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## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 554/2000  
of 13 March 2000**

**amending Regulation (EC) No 2398/97 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup>,

Having regard to Article 3 of Council Regulation (EC) No 2398/97 of 28 November 1997 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan<sup>(2)</sup>,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. Previous procedure**

- (1) By Regulation (EC) No 2398/97 the Council imposed a definitive anti-dumping duty on imports into the Community of cotton-type bed linen falling within CN codes ex 6302 21 00, ex 6302 22 90, ex 6302 31 10, ex 6302 31 90 and ex 6302 32 90 originating *inter alia*, in India. Sampling was applied to Indian exporting producers and individual duty rates ranging from 2,6 % to 24,7 % were imposed on the companies in the sample, while other cooperating companies not included in the sample were attributed a weighted average duty rate of 11,6 %. A duty rate of 24,7 % was imposed on companies which either did not make themselves known or did not cooperate in the investigation.
- (2) Article 3 of Regulation (EC) No 2398/97 stipulates that where any exporting producer provides sufficient evidence that:
- it did not export to the Community the products described in Article 1(1) of that Regulation during the investigation period (1 July 1995 to 30 June 1996),
  - it is not related to any of the exporters or producers in the exporting country which are subject to the anti-dumping measures imposed by that Regulation,

— it has actually exported to the Community the products concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Community,

then Article 1(3) of that Regulation can be amended by granting that exporting producer the duty rate applicable to cooperating producers which were not included in the sample, i.e. 11,6 %.

**B. New exporting producers' requests**

- (3) Three new Indian exporting producers, after having applied not to be treated differently from the companies which cooperated in the original investigation but were not included in the sample, have provided, on request, evidence showing that they meet the requirements set out in Article 3 of Regulation (EC) No 2398/97. The evidence provided by these applicant companies is considered sufficient to allow that Regulation to be amended by adding these three new exporting producers to Annex I thereto. Annex I specifies the Indian exporting producers which are subject to the weighted average duty rate of 11,6 %.

HAS ADOPTED THIS REGULATION:

*Article 1*

The following companies shall be added to the list of exporting producers from India listed in Annex I to Regulation (EC) No 2398/97:

- Creative Mobus Fabrics Limited, Mumbai (Bombay),
- Falcon Finstock Pvt. Ltd, Surat,
- Pacific Exports, Mumbai (Bombay).

*Article 2*

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

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

<sup>(2)</sup> OJ L 332, 4.12.1997, p. 1. Regulation as amended by Regulation (EC) No 1421/1999 (OJ L 166, 1.7.1999, p. 29).

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

Done at Brussels, 13 March 2000.

*For the Council*

*The President*

J. PINA MOURA

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**COUNCIL REGULATION (EC) No 555/2000  
of 13 March 2000**

**on the implementation of operations in the framework of the pre-accession strategy for the  
Republic of Cyprus and the Republic of Malta**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) The Councils of March and April 1995 decided that accession negotiations with Cyprus and Malta would begin six months after the end of the Intergovernmental Conference.
- (2) The Luxembourg European Council of December 1997 established a specific pre-accession strategy for Cyprus and considered that the accession of Cyprus should benefit both communities and contribute to civil peace and reconciliation.
- (3) Following the Vienna European Council of December 1998, which welcomed Malta's decision to reactivate its application for accession to the European Union, in February 1999 the Commission submitted an updated version of its 1993 opinion.
- (4) The Council of March 1999 called on the Commission to present appropriate suggestions as soon as possible for defining a specific pre-accession strategy for Malta.
- (5) It is necessary to establish Accession Partnership instruments for Cyprus and Malta in accordance with the procedures set out in Regulation (EC) No 622/98 <sup>(2)</sup> for the applicant States of central and eastern Europe, so that Community assistance can be concentrated on accession priorities and objectives.
- (6) The provisions of this Regulation are based on the political criteria established by the Copenhagen European Council of 1993, in particular respect for democratic principles, the rule of law, human rights and fundamental freedoms, and compliance with international law, which are essential elements of the policies of the European Union and its Member States.
- (7) The financial protocols concluded with Cyprus and Malta expired on 31 December 1999.
- (8) This Regulation replaces the financial protocols for Cyprus and Malta from 2000 for a period of five years.

- (9) Cyprus and Malta are eligible in respect of operations of regional interest for financing under the MEDA budget heading.
- (10) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(3)</sup>.
- (11) A financial reference amount within the meaning of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure <sup>(4)</sup>, is included in this Regulation for its entire duration, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty.
- (12) Implementing this Regulation should contribute to the achievement of Community objectives. The Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 308,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The European Union's pre-accession strategy for Cyprus and Malta shall be based in particular on:
  - the establishment of Accession Partnerships with Cyprus and Malta,
  - support for priority operations to prepare for accession, as defined within the accession partnerships with Cyprus and Malta on the basis of analyses of their economic situations, taking account of the political and economic criteria and the obligations incumbent upon a Member State of the European Union as defined by the European Council,
  - participation in certain Community programmes and agencies.
2. Acting on a proposal from the Commission, the Council shall decide by qualified majority on the principles, priorities, intermediate objectives and conditions contained in the individual Accession Partnerships to be submitted to Cyprus and Malta, as well as on subsequent significant adjustments to them.

<sup>(1)</sup> Opinion delivered on 17 February 2000 (not yet published in the Official Journal).

<sup>(2)</sup> Council Regulation (EC) No 622/98 of 16 March 1998 on assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships (OJ L 85, 20.3.1998, p. 1 ).

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(4)</sup> OJ C 172, 18.6.1999, p. 1.

#### Article 2

For the purposes specified in Article 1, and for a period expiring on 31 December 2004, the financial reference amount for the implementation of this Regulation shall be EUR 95 million. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

#### Article 3

The beneficiaries of cooperation projects and operations may include not only the State and regions of Cyprus and Malta but also local authorities, regional organisations, public agencies, local or traditional communities, business support organisations, cooperatives and civil society, in particular organisations representing the social partners, associations, foundations, non-profit organisations and non-governmental organisations.

#### Article 4

Cooperation projects and operations shall be in the form of grants and may be financed in the following indicative areas:

- technical assistance, training or other services, supplies and works, audits and evaluation and monitoring missions corresponding to the objectives cited in Article 1,
- any operations to contribute to the reconciliation of the two Cypriot communities.

#### Article 5

1. Community financing may cover investment, with the exception of the purchase of buildings, and recurring costs including administrative, maintenance and operating costs, taking into account that projects must aim to have recurring costs taken over by the beneficiaries.

2. A financial contribution to each cooperation operation shall be sought from the partners specified in Article 3. The contribution requested shall be within the means of the partners concerned and shall depend on the nature of the operation. In specific cases where the partner is either a non-governmental organisation or a community-based organisation, the contribution may be in kind.

3. Opportunities may be sought for co-financing with other donors, particularly Member States.

4. The Commission, in cooperation with the Member States, may take any initiative necessary to ensure good coordination with the other donors concerned.

#### Article 6

Where an element that is essential for continuing to grant pre-accession assistance is lacking, in particular when the commitments contained in the Association Agreements are not respected and or progress towards fulfilment of the Copenhagen criteria is insufficient, the Council, acting by a qualified

majority on a proposal from the Commission, may take appropriate steps with regard to any pre-accession assistance granted to Cyprus or Malta.

#### Article 7

1. The Commission shall implement the Community aid in accordance with the rules of transparency and the Financial Regulation applicable to the general budget of the European Communities, in particular Article 114 thereof.

2. Pre-accession aid shall also cover expenditure relating to the monitoring, inspection and evaluation of operations.

3. Prior appraisal of projects and programmes shall take account of the following factors:

- (a) the effectiveness and viability of projects and programmes;
- (b) the environment;
- (c) the institutional development necessary to achieve project and programme objectives;
- (d) experience gained from projects and programmes of the same kind; cultural, social and gender aspects.

4. The Commission may decide, on the basis of a case-by-case analysis of national and sectorial programme/project management capacity, financial control procedures and structures regarding public finance, to waive *the ex-ante* approval requirement referred to in paragraph 3 and confer on implementing agencies in applicant countries management of aid on a decentralised basis. Such a waiver shall be subject to:

- (a) the minimum criteria for assessing the ability of implementing agencies in applicant countries to manage aid and minimum conditions applicable to such agencies set out in the Annex to this Regulation;
- (b) and specific provisions concerning, *inter alia*, invitations to tender, scrutiny and evaluation of tenders, the award of contracts and the implementation of Community public procurement directives, which shall be laid down in financing agreements with each beneficiary country.

5. Decisions relating to grants of more than EUR 300 000 for individual projects or programmes financed under this Regulation shall be taken under the procedure provided for in Article 8(2).

The Commission shall inform the Committee referred to in Article 8 of any financing decisions it intends to take regarding projects and programmes of less than EUR 300 000 in value. The information shall be made available at least one week before the decision is taken.

6. The Commission is authorised to approve, without seeking the opinion of the Committee referred to in Article 8, additional grants needed to cover expected or actual overruns on the projects or programmes, provided that the overrun or additional requirement is not more than 20 % of the initial grant set in the financing decision.

7. All financing agreements or contracts concluded under this Regulation shall provide for the Commission and the Court of Auditors to conduct on-the-spot checks in accordance with the procedures laid down by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Union.

8. Where projects and programmes are the subject of financing agreements between the Community and Cyprus or Malta, such agreements shall stipulate that the payment of taxes, duties or any other charges is not to be covered by the Community.

9. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural and legal persons of the Member States, Cyprus and Malta.

10. Supplies shall originate in the Member States, Cyprus or Malta.

#### *Article 8*

1. The Commission shall be assisted by the Committee provided for in Article 9(1) of Council Regulation (EEC) No 3906/89, hereinafter referred to as the 'Committee'.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4 of Decision 1999/468/EC shall be three months.

3. The Committee shall adopt its rules of procedure.

#### *Article 9*

An exchange of views shall take place once a year on the basis of a presentation by the Commission's representative of the general guidelines for the operations to be carried out in the year ahead, in a meeting of the Committee referred to in Article 8.

#### *Article 10*

The Commission shall regularly assess operations financed by the Community in order to establish whether the objectives of the operations have been achieved and to provide guidelines for improving the effectiveness of future operations. The Commission shall submit to the Committee referred to in Article 8 a summary of the assessments made, which the latter may, if necessary, examine. Assessment reports shall be sent to any Member States requesting them and to the European Parliament.

#### *Article 11*

The Commission shall submit to the European Parliament and the Council an annual overall assessment of operations financed by the Community under this Regulation, together with suggestions regarding the future of this Regulation and, where necessary, proposals for amending it.

#### *Article 12*

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

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

Done at Brussels, 13 March 2000.

*For the Council*

*The President*

J. PINA MOURA

## ANNEX

**MINIMUM CRITERIA AND CONDITIONS FOR DECENTRALISING MANAGEMENT TO IMPLEMENTING AGENCIES IN APPLICANT COUNTRIES (ARTICLE 7)****1. Minimum criteria for assessing the ability of implementing agencies in applicant countries to manage aid**

The following criteria shall be applied by the Commission in assessing which implementing agencies in partner countries are able to manage aid on a decentralised basis:

- (a) there should be a well-defined system for managing the funds with full internal rules of procedure, clear institutional and personal responsibilities;
- (b) the principle of separation of powers must be respected so that there is no risk of conflict of interest in procurement and payment;
- (c) adequate personnel must be available and assigned to the task. They must have suitable auditing skills and experience, language skills and be fully trained in implementing Community programmes.

**2. Minimum conditions for decentralising management to implementing agencies in applicant countries**

Decentralisation to applicant countries with *ex post* control by the Commission may be considered for an implementing agency where the following conditions are met:

- (a) demonstration of effective internal controls including an independent audit function and an effective accounting and financial reporting system which meets internationally accepted audit standards;
- (b) a recent financial and operational audit showing effective and timely management of Community assistance or national measures of similar nature;
- (c) a reliable national financial control system over the implementing agency;
- (d) procurement rules which are endorsed by the Commission as meeting requirements of Title IX of the Financial Regulation applicable to the general budget of the European Union;
- (e) commitment by the National Authorising Officer to bear the full financial responsibility and liability for the funds.

This approach shall not prejudice the right of the Commission and the Court of Auditors to check the expenditure.

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**COMMISSION REGULATION (EC) No 556/2000**  
**of 15 March 2000**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, 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 16 March 2000.

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

Done at Brussels, 15 March 2000.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 15 March 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value	
0702 00 00	052	154,0	
	204	94,4	
	624	165,4	
	999	137,9	
0707 00 05	052	106,4	
	068	112,1	
	628	141,9	
	999	120,1	
0709 10 00	220	180,1	
	999	180,1	
0709 90 70	052	94,1	
	204	43,4	
	628	141,9	
	999	93,1	
0805 10 10, 0805 10 30, 0805 10 50	052	56,6	
	204	36,7	
	212	37,9	
	600	40,9	
	624	52,6	
	999	44,9	
0805 30 10	052	32,2	
	600	58,4	
	999	45,3	
0808 10 20, 0808 10 50, 0808 10 90	388	113,2	
	400	88,9	
	404	83,3	
	508	87,2	
	512	90,0	
	528	95,3	
	720	64,2	
	728	97,0	
	999	89,9	
	0808 20 50	388	79,6
		400	106,6
		512	66,2
528		71,4	
999		80,9	

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

**COMMISSION REGULATION (EC) No 557/2000  
of 15 March 2000**

**fixing the maximum export refund for white sugar for the 31st partial invitation to tender issued  
within the framework of the standing invitation to tender provided for in Regulation (EC) No  
1489/1999**

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 <sup>(1)</sup>, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1489/1999 of 7 July 1999 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar <sup>(2)</sup>, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1489/1999 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 31st 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 31st partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1489/1999 the maximum amount of the export refund is fixed at EUR 51,734 kg.

*Article 2*

This Regulation shall enter into force on 16 March 2000.

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

Done at Brussels, 15 March 2000.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 172, 8.7.1999, p. 27.

**COMMISSION REGULATION (EC) No 558/2000****of 15 March 2000****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, 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, unadorned 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 <sup>(2)</sup>, as amended by Regulation (EC) No 3290/94 <sup>(3)</sup>; 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 <sup>(4)</sup>; 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, unadorned 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 16 March 2000.

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

Done at Brussels, 15 March 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 89, 10.4.1968, p. 3.

<sup>(3)</sup> OJ L 349, 31.12.1994, p. 105.

<sup>(4)</sup> OJ L 214, 8.9.1995, p. 16.

## ANNEX

**to the Commission Regulation of 15 March 2000 fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	43,23 <sup>(1)</sup>
1701 11 90 9910	42,69 <sup>(1)</sup>
1701 11 90 9950	<sup>(2)</sup>
1701 12 90 9100	43,23 <sup>(1)</sup>
1701 12 90 9910	42,69 <sup>(1)</sup>
1701 12 90 9950	<sup>(2)</sup>
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4699
	— EUR/100 kg —
1701 99 10 9100	46,99
1701 99 10 9910	48,62
1701 99 10 9950	46,41
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4699

<sup>(1)</sup> 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.

<sup>(2)</sup> 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).

**COMMISSION REGULATION (EC) No 559/2000  
of 15 March 2000**

**fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the market in sugar <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 <sup>(3)</sup>. 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 16 March 2000.

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 12.

<sup>(3)</sup> 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, 15 March 2000.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

ANNEX

**fixing the representative prices and additional import duties applying 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 <sup>(2)</sup>
1703 10 00 <sup>(1)</sup>	7,82	0,00	—
1703 90 00 <sup>(1)</sup>	8,00	—	0,21

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

<sup>(2)</sup> 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 560/2000**  
**of 14 March 2000**  
**establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>, as last amended by Regulation (EC) No 1662/1999 <sup>(4)</sup>, and in particular Article 173 (1) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 17 March 2000.

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

Done at Brussels, 14 March 2000.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(2)</sup> OJ L 119, 7.5.1999, p. 1.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(4)</sup> OJ L 197, 29.7.1999, p. 25.



## ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a)	49,30	678,37	96,42	367,23	16 451,18	8 202,71
		b)	293,12	323,38	38,83	95 456,76	108,64	9 883,62
		c)	416,16	1 988,73	30,05			
1.30	Onions (other than seed) 0703 10 19	a)	30,86	424,60	60,35	229,85	10 297,01	5 134,19
		b)	183,47	202,41	24,30	59 747,68	68,00	6 186,29
		c)	260,48	1 244,77	18,81			
1.40	Garlic 0703 20 00	a)	124,95	1 719,36	244,38	930,74	41 695,98	20 790,01
		b)	742,92	819,62	98,41	241 937,90	275,35	25 050,33
		c)	1 054,77	5 040,49	76,16			
1.50	Leeks ex 0703 90 00	a)	41,65	573,12	81,46	310,25	13 898,77	6 930,06
		b)	247,64	273,21	32,80	80 646,61	91,79	8 350,18
		c)	351,59	1 680,18	25,39			
1.60	Cauliflowers 0704 10 00	a)	55,28	760,67	108,12	411,78	18 446,94	9 197,82
		b)	328,68	362,61	43,54	107 037,01	121,82	11 082,64
		c)	466,65	2 229,99	33,69			
1.70	Brussels sprouts 0704 20 00	a)	59,69	821,35	116,74	444,62	19 918,55	9 931,58
		b)	354,90	391,54	47,01	115 575,96	131,54	11 966,77
		c)	503,87	2 407,89	36,38			
1.80	White cabbages and red cabbages 0704 90 10	a)	41,73	574,16	81,61	310,81	13 924,00	6 942,64
		b)	248,09	273,71	32,86	80 793,00	91,95	8 365,33
		c)	352,23	1 683,23	25,43			
1.90	Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> <i>L. convar. botrytis (L.) Alef var. italica Plenck</i> ) ex 0704 90 90	a)	105,95	1 457,90	207,22	789,21	35 355,51	17 628,60
		b)	629,95	694,99	83,44	205 147,81	233,48	21 241,07
		c)	894,38	4 274,01	64,58			
1.100	Chinese cabbage ex 0704 90 90	a)	110,50	1 520,56	216,13	823,13	36 875,08	18 386,27
		b)	657,03	724,86	87,03	213 965,00	243,52	22 154,00
		c)	932,82	4 457,71	67,35			
1.110	Cabbage lettuce (head lettuce) 0705 11 10	a)	152,67	2 100,79	298,60	1 137,22	50 945,98	25 402,15
		b)	907,73	1 001,45	120,24	295 610,34	336,44	30 607,59
		c)	1 288,76	6 158,69	93,05			
1.120	Endives ex 0705 29 00	a)	21,82	300,25	42,68	162,53	7 281,33	3 630,54
		b)	129,74	143,13	17,18	42 249,41	48,08	4 374,52
		c)	184,19	880,22	13,30			
1.130	Carrots ex 0706 10 00	a)	59,94	824,77	117,23	446,48	20 001,54	9 972,96
		b)	356,38	393,17	47,21	116 057,51	132,09	12 016,63
		c)	505,97	2 417,92	36,53			
1.140	Radishes ex 0706 90 90	a)	130,38	1 794,13	255,01	971,22	43 509,31	21 694,16
		b)	775,23	855,27	102,69	252 459,60	287,33	26 139,75
		c)	1 100,64	5 259,70	79,47			
1.160	Peas ( <i>Pisum sativum</i> ) 0708 10 00	a)	335,42	4 615,51	656,03	2 498,53	111 930,49	55 809,61
		b)	1 994,33	2 200,23	264,17	649 468,52	739,17	67 246,17
		c)	2 831,47	13 530,91	204,44			

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	136,73 812,95 1 154,19	1 881,43 896,88 5 515,62	267,42 107,68 83,34	1 018,48 264 743,49	45 626,33 301,31	22 749,72 27 411,62
1.170.2	Beans ( <i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	202,91 1 206,46 1 712,89	2 792,14 1 331,02 8 185,47	396,86 159,81 123,68	1 511,47 392 893,19	67 711,87 447,16	33 761,78 40 680,28
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 331,56	2 170,55 1 034,71 6 363,22	308,51 124,23 96,14	1 174,99 305 427,23	52 637,84 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	387,88 2 306,20 3 274,25	5 337,28 2 544,29 15 646,85	758,62 305,48 236,41	2 889,24 751 031,11	129 433,95 854,76	64 537,00 77 762,00
1.200.2	— other ex 0709 20 00	a) b) c)	587,27 3 491,74 4 957,43	8 080,99 3 852,23 23 690,36	1 148,60 462,51 357,94	4 374,51 1 137 110,77	195 971,57 1 294,17	97 713,29 117 736,80
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	168,68 1 002,95 1 423,94	2 321,13 1 106,49 6 804,67	329,92 132,85 102,81	1 256,51 326 616,61	56 289,65 371,73	28 066,56 33 817,99
1.220	Ribbed celery ( <i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	72,49 430,98 611,89	997,43 475,48 2 924,09	141,77 57,09 44,18	539,94 140 353,05	24 188,68 159,74	12 060,71 14 532,20
1.230	Chantarelles 0709 51 30	a) b) c)	1 699,80 10 106,55 14 348,86	23 389,76 11 149,96 68 569,76	3 324,52 1 338,70 1 036,03	12 661,64 3 291 271,75	567 223,26 3 745,87	282 822,92 340 779,30
1.240	Sweet peppers 0709 60 10	a) b) c)	220,65 1 311,91 1 862,59	3 036,16 1 447,35 8 900,86	431,55 173,77 134,48	1 643,57 427 231,39	73 629,77 486,24	36 712,51 44 235,67
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 620,87	1 012,07 482,46 2 967,00	143,85 57,93 44,83	547,87 142 412,66	24 543,63 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	57,56 342,26 485,92	792,09 377,59 2 322,09	112,58 45,33 35,08	428,78 111 457,90	19 208,84 126,85	9 577,71 11 540,39
2.10	Chestnuts ( <i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 489,76	2 428,42 1 157,63 7 119,19	345,16 138,99 107,56	1 314,58 341 712,93	58 891,38 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	80,89 480,98 682,88	1 113,14 530,64 3 263,30	158,22 63,71 49,31	602,58 156 634,56	26 994,66 178,27	13 459,80 16 217,99

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	129,96 772,73 1 097,09	1 788,35 852,51 5 242,75	254,19 102,36 79,21	968,09 251 645,98	43 369,09 286,40	21 624,24 26 055,50
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	118,35 703,68 999,05	1 628,53 776,32 4 774,22	231,47 93,21 72,13	881,58 229 157,36	39 493,36 260,81	19 691,77 23 727,02
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	68,80 409,08 580,79	946,73 451,31 2 775,46	134,56 54,19 41,93	512,50 133 218,86	22 959,16 151,62	11 447,66 13 793,52
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	61,60 366,26 520,00	847,63 404,07 2 484,94	120,48 48,51 37,55	458,85 119 274,23	20 555,92 135,75	10 249,38 12 349,69
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	61,33 364,65 517,72	843,92 402,30 2 474,05	119,95 48,30 37,38	456,84 118 751,83	20 465,89 135,15	10 204,49 12 295,60
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	59,21 352,02 499,78	814,68 388,36 2 388,33	115,80 46,63 36,09	441,01 114 637,06	19 756,74 130,47	9 850,90 11 869,56
2.85	Limes ( <i>Citrus aurantifolia</i> ), fresh ex 0805 30 90	a) b) c)	143,30 852,03 1 209,67	1 971,86 939,99 5 780,73	280,27 112,86 87,34	1 067,43 277 468,46	47 819,38 315,79	23 843,20 28 729,17
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	41,37 246,00 349,26	569,32 271,40 1 669,03	80,92 32,58 25,22	308,19 80 111,62	13 806,57 91,18	6 884,09 8 294,78
2.90.2	— pink ex 0805 40 00	a) b) c)	61,90 368,02 522,50	851,71 406,01 2 496,90	121,06 48,75 37,73	461,06 119 848,34	20 654,86 136,40	10 298,71 12 409,13
2.100	Table grapes ex 0806 10 10	a) b) c)	107,26 637,75 905,45	1 475,95 703,59 4 326,92	209,79 84,48 65,38	798,98 207 687,22	35 793,16 236,37	17 846,81 21 504,00

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	44,92 267,05 379,15	618,05 294,62 1 811,87	87,85 35,37 27,38	334,57 86 967,95	14 988,20 98,98	7 473,26 9 004,69
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	69,01 410,29 582,51	949,53 452,64 2 783,66	134,96 54,35 42,06	514,01 133 612,50	23 027,00 152,07	11 481,48 13 834,28
2.120.2	— other ex 0807 19 00	a) b) c)	154,94 921,21 1 307,90	2 131,97 1 016,32 6 250,13	303,03 122,02 94,43	1 154,11 299 999,09	51 702,34 341,44	25 779,28 31 062,00
2.140	Pears							
2.140.1	Pears — nashi ( <i>Pyrus pyrifolia</i> ) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	495,26 2 944,69 4 180,74	6 814,93 3 248,70 19 978,76	968,65 390,05 301,86	3 689,15 958 958,24	165 268,46 1 091,41	82 404,43 99 290,84
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	377,09 2 242,08 3 183,21	5 188,87 2 473,55 15 211,77	737,52 296,98 229,84	2 808,91 730 148,05	125 834,93 831,00	62 742,50 75 599,76
2.170	Peaches 0809 30 90	a) b) c)	217,28 1 291,89 1 834,17	2 989,84 1 425,26 8 765,05	424,96 171,12 132,43	1 618,50 420 712,55	72 506,30 478,82	36 152,33 43 560,71
2.180	Nectarines ex 0809 30 10	a) b) c)	209,26 1 244,22 1 766,49	2 879,52 1 372,68 8 441,65	409,28 164,81 127,55	1 558,78 405 189,67	69 831,06 461,15	34 818,43 41 953,46
2.190	Plums 0809 40 05	a) b) c)	137,86 819,66 1 163,72	1 896,96 904,29 5 561,16	269,63 108,57 84,02	1 026,89 266 929,54	46 003,08 303,80	22 937,57 27 637,97
2.200	Strawberries 0810 10 00	a) b) c)	167,01 993,01 1 409,83	2 298,14 1 095,53 6 737,25	326,65 131,53 101,79	1 244,06 323 380,33	55 731,90 368,05	27 788,46 33 482,90
2.205	Raspberries 0810 20 10	a) b) c)	750,86 4 464,41 6 338,38	10 332,06 4 925,32 30 289,62	1 468,55 591,35 457,65	5 593,08 1 453 867,69	250 561,98 1 654,68	124 932,59 150 533,91
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	1 822,37 10 835,30 15 383,51	25 076,31 11 953,94 73 514,08	3 564,24 1 435,23 1 110,73	13 574,63 3 528 593,39	608 123,67 4 015,97	303 216,26 365 351,66
2.220	Kiwi fruit ( <i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	163,06 969,51 1 376,47	2 243,75 1 069,60 6 577,82	318,92 128,42 99,39	1 214,62 315 728,19	54 413,12 359,34	27 130,90 32 690,59

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	82,46	1 134,67	161,28	614,24	27 516,90	13 720,19
		b)	490,28	540,90	64,94	159 664,82	181,72	16 531,99
		c)	696,09	3 326,43	50,26			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	178,23	2 452,51	348,59	1 327,63	59 475,72	29 655,16
		b)	1 059,71	1 169,12	140,37	345 103,53	392,77	35 732,13
		c)	1 504,54	7 189,82	108,63			
2.250	Lychees ex 0810 90 30	a)	208,54	2 869,56	407,87	1 553,39	69 589,60	34 698,04
		b)	1 239,92	1 367,93	164,24	403 788,58	459,56	41 808,40
		c)	1 760,39	8 412,46	127,10			

**COMMISSION REGULATION (EC) No 561/2000**  
**of 15 March 2000**

**amending Regulation (EC) No 1322/1999 establishing a forecast balance for the supply to the Azores and Madeira of cereal products covered by the specific measures provided for in Articles 2 to 10 of Council Regulation (EEC) No 1600/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The quantities of products eligible for the specific supply arrangements are determined by means of periodic forecast balances which may be revised according to the essential requirements of the market taking into account local production and traditional trade flows.
- (2) In accordance with Article 2 of Regulation (EEC) No 1600/92 these arrangements include requirements for direct human consumption, and for processing and packaging in the Islands of products listed in the Annex to the aforementioned Regulation. An assessment of these requirements is made annually in the context of a forecast supply balance which can be revised in the course of the year in the light of developments in the requirements of the Islands. The assessment of the requirements of the processing and packaging industries, as regards products intended for the local market or traditionally dispatched to the rest of the Community,

may result in the establishment of a separate forecast supply balance.

- (3) Pursuant to Article 2 of Regulation (EEC) No 1600/92 the forecast supply balance of cereal products to the Azores and Madeira for the 1999/2000 marketing year was established by Commission Regulation (EC) No 1322/1999 <sup>(3)</sup>. To meet the needs of this region, amendments must be made to this forecast supply balance. Subsequently, Regulation (EC) No 1322/1999 should be amended.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1322/1999 is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply with effect from 1 July 1999.

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

Done at Brussels, 15 March 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 1.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 80.

<sup>(3)</sup> OJ L 157, 24.6.1999, p. 27.

## ANNEX

## 'ANNEX

**Forecast supply balance for the Azores and Madeira for the 1999/2000 marketing year**

Region	Breadmaking common wheat	Feed wheat	Durum wheat	Barley	Maize	Malt	Total
Azores	35 000	—	500	12 500	105 000	1 000	154 000
Madeira	25 000	—	5 000	2 500	35 000	2 500	70 000
Total	60 000	—	5 500	15 000	140 000	3 500	224 000'

**COMMISSION REGULATION (EC) No 562/2000  
of 15 March 2000**

**laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards  
the buying-in of beef**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

sions setting out detailed rules of application specific to those arrangements must be laid down.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, and in particular Article 27(4), Article 41 and Article 47(8) thereof,

(4) Article 27(1) of Regulation (EC) No 1254/1999 ties the opening of public intervention to the average market price in a Member State or region of a Member State. Rules must accordingly be laid down for calculating the market prices in the Member States, in particular as regards the qualities to be used and weighting, the coefficients to be used for converting them into the reference quality grade R3 and the mechanisms for opening and closing buying-in.

Whereas:

(1) From 1 July 2002, after a transitional period during which the previous buying-in arrangements are to continue to apply, Regulation (EC) No 1254/1999 introduces a single buying-in scheme to replace the buying-in arrangements provided for in Council Regulation (EEC) No 805/68 <sup>(2)</sup>, as last amended by Regulation (EC) No 1633/98 <sup>(3)</sup>. In view of that new scheme, Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef <sup>(4)</sup>, as last amended by Regulation (EC) No 2304/98 <sup>(5)</sup>, must be amended. On the occasion of that amendment, for the sake of clarity, that Regulation should be recast. To ensure a smooth switchover to the new Regulation, the provisions now in force should be maintained until the second invitation to tender of March 2000. Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender <sup>(6)</sup>, as last amended by Regulation (EC) No 34/2000 <sup>(7)</sup>, should also be repealed with effect from 1 July 2002.

(5) The conditions for eligibility must rule out products that are not representative of national production of the Member State and that do not meet the health and veterinary rules in force and those over a weight normally sought after on the market. The eligibility of beef carcasses of grade O3, which can be bought in in Ireland, should also be extended to Northern Ireland in order to prevent deflections of trade that might disturb the beef market in that part of the Community.

(2) Furthermore, certain rules of application should be supplemented or spelt out more clearly to take account of experience gained and specific problems encountered previously in the way public intervention operated. Such essentially technical rules relate in particular to the presentation, take-over, inspection and storage of the products bought in.

(6) Specific rules on identifying eligible carcasses should be laid down requiring the slaughter number to be stamped on the inner side of each quarter. As regards presentation, carcasses should be cut in a uniform manner to facilitate the disposal of the cuts, improve monitoring of boning operations and as a result ensure that the cuts meet the same definition throughout the Community. To that end, carcasses should be straight cut and fore-quarters and hindquarters should be defined as five-rib and eight-rib respectively in order to reduce to the minimum the number of boneless cuts and trimmings and to make the best use of the products obtained.

(3) Since Article 47 of Regulation (EC) No 1254/1999 provides for the current buying-in arrangements to continue to apply until 30 June 2002, transitional provi-

(7) In order to prevent speculation that could distort the true market situation, interested parties should each be able to submit only one tender per category in response to each invitation to tender. In order to prevent the use of frontmen, 'interested parties' should be defined as including only the category of operators who are traditionally involved in intervention by virtue of their economic activities.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 148, 28.6.1968, p. 24.

