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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2349/2000
of 24 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 25 October 2000.

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

Done at Brussels, 24 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 24 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
	060	98,2
	204	116,5
	999	107,3
0707 00 05	052	107,9
	628	130,2
	999	119,1
0709 90 70	052	86,9
	999	86,9
0805 30 10	052	64,1
	388	55,9
	524	58,1
	528	62,1
	999	60,0
0806 10 10	052	94,7
	064	71,8
	400	234,9
	632	44,5
	999	111,5
0808 10 20, 0808 10 50, 0808 10 90	388	47,8
	400	61,7
	800	148,6
	999	86,0
0808 20 50	052	86,7
	064	56,1
	999	71,4

⁽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 2350/2000**of 24 October 2000****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2702/1999 ⁽²⁾, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import

charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of November and December 2000, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be EUR 44,00/100 kg.

Article 2

This Regulation shall enter into force on 1 November 2000.

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

Done at Brussels, 24 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 327, 21.12.1999, p. 7.

**COMMISSION REGULATION (EC) No 2351/2000
of 24 October 2000**

amending Regulation (EC) No 1490/2000 increasing to 450 392 tonnes the quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1490/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 2022/2000 ⁽⁶⁾, opened a standing invitation to tender for the export of 250 272 tonnes of rye held by the German intervention agency. Germany informed the Commission of the intention of its intervention agency to increase by 200 120 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 450 392 tonnes.
- (3) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in

store. Annex I to Regulation (EC) No 1490/2000 must therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1490/2000 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 450 392 tonnes of rye to be exported to all third countries.
2. The regions in which the 450 392 tonnes of rye are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 24 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 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 168, 8.7.2000, p. 5.

⁽⁶⁾ OJ L 242, 27.9.2000, p. 3.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Nordrhein-Westfalen	47 247
Berlin/Brandenburg/Mecklenburg-Vorpommern	306 654
Hessen/Rheinland-Pfalz/Baden-Württemberg/ Saarland/Bayern	4 148
Sachsen/Sachsen-Anhalt/Thüringen	92 343'

COMMISSION REGULATION (EC) No 2352/2000
of 24 October 2000
establishing the forecast supply balance for olive oil for the Canary Islands under the specific
measures provided for in Articles 2 and 3 of Council Regulation (EEC) No 1601/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2790/94 of 16 November 1994 laying down common detailed rules for the implementation of Council Regulation (EEC) No 1601/92 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, establishes specific measures for the Canary Islands with regard to certain agricultural products.
- (2) Commission Regulation (EC) No 2353/1999 ⁽⁵⁾ establishes the forecast supply balance for olive oil for the period 1 November 1999 to 31 October 2000.
- (3) In order to enable the Canary Islands to be supplied with olive oil for the entire 2000/2001 marketing year, an

additional forecast supply balance must be adopted for the period 1 November 2000 to 31 October 2001.

- (4) In order to avoid any interruption in the arrangements, this Regulation should apply from 1 November 2000.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for oils and fats,

HAS ADOPTED THIS REGULATION:

Article 1

For the application of Articles 2 and 3 of Regulation (EEC) No 1601/92, the forecast balance for the supply of olive oil sector products benefiting from exemption from duties on imports from third countries or benefiting from Community aid shall be as laid out in the Annex hereto.

Article 2

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

It shall apply from 1 November 2000.

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

Done at Brussels, 24 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.

⁽⁵⁾ OJ L 282, 5.11.1999, p. 5.

ANNEX

Forecast supply balance for olive oil for the Canary Islands for the period 1 November 2000 to 31 October 2001

(in tonnes)		
Product code	Description of goods	Quantity
1509 10 90 100	Virgin olive oil in immediate packings of a net content of 5 litres or less	600
1509 10 90 900	Virgin olive oil in immediate packings of a net content greater than 5 litres	100
1509 90 00 100	Olive oil (Riviera) in immediate packings of a net content of 5 litres or less	14 500
1509 90 00 900	Olive oil (Riviera) in immediate packings of a net content greater than 5 litres	150
1510 00 90 100	Pomace oil in immediate packings of a net content of 5 litres or less	450
1510 00 90 900	Pomace oil in immediate packings of a net content greater than 5 litres	100
Total		15 900

The quantities fixed may be exceeded up to a maximum of 20 % provided that the combined quantity for the products concerned is not exceeded.

COMMISSION REGULATION (EC) No 2353/2000**of 24 October 2000****amending Regulation (EEC) No 2026/92 on detailed rules for the application of the specific supply measures for Madeira as regards olive oil and establishing the forecast supply balance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2026/92 of 22 July 1992 on detailed rules for the application of the specific supply measures for Madeira as regards olive oil and establishing the forecast supply balance ⁽³⁾, as last amended by Regulation (EC) No 2352/1999 ⁽⁴⁾, fixes the forecast supply balance for olive oil for Madeira for the period 1 November 1999 to 31 October 2000. In order to permit supplies of olive oil to be made to Madeira during the 2000/2001 marketing year, a forecast supply balance must be established for the period 1 November 2000 to 31 October 2001.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for oils and fats,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2026/92 is hereby amended as follows:

1. In the first subparagraph of Article 1(1), '1 November 1999 to 31 October 2000' is replaced by '1 November 2000 to 31 October 2001'.
2. The Annex is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 November 2000.

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

Done at Brussels, 24 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 207, 23.7.1992, p. 18.

⁽⁴⁾ OJ L 282, 5.11.1999, p. 3.

ANNEX

Forecast supply balance for olive oil for Madeira for the period 1 November 2000 to 31 October 2001*(in tonnes)*

Code	Description	Quantity
1509 10 90 100	Virgin olive oil in immediate containers holding no more than 5 litres	100
1509 10 90 900	Virgin olive oil in immediate containers holding more than 5 litres	—
1509 90 00 100	Olive oil ('Riviera') in immediate containers holding no more than 5 litres	150
1509 90 00 900	Olive oil ('Riviera') in immediate containers holding more than 5 litres	—
1510 00 90 100	Olive-residue oil in immediate containers holding no more than 5 litres	—
1510 00 90 900	Olive-residue oil in immediate containers holding more than 5 litres	—
Total		250

COMMISSION REGULATION (EC) No 2354/2000
of 24 October 2000
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Regulation (EC) No 1264/2000 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does not conform to the provisions of

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by European Parliament and Council Regulation (EC) No 955/1999 ⁽⁴⁾, for a period of three months by the holder.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 20th 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, 24 October 2000.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 144, 17.6.2000, p. 6.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁴⁾ OJ L 119, 7.5.1999, p. 1.

ANNEX

Description	CN code	Grounds
(1)	(2)	(3)
Preparation of a kind used in animal feeding, obtained via a high-temperature chemical reaction of a mixture of apatite, phosphoric acid and sodium carbonate or sodium hydroxide. This product is defluorinated and consists mainly of a mixture of calcium and calcium-sodium phosphates.	2309 90 97	Classification is determined by the provision of general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2309, 2309 90 and 2309 90 97. The product does not meet the descriptions given in Note 3(A) to Chapter 31 because it is obtained by a chemical reaction of apatite with sodium compounds and phosphoric acid which allows it to be used as animal feed.

COMMISSION REGULATION (EC) No 2355/2000
of 24 October 2000
prohibiting fishing for saithe by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2742/1999 of 17 December 1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No 66/98 ⁽³⁾, as last amended by Commission Regulation (EC) No 1902/2000 ⁽⁴⁾, lays down quotas for saithe for 2000.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.

- (3) According to the information received by the Commission, catches of saithe in the waters of ICES divisions Vb (EC zone), VI, XII and XIV by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2000,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of saithe in the waters of ICES divisions Vb (EC zone), VI, XII and XIV by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2000.

Fishing for saithe in the waters of ICES divisions Vb (EC zone), VI, XII and XIV by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

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

Done at Brussels, 24 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 341, 31.12.1999, p. 1.

⁽⁴⁾ OJ L 228, 8.9.2000, p. 50.

COMMISSION REGULATION (EC) No 2356/2000**of 24 October 2000****amending Regulation (EC) No 2759/1999 laying down rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ⁽¹⁾, and in particular Article 8 thereof,

Regulation (EC) No 2759/1999 is amended as follows:

Whereas:

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

(1) Article 8 of Regulation (EC) No 1268/1999 set parameters and limits which need further clarification in order to better reflect Community structural policy applied in the framework of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽²⁾.

'1. Support may be granted for investments provided for in Articles 25 and 26 of Regulation (EC) No 1257/1999 relating to improving the processing and marketing of the agricultural including fishery products included in Annex I to the Treaty. Agricultural products, excluding fishery products, must originate in applicant countries or the Community. Investments at the retail level shall be excluded from support.'

(2) In particular, it should be clarified that 'public aid' referred to in Article 8(2) of Regulation (EC) No 1268/1999 relates to all public aid not only that granted under the programmes referred to in Article 9 of that Regulation.

