

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2563/2000
of 20 November 2000**

amending Regulation (EC) No 2007/2000 by extending to the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia the exceptional trade measures for countries and territories participating in or linked to the European Union's stabilisation and association process and amending Regulation (EC) No 2820/98

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's stabilisation and association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000⁽¹⁾, does not apply to imports into the Community of products originating in the Former Yugoslav Republic of Macedonia with the exception of wine imports and does not apply to all imports from the Federal Republic of Yugoslavia.
- (2) The suspension, by means of an Exchange of Letters, of the trade and trade-related provisions of the Cooperation Agreement between the European Community and the Former Yugoslav Republic of Macedonia⁽²⁾ signed on 29 April 1997 allows for autonomous trade preferences to be granted to that country.
- (3) The Federal Republic of Yugoslavia (FRY), in the light of recent developments in the country, complies with the basic conditions for the granting of autonomous trade preferences as set out in the Council conclusions of 29 April 1997. The General Affairs Council of 9 October 2000 invited the Commission to submit proposals on extending to the FRY the benefit of the exceptional trade measures as provided by Regulation (EC) 2007/2000.
- (4) Kosovo, as defined by the United Nations Security Council Resolution 1244 of 10 June 1999 is subject to international civil administration by the United Nations

Mission in Kosovo (UNMIK) which has established a separate customs administration.

- (5) It is, therefore, appropriate to extend fully the arrangements provided for in Regulation (EC) No 2007/2000 to the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia, including Kosovo as defined by UNSC Resolution 1244 of 10 June 1999,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2007/2000 is hereby amended as follows:

1. in Article 1(1) the terms 'originating in the Republics of Albania, Bosnia and Herzegovina and Croatia as well as in Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999 (hereinafter referred to as "Kosovo")' shall be replaced by 'originating in the Republics of Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia including Kosovo as defined by UNSC Resolution 1244 of 10 June 1999';
2. in Article 1(2) the terms 'and the Former Yugoslav Republic of Macedonia' shall be deleted;
3. Article 1(3) shall be repealed;
4. in Article 2(2) the terms 'For Albania, Bosnia and Herzegovina and Croatia' shall be replaced by 'For Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia';
5. in Article 4(1) the terms 'In Albania, Bosnia and Herzegovina and Croatia' shall be replaced by 'in the countries and territories referred to in Article 1(1)';

⁽¹⁾ OJ L 240, 23.9.2000, p. 1.

⁽²⁾ OJ L 348, 18.12.1997, p. 2.

6. in Article 4(2):

- (a) the amount of '10 900' tonnes shall be replaced by '22 525' tonnes;
- (b) a point (c) reading '(c) 1 650 tonnes (carcase weight) for "baby-beef" products originating in the Former Yugoslav Republic of Macedonia' and a point (d) reading '(d) 9 975 tonnes (carcase weight) for "baby-beef" products originating in the Federal Republic of Yugoslavia including Kosovo' shall be added;
- (c) the third subparagraph shall be replaced by 'Imports into the Community of "baby-beef" products defined in Annex II and originating in Albania shall not benefit from a tariff concession';

7. In Article 4, the following paragraph shall be added:

'3. Notwithstanding other provisions of this Regulation, and in particular Article 12, given the particular sensitivity of the agricultural and fishery markets, if imports of agricultural and fishery products cause serious disturbance to the Community markets and their regulatory mechanisms,

the Commission may take the appropriate measures in accordance with the rules of the competent Management Committee.'

8. Article 5 shall be repealed;

9. in Article 7, the terms 'and Article 5' shall be deleted;

10. in Article 13, the terms 'XM Former Yugoslav Republic of Macedonia (1)' shall be inserted after 'BA Bosnia and Herzegovina (1)';

11. in Article 16(1), the terms 'and goods originating in the former Yugoslav Republic of Macedonia which are put into free circulation in the Community before the first day of the third month following the entry into force of Regulation (EC) No 2563/2000 amending this Regulation' shall be inserted after '1 January 2001';

12. in Article 17, the date '31 December 2002' shall be replaced by '31 December 2005';

13. Annex I shall be replaced by the following Annex.

'ANNEX I

Concerning the tariff quotas referred to in Article 4(1)

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of these Annexes, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	Description	Quota volume per year (1)	Beneficiaries	Rate of duty
09.1571	0301 91 10 0301 91 90 0302 11 10 0302 11 90 0303 21 10 0303 21 90 0304 10 11 ex 0304 10 19 ex 0304 10 91 0304 20 11 ex 0304 20 19 ex 0304 90 10 ex 0305 10 00 ex 0305 30 90 0305 49 45 ex 0305 59 90 ex 0305 69 90	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	150 tonnes	Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia including Kosovo	Exemption
09.1573	0301 93 00 0302 69 11 0303 79 11 ex 0304 10 19 ex 0304 10 91 ex 0304 20 19 ex 0304 90 10 ex 0305 10 00 ex 0305 30 90 ex 0305 49 80 ex 0305 59 90 ex 0305 69 90	Carp: live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	350 tonnes	Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia including Kosovo	Exemption

Order No	CN code	Description	Quota volume per year ⁽¹⁾	Beneficiaries	Rate of duty
09.1575	ex 0301 99 90 0302 69 61 0303 79 71 ex 0304 10 38 ex 0304 10 98 ex 0304 20 95 ex 0304 90 97 ex 0305 10 00 ex 0305 30 90 ex 0305 49 80 ex 0305 59 90 ex 0305 69 90	Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.), live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	150 tonnes	Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia including Kosovo	Exemption
09.1577	ex 0301 99 90 0302 69 94 ex 0303 77 00 ex 0304 10 38 ex 0304 10 98 ex 0304 20 95 ex 0304 90 97 ex 0305 10 00 ex 0305 30 90 ex 0305 49 80 ex 0305 59 90 ex 0305 69 90	Sea bass (<i>Dicentrarchus labrax</i>): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	650 tonnes	Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia including Kosovo	Exemption
09.1579	1604 13 11 1604 13 19 ex 1604 20 50	Prepared or preserved sardines	250 tonnes	Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia including Kosovo	6 %
09.1561	1604 16 00 1604 20 40	Prepared or preserved anchovies	1 000 tonnes	Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia including Kosovo	12,5 %
09.1515	2204 21 79 ex 2204 21 80 2204 21 83 ex 2204 21 84 2204 29 65 ex 2204 29 75 2204 29 83 ex 2204 29 84	Wine of fresh grapes, of an actual alcoholic strength by volume not exceeding 15 % vol, other than sparkling wine	545 000 hl	Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia including Kosovo, Slovenia	Exemption

⁽¹⁾ One global volume per tariff quota shared among the beneficiaries.

14. Annex III shall be repealed.

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 the first day of the first month after its entry into force.

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

Done at Brussels, 20 November 2000.

For the Council

The President

H. VÉDRINE

COMMISSION REGULATION (EC) No 2564/2000
of 22 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 23 November 2000.

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

Done at Brussels, 22 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 22 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	115,6
	999	109,1
0707 00 05	052	116,0
	999	116,0
0709 90 70	052	84,7
	999	84,7
0805 20 10	204	73,5
	999	73,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	64,7
	999	64,7
	052	71,8
0805 30 10	528	28,7
	600	77,4
	999	59,3
0808 10 20, 0808 10 50, 0808 10 90	388	41,1
	400	72,8
	404	83,0
	999	65,6
	052	72,3
0808 20 50	064	55,9
	388	78,5
	400	101,9
	999	77,2

⁽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 2565/2000
of 22 November 2000**

**fixing the maximum export refund for white sugar for the 17th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1531/2000**

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⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1531/2000 of 13 July 2000 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1531/2000 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 17th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 17th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 41,429 EUR/100 kg.

Article 2

This Regulation shall enter into force on 23 November 2000.

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

Done at Brussels, 22 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 175, 14.7.2000, p. 69.

**COMMISSION REGULATION (EC) No 2566/2000
of 22 November 2000**

fixing the representative prices and the additional import duties for molasses 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 market in sugar ⁽¹⁾, as amended by Commission Regulation 1527/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 November 2000.

⁽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. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 22 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,44	—	0
1703 90 00 ⁽¹⁾	10,62	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 2567/2000**of 22 November 2000****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

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⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995

laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks; whereas it may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 November 2000.

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

Done at Brussels, 22 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 89, 10.4.1968, p. 3.

