

English edition

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Notice to readers (see page 3 of the cover)

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EURATOM) No 2587/1999
of 2 December 1999**

**defining the investment projects to be communicated to the Commission in accordance with
Article 41 of the Treaty establishing the European Atomic Energy Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the provisions of the Treaty establishing the European Atomic Energy Community, and in particular Article 41(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In order to attain the objectives laid down in the Treaty, the Commission must be notified of investment projects concerning new installations and of replacements or conversions involved in the industrial activities listed in Annex II to the Treaty when such projects are sufficiently extensive and are likely to have a direct influence on production or productivity while respecting nuclear safety;
- (2) It is the responsibility of the Commission to publish periodically, in accordance with Article 40 of the Treaty, illustrative programmes and to facilitate a coordinated development of these investments and to make its point of view known about them;
- (3) The investments made in the entire fuel cycle, including waste management and decommissioning are basically necessary for a correct and responsible operation of the nuclear industry;
- (4) The threshold values in Regulation No 4⁽¹⁾ should be updated and replaced by new threshold values;
- (5) Regulation No 4 should be repealed and replaced by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Persons or undertakings engaged in the industrial activities listed in Annex II to the Treaty shall communicate to the

⁽¹⁾ Regulation No 4 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the European Atomic Energy Community (OJ 17, 6.10.1958, p. 417/58).

Commission, within the time limits laid down in Article 42 of the Treaty, their investment projects aimed at:

- (a) creating a production capacity;
- (b) maintaining quantitative and qualitative production capacity;
- (c) directly increasing production capacity;
- (d) directly increasing productivity;
- (e) improving the quality of production;
- (f) creating facilities for the management of spent fuel or radioactive waste, including treatment, interim or final storage and/or disposal;

when, in the industrial activities listed in column I of the table in the Annex, the cost exceeds the corresponding amount in column II of the table in the Annex for new installations and that in column III of the table in the Annex for replacements and conversions.

2. Investment projects aiming at decommissioning installations shall be notified, when the cost exceeds the corresponding amount in column III of the table in the Annex through a declaration which may be limited to essential characteristics; the procedure laid down in Article 43 of the Treaty need not be applied.

3. Investment projects aiming at decommissioning installations, where the costs are lower than the threshold values in column III of the table in the Annex, may be notified on a voluntary basis; the procedure laid down in Article 43 of the Treaty need not be applied.

4. Projects for new installations for nuclear reactors of any type and for any purpose and projects concerning the replacement, transformation, modernisation or power increase of such installations, where the costs are lower than the threshold values of the table in the Annex, may be notified on a voluntary basis through a simple declaration giving only their essential characteristics; the procedure laid down in Article 43 of the Treaty need not be applied.

Article 2

For the purpose of calculating the costs referred to in Article 1 all expenditure arising directly from the carrying out of the investment projects shall be taken into account, irrespective of the time at which such expenditure is incurred.

Article 3

Communication of projects pursuant to Article 1(1) of this Regulation shall include and be limited to the details required for the discussion provided for in Article 43 of the Treaty and in particular all the information relating to:

- (a) the type of products or activity and the production or storage capacity;
- (b) the total amount of expenditure directly chargeable to the project under consideration;

- (c) the length of time likely to be required for carrying out the project;
- (d) the prospects as regards supplies for and operation of the installation.

Article 4

Regulation No 4 of the Council of the European Atomic Energy Community of 15 September 1958 shall be repealed.

Article 5

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

It shall apply three months after the date of its entry into force.

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

Done at Brussels, 2 December 1999.

For the Council

The President

E. TUOMIOJA

ANNEX

TABLE

(EUR million)

I Sectors	II New installations	III Replacements and conversions
1. Mining of uranium and thorium ore	40	20
2. Concentration of such ores	40	20
3. Chemical processing and refining of uranium and thorium concentrates	40	20
4. Preparation of nuclear fuels, in any form	20	10
5. Fabrication of nuclear fuel elements	20	10
6. Production of uranium hexafluoride	20	10
7. Production of enriched uranium	140	70
8. Processing of irradiated fuels for the purpose of separating some or all of the elements contained therein	140	70
9. Production of reactor moderators	40	20
10. Production of hafnium-free zirconium or components thereof	20	10
11. Nuclear reactors of all types and for all purposes	100	40
12. Facilities for the industrial processing of radioactive waste, set up in conjunction with one or more of the facilities specified in this list	50	20
13. Semi-industrial installations intended to prepare the way for the construction of plants involved in any of activities in sectors 3 to 10	20	10

Notes on the Table

Preparation of nuclear fuels, in any form (sector No 4), includes chemical processing and conversion of source materials or special fissile materials.

Defluorination processes for effluents/wastes after enrichment pertain to sectors No 4, 6, 8 and 12.

Facilities for treatment, storage or disposal of radioactive waste or used fuels pertain to sector No 12, even if these facilities are not located on the site of any other nuclear industrial facility mentioned in Annex II to the Euratom Treaty.

