

Official Journal

of the European Communities

ISSN 0378-6978

L 52

Volume 44

22 February 2001

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 343/2001 of 21 February 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 344/2001 of 21 February 2001 fixing the maximum export refund for white sugar for the 28th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1531/2000	3
Commission Regulation (EC) No 345/2001 of 21 February 2001 fixing the representative prices and the additional import duties for molasses in the sugar sector	4
Commission Regulation (EC) No 346/2001 of 21 February 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	6
★ Commission Regulation (EC) No 347/2001 of 19 February 2001 concerning the classification of certain goods in the Combined Nomenclature	8
Commission Regulation (EC) No 348/2001 of 21 February 2001 opening a standing invitation to tender for the resale on the internal market of approximately 10 000 tonnes of rice held by the Greek intervention agency	13
★ Commission Regulation (EC) No 349/2001 of 21 February 2001 amending Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Council Regulation (EEC) No 2092/91	14
★ Commission Regulation (EC) No 350/2001 of 21 February 2001 repealing Regulation (EC) No 123/98 on managing the ceilings for imports of fresh and processed sour cherries originating in the former Yugoslav Republic of Macedonia	16
Commission Regulation (EC) No 351/2001 of 21 February 2001 amending the corrective amount applicable to the refund on cereals	17
★ Commission Directive 2001/15/EC of 15 February 2001 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses ⁽¹⁾	19

(¹) Text with EEA relevance

(Continued overleaf)

Commission

2001/142/EC:

- ★ **Commission Decision of 31 October 2000 amending Decision 97/21/ECSC, EC on State aid implemented in favour of Compañía Española de Tubos por Extrusión SA, located in Llodio, Álava ⁽¹⁾ (notified under document number C(2000) 3268)** 26

2001/143/EC:

- ★ **Commission Decision of 29 December 2000 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case No COMP/36.841 — Unisource) ⁽¹⁾ (notified under document number C(2000) 4094)** 30

EUROPEAN ECONOMIC AREA

The EEA Joint Committee

- ★ **Decision of the EEA Joint Committee No 109/2000 of 22 December 2000 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement** 33
- ★ **Decision of the EEA Joint Committee No 110/2000 of 22 December 2000 amending Annex XIII (Transport) to the EEA Agreement** 35
- ★ **Decision of the EEA Joint Committee No 111/2000 of 22 December 2000 amending Annex XIII (Transport) to the EEA Agreement** 36
- ★ **Decision of the EEA Joint Committee No 112/2000 of 15 December 2000 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms** 37
- ★ **Decision of the EEA Joint Committee No 113/2000 of 22 December 2000 amending Annex XIV (Competition) to the EEA Agreement** 38
- ★ **Decision of the EEA Joint Committee No 114/2000 of 22 December 2000 amending Protocol 4 to the EEA Agreement on rules of origin** 40

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 343/2001
of 21 February 2001
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 22 February 2001.

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

Done at Brussels, 21 February 2001.

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 21 February 2001 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	123,9
	204	51,4
	212	94,9
	624	160,7
	999	107,7
0707 00 05	052	111,6
	068	130,7
	628	141,3
	999	127,9
0709 10 00	220	162,6
	999	162,6
0709 90 70	052	102,1
	204	65,4
	999	83,8
0805 10 10, 0805 10 30, 0805 10 50	052	59,3
	204	47,0
	212	42,3
	220	49,4
	600	48,5
	624	51,4
	999	49,7
0805 20 10	204	96,3
	999	96,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	60,0
	204	83,5
	600	84,0
	624	74,5
	999	75,5
0805 30 10	052	54,1
	600	60,5
	999	57,3
0808 10 20, 0808 10 50, 0808 10 90	039	91,2
	388	109,3
	400	84,1
	404	72,7
	720	107,4
	728	94,5
	999	93,2
0808 20 50	388	90,6
	400	98,7
	528	77,2
	999	88,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 344/2001**of 21 February 2001****fixing the maximum export refund for white sugar for the 28th 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 28th 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 28th 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 45,120 EUR/100 kg.

Article 2

This Regulation shall enter into force on 22 February 2001.

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

Done at Brussels, 21 February 2001.

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 345/2001**of 21 February 2001****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 22 February 2001.

⁽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, 21 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 21 February 2001 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⁾	9,00	—	0
1703 90 00 ⁽¹⁾	11,25	—	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 346/2001**of 21 February 2001****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 22 February 2001.

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

Done at Brussels, 21 February 2001.

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 21 February 2001 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	37,85 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	33,87 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	37,85 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	33,87 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4115
1701 99 10 9100	A00	EUR/100 kg	41,15
1701 99 10 9910	A00	EUR/100 kg	42,09
1701 99 10 9950	A00	EUR/100 kg	42,09
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4115

⁽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 2032/2000 (OJ L 243, 28.9.2000, p. 14).

COMMISSION REGULATION (EC) No 347/2001
of 19 February 2001
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 2559/2000 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

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

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽⁴⁾, for a period of three months by the holder.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 19 February 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 293, 22.11.2000, p. 1.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

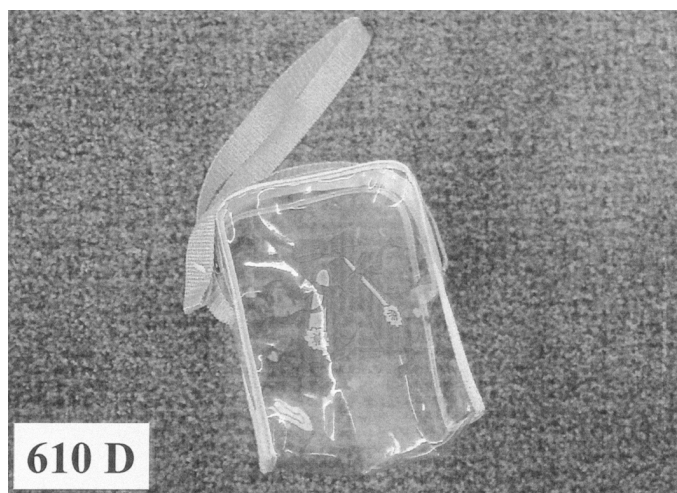
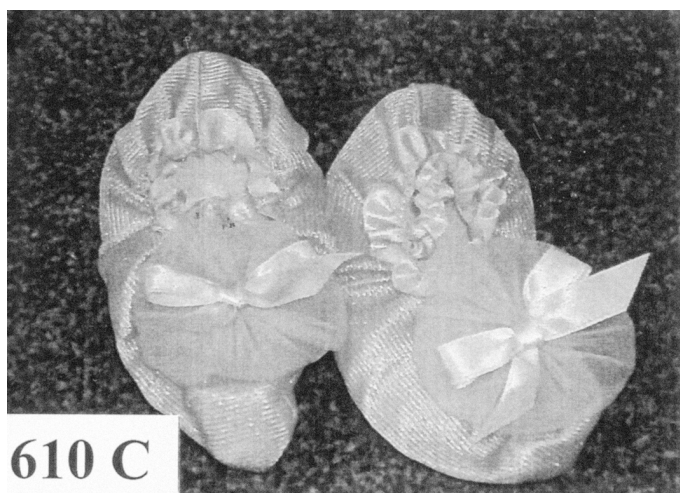
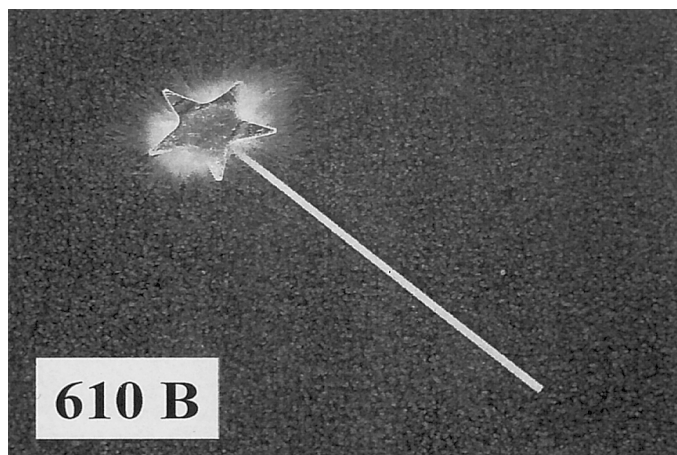
⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

