

SALES AND SUBSCRIPTION PRICES

Annual subscription (including normal postage)		EU Supplement (Notices and public contracts)		Single copies (*)	
Price	L + C ¹⁾ paper version (*)	EUR-Lex CD-ROM monthly edition (cumulative)	Recruitment notices (*)	Q1 Supplement	Q2 Supplement
				CD-ROM daily edition	CD-ROM twice weekly
EUR	640,-	1 344,-	30,-	482,-	204,-
				6,50	13,-
					Price determined case by case

Special mailing charges are invoiced separately. The Official Journal of the European Communities and all other European Communities' publications on sale, whether periodical or otherwise, may be ordered at the sales offices listed below. Catalogues are sent free of charge on request.

MB: The subscription to the Official Journal of the European Communities also includes the 'Directory of Community Legislation in Force and other Acts of the Community Institutions' (two editions per year).

(*) Only joint subscriptions (including delivery) are available to the L (Legislation) and C (Information and Notices) series of the Official Journal of the European Communities.

(**) The notices of open competition are available free of charge from the European Commission's offices in the Member States. For automatic delivery of all notices of competition on a subscription basis, the indicated charge covers postal and administrative costs.

SALES AND SUBSCRIPTIONS

☐ Sales agents for paper, video and microfilm publications

● On-line agents for CD-ROMs, databases and combined products

☒ Gateway agents for databases

BELGIUM

Bureau Van Noye SA ●

Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@bvnoye.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

De Persgroep Media ●

De Persgroep Media
Leopold II-laan 11
1050 Brussels
Tel: (32) 21 50 31 11
Fax: (32) 21 50 31 11
E-mail: info@persgroep.be

Official Journal

of the European Communities

English edition
Legislation

Contents

I Acts whose publication is obligatory

.....

II Acts whose publication is not obligatory

Parliament

2001/273/EC, ECSC, Euratom:

★ **Final adoption of supplementary and amending budget No 1 of the European Union for the financial year 2000**

Price: 19,50 EUR

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.
The titles of all other acts are printed in bold type and preceded by an asterisk.

This Official Journal is also available on the EUR-Lex site (<http://europa.eu.int/eur-lex/>) for 45 days
More information is available on the European Union via the Internet <http://europa.eu.int>

All amounts in this budget document are expressed in euro unless otherwise indicated.

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 904/2000
of 2 May 2000
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 May 2000.

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

Done at Brussels, 2 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 2 May 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	115,5
	068	95,4
	204	66,7
	999	92,5
0707 00 05	052	89,4
	628	128,8
	999	109,1
0709 90 70	052	77,9
	999	77,9
0805 10 10, 0805 10 30, 0805 10 50	052	68,8
	204	33,5
	212	46,2
	220	41,5
	600	41,5
	624	46,8
	999	46,4
0808 10 20, 0808 10 50, 0808 10 90	388	86,7
	400	87,9
	404	83,4
	508	80,9
	512	87,6
	528	78,4
	720	76,1
	804	98,0
	999	84,9

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

COMMISSION REGULATION (EC) No 905/2000

of 2 May 2000

amending Regulation (EC) No 1758/98 increasing to 3 650 000 tonnes the quantity of wheat of breadmaking quality held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 39/1999 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1758/98 ⁽⁵⁾, as last amended by Regulation (EC) No 168/2000 ⁽⁶⁾, opened a standing invitation to tender for the export of 3 450 000 tonnes of wheat of breadmaking quality held by the French intervention agency. France informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of wheat of breadmaking quality held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 3 650 000 tonnes.
- (3) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in

store. Annex I to Regulation (EC) No 1758/98 must therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1758/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 3 650 000 tonnes of wheat of breadmaking quality to be exported to all third countries.
2. The regions in which the 3 650 000 tonnes of wheat of breadmaking quality are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 2 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 221, 8.8.1998, p. 3.

⁽⁶⁾ OJ L 21, 26.1.2000, p. 8.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Amiens	283 000
Bordeaux	17 000
Châlons	290 000
Clermont-Ferrand	10 000
Dijon	129 000
Lille	675 000
Lyon	40 000
Nancy	36 000
Nantes	30 000
Orléans	950 000
Paris	284 000
Poitiers	313 000
Rennes	49 000
Rouen	544 000

COMMISSION REGULATION (EC) No 906/2000**of 2 May 2000****determining to what extent applications lodged in April 2000 for the right to import bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1081/1999 of 26 May 1999 opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98 ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 9(1) of Regulation (EC) No 1081/1999 provides for a further allocation of quantities not covered by import licence applications at 15 March 2000.
- (2) Article 1 of Commission Regulation (EC) No 688/2000 of 31 March 2000 providing for a further allocation of import rights under Regulation (EC) No 1081/1999 for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds ⁽²⁾ lays down the quantities of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds that

may be imported under special conditions until 30 June 2000.

- (3) The quantities for which import rights have been requested exceed the quantities available. A uniform percentage reduction in the quantities applied for should therefore be set in accordance with Articles 9(8) and 5(2) of Regulation (EC) No 1081/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for the right to import, lodged in accordance with Article 9 of Regulation (EC) No 1081/1999, shall be granted as follows:

- 1,236 % of the quantity requested for serial number 09.0001,
- 1,677 % of the quantity requested for serial number 09.0003.

Article 2

This Regulation shall enter into force on 3 May 2000.

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

Done at Brussels, 2 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 131, 27.5.1999, p. 15.

⁽²⁾ OJ L 81, 1.4.2000, p. 37.

COMMISSION REGULATION (EC) No 907/2000**of 2 May 2000****laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards aid for private storage in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾, and in particular Article 26(5), Article 41 and Article 48(2) thereof,

Whereas:

- (1) Regulation (EC) No 1254/1999 provides for market support in the form of private storage aid for beef and veal. However, from 1 July 2002, such aid will only be available where the average Community price for carcasses of male bovine animals falls below 103 % of the basic price. In order to take account of the new arrangements and in the interests of clarity, it is necessary to recast Commission Regulation (EEC) No 3445/90 of 27 November 1990 laying down detailed rules for granting private storage aid for beef and veal ⁽²⁾, as last amended by Regulation (EC) No 3533/93 ⁽³⁾.
- (2) If it is to achieve its purpose, private storage aid should be granted only to natural or legal persons established in the Community whose activities and experience in the sector offer sufficient certainty that storage will be effected in a satisfactory manner and who have adequate cold storage capacity within the Community.
- (3) For the same reasons, aid should be granted only for the storage of products of sound and fair merchantable quality having obtained the health mark referred to in Chapter XI of Annex I to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽⁴⁾, as last amended by Directive 95/23/EC ⁽⁵⁾. The products should be of Community origin and be derived from animals raised in conformity with the prevailing veterinary requirements. Furthermore, the meat should comply with the maximum radioactivity levels permitted under Community law.
- (4) The market situation and its future development could make it opportune to invite the contracting party to designate his stocks for export from the moment at which they are placed in storage: it is appropriate, if he

does so, to determine the conditions under which the meat which is the subject of a storage contract could be simultaneously placed under the arrangements contained in Article 5 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁶⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁷⁾, in order to qualify for the advance payment of export refunds.

- (5) To make the scheme more effective, contracts should relate to a certain minimum quantity, differentiated by product as appropriate, and the obligations to be fulfilled by the contracting party should be specified, in particular those enabling the intervention agency to make an effective inspection of storage condition.
- (6) The amount of the security designed to ensure compliance with the contractual obligations should be fixed as a percentage of the aid.
- (7) Pursuant to Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁸⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁹⁾, the primary requirements to be met for the release of the security should be defined. Storing the contracted quantity for the agreed period constitutes one of the primary requirements for the granting of private storage aid for beef and veal. To take account of commercial practice and for practical reasons, a certain margin of tolerance in respect of the aid quantity should be permitted.
- (8) A measure of proportionality should apply in the release of the security and the granting of aid where certain requirements relating to the quantities to be stored are not met.
- (9) In order to improve the efficiency of the scheme, the contracting party should be permitted to receive an advance payment of aid subject to a security, and rules should be laid down regarding the submission of applications for aid, the supporting documents to be produced, and the time limit for payment.
- (10) Rules should be laid down for determining the exchange rates to be applied on amounts of aid and on securities.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 333, 30.11.1990, p. 30.