⁽⁴⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁵⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 22 November 2000 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	35,64 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	31,40 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	35,64 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	31,40 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3874
1701 99 10 9100	A00	EUR/100 kg	38,74
1701 99 10 9910	A00	EUR/100 kg	38,40
1701 99 10 9950	A00	EUR/100 kg	38,40
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3874

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Regulation (EC) No 2038/1999.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

COMMISSION REGULATION (EC) No 2568/2000
of 21 November 2000
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 955/1999 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1602/2000 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish

unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 November 2000.

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

Done at Brussels, 21 November 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 188, 26.7.2000, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	a) b) c)	12,01 71,41 104,13	165,27 78,79 484,52	23,49 9,46 7,21	89,59 23 256,35	4 086,11 26,47	1 998,45 2 407,97
1.40	Garlic 0703 20 00	a) b) c)	132,26 786,35 1 146,65	1 819,87 867,54 5 335,16	258,67 104,16 79,34	986,54 256 081,58	44 993,19 291,45	22 005,40 26 514,77
1.50	Leeks ex 0703 90 00	a) b) c)	54,32 323,00 471,00	747,53 356,35 2 191,46	106,25 42,78 32,59	405,23 105 187,48	18 481,30 119,72	9 038,89 10 891,14
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 479,28	760,67 362,61 2 229,99	108,12 43,54 33,16	412,36 107 037,01	18 806,26 121,82	9 197,82 11 082,64
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	11,99 71,29 103,95	164,98 78,65 483,67	23,45 9,44 7,19	89,44 23 215,49	4 078,93 26,42	1 994,93 2 403,74
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	74,29 441,71 644,09	1 022,25 487,31 2 996,85	145,30 58,51 44,57	554,16 143 845,50	25 273,46 163,71	12 360,82 14 893,81
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	84,62 503,13 733,66	1 164,40 555,07 3 413,56	165,50 66,64 50,76	631,21 163 847,17	28 787,72 186,48	14 079,58 16 964,79
1.110	Cabbage lettuce (head lettuce) 0705 11 00	a) b) c)	90,36 537,26 783,42	1 243,38 592,72 3 645,11	176,73 71,16 54,21	674,03 174 961,36	30 740,47 199,13	15 034,64 18 115,55
1.130	Carrots ex 0706 10 00	a) b) c)	20,46 121,65 177,39	281,54 134,21 825,35	40,02 16,11 12,27	152,62 39 616,08	6 960,49 45,09	3 404,26 4 101,86
1.140	Radishes ex 0706 90 90	a) b) c)	89,94 534,78 779,81	1 237,65 589,99 3 628,32	175,91 70,84 53,96	670,93 174 155,48	30 598,88 198,21	14 965,39 18 032,11
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	401,76 2 388,79 3 483,30	5 528,41 2 635,40 16 207,16	785,78 316,42 241,02	2 996,93 777 925,32	136 680,42 885,37	66 848,05 80 546,63

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	146,80 872,82 1 272,74	2 019,99 962,94 5 921,84	287,11 115,61 88,06	1 095,03 284 241,53	49 940,85 323,50	24 425,22 29 430,46
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	165,89 986,34 1 438,27	2 282,70 1 088,17 6 691,99	324,45 130,65 99,52	1 237,44 321 207,83	56 435,78 365,57	27 601,77 33 257,96
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 367,61	2 170,55 1 034,71 6 363,22	308,51 124,23 94,63	1 176,65 305 427,23	53 663,15 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	382,21 2 272,52 3 313,76	5 259,32 2 507,13 15 418,31	747,54 301,01 229,29	2 851,06 740 061,76	130 027,84 842,28	63 594,39 76 626,23
1.200.2	— other ex 0709 20 00	a) b) c)	322,69 1 918,62 2 797,71	4 440,29 2 116,70 13 017,21	631,12 254,14 193,58	2 407,06 624 811,67	109 778,56 711,11	53 690,82 64 693,20
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	94,95 564,54 823,21	1 306,53 622,83 3 830,25	185,70 74,78 56,96	708,27 183 847,67	32 301,79 209,24	15 798,25 19 035,65
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	74,07 440,40 642,19	1 019,23 485,87 2 987,98	144,87 58,33 44,43	552,52 143 419,52	25 198,61 163,23	12 324,21 14 849,70
1.230	Chantarelles 0709 51 30	a) b) c)	1 358,88 8 079,54 11 781,50	18 698,61 8 913,67 54 817,12	2 657,74 1 070,21 815,19	10 136,44 2 631 160,32	462 291,28 2 994,58	226 098,76 272 431,16
1.240	Sweet peppers 0709 60 10	a) b) c)	107,66 640,10 933,39	1 481,39 706,18 4 342,87	210,56 84,79 64,58	803,06 208 452,83	36 624,88 237,24	17 912,60 21 583,27
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	55,94 332,60 484,99	769,74 366,94 2 256,57	109,41 44,06 33,56	417,27 108 313,01	19 030,45 123,27	9 307,47 11 214,76
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 530,08	2 428,42 1 157,63 7 119,19	345,16 138,99 105,87	1 316,43 341 712,93	60 038,50 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	78,21 464,99 678,05	1 076,14 513,00 3 154,84	152,96 61,59 46,92	583,37 151 428,90	26 605,85 172,34	13 012,47 15 679,00

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	168,28 1 000,53 1 458,96	2 315,54 1 103,82 6 788,26	329,12 132,53 100,95	1 255,24 325 828,93	57 247,70 370,83	27 998,87 33 736,43
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	101,77 605,11 882,36	1 400,42 667,58 4 105,48	199,05 80,15 61,05	759,16 197 058,46	34 622,90 224,28	16 933,47 20 403,49
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	47,17 280,46 408,96	649,07 309,41 1 902,83	92,26 37,15 28,30	351,86 91 333,86	16 047,23 103,95	7 848,43 9 456,74
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	35,05 208,38 303,85	482,25 229,89 1 413,77	68,54 27,60 21,02	261,43 67 859,49	11 922,82 77,23	5 831,25 7 026,19
2.60.3	— Others 0805 10 50	a) b) c)	42,07 250,14 364,75	578,90 275,96 1 697,10	82,28 33,13 25,24	313,82 81 458,88	14 312,21 92,71	6 999,86 8 434,28
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines ex 0805 20 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas ex 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings ex 0805 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh ex 0805 30 90 ex 0805 90 00	a) b) c)	134,68 800,75 1 167,65	1 853,20 883,42 5 432,86	263,41 106,07 80,79	1 004,61 260 771,23	45 817,15 296,79	22 408,38 27 000,33
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	59,62 354,51 516,94	820,45 391,11 2 405,25	116,62 46,96 35,77	444,76 115 449,13	20 284,25 131,40	9 920,68 11 953,64
2.90.2	— pink ex 0805 40 00	a) b) c)	66,27 394,00 574,53	911,85 434,68 2 673,19	129,61 52,19 39,75	494,31 128 310,22	22 543,93 146,03	11 025,85 13 285,28
2.100	Table grapes 0806 10 10	a) b) c)	77,04 458,07 667,95	1 060,11 505,36 3 107,85	150,68 60,68 46,22	574,68 149 173,15	26 209,52 169,78	12 818,63 15 445,43

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	63,82 379,43 553,28	878,11 418,60 2 574,29	124,81 50,26 38,28	476,02 123 563,26	21 709,90 140,63	10 617,94 12 793,78
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	59,49 353,69 515,75	818,56 390,21 2 399,70	116,35 46,85 35,69	443,74 115 183,09	20 237,51 131,09	9 897,82 11 926,09
2.120.2	— other ex 0807 19 00	a) b) c)	152,26 905,31 1 320,11	2 095,17 998,77 6 142,23	297,80 119,92 91,34	1 135,78 294 820,15	51 799,50 335,54	25 334,25 30 525,77
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	360,93 2 145,97 3 129,23	4 966,45 2 367,52 14 559,72	705,91 284,25 216,52	2 692,29 698 850,38	122 787,06 795,38	60 053,05 72 359,19
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	822,52 4 890,48 7 131,25	11 318,13 5 395,38 33 180,39	1 608,71 647,79 493,43	6 135,51 1 592 621,57	279 821,44 1 812,60	136 855,88 164 900,53
2.170	Peaches 0809 30 90	a) b) c)	273,84 1 628,15 2 374,15	3 768,06 1 796,24 11 046,50	535,58 215,66 164,27	2 042,65 530 219,66	93 158,87 603,45	45 562,41 54 899,11
2.180	Nectarines ex 0809 30 10	a) b) c)	344,61 2 048,96 2 987,77	4 741,94 2 260,50 13 901,55	674,00 271,40 206,73	2 570,59 667 258,59	117 236,42 759,42	57 338,33 69 088,16
2.190	Plums 0809 40 05	a) b) c)	146,09 868,60 1 266,58	2 010,21 958,27 5 893,15	285,72 115,05 87,64	1 089,72 282 864,65	49 698,93 321,93	24 306,90 29 287,89
2.200	Strawberries 0810 10 00	a) b) c)	730,56 4 343,68 6 333,91	10 052,66 4 792,13 29 470,52	1 428,84 575,36 438,26	5 449,50 1 414 551,92	248 534,85 1 609,93	121 554,14 146 463,15
2.205	Raspberries 0810 20 10	a) b) c)	462,37 2 749,13 4 008,75	6 362,35 3 032,95 18 651,96	904,32 364,15 277,38	3 449,00 895 273,16	157 298,27 1 018,93	76 931,89 92 696,86
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	1 771,76 10 534,42 15 361,18	24 379,98 11 622,00 71 472,71	3 465,27 1 395,38 1 062,88	13 216,28 3 430 609,99	602 753,50 3 904,45	294 796,43 355 206,43
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	129,00 766,99 1 118,42	1 775,06 846,18 5 203,79	252,30 101,59 77,39	962,25 249 776,31	43 885,36 284,28	21 463,58 25 861,92