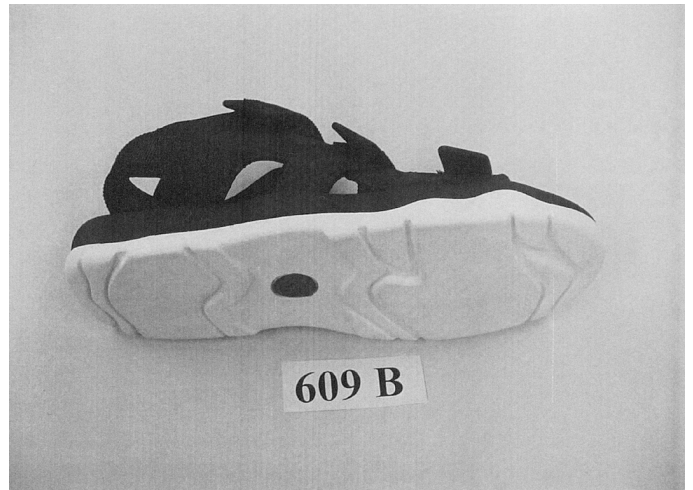
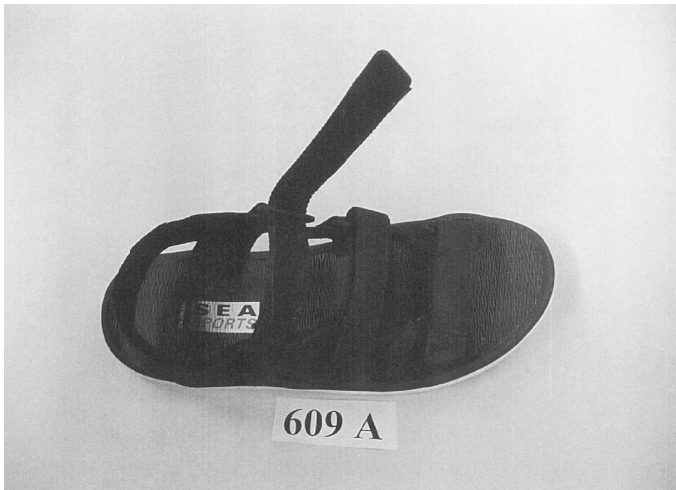
ANNEX

Description	Classification CN code	Reasons
(1)	(2)	(3)
1. Four items packaged together for retail sale and consisting of: (a) A single coloured knitted net garment which covers the lower part of the body from waist to upper thigh (100% synthetic fibres) for a child. With an elasticated waist, two layers of trim attached to waist band, one of knitted net and one of knitted 100 % synthetic fibres. The edges of the garment are unhemmed. A knitted net flower shape attached to the front for decoration. (skirt) (See photograph No 610 A) (*) (b) A plastic wand with metallic star and a feather trim. (See photograph No 610 B) (*) (c) A pair of dancing slippers (toys) with a textile upper, elastic around the upper edge and across the width of the shoe, which is trimmed with ribbon. With plastic soles. On the front of each dancing slipper there is a rosette made of knitted net, and a bow of 100 % synthetic fibres. (See photograph No 610 C) (*) (d) A handbag of clear plastic sheet with a design printed on the front. With a zip closure. With webbing shoulder strap (not adjustable). With trim around the edges. Measures: 16 cm × 13,5 cms × 4,5 cm (handbag) (See photograph No 610 D) (*)	6104 53 00 9503 90 32 9503 90 37 4202 22 10	These four items cannot be considered as 'goods put up in sets for retail sale' because they do not meet a particular need or serve to carry out a specific activity. Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 6104 and 6104 53 00 Note 1(e) to Chapter 95 excludes textile fancy dresses of Chapters 61 and 62. See also the HS explanatory note to heading 9505, (A), (3). Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 9503, 9503 90 and 9503 90 32. Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 1(f) of Chapter 64 and the wording of CN Codes 9503, 9503 90 and 9503 90 37. The dancing slippers (toys) are not considered to be footwear of Chapter 64 because of the tightness of the elastic around the upper edge of the dancing slippers (toys) and across the foot. The textile used would not withstand regular wear as dancing slippers. Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 4202, 4202 22 and 4202 22 10. Note 1(d) to Chapter 95 excludes 'sports bags or other containers of heading 4202, 4303 and 4304'.
2. Three items packaged together for retail sale and consisting of: (a) A woven dress for children (100 % synthetic fibres) with a V-shaped neck without an opening. The bodice has applied knitted lace covering the woven fabric. It has short sleeves with elasticated sleeve ends. It is unhemmed at the neckline, sleeve ends and at the base of the garment. (b) Two knitted accessories consisting of a knitted veil and a textile bouquet (100 % synthetic fibres). The goods are packaged together as a fancy dress set for a child (dress) (See photograph No 611) (*)	6204 43 00	Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 6204 and 6204 43 00. Note 1(e) to Chapter 95 excludes textile fancy dresses of Chapters 61 and 62. See also the HS explanatory note to heading 9505, (A), (3).

Description	Classification CN code	Reasons
(1)	(2)	(3)
3. Sandal with outer soles of rubber, with sole and heel combined having a height of less than 3 cm and with insoles of a length of 24 cm or more. The majority of the external surface of the upper consists of straps of leather lined with woven man-made fibre fabrics. Three straps of textile material fasten across the forefoot with a velcro-type fastening. (See photographs No 609 A + B) (*)	6403 99 33	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 4 to Chapter 64, additional note 1 to Chapter 64 and the wording of CN codes 6403, 6403 99 and 6403 99 33. This sandal cannot be classified as 'sports footwear' within the meaning of subheading note 1 to chapter 64. Neither can it be considered as footwear 'designed for sporting activity' within the meaning of the definition of 'footwear involving special technology', because, <i>inter alia</i>, the upper does not give the foot stability in the shoe.
4. Indoor footwear with a knitted upper of pile fabrics with an applied ribbing covering the ankle with an animal head (monkey) made of the same material as the remainder of the upper sewn to the vamp. The sole consists of a layer of soft cellular plastic material inserted between two textile layers. The outer textile layer is made of a resistant textile material and has applied PVC-dots. The outer textile material (approximately 80 % of the surface of the outer sole) and the PVC-dots (approximately 20 % of the surface of the outer sole) make contact with the ground. (See photographs No 608 A + B) (*)	6405 20 91	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 4(b) to Chapter 64, additional note 2 to Chapter 64 and the wording of CN codes 6405, 6405 20 and 6405 20 91 The outer textile layer has the characteristics of durability and/or strength usually required for the normal use of an outer sole. Taking into account these characteristics the outer sole has to be considered as a textile sole.

(*) The photographs are purely for information





COMMISSION REGULATION (EC) No 348/2001**of 21 February 2001****opening a standing invitation to tender for the resale on the internal market of approximately
10 000 tonnes of rice held by the Greek intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular the last indent of Article 8(b) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 75/91 ⁽³⁾ lays down the procedures and conditions for the disposal of paddy rice held by intervention agencies.
- (2) There is strong demand on the Community market at present for certain varieties of Japonica rice consumed on the internal market, with market prices higher than the intervention price. At the same time, certain quantities of rice of those varieties are available in the Greek intervention agency's stores. Under those circumstances, a standing invitation to tender should be opened for the resale on the internal market of approximately 10 000 tonnes of Japonica paddy rice held by the Greek intervention agency.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Greek intervention agency shall open, under the conditions laid down in Regulation (EEC) No 75/91, a standing invitation to tender for the resale on the internal market of approximately

10 000 tonnes of Japonica paddy rice held by that agency, in accordance with Regulation (EEC) No 75/91.

Article 2

1. The closing date for the submission of tenders in response to the first partial invitation to tender shall be 6 March 2001.
2. The closing date for the submission of tenders in response to the last partial invitation to tender shall be 3 May 2001.

3. Tenders must be lodged with the Greek intervention agency at the following address:

DIDAGEP

Directorate-General for the Administration of Purchases of
Agricultural Produce

Acharnon Street 241

GR-10466 Athens

Tel. (30-1) 865 99 41 and 867 31 49

Fax (30-1) 862 93 73

Article 3

By Tuesday of the week following the closing date for the submission of tenders, the Greek intervention agency shall notify the Commission of the quantities and the average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 21 February 2001.

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 9, 12.1.1991, p. 15.