<sup>(3)</sup> OJ L 210, 28.7.1998, p. 17.

<sup>(4)</sup> OJ L 225, 4.9.1993, p. 4.

<sup>(5)</sup> OJ L 288, 27.10.1998, p. 3.

<sup>(6)</sup> OJ L 159, 10.6.1989, p. 36.

<sup>(7)</sup> OJ L 5, 8.1.2000, p. 34.



- (8) In view of experience gained in the area of tender submission, provision should also be made for interested parties to take part in invitations to tender, where appropriate, on the basis of contracts concluded with the intervention agencies in accordance with conditions to be stipulated in the specifications.
- (9) More precise rules should be laid down on the lodging of securities in cash so that intervention agencies can accept cheque guarantees.
- (10) Following the ban on the use of any specified risk material and in order to take into account the resulting increase in costs and fall in income in the beef and veal sector, the increase applicable to the average market price and used to determine the maximum buying-in price should be aligned as from 1 July 2002 on the highest amount at the time.
- (11) As far as the delivery of the products is concerned, in the light of experience the intervention agencies should be authorised, where applicable, to reduce the time limit for delivery of the products in order to prevent deliveries relating to two successive invitations to tender from overlapping.
- (12) The risks of irregularities are particularly high when carcasses bought in are boned systematically. Intervention centres' refrigeration and cutting plants should therefore be required to be independent of the slaughterhouses and the successful tenderers concerned. To deal with any practical difficulties that may arise in certain Member States, derogations from that principle may be allowed, provided that the quantities boned are strictly limited and the checks conducted on take-over enable the boned meat to be traced and manipulations to be ruled out as far as possible. In the light of the latest investigations, greater emphasis must be laid on checks of residues of prohibited substances in meat, and in particular those substances having a hormonal action.
- (13) Only products meeting the quality and presentation requirements laid down by Community regulations may be taken over by intervention agencies. Experience shows that certain detailed rules should be laid down on take-over and checks. Provision should be made in particular for a preliminary inspection to be carried out at the slaughterhouse to eliminate ineligible meat at an early stage. In order to improve the reliability of the procedure for the acceptance of products delivered, qualified officials whose impartiality is guaranteed by their independence from the interested parties concerned and by their periodic rotation should be employed. The points to be covered by inspections should also be specified.
- (14) With a view to improving checks by intervention agencies on take-over of the products, the provisions on the procedure applied, in particular, for defining consignments, for preliminary inspections and for checking the weight of the products bought in should be made clearer. To that end, the provisions on the monitoring of boning of meat bought in and the rejection of products should be stricter. This also applies to inspections of products during storage.
- (15) The provisions applicable to carcasses must stipulate in particular the way they are to be hung and specify any damage or handling liable to affect the commercial quality of the products or to contaminate them that is to be avoided during processing.
- (16) The freezing procedure has a direct effect on the quality and preservation of stored meat. Bone-in meat should accordingly be blastfrozen in the unwrapped state immediately after acceptance and should not be wrapped until immediately thereafter.
- (17) In order to ensure that boning is carried out properly, cutting plants should have one or more blast freezers nearby. Derogations from this requirement should be kept to an absolute minimum. The conditions governing the constant and continuous physical monitoring of boning should be stipulated, in particular by requiring inspectors to be independent and laying down a minimum number of checks to be conducted.
- (18) The rules on the storage of cuts must enable them to be identified easily. To that end, the competent national authorities must in particular take the necessary measures as regards traceability and storage with a view to facilitating the subsequent disposal of products bought in, by taking into account any requirements relating to the veterinary health status of the animals from which the products come. Furthermore, with a view to improving storage of cuts and simplifying identification, packing should be standardised and cuts should be designated by their full names or Community codes.
- (19) The provisions on packing in cartons, pallets and cages should be tightened up to facilitate the identification and improve the preservation of products in storage, to step up the fight against fraud and to improve access to products with a view to their inspection and disposal.
- (20) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Scope**

This Regulation lays down detailed rules for the buying-in of beef as provided for in Articles 27 and 47 of Regulation (EC) No 1254/1999.

CHAPTER I

**BUYING-IN**

Section 1

**General rules**

*Article 2*

**Intervention regions in the United Kingdom**

The United Kingdom shall consist of two intervention regions as follows:

- region I: Great Britain,
- region II: Northern Ireland.

*Article 3*

**Opening and closure of buying-in by invitation to tender**

Article 27 of Regulation (EC) No 1254/1999 shall apply in accordance with the following rules:

- (a) with a view to ascertaining that the conditions laid down in paragraph 1 of that Article are fulfilled:
  - the average market price by eligible category in a Member State or in a region thereof shall take account of the prices for qualities U, R and O, expressed in quality R3 using the coefficients set out in Annex I, in the Member State or region concerned,
  - the average market prices shall be recorded in accordance with the conditions and in respect of the qualities laid down in Commission Regulation. (EEC) No 295/96 <sup>(1)</sup>,
  - the average market price by eligible category in a Member State or a region thereof shall be the average of the market prices for all the qualities referred to in the second indent, weighted by the proportion each represents of total slaughterings in that Member State or region;
- (b) decisions to open buying-in shall be made by category and Member State or region thereof on the basis of the two most recent weekly market prices recorded;

- (c) decisions to close buying-in shall be made by category and Member State or region thereof on the basis of the most recent weekly market prices recorded.

*Article 4*

**Conditions for the eligibility of products**

1. The products listed in Annex II and falling within the following categories defined in Article 3(1) of Council Regulation (EEC) No 1208/81 <sup>(2)</sup> may be bought in:

- (a) meat of uncastrated young male animals of less than two years of age (category A);
- (b) meat of castrated male animals (category C).

2. Carcases and half carcases may be bought in only where they:

- (a) have obtained the health mark referred to in Chapter XI of Annex I to Council Directive 64/433/EEC <sup>(3)</sup>;
- (b) have no characteristics rendering them unfit for storage or subsequent use;
- (c) do not come from animals slaughtered as a result of emergency measures;
- (d) originate in the Community within the meaning of Article 39 of Commission Regulation (EEC) No 2454/93 <sup>(4)</sup>;
- (e) are derived from animals raised in accordance with the prevailing veterinary requirements;

- (f) do not exceed the maximum radioactivity levels permitted under Community regulations. The level of radioactive contamination of the product shall be monitored only if the situation so requires and only for as long as is necessary. The duration and scope of any controls necessary shall be determined in accordance with the procedure laid down in Article 43 of Regulation (EC) No 1254/1999;

- (g) come from carcases not weighing more than 340 kg.

3. Carcases and half carcases may be bought in only where they are:

- (a) presented, where appropriate after cutting into quarters at the expense of the party concerned, in accordance with Annex III; all parts of the carcase must be inspected to assess compliance with the requirements of point 2 of that Annex; failure to comply with any of those requirements shall result in rejection; where a quarter is rejected for failure to comply with such conditions of presentation and in particular where unsatisfactory presentation cannot be improved during the acceptance procedure, the other quarter of the same half carcase shall also be rejected;

<sup>(2)</sup> OJ L 123, 7.5.1981, p. 3.

<sup>(3)</sup> OJ 121, 29.7.1964, p. 2012/64.

<sup>(4)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(1)</sup> OJ L 39, 17.2.1996, p. 1.

- (b) classified in accordance with the Community scale provided for in Regulation (EEC) No 1208/81; the intervention agencies shall reject any products which they do not deem to be classified in conformity with that scale after conducting a detailed inspection of all parts of the carcass;
- (c) identified, first, by markings indicating the category, the conformation class and the degree of fat cover and, secondly, by an identification or slaughter number. Markings indicating the category, conformation class and fat cover must be perfectly legible and shall be stamped using non-toxic, fast, indelible ink in accordance with a procedure approved by the competent national authorities; the letters and figures must be at least 2 cm high. The markings shall be applied to the striploin at the level of the fourth lumbar vertebra on hindquarters and approximately 10 to 30 cm from the cut edge of the sternum on forequarters. The identification or slaughter number shall be marked in the middle of the inner side of each quarter using a stamp or indelible marker authorised by the intervention agency.

#### Article 5

##### Intervention centres

1. The intervention centres shall be selected by the Member States with a view to ensuring the effectiveness of intervention measures.

The facilities at these centres must permit:

- (a) bone-in meat to be taken over;
- (b) freezing of all meat to be preserved without further processing;
- (c) storage of such meat for at least three months under technically satisfactory conditions.
2. Only intervention centres whose cutting plants and refrigeration plants are unconnected with the slaughterhouse and/or the successful tenderer and which are operated, managed and staffed independently of the latter may be selected for bone-in meat intended for boning.

In case of practical difficulties, Member States may derogate from the first subparagraph, provided that they tighten controls at the time of acceptance in accordance with Article 17(5); in that event, the intervention agencies shall, without prejudice to the veterinary requirements, be authorised to carry out boning of all or part of the beef bought in where the quantity bought in per week does not exceed 1 000 tonnes per week, and of up to 50 % of any quantity bought in per week in excess of that amount.

#### Article 6

##### Blastfreezing of bone-in beef

1. Member States shall take all measures necessary to ensure the satisfactory preservation of the bone-in quarters stored and to limit weight losses. The internal temperature shall be

reduced to or below  $-7^{\circ}\text{C}$  within 36 hours during blast-freezing.

2. With a view to freezing, bone-in quarters must be hung in blast freezers immediately after acceptance.

#### Article 7

##### Wrapping of bone-in beef

Immediately after blast freezing, bone-in meat shall be wrapped in polyethylene or polypropylene at least 0,05 mm thick, suitable for wrapping foodstuffs, and in stockinettes made of cotton or a sufficiently resistant synthetic material, in such a way that the meat (including the shank) is entirely covered by such wrappings.

#### Article 8

##### Storage of bone-in beef

1. The intervention agencies shall ensure that forequarters and hindquarters bought in are stored separately and are easily identifiable by invitation to tender and by month of storage.

2. The intervention agencies shall be authorised to store separately bone-in forequarters deemed to be of a quality and presentation suitable for industrial purposes.

In such cases, the quarters stored shall be easily identifiable and separate records shall be kept for them.

#### Section 2

##### Tendering and take-over

#### Article 9

##### Opening and closure of invitations to tender

1. Notices of invitation to tender, amendments thereto and closure thereof shall be published in the *Official Journal of the European Communities* no later than the Saturday before the closing date for the submission of tenders.

2. When invitations to tender are issued, a minimum price below which tenders shall not be admissible may be fixed.

#### Article 10

##### Submission and notification of tenders

During the period covered by the invitation to tender, the deadline for the submission of tenders shall be 12 noon (Brussels time) on the second and fourth Tuesdays of each month, with the exception of the second Tuesday of August and the fourth Tuesday of December where no submission of tenders shall take place. If the Tuesday falls on a public holiday, the deadline shall be brought forward by 24 hours. Within 24 hours of the deadline for the submission of tenders, the intervention agencies shall notify the Commission of the tenders they have received.

*Article 11***Conditions to be met for tendering**

1. Only the following may submit tenders:
  - (a) slaughterhouses for bovine animals approved in accordance with Article 3(1)(A)(a) of Directive 64/433/EEC, whatever their legal status; and
  - (b) livestock or meat traders who have slaughtering undertaken therein on their own account and who are entered in a national VAT register.

2. In response to invitations to tender, interested parties shall submit their tenders to the intervention agencies of the Member States where they have been issued, either by lodging a written bid against a receipt or by any other written means of communication accepted by the intervention agency, with advice of receipt.

The submission of tenders may be the subject of contracts on terms laid down by the intervention agencies and in accordance with their specifications.

3. Interested parties may submit only one tender per category in response to each invitation to tender.

The Member States shall ensure that tenderers are independent of each other in the terms of their management, staffing and operations.

Where there are serious indications to the contrary or that tenders are not in line with economic facts, tenders shall be deemed admissible only where the tenderer presents suitable evidence of compliance with the second subparagraph.

Where it is established that a tenderer has submitted more than one tender, all the tenders from that tenderer shall be deemed inadmissible.

4. Tenders shall state:
  - (a) the name and address of the tenderer;
  - (b) the quantity tendered, expressed in tonnes, of the products of the categories specified in the notice of invitation to tender;
  - (c) the price quoted in accordance with Article 18(3), expressed per 100 kg of products of quality R3 in euro rounded off to not more than two decimal places.
5. Tenders shall be valid only if:
  - (a) they relate to at least 10 tonnes;
  - (b) they are accompanied by a written undertaking from the tenderer to comply with all the provisions relating to the invitation to tender concerned; and
  - (c) proof is furnished that by the closing date for the submission of tenders the tenderer has lodged a tendering security as provided for in Article 12 in respect of the invitation to tender concerned.
6. Tenders may not be withdrawn after the expiry of the deadline for submission specified in Article 10.

7. Tenders shall be confidential.

*Article 12***Securities**

1. The maintenance of tenders after the deadline for the submission of tenders and the delivery of the products to the store designated by the intervention agency within the time-limit laid down in Article 16(2) shall constitute primary requirements, the fulfilment of which shall be ensured by the lodging of a security of EUR 30 per 100 kg.

Securities shall be lodged with the intervention agency in the Member State in which the tender is submitted.

2. Securities shall be lodged only in the form of cash deposits as defined in Article 13 and Article 14(1) and (3) of Commission Regulation (EEC) No 2220/85<sup>(1)</sup>.

3. In the case of tenders which are not accepted, securities shall be released as soon as the outcome of the invitation to tender is published.

In the case of tenders which are accepted, securities shall be released on completion of take-over of the products, without prejudice to Article 17(7).

*Article 13***Award**

1. In the light of the tenders received in response to each invitation to tender and in accordance with the procedure laid down in Article 43 of Regulation (EC) No 1254/1999, a maximum buying-in price relating to quality R3 shall be fixed per category; where the particular circumstances so require, a different price may be set by Member State or region thereof to reflect the average market prices recorded.

2. A decision may be taken to make no award.

3. If the total quantities offered at a price equal to or below the maximum price exceed the quantities to be bought in, the quantities awarded may be reduced for each category by applying reducing coefficients, to fall by an amount increasing progressively with the price differential and the quantities covered by the tenders.

Where the particular circumstances so require, such reducing coefficients may vary by Member State or region thereof with a view to ensuring that the intervention mechanisms function properly.

*Article 14***Maximum buying-in price**

1. Tenders shall not be considered if the price quoted is higher than the average market price recorded by category in each Member State or region thereof, converted into quality R3 using the coefficients set out in Annex I, plus EUR 10 per 100 kg carcase weight.

<sup>(1)</sup> OJ L 205, 3.8.1985, p. 5.

2. Without prejudice to paragraph 1, tenders shall be rejected if the price quoted is higher than the maximum price as referred to in Article 13 for the invitation to tender concerned.

3. Where the buying-in price awarded to tenderers is higher than the average market price as referred to in paragraph 1, the price awarded shall be adjusted by multiplying it by the coefficient obtained by applying formula A in Annex IV. However, that coefficient may not:

- (a) be greater than 1;
- (b) result in a reduction in the price awarded that is greater than the difference between that price and the average market price.

Should the Member State possess reliable data and have suitable means of verification, it may decide to calculate the coefficient for each tenderer using formula B in Annex IV.

4. Rights and obligations arising under invitations to tender shall not be transferable.

#### Article 15

##### Limitation of buying-in

Where the intervention agencies of the Member States are offered meat in quantities greater than they are able to take over forthwith, they may limit buying-in to the quantities they can take over in their territory or in one of their intervention regions.

The Member States shall ensure equality of access for all parties concerned in the event of such limitation.

#### Article 16

##### Notification of successful tenderers and delivery

1. The intervention agencies shall inform the individual tenderers immediately of the outcome of their tenders.

Intervention agencies shall issue numbered delivery orders forthwith to the successful tenderers, stating:

- (a) the quantity to be delivered;
- (b) the price at which the award is made;
- (c) the timetable for delivery of the products;
- (d) the intervention centre or centres where delivery is to be made.

2. Successful tenderers shall deliver the products not later than 17 calendar days after the first working day following publication of the regulation fixing the maximum buying-in price and the quantities of beef to be bought in.

However, the Commission may, depending on the quantities awarded, extend that period by one week. Deliveries may be split up into more than one consignment. In addition, intervention agencies may, when setting the timetable for deliveries of the products, reduce that period to not less than 14 calendar days.