COMMISSION REGULATION (EC) No 2588/1999
of 8 December 1999
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 9 December 1999.

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

Done at Brussels, 8 December 1999.

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 8 December 1999 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	87,2
	204	70,2
	999	78,7
0707 00 05	204	83,7
	999	83,7
0709 90 70	052	107,6
	204	141,9
	999	124,8
0805 10 10, 0805 10 30, 0805 10 50	052	38,4
	204	43,8
	388	34,3
	508	33,1
	999	37,4
0805 20 10	204	63,2
	999	63,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	83,9
	999	83,9
0805 30 10	052	59,7
	600	67,3
	999	63,5
0808 10 20, 0808 10 50, 0808 10 90	400	78,1
	404	72,0
	728	109,8
	999	86,6
0808 20 50	064	62,3
	400	116,9
	720	85,1
	999	88,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 2589/1999**of 8 December 1999****amending Regulation (EC) No 2424/1999 laying down detailed rules of application for an import tariff quota of dried boneless beef provided for in Council Regulation (EC) No 2249/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2249/1999 of 22 October 1999 opening a Community tariff quota for the import of meat of bovine animals, boneless, dried ⁽¹⁾, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2424/1999 of 15 November 1999 ⁽²⁾ lays down the detailed rules of application for the import quota provided for in Regulation (EC) No 2249/1999; the definition of dried boneless meat as laid down in the former Regulation should be amended to take account of commercial practice; for the same reason the provisions relating to claims for reimbursements of excess customs duties should be amended;
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2424/1999 is amended as follows:

1. Article 1(3) is replaced by the following text:

'3. Importation under the said quota shall be reserved for dried boneless meat meeting the following definition:

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

Done at Brussels, 8 December 1999.

"Cuts of meat from haunches of bovine animals aged at least 18 months, with no visible intramuscular fat (3 to 7 %) and a pH of the fresh meat between 5,4 and 6,0; salted, seasoned, pressed, dried only in fresh dry air and developing noble mould (bloom of microscopic fungi). The weight of the finished product is between 41 % and 53 % of the raw material before salting."

2. The second subparagraph of Article 8(1) is replaced by the following text:

'No later than 21 January 2000, the application for repayment shall be made in accordance with Articles 878 to 898 of Commission Regulation (EEC) No 2454/93 ^(*) and shall be accompanied by either a copy of the certificate referred to in the Notice to importers relating to the import of dried meat of bovine animals ^(**) or a certificate issued by the authority referred to in Annex II certifying that according to available production records the meat concerned meets the definition laid down in Article 1(3).

^(*) OJ L 253, 11.10.1993, p. 1.

^(**) OJ C 266, 21.9.1999, p. 5.'

3. In Article 8(2) and (3) the date of '1 December 1999' shall be replaced by '28 January 2000'.

Article 2

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 275, 26.10.1999, p. 2.

⁽²⁾ OJ L 294, 16.11.1999, p. 13.

COMMISSION REGULATION (EC) No 2590/1999**of 8 December 1999****amending Regulations (EEC) No 2312/92 and (EEC) No 1148/93 laying down detailed rules for implementing the specific measures for supplying the French overseas departments with breeding bovines and horses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 4(5) thereof,

Whereas:

(1) Pursuant to Article 4 of Regulation (EEC) No 3763/91, it is necessary to determine the number of pure-bred breeding bovines and horses in the Community which are eligible for aid with a view to encouraging the development of those sectors in the French overseas departments (FODs).

(2) The quantities of the forecast supply balance and the level of aid for those products are fixed by Commission Regulations (EEC) No 2312/92 ⁽³⁾ and (EEC) No 1148/93 ⁽⁴⁾, as last amended by Regulation (EC) No 2727/98 ⁽⁵⁾. The Annexes to those Regulations should therefore be amended.

(3) The need might arise in the French overseas departments for additional supplies of pure-bred breeding bovines and horses in particular marketing years. The French authorities should therefore be granted some leeway in their management of the scheme so they can issue aid certificates for animals intended for certain overseas departments in excess of the maximum quantities available to those departments, on condition that the overall maximum quantity available for all four overseas departments is complied with. In order to take proper account of such additional supply requirements for subsequent years, the French authorities should inform the Commission of cases in which certificates have been issued using this discretionary power.

(4) As a result of the presentation by the French authorities of information on the needs of the French overseas departments, the Annexes to Regulations (EEC) No 2312/92 and (EEC) No 1148/93 should be replaced by the Annexes to this Regulation adding, for supply of breeding horses, the French overseas department Réunion. The balances should be fixed on the basis of the calendar year.

(5) Application of the criteria for fixing the amount of Community aid to the current market situation in the sector in question and, in particular, to the exchange rates and prices for those products in the European part of the Community and on the world market, gives rise to aid for the supply of the French overseas departments with pure-bred breeding animals at the levels fixed in the Annex hereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EEC) No 2312/92 is replaced by Annex I to this Regulation.