COMMISSION REGULATION (EC) No 349/2001**of 21 February 2001****amending Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Council Regulation (EEC) No 2092/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 2020/2000 ⁽²⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) Article 11(1) of Regulation (EEC) No 2092/91 stipulates that products which are imported from a non-member country may be marketed only where they originate from a non-member country appearing in a list drawn up in accordance with the conditions laid down in Article 11(2) of Regulation (EEC) No 2092/91. Such a list has been laid down in the Annex to Commission Regulation (EEC) No 94/92 ⁽³⁾, as last amended by Regulation (EC) No 2426/2000 ⁽⁴⁾.
- (2) Hungary has requested the Commission to amend the terms of its inclusion in the list in order to permit the import of organically produced raw material. Hungary has submitted the information required pursuant to Article 2(5) of Regulation (EEC) No 94/92. The examination of the information submitted has led to the

conclusion that the requirements are equivalent to those resulting from the Community legislation.

- (3) Argentina has provided the Commission with the requested assurances concerning production and inspection of livestock and livestock products. Therefore the deadline of inclusion expiring on 28 February 2001 should be prolonged for a further period in order to permit imports to continue.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee mentioned in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 94/92 is amended as regards Argentina and Hungary as shown in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 21 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

⁽²⁾ OJ L 241, 26.9.2000, p. 39.

⁽³⁾ OJ L 11, 17.1.1992, p. 14.

⁽⁴⁾ OJ L 279, 1.11.2000, p. 19.

ANNEX

Point 5 of the text referring to Argentina is replaced by the following text:

‘5. Duration of the inclusion: 30 June 2003.’

Point 2 of the text referring to Hungary is replaced by the following text:

‘2. Origin: Products of category 1(a) and organically produced ingredients in products of category 1(b) that have been produced in Hungary or have been imported into Hungary:

- either from the European Community,
 - or from a non-member country in the framework of a regime which is recognised equivalent in accordance with the provisions of Article 11(1) of Regulation (EEC) No 2092/91.’
-

COMMISSION REGULATION (EC) No 350/2001**of 21 February 2001****repealing Regulation (EC) No 123/98 on managing the ceilings for imports of fresh and processed sour cherries originating in the former Yugoslav Republic of Macedonia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 77/98 of 9 January 1998 on certain detailed rules for the application of the Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia ⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Decision 2000/778/EC of 20 November 2000 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Former Yugoslav Republic of Macedonia concerning the suspension of Title II on trade and trade-related provisions of the Cooperation Agreement between the European Community and the Former Yugoslav Republic of Macedonia ⁽²⁾,

Whereas:

- (1) The abovementioned Exchange of Letters stipulates that 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 ⁽³⁾, as amended by Regulation (EC) No 2563/2000 ⁽⁴⁾, regulates, as from the date of application of the latter Regulation, the trade regime between the European Community and the Former Yugoslav Republic of Macedonia and that Title II on trade and trade-related provisions

of the Cooperation Agreement between the European Community and the Former Yugoslav Republic of Macedonia ceases to apply on that same date.

- (2) Regulation (EC) No 2563/2000 entered into force on 1 December 2000.
- (3) Commission Regulation (EC) No 123/98 ⁽⁵⁾, as last amended by Regulation (EC) No 1370/1999 ⁽⁶⁾, manages the quota ceilings for sour cherries provided for in Title II of the above Cooperation Agreement. Regulation (EC) No 123/98 should therefore be repealed with effect from 1 December 2000.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 123/98 is repealed.

Article 2

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

It shall apply from 1 December 2000.

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

Done at Brussels, 21 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 8, 14.1.1998, p. 1.

⁽²⁾ OJ L 309, 9.12.2000, p. 29.

⁽³⁾ OJ L 240, 23.9.2000, p. 1.

⁽⁴⁾ OJ L 295, 23.11.2000, p. 1.

⁽⁵⁾ OJ L 11, 17.1.1998, p. 17.

⁽⁶⁾ OJ L 162, 26.6.1999, p. 42.

COMMISSION REGULATION (EC) No 351/2001
of 21 February 2001
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 269/2001 ⁽³⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 February 2001.

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

Done at Brussels, 21 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 39, 9.2.2001, p. 25.

ANNEX

to the Commission Regulation of 21 February 2001 altering the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0,00	0,00	0,00	0,00	—	—
1002 00 00 9000	A00	0	0,00	0,00	0,00	0,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0,00	0,00	0,00	0,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9130	C01	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9150	C01	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9170	C01	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9180	C01	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9700	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,50	-3,00	-4,50	-6,00	—	—
1103 11 10 9400	A00	0	-1,34	-2,68	-4,02	-5,36	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,37	-2,74	-4,11	-5,48	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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 2032/2000 (OJ L 243, 28.9.2000, p. 14).

The other destinations are as follows:

C01 All destinations except for Poland.

COMMISSION DIRECTIVE 2001/15/EC
of 15 February 2001
on substances that may be added for specific nutritional purposes in foods for particular nutritional uses

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses ⁽¹⁾, as last amended by European Parliament and Council Directive 1999/41/EC ⁽²⁾, and in particular Article 4(2) thereof,

After consulting the Scientific Committee for Food,

Whereas:

- (1) A number of nutritional substances such as vitamins, minerals, amino acids and others may be added to foods for particular nutritional uses in order to ensure that the particular nutritional requirements of the persons for whom those foods are intended are fulfilled and/or in order to satisfy legal requirements laid down in specific directives adopted pursuant to Article 4(1) of Directive 89/398/EEC.
- (2) It is not possible to define nutritional substances as a distinct group for the purpose of this Directive nor to draw up at this stage an exhaustive list of all categories of nutritional substances that may be added in foods for particular nutritional uses.
- (3) The range of foods for particular nutritional uses is very wide and diversified and the technological processes used for their manufacture are varied. For this reason, the widest possible choice of substances that can be safely used in the manufacture of foods for particular nutritional uses should be available for the categories of nutritional substances to be listed in this Directive.
- (4) The choice of substances should be based primarily on their safety and subsequently on their availability for use by humans and their organoleptic and technological properties. The inclusion of substances in the list of those that may be used in the manufacture of foods for particular nutritional uses does not mean that their addition to those foods is necessary or desirable.
- (5) Where the addition of a nutritional substance has been judged necessary, this has been stipulated by specific rules in the relevant specific directives together with the appropriate quantitative conditions, as the case may be.

- (6) In the absence of any specific rules or in the case of foods for particular nutritional uses not covered by specific directives, nutritional substances should be used in order to manufacture products that are in conformity with the definition of such products and fulfil the particular nutritional requirements of the persons for whom they are intended. The products in question must also be safe when used as instructed by the manufacturer.
- (7) The provisions concerning the list of the nutritional substances that may be used in the manufacture of infant formulae and follow-on formulae and of processed cereal-based foods and baby foods for infants and young children are laid down in Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae ⁽³⁾, as last amended by Directive 1999/50/EC ⁽⁴⁾, and Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children ⁽⁵⁾, as last amended by Directive 1999/39/EC ⁽⁶⁾. Therefore those provisions need not be repeated in this Directive.
- (8) A number of the nutritional substances may also be used in foodstuffs as food additives. In this context purity criteria have been or are to be adopted for them at Community level in accordance with Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption ⁽⁷⁾, as amended by European Parliament and Council Directive 94/34/EC ⁽⁸⁾. Those purity criteria should be applicable for those substances whatever the purpose of their use in foodstuffs.
- (9) Pending the adoption of purity criteria for the rest of the substances at Community level, and in order to ensure a high level of protection for public health, generally acceptable purity criteria recommended by international organisations or agencies including but not limited to the Joint FAO/WHO Expert Committee on Food Additives (JECFA), EUP (European Pharmacopoeia) should apply. Member States should be permitted to maintain national rules setting stricter purity criteria, without prejudice to the rules set out in the Treaty.

⁽¹⁾ OJ L 186, 30.6.1989, p. 27.

⁽²⁾ OJ L 172, 8.7.1999, p. 38.

⁽³⁾ OJ L 175, 4.7.1991, p. 35.

⁽⁴⁾ OJ L 139, 2.6.1999, p. 29.

⁽⁵⁾ OJ L 49, 28.2.1996, p. 17.

⁽⁶⁾ OJ L 124, 18.5.1999, p. 8.

⁽⁷⁾ OJ L 40, 11.2.1989, p. 27.

⁽⁸⁾ OJ L 237, 10.9.1994, p. 1.

- (10) Some specific nutrients or their derivatives have been identified as specifically necessary for the manufacture of some foods belonging to the group of foods for special medical purposes and their potential use should be reserved to the manufacture of these products.
- (11) The measures provided in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. For the categories of substances added for specific nutritional purposes in foods for particular nutritional uses listed in the Annex to this Directive only the chemical substances mentioned under each category may be used in the manufacture of foodstuffs for particular nutritional uses covered by Directive 89/398/EEC.

