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(Convention signed between Member States)

**DECISION No 1/2000
of 31 October 2000
of the Committee set up by Article 18 of the Dublin Convention concerning the transfer of
responsibility for family members in accordance with Article 3(4) and Article 9 of that Convention**

(2000/677/CMS)

THE COMMITTEE set up by Article 18 of the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990 ⁽¹⁾, herein-after referred to as the 'Dublin Convention',

Having regard to Article 18(1) and (2) of the Dublin Convention,

Whereas:

- (1) The Member States confirm their obligations in the field of international law under Article 8 of the European Convention on Human Rights, namely to ensure respect for private and family life.
- (2) Pursuant to Article 3(4) and Article 9 of the Dublin Convention, a Member State may examine an application for asylum submitted to it by an alien even if such examination is not its responsibility under the criteria defined in that Convention. In order to ensure harmonised and effective implementation of these provisions in the case of family members, it is necessary to adopt provisions for their interpretation and application.
- (3) In this respect, the scope of this Decision is determined by the rules of the Dublin Convention. The following provisions therefore concern only the transfer of responsibility for applicants for asylum on family grounds,

HAS DECIDED AS FOLLOWS:

Article 1

Family members

1. For the purposes of this Decision, 'family members' shall mean the spouse of an applicant for asylum or his or her unmarried child who is a minor under 18 years of age, or his or her father or mother where the applicant for asylum is himself or herself an unmarried child who is a minor under 18 years of age.

2. This Decision shall also apply to a close relative of an applicant for asylum other than those mentioned in paragraph 1, if the Member States concerned are satisfied that either the

applicant for asylum or that close relative wholly or mainly depends on support from the other who will effectively provide that support and that the persons concerned were living together as a family unit before they left their country of origin.

3. For the purposes of family reunification or of maintenance of the family group, this Decision shall apply only to applicants for asylum.

Article 2

Conditions for family reunification and for maintenance of a family group

1. Responsibility for dealing with applications for asylum by family members shall in principle be determined in accordance with the criteria laid down in Articles 4 to 8 of the Dublin Convention.

2. Where several Member States would accordingly be responsible for dealing with applications for asylum by family members present in different Member States or where members of the applicant's family are present in another Member State, family reunification may take place if there are humanitarian reasons within the meaning of Article 9 of the Dublin Convention. Judgment shall be exercised on the basis of individual aspects of each case. Depending on the situation, the following factors for example may be taken into account:

- the fact that the family members have lived in the same household in the country of origin up to the time of departure or flight,
- the reasons which have led to divided responsibility for family members or a separation of the family,
- progress of the individual asylum proceedings as well as proceedings relating to the law on aliens in the Member States.

Families shall normally be reunited in cases where

- a family member is a minor under 18 years of age and would otherwise remain behind unaccompanied in a Member State,

⁽¹⁾ OJ C 254, 19.8.1997, p. 1.

- a family member is dependent on support on account of situations such as
 - pregnancy,
 - a newborn child,
 - a serious illness,
 - a serious handicap,
 - advanced years.

3. Where all family members are present in a Member State and one or more of them has submitted an application for asylum which another Member State or several Member States are responsible for processing, the desirability of maintaining the family group should, in exercising the judgment referred to in paragraph 2, be particularly taken into consideration.

Article 3

Procedure

1. If the prerequisites for family reunification or for maintaining a family group exist pursuant to Article 2, the Member States in which the persons concerned are present, and the other responsible Member States shall determine by mutual agreement, taking into account Article 3(4) and Article 9 of the Dublin Convention, and provided that the persons concerned agree to this procedure, which State will take responsibility for dealing with the applications for asylum.

2. Member States shall seek to reach agreement, within one month of a request to that effect being made, on the transfer of responsibility for dealing with the applications for asylum.

Article 4

Factors in determining the Member State responsible

Where the Member States concerned consider a transfer of responsibility in accordance with Article 3, the following factors may be taken into account in particular, depending on the circumstances:

- number of family members for whom a Member State is responsible pursuant to Articles 4 to 8 of the Dublin Convention,
- the place of abode if all the members of the family are present in the same Member State,

- in the case of unaccompanied persons who are minors, the place where the father or mother is present in a Member State,
- number of family members already legally present in one of the Member States concerned;
- examinations already under way in the Member States concerned with regard to applications for asylum by the family members,
- where it is ascertained that the applicant refers solely to the reasons for asylum alleged in the application for asylum by a member of his family, responsibility for dealing with the application for asylum by that member of the family (principal subject).