Article 2

Regulation (EEC) No 1148/93 is amended as follows:

1. (This amendment does not apply to the English-language version).
2. The Annex is replaced by Annex II to this Regulation.

Article 3

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 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 222, 7.8.1992, p. 32.

⁽⁴⁾ OJ L 116, 12.5.1993, p. 15.

⁽⁵⁾ OJ L 343, 18.12.1998, p. 4.

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

Done at Brussels, 8 December 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

ANNEX III

PART 1

Supply to Réunion of pure-bred breeding bovines originating in the Community for the year 2000

(EUR/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	450	930

PART 2

Supply to French Guiana of pure-bred breeding bovines originating in the Community for the year 2000

(EUR/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	200	930

PART 3

Supply to Martinique of pure-bred breeding bovines originating in the Community for the year 2000

(EUR/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	40	930

PART 4

Supply to Guadeloupe of pure-bred breeding bovines originating in the Community for the year 2000

(EUR/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	10	930

⁽¹⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

ANNEX II

'ANNEX

PART 1

Supply to French Guiana of pure-bred breeding horses originating in the Community for the year 2000

(EUR/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses ⁽¹⁾	8	930

PART 2

Supply to Martinique of pure-bred breeding horses originating in the Community for the year 2000

(EUR/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses ⁽¹⁾	8	930

PART 3

Supply to Guadeloupe of pure-bred breeding horses originating in the Community for the year 2000

(EUR/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses ⁽¹⁾	8	930

PART 4

Supply to Réunion of pure-bred breeding horses originating in the Community for the year 2000

(EUR/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horse ⁽¹⁾	10	930

⁽¹⁾ Entry under this subheading is subject to the conditions laid down in Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (JO L 224, 18.8.1990, p. 55).'

COMMISSION REGULATION (EC) No 2591/1999**of 7 December 1999****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

- (1) Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 December 1999.

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

Done at Brussels, 7 December 1999.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 25.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	9,26 55,06 79,71	127,42 60,74 373,55	18,11 7,29 5,79	68,88 17 929,86	3 044,22 20,41	1 540,73 1 856,46
1.30	Onions (other than seed) 0703 10 19	a) b) c)	14,80 88,00 127,40	203,65 97,08 597,03	28,95 11,66 9,26	110,09 28 656,80	4 865,50 32,61	2 462,51 2 967,13
1.40	Garlic 0703 20 00	a) b) c)	75,62 449,62 650,94	1 040,55 496,03 3 050,50	147,90 59,56 47,30	562,51 146 420,74	24 860,08 166,64	12 582,11 15 160,45
1.50	Leeks ex 0703 90 00	a) b) c)	48,10 285,99 414,04	661,87 315,52 1 940,35	94,08 37,88 30,09	357,80 93 134,59	15 812,88 106,00	8 003,17 9 643,18
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	55,28 328,68 475,85	760,67 362,61 2 229,99	108,12 43,54 34,58	411,21 107 037,01	18 173,30 121,82	9 197,82 11 082,64
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 354,90 513,81	821,35 391,54 2 407,89	116,74 47,01 37,34	444,02 115 575,96	19 623,09 131,54	9 931,58 11 966,77
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	9,95 59,16 85,65	136,91 65,27 401,38	19,46 7,84 6,22	74,02 19 265,89	3 271,06 21,93	1 655,54 1 994,80
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 629,95 912,02	1 457,90 694,99 4 274,01	207,22 83,44 66,27	788,13 205 147,81	34 831,06 233,48	17 628,60 21 241,07
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	60,69 360,85 522,42	835,11 398,10 2 448,23	118,70 47,80 37,96	451,45 117 512,23	19 951,84 133,74	10 097,97 12 167,25
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 907,73 1 314,18	2 100,79 1 001,45 6 158,69	298,60 120,24 95,50	1 135,67 295 610,34	50 190,26 336,44	25 402,15 30 607,59
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,74 187,83	300,25 143,13 880,22	42,68 17,18 13,65	162,31 42 249,41	7 173,32 48,08	3 630,54 4 374,52
1.130	Carrots ex 0706 10 00	a) b) c)	37,08 220,47 319,18	510,23 243,23 1 495,80	72,52 29,20 23,19	275,83 71 796,89	12 190,05 81,71	6 169,59 7 433,87
1.140	Radishes ex 0706 90 90	a) b) c)	174,57 1 037,95 1 502,70	2 402,14 1 145,10 7 042,14	341,43 137,49 109,19	1 298,57 338 014,65	57 389,89 384,70	29 046,00 34 998,14
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	208,33 1 238,67 1 793,30	2 866,68 1 366,56 8 404,01	407,46 164,07 130,31	1 549,70 403 383,13	68 488,49 459,10	34 663,20 41 766,42