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	159,60 948,94 1 383,74	2 196,15 1 046,91 6 438,27	312,15 125,70 95,74	1 190,52 309 029,66	54 296,09 351,71	26 555,29 31 997,03
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	139,84 831,43 1 212,38	1 924,18 917,26 5 640,97	273,50 110,13 83,89	1 043,09 270 760,06	47 572,17 308,16	23 266,74 28 034,58
2.250	Lychees ex 0810 90 30	a) b) c)	691,47 4 111,27 5 995,00	9 514,77 4 535,71 27 893,64	1 352,39 544,57 414,81	5 157,92 1 338 863,32	235 236,46 1 523,79	115 050,13 138 626,33

COMMISSION REGULATION (EC) No 2569/2000
of 22 November 2000
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 23 November 2000.

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

Done at Brussels, 22 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	199,47	65,48	95,40	0,00	149,61
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	199,47	65,48	95,40	0,00	149,61
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	199,47	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	337,56	291,29	292,07	328,09	—
(b) fob price (EUR/tonne)	—	—	—	256,67	292,69	—
(c) Sea freight (EUR/tonne)	—	—	—	35,40	35,40	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 February 2000

on the State aid implemented by Germany for Korn Fahrzeuge und Technik GmbH (Thuringia)

(notified under document number C(2000) 520)

(Only the German text is authentic)

(Text with EEA relevance)

(2000/732/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(a) thereof,

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

Whereas:

I. PROCEDURE

- (1) By letter dated 9 October 1996, the German authorities notified the Commission, pursuant to Article 88(3) of the EC Treaty, of restructuring measures to assist Korn Fahrzeuge und Technik GmbH, Gera ('Korn'). The measures were registered under aid number N 746/96. Further information was submitted by fax dated 6 November 1996, registered as received on 7 November 1996. The Commission requested further information on 11 November 1996. The German authorities withdrew the notification on 18 April 1997, as the Commission had in the meantime approved the programme under which the aid measures were granted ⁽²⁾.
- (2) By letter dated 17 March 1998, registered as received on 18 March 1998, the German authorities informed the Commission of new measures to assist Korn. As these

measures had already been implemented, the case was registered as unnotified aid NN 29/98. By letters dated 7 April 1998 and 8 June 1998, the Commission requested further information, which it received on 12 March 1998 and 4 September 1998.

- (3) By letter dated 22 June 1999, the Commission informed the German authorities that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the measures. On 16 July 1999, the German authorities requested deletions from the text of the Commission's letter prior to its publication in the *Official Journal of the European Communities* on 14 August 1999. The Commission invited interested parties to submit their comments on the aid measures. The Commission received no comments from interested parties.

- (4) Partial replies from Germany were received on 28 July 1999 and 26 August 1999. The case was discussed during a meeting with the German authorities in Brussels on 22 September 1999. On 16 December 1999, the German authorities informed the Commission that insolvency proceedings had been initiated against the company on 8 November 1999. By letter dated 24 January 2000, registered as received on 27 January 2000, the German authorities informed the Commission of the current state of the insolvency proceedings.

⁽¹⁾ OJ C 233, 14.8.1999, p. 29.

⁽²⁾ Thuringian loan guarantee scheme for guarantees issued by Thüringer Aufbaubank (Aid N 117/96, OJ C 288, 23.9.1997).

II. DESCRIPTION

A. The aid beneficiary

- (5) In 1997, Korn employed 85 people, had a turnover of DEM 16,53 million and assets of DEM 17,41 million. It qualifies as an SME within the meaning of the Community guidelines on State aid for small and medium-sized enterprises⁽¹⁾. Korn is based in Gera, Thuringia, a German assisted area.
- (6) Korn, formerly Landtechnik & Baumaschinen GmbH, Gera, was privatised on 1 June 1991 through a management buy-out to Mr Reinhard Korn. The purchase price was DEM 0,19 million. Within the privatisation, the Treuhandanstalt (THA) paid old debts of the company amounting to DEM 2,89 million. Remaining debts amounting to DEM 0,15 million were taken over by Gera rural district in 1992. These measures were covered by the THA scheme⁽²⁾.
- (7) Korn pursues three main activities: (1) agricultural technology (repairs, maintenance, service and distribution of tractors and agricultural equipment, including equipment and replacement parts for them, and the development of wood grinding machines), (2) the purchase and sale of commercial vehicles and trucks, including service and the sale of replacement parts and accessories, and (3) environmental engineering (metal construction and the production of waste disposal containers).

B. The restructuring

- (8) The company underwent two distinct periods of restructuring. The first restructuring took place between mid-1991 and mid-1997. No restructuring plan for this period has been submitted by the German authorities and no explanations concerning operational measures taken during this period have been provided.
- (9) The second restructuring plan was made operative in 1997 and extends over a period of six years. It was worked out by an outside consultancy. The Commission also received a statement by a second consultant on the

development potential of the plan. The plan contains two main points:

- (10) First, a reorganisation of the company into three new business areas. These are: (1) SEAT Autohaus, selling new and used cars, (2) agricultural engineering and commercial vehicles (Landtechnik/Nutzfahrzeuge), (3) environmental engineering (Korn Umwelttechnik). The first two business areas, SEAT Autohaus and agricultural engineering and commercial vehicles, were to be created through a management buy-out (MBO)⁽³⁾. They were to be sold to former employees for a total price of DEM 1,635 million. Mr Korn was to retain 26 % of each business area. Environmental engineering (Korn Umwelttechnik) was to become the main business area, taking over the accounting departments from both MBOs.
- (11) Secondly, a reorganisation within the business areas. The company was supposed to set up a central warehouse and purchase unit to save costs. The business area environmental engineering (Korn Umwelttechnik) and agricultural engineering and commercial vehicles Landtechnik/Nutzfahrzeuge) were to be reorganised so as to achieve increased profitability and save up to 7 % of costs. The production and distribution of wood grinding machines was to be maintained⁽⁴⁾. Regarding the SEAT Autohaus, the company intended to increase its stocks, the used-cars flow and the amount of foreign brands it offers.

C. Earlier financial measures

- (12) The following financial measures were granted to Korn from mid-1991 to mid-1997 within the context of its first restructuring:
- (a) ERP loans granted in 1992 and 1993 totalling DEM 1,23 million⁽⁵⁾;
 - (b) EKH loans granted in 1992 and 1994 totalling DEM 2 million⁽⁶⁾;
 - (c) R&D subsidies granted in 1995 and 1996 totalling DEM 0,06 million⁽⁷⁾;
 - (d) direct investment aid granted in 1993 and 1994, which, on the basis of the information available, is estimated at DEM 0,81 million⁽⁸⁾;
 - (e) investment allowance granted from 1992 to 1997, which, on the basis of the information available, is estimated at DEM 0,15 million⁽⁹⁾;

⁽³⁾ In their answers of 4 September 1998, the German authorities explained that the business area agricultural engineering & commercial vehicles was difficult to sell due to the unsatisfactory turnover and profits. The sale of the SEAT Autohaus was suffering delays. This raised doubts as to the credibility of the MBO.

⁽⁴⁾ The company has failed to introduce this new product in the market.

⁽⁵⁾ 'European Recovery Programme — start-up scheme' (NN 31/92, OJ C 298, 14.11.1992, p. 4 and N 391/93, OJ C 257, 22.9.1993, p. 4).