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

'(b) new machinery and equipment including computer software; however on a case-by-case basis the Commission may agree on eligibility of second-hand equipment subject to specific safeguards in particular concerning provenance and technical specification;'

(3) Commission Regulation (EC) No 2759/1999 ⁽³⁾ permits only new machinery and equipment to be eligible for support in the processing and marketing sector; a possibility of having recourse to second-hand equipment under certain circumstances is warranted.

3. The title of Article 8 is replaced by the following:

'Eligibility and aid intensity'.

(4) Regulation (EC) No 2759/1999 limits support for investment in processing and marketing of fishery products to products originating in the applicant countries or the Community; that limitation is not required under Council legislation nor is it a desirable limitation in the fisheries sector within Regulation (EC) No 2759/1999.

4. The following paragraph is added at the end of Article 8:

'4. For the application of Article 8(2) of Regulation (EC) No 1268/1999:

(a) "revenue generating investments" include all investments, except those in infrastructure which do not generate substantial net revenue;

(b) "public aid" means all such aid whether or not granted under the programme.'

(5) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Structures and Rural Development Committee,

Article 2

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

⁽¹⁾ OJ L 161, 26.6.1999, p. 87.

⁽²⁾ OJ L 161, 26.6.1999, p. 1.

⁽³⁾ OJ L 331, 23.12.1999, p. 51.

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

Done at Brussels, 24 October 2000.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 2357/2000
of 24 October 2000**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(14) thereof,

Whereas:

- (1) Under Article 5(1) of Commission Regulation (EC) No 1291/2000 ⁽³⁾, which is to apply from 1 October 2000, the possibility of using export licences with advance fixing of the refund for supplies to armed forces as referred to in Article 36(1)(c) of Commission Regulation (EC) No 800/1999 ⁽⁴⁾, as amended by Regulation (EC) No 1557/2000 ⁽⁵⁾, will cease. In view of the economic significance of such supplies for the milk sector, a derogation should be granted from Article 5(1) of Regulation (EC) No 1291/2000 so as to re-establish without delay the possibility of fixing the refund for such supplies of milk products in advance.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Commission Regulation (EC) No 174/1999 ⁽⁶⁾, the following paragraph is added after the first paragraph:

‘However, by derogation from the first paragraph, an export licence with advance fixing of the refund may be used to grant a refund for exports of milk products as referred to in Article 36(1)(c) of Regulation (EC) No 800/1999.’

Article 2

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

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

Done at Brussels, 24 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 152, 24.6.2000, p. 1.

⁽⁴⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁵⁾ OJ L 179, 18.7.2000, p. 6.

⁽⁶⁾ OJ L 20, 27.1.1999, p. 8.

COMMISSION REGULATION (EC) No 2358/2000**of 24 October 2000****fixing the minimum natural alcoholic strength by volume of quality wines psr originating in Portuguese wine-growing zone C I(a) for the wine years 2000/01 to 2002/03**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Articles 56 and 58 thereof,

Whereas:

- (1) Annex VI(E) to Regulation (EC) No 1493/1999 allows a derogation from the minimum natural alcoholic strength by volume of quality wines psr, fixed at 8,5 % for zone C I(a).
- (2) The derogation, which has been granted for certain wines originating in Portugal in previous wine years, should be renewed.

- (3) The measure provided for in this Regulation is in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

By derogation from the limits fixed for the alcoholic strengths by volume in Annex VI(E)(3) to Regulation (EC) No 1493/1999, the natural alcoholic strength by volume of the quality wines psr originating in Portuguese zone C I(a) listed in the Annex for the wine years 2000/01 to 2002/03 may be lower than 8,5 % vol but may not be lower than 7,5 % vol.

Article 2

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, 24 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

List of quality wines psr referred to in Article 1:

Vinho Verde
Óbidos
Torres Vedras

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

COMMISSION REGULATION (EC) No 2359/2000**of 24 October 2000****amending Regulation (EC) No 28/97 and assessing requirements for the supply of certain vegetable oils (other than olive oil) for the processing industry in the French overseas departments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 2(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 28/97 of 9 January 1997 laying down detailed rules for implementation of the specific measures for the supply of certain vegetable oils for the processing industry in the French overseas departments and assessing supply requirements ⁽³⁾, as last amended by Regulation (EC) No 2681/1999 ⁽⁴⁾, establishes the supply requirements for those products for 2000.
- (2) For 2000 the supply requirements of the department of Réunion are assessed at 9 200 tonnes in the case of vegetable oils (other than olive oil). The information

supplied by the French authorities indicates that this quantity will be insufficient to cover the requirements of Réunion's processing industry. It should therefore be increased to 10 500 tonnes. The Annex to Regulation (EC) No 28/97 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 28/97 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 6, 10.1.1997, p. 15.

⁽⁴⁾ OJ L 326, 18.12.1999, p. 18.

ANNEX

‘ANNEX

Assessment of supply requirements for vegetable oils (other than olive oil) for the processing industry falling within CN codes 1507 to 1516 (except 1509 and 1510) for the French overseas departments for 2000

Department	Quantity (in tonnes)
French Guiana	400
Martinique	2 000
Réunion	10 500
Guadeloupe	300
Total	13 200'

COMMISSION REGULATION (EC) No 2360/2000
of 24 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 2304/2000 ⁽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 25 October 2000.

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

Done at Brussels, 24 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 263, 18.10.2000, p. 12.

ANNEX

to the Commission Regulation of 24 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⁾	31,81	1,74
1701 11 90 ⁽¹⁾	31,81	5,63
1701 12 10 ⁽¹⁾	31,81	1,61
1701 12 90 ⁽¹⁾	31,81	5,20
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 2361/2000
of 24 October 2000
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 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) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 2289/2000, as amended by Regulation (EC) No 2305/2000 ⁽⁵⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2289/2000,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2289/2000 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 25 October 2000.

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

Done at Brussels, 24 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.

⁽⁵⁾ OJ L 263, 18.10.2000, p. 14.

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	3,81	0,00
	low quality	38,01	28,01
1002 00 00	Rye	34,66	24,66
1003 00 10	Barley, seed	34,66	24,66
1003 00 90	Barley, other ⁽³⁾	34,66	24,66
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	34,66	24,66

⁽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 24 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 13 October 2000 to 23 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	138,09	113,44	91,48	189,11 (**)	179,11 (**)	114,11 (**)
Gulf premium (EUR/t)	—	17,69	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: 21,30 EUR/t; Great Lakes — Rotterdam: 32,12 EUR/t.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 October 2000

correcting the Schengen *acquis* as contained in Schengen Executive Committee SCH/Com-ex (94)15 rev.

(2000/645/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the first sentence of the second subparagraph of Article 2(1) of the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community, integrating the Schengen *acquis* into the framework of the European Union (hereinafter referred to as 'the Schengen Protocol'),

Whereas:

- (1) Schengen Executive Committee decision SCH/Com-ex (94)15 rev.⁽¹⁾ was defined as forming part of the Schengen *acquis* in Annex A to Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen *acquis* for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the *acquis*⁽²⁾.
- (2) Decision SCH/Com-ex (94)15 rev. introduced a computerised procedure for consultation, for the purposes of issuing visas, of the central authorities referred to in Article 17(2) of the Convention, signed in Schengen on 19 June 1990, between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.
- (3) Decision SCH/Com-ex (94)15 rev. also provided that the aforementioned computerised procedure should be applied pursuant to the principles laid down in the data

dictionary attached thereto (contained in document SCH/II-Vision (93)20 rev. 3, entitled 'Schengen consultation network (technical specifications)').

- (4) Document SCH/II-Vision (93)20 rev. 3 was replaced by document SCH/II-Vision (99)5 (also entitled 'Schengen consultation network (technical specifications)'). This document was approved by the Vision subgroup of Working Group II on Movement of Persons on 31 March 1999 but, through an oversight, Decision SCH/Com-ex (94)15 rev. was not updated by the Executive Committee to take account of such approval before the integration of the Schengen *acquis* into the framework of the European Union.
- (5) This oversight must now be corrected by replacing the reference in Decision SCH/Com-ex (94)15 rev. to document SCH/II-Vision (93)20 rev. 3 by a reference to document SCH/II-Vision (99)5, so that the version of the Schengen consultation network (technical specifications) currently in use is formally approved by the Council, which has substituted itself for the Executive Committee pursuant to the second sentence of the first subparagraph of Article 2(1) of the Schengen Protocol.
- (6) Since the aim of this Decision is to rectify the omission of the Executive Committee to acknowledge the version of the Schengen consultation network (technical specifications) contained in SCH/II-Vision (99)5 as part of the Schengen *acquis* before that *acquis* was integrated into the framework of the European Union and to confirm its integration, but not to make any amendments to the document itself, Article 2(1) of the Schengen Protocol constitutes the appropriate legal basis for doing so, it being understood that any subsequent amendments to SCH/II-Vision (99)5 will have to be carried out in accordance with the relevant provisions of the Treaties.