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	104,72 622,64 901,43	1 440,98 686,92 4 224,39	204,81 82,47 65,50	778,98 202 766,19	34 426,70 230,77	17 423,94 20 994,48
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	60,69 360,85 522,42	835,11 398,10 2 448,23	118,70 47,80 37,96	451,45 117 512,23	19 951,84 133,74	10 097,97 12 167,25
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 357,83	2 170,55 1 034,71 6 363,22	308,51 124,23 98,67	1 173,38 305 427,23	51 857,03 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	440,42 2 618,62 3 791,14	6 060,31 2 888,97 17 766,50	861,39 346,86 275,48	3 276,15 852 772,03	144 788,08 970,56	73 279,72 88 296,28
1.200.2	— other ex 0709 20 00	a) b) c)	315,61 1 876,53 2 716,77	4 342,89 2 070,27 12 731,68	617,28 248,56 197,41	2 347,73 611 106,17	103 756,79 695,51	52 513,09 63 274,12
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	82,27 489,16 708,18	1 132,06 539,66 3 318,76	160,91 64,79 51,46	611,98 159 296,93	27 046,26 181,30	13 688,58 16 493,65
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	66,57 395,81 573,03	916,02 436,67 2 685,43	130,20 52,43 41,64	495,19 128 897,49	21 884,89 146,70	11 076,32 13 346,09
1.230	Chantarelles 0709 51 30	a) b) c)	1 312,68 7 804,84 11 299,55	18 062,87 8 610,62 52 953,38	2 567,38 1 033,82 821,08	9 764,63 2 541 702,90	431 543,55 2 892,77	218 411,57 263 168,71
1.240	Sweet peppers 0709 60 10	a) b) c)	145,83 867,07 1 255,30	2 006,66 956,58 5 882,77	285,22 114,85 91,22	1 084,79 282 366,25	47 941,61 321,37	24 264,07 29 236,29
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 633,12	1 012,07 482,46 2 967,00	143,85 57,93 46,01	547,12 142 412,66	24 179,56 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	50,01 297,35 430,49	688,15 328,04 2 017,40	97,81 39,39 31,28	372,01 96 832,86	16 440,79 110,21	8 320,96 10 026,10
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 519,14	2 428,42 1 157,63 7 119,19	345,16 138,99 110,39	1 312,78 341 712,93	58 017,80 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	50,05 297,58 430,83	688,70 328,31 2 019,01	97,89 39,42 31,31	372,31 96 910,31	16 453,94 110,30	8 327,62 10 034,12

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	106,38 632,51 915,72	1 463,82 697,81 4 291,36	208,06 83,78 66,54	791,33 205 980,40	34 972,42 234,43	17 700,14 21 327,28
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	76,82 456,75 661,27	1 057,07 503,91 3 098,91	150,25 60,50 48,05	571,44 148 744,26	25 254,57 169,29	12 781,77 15 401,03
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	141,13 839,12 1 214,85	1 941,99 925,75 5 693,17	276,03 111,15 88,28	1 049,82 273 265,79	46 396,49 311,01	23 482,06 28 294,02
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	50,50 300,26 434,70	694,90 331,26 2 037,16	98,77 39,77 31,59	375,65 97 781,63	16 601,88 111,29	8 402,49 10 124,34
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	51,33 305,19 441,85	706,32 336,70 2 070,65	100,39 40,43 32,11	381,83 99 388,74	16 874,74 113,12	8 540,59 10 290,74
2.100	Table grapes ex 0806 10 10	a) b) c)	303,59 1 805,06 2 613,30	4 177,49 1 991,42 12 246,79	593,77 239,10 189,90	2 258,31 587 832,21	99 805,21 669,02	50 513,13 60 864,33

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	50,32 299,19 433,15	692,42 330,08 2 029,90	98,42 39,63 31,48	374,32 97 433,11	16 542,70 110,89	8 372,54 10 088,25
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	47,10 280,04 405,44	648,11 308,96 1 900,01	92,12 37,09 29,46	350,36 91 198,32	15 484,13 103,79	7 836,78 9 442,70
2.120.2	— other ex 0807 19 00	a) b) c)	103,20 613,60 888,35	1 420,06 676,95 4 163,08	201,84 81,28 64,55	767,67 199 823,06	33 927,00 227,42	17 171,04 20 689,74
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	292,66 1 740,08 2 519,22	4 027,09 1 919,72 11 805,88	572,39 230,49 183,06	2 177,01 566 668,78	96 211,98 644,94	48 694,53 58 673,06
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	615,30 3 658,41 5 296,50	8 466,71 4 036,10 24 821,14	1 203,42 484,59 384,87	4 577,03 1 191 386,93	202 279,87 1 355,94	102 377,31 123 356,57
2.170	Peaches 0809 30 90	a) b) c)	336,07 1 998,18 2 892,89	4 624,42 2 204,47 13 557,03	657,30 264,68 210,21	2 499,92 650 722,26	110 483,01 740,60	55 917,34 67 375,99
2.180	Nectarines ex 0809 30 10	a) b) c)	395,93 2 354,09 3 408,17	5 448,12 2 597,13 15 971,78	774,37 311,82 247,65	2 945,20 766 627,38	130 161,99 872,51	65 877,21 79 376,84
2.190	Plums 0809 40 05	a) b) c)	183,56 1 091,40 1 580,08	2 525,84 1 204,07 7 404,79	359,01 144,57 114,82	1 365,45 355 421,72	60 345,35 404,51	30 541,81 36 800,48
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	645,49 3 837,91 5 556,38	8 882,14 4 234,14 26 039,00	1 262,47 508,36 403,75	4 801,61 1 249 842,92	212 204,84 1 422,47	107 400,50 129 409,13
2.205	Raspberries 0810 20 10	a) b) c)	1 510,31 8 979,90 13 000,75	20 782,32 9 906,98 60 925,75	2 953,91 1 189,47 944,70	11 234,74 2 924 367,94	496 514,41 3 328,29	251 294,44 302 789,97
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	981,91 5 838,17 8 452,28	13 511,38 6 440,91 39 610,15	1 920,45 773,32 614,18	7 304,13 1 901 242,88	322 802,91 2 163,84	163 376,08 196 855,28
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	163,06 969,51 1 403,62	2 243,75 1 069,60 6 577,82	318,92 128,42 101,99	1 212,95 315 728,19	53 605,97 359,34	27 130,90 32 690,59