⁽⁶⁾ 'Start-up equity loan scheme' (NN 143/91, OJ C 21, 27.11.1991, p. 21 and N 213/93, OJ C 302, 9.11.1993, p. 6).

⁽⁷⁾ 'Innovation programme' (N 236/96, OJ C 25, 25.1.1997, p. 7).

⁽⁸⁾ Gemeinschaftsaufgabe- (GA)-Mittel from Thuringia for the promotion of regional economic structures. Measures under this law qualify as regional investment aid under Article 87(1) of the EC Treaty and have been approved by the Commission under derogation provided for in Article 87(3)(a) of the EC Treaty.

⁽⁹⁾ Investment Allowance Act. Measures under this Act qualify as regional investment aid under Article 87(1) of the EC Treaty and have been approved by the Commission under derogation provided for in Article 87(3)(a) of the EC Treaty.

⁽¹⁾ OJ C 213, 27.7.1996, p. 4.

⁽²⁾ SG(92), D/17613, of 8 December 1992, registered under NN 108/91. Under the THA scheme, the waiving of old debts which stem from the random allocation of costs in a planned economy and which arose before 1 July 1990 is not deemed to be State aid.

- (f) consolidation loans from the *Land* of Thuringia amounting to DEM 3 million granted in 1995 on the basis of an approved aid scheme for restructuring of firms in difficulty ⁽¹⁾. These loans are up to 80 % covered by a guarantee from the Deutsche Ausgleichsbank, amounting to DEM 2,4 million, also based on an approved aid scheme ⁽²⁾;
- (g) loans granted by the Sparkasse-Gera-Greiz, from mid-1991 to 1997, which, on the basis of the information available, are estimated to amount of DEM 6 million ⁽³⁾;
- (h) grants for publicity/advertising granted in 1995 and 1996 and amounting to DEM 0,01 million.
- (i) grants for the participation in fairs granted in 1996 amounting to DEM 0,01 million;
- (j) grants for the promotion of employment granted in 1993 and 1997 totalling DEM 0,07 million.
- (13) Measures (a) to (e) were allegedly granted under approved aid schemes. As concerns measure (f), the Commission had initiated the formal investigation procedure against the programme under which the loans were granted, because it thought the programme was being misused. Loans awarded under this aid scheme should not be for longer than 10 years. However, the loans actually granted were for more than 12 years. Measures (g) to (j) were not granted under approved aid schemes.
- (14) The German authorities informed the Commission that investment grants made in 1994 and amounting to DEM 0,403 million (measure (d)) were being included in the insolvency table. In addition, Sparkasse Gera-Greiz had reclaimed loans amounting to DEM 4,142 million (measure g)). The same bank had also reclaimed consolidation loans amounting to DEM 3 million (measure (f)).

D. RECENT FINANCIAL MEASURES

- (15) On 18 March 1998, the German authorities informed the Commission of new measures in the form of consolidation loans amounting to DEM 3,8 million, which had been granted on 15 October 1997 to Korn in the context of a second restructuring. These were granted under the Thuringia consolidation fund for firms in difficulty. This scheme was meant for rescue and restructuring

and was approved by the Commission on the basis of Article 87(3)(c) ⁽⁴⁾.

- (16) The terms of this scheme require observation of the following requirements:

If aid in excess of DEM 5 million has been granted for the purpose of restructuring, regardless of whether the aid was granted under another approved aid scheme, it should be notified individually to the Commission. The earlier aid measures in support of Korn appear to have been for the purpose of restructuring and they did exceed DEM 5 million.

If rescue or restructuring aid exceeding DEM 2 million has been granted previously, it must also be notified to the Commission. In the event that the earlier measures prove to fall outside approved aid programmes, they are in general considered to be rescue or restructuring aid.

- (17) According to the latest information from the German authorities, these loans were secured by a personal guarantee by Mr Korn amounting to DEM 1,5 million and by the assignment of the rights from Mr Korn's personal insurance policy up to an amount of DEM 1,5 million, and also by assignment of company claims ⁽⁵⁾.
- (18) The German authorities informed the Commission that these loans were included in the insolvency table and that Mr Korn's personal guarantee was taken up.
- (19) In addition to the amount of DEM 3,8 million, the second restructuring plan included a commitment by the Sparkasse Gera-Greiz to defer interest and repayment rates of loans already granted by it (measure (a) above). The Thüringer Aufbaubank also agreed to grant a three-year deferral of the repayment of instalments concerning the consolidation loans granted during the first restructuring (measure (f)).

E. Market-analysis

1. Agricultural machines and tractors ⁽⁶⁾

- (20) Korn is active in repairs, maintenance, service and distribution of tractors and agricultural machinery as well as equipment for them and replacement parts. It is also developing wood grinding machines.
- (21) The situation of the European agricultural machinery industry has substantially improved since 1993, but this favourable situation masks the slow deterioration of certain important indicators for this industrial sector,

⁽¹⁾ The Commission has opened the formal investigation procedure against this scheme 'Incorrect application of the *de minimis* rules under the Thuringia SME loans programme' (C 87/98, OJ C 108, 17.4.1999).

⁽²⁾ Thuringian loan guarantee scheme for guarantees issued by Thüringer Aufbaubank (N 117/96, OJ C 288, 23.9.1997).

⁽³⁾ The most recent information provided by Germany shows that these loans were secured by several assignments of company claims and by a specific-risk life assurance policy held by Mr and Mrs Korn (of unknown value). Although some of these loans were included in the insolvency table, none of the collateral items were utilised.

⁽⁴⁾ Aid No NN 74/95, SG (96) D/1946, 6 February 1996.

⁽⁵⁾ The amount of these commitments is not known, nor is it known whether they were taken up.

⁽⁶⁾ Panorama of EU Industry 1997, Vol. 2, 13-32; NACE (Revision 1) 29.31, 29.32.

such as reduced working population in agriculture and an increase in imports from outside the EU. In the medium term this leads to a slow erosion of the turnover in the sector (down 19 % in constant prices over 10 years), while, due to sustained productivity increases, fewer persons are employed.

- (22) SMEs constitute the bulk of the thousand companies of the sector in Europe. Usually, they specialise in the production of particular types of tools intended for specialised uses. Their specialisation makes them less dependent on the fluctuations of the general economy but more vulnerable to local crises.

2. Motor vehicles ⁽¹⁾

- (23) Korn is also active in the purchase and sale of commercial vehicles and trucks, including service and the sale of replacement parts and accessories.
- (24) Demand for cars is determined by a number of factors that led to the cyclical nature of sales over the past two decades, with economic downturns generally triggering slumps in new car registrations.
- (25) Regarding trucks, demand is highly correlated with trends in industrial output and investments in plants and machinery. The EU truck fleet is expected to recover from the past turndowns, but truck replacement patterns will be a dominating factor in determining the overall levels of demand of new trucks.
- (26) As regards motor vehicle parts and accessories ⁽²⁾, the business climate is strongly tied to the cyclical performance of the motor vehicle sector and the demand for improved durability and life expectancy of all vehicle components has a significant effect on demand for replacement.

3. Metal products ⁽³⁾

- (27) Korn also produces metal containers for waste disposal (environmental engineering). The economic recession resulted in weak intra-EU demand for metal containers. At the same time the industry is experiencing increased competition from non-EU countries. In response, the EU manufacturers have started to diversify into related segments and increased their efforts to meet their customers' requirements for more efficient and environmentally friendly products.

- (28) In the course of 1995 it became evident that the demand from major downstream industries is stagnating. Especially the German industry is performing poorly. The discovery that metal tanks corrode not only on the outside but on the inside as well stimulated the use of plastic.

III. INITIATION OF THE FORMAL INVESTIGATION PROCEDURE

- (29) In its initiation of the formal investigation procedure, the Commission found that all the measures in support of Korn constituted aid within the meaning of Article 87(1) of the EC Treaty. In view of the extremely vague information provided, the Commission was not able to assess the compliance of several of the measures with the schemes, the basis upon which they had purportedly been granted. However, it was already clear that several aid measures had to be assessed as ad hoc aid. Since the aid was intended to be restructuring aid, the Commission started to assess its compatibility under Article 87(3)(c) of the EC Treaty and the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽⁴⁾ ('the guidelines').
- (30) The Commission had serious doubts as to the compatibility of the aid measures with the common market and took the view that the repeated granting of aid did not seem justified on the basis of the reasons invoked by the German authorities. Besides, doubts were expressed regarding the coherence of the restructuring plan and the realism of the assumptions it was based upon. The Commission was concerned whether undue distortions of competition could be avoided given the lack of information on Korn's capacity developments. The lack of information regarding the overall restructuring costs and the doubts on the substantial private investor's contribution precluded the Commission from taking a view on proportionality.
- (31) In initiating the formal investigation procedure, the Commission sent an information injunction on 22 June 1999, pursuant to Article 10(3) of Council Regulation No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽⁵⁾, asking for detailed information for each individual measure. It also required Germany to provide information about any other as yet unknown aid granted in support of the company.

