

This Decision will be reviewed in the light of developments and of investigations and studies carried out by the Spanish authorities.

This Decision will be reviewed during the Standing Veterinary Committee meeting planned for 18 October 2000.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 13 October 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.