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	77,89 463,11 670,48	1 071,79 510,92 3 142,07	152,34 61,34 48,72	579,40 150 816,07	25 606,34 171,65	12 959,81 15 615,54
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	172,46 1 025,40 1 484,54	2 373,10 1 131,26 6 957,02	337,30 135,82 107,87	1 282,88 333 929,12	56 696,23 380,05	28 694,93 34 575,13
2.250	Lychees ex 0810 90 30	a) b) c)	485,09 2 884,21 4 175,65	6 674,98 3 181,98 19 568,48	948,75 382,04 303,42	3 608,44 939 265,21	159 473,34 1 069,00	80 712,18 97 251,81

**COMMISSION REGULATION (EC) No 2592/1999
of 8 December 1999**

amending Regulation (EC) No 1826/1999 amending Regulation (EC) No 929/1999 imposing provisional anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway with regard to certain exporters, imposing provisional anti-dumping and countervailing duties on imports of such salmon with regard to certain exporters, amending Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidies proceedings concerning imports of such salmon and amending Council Regulation (EC) No 772/1999 imposing definitive anti-dumping and countervailing duties on imports of such salmon

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 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽³⁾, and in particular Article 13 thereof,

After consulting the Advisory Committee,

Whereas:

(A) PREVIOUS PROCEDURE

- (1) On 31 August 1996, the Commission announced, by two separate notices published in the *Official Journal of the European Communities*, the initiation of an anti-dumping proceeding ⁽⁴⁾ as well as an anti-subsidy proceedings ⁽⁵⁾ in respect of imports of farmed Atlantic salmon originating in Norway.
- (2) The Commission sought and verified all information that it deemed necessary for the purpose of its definitive findings. As a result of this examination, it was established that definitive anti-dumping and countervailing measures should be adopted in order to eliminate the injurious effects of dumping and subsidisation. All interested parties were informed of the results of the investigation and were given the opportunity to comment thereon.
- (3) On 26 September 1997, the Commission adopted Decision 97/634/EC ⁽⁶⁾, as last amended by Regulation (EC) No 1826/1999 ⁽⁷⁾, accepting undertakings offered in connection with the two abovementioned proceedings from the exporters listed in the Annex to the Decision and terminating the investigations in their respect.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ L 288, 21.10.1997, p. 1.

⁽⁴⁾ OJ C 253, 31.8.1996, p. 18.

⁽⁵⁾ OJ C 253, 31.8.1996, p. 20.

⁽⁶⁾ OJ L 267, 30.9.1997, p. 81.

⁽⁷⁾ OJ L 223, 24.8.1999, p. 3.

- (4) On the same day, the Council, by Regulations (EC) No 1890/97 ⁽⁸⁾, as last amended by Regulation (EC) No 1895/1999 ⁽⁹⁾, and (EC) No 1891/97 ⁽¹⁰⁾, as last amended by Regulation (EC) No 1895/1999, imposed anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway. Imports of farmed Atlantic salmon exported by companies from which an undertaking had been accepted were exempted from that duty pursuant to Article 1(2) of those Regulations.

- (5) The abovementioned Regulations set out the definitive findings and conclusions on all aspects of the investigations. The form of the duties having been reviewed, Regulations (EC) No 1890/97 and 1891/97 were replaced by Council Regulation (EC) No 772/1999 ⁽¹¹⁾, as last amended by Regulation (EC) No 1826/1999.

(B) PROVISIONAL MEASURES IMPOSED BY REGULATION (EC) No 1826/1999 (recital 31 et seq.)