⁽³⁾ OJ L 321, 23.12.1993, p. 9.

⁽⁴⁾ OJ L 121, 29.7.1964, p. 2012/64.

⁽⁵⁾ OJ L 243, 11.10.1995, p. 7.

⁽⁶⁾ OJ L 62, 7.3.1980, p. 5.

⁽⁷⁾ OJ L 199, 22.7.1983, p. 12.

⁽⁸⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁹⁾ OJ L 240, 10.9.1999, p. 11.

- (11) Previous experience with other schemes for the private storage of agricultural products has shown the need to specify to what extent Council Regulation (EEC, Euratom) No 1182/71 ⁽¹⁾ applies to the determination of periods, dates and time limits referred to under such schemes and to define precisely the dates when contractual storage begins and ends.
- (12) Provision should be made for a measure of proportionality in the granting of aid where the storage period is not fully observed. Provisions should also be made for the storage period to be shortened where meat removed from storage is intended for export. Proof that the meat has been exported should be supplied, as in the case of refunds, in accordance with Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽²⁾.
- (13) The amount of aid for private storage may be fixed in advance. Appropriate measures should be laid down in order to avoid excessive or speculative use of such a scheme. Such measures may provide for a reflection period in order to allow the market situation to be assessed before decisions on applications are notified. Furthermore, where appropriate, provisions should be made for special measures applying in particular to pending applications.
- (14) The amount of aid for private storage may also be fixed through a tendering procedure. Following submission of tenders, a maximum amount of aid may be fixed. No action shall be taken where no tender is acceptable.
- (15) Provision should be made for a system of checks to ensure that aid is not granted unduly. For this purpose the Member States should make checks appropriate to the various stages of storage.
- (16) Steps should be taken to prevent and, where necessary, penalise irregularities and fraud. For this purpose it is appropriate, in the event of false declaration, to exclude the contracting party from the granting of aids for private storage for the calendar year following that in which a false declaration was detected. Furthermore, for minor irregularities Member States should impose appropriate penalties.
- (17) To give the Commission an overall view of the effect of the private storage aid scheme, Member States should supply it with the requisite information.
- (18) 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:

CHAPTER I

GENERAL PROVISIONS

Article 1

This Regulation lays down general rules for the grant of private storage aid, as provided for in Articles 26 and 48 of Regulation (EC) No 1254/1999.

Article 2

1. From 1 July 2002, the granting of aid for private storage may be decided when the average Community market price for carcasses of adult male bovine animals expressed as grade R3, calculated in accordance with Annex I, is recorded at EUR 2 291 per tonne, or lower.

2. The granting of aid for private storage may be applied throughout a Member State or throughout the whole Community.

3. The amount of aid for private storage may be fixed in advance or fixed by tender.

Article 3

1. Contracts for aid for private storage of beef shall be concluded between the intervention agencies of the Member States and natural or legal persons, hereinafter referred to as 'the contracting party', satisfying the following conditions:

- (a) they shall have been active in the meat and livestock sector during the 12 months preceding the contract application or the expiry of the tender deadline;
- (b) they shall be registered in a national VAT register;
- (c) they shall have suitable storage facilities at their disposal within the Community.

2. Private storage aid may only be granted for meat fulfilling the following criteria:

- (a) it shall be classified in accordance with the Community scale for the classification of carcasses laid down in Council Regulation (EEC) No 1208/81 ⁽³⁾, as amended by Regulation (EEC) No 1026/91 ⁽⁴⁾, and identified in accordance with Article 4(3)(c) of Commission Regulation (EC) No 562/2000 ⁽⁵⁾;
- (b) it shall have obtained the health mark referred to in Chapter XI of Annex I to Directive 64/433/EEC;

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

⁽²⁾ OJ L 102, 17.4.1999, p. 11.

⁽³⁾ OJ L 123, 7.5.1981, p. 3.

⁽⁴⁾ OJ L 106, 26.4.1991, p. 2.

⁽⁵⁾ OJ L 68, 16.3.2000, p. 22.

- (c) it shall have no characteristics rendering it unfit for storage or subsequent use;
 - (d) it shall not come from animals slaughtered as a result of emergency measures;
 - (e) it shall originate in the Community in accordance with Article 39 of Commission Regulation (EEC) No 2454/93 ⁽¹⁾, as last amended by Regulation (EC) No 1662/1999 ⁽²⁾;
 - (f) it shall not exceed the maximum radioactivity levels permitted under Community regulations, the level of radioactive contamination of the product being monitored only if the situation so requires and solely for the period necessary and the duration and scope of any controls necessary being determined in accordance with the procedure laid down in Article 43 of Regulation (EC) No 1254/1999;
 - (g) it shall be derived from animals slaughtered not more than 10 days before the date on which the products are placed in storage as referred to in Article 5(3);
 - (h) it shall be placed in storage in the fresh state and stored in the frozen state;
 - (i) it shall be derived from animals raised in accordance with the prevailing veterinary requirements.
- (d) the duration of storage;
 - (e) the amount of aid per tonne;
 - (f) the amount of security lodged;
 - (g) a provision enabling the storage period to be shortened or extended under conditions laid down in Community regulations.
6. A contract shall impose at least the following obligations on the contracting party:
- (a) to place the agreed quantity of product in storage within the time limits laid down in Article 5 and to store it at his own risk and expense in conditions ensuring the maintenance of the characteristics of the products referred to in Article 3(2) for the contractual period, without altering the stored products, or substituting them or transferring them to another warehouse; however, in exceptional cases and on duly motivated request, the intervention agency may authorise a relocation of the stored products;
 - (b) to advise the intervention agency with which he has concluded the contract, in due time before the entry into storage of each individual lot, within the meaning of the second subparagraph of Article 5(1), of the date and place of storage as well as the nature and quantity of the product to be stored; the intervention agency may require that this information is given at least two working days before the placing in storage of each individual lot;
 - (c) to send the documents relating to the operations for placing in storage to the intervention agency not later than one month after the date referred to in Article 5(4);
 - (d) to store the products in accordance with the requirements for identification set out in Article 26;
 - (e) to permit the intervention agency to check at any time that all the obligations laid down in the contract are being observed.

Article 4

1. A contract shall relate to at least a minimum quantity, to be determined for each product.
2. A contract application or tender shall be lodged with the intervention agency in the Member State where the meat is to be stored.
3. A contract application or tender, and a subsequent contract, shall relate to only one of the products for which aid may be granted.
4. A contract application or tender shall not be acceptable unless it includes the particulars referred to in points (a), (b), (d) and (e) of paragraph 5, and proof has been furnished that the relevant amount of security has been lodged.

5. A contract shall include the following particulars:

- (a) a declaration by which the contracting party undertakes to place in storage and to store only products which fulfil the conditions laid down in Article 3(2);
- (b) the quantity and the description of the product to be stored;
- (c) the time limit for placing in storage as referred to in Article 5(1), of the total quantity referred to in the contract;

Article 5

1. Placing in final storage shall be completed not later than 28 days after the date of conclusion of the contract.

The products may be placed in storage in individual lots, each lot representing the quantity placed in storage on a given day by contract and by warehouse.

2. Contractors may, during the storage entry period, cut or bone all or part of the meat concerned, provided that only the quantity for which the contract has been concluded is employed and that all the cuts resulting from such operations are placed in storage. The intervention agency may require that notification of intention to make use of this facility be given at least two working days before the placing in storage of each individual lot.

Large tendons, cartilage, pieces of fat and other scraps left over from cutting or boning may not be stored.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ OJ L 197, 29.7.1999, p. 25.