The use of those substances shall be in conformity with any specific provisions concerning those substances that may be laid down in specific directives provided for in Article 4(1) of Directive 89/398/EEC.

2. Without prejudice to European Parliament and Council Regulation (EC) No 258/97 ⁽¹⁾, other substances added for specific nutritional purposes, not belonging to one of the categories listed in the Annex to this Directive, may be used in the manufacture of foods for particular nutritional uses.

3. The use of nutritional substances in foods for particular nutritional uses shall result in the manufacture of safe products that fulfil the particular nutritional requirements of the persons for whom they are intended as established by generally accepted scientific data.

4. The competent authorities of Member States, referred to in Article 9 of Directive 89/398/EEC, shall be empowered to require the manufacturer or, where appropriate, the importer to produce the scientific work and the data establishing the use of substances added for specific nutritional purposes in compliance with paragraph 3. If such work is contained in a readily available publication, a mere reference to this publication shall suffice.

Article 2

1. Purity criteria for substances listed in the Annex, specified by Community legislation for their use in the manufacture of foodstuffs for purposes other than those covered by this Directive, shall apply.

2. For those substances listed in the Annex for which purity criteria are not specified by Community legislation, and until the adoption of such specifications, generally acceptable purity criteria recommended by international bodies shall apply. National rules setting stricter purity criteria may be maintained.

Article 3

Member States shall adopt and publish the provisions necessary to comply with this Directive by 31 March 2002 at the latest. They shall forthwith inform the Commission thereof.

They shall apply those provisions in such a way as to:

- (a) permit trade in products complying with this Directive with effect from 1 April 2002;
- (b) prohibit trade in products which do not comply with this Directive with effect from 1 April 2004.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 15 February 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

ANNEX

SUBSTANCES THAT MAY BE ADDED FOR SPECIFIC NUTRITIONAL PURPOSES IN FOODS FOR PARTICULAR NUTRITIONAL USES

For the purpose of this table:

- 'FSMP' means foods for particular nutritional uses intended for special medical purposes,
- 'All FPNU' means dietary foods for particular nutritional uses including FSMPs but excluding infant formulae, follow-on formulae, processed cereal-based foods and baby foods intended for infants and young children.

Substance	Condition of use	
	All FPNU	FSMP
Category 1. Vitamins		
VITAMIN A		
— retinol	x	
— retinyl acetate	x	
— retinyl palmitate	x	
— beta-carotene	x	
VITAMIN D		
— cholecalciferol	x	
— ergocalciferol	x	
VITAMIN E		
— D-alpha-tocopherol	x	
— DL-alpha-tocopherol	x	
— D-alpha-tocopheryl acetate	x	
— DL-alpha-tocopheryl acetate	x	
— D-alpha-tocopheryl acid succinate	x	
VITAMIN K		
— phyloquinone (phytomenadione)	x	
VITAMIN B1		
— thiamin hydrochloride	x	
— thiamin mononitrate	x	
VITAMIN B2		
— riboflavin	x	
— riboflavin 5'-phosphate, sodium	x	
NIACIN		
— nicotinic acid	x	
— nicotinamide	x	
PANTOTHENIC ACID		
— D-pantothenate, calcium	x	
— D-pantothenate, sodium	x	
— dexpantenol	x	
VITAMIN B6		
— pyridoxine hydrochloride	x	
— pyridoxine 5'-phosphate	x	
— pyridoxine dipalmitate	x	

Substance	Condition of use	
	All FPNU	FSMP
FOLIC ACID		
— pteroylmonoglutamic acid	x	
VITAMIN B12		
— cyanocobalamin	x	
— hydroxocobalamin	x	
BIOTIN		
— D-biotin	x	
VITAMIN C		
— L-ascorbic acid	x	
— sodium-L-ascorbate	x	
— calcium-L-ascorbate	x	
— potassium-L-ascorbate	x	
— L-ascorbyl 6-palmitate	x	
Category 2. Minerals		
CALCIUM		
— carbonate	x	
— chloride	x	
— salts of citric acid	x	
— gluconate	x	
— glycerophosphate	x	
— lactate	x	
— salts of orthophosphoric acid	x	
— hydroxide	x	
— oxide	x	
MAGNESIUM		
— acetate	x	
— carbonate	x	
— chloride	x	
— salts of citric acid	x	
— gluconate	x	
— glycerophosphate	x	
— salts of orthophosphoric acid	x	
— lactate	x	
— hydroxide	x	
— oxide	x	
— sulphate	x	
IRON		
— ferrous carbonate	x	
— ferrous citrate	x	
— ferric ammonium citrate	x	
— ferrous gluconate	x	
— ferrous fumarate	x	

Substance	Condition of use	
	All FPNU	FSMP
— ferric sodium diphosphate	x	
— ferrous lactate	x	
— ferrous sulphate	x	
— ferric diphosphate (ferric pyrophosphate)	x	
— ferric saccharate	x	
— elemental iron (carbonyl + electrolytic + hydrogen reduced)	x	
COPPER		
— cupric carbonate	x	
— cupric citrate	x	
— cupric gluconate	x	
— cupric sulphate	x	
— copper lysine complex	x	
IODINE		
— potassium iodide	x	
— potassium iodate	x	
— sodium iodide	x	
— sodium iodate	x	
ZINC		
— acetate	x	
— chloride	x	
— citrate	x	
— gluconate	x	
— lactate	x	
— oxide	x	
— carbonate	x	
— sulphate	x	
MANGANESE		
— carbonate	x	
— chloride	x	
— citrate	x	
— gluconate	x	
— glycerophosphate	x	
— sulphate	x	
SODIUM		
— bicarbonate	x	
— carbonate	x	
— chloride	x	
— citrate	x	
— gluconate	x	
— lactate	x	
— hydroxide	x	
— salts of orthophosphoric acid	x	

Substance	Condition of use	
	All FPNU	FSMP
POTASSIUM		
— bicarbonate	x	
— carbonate	x	
— chloride	x	
— citrate	x	
— gluconate	x	
— glycerophosphate	x	
— lactate	x	
— hydroxide	x	
— salts of orthophosphoric acid	x	
SELENIUM		
— sodium selenate	x	
— sodium hydrogen selenite	x	
— sodium selenite	x	
CHROMIUM (III) and their hexahydrates		
— chloride	x	
— sulphate	x	
MOLYBDENUM (VI)		
— ammonium molybdate	x	
— sodium molybdate	x	
FLUORINE		
— potassium fluoride	x	
— sodium fluoride	x	
Category 3. Amino acids		
— L-alanine	x	
— L-arginine	x	
— L-aspartic acid		x
— L-citrulline		x
— L-cysteine	x	
— Cystine	x	
— L-histidine	x	
— L-glutamic acid	x	
— L-glutamine	x	
— glycine	x	
— L-isoleucine		x
— L-leucine	x	
— L-lysine	x	
— L-lysine acetate	x	
— L-methionine	x	
— L-ornithine	x	
— L-phenylalanine	x	
— L-proline		x

Substance	Condition of use	
	All FPNU	FSMP
— L-threonine	x	
— L-tryptophan	x	
— L-tyrosine	x	
— L-valine	x	
For amino acids, as far as applicable, also the sodium, potassium calcium and magnesium salts as well as their hydrochlorides may be used		
Category 4. Carnitine and taurine		
— L-carnitine	x	
— L-carnitine hydrochloride	x	
— taurine	x	
Category 5. Nucleotides		
— adenosine 5'-phosphoric acid (AMP)	x	
— sodium salts of AMP	x	
— cytidine 5'-monophosphoric acid (CMP)	x	
— sodium salts of CMP	x	
— guanosine 5'-phosphoric acid (GMP)	x	
— sodium salts of GMP	x	
— inosine 5'-phosphoric acid (IMP)	x	
— sodium salts of IMP	x	
— uridine 5'-phosphoric acid (UMP)	x	
— sodium salts of UMP	x	
Category 6. Choline and inositol		
— choline	x	
— choline chloride	x	
— choline bitartrate	x	
— choline citrate	x	
— inositol	x	

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 31 October 2000

amending Decision 97/21/ECSC, EC on State aid implemented in favour of Compañía Española de Tubos por Extrusión SA, located in Llodio, Álava

(notified under document number C(2000) 3268)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(2001/142/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and, in particular Article 4(c) thereof,

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

Having regard to Commission Decision 2496/96/ECSC of 18 December 1996 establishing Community rules for State aid to the steel industry and, in particular Article 6(5) thereof ⁽¹⁾,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽²⁾,

Whereas:

I. Background

A. Commission Decision 97/21/ECSC, EC ⁽³⁾

- (1) By its decision to open the procedure provided for pursuant to the former Article 93(2) of the EC Treaty and Article 6(4) of Commission Decision 3855/91/ECSC ⁽⁴⁾ regarding certain measures granted in favour of Compañía Española de Tubos por Extrusión SA (hereinafter 'Tubacex') and its steel-making subsidiary, Acería de Álava ⁽⁵⁾, the Commission expressed its doubts whether the repayment agreements between these companies and the wages fund Fogasa and the rescheduling agreement

between these companies and the Social Security Fund, among other measures, constituted compatible State aid within the meaning of the former Article 92(1) of the EC Treaty and Article 1 of Decision 3855/91/ECSC.