- (6) The text of the undertakings provides that failure to submit a quarterly report of all sales transactions to the first unrelated customer in the Community within a prescribed time limit (except in case of *force majeure*), would be construed as a violation of the undertaking, as would non-compliance with the obligation to sell the different presentations of the product concerned (i.e. gutted, head-on, etc.) on the Community market at prices which are not below the minimum import prices foreseen in the undertaking.
- (7) For the first quarter of 1999, two Norwegian companies, Vie de France Norway AS and Janas AS either failed to present a report within the prescribed time limit or appeared to have sold the product concerned to the Community market at prices which were below the prices foreseen in its undertaking. For the fourth quarter of 1998, the Commission also had reason to believe that another Norwegian exporter, Norfra Eksport AS had sold the product concerned to the Community market at prices which were below the prices foreseen in its undertaking.

⁽⁸⁾ OJ L 267, 30.9.1997, p. 1.

⁽⁹⁾ OJ L 233, 3.9.1999, p. 1.

⁽¹⁰⁾ OJ L 267, 30.9.1997, p. 19.

⁽¹¹⁾ OJ L 101, 16.4.1999, p. 1.

- (8) As these three companies appeared to have breached the terms of their undertakings, the Commission, by Regulation (EC) No 1826/1999, consequently imposed provisional anti-dumping and countervailing duties on imports of farmed Atlantic Salmon falling within CN codes ex 0302 12 00, ex 0304 10 13, ex 0303 22 00 and ex 0304 20 13 originating in Norway and exported by the companies.
- (9) By the same Regulation (hereinafter referred to as 'the provisional duty Regulation'), the Commission deleted the names of the three exporters concerned from the Annex to Decision 97/634/EC, which lists the parties from which undertakings are accepted.

(C) PROCEDURE FOLLOWING IMPOSITION OF PROVISIONAL DUTIES

- (10) All three Norwegian companies subject to the provisional duties received disclosure in writing concerning the essential facts and considerations on the basis of which these provisional duties were imposed. They were also given an opportunity to submit comments and request a hearing.
- (11) Within the time limit set in the provisional duty Regulation, all of the Norwegian companies concerned submitted comments in writing. Following receipt of these written submissions, the Commission sought and examined all information it deemed necessary for the purpose of a definitive determination on the apparent violations. Of the three companies subject to the provisional measures, one requested, and was granted, a hearing.
- (12) The oral and written comments submitted by the interested parties were considered and, where appropriate, the definitive findings have been changed accordingly.

(D) DEFINITIVE FINDINGS — REPEAL OF PROVISIONAL DUTIES FOR TWO COMPANIES

- (13) In the submissions made subsequent to the imposition of the provisional duties, further arguments and explanations were put forward by Norfra Eksport AS and Janas AS that the text of the undertaking was ambiguous concerning the requirement to report the average price of each presentation of salmon separately and that this ambiguity gave rise to the misinterpretation by the two companies that they could compensate sales below the minimum price in one presentation with sales above the minimum price in another.
- (14) In addition, it was argued that the clarification letter sent out by the Commission in May 1998 to Norwegian exporters contained a large number of points, only one of which expressly related to question of whether the minimum prices have to be respected by presentation. Moreover, this letter was sent by the Commission to the Norwegian Seafood Export Council (hereinafter referred to 'the NSEC') requesting them to forward it to all

Norwegian exporters with undertakings. In this regard, evidence was provided which showed that the NSEC is continuously sending circulars concerning salmon and that the Commission's letter, reproduced and sent in May 1998 as NSEC circular number 89 of that year, did not make the official character of the instructions entirely clear to the companies concerned.

- (15) One of the companies concerned reiterated that the error of not respecting the average price by presentation during the third quarter of 1997 should have been pointed out to it at that time and that the absence of any reaction on the part of the Commission had been taken to mean that the company's sales were fully in conformity with the undertaking.
- (16) Having heard all the additional arguments put forward by the two companies in this matter and after re-examining the issue, the Commission acknowledges that a certain ambiguity may have persisted which explains the erroneous interpretation of the terms of the undertaking made by the two companies.
- (17) Accordingly, as it could not be established that the two companies have violated their undertakings, it is concluded that Regulation (EC) No 1826/1999 should be repealed in so far as Janas AS and Norfra Eksport AS are concerned and any provisional duties collected should be released.

(E) DEFINITIVE FINDINGS — VIOLATION OF ITS UNDERTAKING BY ONE COMPANY

- (18) It should first be recalled that, before imposing provisional duties by Regulation (EC) No 1826/1999, the Commission had already requested Vie de France Norway AS to send its outstanding report and to demonstrate the reasons why it had not been sent in time. However, the company did not react at that stage.
- (19) Following the imposition of duties against it by the provisional duty Regulation, Vie de France Norway AS contacted the Commission stating that it had changed its name to Cuisine Solutions Norway AS and that the company only exports products outside the scope of the anti-dumping/countervailing measures.
- (20) The company also stated in mitigation that it did not realise that it had to send quarterly sales reports to the Commission even if it had no sales to the European Union of the product subject to the anti-dumping and countervailing measures.
- (21) In this regard, it should be recalled that a letter was sent by fax and registered mail on 30 March 1998 directly by the Commission to all exporters with undertakings (including Vie de France Norway AS) clearly mentioning the time limits for the submission of 'all quarterly reports, whether positive or negative'. The argument of the company on this issue cannot, therefore, be accepted.