⁽¹⁾ OJ L 239, 22.9.2000, p. 165.

⁽²⁾ OJ L 176, 10.7.1999, p. 1.

(7) The Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*, has addressed this matter in accordance with Article 4 of that Agreement.

Article 2

Document SCH/II-Vision (99)5 shall be classified as confidential.

(8) Document SCH/II-Vision (99)5 contains detailed practical and technical information on the principles to be followed by the relevant consular authorities when communicating with each other by means of the computerised consultation procedure introduced by decision SCH/Com-ex (94)15 rev. and should accordingly be treated as a confidential document,

Article 3

This Decision shall take effect on the day of its publication.

HAS DECIDED AS FOLLOWS:

Done at Luxembourg, 17 October 2000.

Article 1

The reference in decision SCH/Com-ex (94)15 rev. to document SCH/II-Vision (93)20 rev. 3 shall be replaced by a reference to document SCH/II-Vision (99)5.

For the Council

The President

É. GUIGOU

COUNCIL DECISION
of 17 October 2000
concerning the conclusion of the amendment to the Montreal Protocol on substances that deplete
the ozone layer

(2000/646/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) in conjunction with the first sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Community, in view of its responsibilities for the environment, has by Decision 88/540/EEC ⁽²⁾ become a party to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on substances that deplete the ozone layer, and by Decision 91/690/EEC ⁽³⁾ has approved the first amendment to the said Protocol and by Decision 94/68/EC ⁽⁴⁾ has approved the second amendment to the said Protocol.
- (2) Recent evidence indicates that for the adequate protection of the ozone layer a higher degree of control of trade in ozone depleting substances is required than is provided by the Montreal Protocol as amended in 1992. The same evidence indicates that there should be additional monitoring and control of trade in controlled ozone-depleting substances and in particular on methyl bromide.
- (3) A third amendment to the Montreal Protocol introducing these controls was adopted in Montreal in September 1997. The Commission, on behalf of the Community, took part in the negotiation and agreement of this amendment.
- (4) The Community has adopted measures in the area covered by the amendment and should therefore undertake international commitments in that area.

- (5) It is necessary for the Community to approve the third amendment to the Montreal Protocol because its provisions relate to trade in controlled substances between the Community and other Parties, the implementation of which is the responsibility of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The third amendment to the Montreal Protocol on substances that deplete the ozone layer is hereby approved on behalf of the Community.

The text of this amendment is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person or persons empowered to deposit the instrument of approval of this third amendment on behalf of the Community with the Secretary-General of the United Nations in accordance with Article 13 of the Vienna Convention for the Protection of the Ozone Layer as read in conjunction with Article 3 of the third amendment to the Montreal Protocol.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 17 October 2000.

For the Council

The President

L. FABIUS

⁽¹⁾ OJ C 21 E, 25.1.2000, p. 9.

⁽²⁾ OJ L 297, 31.10.1988, p. 8.

⁽³⁾ OJ L 377, 31.12.1991, p. 28.

⁽⁴⁾ OJ L 33, 7.2.1994, p. 1.

ANNEX

AMENDMENT TO THE MONTREAL PROTOCOL ADOPTED BY THE NINTH MEETING OF THE PARTIES

Article 1

Amendment

A. Article 4, paragraph 1 quater

The following paragraph shall be inserted after paragraph 1 *ter* of Article 4 of the Protocol:

'1 *quater*. Within one year of the date of entry into force of this paragraph, each party shall ban the import of the controlled substance in Annex E from any State not party to this Protocol.'

B. Article 4, paragraph 2 quater

The following paragraph shall be inserted after paragraph 2 *ter* of Article 4 of the Protocol:

'2 *quater*. Commencing one year after the date of entry into force of this paragraph, each party shall ban the export of the controlled substance in Annex E to any State not party to this Protocol.'

C. Article 4, paragraphs 5, 6 and 7

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:

'and Group II of Annex C'

there shall be substituted:

'Group II of Annex C and Annex E'.

D. Article 4, paragraph 8

In paragraph 8 of Article 4 of the Protocol, for the words:

'Article 2G'

there shall be substituted:

'Articles 2G and 2H'.

E. Article 4A: Control of trade with parties

The following Article shall be added to the Protocol as Article 4A:

- '1. Where, after the phase-out date applicable to it for a controlled substance, a party is unable, despite having taken all practicable steps to comply with its obligation under the Protocol, to cease production of that substance for domestic consumption, other than for uses agreed by the parties to be essential, it shall ban the export of used, recycled and reclaimed quantities of that substance, other than for the purpose of destruction.
2. Paragraph 1 of this Article shall apply without prejudice to the operation of Article 11 of the Convention and the non-compliance procedure developed under Article 8 of the Protocol.'

F. Article 4B: Licensing

The following Article shall be added to the Protocol as Article 4B:

- '6. Each party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.
7. Notwithstanding paragraph 1 of this Article, any party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.
8. Each party shall, within three months of the date of introducing its licensing system, report to the secretariat on the establishment and operation of that system.
9. The secretariat shall periodically prepare and circulate to all parties a list of the parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the parties.'

*Article 2***Relationship to the 1992 Amendment**

No State or regional economic integration organisation may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the fourth meeting of the parties in Copenhagen, 25 November 1992.

*Article 3***Entry into force**

1. This Amendment shall enter into force on 1 January 1999, provided that at least 20 instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organisations that are parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the 90th day following the day on which it has been fulfilled.
 2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organisation shall not be counted as additional to those deposited by Member States of such organisation.
 3. After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other party to the Protocol on the 90th day following the day of deposit of its instrument of ratification, acceptance or approval.
-

COMMISSION

COMMISSION DECISION

of 3 May 2000

on aid granted by France to TASQ SA

(notified under document number C(2000) 1337)

(Only the French text is authentic)

(Text with EEA relevance)

(2000/647/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 pursuant to those Articles⁽¹⁾, and having regard to those comments,

Whereas:

I

PROCEDURE UNDER ARTICLE 88(2) OF THE EC TREATY

- (1) The Commission learnt in April 1998 through a complaint from a competitor that TASQ had been recapitalised several times by Consortium de Réalisations (CDR), the hive-off vehicle set up in 1995 for the non-performing assets of Crédit Lyonnais. On 20 May 1998 the Commission wrote to the French authorities asking them for information on the recapitalisation operations. The French authorities replied by letter dated 14 September 1998, confirming that TASQ had been recapitalised on several occasions by CDR and, earlier, by Crédit Lyonnais, its previous shareholder. In the same letter, the French authorities also stated that TASQ had been sold by means of agreements signed, subject to conditions precedent, on 24 July 1998 and 8 August 1998. On 22 December 1998 the complainant wrote to the Commission to withdraw the complaint it had lodged against TASQ on 16 April 1998.

- (2) By letter dated 2 March 1999 the Commission informed France of its decision to initiate the procedure provided for in Article 88(2) of the EC Treaty in respect of the measures. The Commission considered that the recapitalisation of TASQ in 1988 and 1991 by Crédit Lyonnais and the capital injections by CDR in 1995 and 1997 were liable to include aid elements. It also pointed out that the conditions under which the firm was privatised could involve aid to the purchaser.
- (3) The Commission decision to initiate proceedings was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission invited interested parties to submit their comments on the measures in question.
- (4) The French authorities sent a reply by letter dated 2 June 1999, together with a file containing the information requested by the Commission in its letter initiating the procedure. Following the publication of the Commission notice in the *Official Journal of the European Communities*, a letter was received from CDR dated 4 August 1999 and a file received from TASQ dated 10 August 1999.

II

DESCRIPTION OF TASQ

- (5) TASQ provides businesses with computer maintenance and other services. It is independent of computer manufacturers and supplies multi-brand services on behalf of third parties. This activity accounts for nearly 60 % of its turnover. TASQ also supplies IT services, in particular the integration, deployment, installation and cabling of systems.

⁽¹⁾ OJ C 194, 12.7.1999, p. 9.

⁽²⁾ See footnote 1.

- (6) TASQ as it stands was created out of the merger in 1991 of the former TASQ (a company set up in 1988 to externalise maintenance of the Crédit Lyonnais microcomputers) and Metroservice (set up in 1983 by the Métrologie group, subsequently taken over by Crédit Lyonnais in 1991 and renamed 'TASQ International').
- (7) In 1995 TASQ was transferred to CDR as part of the hive-off plan for Crédit Lyonnais.
- (8) At 31 December 1997, TASQ employed some 460 people. Following the merger with Metroservice in 1991, its turnover fluctuated between FRF 200 million and FRF 270 million. It often recorded a loss, except in 1990, 1995 and 1997, as shown in the following table (figures in millions of FRF):

	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Turnover	4	65	92	270	266	235	210	250	215	235	202
Earnings	- 6	- 1	5	- 48	- 25	- 42	- 1	2	- 76	30	- 6

- (9) Crédit Lyonnais increased the capital of TASQ in two stages: the first was a capital increase of FRF 4 million in 1988; the second was in November 1991, during preparations for the merger between TASQ and Metroservice, when both these companies injected capital of FRF 30,6 million and FRF 26 million respectively. In December 1991 TASQ made a capital increase of FRF 51 million in return for the assets contributed by TASQ International (formerly Metroservice).