- (2) By its Decision 97/21/ECSC, EC the Commission came to the conclusion that the these measures, itemised below, were not consistent with prevailing market conditions in so far as the rate of interest were below market rates. Accordingly, the Decision stated that these measures were incompatible with the common market:
- (a) the 10 July 1992 loan agreement between the wage guarantee fund (Fogasa), Tubacex and Acería de Álava covering ESP 444 327 300 in principal, as amended by agreements of 8 February 1993 and 16 February 1994 (covering in principal ESP 376 194 872 and ESP 372 000 000 respectively);
- (b) the 10 March 1994 loan agreement between Fogasa, Tubacex and Acería de Álava covering ESP 465 727 750 in principal, as amended by the agreement of 3 October 1994 covering ESP 469 491 521 in principal;
- (c) the agreement of 25 March 1994 between the Social Security Treasury and Acería de Álava to reschedule debts amounting to ESP 274 409 604;
- (d) the agreement of 12 April 1994 between the Social Security Treasury and Tubacex to reschedule debts amounting to ESP 1 409 957 329.

⁽¹⁾ OJ L 338, 28.12.1996, p. 42.

⁽²⁾ OJ C 110, 15.4.2000, p. 12.

⁽³⁾ OJ L 8, 11.1.1997, p. 14.

⁽⁴⁾ OJ L 362, 31.12.1991, p. 57.

⁽⁵⁾ OJ C 282, 26.10.1995, p. 3.

B. *The judgement of the Court of Justice of the European Communities of 29 April 1999 in case C-342/96, Spain v Commission* ⁽⁶⁾ relating to State aid granted by Spain to Tubacex

- (3) Following an application by Spain, the Court of Justice delivered its judgment in the abovementioned case, annulling Decision 97/21/ECSC, EC, which had declared as incompatible aid to Tubacex the rescheduling agreements between Tubacex and the Social Security Treasury and the repayment agreements between Tubacex and the Fogasa, in so far as the rate of interest was below market rates.
- (4) In its ruling case the Court concluded that Fogasa does not award loans to undertakings in liquidation or in difficulties, but settles all valid claims put forward by employees with money which it pays and then recovers from the undertakings. Moreover, Fogasa may conclude repayment agreements enabling it to reschedule the sums payable or to make them payable by instalments.
- (5) Similarly, the Social Security Fund may agree to rescheduling the payment of debts in respect of social security contributions or to their payment by instalments.
- (6) The Court noted that in these repayment and rescheduling agreements, the State did not act as a public investor whose conduct must be compared to the conduct of a private investor laying out capital with a view to realising a profit but as a public creditor which, like private creditor, seeks to recover sums due to it.
- (7) The interest normally applicable to that type of debt is intended to make good the loss suffered by the creditor because of the debtor's delay in performing its obligation to pay off its debt, namely default interest. If the rate of default interest applied to the debts of a public creditor is lower than the rate charged for the debts owed to a private creditor, it is the latter rate which ought to be charged.
- (8) Based on the above arguments, the Court annulled Decision 97/21/ECSC, EC to the extent that it declared the measures granted in favour of Tubacex to be incompatible with the EC Treaty. (Since the decision as regards incompatibility of the measures with the Steel Aids Code (to the extent that these measures also benefited Acería de Álava) had not been challenged, the Court did not annul that part of the Decision).

II. Procedure

- (9) Having examined the Court judgment, the Commission decided to (re-)open the proceedings that had preceded the annulled decision.

- (10) The Commission informed the Spanish Government of its decision by letter dated 16 February 2000 (SG(2000) D/101515).
- (11) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁷⁾. The Commission invited interested parties to submit their comments on the re-analysis of the measures in the light of the Court judgment and, consequently, on the envisaged partial revocation of its Decision 97/21/ECSC, EC.

III. Comments from interested parties

- (12) No comments were submitted by interested parties.

IV. Comments from Spain

- (13) By letter dated 20 March 2000, the Spanish Government replied to the Commission's letter opening the procedure. The main points were as follows.
- (14) The Spanish authorities disagreed with the decision of the Commission to open the formal investigation procedure inasmuch in their view the investigation procedure was not necessary to carry out the envisaged partial revocation of Decision 97/21/ECSC, EC.
- (15) As regards the rescheduling agreements between the companies and the Social Security Treasury, the Spanish authorities did not support the view of the Commission that 'it seems probable that, in the case of out-of-court agreements concerned with or having the effect of rescheduling pre-existing debts, the logic of the creditor's behaviour would lead him to seek to obtain from the debtor a rate of interest on arrears that would be higher than the legal interest rate as compensation for not pursuing the recovery of the debt by legal means'. On the contrary, they claimed that, due to the financial situation of the company as well as costs, delay and uncertainty involved in legal proceedings, out-of-court agreements would frequently lead to agree an interest rate lower than the legal interest rate.
- (16) Thus, the Spanish authorities reiterated their argument that the granting of deferments applying the legal interest rate protects the interests of the social security system, in terms of recovering debts, better than any other form of action that a private creditor could have taken.
- (17) Moreover, the Spanish Government recalled that while a private creditor can agree any interest rate with the debtor, the Social Security authorities are bound by Article 20 of Social Security General Law ⁽⁸⁾ which lays down that the legal interest rate is to be applied in the rescheduling agreements of debt.

⁽⁶⁾ Rec. 1999, p. I-2459

⁽⁷⁾ See footnote 2.

⁽⁸⁾ OBE 154, 20.6.1994, p. 20658.

- (18) The Commission noted in the opening decision that the comparison of the terms contained in the private creditors' agreement in October 1993 and the terms of the rescheduling agreement between the Social Security authorities and the companies may not constitute a correct application of the 'private creditor' test as defined by the Court. In this respect, the Spanish authorities stated that due to legal constraints of public administration, circumstances of public creditors cannot be similar to those of private creditors indeed. However, they emphasised that despite the different circumstances, the agreements between the Social Security authorities/Fogasa and the companies were not more favourable than those reached in the private creditors' agreement, on the contrary they were much less generous.
- (19) Finally, the Spanish authorities reiterated the views expressed under the procedure which led to Decision 97/21/ECSC, EC and in their submissions to the Court.