⁽¹⁾ Panorama of EU Industry 1997, Vol. 2, 17-8; NACE (Revision 1) 34.1, 34.2.

⁽²⁾ Panorama of EU Industry 1997, Vol. 2, 17-19; NACE (Revision 1) 34.3.

⁽³⁾ Panorama of EU Industry 1997, Vol. 2, 12-15; NACE (Revision 1) 28.21.

⁽⁴⁾ OJ C 368, 23.12.1994, p. 12.

⁽⁵⁾ OJ L 83, 27.3.1999, p. 1.

IV. ASSESSMENT

- (32) In the injunction, the Commission required Germany to provide the Commission within one month with sufficient information to allow it to assess the measures under investigation. Upon request from the German authorities, this deadline was extended to 30 October 1999. However, the information subsequently submitted remained incomplete. Pursuant to Article 13(1) of Regulation (EC) No 659/1999, the Commission therefore bases its assessment on the information available.

A. Aid within the meaning of Article 87(1) of the EC Treaty

- (33) The financial measures in support of Korn constitute aid within the meaning of Article 87(1) of the EC Treaty, since they derive from State resources and have conferred advantages on Korn which a company in difficulty would not have received from a private investor. As Korn has competitors on the relevant product markets in Europe and as there is therefore trade, the aid threatens to distort competition in the common market.

B. Aid measures awarded during the first restructuring

1. Aid granted under approved regional aid schemes

- (34) EKH Loans amounting to DEM 2 million, ERP loans amounting to DEM 1,236 million, and R&D subsidies amounting to DEM 0,067 million are regarded as existing aid because they comply with the terms of approved aid schemes. As they constitute existing aid, they are not examined in this Decision, but could be included in the assessment of proportionality.

2. Aid falling outside approved regional aid schemes

- (35) As regards investment grants and investment allowances, their exact amount is still unclear, although they seem to total at least DEM 0,96 million. Although they were purportedly granted under approved aid schemes, the insufficient level of information provided, despite an

information injunction, makes it impossible for the Commission to conclude that they comply with the terms of those schemes. Hence, they fall to be assessed as ad hoc aid.

- (36) Regarding the consolidation loans from the *Land* of Thuringia totalling DEM 3 million, the Commission has initiated proceedings against the programme on the basis of which they were granted, because there seemed to be misuse of it. ⁽¹⁾ Although the Commission has not yet decided on the compatibility of the programme, it should be noted that loans under this aid scheme cannot be awarded for a period longer than ten years. The loans in the present case have been awarded for a period of over 12 years. Therefore, regardless of the possible compatibility of the scheme with the common market, these loans did not fulfil the conditions laid down in the programme and therefore have to be assessed as ad hoc aid.

- (37) The guarantee of DEM 2,4 million, covering 80 % of the consolidation loans referred to in recital 36, was awarded under an aid scheme approved by the Commission. However, the terms of this scheme require the implementation of a restructuring plan leading to the restoration of long-term viability. The guarantee therefore falls to be assessed as restructuring aid. Since the loans are already deemed to be 100 % aid, the amount of the guarantee is not taken into account so as to avoid double counting.

- (38) The following measures have not been granted under any approved aid scheme and therefore also have to be assessed as ad hoc aid. These are:

— loans granted by the Sparkasse Gera-Greiz, from mid-1991 to 1997, which, on the basis of the information available, are estimated to total some DEM 6 million ⁽²⁾,

— grants for publicity/advertisement granted in 1995 and 1996 amounting to DEM 0,01 million,

— grants for the participation in fairs granted in 1996 amounting to DEM 0,01 million,

— grants for the promotion of employment granted in 1993 and 1997 totalling DEM 0,07 million.

- (39) In accordance with the Commission communication to the Member States on the application of Articles 92 and 93 of the EEC Treaty and of Article 5 of Commission

⁽¹⁾ C 87/98, OJ C 108, 17.4.1999.

⁽²⁾ According to the information available, these loans are covered by a number of items of collateral. Their value was not specified, however. Since the value of the collateral is unknown and since the collateral was apparently not taken up, the aid equivalent is 100 % of the amount of the loans.

Directive 80/723/EEC to public undertakings in the manufacturing sector ⁽¹⁾ loans and guarantees for the rescue and restructuring of firms in difficulty have an intensity of 100 % ⁽²⁾. Therefore, from the first set of aid measures, the Commission must assess at least DEM 10,05 million.

C. Application of the derogation provided for in Article 87(3)(c) of the EC Treaty in respect of the ad hoc aid granted during the first restructuring

- (40) The Commission assesses individual (ad hoc), State aid directly under the provisions of Article 87 of the EC Treaty. Article 87 of the EC Treaty allows exemptions to the principle of incompatibility of State aid with the common market. The exemptions in Article 87(2) of the EC Treaty can serve as a basis for considering aid compatible with the common market. However, the aid (a) does not have a social character and is not granted to individual consumers, (b) does not make good the damage caused by natural disasters or exceptional occurrences, and (c) is not granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany.
- (41) Further exemptions for regional aid are provided for in Article 87(3)(a) and (c) of the EC Treaty. Korn is located in one of the new German *Länder*, which fall under the provisions of Article 87(3)(a) ⁽³⁾. However, the primary purpose of the aid is to rescue or restructure a company in difficulty, rather than to promote the economic development of the region. Even if a successfully rescued or restructured company may contribute to the development of the region, the Commission generally assesses such aid under Article 87(3)(c) rather than Article 87(3)(a).
- (42) The exemptions provided for in Article 87(3)(b) and (d) of the EC Treaty for projects of common European interest and the promotion of culture and heritage conservation are not applicable.
- (43) This leaves the exemption provided for in Article 87(3)(c) of the EC Treaty. The Commission's assessment of aid to facilitate the development of certain economic activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest, is governed by specific Community guidelines. Since Germany has explicitly classified the aid as restructuring aid, the Commission bases its assessment on the

Community guidelines on State aid for rescuing and restructuring firms in difficulty.

- (44) In the guidelines on State aid for rescuing and restructuring firms in difficulty, the Commission sets out the conditions governing application of the Article 87(3)(c) derogation:

1. Restoration of long-term viability

- (45) The grant of restructuring aid requires a realistic, coherent and far-reaching restructuring plan capable of restoring the long-term viability and health of the firm within a reasonable timescale.
- (46) The information submitted by the German authorities includes information on the company's development from 1991 to 1997. This information shows that Korn had a slight positive operating result in 1994, but incurred losses as from 1995. Results continued to be negative in spite of the fact that the company had been receiving substantial amounts of aid since 1991. The information submitted refers only vaguely to a previous restructuring process. The information lacks any substantial analysis of the difficulties faced by the firm. Nor is there any restructuring plan describing operational measures and their related costs. Nor did the German authorities explain why the aid had not been used to support of sound restructuring by which the company's long-term viability could have been restored.
- (47) The Commission therefore considers that this requirement is not fulfilled.

2. No undue distortion of competition

- (48) The restructuring must include measures to offset as far as possible adverse effects on competitors, otherwise the aid involved is contrary to the common interest and not eligible for exemption pursuant to Article 87(3)(c) of the EC Treaty. If the company's relevant market is situated in the EU and an objective assessment of demand and supply shows that there is a structural excess of production capacity, the restructuring plan must make a significant contribution to the restructuring of the industry in this market by irreversibly reducing capacity. Such reduction must be proportionate to the costs of the restructuring and the amount of aid received.
- (49) In spite of an information injunction, the German authorities have not provided significant information on Korn's production capacity or on the relevant markets on which the company operates. The information submitted does not mention any measures intended to

⁽¹⁾ OJ C 307, 13.11.1993, p. 3.

⁽²⁾ See also Commission communication on the application of Articles 92 and 93 of the EC Treaty and Article 61 of the EEA Agreement to State aid in the aviation sector, point 33 (OJ C 350, 10.12.1994, p. 5).