Competition Report ⁽³⁾, which would have allowed all possibility of aid to be ruled out.

III

- (10) After TASQ was transferred to CDR, two operations were carried out, consisting in a first capital increase in 1995 by offsetting claims amounting to FRF 5 million. A second capital increase was made in June 1997 by means of a cash injection of FRF 60 million. CDR was the only subscriber to these two capital increases totalling FRF 65 million.

REPLY FROM THE FRENCH AUTHORITIES

- (11) It should be noted that none of the abovementioned transactions was notified to the Commission.

- (15) In their reply, the French authorities took the view that the capital injected by Crédit Lyonnais before 1995 into TASQ and Metroservice did not constitute State aid as it did not use State resources but complied with the criterion of a private investor operating in a market economy and had not affected trade between Member States.

- (12) In August 1998, about a year after the last capital increase of FRF 60 million, CDR sold TASQ for FRF 16 million.

- (16) For the same last two reasons, the two transactions engaged in by CDR after 1995 could not be regarded as constituting State aid. In any case, according to the French authorities, the last capital increase qualified for exemption under Article 87(3)(c) of the EC Treaty.

- (13) The Commission considered, when it initiated this procedure, that the capital increases described above were liable to include State aid, owing to the apparent lack of any prospect of an adequate return on the investment.

- (17) As regards the sale of TASQ to the private sector, the French authorities considered that it had complied with the principles set out by the Commission in its Twenty-Third Competition Report.

- (14) The Commission also stated when it opened this procedure that it did not have sufficient information to conclude that the sale of TASQ complied with the principles of openness, transparency and non-discrimination, as defined by the Commission in its Twenty-Third

- (18) The arguments of the French authorities are examined in detail in Section V.

⁽³⁾ See Twenty-Third Competition Report, point 403, page 276. The principles to which the Commission refers in the Report had been communicated to the French authorities in a letter from the Director-General for Competition dated 14 July 1993.

IV

COMMENTS FROM INTERESTED PARTIES

- (19) In a letter dated 10 August 1999, TASQ put forward the same arguments as the French authorities and submitted a detailed file of information. CDR, in a letter dated 4 August 1999, subscribed to the view of the French authorities.

V

ASSESSMENT OF THE MEASURES UNDER ARTICLE 87

(i) **Financing of the firm by Crédit Lyonnais prior to the hive-off to CDR**

- (20) The French authorities firstly challenged the view that the funds provided by Crédit Lyonnais for TASQ were State resources. In their view, the use by a public enterprise of funds from private sources, such as those obtained from the collecting of savings by Crédit Lyonnais, is not covered by Article 87 unless it can be shown that the behaviour of the firm managing the private funds can be ascribed to the State. In the present case, specific support from the French authorities for TASQ was not possible owing to the smallness of the firm and its slight impact from a socio-economic standpoint. In addition, the public holding in TASQ was far from being a direct stake as it was held through a series of firms. Hence the decisions on increasing the capital of TASQ were not even discussed by the Crédit Lyonnais board but by the board of CLIO, which does not include any State representatives.
- (21) The Commission considers in the present case that the Crédit Lyonnais resources are State resources within the meaning of Article 87(1) of the Treaty as they are resources available to the bank, controlled by the State, its shareholder. Those resources, like all the resources entered on the balance sheet of a public enterprise, must be categorised as State resources. That is sufficient to characterise the investments in question as State action which may constitute aid within the meaning of Article 87(1) of the Treaty ⁽⁴⁾.
- (22) That characterisation does not mean that the use of the State resources by Crédit Lyonnais automatically entails State aid. The Commission does not normally have any reason to consider that, where Crédit Lyonnais has granted financing, it constitutes aid. Most of the bank's actions, before and after 1995, are not, despite the serious difficulties it experienced, regarded as aid and are in principle based on commercial market principles and aimed at achieving a margin contributing to profits,

even if the investments subsequently proved to have resulted in losses. The Commission describes such measures as State aid only when it can be established, on the basis of specific facts, that the measures seen in their context fail to comply with the market economy investor principle.

- (23) In order to determine whether the financing received by TASQ comprises elements of aid, the Commission does not examine the current position, where the result of the financing is known, but rather the context in which the financing was granted by Crédit Lyonnais before 1995.
- (24) In order to determine whether such financing from public resources contains aid, the Commission applies the market economy investor principle ⁽⁵⁾ and concludes that State aid is involved if that principle is not satisfied, i.e. if a private investor operating under identical conditions would not have granted such financing to the firm, in view of the risk and expected profitability.
- (25) The first capital increase was in 1988 and amounted to FRF 4 million. The French authorities explained that the involvement of Crédit Lyonnais in the transaction had been limited to FRF 2,6 million. In assessing the reasons for the transaction, it must be remembered that the firm in question had just been set up with a small capital of FRF 4 million and a limited number of staff. It had immediately encountered considerable commercial success. By 1989 it already had 150 third-party customers and a turnover of almost FRF 65 million, against FRF 4 million in the previous year. The growth in turnover thus made it essential to increase the capital, taking account of the necessary tangible fixed assets. The increase was also desirable because of the success of the firm and its expected profitability, which was also consistent with the market growth predictions of several experts who forecast a 20 % — 25 % growth per annum of the French third-party maintenance market in the period 1987 to 92. In view of the firm's start-up phase, it would be wrong to regard the losses of 1988 as evidence of a crisis in the firm. The information in the possession of the Commission thus indicates that the investments by Crédit Lyonnais are consistent with the actions of a private investor in similar circumstances. The favourable predictions were indeed confirmed two years later, in 1990, when TASQ produced significant results at the operational level (FRF 7 million) and overall (in excess of FRF 5 million), which corresponds to a particularly high return on capital (about 67 %) and allowed almost three quarters of the losses incurred in the early years to be absorbed. In view of these factors, the Commission considers that the capital increase in 1988 does not comprise State aid.

⁽⁴⁾ See in particular the judgment of the Court of First Instance in Case T-358/94 *Compagnie nationale Air France v Commission of the European Communities* [1996] ECR II-2109.

⁽⁵⁾ See in particular Commission communication to the Member States, OJ C 307, 13.11.1993, p. 3.

(26) The increases of FRF 26 million in the capital of TASQ and of FRF 30,6 million in that of Metroservice were carried out in November 1991 with a view to the merger of the two companies. Given the slowdown in market growth and also the development of microcomputing and information technologies, the merger was intended to enable TASQ both to gain broader access to the third-party maintenance market in order to reposition activities that were still too focused on the Crédit Lyonnais markets and rapidly to attain the critical size that would have enabled it to achieve significant economies of scale. At the time, the market in question was experiencing a growing number of restructuring and merger operations. TASQ thus required an injection of capital in order to sustain the surge in activity in 1991 and adapt its structures and resources to the nature and volume of business. Metroservice, on the other hand, which was emerging from a more serious position, had to cover the losses forecast for the year preceding the merger. The acquisition of Metroservice by Crédit Lyonnais, its former creditor, thus gave the bank the opportunity it had hoped for to allow TASQ more easily to reach a size better suited to economies of scale and to make use of synergies between the two firms. The conduct of Crédit Lyonnais appears, given the favourable market trend, to be consistent with the actions of a prudent investor. It forms part of the trend towards mergers in the sector and is based on the complementary nature of the two companies concerned and on the economies of scale resulting from the merger in terms of geographical cover and technical investments. In view of these factors, the Commission considers that the two capital increases may be regarded as consistent with the actions of a prudent investor and hence as not containing State aid.

(27) The French authorities explained that the capital increase of FRF 51 million in December 1991, referred to in the initiation of the procedure, was not a recapitalisation but the mechanical effect of the merger between the two firms controlled by Crédit Lyonnais. At the time of the merger, the absorbing company (TASQ) had issued new securities in exchange for the cancellation of the securities of the firm taken over in order to remunerate the net assets contributed. The exchange rate adopted (15 TASQ International (formerly Métropole) shares for two TASQ shares) was based on the different comparison methods available, which produced a similar estimate of the value of the two firms. The assets and liabilities contributed by TASQ were assessed in detail, in accordance with the usual principles applicable in this area. The whole operation and its details were approved by the Stock Exchange Committee (COB) and the auditors appointed by the Commercial Court. In view of the foregoing, which confirms that the transaction did not bring any financial advantages to TASQ, the Commission considers that the transaction does not contain any State aid.

(ii) Financing of TASQ by CDR

(28) CDR financed TASQ on two occasions: in December 1995, shortly after the hive-off, CDR provided FRF 5 million; in June 1997, following a particularly poor year (a loss of FRF 76 million), TASQ received FRF 60 million. In August 1998, CDR sold the firm for FRF 16 million.