3. Placing in storage shall begin, for each individual lot of the contractual quantity, on the day on which it comes under the control of the intervention agency.

That day shall be the day on which the net weight of the fresh or chilled product is determined:

- (a) at the place of storage, where the meat is frozen on the premises;
- (b) at the place of freezing, where the meat is frozen in suitable facilities outside the place of storage;
- (c) at the place of deboning or cutting, where the meat is placed in storage after deboning or cutting.

4. Placing in storage shall end on the day on which the last individual lot of the contractual quantity is placed in storage.

That day shall be the day on which all the products under contract have entered the place of final storage, whether fresh or frozen.

Article 6

1. When the products placed in storage are subject to the arrangements laid down in Article 5(1) of Regulation (EEC) No 565/80, the provisions of paragraphs 2 and 3 of this Article shall apply.

2. The time limit provided for in Article 29(5) of Regulation (EC) No 800/1999 shall be increased to cover the duration of the maximum contractual storage period, plus one month.

3. Member States may require that the placing in storage and the placing under the arrangements laid down in Article 5(1) of Regulation (EEC) No 565/80 shall commence simultaneously. In this event, when a contract for private storage is concluded for a quantity consisting of several lots which are placed in storage on different dates, each of the said lots may be the subject of a separate payment declaration.

The payment declaration as referred to in Article 26 of Regulation (EC) No 800/1999 shall be submitted for each lot on the day of its entry in storage.

Article 7

1. The amount of the security referred to in Article 4(4) shall be 20 % of the amount of aid applied for.

2. The primary requirements within the meaning of Article 20(2) of Regulation (EEC) No 2220/85 shall be:

- (a) not to withdraw a contract application or a tender;
- (b) to place and to keep in storage at least 90 % of the contractual quantity for the contractual storage period, at the contracting party's own risk and under the conditions provided for in Article 4(6)(a); and

(c) where Article 17 applies, to export the meat in accordance with one of the three options listed therein.

3. Subject to Article 17 of this Regulation, the provisions in Article 27(1) of Regulation (EEC) No 2220/85 regarding the partial release of a security shall not apply.

4. Securities shall be released immediately where contract applications or tenders are not accepted.

5. Where the time limit for placing in storage, as set out in Article 5(1), is exceeded, the security shall be forfeit in accordance with Article 23 of Regulation (EEC) No 2220/85.

If the time limit referred to in Article 5(1) is exceeded by more than 10 days, no aid shall be granted.

Article 8

1. The amount of aid shall be fixed per tonne and shall relate to the weight determined in accordance with Article 5(3).

2. Subject to paragraph 3 of this Article and to Article 17, contracting parties shall be entitled to aid if the primary requirements referred to in Article 7(2) are met.

3. Aid shall be paid solely in respect of the contractual quantity.

Article 9

If the quantity actually stored during the contractual storage period is less than the contractual quantity and not less than 90 % of that quantity, the aid shall be paid for the quantity actually stored.

If it is less than 90 % but not less than 80 % of the contracted quantity, the aid for the quantity actually stored shall be reduced by half.

If it is less than 80 % of the contractual quantity, no aid shall be paid.

Article 10

In the case of boning, if the quantity actually stored does not exceed 67 kilograms of boneless meat per 100 kilograms of bone-in meat employed, no aid shall be paid.

If the quantity actually stored exceeds 67 kilograms but is lower than 75 kilograms of boneless meat per 100 kilograms of bone-in meat employed, the amount of aid shall be reduced proportionately.

No reduction or increase of the amount of aid shall apply where the quantity actually stored is 75 kilograms or more of boneless beef per 100 kilograms of bone-in meat employed.

Article 11

After three months of storage, a single advance payment may be made, at the contracting party's request, provided that he lodges a security equal to the advance payment plus 20 %.

The advance payment shall not exceed the amount of aid corresponding to a storage period of three months. Where products are exported in accordance with Article 17 prior to the advance payment, the actual storage period for those products shall be taken into account when calculating the amount of advance payment.

Article 12

1. The application for payment of the aid and the supporting documents shall be lodged with the competent authority within six months following the end of the maximum contractual storage period.

Where the supporting documents could not be produced within the stipulated time limit although the contracting party acted promptly to obtain them on time, additional time limits, which may not exceed a total of six months, may be granted for their production.

Where Article 17 is applied, the necessary proof shall be produced within the time limits specified in Article 49(2), (4) and (6) of Regulation (EC) No 800/1999.

2. Except in cases where an inquiry was opened into entitlement to the aid, the aid shall be paid by the competent authority as soon as possible and not later than three months from the day of deposit by the contracting party of an application for payment, together with the requisite supporting documents.

Article 13

1. The exchange rate to be applied to the amounts of aid shall be the exchange rate on the day referred to in Article 15.

2. The exchange rate to be applied to the amount of security shall be the exchange rate on the day preceding the lodging of the security with the intervention agency.

Article 14

Article 3(4) of Regulation (EEC, Euratom) No 1182/71 shall not apply to the determination of the storage period as referred to in Article 4(5)(d) of this Regulation or to the storage period as amended under Article 4(5)(g) or under Article 17.

Article 15

The first day of the contractual storage period shall be the day following that on which placing in storage was completed.

Article 16

Removal from storage may commence on the day following the last day of the contractual storage period.

Article 17

1. On the expiry of a storage period of two months, the contracting party may remove from storage all or part of the quantity of products under contract, subject to a minimum of five tonnes per contractor and per warehouse or, if less than this quantity is available, the total quantity under contract in a warehouse, provided that, within 60 days following their removal from storage, the products have:

- (a) left the Community's customs territory without further processing;
- (b) reached their destination without further processing, in the cases referred to in Article 36(1) of Regulation (EC) No 800/1999; or
- (c) been placed without further processing in a victualling warehouse approved pursuant to Article 40 of Regulation (EC) No 800/1999.

2. The contractual storage period shall end for each individual lot intended for export on the day preceding the day of removal from storage.

It shall end on the day of acceptance of the export declaration, where a product has not been moved.

3. The amount of aid shall be reduced in proportion to the reduction in the storage period by applying daily amounts to be fixed in accordance with the procedure referred to in Article 43 of Regulation (EC) No 1254/1999.

4. For the purposes of this Article, proof of export shall be furnished in accordance with Article 7 of Regulation (EC) No 800/1999.

Article 18

1. Where Articles 16 and 17 are applied, the contracting party shall advise the intervention agency in due time before the intended commencement of removal from storage. The intervention agency may require that this information be given at least two working days before that date.

2. Where the obligation to notify the intervention agency is not complied with, no aid shall be paid in respect of the contract concerned and the whole of the security shall be declared forfeit in respect of the contract concerned.

Where this requirement is not complied with but where sufficient evidence as to the date of removal from storage and the quantities concerned has been furnished, within 30 days following removal from the warehouse and to the satisfaction of the competent authority, the aid shall be granted and 15 % of the security shall be declared forfeit in respect of the quantity concerned.

The provisions of the second subparagraph shall apply without prejudice to Articles 8(3) and 9.

Article 19

Where the contracting party fails to observe the end of the contractual storage period or the two-month time limit referred to in Article 17(1) for the totality of the product stored, each calendar day of non-compliance shall entail a reduction of 10 % in the amount of aid for the contract in question.

Article 20

In case of *force majeure* where the performance of the contractual obligations of a contracting party are affected, the competent authority of the Member State concerned shall decide on the measures which it deems necessary having regard to the circumstances pleaded. That authority shall inform the Commission of each case of *force majeure* and the action taken in respect thereof.

CHAPTER II

SPECIAL PROVISIONS

Article 21

1. Where the aid is fixed in advance, decisions on applications to conclude contracts shall be notified by the intervention agency to each applicant by registered letter, telex or fax, or delivered against acknowledgement of receipt, on the fifth working day following the day on which the application is submitted, provided that the Commission does not adopt special measures in the intervening period.