Article 5

Cooperation in cases of shared responsibility for family members

Where asylum proceedings are conducted by family members in different Member States, the Member States concerned should, if they are aware of the conduct of such asylum proceedings,

- cooperate by means of the earliest possible exchange of information,
- notify each other without delay of the completion of the respective asylum proceedings, insofar as this is necessary for the purposes of Article 15 of the Dublin Convention.

Article 6

Entry into force

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

Done at Brussels, 31 October 2000.

For the Committee

The Chairman

D. VAILLANT

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2443/2000
of 6 November 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 7 November 2000.

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

Done at Brussels, 6 November 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 6 November 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	102,6
	204	80,5
	999	91,5
0707 00 05	052	97,2
	628	132,0
	999	114,6
0709 90 70	052	83,7
	999	83,7
0805 20 10	204	53,9
	999	53,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	60,2
	999	60,2
	052	64,9
0805 30 10	528	52,6
	999	58,8
	052	103,8
	064	95,3
0806 10 10	400	276,2
	632	43,7
	999	129,8
	052	139,8
	388	44,0
	400	58,0
	404	92,0
0808 10 20, 0808 10 50, 0808 10 90	524	62,0
	528	63,8
	999	76,6
	052	101,9
	064	57,8
	999	79,8
	052	101,9
0808 20 50	064	57,8
	999	79,8
	052	101,9

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 2444/2000
of 6 November 2000
on the supply of milk products as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of Decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 6 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 223/99 (A1); 267/99 (A2)
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, The Netherlands; tel.: (31-70) 33 05 757; fax: 36 41 7 01; telex: 30960 EURON NL
3. **Beneficiary's representative:** To be designated by the beneficiary
4. **Country of destination:** A1: Zambia; A2: Madagascar
5. **Product to be mobilised:** vitaminised skimmed-milk powder
6. **Total quantity (tonnes net):** 45
7. **Number of lots:** 1 in 2 parts (A1: 30 tonnes; A2: 15 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (I.B(1))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (6.3 A and B.2)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (I.B(3))
 - language to be used for the markings: A1: English; A2: French
 - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the supply contract
12. **Specified delivery stage** ⁽⁸⁾: free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 11-31.12.2000
 - second deadline: 25.12.2000-14.1.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 21.11.2000
 - second deadline: 5.12.2000
20. **Amount of tendering guarantee:** EUR 20 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export Refund** ⁽⁴⁾: refund applicable on 31.10.2000, fixed by Commission Regulation (EC) No 2375/2000 (OJ L 275, 27.10.2000, p. 7)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
- The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation, the temperature and duration in the spray-drying-tower and the expiry date for consumption,
 - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point I.A(3)(c) is replaced by the following: 'the words "European Community"'.
- (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL.
- The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
- The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
- The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (⁸) The tenderer's attention is drawn to the second subparagraph of Article 7(6) of Regulation (EC) No 2519/97.
-

COMMISSION REGULATION (EC) No 2445/2000
of 6 November 2000
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs.
- (4) In order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rapeseed oil or sunflower oil. The

contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

Except for lot B, tenders shall cover either rapeseed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 6 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 266/99
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, The Netherlands; tel.: (31-70) 33 05 757; fax: 36 41 70 1; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Madagascar
5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 15
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(1)(a) or (b))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(3))
 - language to be used for the markings: French
 - supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community. The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** ⁽⁸⁾: free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 11-31.12.2000
 - second deadline: 25.12.2000-14.1.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 21.11.2000
 - second deadline: 5.12.2000
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

LOT B

1. **Action No:** 268/99
2. **Beneficiary** ⁽²⁾: EuronAid, PO box 12, 2501 CA Den Haag, The Netherlands; tel.: (31-70) 33 05 757; fax: 36 417 01; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Burkina Faso
5. **Product to be mobilised:** refined sunflower oil
6. **Total quantity (tonnes net):** 45
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(1)(b))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (10.4, A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: French
 - Supplementary markings: 'Date d'expiration ...'
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** ⁽⁸⁾: free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Abidjan
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 11-31.12.2000
 - second deadline: 25.12.2000-14.1.2001
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 21.11.2000
 - second deadline: 5.12.2000
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
 - (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
 - (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate (lot B: the certificate must indicate the expiry date for consumption).
 - (⁵) Notwithstanding OJ C 114, 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.