(29) In order to examine the two operations, it should first be noted, as the Commission stated in its Decision 98/490/EC on aid to Crédit Lyonnais ⁽⁶⁾, that 'CDR's resources are State resources within the meaning of Article 92 of the Treaty ⁽⁷⁾, not only because CDR is the wholly owned subsidiary of a public undertaking but also because it is financed by a participating loan guaranteed by the State and because its losses are borne by the State. The Commission notes that such transactions do not qualify for any derogation exempting them from the obligations arising out of Articles 92 and 93 of the Treaty, and in particular that the French authorities and CDR cannot be exempted from such obligations under Decision 95/547/EC or under this Decision. It should be noted that CDR's operations with regard to its subsidiaries are deemed not to include any aid component only if they conform with the "market economy investor" principle and that any injection of funds (or abandonment of claims) complies with this principle. In its communication to the Member States ⁽⁸⁾ concerning the principles to be applied to determine whether public intervention should be regarded as aid, the Commission considers that injections of capital into public undertakings contain elements of State aid if, in similar circumstances, a private investor, in view of the expected return on the contribution of funds, would not have made the capital injection in question. In a letter dated 16 October 1997 addressed to the Minister for Economic, Financial and Industrial Affairs, Mr Van Miert pointed out that CDR operations involving a recapitalisation of its assets, a sale at a loss or a cancellation of debt were likely to include aid and should be notified to the Commission. Similarly, sales of CDR assets other than by open, transparent tendering procedures must also be notified to the Commission. Only operations definitely below the *de minimis* aid threshold of ECU 100 000 are exempt from this obligation.'

(30) The recapitalisation measures taken by CDR as regards TASQ should for the reasons set out be examined as such and cannot be deemed to be approved under the rescue and restructuring plan for the bank, the sole object of which is the aid granted to Crédit Lyonnais as such.

⁽⁶⁾ OJ L 221, 8.8.1998, p. 28.

⁽⁷⁾ On 1 May 1999 Article 92 became Article 87 of the EC Treaty, as amended by the Amsterdam Treaty, Article 93 becoming Article 88.

⁽⁸⁾ OJ C 307, 13.11.1993, p. 3.

- (31) The Commission acknowledges the merits of the reasons for taking the banking and off balance-sheet risks into account in the calculation of the economic rationale for the decisions taken by CDR. It also acknowledges that, if viewed as an isolated act, the measures taken by the State through CDR, starting from the hive-off in 1995, could on the whole be regarded as constituting sound management, aimed at minimising losses and safeguarding the interests of the State.
- (32) In order for the assumption that CDR acted as a prudent investor to be confirmed in the present case, it must first be shown that CDR sought to maximise the proceeds of the sale of the firm and that the sale was open, transparent and non-discriminatory (see subdivision (iii)), so that its recapitalisations would be fully justified and very clearly not include any aid to the purchaser.
- (33) In its assessment of the transactions under Article 87, however, the Commission takes account of the continuous nature of the State's assistance to TASQ through Crédit Lyonnais and its subsidiaries and CDR which the hiving-off of TASQ to CDR cannot interrupt as though nothing had happened before 1995. If the Commission did not take this approach, Member States could easily grant aid and avoid the consequences of Article 87 of the Treaty and the Commission controls provided for by the Treaty by setting up structures to which firms receiving aid are hived off with their debts and obligations and invoking the rationality of the financial conduct of the manager of the hiving-off in relation to the hive-off itself and its obligations.
- (34) In the present case, it should be noted that the first recapitalisation took place just after TASQ was transferred to CDR. The funds are not new but simply a conversion into capital of a debt of FRF 5 million. The extent of CDR's exposure in respect of TASQ did not change. Following years affected first by post-merger restructuring costs and then by a poor economic performance in the sector, 1995 saw a significant improvement in TASQ's turnover and a return to profitability, despite a loss of FRF 9 million resulting from unfair competition. TASQ thus appears to be a recovering firm with good prospects of viability on a market where growth has been restored, according to the financial analyses carried out at the time. The financial indicators concerning TASQ and the market situation allowed CDR to anticipate an adequate return on its investment. The Commission considers that, under the circumstances, the behaviour of CDR can be justified on the basis of the private investor principle. It also considers that the conversion of CDR's loan to TASQ into capital is not the final materialisation of aid granted at the end of a lasting process of support for the firm, undertaken earlier by Crédit Lyonnais before its hive-off to CDR. Consequently, the Commission considers that the transaction does not contain State aid.
- (35) There is no doubt that TASQ experienced considerable losses in 1996, which could throw doubt on the advisability of the 1995 decision. However, some of the losses were due to unforeseeable events, whilst others were inevitable. All the losses can be explained by one-off events resulting in the creation of exceptional provisions.
- (36) Firstly, TASQ had been active in business with the general public, but this led to significant losses in 1996 (of FRF 6 million), as a result of which it decided to create provisions for the following year of FRF 16 million for losses incurred through the termination of the contracts concerned. TASQ also had to write off, through a provision of FRF 10 million, the residual goodwill connected with the maintenance contract with Crédit Lyonnais, which had informed TASQ in 1996 that it intended in future to conclude its contracts on an annual basis.
- (37) Secondly, TASQ was faced with problems connected with the property of which it had the use, subject to penalising conditions. Thus provision had to be made for some FRF 60 million in order to take account of the extra cost of rent and the under-occupation of the business premises. Although these problems had already emerged in 1995, they gained in importance later and, in any event, they left CDR with no alternative in view of its commitments to Crédit Lyonnais in this connection. At the time of the hive-off, CDR had granted Crédit Lyonnais a repayment guarantee for property commitments which TASQ had entered into with two subsidiaries of the bank. In addition, under the Protocol of Agreement of 5 April 1995 between the French State and Crédit Lyonnais, authorised by Commission Decision 95/547/EC of 26 July 1995 on aid to Crédit Lyonnais⁽⁹⁾, CDR acted as guarantor in the event of default by TASQ for the repayment to the two subsidiaries in question of two leasing contracts. The value of the guarantee is estimated at over FRF 81 million.
- (38) The decision taken by CDR to inject FRF 60 million into TASQ in 1997 must be assessed in the light of three factors: the commitments described in recital 37, the task assigned to CDR of selling or liquidating its holdings as soon as possible and the restructuring started by TASQ in 1996.

⁽⁹⁾ OJ L 308, 21.12.1995, p. 92.

(39) The radical restructuring plan ended in 1997 with a significant reduction in turnover (– 14 %). The results of this extensive and controlled action were immediately evident: in 1997 TASQ recorded very positive results both at the operational level (+ FRF 14 million) and overall (+ FRF 30 million). It is worth noting that TASQ achieved the highest profits in 1997 of all French companies in this sector. The business plan drawn up by the stockbrokers Ferri in collaboration with TASQ anticipated a negative result in 1998, equilibrium in 1999 and a return to profit in 2000, with a return on capital after tax of some 17 %. Forecasts for the following years indicated a return on capital of 20 % in 2002. Even if the 2002 result is viewed with caution, the return in 2000 would be satisfactory to a private investor, in view in particular of the level of long-term interest rates for investments without risk (between 5 % and 6 %).

(40) The French authorities state in this connection that the option of recapitalising and selling TASQ chosen by CDR was in any case the least expensive option. First, because the estimated cost of winding-up TASQ would have been higher than the costs of recapitalisation less the proceeds from the sale of TASQ. Second, because CDR was tied to the repayment guarantee given to Crédit Lyonnais for property commitments entered into by TASQ and described in recital 37, the cost of terminating the guarantee exceeded FRF 81 million.

(41) The Commission rejects the first reason given by the French authorities as it considers that the eligible winding-up costs for determining the aid content of an operation carried out by the State as shareholder are limited to the value of the shares held by the State. The Commission and the Court of Justice of the European Communities, in similar precedents⁽¹⁰⁾, have already rejected the argument that extends the liability of the State as shareholder for liquidation debts beyond its capital contribution on the ground that extending liability in that way amalgamates the roles of the State as shareholder and the welfare State.

(42) In the present case, however, in view of the fact that the Commission approved the guarantee given by CDR to Crédit Lyonnais in its decisions on aid to Crédit Lyonnais, it acknowledges that CDR may have had other obligations with regard to Crédit Lyonnais taken over when the hive-off was created, in so far as the obligations stem from the charges borne by the firm even before it was decided to transfer it to CDR. As the cost

of the obligations (FRF 81 million taken over by the purchaser) was higher than the net cost of the recapitalisation (FRF 60 million minus FRF 16 million = FRF 44 million), the Commission considers that CDR acted like a private investor operating under normal market economy conditions, provided that it can be shown that the privatisation followed the principles set out by the Commission and guaranteed effective and transparent competition between potential buyers in order to obtain the maximum price for TASQ (subdivision (iii)). In deciding whether the decision of CDR was prudent, the Commission also takes account of the fact that the operation in question is part of a major restructuring plan and is likely to restore TASQ to a normal market position as a viable concern so that it can be sold under the best conditions.