V. Assessment

- (20) It should be recalled that although the Court of Justice annulled only those parts of Decision 97/21/ECSC, EC relating to the measures granted to Tubacex, the Commission considers that the Court's analysis of the measures granted in favour of Tubacex in relation to Article 87(1) of the EC Treaty is fully applicable to the ECSC part of Decision 97/21/ECSC, EC in respect of the measures granted in favour of Acería de Álava. In order to safeguard the rights of Spain and all other interested parties, the Commission therefore signalled in its (re-)opening of the investigation proceedings that it would re-examine that part of the previous decision with a view to partially revoking it and to adopt a new decision on the basis of this re-assessment. The comments received under the procedure confirm that this approach is appropriate.
- (21) The Commission must consider whether or not any of the elements deemed as incompatible with the common market set out in Article 1 of Decision 97/21/ECSC, EC constitute State aid within the meaning of Article 87(1) of the EC Treaty and Article 4(c) of the ECSC Treaty. If any such aid were found to exist, the Commission would then need to consider whether it was compatible with the common market.
- (22) It should firstly be noted that the companies were already subject to the pre-existing statutory obligation to repay the wages advanced by Fogasa and to pay their debts in respect of social security contributions. The agreements in question did not therefore create any new debt owed by the companies to the public authorities. Thus, in the repayment agreements of Fogasa and in the rescheduling agreements of Social Security Fund, the State did not act as a public investor whose conduct must be compared to that of a private investor providing capital with a view to realising a profit but as a public creditor which, like a private creditor, may seek to recover sums due to it. Consequently, in assessing the contested State aid, the Commission has to compare the default rate of interest applied to the debts of the public creditor with the rate charged for the debts owed to private creditors acting in similar circumstances.
- (23) However it should be noted that particular circumstances of debtors and creditors are likely to prove problematic for the determination of a common applicable behaviour of private creditors seeking to recover sums due to them. Consequently, the Commission has to base its assessment on an analysis of the behaviour of private creditors on a case by case approach.
- (24) In this particular case the separate agreements between Fogasa and the companies and between Social Security and the companies did not accord the companies any more generous treatment than that reached in the private creditors' agreement reached in October 1993.
- (25) However, the circumstances of those private creditors were not the same as those of public creditors because of their status, the securities provided, etc. Consequently, the Commission considers that such a comparative approach does not constitute in this particular case a correct application of the 'private creditors' test as defined by the Court, which as it subsequently underlined in its judgment of 29 June 1999 in the DMT case (C-256/97) ⁽⁹⁾, supposes that the public creditors' behaviour under examination should be compared with that of a hypothetical private creditor finding himself, as far as possible, in the same situation.
- (26) The Commission notes that Article 1108 of the Spanish Civil Code establishes that the legal interest rate is that one which applies for compensation of damage and harm when the debtor delays the payment and no determined interest rate has been agreed. In addition, Article 312 of the Spanish Commercial Law rules that in case of a loan in money and in the absence of any specific agreement between the parties, the debtor is obliged to repay the legal value (valor legal) of the debt at the time the repayment is done. Therefore, the legal interest rate would be the highest rate a private creditor could expect to obtain if he pursues the recovery of the debt by legal means.
- (27) As a consequence, a private creditor could not have obtained from the debtor a rate of interest on arrears that would be higher than the legal interest rate as a compensation for not pursuing the recovery of the debt by legal means.

⁽⁹⁾ Rec. 1999, p. I-3913.

- (28) Finally, the particular circumstances of the companies at the time the rescheduling agreements with Fogasa and the Social Security Fund were made should be underlined. They had been in serious financial difficulties, resulting in the suspension of all debt repayments and serious doubts about their future existence. By not proceeding to execution and thereby possibly provoking the liquidation of the company, the public creditors acted in such a way as to maximise the prospects of recovering the debt.
- (29) In the light of the above, the Commission can accept that in this particular case, by rescheduling and applying the legal interest rate to debts owed by the companies, Spain was seeking to maximise the recovery of the sums due to it without suffering any financial loss. Consequently, Spain acted as a hypothetical private creditor, which is in the same position vis-a-vis the companies, would have acted.

Conclusion

- (30) In the light of the above, the re-assessment of the alleged aid deemed as incompatible with the common market by Decision 97/21/ECSC, EC leads to the conclusion that the repayment agreements between Fogasa and Tubacex and the debt rescheduling agreements between Social Security and Tubacex do not constitute State aid. The re-assessment leads to the same conclusion in relation to the agreements with Acería de Álava.
- (31) Consequently, the Commission considers that it should amend its Decision 97/21/ECSC, EC accordingly.

HAS ADOPTED THIS DECISION:

Article 1

Decision 97/21/ECSC, EC is amended as follows:

1. Article 1 is replaced by:

'Article 1

The following measures which Spain has implemented in favour of Compañía Española de Tubos por Extrusión (Tubacex) and its steel-making subsidiary Acería de Álava do not constitute State aid:

- (a) the 10 July 1992 loan agreement between the wage guarantee fund (Fogasa), Tubacex and Acería de Álava covering ESP 444 327 300 in principal, as amended by agreements of 8 February 1993 and 16 February 1994 (covering principal of ESP 376 194 872 and ESP 372 000 000 respectively);
- (b) the 10 March 1994 loan agreement between Fogasa, Tubacex and Acería de Álava covering ESP 465 727 750 in principal, as amended by the agreement of 3 October 1994 covering ESP 469 491 521 in principal;
- (c) the agreement of 25 March 1994 between the Social Security Fund and Acería de Álava to reschedule debts amounting to ESP 274 409 604;
- (d) the agreement of 12 April 1994 between the Social Security Fund and Tubacex to reschedule debts amounting to ESP 1 409 957 329.'

2. Article 2 is revoked.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 31 October 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 29 December 2000
relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA
Agreement
(Case No COMP/36.841 — Unisource)
(notified under document number C(2000) 4094)
(Only the Dutch, English and Swedish texts are authentic)
(Text with EEA relevance)
 (2001/143/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the EC Treaty ⁽¹⁾, as last amended by Regulation (EC) No 1216/1999 ⁽²⁾, and in particular Articles 2 and 8(3)(a) thereof,

Having regard to Commission Decision 97/780/EC of 29 October 1997 relating to a proceeding pursuant to Article 85 of the EC Treaty and Article 53 of the EEA Agreement ⁽³⁾ (Case No IV/35.830 — Unisource),

Having regard to the application filed on 23 December 1999 by Unisource NV (Unisource) and its three shareholders, Koninklijke KPN NV (KPN), Swisscom AG (Swisscom) and Telia AB (Telia) (collectively: 'the Parties'), for a review of the need for the conditions and obligations contained in Decision 97/780/EC,

Having regard to the summary of the application and notification published ⁽⁴⁾ pursuant to Article 19(3) of Regulation No 17,

After consultation with the Advisory Committee for Restrictive Practices and Dominant Positions,

Whereas:

I. THE FACTS

(1) According to the Parties, market developments over the past years as well as the losses accumulated during those years have forced them to abandon their wholly-owned

subsidiary, Unisource NV, as the joint venture for conducting their international expansion strategy. Consequently, they have taken the irreversible decision to reduce Unisource's scope.

A. Creation of Unisource and related agreements

- (2) The decision of the shareholders is to abandon the strategic alliance articulated through Unisource. They will, however, maintain until their expiry the Unisource agreements, that is to say, the instruments creating Unisource and the individual contractual restrictions contained therein. Unisource will continue to exist as a holding company for the joint ownership by KPN, Telia and Swisscom of AUCS communication services vof (AUCS). Management of the AUCS communication services, which offers services to multinationals in Europe, is now undertaken by Infonet (in which Unisource's parent companies have a 56 % stake).

B. Reduced scope of Unisource's activities

- (3) According to the Parties, the only activity that remains of the Unisource activities described in Decision 97/780/EC is the provision of value added telecommunications services to multinational corporate customers ⁽⁵⁾. This business is carried through AUCS (formerly Uniworld). On 29 May 1999, Unisource acquired 100 % of the shares of AUCS by taking over AT&T's shares. This transaction was declared compatible with the common market by Commission decision of 8 July 1999 in Case COMP/M.1581 ⁽⁶⁾.

- (4) All the other activities described in Decision 97/780/EC have been abandoned. As a result, the only remaining subsidiary owned by Unisource is AUCS vof.

⁽¹⁾ OJ L 13, 21.2.1962, p. 204/62.

⁽²⁾ OJ L 148, 15.6.1999, p. 5.

⁽³⁾ OJ L 318, 20.11.1997, p. 1.

⁽⁴⁾ OJ C 217, 29.7.2000, p. 35.

⁽⁵⁾ Namely, the provision of seamless, value added international voice, data, internet and messaging services to multinational companies operating in Europe.

⁽⁶⁾ OJ C 328, 17.11.1999, p. 7.

Non-compete provisions

- (5) As a consequence of the divestitures, all non-compete provisions contained in the original agreements have disappeared. There are no non-compete agreements between AUCS and Unisource's parent companies. KPN, Swisscom and Telia can compete with Unisource on the market for corporate telecommunications services or in any other market. The parent companies declare that their interest in Unisource is strictly financial.

Exclusive distributorship

- (6) The exclusive distribution agreements between certain Unisource subsidiaries and the Unisource shareholders referred to in Decision 97/780/EC have become obsolete since those subsidiaries have been sold or their activities have been discontinued.

C. Presence in the market

- (7) As was stated above, the presence of Unisource in the relevant markets described in Decision 97/780/EC is reduced in scope to the provision of value added telecommunications services via AUCS/Infonet.
- (8) The competitive situation in the market for the provision of global telecommunications services to multinational corporate customers was assessed by the Commission in its decision of 21 February 2000 in Case M.1741 — MCI WorldCom/Sprint⁽¹⁾. According to 1999 data, the market share of AUCS/Infonet in that market would be between 4 % and 11 %.