Where an examination of the situation reveals that excessive use has been made of the scheme introduced by this Regulation, or if there is a risk of excessive use, such measures may include:

- (a) suspending the application of this Regulation for not more than five working days;
- (b) setting a single percentage by which the quantities in the applications to conclude contracts are reduced, subject to observance of the minimum quantity where appropriate;
- (c) rejecting applications made before the period of suspension whose acceptance would have been decided on during the period of suspension.

In the case provided for in point (a), applications to conclude contracts submitted during that period shall not be accepted.

2. Where the application is accepted, the contract shall be deemed to have been concluded on the day of notification of the decision referred to in paragraph 1. The intervention agency shall specify the date referred to in application of Article 5(1).

Article 22

1. Where the aid is fixed by tender, tenders shall be made in euro and submitted to the intervention agency concerned in a closed envelope, bearing the reference to the tender regulation

concerned. The closed envelope shall not be opened by the intervention agency before the expiry of the tender deadline.

2. Tendere shall be examined in private session by the appropriate agencies of the Member States; persons present at the examination shall be sworn to secrecy.

3. Eligible tenders shall be forwarded anonymously to the Commission by the Member State to arrive not later than the second working day following the final date for submission as specified in the invitation.

4. Where no tenders are submitted, Member States shall inform the Commission of this within the time limit as specified under paragraph 3.

5. On the basis of the tenders received, the Commission shall decide in accordance with the procedure laid down in Article 43 of Regulation (EC) No 1254/1999 either to fix a maximum amount of aid or to make no award.

6. Where a maximum amount of aid is fixed, tenders not exceeding that amount shall be accepted.

7. Within five working days following the day on which Member States are notified of the Commission's decision, the intervention agency concerned shall inform all tenderers of the decision taken by registered letter, by telex, by fax or against written acknowledgment.

8. Where a tender is accepted, the contract shall be deemed to have been concluded on the date of notification by the intervention agency to the tenderer as referred to in paragraph 7. The intervention agency shall specify the date in application of Article 5(1).

CHAPTER III

INSPECTION AND SANCTIONS

Article 23

Member States shall ensure that the conditions giving rise to entitlement to aid are fulfilled. For this purpose they shall designate a national authority to be responsible for checking storage operations (hereinafter referred to as 'the inspecting authority').

Article 24

The contracting party shall make available to the inspecting authority all documentation, for each contract, permitting in particular the following information on the products placed in private storage to be verified:

- (a) the ownership at the time of placing in storage;
- (b) the date of placing in storage;

- (c) the weight and the number of boxes or pieces otherwise packaged;
- (d) presence in the warehouse;
- (e) the calculated date of the end of the minimum contractual storage period and, where Articles 17 or 19 are applied, the actual date of removal.

Article 25

The contracting party or, where applicable, the operator of the warehouse, shall keep stock accounts available at the place of storage, showing the following, against each contract number:

- (a) the identification of the products placed in private storage;
- (b) the date of placing in storage and the calculated date of the end of the minimum contractual storage period, completed by the actual date of removal from storage;
- (c) the number of half-carcases, quarters, boxes or other items stored individually, a description of the products and the weight of each pallet or of the other items stored individually, recorded, where applicable, by individual lots;
- (d) the location of the products in the warehouse.

Article 26

Products stored shall be easily identifiable and shall be identified individually by contract. Each pallet and, where applicable, each packaged unit individually stored shall be marked so that the contract number, the description of the product and the weight are shown. The date of placing in storage shall be shown in each individual lot placed in storage on a given day.

When the products are placed in storage, the inspecting authority shall verify the marking referred to in the first subparagraph and may seal the area containing the products in storage.

Article 27

1. The inspecting authority shall undertake, for each contract, a check on compliance with all the obligations laid down in Article 4(6), pursuant to the provisions of paragraphs 2 to 6 of this Article.

2. The inspecting authority shall undertake either the sealing of all the products stored under a contract in accordance with the second subparagraph of Article 26, or an unannounced sample check to ensure that the products are present in the warehouse.

In the case of a sample check, the sample taken shall be representative and shall correspond to at least 10 % of the overall quantity placed in storage in each Member State under a private storage aid measure.

Such sample checks shall include, in addition to an examination of the accounts referred to in Article 25, a physical check of the weight, type of products and their identification and must relate to at least 5 % of the quantity subject of the unannounced check.

3. The inspecting authority shall undertake a compulsory check to ensure that the products are present in the warehouse during the final week of the contractual storage period.

4. Sealing or handling costs shall be borne by the contracting party.

5. Checks pursuant to paragraphs 2 and 3 shall be the subject of a report stating:

- (a) the date of the check;
- (b) its duration;
- (c) the operations conducted.

The report shall be signed by the official responsible and countersigned by the contracting party or, where applicable, by the operator of the warehouse and shall be included in the payment file.

6. In the case of significant irregularities affecting at least 5 % of the quantities of products covered by a single contract subject to the check, the verification shall be extended to a larger sample to be determined by the authority responsible for the checks.

Member States shall notify such cases to the Commission within four weeks.

Article 28

1. Where it is established and verified by the inspecting authority that the declaration as referred to in Article 4(5)(a) is a false declaration made either deliberately or through serious negligence, the contracting party in question shall be excluded from the benefits of the private storage aid scheme until the end of the calendar year following the year in which the falsification is ascertained.

2. Member States shall apply appropriate measures where the contracting party fails to meet the requirements under Articles 24, 25 and 26.

CHAPTER IV

FINAL PROVISIONS

Article 29

1. Member States shall inform the Commission of all measures adopted in pursuance of this Regulation.

2. Member States shall notify to the Commission by fax:

- (a) on Monday and Thursday of each week, the quantities of products for which applications to conclude contracts have been submitted;
- (b) before Thursday of each week, the products and quantities for which contracts have been concluded during the preceding week, giving a breakdown according to storage period and a summary of the products and quantities for which contracts have been concluded;

- (c) every month, the products and total quantities placed in storage and, in the case of deboning, the total quantity of non-deboned meat employed;
- (d) every month, of the products and total quantities actually in storage and the products and total quantities in respect of which the contractual storage period has ended;
- (e) every month, if the storage period has been shortened or extended in accordance with Article 4(5)(g) or reduced in accordance with Articles 17 or 19, the products and quantities in respect of which the storage period has been revised and the original and revised months for removal from storage.

Article 30

Regulation (EEC) No 3445/90 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 31

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

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

Done at Brussels, 2 May 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

(Article 2)

Calculation of the average Community market price for carcasses of adult male bovine animals, expressed as grade R3

- (a) The average national market price of category A, expressed as grade R3, calculated in accordance with the third indent of Article 3(a) of Regulation (EC) No 562/2000.
- (b) The average national market price of category C, expressed as grade R3, calculated in accordance with the third indent of Article 3(a) of Regulation (EC) No 562/2000.
- (c) The average national market price of category A/C = weighted average of (a) and (b) with weighting to be based on the proportion of slaughterings in each category to the total national slaughterings of category A/C.
- (d) The average Community market price of category A/C = weighted average of (c) with weighting based on the proportion of total slaughterings of category A/C in each Member State to total slaughterings of category A/C in the Community.

ANNEX II

(Article 30)

Correlation table

This Regulation	Regulation (EEC) No 3445/90
Article 1	Article 1
Article 2	—
Article 3	Article 2
Article 4	Article 3
Articles 5 and 6	Article 4
Article 7	Article 5
Articles 8, 9, 10 and 11	Article 6
Article 12	Article 7
Article 13	Article 8
Articles 14, 15, 16, 17, 18 and 19	Article 9
Article 20	Article 10
Article 21	Article 11
Article 22	Article 12
Articles 23, 24, 25, 26 and 27	Article 13
Article 28	Article 14
Article 29	Article 15
Article 30	Article 16
Article 31	Article 17
Annex I	—
Annex II	Annex

COMMISSION REGULATION (EC) No 908/2000

of 2 May 2000

laying down detailed rules for calculating aid granted by Member States to producer organisations in the fisheries and aquaculture sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector ⁽¹⁾, and in particular Article 15(4) thereof,

This Regulation lays down detailed rules on granting aid to producer organisations in fisheries and aquaculture under Article 15(1)(a) and (b) of Regulation (EC) No 2792/1999.