⁽³⁾ See the decision of the Commission regarding aid case N 464/93.

reduce production capacity. None of the relevant product markets seems unproblematic with respect to over-capacity. The agricultural machinery sector has seen some of its indicators, such as employment and imports, develop in an unfavourable direction. The various motor vehicle sectors are highly cyclical, and the market for metal containers might undergo changes as a result of increased use of alternative materials, such as plastic. The Commission cannot therefore assess whether sufficient measures were taken to offset adverse effects on competitors as far as possible. Since distortions of competition cannot be excluded, this criterion of the guidelines is not met.

3. Proportionality to restructuring costs and benefits

- (50) The amount and intensity of the aid must be restricted to the minimum required to carry out the restructuring and proportional to the benefits expected from a Community point of view. In addition, the beneficiary must make a substantial contribution to the restructuring costs. In the absence of a restructuring plan, assessment of these aspects is impossible. In particular, no information on a contribution from the investor has been provided regarding the first restructuring.
- (51) The Commission considers that such substantial aid could have had an impact on liquidity in that the aid provided the company with surplus cash that could have been used for aggressive, market-distorting activities.
- (52) The Commission concludes that the aid granted in the context of the first restructuring was not justified as no restructuring plan meeting the requirements set out in the Community guidelines was provided. The Commission therefore considers this aid incompatible with the common market.

D. New aid granted during the second restructuring

- (53) Consolidation loans amounting to DEM 3,8 million were granted to Korn within the context of the new restructuring. These loans are based on a regional aid programme of Thuringia⁽¹⁾, an approved aid scheme for restructuring firms in difficulty, which requires the full implementation of a restructuring plan meeting the requirements of the Community guidelines. They are therefore to be assessed as restructuring aid.
- (54) According to the latest information provided by the German authorities, these loans were secured by a personal guarantee by Mr Korn amounting to DEM 1,5 million, which was actually called on. Since the total value of the other collateral is unclear and, according to

the information available, was not called on anyway, the Commission cannot regard it as a contribution from a private investor or as a reduction in the aid equivalent calculated above. Consequently, DEM 2,3 million of the abovementioned loan is deemed to be state aid.

- (55) The Sparkasse Gera-Greiz and the Thüringer Aufbau-bank have, as part of the current restructuring, deferred for three years interest and repayments on loans granted by them. However, since these deferrals relate to loans which were granted under the first restructuring and are 100 % aid, these measures are not taken into account so as to avoid any possible double counting.

E. Application of the derogation provided for in Article 87(3)(c) of the EC Treaty to the aid granted during the second restructuring

- (56) As no other derogation from the general ban on aid laid down in Article 87(1) of the EC Treaty is applicable, the new aid measures also fall to be assessed under Article 87(3)(c) of the EC Treaty and the Community guidelines on State aid for rescuing and restructuring of firms in difficulty. The guidelines establish the general rule that aid measures should be granted only once. Repeated granting of aid must be based on reasons which are external and unforeseeable for the company and lie entirely outside its responsibility.
- (57) The reasons invoked by the German authorities to justify the repeated restructuring aid are the losses since 1993 due to product liability claims. The only other reason put forward relates to the inability of the company to sell one of the products it had developed. The Commission considers that both reasons stem directly from within the sphere of influence of the company and cannot therefore be considered 'external'. Hence, the conditions for repeated granting of aid are not met and a distortive effect on the market served by the recipient cannot be excluded. These findings in themselves are sufficient for the Commission to conclude that, since the aid does not comply with the Community guidelines on restructuring aid, it is incompatible with the common market.
- (58) However, the Commission also examined the other conditions under point 3.2 of the guidelines so as to assess the capacity of the plan to restore the company's long-term viability, its potential to distort competition, the proportionality of the aid to the plan's costs and benefits, as well as its full implementation.

⁽¹⁾ NN 747/95, SG (96) D/194, 6 February 1996.

1. Restoration of long-term viability

- (59) The reorganisation of the company into three new business areas and the reorganisation within the business areas are only very briefly described in the business plan. The plan calculations contain some more detail. The new plan covers the years 1997 to 2000. The financial data indicate that already within one year of the implementation of this new plan Korn should be able to cover its losses and obtain positive operating results. As a matter of fact, the information submitted shows that a turnover increase in 1998 of almost the amount of the loans received ⁽¹⁾. According to the latest case-law extraordinary incomes in the form of aid should not be taken into account in assessing a return to viability ⁽²⁾. The new aid is simply used to cover losses.
- (60) The Commission considers the company's problems insufficiently described in the restructuring plan. Besides, the plan lays out insufficient detail as to the operational measures to be taken. The Commission notes that the second consultant does not agree with the main consultant's conclusions as to the measures necessary to restore the company's viability. In particular, there are discrepancies concerning the structure of the company and the importance of marketing in future earnings. The Commission also notes that there is no agreement as to the future profitability of the company. Finally, there is no clear link between the operational measures in the new business areas and the financial plan calculations. The underlying assumptions have not been made sufficiently explicit.
- (61) The Commission cannot therefore agree with the German authorities' view that the restructuring plan will restore the company's viability.

2. No undue distortions of competition

- (62) Aid beneficiaries may not use aid to increase capacity and in the event of sectoral over-capacity, a capacity reduction is expected. Despite an information injunction explicitly addressing this aspect, the capacity development of the company was not explained and the restructuring plan did not include any measure capable of reducing the company's production capacity. Having regard to the above comments on the relevant product markets and the potential capacity problems in the sectors of agricultural machinery, motor vehicles and

metal containers, the Commission cannot rule out undue distortions of competition.

3. Proportionality of the aid to restructuring costs and benefits

- (63) The restructuring plan does not specify the overall costs of the restructuring. The Commission cannot therefore assess whether the aid received is proportional to the restructuring costs. Nor can it evaluate whether the aid is limited to the strict minimum needed for the restructuring.
- (64) According to the most recent information provided, some of the loans granted under the second restructuring were secured by private collateral from the investor Mr Korn amounting to DEM 1,5 million. This collateral was actually called on. This amount is therefore regarded as a contribution from a private investor ⁽³⁾. In the absence of an account of the overall restructuring costs, however, the Commission cannot determine whether the investor's own contribution is proportional to the overall restructuring costs.
- (65) In any case, the Commission notes that a hypothetical sale price from a planned MBO (which never took place) cannot be accepted as a significant investor's contribution within the meaning of the guidelines if it is not extensively backed up with comprehensive information as to realistic assumptions underlying it. The information available for Korn seems to indicate that the MBO was planned with the financial assistance of the State.
- (66) The Commission concludes that, due to a lack of information, it is unable to assess the proportionality of the aid. This requirement of the Community guidelines is therefore not met.

4. Full implementation of the restructuring plan

- (67) On 8 November 1999 the company was declared insolvent by the district court in Gera. This confirms the Commission's doubts as to the restoration of viability.
- (68) The Commission concludes that the aid granted as part of the second restructuring was not justified as there were no unforeseeable and external factors which were the reason for the company's difficulties and as the restructuring plan provided is incomplete, which means that the relevant requirements set out in the Community guidelines were not met. The Commission therefore considers the new aid incompatible with the common market.

⁽¹⁾ One of the reasons given by the German authorities for the repeated granting of aid was that, due to the loans from the Thuringia consolidation fund and the guarantee, there was a clear improvement in turnover and profit results in 1998 compared to the previous year.

⁽²⁾ Judgment of the Court of First Instance of 15 September 1998, Cases T-126/96 and T-127/96 Breda Fucine [1998] ECR II-3437.

⁽³⁾ The other collateral covering these loans was not called on. The Commission further notes that some of this collateral, e.g. the rights from Mr Korn's insurance policy and the assignment of claims, had already served to secure the loans of the Sparkasse Gera-Greiz.

V. CONCLUSIONS

(69) The Commission notes that Germany has unlawfully granted aid to Korn, in breach of Article 88(3) of the EC Treaty. On the basis of its assessment, the Commission concludes that the aid is incompatible with the common market as it does not fulfil the conditions set out in the Community guidelines. The aid granted during the first restructuring is incompatible in the absence of a restructuring plan. The second grant of restructuring aid is not justified by unforeseeable and external factors that affected the company, and the restructuring plan does not meet the criteria set out in the guidelines,

HAS ADOPTED THIS DECISION:

Article 1

The State aid implemented by Germany for Korn Fahrzeuge and Technik GmbH, amounting to at least EUR 6,31 million (DEM 12,35 million), is incompatible with the common market. The aid consists of the following measures:

- investment grants in 1993 and 1994, which, on the basis of the information available, are estimated to amount to DEM 0,81 million,
- investment allowances granted from 1992 to 1997, which, on the basis of the information available, are estimated to amount to DEM 0,15 million,
- consolidation loans from Thuringia amounting to DEM 3 million granted in 1995,
- loans granted by the Sparkasse Gera-Greiz, from mid-1991 to 1997, which, on the basis of the information available, are estimated to total some DEM 6 million,
- grants for publicity in 1995 and 1996 amounting to DEM 0,01 million,
- grants for the participation in fairs in 1996 amounting to DEM 0,01 million,

- grants for the promotion of employment in 1993 and 1997 totalling DEM 0,07 million,
- consolidation loans of Thuringia amounting to DEM 2,3 million granted in 1997.