#### Article 17

##### Take-over

1. The intervention agencies shall take over:

- (a) bone-in meat intended for storage without further processing or for partial boning either at the entrance weighing point of the intervention centre's cold store or at the entrance weighing point of the intervention centre's cutting plant;
- (b) bone-in meat intended for boning at the entrance weighing point at the intervention centre's cutting plant.

Products shall be delivered in consignments of a quantity between 10 and 20 tonnes. However, the quantity may be below 10 tonnes only if it is the final balance of the original offer or if the original offer has been scaled back below 10 tonnes.

Products delivered shall be accepted and taken over subject to verification by the intervention agency that they comply with the requirements laid down in this Regulation. Compliance with the requirements laid down in Article 4(2)(e) and in particular the absence of substances prohibited under Article 3 and Article 4(1) of Council Directive 96/22/EC<sup>(1)</sup> shall be verified by analysis of a sample, the size and sampling of which is laid down in the relevant veterinary legislation.

2. Where no preliminary inspection is conducted immediately before loading at the slaughterhouse loading bay and prior to transport to the intervention centre, half carcasses shall be identified as follows:

- (a) where they are simply marked, the markings must comply with Article 4(3)(c), and a document specifying the identification or slaughter number and the slaughter date relating to the half carcass shall be completed;
- (b) where they are labelled in addition, the labels must comply with Article 1(2), (3) and (4) of Commission Regulation (EEC) No 344/91<sup>(2)</sup>.

Where half-carcasses are cut into quarters, the quartering shall be carried out in accordance with Annex III. With a view to acceptance, quarters shall be grouped by carcass or half carcass at the time of take-over. Where half carcasses are not cut into quarters prior to transport to the intervention centre, they shall be cut in accordance with Annex III on their arrival.

<sup>(1)</sup> OJ L 125, 23.5.1996, p. 3.

<sup>(2)</sup> OJ L 41, 14.2.1991, p. 15.

At the point of acceptance, each quarter shall be identified by a label complying with Article 1(2), (3) and (4) of Regulation (EEC) No 344/91. The labels shall also show the weight of the quarter and the contract number; the labels shall be affixed directly to shin/shank tendons on the forequarters and hind-quarters or neckstrap tendon on the forequarter and hind-quarter flank without using metal or plastic ties.

Without prejudice to Article 24(2), the labels must remain attached to the quarters throughout the whole storage period. As far as possible, any labels attached previously shall be removed.

The acceptance procedure shall entail a systematic check of the presentation, classification, weight and labelling of each quarter delivered. The temperature of one hindquarter of each carcass shall also be checked. In particular no carcass shall be accepted where it exceeds the maximum weight laid down in Article 4(2)(g).

3. A preliminary inspection may be conducted immediately before loading at the slaughterhouse loading bay and shall cover the weight, classification, presentation and temperature of half carcasses. In particular no carcass shall be accepted where it exceeds the maximum weight laid down in Article 4(2)(g). Products rejected shall be marked as such and may not be presented again for preliminary inspection or acceptance.

Such inspections shall cover consignments of up to 20 tonnes of half carcasses as laid down by the intervention agency. Where more than 20 % of the total number of half carcasses in any consignment inspected is rejected, the whole consignment shall be rejected in accordance with paragraph 6.

Before half carcasses are transported to the intervention centre, they shall be cut into quarters in accordance with Annex III. Each quarter shall be systematically weighed and identified by a label complying with Article 1(2), (3) and (4) of Regulation (EEC) No 344/91. The labels shall also show the weight of the quarter and the contract number; the labels shall be affixed directly to shin/shank tendons on the forequarters and hind-quarters or neckstrap tendon on the forequarter and hind-quarter flank without using metal or plastic ties.

Without prejudice to Article 24(2), the labels must remain attached to the quarters throughout the whole storage period. As far as possible, any labels attached previously shall be removed.

The quarters from each carcass shall then be grouped for the purposes of the acceptance procedure by carcass or half carcass at the time of take-over.

A checklist giving all details of the half-carcasses or quarters, including the number of half-carcasses or quarters presented and either accepted or rejected, shall accompany each consign-

ment up to the point of acceptance. The checklist shall be handed over to the accepting officer.

A seal shall be affixed to the means of transport before it leaves the slaughterhouse; the number of the seal shall be shown on the health certificate or checklist.

The acceptance procedure shall include checks of the presentation, classification, weight, labelling and temperature of the quarters delivered.

4. Preliminary inspection and acceptance of the products offered for intervention shall be carried out by an official of the intervention agency or a person authorised by the latter who is a qualified classifier, is not involved in classification at the slaughterhouse and is totally independent of the successful tenderer. Such independence shall be ensured in particular by the periodic rotation of such officials between intervention centres.

At the time of take-over, the total weight of the quarters in each consignment shall be recorded and the record kept by the intervention agency.

Where the weight of meat to be stored bone-in differs to such an extent from that indicated on the checklist that the accuracy of the weight on the checklist is called into question, the weight of each quarter shall be checked systematically and, if necessary, a new label giving the actual weight accepted and any other information required shall be affixed by the accepting officer. As far as possible, any labels affixed previously shall be removed.

A document recording full details of the weight and the number of the products presented and either accepted or rejected must be completed by the accepting officer.

5. The requirements regarding identification, delivery and controls for the take-over of bone-in meat intended for boning in intervention centres which do not meet the requirements laid down in the first subparagraph of Article 5(2) shall include the following:

- (a) at the time of take-over as referred to in paragraph 1, forequarters and hindquarters for boning must be identified by the letters 'INT' marked on both inner and outer sides in accordance with the same rules as those laid down in Article 4(3)(c) for marking the category and the slaughter number and the places where such markings are to be made; however, the letters 'INT' shall be marked on the inner side of each quarter at the level of the third or fourth rib of forequarters and of the seventh or eighth rib of hindquarters;
- (b) the codfat must remain attached up to the time of take-over and must be removed before weighing;
- (c) the products delivered shall be sorted into consignments as defined under paragraph 1.

Where carcasses or quarters marked 'INT' are found outside the areas reserved for them, the Member State shall conduct an enquiry, take suitable measures and inform the Commission thereof.

6. Where more than 20 % of a consignment presented is rejected, in terms of number of half carcasses or quarters presented, the whole consignment shall be rejected and all the products shall be marked as such and may not be presented again for preliminary inspection or acceptance.

7. If the quantity actually delivered and accepted is less than the quantity awarded, the security shall:

- (a) be released in full where the difference is not more than 5 % or 175 kg;
- (b) except in cases of *force majeure*, be forfeited:
  - in part, corresponding to the quantities not delivered or not accepted where the difference is not more than 15 %,
  - in full in other cases, pursuant to Article 1 of Regulation (EEC) No 2220/85.

#### Article 18

##### Price to be paid to successful tenderers

1. From the 45th day after completion of take-over of the products to the 65th day thereafter, the intervention agency shall pay successful tenderers the price quoted in their tenders.
2. Only the quantity actually delivered and accepted shall be paid for. However, if the quantity actually delivered and accepted is greater than the quantity awarded, only the quantity awarded shall be paid for.
3. Where qualities other than quality R3 are taken over, the price to be paid to successful tenderers shall be adjusted by applying the coefficient for the quality bought in as set out in Annex I.
4. The buying-in price for bone-in meat shall be the price free at the entrance weighing point of the intervention centre's cold store. The buying-in price for meat all of which is intended for boning shall be the price free at the entrance weighing point of the intervention centre's cutting plant.

The costs of unloading shall be borne by the successful tenderer.

#### Article 19

##### Exchange rate

The rate to be applied to the amount referred to in Article 14 and the price at which the award was made shall be the exchange rate applicable on the day of entry into force of the regulation fixing the maximum buying-in price and the quantities

of beef to be bought in under the invitation to tender concerned.

#### CHAPTER II

##### BONING OF MEAT BOUGHT IN BY INTERVENTION AGENCIES

#### Article 20

##### Authorisation for boning

The intervention agencies shall be authorised to bone all or part of the meat bought in.

#### Article 21

##### General conditions governing boning

1. Boning may only be carried out in cutting plants approved in accordance with Article 3(1)(B)(a) of Directive 64/433/EEC and with one or more adjoining blast freezers.

At the request of a Member State, the Commission may grant a derogation for a limited period from the obligations covered by the first subparagraph; when making its decision, the Commission shall take account of current developments in plant and equipment, health and control requirements and the objective of gradual harmonisation in this field.

2. Boned cuts must meet the conditions laid down in Directive 64/433/EEC and the requirements in Annex V to this Regulation.

3. Boning may not commence before take-over of the consignment concerned has been completed.

4. No other meat may be present in the cutting room when intervention beef is being boned, trimmed or packed.

However, pigmeat may be present in the cutting room at the same time as beef, provided that it is processed on a separate production line.

5. All boning activities shall take place between 7 a.m. and 6 p.m.; boning shall not take place on Saturdays, Sundays or public holidays. Those hours may be extended by up to two hours, provided that the inspection authorities are present.

If boning cannot be completed on the day of take-over, seals shall be affixed by the competent authorities to the refrigeration rooms where the products are stored and may only be broken by the same authorities when boning resumes.

#### Article 22

##### Contracts and specifications

1. Boning shall be carried out under contract on terms laid down by the intervention agencies and in accordance with their specifications.

2. The specifications of the intervention agencies shall lay down the requirements to be met by cutting plants, shall specify the plant and equipment required and shall ensure that the Community rules on the preparation of cuts are adhered to.

They shall in particular lay down detailed conditions covering boning, specifying the method of preparation, trimming, packing, freezing and preservation of cuts with a view to their take-over by the intervention agency.

The specifications of the intervention agencies may be obtained from the addresses in Annex VI.

#### Article 23

### Monitoring of boning

1. The intervention agencies shall ensure that continuous physical monitoring is carried out of all boning operations.

Such monitoring may be delegated to bodies which are wholly independent of the traders, slaughterers and storeys in question. In such cases, the intervention agencies shall ensure that their officials conduct an unannounced inspection of boning of meat covered by each bid. During such inspections, random checks shall be carried out of cartons of cuts before and after freezing and the quantities used shall be compared with the quantities produced on the one hand and with the bones, fat and trimmings on the other hand. Such checks shall cover at least 5 % of cartons filled during the day with a particular cut and, where there are sufficient cartons, a minimum of five cartons per cut.

2. Forequarters and hindquarters must be boned separately. In respect of each day of boning:

- (a) a comparison shall be made of the numbers of cuts and of cartons filled;
- (b) a form shall be completed showing separately the yields for boning of forequarters and of hindquarters.

#### Article 24

### Special conditions governing boning

1. During boning, trimming and packing prior to freezing, the internal temperature of the beef must at no time rise above + 7 °C. Cuts may not be transported before they have been blastfrozen, except under the derogations provided for in Article 21(1).

2. All labels and foreign matter must be totally removed immediately prior to boning.

3. All bones, tendons, cartilage, neckstrap and backstrap (paddy whack) (*ligamentum nuchae*) and coarse connective tissues must be cleanly removed. Trimming of cuts must be

confined to the removal of fat, cartilage, tendons, joint capsules and other specified trim. All obvious nervous and lymphatic tissues must be removed.

4. Large blood vessels and clots and soiled areas must be removed carefully with as little trimming as possible.

#### Article 25

### Packing of cuts

1. Cuts shall be packed immediately after boning in such a way that no part of the meat comes into direct contact with the carton, in accordance with the requirements laid down in Annex V.

2. Polyethylene used to line cartons and polyethylene sheet or bags used to wrap cuts must be at least 0,05 mm thick and suitable for wrapping foodstuffs.

3. Cartons, pallets and cages used must meet the conditions laid down in Annex VII.

#### Article 26

### Storage of cuts

The intervention agencies shall ensure that all boneless beef bought in is stored separately and is easily identifiable by invitation to tender, cut and month of storage.

Cuts obtained shall be stored in cold stores located in the territory of the Member State exercising jurisdiction over the intervention agency.

Save for specific derogations provided for under the procedure laid down in Article 43 of Regulation (EC) No 1254/1999, such cold stores must be capable of holding all boned beef allocated by the intervention agency for at least three months under technically satisfactory conditions.

#### Article 27

### Costs of boning

Contracts as referred to in Article 22(1) and payments made thereunder shall cover the operations and costs resulting from the application of this Regulation, and in particular:

- (a) the costs of any transport of bone-in products to the cutting plant after acceptance;
- (b) boning, trimming, packing and blastfreezing;
- (c) the storage, loading and carriage of frozen cuts and their take-over by the intervention agencies at the cold stores designated by them;



- (d) the costs of materials, in particular for packaging;
- (e) the value of any bones, fat and trimmings left at cutting plants by the intervention agencies.

#### Article 28

#### Timelimits

Boning, trimming and packaging must be completed within 10 calendar days of slaughter. However, the Member States may set shorter timelimits.

Blastfreezing shall be carried out immediately after packing, commencing in any event on the same day; the quantity of meat boned may not exceed the daily capacity of the blast freezers.

The internal temperature of boned meat shall be reduced to or below  $-7^{\circ}\text{C}$  within 36 hours during blastfreezing.

#### Article 29

#### Rejection of products

1. Where the checks specified in Article 23(1) show breaches by the boning plant of Articles 20 to 28 in respect of a particular cut, those checks shall be extended to cover a further 5 % of the cartons filled during the day in question. Where further breaches are discovered, additional samples amounting to 5 % of the total number of cartons of the relevant cut shall be checked. When, at the fourth 5 % check, at least 50 % of the cartons are found to be in breach of those articles, the whole day's production of that cut shall be checked. However, checking of the whole day's production shall not be required once at least 20 % of the cartons of a particular cut has been found to be in breach.

2. When, on the basis of paragraph 1, less than 20 % of the cartons of a particular cut are found to be in breach, the entire contents of those cartons shall be rejected and no payment shall be made in respect of them; the boning plant shall pay the intervention agency an amount equal to the price shown in Annex VIII for the cuts that have been rejected.

If at least 20 % of the cartons of a particular cut are found to be in breach, the whole day's production of that particular cut shall be rejected by the intervention agency and no payment shall be due; the boning plant shall pay the intervention agency an amount equal to the price shown in Annex VIII for the cuts that have been rejected.

If at least 20 % of the cartons of various cuts produced during the day are found to be in breach, the whole day's production shall be rejected by the intervention agency and no payment shall be due; the boning plant shall pay the intervention agency an amount equal to the price to be paid by the agency to the successful tenderer in accordance with Article 18 for the orig-

inal bone-in products bought in and which, after boning, have been rejected, that price being increased by 20 %.

Where the third subparagraph is applicable, the first and second subparagraphs shall not apply.

3. By way of derogation from paragraphs 1 and 2, where as a result of serious negligence or fraud the boning plant fails to comply with Articles 20 to 28:

- all products obtained after boning during the day for which non-compliance with the above provisions is established shall be rejected by the intervention agency and no payment shall be due,
- the boning plant shall pay the intervention agency an amount equal to the price to be paid by the agency to the successful tenderer in accordance with Article 18 for the original bone-in products bought in and which, after boning, have been rejected in accordance with the first indent, that price being increased by 20 %.

### CHAPTER III

#### CHECKS ON PRODUCTS AND NOTIFICATIONS.

#### Article 30

#### Storage of and checks on products

1. The intervention agencies shall ensure that meat covered by this Regulation is so placed and kept in storage as to be readily accessible and in conformity with the provisions of Article 8(1) and Article 26, first paragraph.
2. The storage temperature may not rise above  $-17^{\circ}\text{C}$ .
3. The Member States shall take all measures necessary to ensure satisfactory preservation, in terms of quality and quantity, of the products stored and shall replace damaged packaging immediately. They shall provide for cover against the relevant risks by insurance in the form of either a contractual obligation on storers or comprehensive coverage of the liability borne by the intervention agency; the Member States may also act as their own insurers.
4. During storage, the competent authorities shall conduct regular checks on significant quantities of the products stored following awards under invitations to tender held during the month.

During such checks, any products found not to be in compliance with the requirements as laid down in this Regulation shall be rejected and marked as such. Without prejudice to the application of penalties, the competent authorities shall, if need be, recover payments from the responsible parties.

Such checks shall be conducted by officials who do not receive instructions from the department which buys in the meat.

5. The competent authorities shall take the necessary measures as regards traceability and storage to enable the products stored to be removed from storage and disposed of subsequently as efficiently as possible, having regard in particular to any requirements relating to the veterinary health status of the animals concerned.