Whereas:

Article 2

(1) Article 15(1) of Regulation (EC) No 2792/1999 lays down the general conditions for granting and financing aid from the Member States to producer organisations recognised under Article 4 and, where appropriate, specifically recognised under Article 7a of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽²⁾, as last amended by Regulation (EC) No 3318/94 ⁽³⁾.

1. Members whose production can be taken into account for the application of Article 15(1)(a) of Regulation (EC) No 2792/1999 shall be:

- (a) producers who were members of the organisation when it was recognised and who have remained members throughout the year to which the aid application relates;
- (b) producers who joined the organisation after it was recognised and who have been members for the last nine months of the year to which the aid application relates.

(2) To ensure that such aids are granted and financed under identical conditions, detailed rules should be laid down for calculating the value of the production marketed by producer organisations and the administrative expenses of such organisations and such calculations should be done on the basis of supporting accounting documents. In view of the difficulty of obtaining such documents in some cases, however, a flat-rate method should be available by way of an alternative.

2. An association of producer organisations may be granted aid under Article 15(1)(a) of Regulation (EC) No 2792/1999 up to a maximum of EUR 180 000.

Article 3

(3) The aid for which an association of producer organisations may qualify should be limited to a maximum overall amount, given that each of the member organisations may qualify for foundation and operating aid.

1. To calculate the aid provided for in Article 15(1)(a)(i) of Regulation (EC) No 2792/1999, the value of production marketed by the producer organisation shall be established on a flat-rate basis, for each year, by multiplying for each product covered by the organisation:

(4) Detailed rules should be laid down defining expenses in connection with the implementation of a quality improvement plan by a producer organisation.

(a) the weighted average production, expressed in 100 kg net, marketed by the members during the three calendar years preceding the period to which the aid application relates,

by

(5) Detailed rules should be laid down governing the reimbursement of the Community contribution towards aid granted by Member States before 1 January 2000 but for which reimbursement was not the subject of a Commission decision before that date.

(b) the weighted average producer price obtained by those producers during the same period, calculated per 100 kg net.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

2. To calculate the average production referred to in paragraph 1(a), the production marketed by members during each of the three years mentioned therein shall be determined:

(a) on the basis of available supporting commercial and accounting documents,

or, failing that,

⁽¹⁾ OJ L 337, 30.12.1999, p. 10.

⁽²⁾ OJ L 388, 31.12.1992, p. 1.

⁽³⁾ OJ L 350, 31.12.1994, p. 15.

(b) by means of a flat-rate valuation by the competent authorities of the Member State, on the basis of parameters determined in advance depending on the types of production involved.

3. To calculate the average price referred to in paragraph 1(b), the average price obtained by producers for each of the abovementioned three years shall be determined by the competent services of the Member State:

- (a) on the basis of available supporting commercial and accounting documents,
or, failing that,
- (b) by calculating the average annual price for each product on the principal market in the area of activity of the producer organisation in question.

Article 4

1. The administrative expenses within the meaning of Article 15(1)(a)(ii) of Regulation (EC) No 2792/1999 shall be the expenditure actually paid by the producer organisation in establishing itself and operating, falling within the following headings:

- (a) expenditure in connection with the preparatory work for setting up the organisation and drawing up or amending its constituting act and its statutes;
- (b) expenditure on checking compliance with the rules referred to in Article 4(1) of Regulation (EEC) No 3759/92;
- (c) personnel expenditure (wages and salaries, training expenses, social security charges and mission expenses) and fees for technical services and advice;
- (d) expenditure on correspondence and telecommunications;
- (e) expenditure on office equipment and depreciation or expenditure on leasing such equipment;
- (f) expenditure on the means of transport available for the organisation's staff;
- (g) rent or, in the case of purchase, interest charges actually paid and other expenditure and charges arising from occupation of the premises used for the administrative operation of the producer organisation;
- (h) expenditure on insurance relating to staff transport and administrative buildings and contents.

2. The producer organisation shall have the option of spreading such expenses over the years during which the aid is granted.

3. The amount of the administrative expenses as defined in paragraph 1 must be established on the basis of supporting commercial and accounting documents.

Article 5

1. The expenses referred to in Article 15(1)(b) of Regulation (EC) No 2792/1999 shall be the expenditure actually paid by the producer organisation for drawing up and implementing the quality improvement plan approved under Article 7a of Regulation (EEC) No 3759/92, falling within the following headings:

- (a) expenditure in connection with preliminary studies, drawing up and amending the plan;
- (b) expenditure referred to in Article 4(1)(c), (d) and (e) of this Regulation;
- (c) expenditure on measures to inform members about technical means and skills for improving quality;
- (d) expenditure on establishing and implementing a system for checking compliance with the measures adopted by the organisation for applying the quality improvement plan.

2. The producer organisation shall have the option of spreading such expenses over the years during which the aid is granted.

3. The amount of the administrative expenses as defined in paragraph 1 must be established on the basis of supporting commercial and accounting documents clearly showing that the expenditure relates to implementing the plan.

Article 6

The following shall be repealed with effect from 1 January 2000:

- Regulations (EEC) No 1452/83 ⁽¹⁾, (EEC) No 671/84 ⁽²⁾, and (EC) No 2374/96 ⁽³⁾,
- the second indent of Article 1 and Articles 6 and 7 of Regulation (EC) No 2636/95 ⁽⁴⁾.

However, the provisions repealed shall continue to apply to aid which the Member States decided to grant before 1 January 2000 on the basis of Articles 7 and 7b of Regulation (EEC) No 3759/92.

In the case of the aid referred to in the second paragraph of this Article, where an application for payment of the Community contribution was not subject to a decision of the Commission before 1 January 2000, reimbursement shall be made in the context of the programming of the Structural Funds for the Member State concerned for the period 2000 to 2006.

Article 7

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

It shall apply from 1 January 2000.

⁽¹⁾ OJ L 149, 7.6.1983, p. 5.

⁽²⁾ OJ L 73, 16.3.1984, p. 28.

⁽³⁾ OJ L 325, 14.12.1996, p. 1.

⁽⁴⁾ OJ L 271, 14.11.1995, p. 8.

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

Done at Brussels, 2 May 2000.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 909/2000

of 2 May 2000

amending Regulation (EC) No 2848/98 as regards the allocation of additional production quota statements, the transfer of quotas, and Annex V setting out the rules for calculating the variable part of the premium for raw tobacco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EC) No 660/1999 ⁽²⁾, and in particular Article 4a, Article 7, Article 9(5), Article 11 and Article 17(5) thereof,

Whereas:

- (1) Article 10(2) of Regulation (EEC) No 2075/92 allows producers to deliver excess production amounting to up to 10 % of their quotas. Such a possibility may be severely restricted in the case of groups of varieties for which the guarantee threshold in respect of the following year is to be reduced. In order to ensure that the production quota system is applied with sufficient flexibility, in particular in the case of groups of varieties where a switch in crop is called for, it should be possible to draw in advance on unused quantities available in the national reserve in respect of the same harvest, notwithstanding the deadlines for the issuing of production quota statements and for concluding cultivation contracts laid down respectively in Articles 22(3) and 10(1) of Commission Regulation (EC) No 2848/98 ⁽³⁾, as last amended by Regulation (EC) No 531/2000 ⁽⁴⁾.
- (2) Transfers of quotas must allow switches of crop to be made in line with market requirements for the various groups of varieties. Transfers must not affect quotas' economic viability and must therefore not involve any breakdown of quantities.
- (3) Point C of Annex V to Regulation (EC) No 2848/98 provides that producers are to receive nothing by way of the variable part of the premium on batches fetching between the minimum price and the minimum price plus 40 % for each group of varieties of the producer group. In order to prevent very low prices, albeit paid on very small quantities, from undermining the effectiveness of the variable premium system and impairing its

efficacy as an incentive for improving quality, the Member States should be allowed to increase the minimum price by more than 40 %.