- (22) As no evidence of *force majeure* was presented which showed that Vie de France Norway AS was prevented from fulfilling its reporting obligations for reasons beyond its control for the first quarter of 1999, it is definitively concluded that the company has breached its undertaking and that acceptance thereof by the Commission should be withdrawn and definitive duties imposed.

(F) PROCEDURE CONCERNING DEFINITIVE FINDINGS

- (23) All the interested parties were informed of the essential facts and considerations on the basis of which it was intended to either repeal the provisional duties imposed against them and reinstate them on the list of parties from which undertakings are accepted, or confirm the withdrawal of the Commission's acceptance of their undertaking and to recommend the imposition of definitive anti-dumping and countervailing duties and the definitive collection of the amounts secured by way of provisional duties. The companies were also granted a period within which to make representations subsequent to this disclosure. Comments received were taken into account where appropriate.

- (24) In parallel to this Regulation, the Commission is submitting a proposal for a Council Regulation imposing definitive anti-dumping and countervailing duties on farmed Atlantic salmon originating in Norway and exported by the one company which remains subject to the provisional duty imposed by Regulation (EC) No 1826/1999, namely Vie de France Norway AS.

(G) NEW EXPORTERS

- (25) Following the imposition of definitive anti-dumping and countervailing duties, several Norwegian companies have made themselves known to the Commission claiming to be new exporters and have offered undertakings.

- (26) In this regard, two such exporters, Normarine AS and Oskar Einar Rydbeck demonstrated that they had not exported the product concerned to the Community during the investigation period which led to the current antidumping and countervailing duties (hereinafter 'the original investigation period'). These parties also showed that they were not related to any of the companies in Norway which are subject to the anti-dumping and countervailing duties. Finally, evidence was provided that they had either exported the product concerned to the Community after the original investigation period, or had entered into an irrevocable contractual obligation to export a significant amount of the product concerned to the Community.

- (27) The undertakings offered are identical in terms to those previously offered by other Norwegian companies exporting farmed Atlantic salmon originating in Norway and it is considered that acceptance of such undertakings from these exporters will be sufficient to remove the effects of injurious dumping and subsidisation.

- (28) Since the exporters have offered to provide the Commission with regular and detailed information on their exports to the Community, it is concluded that the undertakings can be monitored effectively by the Commission.

- (29) The undertakings offered by these companies are therefore considered acceptable. The companies have been informed of the essential facts and considerations upon which acceptance of the undertaking is based. The Advisory Committee was consulted and has raised no objections. Pursuant, therefore, to Article 2 of Regulation (EC) No 772/1999, the Annex to that Regulation should be amended so as to grant exemption from payment of anti-dumping and countervailing duties to these companies.

(H) AMENDMENT OF THE ANNEX TO DECISION 97/634/EC

- (30) The Annex to Decision 97/634/EC accepting undertakings in the context of the present anti-dumping and anti-subsidies proceedings should be amended to take account of the reinstatement of the undertakings given by Janas AS and Norfra Eksport AS in respect of which the provisional duties should be repealed, and also of the undertakings accepted from Normarine AS and Oskar Einar Rydbeck.

- (31) For the sake of clarity, an updated version of this Annex should be published herewith, showing the exporters whose undertakings remain in force,

HAS ADOPTED THIS REGULATION:

Article 1

1. The provisional anti-dumping and countervailing duties imposed against Janas AS (UT No 75, TARIC additional code 8177) and Norfra Eksport AS (UT No 116, TARIC additional code 8229) by Regulation (EC) No 1826/1999 in relation to farmed (other than wild) Atlantic salmon originating in Norway falling within CN codes ex 0302 12 00 (Taric codes 0302 12 00*21, 0302 12 00*22, 0302 12 00*23 and 0302 12 00*29), ex 0303 22 00 (TARIC codes 0303 22 00*21, 0303 22 00*22, 0303 22 00*23 and 0303 22 00*29) and ex 0304 10 13 (TARIC codes 0304 10 13*21 and 0304 10 13*29) and ex 0304 20 13 (TARIC codes 0304 20 13*21 and 0304 20 13*29), are hereby repealed.

2. Annex II to Regulation (EC) No 1826/1999 is hereby replaced by Annex I to the present Regulation.

3. Any amounts secured by way of the provisional anti-dumping and countervailing duties imposed by Commission Regulation (EC) No 929/1999 ⁽¹⁾ relating to Janas AS or Norfra Eksport AS shall be released.

Article 2

The following exporters shall be added to the Annex to Regulation (EC) No 772/1999 listing the companies exempted from the definitive anti-dumping and countervailing duties.