#### Article 31

#### Notifications

1. The Member States shall notify the Commission without delay of any change in the list of intervention centres and, where possible, of their freezing and storage capacity.

2. Within 10 calendar days of completion of each take-over period, the Member States shall notify the Commission by telex or fax of the quantities delivered and accepted into intervention.

3. By the 21st day of each month at the latest, the Member States shall notify the Commission in respect of the preceding month of:

- (a) the quantities bought in each week and each month, broken down by products and qualities in accordance with the Community scale for the classification of carcasses established by Regulation (EEC) No 1208/81;
- (b) the quantities of each boned and bone-in product covered by contracts of sale concluded in the month concerned;
- (c) the quantities of each boned and bone-in product covered by withdrawal orders or similar documents issued in the month concerned;
- (d) the uncommitted stocks and the physical stocks of each bone-in product at the end of the month concerned, with details of the length of time the uncommitted stocks have been in storage.

4. By the end of each month at the latest, the Member States shall notify the Commission in respect of the preceding month of:

- (a) the quantities of each boned product obtained from bone-in beef bought in during the month concerned;
- (b) the uncommitted stocks and the physical stocks of each boned product at the end of the month concerned, with details of the length of time the uncommitted stocks have been in storage.

5. For the purposes of this Article:

- (a) 'uncommitted stocks' means stocks not yet covered by a contract of sale;
- (b) 'physical stocks' means uncommitted stocks plus stocks covered by a contract of sale but not yet taken over.

#### CHAPTER IV

#### TRANSITIONAL PROVISIONS

#### Article 32

#### Period of application

The provisions of this chapter shall apply until 30 June 2002 to buying-in by invitation to tender as referred to in Article 47 of Regulation (EC) No 1254/1999.

#### Article 33

#### Opening and suspension of buying-in by invitation to tender

1. In order to ascertain that the conditions laid down in Article 47(3) to (7) of Regulation (EC) No 1254/1999 for the various qualities or groups of qualities are fulfilled, the average market prices shall be recorded in accordance with the conditions laid down in Regulation (EC) No 295/96.

2. Where a group of qualities is concerned, the average Community market price shall be calculated in accordance with Article 5(1)(b) of Regulation (EC) No 295/96.

The average market or intervention price in a Member State or a region of a Member State shall be the average of the market or intervention prices for each of those qualities, weighted by the proportion each represents of total slaughtering in that Member State or region.

The average Community intervention price shall be the average of the intervention prices for each of those qualities, weighted by the proportion each represents of total Community slaughtering.

The market prices mentioned in the first and second subparagraphs shall be calculated for the qualities eligible for intervention, converted into quality R3 using the coefficients set out in Annex I.

3. The opening, suspension or reopening of buying-in shall be decided on the basis of the two most recent weekly market prices recorded in Member States, or regions of Member States, except for the suspension of the measure provided for in Article 47(5) of Regulation (EC) No 1254/1999 where the last weekly price recorded is sufficient.

#### Article 34

#### Conditions to be met for tendering

In response to invitations to tender, interested parties shall submit their tenders to the intervention agencies of the Member States where they have been issued, either by lodging a written bid against a receipt or by any other written means of communication accepted by the intervention agency, with advice of receipt. The submission of tenders may be the subject of contracts on terms laid down by the intervention agencies and in accordance with their specifications.

Separate tenders shall be submitted for each type of invitation to tender.

*Article 35***Securities**

The maintenance of tenders after the expiry of the period for the submission of tenders and the delivery of the products to the store designated by the intervention agency within the period laid down in Article 16(2) shall constitute primary requirements, the fulfilment of which shall be ensured by the lodging of a security of EUR 36 per 100 kg.

Securities shall be lodged with the intervention agency in the Member State in which the tender is submitted.

*Article 36***Maximum buying-in price**

In the case of invitations to tender under Article 47(3) of Regulation (EC) No 1254/1999, tenders shall not be considered if the price quoted is higher than the average market price recorded in a Member State or regions of a Member State by quality, converted into quality R3 using the coefficients set out in Annex I, plus EUR 10 per 100 kg carcase weight. However, in the case of Member States or regions of a Member State meeting the conditions laid down in Article 47(5) of Regulation (EC) No 1254/1999, the amount added shall be EUR 6 per 100 kg.

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

Done at Brussels, 15 March 2000.

## CHAPTER V

**FINAL PROVISIONS***Article 37***Repeal**

1. Regulation (EEC) No 2456/93 is repealed with effect from 1 April 2000.

However, it shall remain applicable for tendering procedures which started before that date.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in conjunction with the correlation table in Annex IX to this Regulation.

2. Regulation (EEC) No 1627/89 is repealed as from 1 July 2002.

*Article 38***Entry into force**

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

It shall apply from the first invitation to tender of April 2000, except for Article 3, Article 11(2), Article 12(1) and Article 14(1) which shall apply only from 1 July 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

**Conversion coefficients**

Qualities	Coefficients
U2	1,058
U3	1,044
U4	1,015
R2	1,015
R3	1,000
R4	0,971
O2	0,956
O3	0,942
O4	0,914

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II —  
 BIJLAGE II — ANEXO II — LIITE II — BILAGA II

**Productos admisibles para la intervención — Produkter, der er kvalificeret til intervention — Interventionsfä-  
 hige Erzeugnisse — Προϊόντα επιλέξιμα για την παρέμβαση — Products eligible for intervention — Produits  
 éligibles à l'intervention — Prodotti ammissibili all'intervento — Producten die voor interventie in aanmerking  
 komen — Produtos elegíveis para a intervenção — Interventiekelpoiset tuotteet — Produkter som kan bli  
 föremål för intervention**

#### BELGIQUE/BELGIË

*Carcasses, demi-carcasses:*

*Hele dieren, halve dieren:*

- Catégorie A, classe U2/
- Catégorie A, classe U2
- Catégorie A, classe U3/
- Catégorie A, classe U3
- Catégorie A, classe R2/
- Catégorie A, classe R2
- Catégorie A, classe R3/
- Catégorie A, classe R3

#### DANMARK

*Hele og halve kroppe:*

- Kategori A, klasse R2
- Kategori A, klasse R3

#### DEUTSCHLAND

*Ganze oder halbe Tierkörper:*

- Kategorie A, Klasse U2
- Kategorie A, Klasse U3
- Kategorie A, Klasse R2
- Kategorie A, Klasse R3

#### ΕΛΛΑΔΑ

*Ολόκληρα ή μισά σφάγια*

- Κατηγορία Α, κλάση R2
- Κατηγορία Α, κλάση R3

#### ESPAÑA

*Canales o semicanales:*

- Categoría A, clase U2
- Categoría A, clase U3
- Categoría A, clase R2
- Categoría A, clase R3

#### FRANCE

*Carcasses, demi-carcasses:*

- Catégorie A, classe U2
- Catégorie A, classe U3
- Catégorie A, classe R2
- Catégorie A, classe R3
- Catégorie C, classe U2
- Catégorie C, classe U3
- Catégorie C, classe U4
- Catégorie C, classe R3
- Catégorie C, classe R4
- Catégorie C, classe O3

#### IRELAND

*Carcases, half-carcases:*

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4
- Category C, class O3

#### ITALIA

*Carcasse e mezzene:*

- Categoria A, classe U2
- Categoria A, classe U3
- Categoria A, classe R2
- Categoria A, classe R3

#### LUXEMBOURG

*Carcasses, demi-carcasses:*

- Catégorie A, classe R2
- Catégorie C, classe R3
- Catégorie C, classe O3

#### NEDERLAND

*Hele dieren, halve dieren:*

- Categoria A, klasse R2
- Categoria A, klasse R3

#### ÖSTERREICH

*Ganze oder halbe Tierkörper:*

- Kategorie A, Klasse U2
- Kategorie A, Klasse U3
- Kategorie A, Klasse R2
- Kategorie A, Klasse R3

#### PORTUGAL

*Carcças ou meias-carcças*

- Categoria A, classe U2
- Categoria A, classe U3
- Categoria A, classe R2
- Categoria A, classe R3

#### FINLAND

*Carcases, half-carcases:*

- Category A, class R2
- Category A, class R3

#### SWEDEN

*Carcases, half-carcases:*

- Category A, class R2
- Category A, class R3

#### UNITED KINGDOM

##### I. Great Britain

*Carcases, half-carcases:*

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4

##### II. Northern Ireland

*Carcases, half-carcases:*

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4
- Category C, class O3

## ANNEX III

**Provisions applicable to carcasses, half-carcasses and quarters**

1. Carcasses and half-carcasses, fresh or chilled (CN code 0201), of animals slaughtered not more than six days and not less than two days previously.
  2. For the purposes of this Regulation, the following definitions apply:
    - (a) carcasse: the whole body of the slaughtered animal hung from the slaughterhouse hook by the shank tendon after bleeding, evisceration and skinning, presented:
      - without the head and without the feet; the head must be separated from the carcasse at the atlanto-occipital joint and the feet must be severed at the carpometacarpal or tarsometatarsal joints,
      - without the organs contained in the thoracic and abdominal cavities, and without the kidneys, the kidney fat and the pelvic fat,
      - without the sexual organs and the attached muscles,
      - without the thin skirt and the thick skirt,
      - without the tail and the first coccygeal vertebra,
      - without the spinal cord,
      - without the cod fat and the adjacent flank fat,
      - without the fascial linea alba of the abdominal muscle,
      - without fat on the inside of topside,
      - without the jugular vein and the adjacent fat,
      - the neck being cut in accordance with veterinary requirements, without removal of the neck muscle,
      - the brisket fat must not be more than 1 cm thick;
    - (b) half-carcasse: the product obtained by separating the carcasse as referred to in (a) symmetrically through the middle of the cervical, dorsal, lumbar and sacral vertebrae and through the middle of the sternum and the ischiopubic symphysis. During carcasse processing, the dorsal and lumbar vertebrae must not be seriously dislocated; associated muscles and tendons must not show any damage from saws or knives;
    - (c) forequarters:
      - cut from the carcasse after cooling off,
      - five-rib straight cut;
    - (d) hindquarters:
      - cut from the carcasse after cooling off,
      - eight-rib straight cut.
  3. Products as specified in points 1 and 2 must come from well-bled carcasses, the animal having been properly flayed, the carcasse surface in no way peeling, suffused or bruised; superficial fat must not be torn or removed to any significant degree. The pleura must be undamaged except in order to facilitate hanging. Carcasses must not be soiled by any source of contamination, in particular by faecal matter or significant bloodstain.
  4. Products as specified in point 2(c) and (d) must come from carcasses or half-carcasses satisfying the requirements in point 2(a) and (b).
  5. Products as specified in points 1 and 2 must be chilled immediately after slaughter for at least 48 hours so that the internal temperature at the end of the chilling period does not exceed + 7 °C. This temperature must be maintained until they are taken over.
-

## ANNEX IV

**Coefficients referred to in Article 14(3)***Formula A*

$$\text{Coefficient } n = \frac{a}{b}$$

Where:

- a = the average of the average market prices recorded in the Member State or region thereof in question for the two or three weeks following that of the award decision,
- b = the average market price recorded in the Member State or region thereof in question, as referred to in Article 14(1), applicable to the invitation to tender concerned.

*Formula B*

$$\text{Coefficient } n' = \frac{a'}{b'}$$

Where:

- a' = the average of the purchase prices paid by the tenderer for animals of the same quality and category as those taken into account for the calculation of the average market price during the two or three weeks following that of the award decision,
- b' = the average of the purchase prices paid by the tenderer for animals taken into account for the calculation of the average market price during the two weeks used to determine the average market price applicable to the invitation to tender concerned.

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## ANNEX V

**Specifications for intervention boning**

## 1. HINDQUARTER CUTS

1.2. *Description of cuts*

## 1.2.1. Intervention shank (code INT 11)

Cutting and boning: remove by a cut passing through the stifle joint and separating from the topside and the silverside by following the natural seam, leaving the heel muscle attached to the shank. Remove shank bones (tibia and hock).

Trimming: trim sinew tips back to the meat.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

## 1.2.2. Intervention thick flank (code INT 12)

Cutting and boning: separate from the topside by a straight cut down to and along the line of the femur and from the silverside by continuing the cut down in the line of the natural seam. The cap must be left naturally attached.

Trimming: remove the patella, the joint capsule and tendon. The external fat cover must not exceed 1 cm at any point.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

## 1.2.3. Intervention topside (code INT 13)

Cutting and boning: separate from the silverside and the shank by a cut following the line of the natural seam and detach from the femur. Remove the aitch bone.

Trimming: remove the pizzle butt, the adjacent gristle and the scrotal (superficial inguinal) gland. Remove the cartilage and connective tissues associated with the pelvic bone. The external fat cover must not exceed 1 cm at any point.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

## 1.2.4. Intervention silverside (code NT 14)

Cutting and boning: separate from the topside and the shank by a cut following the line of the natural seam. Remove the femur.

Trimming: remove the heavy cartilage adjacent to the bone joint, the popliteal lymph node, attached fat and tendon. The external fat cover must not exceed 1 cm at any point.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

## 1.2.5. Intervention fillet (code INT 15)

Cutting: remove entire length of fillet by freeing the head (butt end) from the hip bone (ilium) and by tracing along the fillet adjacent to the vertebrae, thereby freeing the fillet from the loin.

Trimming: remove gland and de-fat. Leave the silverskin and chain muscle intact and fully attached. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: fillets must be packed carefully lengthwise, thin ends to thick ends alternatively, silverskin up, and must not be folded. These cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

## 1.2.6. Intervention rump (code INT 16)

Cutting and boning: separate from the silverside/thick flank by a straight cut from a point approximately 5 cm from the posterior edge of the fifth sacral vertebra, passing approximately 5 cm from the anterior edge of the aitch bone, taking care not to cut through the thick flank.

Separate from the loin by a cut between the last lumbar and first sacral vertebrae, clearing the anterior edge of the pelvic bone. Remove bones and cartilage.



Trimming: remove the pocket of fat on the internal surface below the eye muscle. The external fat cover must not exceed 1 cm at any point. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

#### 1.2.7. Intervention striploin (code INT 17)

Cutting and boning: separate from the rump by a straight cut between the last lumbar and the first sacral vertebrae. Separate from the fore-rib (five bone) by a straight cut between the 11th and 10th ribs. Remove the backbones cleanly. Remove the ribs and feather bones by 'sheeting out'.

Trimming: remove any species of cartilage left after boning. The tendon must be removed. The external fat cover must not exceed 1 cm at any point. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

#### 1.2.8. Intervention flank (code INT 18)

Cutting and boning: remove the full flank from the eight-rib straight-cut hindquarter by a cut from the point where the flank has been laid back, following the natural seam down around the surface of the hind muscles to a point which is horizontal to the middle of the last lumbar vertebra. Continue the cut downwards in a straight line parallel to the fillet, through the 13th to the 6th rib inclusive along a line running parallel to the dorsal edge of the vertebral column, so that the entire downward cut is no more than 5 cm from the lateral tip of the eye muscle.

Remove all bones and cartilage by 'sheeting out'. The whole flank must remain in one piece.

Trimming: remove the coarse connective tissue sheath covering the goose skirt, leaving the goose skirt intact. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 30 %.

Wrapping and packing: the full flank may be folded once only for packing. It must not be cut or rolled. When packed, the inner part of the flank and the goose skirt must be clearly visible. Before packing each box must be lined with polythene to allow complete wrapping of the cut/s.

#### 1.2.9. Intervention fore-rib (five bone) (code INT 19)

Cutting and boning: this cut must be separated from the striploin by a straight cut between the 11th and 10th ribs and must include the 6th to 10th ribs inclusive. Remove the intercostal muscles and pleura in a thin sheet with rib bones. Remove backbone and cartilage, including the tip of the scapula.

Trimming: remove the backstrap (ligamentum nuchae). The external fat cover must not exceed 1 cm at any point. The cap must be left attached.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

## 2. FOREQUARTER CUTS

### 2.1. Description of cuts

#### 2.1.1. Intervention shin (code INT 21)

Cutting and boning: remove by a cut around the joint separating the shinbone (radius) and clod-bone (humerus). Remove the shinbone (radius).

Trimming: trim sinew tips back to the meat.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

Shins must not be packed with shanks.

#### 2.1.2. Intervention shoulder (code INT 22)

Cutting and boning: separate the shoulder from the forequarter by cutting in a line following the natural seam around the edge of the shoulder and the cartilage at the tip of the scapula, continuing around the seam so that the shoulder is lifted from its natural pocket. Remove the scapula. The blade muscle under the scapula must be laid back but left attached so as to allow clean removal of the bone. Remove the clod-bone (humerus).