The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of cans belonging to each action number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
 - (⁸) The tenderer's attention is drawn to the second subparagraph of Article 7(6) of Regulation (EC) No 2519/97.
-

COMMISSION REGULATION (EC) No 2446/2000**of 6 November 2000****supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1509/2000 ⁽²⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EEC) No 2081/92, Spain, France, Italy and Ireland have sent the Commission applications for the registration of certain names as designations of origin or geographical indications.
- (2) In accordance with Article 6(1) of that Regulation, the applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statements of objection within the meaning of Article 7 of the above Regulation have been forwarded to the Commission following publication in the *Official*

Journal of the European Communities ⁽³⁾ of the names in the Annex to this Regulation.

- (4) The names should therefore be entered in the Register of protected designations of origin and protected geographical indications and hence be protected throughout the Community as protected designations of origin and protected geographical indications.
- (5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 ⁽⁴⁾, as last amended by Regulation (EC) No 1904/2000 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex to this Regulation are added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) and protected geographical indications (PGI) in the Register of protected designations of origin and protected geographical indications provided for in Article 6(3) of Regulation (EEC) No 2081/92.

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, 6 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 208, 24.7.1992, p. 1.⁽²⁾ OJ L 174, 13.7.2000, p. 7.⁽³⁾ OJ C 38, 10.2.2000, p. 3; OJ C 21, 25.1.2000, p. 20; OJ C 77, 17.3.2000, p. 2; OJ C 77, 17.3.2000, p. 6, and OJ C 93, 31.3.2000, p. 2.⁽⁴⁾ OJ L 327, 18.12.1996, p. 11.⁽⁵⁾ OJ L 228, 8.9.2000, p. 57.

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION**Meat-based products**

IRELAND

Timoleague Brown Pudding (PGI)

Cheese

SPAIN

Queso de l'Alt Urgell y la Cerdanya (PDO)

Fruit, vegetables and cereals

SPAIN

Melocotón de Calanda (PDO)

ITALY

Limone di Sorrento (PGI)

Oils and fats

Olive oil:

ITALY

Chianti Classico (PDO)

Terre di Siena (PDO)

Cider

FRANCE

Cidre de Bretagne or cidre breton (PGI)

Cidre de Normandie or cidre normand (PGI)

COMMISSION REGULATION (EC) No 2447/2000
of 6 November 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 2442/2000 ⁽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 7 November 2000.

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

Done at Brussels, 6 November 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 280, 4.11.2000, p. 44.

ANNEX

to the Commission Regulation of 6 November 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⁾	28,07	2,87
1701 11 90 ⁽¹⁾	28,07	7,50
1701 12 10 ⁽¹⁾	28,07	2,73
1701 12 90 ⁽¹⁾	28,07	7,07
1701 91 00 ⁽²⁾	28,11	11,18
1701 99 10 ⁽²⁾	28,11	6,66
1701 99 90 ⁽²⁾	28,11	6,66
1702 90 99 ⁽³⁾	0,28	0,37

⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 October 2000

laying down detailed rules for registration of holdings in national databases for porcine animals as foreseen by Council Directive 64/432/EEC

(notified under document number C(2000) 3075)

(Text with EEA relevance)

(2000/678/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, amended and updated by Directive 97/12/EC ⁽²⁾ as last amended by Directive 2000/20/EC of the European Parliament and the Council ⁽³⁾ and in particular Article 14 (3)(c)(4) thereof,

Whereas:

- (1) To ensure the operational character of the database for porcine animals it is important to fix the data that this database should contain.
- (2) In the first step it is convenient to fix the data concerning information on the registration of holdings with porcine animals.
- (3) It is important that all the databases of the Member States contain certain mandatory information, and it is useful to fix a list of additional optional information.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The holding register shall contain at least the following information on each holding with porcine animals:

- (a) the country code and the identification number consisting of not more than 12 figures (apart from the country code);
 - (b) address of the holding;
 - (c) name and address of the person responsible for the animals;
 - (d) the geographic co-ordinates or equivalent geographic indication of the holding;
 - (e) a data field where it is possible for the competent authority to enter sanitary information, for example restrictions on movements, status or other relevant information in the context of Community or national programmes.
2. In addition to the information foreseen in paragraph 1, the holding register may contain the following information on each holding with porcine animals:
- (a) type of production;
 - (b) capacity;
 - (c) name and address of the owner of the holding;
 - (d) name and address of the person responsible for sanitary measures;
 - (e) other information deemed necessary by the competent authority.

The Member States shall inform the Commission of the information mentioned in paragraph 2 which is included in the holding register in their national databases for porcine animals.

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 109, 25.4.1997, p. 1.

⁽³⁾ OJ L 163, 4.7.2000, p. 35.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 October 2000.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 25 October 2000
suspending the examination procedure concerning obstacles to trade in pharmaceutical products
on the market of the Republic of Korea

(notified under document number C(2000) 3098)

(2000/679/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation ⁽¹⁾, as amended by Regulation (EC) No 356/95 ⁽²⁾, and in particular Article 11(2)(a) thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURAL BACKGROUND

- (1) On 15 June 1999 (EFPIA (European Federation of Pharmaceutical Industries and Associations) lodged a complaint under Article 4 of Council Regulation (EC) No 3286/94 (hereinafter the Regulation) on behalf of those of its members which have an interest to market their products in Korea.
- (2) The complainant alleged that Community sales of pharmaceutical products in Korea are hindered by a number of obstacles to trade within the meaning of Article 2(1) of the Regulation, i.e. 'a practice adopted or maintained by a third country and in respect of which international trade rules establish a right of action'. The alleged obstacles to trade were:

- discrimination in pricing and reimbursement practices,
- excessive regulatory requirements,
- intellectual property issues.

The complainant also claimed a general lack of transparency of the Korean regulatory system.

- (3) At the time the complaint was lodged the Korean regulatory system governing pharmaceuticals was undergoing a period of change. This made it difficult to assess whether there was sufficient evidence in the complaint of the existence of WTO violations in respect of some of

the issues. However, the Commission decided that the complaint contained sufficient evidence to justify the initiation of an examination procedure on the grounds of discrimination in pricing and reimbursement practices. In order to make a proper assessment of the new legal and regulatory environment the Commission decided that it would also take into account any information discovered during the investigation that related to other issues raised in the complaint. A corresponding notice was published in the *Official Journal of the European Communities* ⁽³⁾.

B. REACTION OF THE KOREAN GOVERNMENT TO THE INITIATION OF THE EXAMINATION PROCEDURE

- (4) Following the initiation of the investigation a note verbale was sent to the Korean authorities requesting that they respond to a questionnaire on the alleged barriers to trade in pharmaceutical products. The Korean Government replied by note verbale informing the Commission of the changes and planned changes to the Korean legislation governing the pharmaceuticals sectors. The changes concerned all the issues contained in EFPIA's complaint.

C. THE FINDINGS OF THE INVESTIGATION

Pricing and reimbursement issues

- (5) The complaint alleged discrimination against foreign products regarding both the method for determining reimbursement prices and the system for reimbursement. The rules introduced during the investigation appear to have eliminated the discriminatory elements previously existing. Imported products were admitted for the first time on the list of reimbursable pharmaceuticals (i.e. those pharmaceutical products that are eligible for reimbursement by the State health care system) on 1 July 1999. Imported products are now reimbursed according to the same rules as domestic products and the unfavourable treatment of innovative products should have been removed by the new rules for price calculation agreed upon by the task force for pricing.

⁽¹⁾ OJ L 349, 31.12.1994, p. 71.

⁽²⁾ OJ L 41, 23.2.1995, p. 3.

⁽³⁾ OJ C 218, 30.7.1999.