(iii) Possibility of aid during the privatisation of TASQ

(43) As stated in the notice initiating this procedure, in order to determine whether a privatisation includes aid, the Commission applies general criteria that have been defined over the years on the basis of individual cases and are set out in its 1993 Competition Report⁽¹¹⁾. It also specifically reminded the French authorities of these principles in a letter sent by the Director-General for Competition on 14 July 1993. According to the letter, the sale of certain public undertakings may comprise elements of State aid which must be notified in advance under Article 88 of the Treaty.

(44) The principles set out in the letter are as follows:

(a) the presence of aid is ruled out and notification is not required if the following conditions are fulfilled:

- the sale takes place by competitive, unconditional tender, in accordance with non-discriminatory and transparent procedures and conditions,
- the firm is sold to the highest bidder, and
- the bidders are given enough time to prepare their bid and receive all the necessary information to carry out a proper valuation of the assets;

(b) on the other hand, the following sales must be notified in advance in accordance with Article 88(3) of the Treaty as they are likely to contain elements of State aid:

- all sales carried out by restricted procedure or between individuals,
- all sales preceded by the writing-off of debt by the State, other public undertakings or bodies,

⁽¹⁰⁾ See in particular Commission Decision 94/1073/EC (Bull.), OJ L 386, 31.12.1994, p. 5, and the Court Judgment in Joined Cases C-278/92, C-279/92 and C-280/92 *Kingdom of Spain v Commission of the European Communities* (Hytasa) [1994] ECR I-4103, paragraph 22.

⁽¹¹⁾ See footnote 4.

- all sales preceded by the conversion of debt equity or capital increases,
- all sales on conditions that would not be acceptable to private investors operating in a market economy.

(45) In the present case, the French authorities stated that the privatisation had been carried out by a specialised independent firm (Développement et Finances) which invited tenders from some 60 potential purchasers of TASQ, including several foreign firms or firms under foreign control. The French authorities also showed that the invitation to tender was transparent and unconditional, that the deadlines were reasonable and that the bidders had been fully and continuously informed. In particular, the documents submitted to the Commission showed that the sale of TASQ was not conditional on, for example, job maintenance, locations or continuation of activity.

(46) As regards the choice of buyer, the French authorities stated that, of the three bidders selected, only two had made a firm offer. The difference between the two bids was only 1 %. The highest bid was not chosen because of its weak financing, the financing guarantee given not complying with the law. The successful bid was adjusted to take account of the most recent valuation of TASQ's own capital at 30 June 1998, in accordance with the TASQ sale agreement. The final price corresponds to the top value of the range calculated by the independent experts appointed by CDR, Mazard et Guerard. In view of these elements, the Commission considers that the

privatisation of TASQ did not give rise to State aid either to TASQ or to its purchaser.

VI

CONCLUSIONS

(47) The Commission concludes that, in the present case, taking account of the data available, the transactions examined above do not involve State aid to TASQ within the meaning of Article 87 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The capital increases of FRF 4 million and FRF 56 million injected into TASQ by Crédit Lyonnais in 1988 and 1991 and the capital increases of FRF 5 million and FRF 60 million injected into TASQ by CDR in 1995 and 1997 do not constitute aid under Article 87(1) of the EC Treaty.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 3 May 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 21 June 2000
on State aid which Italy is planning to implement for Siciliana Acque Minerali Srl

(notified under document number C(2000) 1730)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2000/648/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 10, and the first subparagraph of Article 88(2) thereof,

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

Having regard to Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾,

Having regard to the Commission communication to the Member States on the transfer of funds to public undertakings ⁽²⁾,

Having regard to the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽³⁾,

Having regard to the Commission Decision of 3 June 1999 ⁽⁴⁾ to initiate the procedure laid down in Article 88(2) in respect of aid C 34/99 and to invite the Italian authorities to provide all the necessary information within one month,

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

Whereas:

I. PROCEDURE

- (1) By letter dated 19 August 1997 from its Permanent Representation, Italy notified the Commission pursuant to Article 88(3) of the EC Treaty of aid that the Region of Sicily planned to grant to the company Siciliana Acque Minerali Srl (hereafter 'SAM') to cover its balance-sheet losses, the legal basis for the operation being Article 19 of Regional Law No 46 of 24 December 1997 concerning provisions governing the carrying on of professional activities by travel and tourism agencies in Sicily. On the sole ground that, under Article 22 of

Law No 46/97, Article 19 is subject to prior approval by the Commission within the meaning of Articles 87 et seq. of the Treaty, the measure in question was entered in the register of notified aid under N 576/97.

- (2) By letter dated 3 June 1999 (SG (99) D/4000), the Commission informed Italy that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid, since the recapitalisation of SAM could involve elements of State aid within the meaning of Article 87 of the Treaty and since the extremely small amount of information received obliged the Commission to request that the Italian authorities provide, within one month, all the documents and information required to assess the compatibility of the measure, including a restructuring plan and a note setting out in detail the procedure regarding any future sale of SAM.
- (3) In the same decision, the Commission also informed the Italian authorities that, in the absence of such documentation, it would take a decision on the basis of the information available to it.
- (4) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁵⁾. The Commission invited interested parties to submit their comments on the measure within one month of the date of publication.
- (5) No comments on the matter have been received by the Commission either from interested parties or from the Italian authorities.

II. DETAILED DESCRIPTION

- (6) Article 19 of Regional Law No 46/97 authorises the member of the Sicilian Regional Executive responsible for tourism, communications and transport to make an outright grant to the Acireale Springs Agency (a public institution set up by Sicilian Presidential Decree No 12 of 30 December 1954) for the recapitalisation of Siciliana Acque Minerali Srl, which is controlled by the above agency.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ C 307, 13.11.1993, p. 3.

⁽³⁾ See point 98 of the new guidelines on State aid for rescuing and restructuring firms in difficulty (OJ C 288, 9.10.1999, p. 2), which provides that aid for SMEs individually notified before 30 April 2000 will be assessed in the light of the guidelines previously in force (OJ C 368, 23.12.1994, p. 12).

⁽⁴⁾ OJ C 365, 18.12.1999, p. 3.

⁽⁵⁾ See footnote 4.

- (7) The amount of the planned grant is ITL 3 000 million (EUR 1,5 million).

V. ASSESSMENT OF THE AID

- (8) The final beneficiary of the aid is SAM, a company specialising in managing industrial plants for bottling and distributing mineral water and beverages. SAM was set up in 1993, with 95 % of its capital coming from the Acireale Springs Agency and 5 % from private partners. It initially had a workforce of 30. On 31 December 1996 it employed 26 people. Its turnover was some ITL 3 859 million in 1996 (about EUR 2 million), representing a loss of ITL 710 million (EUR 362 000), of which ITL 500 million was attributable to the day-to-day management of the business and ITL 210 million to its financial management. This loss, equivalent to 18 % of turnover, which followed substantial losses in previous years (ITL 1 922 million in 1995, ITL 1 075 million in 1994 and ITL 376 million in 1993), brought the company's difficulties to such a critical point that its capital base became negative to the extent of ITL 2 584 million (EUR 1,3 million) as at 31 December 1996.
- (9) Article 19 of Regional Law No 46/97 provides that the aid in question is intended to cover SAM's losses and to reconstitute its capital with a view to privatisation.
- (10) The market in bottling and distributing mineral water and beverages, SAM's main activity, is one in which companies throughout the European Union are in competition. Available information⁽⁶⁾ shows that the main producers are in France, the United Kingdom, Italy and Spain. More specifically in 1998, intra-Community exports of beverages totalled some EUR 13 billion, of which EUR 4 485 957 000 is accounted for by France, EUR 1 983 600 000 by the United Kingdom, EUR 1 699 926 000 by Italy and EUR 1 159 648 000 by Spain⁽⁷⁾.

III. COMMENTS FROM INTERESTED PARTIES

- (11) No comments from interested parties were received following publication in the *Official Journal of the European Communities* of the Commission decision to initiate the procedure⁽⁵⁾.

IV. COMMENTS FROM ITALY

- (12) No comments were received from the Italian authorities, nor was a reply received to the Commission's request for information in its decision to initiate the procedure.