Trimming: remove cartilage, tendons and joint capsules. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 10 %.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

2.1.3. Intervention brisket (code INT 23)

Cutting and boning: separate from the forequarter by cutting in a straight line perpendicular to the middle of the first rib. Remove intercostal muscles and pleura by 'sheeting out', with ribs, breastbone and cartilage. Deckle to be left attached to the brisket. Fat underlying the deckle and the sternum must be removed.

Trimming: trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 30 %.

Wrapping and packing: each cut must be individually wrapped in polythene and packed in a carton lined with polythene to allow complete wrapping of the cuts.

2.1.4. Intervention forequarter (code INT 24)

Cutting and boning: the cut remaining after removal of the brisket, shoulder and shin is classed as forequarter.

Remove rib bones by 'sheeting out'. Neck bones must be removed cleanly.

The chain muscle must be left attached to this cut.

Trimming: tendons, joint capsules and cartilage to be removed. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 10 %.

Wrapping and packing: these cuts must be individually wrapped in polythene before packing in cartons lined with polythene.

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ANEXO VI — BILAG VI — ANHANG VI — ΠΑΡΑΡΤΗΜΑ VI — ANNEX VI — ANNEXE VI — ALLEGATO VI —  
BIJLAGE VI — ANEXO VI — LIITE VI — BILAGA VI

**Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις του οργανισμού παρέμβασης — Adresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

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Bureau d'intervention et de restitution belge  
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B-1040 Bruxelles

Belgisch Interventie- en Restitutiebureau  
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B-1040 Brussel  
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EU-Direktoratet  
Kampmannsgade 3  
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*Bundesrepublik Deutschland*

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Johnston Castle Estate  
County Wexford  
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*Luxembourg*

Service d'économie rurale, section 'cheptel et viande'  
113-115, rue de Hollerich  
L-1741 Luxembourg  
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*Portugal*

INGA — Instituto Nacional de Intervenção e Garantia Agrícola  
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*Finland*

Ministry of Agriculture and Forestry  
Intervention Unit  
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Statens Jordbruksverk – Swedish Board of Agriculture  
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Hampshire Court  
Newcastle-upon-Tyne NE99 1AW  
United Kingdom  
Tel. (44-191) 273 96 96; fax (44-191) 226 18 39

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## ANNEX VII

**Provisions applicable to cartons, pallets and cages**I. *Cartons*

1. Cartons must be of a standard format and weight and strong enough to resist being pallet-stacked.
2. Cartons used may not show the name of the slaughterhouse or cutting plant from which the products come.
3. Cartons must be weighed individually after being filled; cartons filled with a weight fixed in advance are not authorised.
4. The net weight of cuts per carton may not exceed 30 kg.
5. Only cuts of the same designation identified by their full name or by the Community code and coming from the same category of animal may be placed in the same carton; cartons may not contain any pieces of fat or other trimming under any circumstances.
6. Cartons must bear the following seals:
  - intervention agency labels on both ends,
  - official veterinary inspection labels in the middle of front and back, but only on the front in the case of monobloc boxes.Such labels must bear a serial number and be affixed in such a way that they are destroyed when the carton is opened.
7. The intervention agency labels must show the number of the contract, the type and number of cuts, the net weight and the date of packing; the labels must not be less than 20 × 20 cm; the veterinary inspection labels must show the approval number of the cutting plant.
8. The serial numbers on labels referred to in point 6 must be recorded in respect of each contract and it must be possible to compare the number of cartons used and of labels issued.
9. Cartons must be bound with four straps, two lengthwise and two widthwise placed approximately 10 cm from each corner.
10. Labels torn during inspection must be replaced by serially numbered labels, two per carton, issued by the intervention agency to the competent authorities.

II. *Pallets and cages*

1. Cartons relating to different invitations to tender and containing different cuts must be stored on separate pallets by invitation to tender or by month and by cut; such pallets must be identified by labels showing the number of the invitation to tender, the type of cut, the net weight of the product, the tare weight and the number of cartons per cut.
  2. Bone-in quarters from different invitations to tender must be stored by tender or by month in separate cages for forequarters and hindquarters; such containers must be identified by labels showing the number of the invitation to tender, the number and classification of quarters, broken down into forequarters and hindquarters, the net weight thereof and the tare weight.
  3. The location of pallets and cages must be shown on a storage plant.
-

## ANNEX VIII

**Individual prices of rejected intervention cuts for the purposes of Article 29(2)**

	(EUR/tonne)
Intervention fillet	22 000
Intervention striploin	14 000
Intervention topside Intervention rump	10 000
Intervention silverside Intervention thick flank Intervention forerib (with five ribs)	8 000
Intervention shoulder Intervention fore quarter	6 000
Intervention brisket Intervention shank Intervention shin	5 000
Intervention flank	4 000

## ANNEX IX

## Correlation table

Regulation (EEC) No 2456/93	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 10	Article 10
Article 11	Article 11
Article 12	Article 12
Article 13	Article 13
Article 14	Article 14
Article 15	Article 15
Article 16	Article 16
Article 17	Article 17
Article 18	Article 18
Article 19	Article 19
Article 20	Article 20
Article 21	Article 21
Article 22	Article 22
Article 23	Article 23
Article 24	Article 24
Article 25	Article 25
Article 26	Article 26
Article 27	Article 27
Article 28	Article 28
Article 29	Article 29
—	Article 30
—	Article 31
—	Article 32
—	Article 33
Article 30	Article 34
Article 31	Article 35
Article 32	Article 36
Article 33	Article 37
Annex I	—
Annex II	Annex I
Annex III	Annex II
Annex IV	—
Annex V	Annex III
Annex VI	Annex IV
Annex VII	Annex V
Annex VIII	Annex VI
Annex IX	Annex VII
Annex X	Annex IX
Annex XI	Annex VIII

**COMMISSION REGULATION (EC) No 563/2000  
of 15 March 2000**

**amending Council Regulation (EC) No 1981/94, in relation to Community tariff quotas for certain products originating in Morocco and amending Council Regulation (EC) No 934/95, in relation to Community statistical surveillance in the framework of reference quantities for certain products originating in Morocco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1981/94 of 25 July 1994, opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2530/1999 <sup>(2)</sup>, and in particular Articles 6 and 7 thereof,

Having regard to Council Regulation (EC) No 934/95 of 10 April 1995, establishing tariff ceilings and a Community statistical surveillance in the framework of reference quantities for a certain number of products originating in Cyprus, Egypt, Jordan, Israel, Tunisia, Syria, Malta, Morocco and the West Bank and the Gaza Strip <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 519/98 <sup>(4)</sup>, and in particular Articles 3 and 4 thereof,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part <sup>(5)</sup>, provides that at import into the Community, certain products originating in Morocco can benefit from tariff concessions within the framework of Community tariff quotas or of Community surveillance of reference quantities.
- (2) For some products, according to the agreement, the volumes of the tariff quotas and the reference quantities should be increased, between 1 January 1997 and 1 January 2000, in four annual and equal steps, each representing 3 % of the base volumes specified in the Agreement. The increases provided by the Agreement for implementation in 1997, 1998 and 1999, could not take place because of the entry into force of the Agreement only in 2000 and, consequently, the volumes of these tariff quotas and reference quantities indicated in this Regulation take account of four increases.
- (3) The volumes of the new tariff quotas and reference quantities, as well as of the enlarged tariff quotas and reference quantities, shall for the first period of applica-

tion, be calculated as a pro rata of the volumes indicated in this Regulation, taking into account the part of the period elapsed before the date of entry into force of the abovementioned Agreement.

- (4) To implement the concessions provided for in the abovementioned Agreement, Regulation (EC) No 1981/94 and Regulation (EC) No 934/95 should be amended.
- (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*

1. In Annex IV to Regulation (EC) No 1981/94 the table relating to Community tariff quotas for certain products originating in Morocco, shall be replaced by the table set out in Annex I to this Regulation.

2. For the current quota period, the quantities which have been imported within the framework of the tariff quotas with order numbers 09.1105, 09.1107, 09.1115, 09.1119, 09.1122, 09.1123, 09.1124, 09.1127, 09.1131, 09.1133, 09.1135, 09.1136, 09.1137 and 09.1190 applicable within Regulation (EC) No 1981/94, shall be taken into account for charging on the respective tariff quotas in Annex I to this Regulation.

*Article 2*

In Annex II to Regulation (EC) No 934/95 the reference quantities for products originating in Morocco shall be replaced by the reference quantities set out in Annex II to this Regulation.

*Article 3*

For the first period of application, the volume of the new tariff quotas and reference quantities, as well as of the enlarged tariff quotas and reference quantities, shall be calculated as a pro rata of the volume indicated in this Regulation, taking into account the part of the period elapsed before the date of entry into force of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part.

<sup>(1)</sup> OJ L 199, 2.8.1994, p. 1.

<sup>(2)</sup> OJ L 306, 1.12.1999, p. 17.

<sup>(3)</sup> OJ L 96, 28.4.1995, p. 6.

<sup>(4)</sup> OJ L 66, 6.3.1998, p. 3.

<sup>(5)</sup> Not yet published in the Official Journal.



*Article 4*

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

It shall apply with effect from 1 March 2000.

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

Done at Brussels, 15 March 2000.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

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## ANNEX I

## 'ANNEX IV

## MAROCCO

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where "ex" CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year (from 1.1 to 31.12) or indicated period (in tonnes)	Quota duty
09.1135	ex 0603 10 10 ex 0603 10 40 ex 0603 10 50 ex 0603 10 20		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes:  Roses, gladioli and chrysanthemums: — from 15 October to 14 May  Carnations: — from 15 October to 31 May	3 000	Exemption
09.1136	ex 0603 10 30 ex 0603 10 80		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes:  Orchids and other flowers: — from 15 October to 14 May	2 000	Exemption
09.1115	ex 0701 90 50 ex 0701 90 90	*10	New potatoes and so-called "new potatoes", fresh or chilled: — from 1 December to 30 April	120 000	Exemption
09.1116	0702 00 00		Tomatoes, fresh or chilled	168 757	Exemption <sup>(1)</sup>
09.1189 09.1190	ex 0702 00 00		Tomatoes, fresh or chilled: — from 1 to 31 October — from 1 November to 31 March	5 000 <sup>(2)</sup> <sup>(3)</sup> 145 676 <sup>(2)</sup> <sup>(3)</sup>	<sup>(4)</sup> <sup>(4)</sup>
09.1127	ex 0703 10 11 ex 0703 10 19 ex 0709 90 90	*50	Onions, including wild onions of the species <i>Muscari comosum</i> , fresh or chilled: — from 15 February to 15 May	7 840	Exemption
09.1109	ex 0704 90 90	*20	Chinese cabbage, fresh or chilled: — from 1 November to 31 December	120	Exemption
09.1111	ex 0705 11 00	*10	Iceberg lettuce, fresh or chilled: — from 1 November to 31 December	120	Exemption
09.1139	0707 00		Cucumbers and gherkins, fresh or chilled	5 600	Exemption <sup>(1)</sup>

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year (from 1.1 to 31.12) or indicated period (in tonnes)	Quota duty
09.1137	ex 0707 00 05		Cucumbers, fresh or chilled: — from 1 November to 31 May	5 000 <sup>(2)</sup> <sup>(3)</sup>	<sup>(5)</sup>
09.1138	ex 0709 10 00		Globe artichokes, fresh or chilled: — from 1 November to 31 December	500 <sup>(2)</sup> <sup>(3)</sup>	—
09.1132 09.1133	ex 0709 90 70		Courgettes, fresh or chilled: — from 1 November to 31 May — from 1 October to 20 April	5 600 5 000 <sup>(2)</sup> <sup>(3)</sup>	Exemption <sup>(1)</sup> <sup>(6)</sup>
09.1141	0709 40 00 ex 0709 51 10 0709 51 30 0709 51 50 ex 0709 51 90 0709 70 00 ex 0709 90	*90 *90	Other vegetables, fresh or chilled: Celery other than celeriac Mushrooms, other than cultivated mushrooms  Spinach, New Zealand spinach and orache spinach (garden spinach) Other vegetables, excluding courgettes of subheading 0709 90 70, okra and wild onions of subheading ex 0709 90 90	8 960	Exemption
09.1143	ex 0710		Vegetables (uncooked or cooked by steaming or boiling in water), frozen, excluding peas of subheadings 0710 21 00 and ex 0710 29 00 and excluding other fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> of subheading 0710 80 59	6 720	Exemption
09.1121 09.1122	0805 10 10 0805 10 30 0805 10 50 ex 0805 10 80	*10	Fresh oranges:  — from 1 January to 31 December — from 1 December to 31 May	380 800 300 000 <sup>(2)</sup> <sup>(3)</sup>	Exemption <sup>(1)</sup> <sup>(7)</sup>
09.1129	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	*05 *05 *05 *05 *05, *09	Mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids, fresh	168 000	Exemption <sup>(1)</sup>
09.1130	ex 0805 20 10	*05	Fresh clementines: — from 1 November to the end of February	110 000 <sup>(2)</sup> <sup>(3)</sup>	<sup>(8)</sup>
09.1145	0808 20 90		Fresh quinces	1 000	Exemption
09.1147	ex 2001 10 00	*90	Gherkins, prepared or preserved by vinegar or acetic acid	3 584	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year (from 1.1 to 31.12) or indicated period (in tonnes)	Quota duty
09.1119	2004 90 50 2005 40 00 2005 59 00		Peas ( <i>Pisum sativum</i> ) and immature beans in pod prepared or preserved otherwise than by vinegar or acetic acid, whether or not frozen	10 440	Exemption
09.1105	ex 2008 50 92 ex 2008 50 94	*20 *20	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more	9 899	Exemption
09.1149	2008 92 51 2008 92 59 2008 92 72 2008 92 74 2008 92 76 2008 92 78		Mixtures of fruit, containing added sugar, but not containing added spirit	100	Exemption
09.1123	2009 11 11 2009 11 19 2009 11 91 2009 11 99 2009 19 11 2009 19 19 2009 19 91 2009 19 99		Orange juice	37 640	Exemption
09.1124	ex 2009 11 11 ex 2009 11 19 ex 2009 11 91 ex 2009 11 99  ex 2009 19 11 ex 2009 19 19 ex 2009 19 91 ex 2009 19 99	*10 *10 *10 *10 *91 *10 *10 *10 *10	of which: Orange juice imported in packings of a capacity of 2 l or less	11 292	Exemption
09.1107	ex 2204 21 79 ex 2204 21 80 ex 2204 21 83 ex 2204 21 84	*72 *72 *72 *72	Wines entitled to one of the following designations of origin: Berkane, Säis, Beni M'Tir, Guerrouane, Zemmour and Zennata, of an actual alcoholic strength by volume not exceeding 15 % vol and in containers holding 2 l or less	56 000 hl	Exemption
09.1131	2204 10 19 2204 10 99  2204 21 10 2204 21 79		Other sparkling wine  Other wine of fresh grapes	95 200 hl	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year (from 1.1 to 31.12) or indicated period (in tonnes)	Quota duty
09.1131 (cont'd)	ex 2204 21 80	*72			
		*79			
		*80			
	2204 21 83				
	ex 2204 21 84	*10			
		*72			
		*79			
		*80			
	ex 2204 21 94	*10			
		*30			
	ex 2204 21 98	*10			
		*30			
	ex 2204 21 99	*10			
	2204 29 10				
	2204 29 65				
	ex 2204 29 75	*10			
	2204 29 83				
	ex 2204 29 84	*10			
		*30			
	ex 2204 29 94	*10			
	*30				
ex 2204 29 98	*10				
	*30				
ex 2204 29 99	*10				

(1) The exemption applies only to the *ad valorem* duty.

(2) Within these tariff quotas, the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, if the entry price is not less than the following between the European Community and Marocco agreed entry price:

- a) for tomatoes, 461/EUR from 1 October to 31 March;
- b) for cucumbers, 449/EUR from 1 November to 31 May;
- c) for globe artichokes, 571/EUR from 1 November to 31 December;
- d) for cougettes:

- 424/EUR from 1 to 31 January, from to 20 April and from 1 October to 31 December,
- during the period from 1 February to 31 March the "WTO" entry price which is more favourable than the agreed entry prices shall apply;

e) for oranges:

- 266/EUR from 1 December 1999 to 31 May 2000.
- 264/EUR, for every period thereafter from 1 December to 31 May;

f) for clementines, 484/EUR from 1 November to the end of February.