D. Regulatory safeguards

- (9) In contrast to the regulatory situation when the Commission exempted the Unisource agreements, telecommunications markets in the Community are liberalised and each Member State has national regulatory authorities (NRAs) with wide powers to intervene in those markets.
- (10) The Commission's view is that, while it is true that KPN, Telia and Swisscom maintain very high market shares in almost all domestic telecommunications services markets in their respective home countries, telecommunications are now fully liberalised in the Netherlands and in Sweden. Indeed, in contrast to the market situation when Decision 97/780/EC was adopted, competition is taking place in those countries as well as in Switzerland (see Commission's Fifth Implementation Report on the implementation of the telecommunications regulatory package⁽²⁾).

E. Comments of interested parties

- (11) No comments were received from third parties in response to the Commission's notice pursuant to Article 19(3) of Regulation 17.

II. LEGAL ASSESSMENT**A. Application of Article 81(1) of the EC Treaty and Article 53(1) of the EEA Agreement to the Unisource agreements**

- (12) In Decision 97/780/EC, the Commission establishes that the Unisource agreements fall within Article 81(1) of the EC Treaty and Article 53(1) of the EEA Agreement. Although the Parties will maintain those agreements until they expire, they have notified to the Commission their irreversible decision to abandon the Unisource alliance as originally conceived and the irreversible character of the divestments, resulting in a discontinuation of the Unisource group.
- (13) As a result of that decision and those divestitures, the scope of activities of Unisource described in the Commission's decision of 29 October 1997 has been reduced considerably. As was stated above, Unisource's sole presence in the market is through AUCS/Infonet. All the other subsidiaries listed in the Commission's decision have been sold. All other activities apart from the provision of value added telecommunication services have been abandoned. Consequently, it can no longer be considered that the parent companies pool a significant number of assets in connection with the provision and marketing of telecommunications services as listed in recital 75 of Decision 97/780/EC.
- (14) According to the Parties, the only remaining subsidiary of Unisource, namely AUCS, would represent in terms of 1999 figures less than 3 % of the revenues of any of its parent companies. The declared intention of the Parties is to limit Unisource's relations with its parent companies to a financial relationship. Given the nature of the changes to Unisource's structure, the risk of coordination of the competitive behaviour between the parent companies considered in Decision 97/780/EC appears remote.
- (15) Furthermore, contrary to the original intentions of the parent companies, the abandoning of the original scope of the Unisource alliance means that each parent will address the relevant markets listed in Decision 97/780/EC on its own. In particular, KPN, Swisscom and Telia will even compete with AUCS/Infonet in the market for the provision of global telecommunications services to multinational corporate customers. The maintenance of AUCS/Infonet as an independent market player will increase competition in that market, in which only a reduced number of companies are active at world-wide level⁽³⁾.

⁽¹⁾ See Press Release IP/00/668.

⁽²⁾ COM(1999) 537 final of 10 November 1999 — available at <http://europa.eu.int/ispo>.

⁽³⁾ See Commission's decision of 21 February 2000 in Case M.1741 — MCI WorldCom/Sprint.

B. Application of Article 81(1) of the EC Treaty and Article 53(1) of the EEA Agreement to the contractual provisions

- (16) The contractual provisions identified in Decision 97/780/EC as being caught by Article 81(1) of the EC Treaty and Article 53(1) of the EEA Agreement no longer apply.
- (17) The only remaining activity of Unisource is the ownership of AUCS. There is no non-compete agreement between the parent companies and Unisource for the service provided by AUCS. KPN, Telia and Swisscom are free to compete with AUCS for the provision of value-added telecommunications services to multinational corporate customers. For instance, KPN has set up a joint venture (KPN Qwest) that provides global telecommunications services. Swisscom and Telia both offer such services to their respective customers, in direct competition with Unisource/AUCS.
- (18) The exclusive distribution agreements originally envisaged no longer exist and therefore do not affect the conditions of competition within the EEA and Switzerland⁽¹⁾. No new exclusive forms of distribution have been entered into between Unisource and its shareholders in regard of AUCS services.
- (19) In view of the above, it can be considered that the Unisource agreements do not appreciably restrict competition in the relevant markets,

HAS ADOPTED THIS DECISION:

Article 1

Decision 97/780/EC is hereby repealed.

Article 2

On the basis of the facts in its possession, the Commission has no grounds for further action under Article 81(1) of the EC Treaty and Article 53(1) of the EEA Agreement in respect of

the modified scope of cooperation between Koninklijke KPN NV, Swisscom AG and Telia AB in regard of their joint subsidiary Unisource.

Article 3

This Decision is addressed to:

1. Koninklijke KPN NV
Telecomplein 5
2516 CK Den Haag
The Netherlands
2. Telia AB
Marbackagatan 11
S-123 86 Farsta
3. Swisscom AG
Lindenhofstrasse 1
CH-3048 Worblaufen
4. Unisource NV
'Transpolis'
Polarisavenue 97
2137 JH Hoofddorp
The Netherlands

Done at Brussels, 29 December 2000.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ See recital 83 of Decision 97/780/EC.

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE
No 109/2000
of 22 December 2000
amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision No 107/2000 of the EEA joint Committee of 30 November 2000 ⁽¹⁾.
- (2) Commission Decision 2000/166/EC of 23 February 2000 extending the possible time period for provisional authorisations of the new active substance quinoxifen ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 12j (Commission Decision 2000/180/EC) in Chapter XV of Annex II to the Agreement:

'12k. **32000 D 0166**: Commission Decision 2000/166/EC of 23 February 2000 extending the possible time period for provisional authorisations of the new active substance quinoxifen (OJ L 52, 25.2.2000, p. 44).'

Article 2

The texts of Decision 2000/166/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the Official Journal of the European Communities, shall be authentic.

Article 3

This Decision shall enter into force on 23 December 2000, provided that the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

⁽¹⁾ OJ L 45, 15.2.2001, p. 45.

⁽²⁾ OJ L 52, 25.2.2000, p. 44.

(*) No constitutional requirements indicated.

Article 4

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 22 December 2000.

For the EEA Joint Committee
The President
G. S. GUNNARSSON

DECISION OF THE EEA JOINT COMMITTEE
No 110/2000
of 22 December 2000
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision No 38/1999 of the EEA Joint Committee of 30 March 1999 ⁽¹⁾.
- (2) Directive 2000/18/EC of the European Parliament and of the Council of 17 April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 13a (Council Directive 96/35/EC) of Annex XIII to the Agreement:

'13b. **32000 L 0018**: Directive 2000/18/EC of the European Parliament and of the Council of 17 April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway (OJ L 118, 19.5.2000, p. 41).'

Article 2

The texts of Directive 2000/18/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 23 December 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 22 December 2000.

For the EEA Joint Committee

The President

G. S. GUNNARSSON

⁽¹⁾ OJ L 226, 19.10.2000, p. 27.

⁽²⁾ OJ L 118, 19.5.2000, p. 41.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 111/2000
of 22 December 2000
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision No 68/2000 of the EEA Joint Committee of 2 August 2000 ⁽¹⁾.
- (2) Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 17f (Council Directive 1999/36/EC) of Annex XIII to the Agreement:

'17g. **32000 L 0030**: Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1).'

Article 2

The texts of Directive 2000/30/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 23 December 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA section of, and of the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 22 December 2000.

For the EEA Joint Committee

The President

G. S. GUNNARSSON

⁽¹⁾ OJ L 250, 5.10.2000, p. 51.

⁽²⁾ OJ L 203, 10.8.2000, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 112/2000

of 15 December 2000

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision No 102/2000 of the EEA Joint Committee of 10 November 2000 ⁽¹⁾.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 1934/2000/EC of the European Parliament and of the Council of 17 July 2000 on the European Year of Languages 2001 ⁽²⁾
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2001,

HAS DECIDED AS FOLLOWS:

Article 1

Article 4 of Protocol 31 to the Agreement shall be amended as follows:

1. The following paragraph shall be inserted after paragraph 2d (budget line B3-1003):
'2e. The EFTA States shall, as from 1 January 2001, participate in the following programme:
— **32000 D 1934:** Decision No 1934/2000/EC of the European Parliament and of the Council of 17 July 2000 on the European Year of Languages 2001 (OJ L 232, 14.9.2000, p. 1).'
2. The text of paragraph 3 shall be replaced by the following:
'The EFTA States shall contribute financially in accordance with Article 82(1)(a) to the programmes and actions referred to in paragraphs 1, 2, 2a, 2b, 2c, 2d and 2e.'