- (4) In view of the amendments to Commission Regulation (EEC) No 3887/92 ⁽⁵⁾ introduced by Regulation (EC) No 2801/1999 ⁽⁶⁾, Article 43 of Regulation (EC) No 2848/98 should be adapted.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Tobacco,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2848/98 is hereby amended as follows:

1. the following paragraph is added to Article 29:

'4. Where there is provision for a reduction in the threshold guarantee for a group of varieties in respect of the following harvest, the Commission may, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 2075/92, authorise interested Member States to bring forward the allocation of quantities of up to 10 % of the guarantee threshold for the same group of varieties and that are available in the national reserve for the group of varieties concerned pursuant to the second indent of the second subparagraph of paragraph 2.

Those quantities shall be allocated by the Member States, in accordance with the criteria applying for the allocation of the national reserve, in the form of additional production quotas for the same harvest as that during which those quantities remained unused.;

2. Article 33(1)(b) is replaced by the following:

'(b) the transferee already has a production quota for the group of varieties in question. The competent authority of the Member State may restrict that condition to cases where the transfer relates solely to part of the quantities entered in the production quota statement;'

⁽¹⁾ OJ L 215, 30.7.1992, p. 70.

⁽²⁾ OJ L 83, 27.3.1999, p. 10.

⁽³⁾ OJ L 358, 31.12.1998, p. 17.

⁽⁴⁾ OJ L 64, 11.3.2000, p. 13.

⁽⁵⁾ OJ L 391, 31.12.1992, p. 36.

⁽⁶⁾ OJ L 340, 31.12.1999, p. 29.

3. the third and fourth indents of Article 43 are replaced by the following:
- Article 7a for the inspection report,
 - Article 7b for the on-the-spot check;'
4. in the last paragraph of point C of Annex V, 'for the 1999 harvest' is deleted.

Article 2

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

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

Done at Brussels, 2 May 2000.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 910/2000
of 2 May 2000
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 869/2000 ⁽⁵⁾.

(2) Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 869/2000,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 869/2000 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 3 May 2000.

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

Done at Brussels, 2 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

⁽⁵⁾ OJ L 104, 29.4.2000, p. 3.

ANNEX I

ANNEX I

Import duties for the products listed in Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land, inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat — high quality	4,98	0,00
	Durum wheat — medium quality ⁽¹⁾	14,98	4,98
1001 90 91	Common wheat seed	15,31	5,31
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	15,31	5,31
	medium quality	68,57	58,57
	low quality	83,83	73,83
1002 00 00	Rye	66,76	56,76
1003 00 10	Barley, seed	66,76	56,76
1003 00 90	Barley, other ⁽³⁾	66,76	56,76
1005 10 90	Maize seed other than hybrid	85,73	75,73
1005 90 00	Maize other than seed ⁽³⁾	85,73	75,73
1007 00 90	Grain sorghum other than hybrids for sowing	66,76	56,76

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

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

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

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

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 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 28 April 2000 to 1 May 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)	130,84	108,79	98,20	95,12	172,81 (**)	162,81 (**)	111,03 (**)
Gulf premium (EUR/t)	—	10,12	5,45	6,63	—	—	—
Great Lakes premium (EUR/t)	31,65	—	—	—	—	—	—

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

(**) Fob Great Lakes.

2. Freight/cost: Gulf of Mexico — Rotterdam: 18,11 EUR/t; Great Lakes — Rotterdam: 27,79 EUR/t.

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

COMMISSION REGULATION (EC) No 911/2000**of 2 May 2000****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 May 2000.

It shall apply from 1 May 2000.

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

Done at Brussels, 2 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 327, 21.12.1999, p. 7.

COMMISSION REGULATION (EC) No 912/2000
of 2 May 2000
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, as last amended by Regulation (EC) No 624/98 ⁽³⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1441/1999 ⁽⁴⁾, as last amended by Regulation (EC) No 830/2000 ⁽⁵⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 May 2000.

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

Done at Brussels, 2 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 16.

⁽³⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁴⁾ OJ L 166, 1.7.1999, p. 77.

⁽⁵⁾ OJ L 101, 26.4.2000, p. 29.

ANNEX

to the Commission Regulation of 2 May 2000 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	17,90	7,35
1701 11 90 ⁽¹⁾	17,90	13,42
1701 12 10 ⁽¹⁾	17,90	7,16
1701 12 90 ⁽¹⁾	17,90	12,90
1701 91 00 ⁽²⁾	20,37	16,15
1701 99 10 ⁽²⁾	20,37	10,70
1701 99 90 ⁽²⁾	20,37	10,70
1702 90 99 ⁽³⁾	0,20	0,44

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 913/2000

of 2 May 2000

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco, the West Bank and Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 563/2000 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco, the West Bank and the Gaza Strip.

(3) Commission Regulation (EEC) No 700/88 ⁽⁵⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁶⁾, lays down the detailed rules for the application of the arrangements.

(4) Commission Regulation (EC) No 915/2000 ⁽⁷⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(3) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (bloom) carnations originating in Morocco. The Common Customs Tariff duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2000. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (bloom) carnations (CN code ex 0603 10 20) originating in Morocco, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 4 May 2000.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 199, 2.8.1994, p. 1.

⁽⁴⁾ OJ L 68, 16.3.2000, p. 46.

⁽⁵⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁶⁾ OJ L 289, 22.10.1997, p. 1.

⁽⁷⁾ See page 30 of this Official Journal.

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

Done at Brussels, 2 May 2000.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 914/2000

of 2 May 2000

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 563/2000 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip.

(3) Commission Regulation (EC) No 915/2000 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel. The Common Customs Tariff duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 1999; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN code ex 0603 10 20) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 4 May 2000.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 199, 2.8.1994, p. 1.

⁽⁴⁾ OJ L 68, 16.3.2000, p. 46.

⁽⁵⁾ See page 30 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1999, p. 71.

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

Done at Brussels, 2 May 2000.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 915/2000**of 2 May 2000****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas:

Pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. Whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 3 May 2000.

It shall apply from 3 to 16 May 2000.

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

Done at Brussels, 2 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

(EUR/100 pieces)

Period: from 3 to 16 May 2000

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	18,40	10,60	25,60	15,84
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	16,57	6,82	11,47	12,10
Morocco	15,33	12,85	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 916/2000

of 2 May 2000

re-establishing the preferential customs duty on imports of uniflorous (bloom) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community.

(2) Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 563/2000 ⁽⁴⁾, opens and provides 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.

(3) Commission Regulation (EC) No 915/2000 ⁽⁵⁾ fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, laid down detailed rules for the application of these arrangements.

(5) The preferential customs duty fixed for uniflorous (bloom) carnations originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 605/2000 ⁽⁸⁾.

(6) On the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2 (4) of Regulation (EEC) No 4088/87 is met for uniflorous (bloom) carnations originating in Israel. The preferential customs duty should be reintroduced.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. For imports of uniflorous (bloom) carnations (CN code ex 0603 10 20) originating in Israel the preferential customs duty set by Regulation (EC) No 1981/94 is reintroduced.

2. Regulation (EC) No 605/2000 is hereby repealed.

Article 2

This Regulation shall enter into force on 4 May 2000.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 199, 2.8.1994, p. 1.

⁽⁴⁾ OJ L 68, 16.3.2000, p. 46.

⁽⁵⁾ See page 30 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

⁽⁸⁾ OJ L 72, 21.3.2000, p. 13.

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

Done at Brussels, 2 May 2000.