(3) If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price as specified in footnote 2, the specific customs quota duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

(4) Also exemption of the *ad valorem* duty, in the framework of the tariff quota with order No 09.1116.

(5) Also exemption of the *ad valorem* duty, in the framework of the tariff quota with order No 09.1139.

(6) Also exemption of the *ad valorem* duty during the period from 1.11 to 20.4, in the framework of the tariff quota with order No 09.1132.

(7) Also exemption of the *ad valorem* duty, in the framework of the tariff quota with order No 09.1121.

(8) Also exemption of the *ad valorem* duty, in the framework of the tariff quota with order No 09.1129.

## ANNEX II

## Reference quantities for products originating in Morocco

Order No	CN code	TARIC subdivision	Description of goods	Period per year	Origin	Reference quantity per indicated period (in tonnes)
18.0005	ex 0602		Other live plants (including their roots), cuttings and slips; mushroom spawn; excluding roses of subheading 0602 40	from 1.1 to 31.12	Morocco	336
18.0020	0703 10 90 0703 20 00 0703 90 00		Shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled	from 1.1 to 31.12	Morocco	168
18.0035	ex 0704  0705  0706		Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled, excluding Chinese cabbage  Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium spp.</i> ), fresh or chilled  Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled	from 1.1 to 31.12	Morocco	560
18.0070	0709 60 10		Sweet peppers, fresh or chilled	from 1.1 to 31.12	Morocco	3 360
18.0075	0711 10 00 0711 40 00 ex 0711 90		Onions, cucumbers and gherkins, other vegetables and mixtures of vegetables, provisionally preserved, but unsuitable in that state for immediate consumption, excluding fruits of the genus <i>Capsicum</i> or the genus <i>Pimenta</i>	from 1.1 to 31.12	Morocco	560
18.0085	ex 0712		Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding onions and olives	from 1.1 to 31.12	Morocco	560
18.0100	0713 10 10		Peas ( <i>Pisum sativum</i> ), for sowing	for 1.1 to 31.12	Morocco	500
18.0115	0804 20		Figs, fresh or dried	for 1.1 to 31.12	Morocco	336
18.0127	ex 0805 10 80  ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90  ex 0805 30 10 ex 0805 30 90	*90  *99 *99 *99 *99 *91, *99  *99 *91, *99	Oranges, other than fresh  Mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids, other than fresh  Lemons and limes, other than fresh	from 1.1 to 31.12	Morocco	1 120
18.0147	0809 10 00  0809 20  0809 30		Fresh apricots  Fresh cherries  Peaches, including nectarines, fresh	from 1.1 to 31.12	Morocco	560

Order No	CN code	TARIC subdivision	Description of goods	Period per year	Origin	Reference quantity per indicated period (in tonnes)
18.0150	ex 0810 50 00		Fresh kiwi-fruit	from 1.1 to 30.4	Morocco	240
18.0200	2008 50 61 2008 50 69		Apricots, otherwise prepared or preserved, not containing added spirit, containing added sugar and in immediate packings of a net content exceeding 1 kg	from 1.1 al 31.12	Morocco	7 560
18.0230	ex 2008 50 99 ex 2008 70 99	*10 *10	Apricot halves and peach halves (including nectarines), otherwise prepared or preserved, not containing added spirit nor sugar, in immediate packings of a net content of less than 4,5 kg	from 1.1 to 31.12	Morocco	7 200
18.0245	2009 20 99		Grapefruit juice	from 1.1 to 31.12	Morocco	960

**COMMISSION REGULATION (EC) No 564/2000**  
**of 15 March 2000**  
**allocating quotas for tomatoes for processing among the Member States for the 2000/2001**  
**marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, as last amended by Regulation (EC) No 2701/1999 <sup>(2)</sup>, and in particular Article 6(5) thereof,

Whereas:

(1) Article 6(3) of Regulation (EC) No 2201/96 provides that the quotas for the groups of products for the 2000/2001 marketing year are to be apportioned among the Member States on the basis of average production for which at least the minimum price was paid during the 1997/98 to 1999/2000 marketing years. Article 6(3) of that Regulation provides that from the 1999/2000 marketing year onward, no apportionment may vary, by Member State and by product group, by more than 10 % from one marketing year to the next. The second indent of paragraph 3a of that Article provides that, for the 2000/2001 marketing year, an additional quantity of fresh tomatoes for the production of concentrate is to be allocated to Portugal. That quantity is to be equal to the difference between the quantity calculated in accordance with paragraph 3 and that calculated by replacing the quantity of fresh tomatoes used in Portugal for the production of concentrate in the 1997/1998 marketing year by 884 592 tonnes.

(2) Article 17(2) of Commission Regulation (EC) No 504/97 of 19 March 1997 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the system of production aid for products processed from fruit and vegetables <sup>(3)</sup>, as last amended by Regulation (EC) No 1607/1999 <sup>(4)</sup>, provides that the Member States concerned are to notify the Commission each marketing year of their production for which at least the minimum price has been paid. The quotas for each group of products can accordingly be allocated among the Member States on the basis of those notifications.

(3) 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*

Pursuant to Article 6(3) of Regulation (EC) No 2201/96, the quotas for the 2000/2001 marketing year shall be apportioned as set out in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 15 March 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29.  
<sup>(2)</sup> OJ L 327, 21.12.1999, p. 5.

<sup>(3)</sup> OJ L 78, 20.3.1997, p. 14.  
<sup>(4)</sup> OJ L 190, 23.7.1999, p. 11.



## ANNEX

**Quota allocation of fresh tomatoes for processing by Member State and product group for the 2000/2001 marketing year**

(tonnes)

Member State	Tomato concentrate	Preserved whole peeled tomatoes	Other products	Total
France	225 740	29 252	44 392	299 384
Greece	1 033 367	14 660	30 142	1 078 169
Italy	1 802 146	1 130 324	677 074	3 609 544
Spain	731 355	138 313	142 397	1 012 065
Portugal <sup>(1)</sup>	822 206 <sup>(1)</sup>	8 570	35 885	866 661 <sup>(1)</sup>
Total	4 614 814 <sup>(1)</sup>	1 321 119	929 890	6 865 823 <sup>(1)</sup>

<sup>(1)</sup> Including the additional quantity of 29 561 tonnes referred to in Article 6(3a) of Regulation (EC) No 2201/96.

**COMMISSION REGULATION (EC) No 565/2000**  
**of 15 March 2000**  
**fixing the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 16 March 2000.

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

Done at Brussels, 15 March 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(3)</sup> OJ L 189, 30.7.1996, p. 71.

<sup>(4)</sup> OJ L 351, 29.12.1998, p. 25.

## ANNEX I

## Import duties on rice and broken rice

(EUR/t)

CN code	Duties (€)				
	Third countries (except ACP and Bangladesh) (1)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (5)	Egypt (6)
1006 10 21	(7)	76,44	111,06		173,10
1006 10 23	(7)	76,44	111,06		173,10
1006 10 25	(7)	76,44	111,06		173,10
1006 10 27	(7)	76,44	111,06		173,10
1006 10 92	(7)	76,44	111,06		173,10
1006 10 94	(7)	76,44	111,06		173,10
1006 10 96	(7)	76,44	111,06		173,10
1006 10 98	(7)	76,44	111,06		173,10
1006 20 11	139,90	44,63	65,61		104,93
1006 20 13	139,90	44,63	65,61		104,93
1006 20 15	139,90	44,63	65,61		104,93
1006 20 17	202,91	66,68	97,11	0,00	152,18
1006 20 92	139,90	44,63	65,61		104,93
1006 20 94	139,90	44,63	65,61		104,93
1006 20 96	139,90	44,63	65,61		104,93
1006 20 98	202,91	66,68	97,11	0,00	152,18
1006 30 21	(7)	146,86	212,59		341,25
1006 30 23	(7)	146,86	212,59		341,25
1006 30 25	(7)	146,86	212,59		341,25
1006 30 27	(7)	146,86	212,59		341,25
1006 30 42	(7)	146,86	212,59		341,25
1006 30 44	(7)	146,86	212,59		341,25
1006 30 46	(7)	146,86	212,59		341,25
1006 30 48	(7)	146,86	212,59		341,25
1006 30 61	(7)	146,86	212,59		341,25
1006 30 63	(7)	146,86	212,59		341,25
1006 30 65	(7)	146,86	212,59		341,25
1006 30 67	(7)	146,86	212,59		341,25
1006 30 92	(7)	146,86	212,59		341,25
1006 30 94	(7)	146,86	212,59		341,25
1006 30 96	(7)	146,86	212,59		341,25
1006 30 98	(7)	146,86	212,59		341,25
1006 40 00	(7)	45,38	(7)		105,00

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

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

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

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

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

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

(7) Duties fixed in the Common Customs Tariff.

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

## ANNEX II

## Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	( <sup>1</sup> )	202,91	455,00	139,90	455,00	( <sup>1</sup> )
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	334,12	314,19	421,00	329,11	—
(b) fob price (EUR/tonne)	—	—	—	389,81	297,92	—
(c) Sea freight (EUR/tonne)	—	—	—	31,19	31,19	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 566/2000**  
**of 15 March 2000**  
**fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2519/98 <sup>(4)</sup>, and in particular Article 2 (1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 16 March 2000.

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

Done at Brussels, 15 March 2000.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 315, 25.11.1998, p. 7.

## ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports <sup>(2)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	17,09	7,09
	medium quality <sup>(1)</sup>	27,09	17,09
1001 90 91	Common wheat seed	35,92	25,92
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	35,92	25,92
	medium quality	71,58	61,58
	low quality	84,51	74,51
1002 00 00	Rye	75,25	65,25
1003 00 10	Barley, seed	75,25	65,25
1003 00 90	Barley, other <sup>(3)</sup>	75,25	65,25
1005 10 90	Maize seed other than hybrid	83,42	73,42
1005 90 00	Maize other than seed <sup>(3)</sup>	83,42	73,42
1007 00 90	Grain sorghum other than hybrids for sowing	75,25	65,25

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

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

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

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

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

## ANNEX II

**Factors for calculating duties**

(period from 1 March 2000 to 14 March 2000)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	119,39	107,47	96,94	90,86	168,72 (**)	158,72 (**)	110,57 (**)
Gulf premium (EUR/t)	30,50	6,77	4,37	11,53	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—	—

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

(\*\*) Fob Gulf.

## 2. Freight/cost: Gulf of Mexico — Rotterdam: 16,68 EUR/t; Great Lakes — Rotterdam: 29,31 EUR/t.

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

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 3 March 2000

**prolonging the validity of Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates**

(notified under document number C(2000) 527)

(Text with EEA relevance)

(2000/217/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/59/EEC of 29 June 1992 on general product safety <sup>(1)</sup>, and in particular Article 9 thereof,

Whereas:

(1) The Commission adopted, on 7 December 1999, Decision 1999/815/EC <sup>(2)</sup>, based on Article 9 of Directive 92/59/EEC requiring the Member States to prohibit the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age, made of soft PVC containing one or more of the substances di-iso-nonyl phthalate (DINP), di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), di-iso-decyl phthalate (DIDP), di-n-octyl phthalate (DNOP), and butylbenzyl phthalate (BBP).

(2) The validity of Decision 1999/815/EC was limited to three months, in accordance to the provision of Article 11(2) of Directive 92/59/EEC; therefore, the validity of the Decision was to expire on 8 March 2000.

(3) Article 11(2) of Directive 92/59/EEC states that the validity of the measures adopted on the basis of Article 9 of the said Directive is limited to three months, but may be prolonged under the same procedure foreseen for the adoption of these measures.

(4) When adopting Decision 1999/815/EC it was foreseen to prolong its validity if necessary. The reasons which motivated the Decision considered are still valid and it is therefore necessary to maintain the prohibition of placing on the market of the products considered.

(5) Certain Member States have implemented Decision 1999/815/EC by measures applicable until 8 March 2000 and it is necessary to ensure that the validity of these measures is prolonged.

(6) It is therefore necessary to prolong the validity of Decision 1999/815/EC in order to ensure that all the Member States maintain the prohibition provided for by that Decision; according to Article 11(2) of Directive 92/59/EEC the validity may be prolonged for a period of three months.

(7) The measures provided for in this Decision are in accordance with the opinion of the Emergencies Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 5 of Decision 1999/815/EC the words '8 March 2000' are replaced by the words 'three months after the date of notification'.

<sup>(1)</sup> OJ L 228, 11.8.1992, p. 24.

<sup>(2)</sup> OJ L 315, 9.12.1999, p. 46.



*Article 2*

Member States shall take the measures necessary to comply with this Decision within less than 10 days of its notification. They shall forthwith inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 3 March 2000.

*For the Commission*

David BYRNE

*Member of the Commission*

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**DECISION No 1/2000 OF THE EC-SAN MARINO COOPERATION COMMITTEE  
of 7 March 2000**

**amending Decision No 1/93 adopting the procedures for making available to the San Marino Exchequer the import duties collected by the Community on behalf of the Republic of San Marino, and the Annex to Decision No 2/96 applying Article 1(a) and (b) of Decision No 1/93**

(2000/218/EC)

THE EC-SAN MARINO COOPERATION COMMITTEE,

Having regard to the Interim Agreement on trade and customs union between the European Economic Community and the Republic of San Marino <sup>(1)</sup>, and in particular Article 7(3) thereof,

Whereas:

- (1) Decision No 1/93 <sup>(2)</sup> and Decision No 2/96 <sup>(3)</sup> established the procedure to be followed for the establishment, control and making available to the San Marino authorities of the import duties collected on goods bound for the said Republic. Those procedures were based on a distinction between the duties being entered in the accounts and their being established as own resources on behalf of San Marino or, where appropriate, the Community, the latter occurring only where the supporting documents are returned to the customs offices where they were issued.
- (2) Council Regulation (EC, Euratom) No 1355/96 of 8 July 1996 amending Regulation (EEC, Euratom) No 1552/89 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources <sup>(4)</sup> introduced, in Article 2(1) of Regulation (EEC, Euratom) No 1552/89, a new definition of the establishment of import duties which makes a link between those duties being entered in the accounts and their being established.
- (3) The procedure currently in place for making available to the San Marino Exchequer the import duties collected by the Community on behalf of the Republic of San Marino therefore needs to be adapted; to this end Decision No 1/93 and the Annex to Decision No 2/96 should be amended so that, subject to any corrections which may later prove necessary, import duties arising from the release for free circulation of third-country goods will be established from the moment they are entered in the accounts following acceptance of the T2 SM or T2L SM document,

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision No 1/93 of the EC-San Marino Cooperation Committee is hereby amended as follows:

1. Article 1(b) shall be replaced by the following:

'(b) the import duties covered by the T2 SM or T2L SM document shall be established by the customs offices referred to in the Annex to the Agreement from the moment they are recorded and entered in the accounts referred to in point (a).

Where copy No 5 of the T2 SM document or the copy of the T2L SM document, duly stamped by the customs authorities of the Republic of San Marino and proving that the goods have arrived in San Marino, is not presented within three months to the customs office to issue, a correction shall be made to the initial entry in the accounts.

In that case, the import duties shall be established as Community own resources and entered in the accounts referred to in Article 6(2)(a) of Regulation (EEC, Euratom) No 1552/89 or, where appropriate, in the separate accounts referred to in Article 6(2)(b) of that Regulation.

The procedure referred to above shall apply *mutatis mutandis* for compensating products or for goods in their unaltered state sold within the territory of San Marino under inward processing arrangements or for goods under temporary importation arrangements for which a customs debt has arisen.'

2. Article 1a shall be repealed.

*Article 2*

The Annex to Decision No 2/96 of the EC-San Marino Cooperation Committee shall be replaced by the Annex to this Decision.

*Article 3*

This Decision shall enter into force on the first day of the month following that of its adoption.

Done at Brussels, 7 March 2000.

*For the EC-San Marino Cooperation  
Committee*

Eva GERNER

*The President*

<sup>(1)</sup> OJ L 359, 9.12.1992, p. 14.

<sup>(2)</sup> OJ L 208, 19.8.1993, p. 38. Decision as amended by Decision No 1/96 (OJ L 184, 24.7.1996, p. 35).

<sup>(3)</sup> OJ L 184, 24.7.1996, p. 37.

<sup>(4)</sup> OJ L 175, 13.7.1996, p. 3.