Article 2

This Decision shall enter into force on 16 December 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

It shall apply from 1 January 2001.

Article 3

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 15 December 2000.

For the EEA Joint Committee

The President

G. S. GUNNARSSON

⁽¹⁾ OJ L 7, 11.1.2001, p. 38.

⁽²⁾ OJ L 232, 14.9.2000, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 113/2000
of 22 December 2000
amending Annex XIV (Competition) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIV to the Agreement was amended by Decision No 49/2000 of the EEA Joint Committee of 31 May 2000 ⁽¹⁾.
- (2) Commission Regulation (EC) No 2658/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of specialisation agreements ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 2659/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of research and development agreements ⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The text of point 6 (Commission Regulation (EEC) No 417/85) of Annex XIV to the Agreement shall be replaced by the following:

'32000 R 2658: Commission Regulation (EC) No 2658/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of specialisation agreements (OJ L 304, 5.12.2000, p. 3).

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

- (a) in Article 7, introductory paragraph, the phrase "pursuant to Article 7 of Regulation (EEC) No 2821/71, where, either on its own initiative or at the request of a Member State or of a natural or legal person claiming a legitimate interest" shall read, "where, either on its own initiative or at the request of the other surveillance authority or a State falling within its competence or of a natural or legal person claiming a legitimate interest";
- (b) the following paragraph shall be added at the end of Article 7:

"The competent surveillance authority may in such cases issue a decision in accordance with Articles 6 and 8 of Regulation (EEC) No 17/62, or the corresponding provisions envisaged in Protocol 21 to the EEA Agreement, without any notification from the undertakings concerned being required."

Article 2

The text of point 7 (Commission Regulation (EEC) No 418/85) of Annex XIV to the Agreement shall be replaced by the following:

'32000 R 2659: Commission Regulation (EC) No 2659/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of research and development agreements (OJ L 304, 5.12.2000, p. 7).

⁽¹⁾ OJ L 237, 21.9.2000, p. 60.

⁽²⁾ OJ L 304, 5.12.2000, p. 3.

⁽³⁾ OJ L 304, 5.12.2000, p. 7.

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

- (a) in Article 7, introductory paragraph, the phrase “pursuant to Article 7 of Regulation (EEC) No 2821/71, where, either on its own initiative or at the request of a Member State or of a natural or legal person claiming a legitimate interest” shall read, “where, either on its own initiative or at the request of the other surveillance authority or a State falling within its competence or of a natural or legal person claiming a legitimate interest”;
- (b) the following paragraph shall be added at the end of Article 7:
“The competent surveillance authority may in such cases issue a decision in accordance with Articles 6 and 8 of Regulation (EEC) No 17/62, or the corresponding provisions envisaged in Protocol 21 to the EEA Agreement, without any notification from the undertakings concerned being required.”

Article 3

The texts of Regulations (EC) No 2658/2000 and (EC) No 2659/2000 in the Icelandic and Norwegian languages, to be published in the *EEA Supplement to the Official Journal of the European Communities*, shall be authentic.

Article 4

This Decision shall enter into force on 1 January 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 22 December 2000.

For the EEA Joint Committee

The President

G. S. GUNNARSSON

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 114/2000
of 22 December 2000
amending Protocol 4 to the EEA Agreement on rules of origin

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Protocol 4 to the Agreement was amended by Decision No 188/1999 of the EEA Joint Committee of 17 December 1999 ⁽¹⁾.
- (2) Some technical amendments are in order to correct anomalies between the different language versions of the text.
- (3) The list of insufficient working and processing needs to be amended to ensure proper interpretation and to take account of the need to include some operations not covered previously by this list.
- (4) The need has arisen to provide for a system of accounting segregation of originating and non-originating materials, subject to authorisation by customs authorities.
- (5) The provisions concerning the amounts expressed in euro need to be revised in order to clarify the procedure and to provide greater stability for the level of the amounts in national currencies.
- (6) To take account of the lack of production of a certain material within the countries concerned, a correction must be made to the list of working and processing requirements which non-originating materials have to fulfil to qualify for originating status,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 4 to the Agreement shall be amended as follows:

1. Article 1(i) shall be replaced by:

'(i) "added value" shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other countries referred to in Article 3 or, where the customs value is not known or cannot be ascertained, the first verifiable price paid for the materials in the EEA;'

2. Article 6 shall be replaced by:

'Article 6

Insufficient working or processing operations

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 5 are satisfied:

- (a) preserving operations to ensure that the products remain in good condition during transport and storage;
- (b) breaking-up and assembly of packages;
- (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (d) ironing or pressing of textiles;
- (e) simple painting and polishing operations;

⁽¹⁾ Not yet published in the Official Journal.

- (f) husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (g) operations to colour sugar or form sugar lumps;
- (h) peeling, stoning and shelling of fruits, nuts and vegetables;
- (i) sharpening, simple grinding or simple cutting;
- (j) sifting, screening, sorting, classifying, grading, matching (including the making-up of sets of articles);
- (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (m) simple mixing of products, whether or not of different kinds;
- (n) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
- (o) a combination of two or more operations specified in subparagraphs (a) to (n);
- (p) slaughter of animals.

2. All operations carried out in the EEA on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.'

3. The following Article shall be inserted after Article 19:

'Article 19a

Accounting segregation

1. Where considerable cost or material difficulties arise in keeping separate stocks of originating and non-originating materials which are identical and interchangeable, the customs authorities may, at the written request of those concerned, authorise the "accounting segregation" method to be used for managing such stocks.
2. This method must be able to ensure that, for a specific reference-period, the number of products obtained which could be considered as "originating" is the same as that which would have been obtained if there had been physical segregation of the stocks.
3. The customs authorities may grant such authorisation, subject to any conditions deemed appropriate.
4. This method is recorded and applied on the basis of the general accounting principles applicable in the country where the product was manufactured.
5. The beneficiary of this facilitation may issue or apply for proofs of origin, as the case may be, for the quantity of products which may be considered as originating. At the request of the customs authorities, the beneficiary shall provide a statement of how the quantities have been managed.
6. The customs authorities shall monitor the use made of the authorisation and may withdraw it at any time whenever the beneficiary makes improper use of the authorisation in any manner whatsoever or fails to fulfil any of the other conditions laid down in this Protocol.'

4. In Article 21, paragraph 1, first sentence, the following shall be inserted after 'exporter':

'hereinafter referred to as "approved exporter",'

5. Article 30 shall be replaced by:

'Article 30

Amounts expressed in euro

1. For the application of the provisions of Article 20(1)(b) and Article 25(3) in cases where products are invoiced in a currency other than euro, amounts in the national currencies of the countries referred to in Article 3 equivalent to the amounts expressed in euro shall be fixed annually by each of the countries concerned.

2. A consignment shall benefit from the provisions of Article 20(1)(b) or Article 25(3) by reference to the currency in which the invoice is drawn up, according to the amount fixed by the country concerned.
 3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in euro as at the first working day of October. The amounts shall be communicated to the European Commission by 15 October and shall apply from 1 January the following year. The European Commission shall notify all countries concerned of the relevant amounts.
 4. A country may round up or down the amount resulting from the conversion into its national currency of an amount expressed in euro. The rounded-off amount may not differ from the amount resulting from the conversion by more than 5 per cent. A country may retain unchanged its national currency equivalent of an amount expressed in euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an increase of less than 15 per cent in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion would result in a decrease in that equivalent value.
 5. The amounts expressed in euro shall be reviewed by the EEA Joint Committee at the request of the Contracting Parties. When carrying out this review, the EEA Joint Committee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in euro.'
6. Annex II shall be amended as follows:

The entry for HS heading 5309 to 5311 shall be replaced by:

'5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn: — Incorporating rubber thread — Other	Manufacture from single yarn ⁽¹⁾ Manufacture from ⁽¹⁾ : — coir yarn, — jute yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatising, impregnating, mending and burling) where the value of the unprinted fabric does not exceed 47,5 % of the ex-works price of the product	
---------------	---	--	--

⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.'

Article 2

This Decision shall enter into force on 1 January 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

(*) No constitutional requirements indicated.

Article 3

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 22 December 2000.

For the EEA Joint Committee
The President
G. S. GUNNARSSON