For the Commission
Franz FISCHLER
Member of the Commission

DIRECTIVE 2000/15/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL
of 10 April 2000
amending Council Directive 64/432/EEC on health problems affecting intra-Community trade in
bovine animals and swine

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Both Directive 64/432/EEC ⁽⁴⁾ and Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products ⁽⁵⁾ refer to the creation of computer databases, for bovine and porcine animals, to store information on animals and their movements.
- (2) The appropriate implementation of functional national databases for recording the movements of porcine animals must be ensured,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 64/432/EEC is hereby amended as follows:

1. in Article 14(3)(c)(3), the third subparagraph shall be replaced by the following:

'However, only points 2, 3 and 4 shall be applicable to porcine animals.'

⁽¹⁾ OJ C 100, 2.4.1998, p. 23.

⁽²⁾ OJ C 235, 27.7.1998, p. 59.

⁽³⁾ Opinion of the European Parliament of 16 June 1998 (OJ C 210, 6.7.1998, p. 30) confirmed on 16 September 1999, Council common position of 24 January 2000 (OJ C 83, 22.3.2000, p. 84) and decision of the European Parliament of 15 March 2000.

⁽⁴⁾ OJ L 121, 29.7.1964, p. 1977/64. Directive amended and updated by Council Directive 97/12/EC (OJ L 109, 25.4.1997, p. 1) and last amended by Council Directive 98/99/EC (OJ L 358, 31.12.1998, p. 107).

⁽⁵⁾ OJ L 117, 7.5.1997, p. 1.

2. the following point shall be added to Article 14(3)(c):

'4. In order to ensure the operation of the national computer databases concerning porcine animals, appropriate rules of application, including the information that the national databases must contain, shall be adopted in accordance with the procedure laid down in Article 17.'

3. Article 18 shall be replaced by the following:

'Article 18

Those Member States which have not introduced an approved surveillance network system shall ensure that a computer database complying with the provisions laid down in Article 14 is fully operational as follows:

- (a) for bovine animals, from 31 December 1999;
- (b) for a register of holdings of porcine animals, complying with the provisions laid down in Article 14(3)(c)(2) from 31 December 2000;
- (c) for movements of porcine animals, complying with the provisions laid down in Article 14(3)(c)(3):
 - from their holding of birth, by 31 December 2001,
 - from all other holdings, by 31 December 2002.

There shall be an entry in the database for each separate movement of porcine animals. The entry shall comprise at least the following: the number of porcine animals being moved, the identification number of the holding or herd of departure, the identification number of the holding or herd of arrival and the departure and arrival dates.'

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 10 April 2000.

For the European Parliament
The President
N. FONTAINE

For the Council
The President
J. GAMA

DIRECTIVE 2000/16/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL
of 10 April 2000
amending Council Directive 79/373/EEC on the marketing of compound feedingstuffs and Council
Directive 96/25/EC on the circulation of feed materials

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

(1) Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC ⁽⁴⁾ lays down the principle of allocating an approval number to certain establishments or intermediaries; for reasons of transparency and in order to facilitate checks, the registration number or approval number, as the case may be, should be required to be shown on the label or in the document accompanying the compound feedingstuffs.

(2) Article 2(l) of Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs ⁽⁵⁾ defines the minimum storage life of a compound feedingstuff as lasting until that date until which, under proper storage conditions, that feedingstuff retains its specific properties; the term 'specific properties' encompasses all the properties which determine the quality of a compound feedingstuff, particularly the effectiveness of the additives it contains; this effectiveness is indicated by the expiry date of the guarantee, which has to be stated in accordance with Council Directive 70/524/EEC ⁽⁶⁾;

therefore, in all cases in which the minimum storage life of an additive is the limiting factor as regards the quality of a compound feedingstuff, this date is decisive in determining the minimum storage life of the compound feedingstuff; however, the relevant provision in Article 5d(1), second subparagraph, of Directive 79/373/EEC does not provide sufficient clarity and should therefore be replaced.

(3) The German version of Directive 79/373/EEC uses the term 'circulation' (*Verkehr*) instead of 'marketing' (*Vermarktung*), as in the other language versions; since there is a difference in meaning, the language versions need to be aligned; since the scope of more recent Directives on animal feed law usually extends to 'putting into circulation' or 'circulation', Directive 79/373/EEC should be adjusted accordingly and a definition of 'circulation' ('putting into circulation') should be included.

(4) In accordance with Directive 79/373/EEC, Commission Decision 91/516/EEC ⁽⁷⁾ establishes a list of ingredients whose use is prohibited in compound feedingstuffs for reasons related to the protection of human and animal health; this ban does not, however, cover the circulation of such materials as feed materials or the use of these materials as such as feed materials by livestock farmers.

(5) In order to remedy this situation, it is necessary, firstly, to widen the scope of Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC ⁽⁸⁾, in order to cover the use of feed materials as well; secondly, a list of materials whose circulation or use as feed materials is prohibited or restricted should be drawn up to replace Commission Decision 91/516/EEC, so that the scope of the prohibitions or restrictions is general and applies both to the use of the feed materials as such as well as to their use in compound feedingstuffs; Council Directive 79/373/EEC should be amended accordingly.

⁽¹⁾ OJ C 261, 19.8.1998, p. 3.

⁽²⁾ OJ C 101, 12.4.1999, p. 89.

⁽³⁾ Opinion of the European Parliament of 16 December 1998 (OJ C 98, 9.4.1999, p. 150), confirmed on 16 September 1999, Council common position of 15 November 1999 (OJ C 17, 20.1.2000, p. 1) and decision of the European Parliament of 15 March 2000.

⁽⁴⁾ OJ L 332, 30.12.1995, p. 15. Directive as last amended by Council Directive 1999/29/EC (OJ L 115, 4.5.1999, p. 32).

⁽⁵⁾ OJ L 86, 6.4.1979, p. 30. Directive as last amended by Commission Directive 1999/61/EC (OJ L 162, 26.6.1999, p. 67).

⁽⁶⁾ OJ L 270, 14.1.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 45/1999 (OJ L 6, 12.1.1999, p. 3).

⁽⁷⁾ OJ L 281, 9.10.1991, p. 23. Decision as last amended by Commission Decision 1999/420/EC (OJ L 162, 26.6.1999, p. 69).

⁽⁸⁾ OJ L 125, 23.5.1996, p. 35. Directive as last amended by Commission Directive 1999/61/EC (OJ L 162, 26.6.1999, p. 67).

- (6) Experience has shown also that certain by-products which have been subjected to industrial processes may contain substances which, although not representing a threat to animal or human health, may have an unfavourable impact on the environment; it is therefore necessary to provide also that feed materials must not represent any danger to the environment.
- (7) Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin, and amending Directive 90/425/EEC ⁽¹⁾, lays down the rules for the placing on the market of animal waste intended for uses other than human consumption, and Directive 96/25/EC lays down rules applying to labelling providing users with accurate information concerning the identity of the products and any restrictions on their use; there is a need to ensure that instruments relating to the veterinary sector and to animal nutrition are in perfect concordance.
- (8) In order to provide users and control authorities with the means to verify without difficulty the origin of feed materials and their compliance with the health guarantees with regard to Directive 90/667/EEC, it is necessary to include among the indications required for those feed materials the name and address of the producing establishment, the approval number, the reference number of the batch or any other particulars that will ensure that the feed material can be traced.
- (9) Directives 79/373/EEC and 96/25/EC should be amended accordingly,

as the case may be, the registration number allocated to the establishment in accordance with Article 10 of that Directive.

^(*) OJ L 332, 30.12.1995, p. 15. Directive as last amended by Council Directive 1999/29/EC (OJ L 115, 4.5.1999, p. 32).;

3. in Article 5d(1), the second subparagraph shall be replaced by the following:
- ‘Where other Community provisions concerning compound feedingstuffs require indication of a minimum storage life or an expiry date of guarantee, the indication referred to in the first subparagraph shall be made, giving only the earliest date.’;
4. in Article 10, point (c) shall be deleted;
5. in Article 10(e), the words ‘and the lists referred to in points (b) and (c)’ shall be deleted;
6. in Article 10a, the following paragraph shall be added:
- ‘3. Member States shall prescribe that the feed materials appearing on the list provided for in Article 11(b) of Directive 96/25/EC may not be used as feed materials in the preparation of compound feedingstuffs, in accordance with the provisions laid down in that Directive.’;
7. throughout the Directive, the term ‘marketing’ shall be replaced by ‘circulation’;
8. (does not concern the English version).