## ANNEX

## ANNEX

**Administrative procedure applicable when Article 1(a) and (b) of Decision No 1/93 of the Cooperation Committee is implemented****1. The completion of formalities at authorised customs offices to release goods for free circulation**

When goods bound for San Marino are released for free circulation, a T2 SM or T2L SM document shall be issued as appropriate (\*). The import duties shall be entered in the accounts within the time limits laid down by the relevant Community legislation.

For control purposes, duties entered in the accounts shall also be recorded in a register, specifically kept for this purpose by the customs office concerned, containing details of all imports bound for San Marino, including reference to the goods imported, the date of acceptance of the import declaration, the items of charge, the amount of duty involved and the document issued (T2 SM or T2L SM).

The customs office shall indicate on document T2 SM or T2L SM the deadline of three months from the date of issue of the said document for the return of copy No 5 of document T2 SM or the copy of document T2L SM, duly stamped by the San Marino authorities, to the customs office of issue.

**2. The completion of accounting formalities at authorised customs offices**

The import duties shall be entered in the "San Marino" accounts (procedure analogous to that detailed in Article 6(2)(a) of Regulation (EEC, Euratom) No 1552/89 (\*\*)) in accordance with the provisions of that Article.

However, the Italian authorities may decide not to make an entry in the "San Marino" accounts if the established duties for which security has been provided have been challenged and might upon settlement of the disputes which have arisen be subject to change. In this case, pending the outcome of the ensuing national administrative and/or legal procedures by the competent authorities, the amount of import duties shall be recorded in separate "San Marino" accounts (accounts procedure analogous to that detailed in Article 6(2)(b) of the Said Regulation).

For the purposes of this paragraph, the following shall be considered to be "competent authorities":

- for any question relating to implementation of the laws, regulations or administrative provisions applicable to customs matters, the administrative or judicial authorities of the Member State which carried out the customs clearance or, where appropriate, those of the European Communities (the Commission and the Court of Justice in particular),
- for any question relating to procedural provisions (notifications deadlines, etc.), the administrative or judicial authorities of the Member State which carried out the customs clearance,
- for any question relating to implementation of an implementing measure concerning the forced recovery of debts on the territory of San Marino, the judicial authorities of that Republic.

**3. Return of supporting documents**

The transit operation may be discharged when the supporting documents, duly stamped by the San Marino authorities, are returned within the three month time limit referred to in the third subparagraph of paragraph 1 to the customs office of issue.

Where copy No 5 of document T2 SM or the copy of document T2L SM is not returned to the office of issue within the designated time limit, an entry shall be made in the register referred to above and a correction made to the initial entry in the accounts. In this case, the import duties shall be established as Community own resources and entered in the accounts detailed in Article 6(2)(a) of Regulation (EEC, Euratom) No 1552/89 or, where appropriate, in the separate accounts referred to in Article 6(2)(b) of that Regulation.

This entry shall be without prejudice to any corrections which might prove necessary in the light of investigation conducted in the context of the Community transit arrangements or as a result of action undertaken in the context of mutual assistance as laid down in Decision No 3/92 of the EC-San Marino Cooperation Committee (\*\*).

(\*) Article 2(1) of Decision No 4/92 of the EC-San Marino Cooperation Committee (OJ L 42, 19.2.1993, p. 34).

(\*\*) OJ L 155, 7.6.1989, p. 1.

(\*\*\*) OJ L 42, 19.2.1993, p. 29.

**4. Application of the specific procedure in the context of inward processing and temporary importation arrangements**

The procedure referred to above shall apply *mutatis mutandis* for compensating products or for goods in their unaltered state sold within the territory of San Marino under inward processing arrangements or for goods under temporary importation arrangements for which a customs debt has arisen.'

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## EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY

## RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 154/1999/COL

of 2 July 1999

**concerning a coordinated programme for the official control of foodstuffs for 1999**

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the EEA Agreement, and in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Surveillance and Court Agreement, and in particular Article 5(2)(b) and Protocol 1 thereof,

HAVING REGARD to the Act referred to in point 50 of Chapter XII of Annex II to the EEA Agreement on the official control of foodstuffs (Council Directive 89/397/EEC), and in particular Article 14(3) thereof,

AFTER CONSULTING the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority,

Whereas it is necessary with a view to the sound operation of the European Economic Area, to arrange for coordinated food inspection programmes within the EEA;

Whereas such programmes place emphasis on compliance with the foodstuffs legislation in force under the EEA Agreement, the protection of public health, consumer interests and fair trade practices;

Whereas simultaneous implementation of national programmes and coordinated programmes can provide information and experience on which to base future control activities;

Whereas Liechtenstein shall comply with the provisions of the acts referred to in Chapter XII of Annex II to the EEA Agreement by 1 January 2000; whereas Liechtenstein was to do its utmost to comply with the provisions of the acts referred to in that Chapter by 1 January 1997; whereas therefore Liechtenstein is included in this Recommendation for 1999;

Whereas the European Commission, in its recommendation of 22 December 1998 concerning a coordinated programme for the official control of foodstuffs for 1999, has recommended the Member States of the European Union to apply a corresponding programme,

HAS ADOPTED THIS RECOMMENDATION:

It is recommended that during 1999 Iceland, Liechtenstein and Norway should take samples and/or carry out inspections, undertaking laboratory analyses for:

- (a) Ochratoxin A in coffee,
- (b) Additives in foodstuffs.

1. Although sampling rates have not been set, Iceland, Liechtenstein and Norway should ensure that the number of samples taken is sufficient to provide an overview of the subject under consideration in each State. Suggestions will be made for the methods of analysis.
2. Iceland, Liechtenstein and Norway should provide information as requested following the format of the record sheets provided in the Annex to help enhance the comparability of results.

### 3. Ochratoxin A in coffee

The aim of this element of the programme is to survey the enforcement actions taken by Iceland, Liechtenstein and Norway when unacceptable amounts of a toxic substance are found for which no specific maximum limit exists. However, according to EEA and national food legislation, food intended for human consumption must be safe and, notably, Article 2 of the Act referred to in point 54f of Chapter XII of Annex II to the EEA Agreement laying down Community procedures for contaminants in food (Council Regulation (EEC) No 315/93), prohibits the selling of foodstuffs with excessive amounts of contaminants from the public health viewpoint and in particular at a toxicological level.

Ochratoxin A is considered to be a potent nephrotoxic agent, a carcinogen and having genotoxic properties. No specific maximum limit for ochratoxin A in coffee has been fixed in the EEA Agreement nor, for most of the EFTA States, at national level.

Available scientific data do not clearly indicate the effects of different processes like roasting on the reduction of the ochratoxin contents. Furthermore, raw coffee is sold to a limited extent directly to the consumer. Therefore all types of coffee (raw, roasted, ground, instant, etc.) should be controlled for ochratoxin A contamination.

Sampling should be executed following the provisions laid down for the official control of aflatoxins in groundnuts and derived products by Commission Directive 98/53/EC <sup>(1)</sup>.

### 4. Additives in foodstuffs

Several Directives regulate the use of additives in foodstuffs (Directive 94/35/EC <sup>(2)</sup>, amended by Directive 96/83/EC <sup>(3)</sup>, dealing with the use of sweeteners; 94/36/EC <sup>(4)</sup>, dealing with the use of colours; 95/2/EC <sup>(5)</sup>, amended by Directive 96/85/EC <sup>(6)</sup>, dealing with the use of additives other than colours and sweeteners).

The aim of this element of the programme is to measure how corresponding national legislation to the aforementioned Directives is applied in Iceland, Liechtenstein and Norway; furthermore to survey the enforcement actions taken by these States in case of non-compliance with the legislation.

The control should include inspections in food-processing establishments (checking the recipes) and analyses of samples taken from the market or in food-processing establishments.

The results of the inspections and of the analyses should be recorded accordingly in the sheets provided in the Annex. These record sheets follow the format of the statistical return forms for the annual inspection programmes of Iceland, Liechtenstein and Norway.

The inquiry should focus on a limited number of additives because of practical reasons. As the selection criterion, Iceland, Liechtenstein and Norway should select additives for which exposure assessments, undertaken in Iceland, Liechtenstein and Norway as part of the scientific cooperation, underscore that there are risks of the acceptable daily intake being exceeded.

The presented lists should be used as a guideline to select the priority for the present study. Nevertheless other additives may be of particular relevance for Iceland, Liechtenstein and Norway and could be added to the report.

<sup>(1)</sup> OJ L 201, 17.7.1998, p. 93.

<sup>(2)</sup> OJ L 237, 10.9.1994, p. 3.

<sup>(3)</sup> OJ L 48, 19.2.1997, p. 16.

<sup>(4)</sup> OJ L 237, 10.9.1994, p. 13.

<sup>(5)</sup> OJ L 61, 18.3.1995, p. 1.

<sup>(6)</sup> OJ L 86, 28.3.1997, p. 4.

As the selection criterion for the categories of products within which these additives are to be sought, the categories presented in the Annex should be selected as they are the main contributors for the intake of the additives under consideration. However, other products are not excluded.

Done at Brussels, 2 July 1999.

*For the EFTA Surveillance Authority*

HANNES HAFSTEIN

*College Member*

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1. OCHRATOXIN A IN COFFEE

Table 1.1. — Type of product: green coffee beans (raw coffee)

EFTA State: .....

Total number of samples analysed: .....

Total number of samples rejected: .....

PRODUCT IDENTIFICATION	ORIGIN/PLACE OF SAMPLING (*)	ANALYTICAL RESULTS FOR OCHRATOXIN A CONTENT			ACTIONS TAKEN (***) NUMBER									
		Not detected (**) Number of samples	< 3µg/kg Number of samples	> or = 3µg/kg Individual values detected	Average value of positive samples (µg/kg)	Median value of positive samples (µg/kg)	None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
<b>Total:</b>														

Legal basis to determine the conformity of the goods and their eventual rejection:

(\*) At point of import: I; Wholesale Trade: W; Retail Trade: R

Method of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limit of determination) (if different from the proposed method):

(\*\*) The limit of detection of the method used should be indicated:

(\*\*\*) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:



Table 1.2. — Type of product: roasted coffee (in beans or ground; normal or decaffeinated) EFTA State: .....

Total number of samples analysed: .....

Total number of samples rejected: .....

PRODUCT IDENTIFICATION	ORIGIN / PLACE OF SAMPLING (*)	ANALYTICAL RESULTS FOR OCHRATOXIN A CONTENT			ACTIONS TAKEN (***) NUMBER									
		Not detected (**) Number of samples	< 3µg/kg Number of samples	> or = 3µg/kg Individual values detected	Average value of positive samples (µg/kg)	Median value of positive samples (µg/kg)	None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
<b>Total:</b>														

Legal basis to determine the conformity of the goods and their eventual rejection:

(\*) At point of import: I; Wholesale Trade: W; Retail Trade: R

Method of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limit of determination) (if different from the proposed method):

(\*\*) The limit of detection of the method used should be indicated:

(\*\*\*) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

Table 1.3. — Type of product: instant coffee (normal or decaffeinated)

EFTA State: .....

Total number of samples analysed: .....

Total number of samples rejected: .....

PRODUCT IDENTIFICATION	ORIGIN / PLACE OF SAMPLING (*)	ANALYTICAL RESULTS FOR OCHRATOXIN A CONTENT			ACTIONS TAKEN (***) NUMBER									
		Not detected (**) Number of samples	< 3µg/kg Number of samples	> or = 3µg/kg Individual values detected	Average value of positive samples (µg/kg)	Median value of positive samples (µg/kg)	None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
<b>Total:</b>														

Legal basis to determine the conformity of the goods and their eventual rejection:

(\*) At point of import: I; Wholesale Trade: W; Retail Trade: R

Method of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limit of determination) (if different from the proposed method):

(\*\*) The limit of detection of the method used should be indicated:

(\*\*\*) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

## 2. ADDITIVES IN FOODSTUFFS

*Table 2.1. — Inspections in establishments for the use of additives*

EFTA State: .....

Total number of product inspections: .....

Total number of infringements: .....

No.	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADDITIVES SOUGHT	NUMBER OF INFRINGEMENTS	ACTIONS TAKEN (*)								
					NUMBER								
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)	
1	Dairy products — <i>Unripened cheeses</i>	E200, E202, E203											
2	Eggs and egg products												
3	Meat and meat products, game and poultry — <i>Delicatessen and meat-curing products</i> — <i>Meat products having undergone heat treatment</i>	E249, E250, E251, E252 E473, E474											
4	Fish, shellfish and molluscs — <i>Shellfish and cephalopods</i>	E200, E202, E203 E210 to E213 E220 to E228											
5	Fats and oils												

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS	ACTIONS TAKEN (*) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
6	Soups, broths and sauces — <i>Sauces and seasonings</i> — <i>Emulsified and non-emulsified sauces</i>	E100 E200, E202, E203 E210 to E213										
7	Cereals and bakery products — <i>Fine baker's wares (biscuits, pastry, Viennese breads and buns)</i>	E160b E100 E481, E482 E473, E474										
8	Fruit and vegetables — <i>Dried fruits</i>	E200, E202, E203 E220 to E228										
9	Herbs and spices											
10	Non-alcoholic beverages	E952										
11	Wine											
12	Alcoholic beverages (other than wine)											
13	Ices and desserts — <i>Desserts</i>  — <i>Desserts with a low energy value or without added sugar</i>	E160b E100 E481, E482 E473, E474 E952										

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS	ACTIONS TAKEN (*) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
14	Cocoa and cocoa preparations, coffee and tea  — <i>Powders for preparing hot beverages</i>	E473, E474 E481										
15	Confectionery  — <i>Jams, jellies and marmalades with a low energy value or without added sugar, and similar products</i>	E952 E200, E202, E203 E210 to E213										
16	Nuts and nut products, snacks											
17	Prepared dishes											
18	Foodstuffs intended for special nutritional uses  — <i>Fine baker's wares for special dietary uses</i>	E952										
19	Others											

Methods of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limits of detection and determination) (if different from the proposed methods):

(\*) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

Table 2.2. — Samples and analyses for additives

EFTA State: .....

Total number of samples taken: .....

Total number of infringements: .....

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADDITIVES SOUGHT	NUMBER OF INFRINGEMENTS (*)	ACTIONS TAKEN (**) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
1	Dairy products — <i>Unripened cheeses</i>	E200, E202, E203										
2	Eggs and egg products											
3	Meat and meat products, game and poultry — <i>Delicatessen and meat-curing products</i>	E249, E250, E251, E252										
4	Fish, shellfish and molluscs — <i>Shellfish and cephalopods</i>	E200, E202, E203 E210 to E213 E220 to E228										

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGEMENTS (* )	ACTIONS TAKEN (**) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
5	Fats and oils											
6	Soups, broths and sauces — <i>Emulsified and non-emulsi- fied sauces</i>	E200, E202, E203 E210 to E213										
7	Cereals and bakery products — <i>Fine baker's wares (biscuits, pastry, Viennese breads and buns)</i>	E160b										
8	Fruit and vegetables — <i>Dried fruits</i>	E200, E202, E203 E220 to E228										
9	Herbs and spices											
10	Non-alcoholic beverages	E952										

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS (* )	ACTIONS TAKEN (**) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
11	Wine											
12	Alcoholic beverages (other than wine)											
13	Ices and desserts  — <i>Desserts</i>  — <i>Desserts with a low energy value or without added sugar</i>	E160b  E952										
14	Cocoa and cocoa prepara- tions, coffee and tea											
15	Confectionery  — <i>Jams, jellies and marma- lades with a low energy value or without added sugar, and similar products</i>	E952 E200, E202, E203 E210 to E213										



	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS (* )	ACTIONS TAKEN (**) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
16	Nuts and nut products, snacks											
17	Prepared dishes											
18	Foodstuffs intended for special nutritional uses  — <i>Fine baker's wares for special dietary uses</i>	E952										
19	Others											

Methods of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limits of detection and determination) (if different from the proposed methods):

(\*) Values detected should be indicated.

(\*\*) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

**CORRIGENDA****Corrigendum to Council Regulation (EC) No 2785/1999 of 17 December 1999 temporarily suspending some or all of the autonomous common customs tariff duties on certain fishery products (2000)**

*(Official Journal of the European Communities L 336 of 29 December 1999)*

On page 2 in the Annex, second column, second entry in CN code & TARIC relating to sturgeons:

for: 'ex 0303 79 99 30',

read: 'ex 0303 79 99 10'.

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