- (6) Furthermore, on 15 November 1999 the Korean authorities introduced the actual transaction price (ATP) system of reimbursement for pharmaceutical products. This is intended to eliminate the discounts previously demanded by the purchaser of pharmaceuticals, which represented a problem for international industry as it was claimed that domestic producers had an advantage as their products were reimbursed at a price level that allowed them to offer substantial discounts. The system includes the introduction of a complex electronic data exchange system.
- (7) However, both on the issue of reimbursement at actual transaction price and on the pricing of innovative products the new rules have entered into force very recently and have not yet been fully implemented.

Regulatory requirements

- (8) New rules on clinical trials for newly marketed products entered into force on 1 January 2000. The new regulation governing marketing of new pharmaceuticals has abolished the obligation to carry out clinical trials in Korea but maintains the requirement for the applicant to submit a so-called bridging study with data obtained on Koreans. However, the legislation lacks detail as to the circumstances in which a bridging study will be considered sufficient and this leaves the industry with some concerns that they may be required to carry out clinical trials in Korea on all new products. As regards the other regulatory issue, that is, the possibility for foreign producers to subcontract production to a local manufacturer without transferring the product licence, the rules introduced on 1 January 2000 only allow it between companies with manufacturing licences in Korea. However, no violation of WTO rules has been found on this issue.

Intellectual property issues

- (9) On data protection, although it appears that the system still does not guarantee full protection to data submitted to obtain marketing authorisation, no case of unfair use of confidential data was reported in the context of the investigation.

As for the issue of patent term restoration the change in the rules concerning clinical trials has been taken into account in the latest amendment to the Regulation on patent term extension. That text says that, for medicines developed abroad and exempt from clinical trials in Korea, the extension period includes both the period spent in clinical trials abroad and the time taken by KFDA to examine the file and give approval to the new

medicine. That now removes the scope for discrimination of foreign products.

Transparency

- (10) It is true that it is not easy, even for the industry on the spot, to understand which is the latest regulation governing a certain matter due to the continuous developments in the system and to the difficulties of translation of this very technical matter. However, the legislation governing the system has been published and generally made available.

D. RECOMMENDATIONS

- (11) The Commission considers that the system ruling pharmaceutical products in Korea has undergone substantial change since the lodging of the complaint under the Regulation and that these changes have improved the possibility for the Community industry to enter the Korean market. However, most of the new legislation introduced has not yet been implemented and there are indications that implementation may be delayed or that the legislation may be interpreted in a trade restrictive way. These concerns are confirmed by the latest developments.
- (12) The industry's main concerns lay with the implementation of the ATP reimbursement system. During the investigation the Korean authorities informed the Commission services that the full implementation of the ATP system would be completed by 1 May 2000. However, subsequently the Korean authorities have stated that this will not take place until May 2001 as the electronic exchange of data, essential for the operation of the system, foreseen for the reporting of the transaction prices will not be fully in place until that date. This will become an even greater concern after 1 July 2000 if the planned introduction of separation of prescribing and dispensing of pharmaceutical products takes place. There are approximately 20 000 pharmacies that would then be required to report on the prices of pharmaceuticals and the delay in introduction of the electronic reporting system makes it likely that no accurate assessment of prices can take place.
- (13) The Commission considers therefore that it would be appropriate to monitor the effect of the changes in the Korean legislation for a period of not less than six months from the date of entry into force of this Decision given that some of the changes have not been fully introduced and others have not yet been introduced. Such monitoring would give an indication whether the changes have in fact improved the situation with regard to the barriers to trade in pharmaceutical products in Korea alleged in the complaint.

- (14) The examination procedure concerning the Korean regime governing the pharmaceuticals sector should therefore be suspended and the Commission should supervise the situation in accordance with Article 11(2)(b) of the Regulation.
- (15) A report on the enforcement of the new regulations will be issued after six months from the date of the suspension. Any further action which might appear necessary will be proposed on the basis of that report.

HAS DECIDED:

Sole Article

The examination procedure concerning obstacles to trade in pharmaceutical products on the market of the Republic of Korea is hereby suspended.