Article 2

1. Germany shall take all necessary measures to recover the aid referred to in Article 1 that was unlawfully made available and any other restructuring aid for Korn Fahrzeuge and Technik GmbH which could not be specified in Article 1 due to lack of information, or unclear information, submitted by the German authorities.

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 the decision. The aid to be recovered shall include interest from the date on which it was at the disposal of the beneficiary 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.

Article 3

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

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 February 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 12 July 2000
on the State aid 'Measures to improve the indoor environment' which Sweden is planning to implement

(notified under document number C(2000) 2239)

(Only the Swedish text is authentic)

(Text with EEA relevance)

(2000/733/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 Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾,

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

Having regard to Commission decision of 18 January 2000 ⁽²⁾, by which the Commission initiated proceedings in accordance with Article 88(2) concerning aid C 2/2000,

Having called on interested parties to submit their comments pursuant to those provisions ⁽³⁾ and having regard to their comments,

Whereas:

1. PROCEDURE

- (1) By letter dated 19 November 1999, registered on 22 November 1999, Sweden notified the Commission of the proposed aid in favour of private and municipal housing companies and real estate owners.
- (2) By letter dated 29 February 2000, the Commission informed Sweden that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.
- (3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁴⁾. The Commission called on interested parties to submit their comments.
- (4) The Commission received comments from the Swedish authorities by letter dated 19 May 2000, registered on 25 May 2000. No other comments were received.

2. DETAILED DESCRIPTION OF THE AID

- (5) The notified measure is a modification of an environmental investment aid scheme last approved on 20 July 1999 based on the Community guidelines on State aid

for environmental protection ⁽⁵⁾. The overall objective of the scheme is to encourage municipalities and enterprises to carry out projects which improve the ecological sustainability of Swedish society. The scheme lasts until 2001 and the number of beneficiaries is between 101 and 500.

- (6) The aid is given in the form of grants. Grants can be given for:
 - projects carried out by municipalities directly,
 - projects that a municipality administers through a public procurement procedure, in accordance with the applicable rules,
 - projects that support economic activity in general, and
 - projects that are carried out by individual enterprises.

- (7) In the original scheme, six objectives were defined. Eligible projects should aim at reducing impact on the environment, increasing efficiency when using energy or natural resources, supporting the use of renewable raw materials, increasing recycling, supporting and strengthening biological diversity, encouraging education in environmental matters or, finally, at improving the circulation of plant nutrients.

- (8) Eligible projects have to lead to a significant improvement on mandatory environmental standards, and the eligible costs are costs for investments in land, buildings and equipment, which can be expected to bring a significant improvement in the quality of the environment. They are strictly confined to the extra investment costs necessary to meet environmental objectives. The aid intensity is 30 % gross of the eligible costs. Projects also have to have a likely, positive effect on employment.

- (9) The overall budget amounts to SEK 6,8 billion (about EUR 791 million) for the period 1998 to 2001. According to the Swedish authorities about SEK 1 billion remains. The budget will not be increased when the new objective described below is introduced. The grants for indoor environment are expected to amount to about 5 % of the remaining budget, i.e. SEK 50 million (about EUR 6 million).

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ Letter to Sweden dated 29 February 2000, published in OJ C 110, 15.4.2000, p. 9.

⁽³⁾ OJ C 110, 15.4.2000, p. 9.

⁽⁴⁾ See footnote 3.

⁽⁵⁾ OJ C 72, 10.3.1994, p. 3.

2.1. The modification subject to the procedure under Article 88(2)EC

- (10) The Swedish authorities propose to add a seventh objective to the scheme. It wants to give grants to individuals, to municipalities directly and to municipal and private housing companies and real estate owners, which undertake renovation of buildings with a view to reducing the presence of allergenic substances or other substances or materials which constitute health hazards. The objective is to prevent diseases caused by the poor quality of the indoor environment. Buildings may be damaging to the health of their occupiers if they for example contain radon, have insufficient ventilation or are humid.
- (11) A grant will only be given on condition that the renovation project on its own, or in combination with other measures, also contributes to achieving at least one of the original six environmental objectives. The project must also be likely to have a positive effect on employment. As for the rest of the scheme, the eligible costs are strictly confined to the extra investment costs necessary to meet the environmental objectives, and the aid intensity is 30 % gross of the eligible cost.
- (12) Examples of measures for which grants may be given under the new objective:
- conversion of insufficient ventilation systems, e.g. in housing,
 - elimination of humidity and mould in buildings,
 - elimination of excessive radon in buildings (grants already available for private housing).
- (13) Examples of how a measure carried out under the new objective at the same time can fulfil one of the environmental objectives already covered by the scheme:
- when converting a ventilation system the presence of hazardous substances can be reduced at the same time as the energy efficiency is increased,
 - when eliminating damage caused by humidity and mould, building materials and working methods can be chosen in a way which fosters the use of renewable materials or increases recycling and reutilisation.
- (14) Grants under this objective may not cover the following:
- costs for construction of new buildings,
 - current operating expenses or routine maintenance measures, such as cleaning of air ducts,
 - conversions that do not have health or environmental effects, such as changing the plan of the building,
 - measures carried out due to requirements in laws or regulations.
- (15) The Commission had doubts as to the compatibility with the EC Treaty of the notified measure for the following reasons:

- investments improving the environment within buildings are not specifically mentioned in the Community guidelines on State aid for environmental protection. The guidelines are based on 'the polluter pays' principle, and are aimed at the effects of production processes on the external environment. This is demonstrated by the examples of eligible kinds of investments mentioned in point 1.5.1 of the guidelines, namely reduction of emissions, waste disposal and recycling,
- grants to housing companies and real estate owners with a view to financing renovation work may constitute operating aid, rather than investment aid. Operating aid is aid that relieves companies of typical general operating costs that they would normally have to bear in order to carry out their activity⁽⁶⁾. In this case it may be considered part of the activities of housing companies and other real estate owners to keep their buildings in a condition in which they do not constitute health hazards.

3. COMMENTS FROM SWEDEN

3.1. The environmental guidelines

- (16) The Swedish authorities agree that indoor environment is not specifically mentioned in the environmental guidelines. They also admit the guidelines were introduced for a transitional period — until the polluter pays principle has been fully implemented — in order to enable Member States to give environmental investment aid. However, the fact that the guidelines do not explicitly mention indoor environment must not be interpreted as meaning that aid for that purpose is excluded. They point out that the polluter pays principle does not include personal injuries, which are covered by the principles of compensation for damages. However, the environmental protection covered by the guidelines aims at reducing the release of substances which are damaging to human health. The notified measure has the same objective, namely to protect human health by reducing the presence of allergenic and other hazardous substances in indoor environments.

3.2. Operating aid or investment aid

- (17) For some hazardous substances, such as radon, there are mandatory standards, which means that aid may only be granted for investments leading to concentrations below the mandatory standards. For other substances, such as mould and other organic emissions, there are no clear standards. Therefore, in these cases the owner of the building is not under an obligation to remedy the problem. In spite of this, high concentrations of such substances are a problem for people with asthma or allergies.

⁽⁶⁾ Case C-278/95 P *Siemens SA v Commission of the European Communities* [1997] ECR I-2507.

- (18) The grants would constitute operating aid if they were granted for routine maintenance and for measures which owners are under a legal obligation to carry out. No aid may be granted for routine maintenance. As aid may only be granted for measures for which there are no mandatory standards, or which go beyond mandatory standards, it is not a question of operating aid.

3.3. Public health

- (19) A good and sanitary indoor environment is important for preventing disease and other illnesses related to the environment. Allergies, asthma and other respiratory problems are on the increase. It is clear that the indoor environment affects people with asthma or allergies and hypersensitive people, and there is an ongoing debate about whether deficient indoor environments could be one of the possible causes of the increase in allergies. There are certain indications that it is particularly important that the indoor environments for children, i. e. houses, schools and kindergartens, are of good quality. Indoor pollution like radon and smoke also lead to cancer. Good ventilation reduces the exposure to those carcinogens. Against this background, investments in improved ventilation mainly in houses, schools and kindergartens are important to public health.