Article 2

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 79/373/EEC is hereby amended as follows:

1. in Article 2, the following subparagraph shall be added:
- ‘(m) “putting into circulation” or “circulation”: the holding of compound feedingstuffs for the purposes of sale, including offering for sale, or any other form of transfer, whether free or not, to third parties, and the sale and other forms of transfer themselves.’;
2. in Article 5(1), point (k) shall be replaced by the following:
- ‘(k) from 1 April 2001, the approval number allocated to the establishment in accordance with Article 5 of Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector ^(*) or,

Directive 96/25/EC is hereby amended as follows:

1. the title shall be replaced by the following:

‘Council Directive 96/25/EC of 29 April 1996 on the circulation and use of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC’;

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

‘1. This Directive shall apply to the circulation and use of feed materials within the Community.’;

3. Article 3 shall be replaced by the following:

‘Article 3

Without prejudice to the obligations arising under other Community provisions, Member States shall prescribe that feed materials may be put into circulation in the Community only if they are of sound, genuine and merchantable quality. They shall prescribe that, when put into circulation or used, feed materials must not represent any danger to animal or human health or to the environment and must not be put into circulation in a manner that is liable to mislead.’;

⁽¹⁾ OJ L 363, 27.12.1990, p. 51. Directive as last amended by the 1994 Act of Accession (OJ C 241, 29.8.1994, p. 155).

4. In Article 5(1), point (g) shall be replaced by the following:

(g) the name or business name and the address or registered place of business of the producing establishment, the approval number, the reference number of the batch or any other particulars which ensure that the feed material can be traced, where the establishment must be approved in accordance with:

- Directive 90/667/EEC (*),
- Community measures included on a list to be drawn up in accordance with the procedure set out in Article 13;

(h) the name or business name and the address or registered place of business of the person responsible for the particulars referred to in this paragraph, if different from the producer referred to in point (g).

(*) OJ L 363, 27.12.1990, p. 51. Directive as last amended by the 1994 Act of Accession.;

5. Article 11 shall be amended as follows:

(a) the words 'Article 14' shall be replaced by 'Article 13';

(b) point (b) shall be replaced by the following:

(b) a list of materials whose circulation or use for animal nutrition purposes is restricted or prohibited shall be drawn up in order to ensure their compliance with Article 3;

(c) amendments to the list referred to in point (b) shall be adopted in the light of advances in scientific and technical knowledge;

(d) amendments to the Annex shall be adopted in the light of advances in scientific and technical knowledge.'

Article 3

1. Member States shall adopt and publish not later than 3 May 2001, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall inform the Commission thereof forthwith. The provisions adopted shall at the latest apply from 3 November 2001.

When the Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Luxembourg, 10 April 2000.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

J. GAMA

II

(Acts whose publication is not obligatory)

COUNCIL

Information on the entry into force of the Agreement on the mutual recognition of OECD principles of good laboratory practice (GLP) and compliance monitoring programmes between the European Community and the State of Israel ⁽¹⁾

The Agreement on the mutual recognition of OECD principles of good laboratory practice (GLP) and compliance monitoring programmes between the European Community and the State of Israel which the Council decided to conclude on 19 July 1999 entered into force on 1 May 2000, the procedures provided for in Article 16 of the Agreement having been completed on 31 March 2000.

⁽¹⁾ OJ L 263, 9.10.1999, p. 6.

COMMISSION

COMMISSION DECISION

of 2 May 2000

terminating the anti-dumping proceedings concerning imports of bicycle frames originating in the People's Republic of China and Taiwan, bicycle forks originating in the People's Republic of China and Taiwan and complete wheels of bicycles originating in the People's Republic of China, as well as the interim review of the anti-dumping measures extended to imports of, *inter alia*, bicycle frames, bicycle forks and complete wheels of bicycles originating in the People's Republic of China

(notified under document number C(2000) 1010)

(2000/316/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 21 September 1999 the Commission received a complaint concerning the alleged injurious dumping by import of bicycle frames originating in the People's Republic of China and Taiwan, bicycle forks originating in the People's Republic of China and Taiwan and complete wheels of bicycles originating in the People's Republic of China.
- (2) The complaint was lodged by the European Bicycle Manufacturers Association (EBMA) on behalf of Community producers representing a major proportion of the total Community production of bicycle frames, bicycle forks and complete wheels of bicycles pursuant to Articles 4(1) and 5(4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation').
- (3) The complaint contained *prima facie* evidence of the existence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of three separate anti-dumping proceedings.

- (4) The Commission, after consultation, by a notice published in the *Official Journal of the European Communities*⁽³⁾, accordingly initiated anti-dumping proceedings concerning imports into the Community of bicycle frames currently classifiable within CN code 8714 91 10 and originating in the People's Republic of China and Taiwan, bicycle forks currently classifiable within CN code 8714 91 30 and originating in the People's Republic of China and Taiwan and complete wheels of bicycles currently classifiable within CN code ex 8714 99 90 and originating in the People's Republic of China. At the same time the Commission decided to initiate, pursuant to Article 11(3) of the basic Regulation, an interim review of Council Regulation (EC) No 71/97⁽⁴⁾, which extended the duties imposed by Council Regulation (EEC) No 2474/93⁽⁵⁾, on bicycles originating in the People's Republic of China to imports of, *inter alia*, bicycle frames, bicycle forks and complete wheels of bicycles originating in the People's Republic of China. The purpose of the interim review was to allow for the amendment or repeal of the extended measures in the light of the findings of the investigations initiated separately for bicycle frames, bicycle forks and complete wheels of bicycles.

- (5) The Commission officially informed the exporting producers, importers and representative associations of importers and exporters known to be concerned, the representatives of the exporting countries and the complainant Community producers. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ C 318, 5.11.1999, p. 6.

⁽⁴⁾ OJ L 16, 18.1.1997, p. 55.

⁽⁵⁾ OJ L 228, 9.9.1993, p. 1.

B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (6) By a fax of 24 January 2000 to the Commission, EBMA formally withdrew its complaint citing that the reason for the withdrawal was the decline in support for the proceedings within EBMA.
- (7) In accordance with Article 9(1) of the basic Regulation, a proceeding may be terminated where the complaint is withdrawn, unless such termination would not be in the Community interest.
- (8) The Commission considered that the present proceedings should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. No comments indicating that such termination would not be in the Community interest were received.
- (9) The Commission therefore concludes that the anti-dumping proceedings concerning imports into the Community of bicycle frames originating in the People's Republic of China and Taiwan, bicycle forks originating in the People's Republic of China and Taiwan and complete wheels of bicycles originating in the People's Republic of China, as well as the interim review of the anti-dumping measures extended to imports of, *inter alia*, bicycle frames, bicycle forks and complete wheels of

bicycles originating in the People's Republic of China should be terminated without the imposition of anti-dumping measures,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceedings concerning imports of bicycle frames currently classifiable within CN code 8714 91 10 and originating in the People's Republic of China and Taiwan, bicycle forks currently classifiable within CN code 8714 91 30 and originating in the People's Republic of China and Taiwan and complete wheels of bicycles currently classifiable within CN code ex 8714 99 90 and originating in the People's Republic of China, as well as the interim review of the anti-dumping measures extended to imports of, *inter alia*, bicycle frames, bicycle forks and complete wheels of bicycles originating in the People's Republic of China are hereby terminated.

Done at Brussels, 2 May 2000.

For the Commission

Pascal LAMY

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 887/2000 of 28 April 2000 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Communities L 104 of 29 April 2000)

On page 48 the text of the last recital is replaced by the following:

'The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products.'