Done at Brussels, 25 October 2000.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION
of 30 October 2000
approving contingency plans for the control of avian influenza and of Newcastle disease

(notified under document number C(2000) 3136)

(Text with EEA relevance)

(2000/680/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and in particular Article 17(4) thereof,

Having regard to Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and in particular Article 21(4) thereof,

Whereas:

- (1) Avian influenza and Newcastle disease are diseases which both affect avian species.
- (2) The criteria to be applied when drawing up contingency plans for the control of avian influenza and for Newcastle disease are laid down in Annex VI of Directive 92/40/EEC and in Annex VII of Directive 92/66/EEC, respectively.
- (3) The criteria for contingency plans listed in the two annexes referred to above are identical.
- (4) Disease control measures to be applied in the event of outbreaks of avian influenza or Newcastle disease follow the same principles and involve poultry producers, operators of slaughterhouses and rendering plants, veterinarians in the field and diagnostic laboratories. It is therefore possible to prepare a contingency plan which covers at the same time avian influenza and Newcastle disease.
- (5) Member States have submitted for approval national contingency plans which list and specify the measures to

be carried out in the event of outbreaks of avian influenza and Newcastle disease.

- (6) After examination these plans fulfil the criteria laid down and permit the desired objective to be attained subject to an effective implementation.
- (7) Member States shall carry out scenario studies and stimulation exercises in order to ensure the effectiveness of the plans.
- (8) Member States have the obligation to update the plans on a regular basis.
- (9) The measures provided for in this decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The contingency plans for the control of avian influenza and for Newcastle disease submitted by the Member States listed in the Annex are approved.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 October 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 167, 22.6.1992, p. 1.

⁽²⁾ OJ L 260, 5.9.1992, p. 1.

ANNEX

Austria
Finland
Germany
Greece
Ireland
Luxembourg
Portugal
The Netherlands
Spain
Sweden

COMMISSION DECISION
of 30 October 2000
amending for the third time Decision 1999/549/EC concerning certain protective measures relating
to Newcastle disease in Australia

(notified under document number C(2000) 3137)

(Text with EEA relevance)

(2000/681/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 22(6) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, as last amended by Directive 96/43/EC ⁽³⁾, and in particular Article 18(7) thereof,

Whereas:

- (1) Due to outbreaks of Newcastle disease in the State of New South Wales in Australia the Commission adopted on 19 July 1999 Decision 1999/549/EC ⁽⁴⁾, which suspended the importation of live birds, hatching eggs, fresh meat of poultry and farmed and wild feathered game meat from the said region until 1 December 1999.
- (2) Due to further occurrence of Newcastle disease in the Sydney area of the State of New South Wales and awaiting the results of a serological survey, which should have given a clearer picture on the disease situation, the Commission adopted, on 30 November 1999, Decision 1999/868/EC amending Decision 1999/549/EC concerning certain protective measures relating to Newcastle disease in Australia ⁽⁵⁾, which established protective measures until 1 May 2000.
- (3) By Commission Decision 2000/313/EC of 18 April 2000 amending for the second time Decision 1999/549/EC concerning certain protective measures relating to Newcastle disease in Australia ⁽⁶⁾, the protection measures were extended until 1 November 2000.
- (4) The Newcastle disease situation and aspects of the control measures remain unclear.

- (5) The results of a national survey for Newcastle disease that has been carried out during the first half of the year 2000 are not yet available to assess the situation.
- (6) In the light of the disease situation which will be reviewed after six months it is necessary to prolong the established protective measures until 1 November 2001.
- (7) The protective measures shall be in place until a clear picture has been obtained of the disease situation and the Newcastle disease control measures enforced in New South Wales.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 1999/549/EC the date '1 November 2000' is replaced by '1 November 2001'.

Article 2

This Decision will be reviewed within six months in the light of the disease evolution and the information made available by Australia.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 30 October 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 24, 31.1.1998, p. 9.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 162, 1.7.1996, p. 1.

⁽⁴⁾ OJ L 209, 7.8.1999, p. 36.

⁽⁵⁾ OJ L 334, 28.12.1999, p. 51.

⁽⁶⁾ OJ L 104, 29.4.2000, p. 81.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2278/2000 of 13 October 2000 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 62nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(Official Journal of the European Communities L 260 of 14 October 2000)

On page 3, in Article 1, the second paragraph is deleted:

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