4. ASSESSMENT OF THE AID

4.1. Applicability of Article 87(1) of the EC Treaty

- (20) In so far as grants under the new objective are granted for projects carried out directly by municipalities, or given directly by municipalities, or given directly to individuals, without any connection to any economic activity, they are not covered by Article 87(1) of the EC Treaty. Grants given to housing companies and real estate owners in order to carry out renovation projects fall within the scope of Article 87(1) of the EC Treaty, as they constitute an economic advantage for recipients which can affect trade between Member States.

4.2. Compatibility of the aid under Article 87(3)(c) of the EC Treaty

- (21) The Commission maintains that the Community guidelines on State aid for environmental protection cannot be applied to aid aimed at the indoor environment. It nevertheless concludes that the notified investment aid can be approved on the basis of Article 87(3)(c) of the EC Treaty, given its contribution to public health, the

protection of workers' health and safety and environmental policy, which are Community objectives of common interest (see Articles 137, 152 and 174 of the EC Treaty).

4.2.1. Applicability of the environmental guidelines

- (22) The Commission had doubts as to whether the scope of the Community guidelines on State aid for environmental protection ⁽⁷⁾ was limited to the external environment, or whether they could form the basis of an approval, under Article 87(3)(c) of the EC Treaty, of aid to improve the indoor environment.
- (23) The Swedish authorities in their comments recognise that the environmental guidelines were introduced in order to allow Member States to give aid for environmental protection during a transitional period until the polluter pays principle has been fully implemented. However, they argue that the ultimate objective of the guidelines is the same as the objective of the aid in question, namely to protect human health.
- (24) After having examined the aid and having taken its justification as presented by the Swedish authorities into account, the Commission has come to the conclusion that the main objective of the aid is to improve public health directly, without first improving the external environment. The Community guidelines on State aid for environmental protection are therefore not applicable.

4.2.2. Operating aid for investment aid

- (25) The Commission questioned whether grants to housing companies and real estate owners with a view to financing renovation work did not constitute operating aid, rather than investment aid as claimed in the notification.
- (26) The Swedish authorities claim that the aid is to be seen as investment aid, since the investments are carried out in the absence of mandatory environmental standards or in order to go beyond such standards. Aid for investments aimed at attaining mandatory standards would be operating aid. This method for distinguishing between the two forms of aid is not accepted by the Commission. Under the current environmental guidelines, it is possible to give investment aid to help firms adapt to new mandatory standards under certain circumstances.
- (27) According to the definition established by the Court of Justice ⁽⁸⁾, operating aid is aid that relieves companies of typical general operating costs that they would normally have to bear in order to carry out their activity, such as salary and financial payments that are made on a continuous basis. Although the owners of the buildings are obliged to keep them in a safe state in order to be allowed to continue their activity, the aid is granted for one-off investments. The Commission therefore concludes that it does not constitute operating aid.

⁽⁷⁾ See footnote 5.

⁽⁸⁾ Case C-278/95 P Siemens SA v Commission of the European Communities [1997] ECR I-2507.

4.2.3. Other relevant provisions of the EC Treaty

Article 137

- (28) This Article provides that the Community shall support and complement the activities of the Member States with regard to improving the working environment to protect workers' health and safety. It may be of relevance in this case in so far as investment aid is granted for the buildings of enterprises that constitute work places. According to the notification, aid may only be granted for renovation works that have a health as well as an environmental effect and companies are only eligible for aid if their projects bring a significant improvement.

Article 152

- (29) Article 152 states that Community action shall complement national policies and that it should be directed towards improving human health, preventing human illness and diseases and obviating sources of danger to human health. In the Commission's 1993 Communication on the framework for action in the field of public health⁽⁹⁾, eight action programmes were adopted. Pollution-related diseases were identified as a priority area for Community action. Diseases arising from environmental changes and workplace environments were mentioned among the challenges facing the Member States in the field of public health. A number of health problems are being produced by changes in the environment resulting from economic and technological developments. The increased levels of respiratory illnesses and certain forms of cancer can for example be linked to such changes.
- (30) On 8 June 1999 and 18 November 1999 the Council adopted Resolutions in the field of public health⁽¹⁰⁾, in which environmental determinants of health were mentioned as one of the key health challenges faced by the Member States, and which urged Member States to take the health impact into account in the coordination of their own policies.
- (31) On 29 April 1999 the European Parliament and the Council adopted Decision No 1296/1999/EC adopting a programme for Community action on pollution-related diseases in the context of the framework for action in the field of public health (1999 to 2001)⁽¹¹⁾. The general objective of the programme is to act against diseases which are caused, triggered or aggravated by environmental pollution. In the sixth recital it is stated that the prevention of pollution-related diseases has to include measures aimed at the sources and concentrations of pollutants and at limiting exposure.

⁽⁹⁾ COM(93) 559 final.

⁽¹⁰⁾ Council Resolution of 8 June 1999 on the future Community action in the field of public health, OJ C 200, 15.7.1999, p. 1. Council Resolution of 18 November 1999 on ensuring health protection in all Community policies and activities, OJ C 86, 24.3.2000, p. 3.

⁽¹¹⁾ OJ L 155, 22.6.1999, p. 7.

- (32) On 16 May 2000 the Commission adopted a Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the health strategy of the European Community, and a proposal for a Decision of the European Parliament and of the Council adopting a programme Community action in the field of public health (2001 to 2006)⁽¹²⁾. The programme will help to improve the health status of the population and reduce premature deaths in the EU by tackling the underlying causes of ill health, through effective health promotion and disease prevention measures. The importance of the link between public health and the environment was underlined.

- (33) The implementation of Article 152 shows that the prevention of disease, and in particular disease related to pollution, whether external or internal, is a Community priority. In this case it is national environmental policy which is contributing to the protection of human health, in line with the subsidiarity principle and with the Council Resolution of 18 November 1999.

Article 174

- (34) Article 174 provides that Community policy on the environment shall contribute to protecting human health.

5. CONCLUSIONS

- (35) The measure will promote the development of public health in line with the Community policy in this field. Given, in addition, the very low budget of the scheme, and the eligible costs and the aid intensity of the grant are the same as those of the already approved measures of the scheme, it can be concluded that the aid will facilitate the development of certain economic activities without adversely affecting trading conditions to an extent contrary to the common interest. The Commission therefore closes the formal investigation procedure with a positive decision based on Article 87(3)(c) EC,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which Sweden is planning to implement for the improvement of the indoor environment in buildings, based on 'Förordning om ändring i förordningen (1998:23) om statliga bidrag till lokala investeringsprogram som ökar den ekologiska hållbarheten i samhället' is compatible with the common market within the meaning of Article 87(3)(c) of the EC Treaty.

Implementation of the aid is accordingly authorised.

⁽¹²⁾ COM(2000)285 final.

Article 2

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 12 July 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 22 November 2000
on certain protective measures against bluetongue in Corsica, France

(notified under document number C(2000) 3559)

(Text with EEA relevance)

(2000/734/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

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 Council Directive 92/118/EEC ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) On 27 October 2000, France confirmed to the Commission that there had been cases of bluetongue on sheep holdings in Corsica.
- (2) The Commission adopted Decision 2000/671/EC of 31 October 2000 on certain protective measures against bluetongue in Corsica, France ⁽³⁾.
- (3) Article 10(3) of Directive 90/425/EEC stipulates that emergency measures adopted by the Commission must be submitted to the Standing Veterinary Committee to be confirmed, amended or cancelled.
- (4) The development of the disease does not justify amendment of the measures adopted by Decision 2000/671/EC.
- (5) The measures adopted by Decision 2000/671/EC should therefore be renewed.
- (6) However, derogations may be possible for animals for slaughter intended for slaughterhouses in Sardinia, since that region is also infected.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

Article 1

France hereby bans the movement from the territory of the region of Corsica of live animals of species susceptible to bluetongue and their sperm, ova and embryos.

By derogation from the first paragraph, consignments of animals for slaughter the destination of which is a slaughterhouse in Sardinia may be authorised by agreement with the central and regional authorities under the following conditions:

- the competent authority at the point of departure shall immediately inform the competent authority responsible for the slaughterhouse of destination by fax of the time of departure of the animals and their probable time of arrival,
- the competent authority responsible for the slaughterhouse of destination shall acknowledge the receipt of consignments of animals from Corsica by fax to the competent authorities of the point of departure.

Article 2

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

Article 3

Decision 2000/671/EC is repealed.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 22 November 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 279, 1.11.2000, p. 62.