- (13) As to the existence of the aid, since a capital injection was provided by a public authority to a State-owned firm, the measure must be assessed according to the 'market economy investor principle' set out in the Commission communication to the Member States on the transfer of funds to public undertakings⁽⁸⁾.
- (14) SAM is a public undertaking within the meaning of Article 2 of Commission Directive 80/723/EEC of 25 June 1980 on the transparency of financial relations between Member States and public undertakings⁽⁹⁾, as amended by Directive 85/413/EEC⁽¹⁰⁾ and by Directive 93/84/EEC⁽¹¹⁾. This Article provides that a public undertaking is considered to be any undertaking over which the public authorities may exercise directly or indirectly a dominant influence. According to the second paragraph of this Article, a dominant influence on the part of the public authorities is presumed when these authorities, directly or indirectly in relation to an undertaking, hold the major part of its subscribed capital. This is undoubtedly the case of SAM, 95 % of whose capital is held by the Acireale Springs Agency, a public institution set up by the Region of Sicily.
- (15) It is clear that in certain circumstances public enterprises can derive an advantage from the nature of their relationship with public authorities. Consequently, 'to ensure respect for the principle of neutrality the aid must be assessed as the difference between the terms on which the funds were made available by the State to the public enterprise and the terms which a private investor would find acceptable in providing funds to a comparable private undertaking when the private investor is operating under normal market economy conditions' (market economy investor principle — point 11 of the Commission communication to the Member States on the transfer of funds to public undertakings).

- (16) The information in the Commission's possession shows that in 1996, the year when the decision on recapitalisation was taken, SAM was in a particularly weakened financial situation as a result of the losses and the erosion of the firm's capital base described at recital 8. Furthermore, no particulars have been submitted to the Commission to suggest that there was some prospect of the recapitalisation of the firm, at a cost of ITL 3 000 million, being profitable enough to cover the cost of capital which a private investor might be willing to advance and to provide a satisfactory return on the capital investment. Therefore, since it is not in line with the market economy investor principle, the capital injection for SAM constitutes State aid.

⁽⁵⁾ See footnote 4.

⁽⁶⁾ See European Commission, *Panorama of EU industry 1997*, 3-146, 1994 data.

⁽⁷⁾ See Comext2, Eurostat 1999 figures.

⁽⁸⁾ See footnote 2.

⁽⁹⁾ OJ L 195, 29.7.1980.

⁽¹⁰⁾ OJ L 229, 28.8.1985, p. 20.

⁽¹¹⁾ OJ L 254, 12.10.1993, p. 16.

- (17) This aid could distort or threaten to distort competition in that it allows SAM to strengthen its market position at the expense of its competitors. It could also affect trade within the Community since, according to the information available (see recital 10), the Community market in bottling and distributing mineral water is a very competitive one. Moreover, during the formal investigation procedure, the Italian authorities did not dispute the Commission's affirmation that, if recapitalisation had not taken place, the company would have had to be put into liquidation, releasing market shares or enabling some of its competitors in the Community to bid for its assets.
- (18) As to whether the aid is lawful, it should be noted that the measure was kept in the register of notified aid solely because, under Article 22 of Regional Law No 46/1997, Article 19 is subject to prior approval by the Commission within the meaning of Articles 87 et seq. of the Treaty. The Commission did not receive any specific information that the aid had not been granted. It must therefore conclude that the provisions of the Treaty were respected but it cannot rule out the possibility that the aid may none the less have been unlawfully implemented. Indeed, on the basis of the information available, SAM is still in business on the date of this Decision.
- (19) As regards the compatibility of the aid, the Commission considers that, since it does not rank as aid having a social character granted to individual consumers or as aid to make good the damage caused by natural disasters or exceptional occurrences, the exemptions in Article 87(2)(a) and (b) are not applicable. Since, furthermore, it is not aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State, the exemption in Article 87(3)(b) cannot be applied. The exemption in Article 87(3)(d) is not relevant given the nature of this case. Finally, since the aid is not intended to encourage economic development in Sicily, which would have been considered admissible under the exemption in Article 87(3)(a), the only exemption that could possibly be considered, as indicated by the decision to initiate the formal investigation procedure, is the one provided for in Article 87(3)(c) for the non-regional aspect; in particular, in view of the nature of the aid, the compatibility of the measure should be examined in the light of the Community guidelines on State aid for rescuing and restructuring firms in difficulty⁽¹²⁾, which in any event take account of development needs in the regions assisted.
- (20) SAM could be defined as a 'firm in difficulty' unable to recover through its own resources within the meaning of point 2.1 of the Community guidelines on State aid for rescuing and restructuring firms in difficulty. However, the scant information which the Commission has at its disposal does not allow it to establish whether the planned capital injection by the Region of Sicily for SAM could be classified as rescue or restructuring aid compatible with the common market within the meaning of Article 87(3)(c) of the Treaty.
- (21) To be authorised as rescue aid intended temporarily to sustain a firm in difficulty, the recapitalisation of SAM would have had:
- (a) to consist of liquidity help in the form of loan guarantees or loans at market interest rates;
 - (b) to be restricted to the amount needed to keep the firm in business;
 - (c) to be paid only for the time needed (generally not exceeding six months) to identify the necessary and feasible recovery plan;
 - (d) to be warranted on the grounds of serious social difficulties and have no undue adverse effects on the industrial situation in other Member States (see point 3.1 of the Community guidelines on State aid for rescuing and restructuring firms in difficulty)⁽¹²⁾.
- Since the capital injection for SAM was planned in the form of an outright grant, in breach of condition (a), and since there is no evidence that the other conditions were satisfied, the Commission is unable to conclude that the aid in question is compatible with the common market as rescue aid.
- (22) To be authorised by the Commission as restructuring aid intended to restore the long-term viability of the firm through reorganisation, rationalisation or diversification of its activities, the recapitalisation of SAM and its subsequent privatisation, as provided for in Regional Law No 46/97, would have had:
- (a) to be linked to a restructuring plan intended to restore the long-term viability of the firm within a reasonable timescale;
 - (b) to be associated with measures aimed at offsetting as far as possible any adverse effects on competitors;
 - (c) to be limited, as regards the amount and intensity of the aid, to the strict minimum needed to enable restructuring to be undertaken;

⁽¹²⁾ See footnote 3.

- (d) to be accompanied by full implementation of the restructuring plan and observance of the conditions laid down in the Commission Decision;
- (e) to include an undertaking from the Member State concerned to submit an annual report to the Commission to enable it to monitor the implementation, progress and success of the restructuring plan (see point 3.2 of the Community guidelines on State aid for rescuing and restructuring firms in difficulty) ⁽¹²⁾.

It should be noted that, despite the Commission's request for information in the decision of 3 June 1999 initiating the procedure, no restructuring plan or any other documentation to justify the recapitalisation has been received from SAM. Accordingly, given the lack of information regarding the observance of the other conditions, the Commission cannot conclude that the aid in question is compatible with the common market as restructuring aid.

- (23) As regards the procedure for any future sale of SAM, referred to in the Commission decision of 3 June 1999, following the privatisation of the company provided for by Article 19 of Regional Law No 46/97, the Commission has no information at its disposal which would allow it to establish whether or not this took place. As a result, the Commission is not in a position to judge whether the general conditions for the sale of public undertakings were respected; these would form the basis for a decision on the existence or otherwise of State aid ⁽¹³⁾. This Decision does not, therefore, prejudice any position the Commission might take on the matter should privatisation take place in the future.
- (24) In conclusion, the Commission considers that the Italian authorities, by neglecting to provide the information needed to assess the case in question, have failed to fulfil their obligation to cooperate in good faith as laid down in Article 10 of the EC Treaty.

VI. CONCLUSION

- (25) The Commission:

- notes that the Italian authorities have failed to comply with its request for information and that, as a consequence, this Decision must be adopted on the basis of the information available, in accordance with Article 7 of Regulation (EC) No 659/1999,

- concludes on that basis that, since none of the exemptions in Article 87(2) and (3) are applicable, the aid in question is incompatible with the common market and cannot therefore be implemented,
- concludes that any aid implemented in spite of the condition laid down in Article 22 of Regional Law No 46/97 must be recovered. This is necessary to restore the previous situation by removing the financial advantages from which the recipient has benefited unlawfully from the date on which the aid was improperly granted. Recovery of incompatible and unlawful aid is provided for in Regulation (EC) No 659/1999. The aid must be recovered without delay and in accordance with the procedures of national law, provided that these allow effective and immediate execution of the Commission Decision. Interest is payable from the date on which the aid was at the disposal of the beneficiary until the date of its recovery. Interest is calculated on the basis of the reference rate used for calculating the grant equivalent of regional aid,

HAS ADOPTED THIS DECISION:

Article 1

1. The State aid which Italy is planning to implement for Siciliana Acque Minerali Srl, amounting to ITL 3 000 million is incompatible with the common market.
2. The aid may accordingly not be implemented.

Article 2

Italy shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 3

1. Italy shall take all necessary measures to recover from the recipients any aid which may have been unlawfully granted.
2. Recovery shall be effected without delay and in accordance with the procedures of national law provided that they allow the immediate and effective execution of this Decision. The aid to be recovered shall include interest from the date on which it was at the disposal of the recipients until the date of its recovery. Interest shall be calculated on the basis of the reference rate used for calculating the grant equivalent of regional aid.

⁽¹²⁾ See footnote 3.

⁽¹³⁾ The Commission Decision of 3 June 1999 (see footnote 4) implicitly refers to the letter of 14 July 1993 to the Director-General of the French competition authority; these criteria were reaffirmed by the Commission in its XXIIIrd Report on competition policy.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 21 June 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION**of 12 October 2000****amending Decision 94/442/EC setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section***(notified under document number C(2000) 2988)**(2000/649/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Since modern financial audit methods are becoming increasingly important in the EAGGF Guarantee Section accounts clearance procedure, the conciliation body should be composed not only of members who are highly qualified in EAGGF Guarantee Section matters, but also of members with a high level of practical financial audit experience. Commission Decision 94/442/EC setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section ⁽²⁾ should be adapted accordingly.
- (2) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS DECISION:

Article 1

Decision 94/442/EC is hereby amended as follows:

The first subparagraph of Article 3(1) is replaced by the following:

'The Body shall be composed of five members selected from among eminent persons offering every guarantee of independence and highly qualified in EAGGF Guarantee Section matters or in the practice of financial audit. They must be nationals of different Member States.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 160, 26.6.1999, p. 103.⁽²⁾ OJ L 182, 16.7.1994, p. 45.

COMMISSION DECISION
of 19 October 2000
on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC
concerning the United Kingdom

(notified under document number C(2000) 3047)

(Text with EEA relevance)

(2000/650/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9(6)(g) thereof,

Whereas:

- (1) In August and September 2000, outbreaks of classical swine fever in the United Kingdom were declared by the Veterinary Authorities of the United Kingdom.
- (2) In accordance with Article 9(1) of Directive 80/217/EEC protection and surveillance zones were immediately established around outbreak sites in Suffolk, Norfolk and Essex.
- (3) The provisions for the use of a health mark on fresh meat are given in Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽²⁾, as last amended by Directive 95/23/EC ⁽³⁾.
- (4) Following a request from the United Kingdom, by Decision 2000/543/EC ⁽⁴⁾, the Commission adopted a specific solution concerning marking and use of pigmeat coming from pigs kept on holdings situated in one surveillance zone established in Norfolk and slaughtered, subject to a specific authorisation issued by the competent authority. This Decision expired on 30 September 2000.
- (5) The United Kingdom has submitted a further request for the adoption of a specific solution concerning marking and use of pigmeat coming from pigs kept on holdings situated in the same surveillance zone established in Norfolk referred to in Decision 2000/543/EC.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

Without prejudice to the provisions of Directive 80/217/EEC, in particular Article 9(6), the United Kingdom is authorised to apply the mark described in Article 3(1)(A)(e) of Directive 64/433/EEC to pigmeat obtained from pigs originating from holdings situated in the surveillance zone established in Norfolk following the outbreak confirmed on 9 August 2000 in the district of Old Buckenham in accordance with the provisions of Article 9(1) of Directive 80/217/EEC on condition that the pigs in question:

- (a) originate from a surveillance zone:
 - where no outbreaks of classical swine fever have been detected in the previous 21 days and where at least 21 days have elapsed since the completion of the preliminary cleaning and disinfection of the infected holdings,
 - established around a protection zone where serological tests for classical swine fever have been carried out in all pig holdings after the detection of classical swine fever, with negative results;
- (b) originate from a holding:
 - which has been subject to protection measures established in accordance with the provisions of Article 9(6)(f) and (g) of Directive 80/217/EEC,
 - to which, following the epidemiological inquiry, no contact has been established with an infected holding,
 - which has been subject to regular inspections by a veterinarian after the establishment of the zone. The inspection has included all pigs kept on the holding;
- (c) have been included in a programme for monitoring body temperature and clinical examination. The programme has been carried out as given in Annex I;
- (d) have been slaughtered within 12 hours of arrival at the slaughterhouse.

Article 2

The United Kingdom shall ensure that a certificate as given in Annex II is issued in respect of meat referred to in Article 1.

⁽¹⁾ OJ L 47, 21.1.1980, p. 11.

⁽²⁾ OJ L 121, 29.7.1964, p. 2012/64.

⁽³⁾ OJ L 243, 11.10.1995, p. 7.

⁽⁴⁾ OJ L 231, 13.9.2000, p. 14.

Article 3

Pigmeat which complies with the conditions of Article 1 and enters into intra-Community trade must be accompanied by the certificate referred to in Article 2.

Article 4

The United Kingdom shall ensure that abattoirs designated to receive the pigs referred to in Article 1 do not, on the same day, accept pigs for slaughter other than the pigs in question.

Article 5

The United Kingdom shall provide Member States and the Commission with:

- (a) the name and location of slaughterhouses designated to receive pigs for slaughter referred to in Article 1,
- (b) a report which contains information on:
 - the number of pigs slaughtered at the designated slaughterhouses,

- the identification system and movement controls applied to slaughter pigs, as required in accordance with Article 9(6)(f)(i) of Directive 80/217/EEC,
- instructions issued concerning the application of the programme for monitoring body temperature referred to in Annex I.

Article 6

This Decision is applicable until 15 November 2000.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 19 October 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

MONITORING OF BODY TEMPERATURE

The programme for monitoring body temperature and clinical examination referred to in Article 1(c) shall include the following:

1. Within the 24-hour period before loading a consignment of pigs intended for slaughter, the competent veterinary authority shall ensure that the body temperature of a number of pigs of the said consignment is monitored by an official veterinarian inserting a thermometer into the rectum. The number of pigs to be monitored for temperature shall be as given below:

No of pigs in consignment	No of pigs to be monitored
0-25	all
26-30	26
31-40	31
41-50	35
51-100	45
101-200	51
200 +	60

At the time of examination, the following information shall be recorded for each pig on a table issued by the competent veterinary authorities: number of eartag, time of examination and temperature.

In cases where the examination shows a temperature of 40 °C or above, the official veterinarian shall immediately be informed. A disease investigation shall be initiated and take into account the provisions of Article 4 of Directive 80/217/EEC introducing Community measures for the control of classical swine fever.

2. Shortly (0 to 3 hours) before loading of the consignment examined as described under point (1), a clinical examination shall be carried out by an official veterinarian designated by the competent veterinary authorities.
3. At the time of loading of the consignment of pigs examined as described under points (1) and (2), the official veterinarian shall issue a health document, which shall accompany the consignment to the designated slaughterhouse.
4. At the slaughterhouse of designation the results of the temperature monitoring shall be made available to the veterinarian who performs the ante-mortem examination.

ANNEX II

CERTIFICATE

for fresh meat referred to in Article 1 of Commission Decision 2000/650/EC

No ⁽¹⁾:

Place of loading:

Ministry:

Department:

I. Identification of meat

Meat of pigs:

Nature of cuts:

Number of cuts or packages:

Net weight:

II. Origin of meat

Address and veterinary approval No of the approved slaughterhouse:

.....

.....

III. Destination of meat

The meat will be sent from :

(place of loading)

to:

(place of destination)

by the following means of transport ⁽²⁾:

.....

Name and address of consignee:

.....

IV. Health attestation

I, the undersigned official veterinarian, certify that the meat described above was obtained under the conditions governing production and control laid down in Directive 64/433/EEC and is in conformity with the provisions of Decision 2000/650/EC on marking and use of pigmeat in application of Article 9 of Directive 80/217/EEC.

Done at on

.....
(name and signature of the official veterinarian)

⁽¹⁾ Serial No issued by the official veterinarian.

⁽²⁾ In the case of rail trucks and lorries, state the registration No and in the case of boats name and, where necessary, No of the container.

COMMISSION DECISION
of 19 October 2000
amending for the second time Decision 2000/528/EC concerning certain protection measures
relating to classical swine fever in the United Kingdom

(notified under document number C(2000) 3048)

(Text with EEA relevance)

(2000/651/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 thereof,

Whereas:

- (1) Outbreaks of classical swine fever have occurred in the United Kingdom.
- (2) In view of the trade in live pigs, these outbreaks are liable to endanger the herds of other Member States.
- (3) By Commission Decision 2000/528/EC ⁽³⁾, as last amended by Decision 2000/542/EC ⁽⁴⁾, certain protection measures relating to classical swine fever in the United Kingdom were adopted at Community level.
- (4) Decision 2000/528/EC must be amended for the second time to take into account the evolution of the epidemiological situation.
- (5) This Decision is in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2000/528/EC is replaced by the Annex to this Decision.

Article 2

Article 2a of Decision 2000/528/EC is hereby repealed.

Article 3

In Article 7 of Decision 2000/528/EC the date '15 October' is replaced by '15 November'.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 19 October 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'ANNEX I

NORFOLK

SUFFOLK'

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 214, 25.8.2000, p. 42.

⁽⁴⁾ OJ L 231, 13.9.2000, p. 12.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1575/2000 of 19 July 2000 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community concerning the codification to be used for data transmission from 2001 onwards

(Official Journal of the European Communities L 181 of 20 July 2000)

On page 34, in the Annex, footnote (1) is deleted.