UT No	Company name	TARIC additional code
197	Normarine AS	A049
198	Oskar Einar Rydbeck	A050

Article 3

The Annex to Decision 97/634/EC is hereby replaced by Annex II to the present Regulation.

Article 4

This Regulation shall enter into force on the 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, 8 December 1999.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 115, 4.5.1999, p. 13.

ANNEX I

ANNEX II

Company subject to provisional anti-dumping and countervailing duties by Regulation (EC) No 1826/1999

UT No	Company name	Taric additional code
187	Vie de France Norway AS	8321'

ANNEX II

'ANNEX

List of the 116 companies from which undertakings are accepted, as of 10 December 1999

UT No	Company name	TARIC additional Code
3	Agnefest Seafood	8325
7	Aqua Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group International	8109
13	Artic Superior A/S	8111
15	A/S Aalesundfisk	8113
16	A/S Austevoll Fiskeindustri	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
23	Atlantic King Strada A/S	8121
24	Atlantic Seafood A/S	8122
26	Borkowski & Rosnes A/S	8124
27	Brødrene Aasjord A/S	8125
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/S	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
36	Delfa Norge A/S	8134
39	Domstein Salmon A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Eurolaks AS	8140
44	Euronor AS	8141
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd. AS	8145
50	Fossen AS	8147

UT No	Company name	TARIC additional Code
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
53	Fryseriet AS	8150
58	Grieg Seafood	8300
60	Haafa fisk AS	8302
61	Hallvard Lerøy AS	8303
62	Atlantis Filetfabrikk AS	8304
66	Hydro Seafood Norway AS	8159
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas AS	8177
76	Joh. H. Pettersen AS	8178
77	Johan J. Helland AS	8179
79	Karsten J. Ellingsen AS	8181
80	Kr Kleiven & Co. AS	8182
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export AS	8188
92	Marine Seafood AS	8196
93	Marstein Seafood AS	8197
96	Memo Food AS	8200
98	Misundfisk AS	8202
100	Naco Trading AS	8206
101	Namdal Salmon AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
111	Nordic Group ASA	8217
112	Nordreisa Laks AS	8218
113	Norexport AS	8223
114	Norfi Produkter AS	8227

UT No	Company name	TARIC additional Code
115	Norfood Group AS	8228
116	Norfra Eksport AS	8229
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
121	Northern Seafood AS	8307
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309
124	Norway Royal Salmon AS	8312
126	Norway Seafoods ASA	8314
128	Norwell AS	8316
130	Nova Sea AS	8235
134	Ok-Fish Kvalheim AS	8239
137	Pan Fish Sales AS	8242
140	Polar Seafood Norway	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
144	Rolf Olsen Seafood AS	8254
145	Ryfisk AS	8256
146	Rørvik Fisk-og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Prima Nor AS	8259
151	Sangoltgruppa AS	8262
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea-Bell AS	8267
157	Seaco AS	8268
158	Seacom AS	8269
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276

UT No	Company name	TARIC additional Code
167	Fjord Seafood Leines AS	8278
168	SMP Marine Produkter AS	8279
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286
176	Superior AS	8287
178	Terra Seafood AS	8289
180	Timar Seafood AS	8294
182	Torris Products Ltd. AS	8298
183	Troll Salmon AS	8317
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324
191	Nor-Fa Food AS	8102
192	Westmarine AS	8625
193	F. Uhrenholt Seafood Norway AS	A033
194	Mesan Seafood AS	A034
195	Polaris Seafood AS	A035
196	Scanfish AS	A036
197	Normarine AS	A049
198	Oskar Einar Rydbeck	A050'

COMMISSION REGULATION (EC) No 2593/1999

of 8 December 1999

amending Annexes I, II and III of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 2393/1999 ⁽²⁾, and in particular Articles 6 and 8 thereof,

(1) Whereas, in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals;

(2) Whereas maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;

(3) Whereas, in establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);

(4) Whereas, for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney; whereas, however, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues;

(5) Whereas, in the case of veterinary medicinal products intended for use in laying birds, lactating animals or

honey bees, maximum residue limits must also be established for eggs, milk or honey;

(6) Whereas novobiocin, betamethasone, spiramycin, diflucan and enrofloxacin should be inserted into annex I to Regulation (EEC) No 2377/90;

(7) Whereas *calendulae flos*, *cimicifugae racemosae rhizoma*, ergometrine maleate, 1-methyl-2-pyrrolidone, mepivacaine, xylazine hydrochloride, novobiocin, piperazine dihydrochloride, poyoxyl castor oil with 30 to 40 oxyethylene units and *jecoris oleum* should be inserted into Annex II to Regulation (EEC) No 2377/90;

(8) Whereas, in order to allow for the completion of scientific studies, piperazine, cyromazine, tilmicin and toltrazuril should be inserted into Annex III to Regulation (EEC) No 2377/90;

(9) Whereas a period of 60 days should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC ⁽³⁾, as last amended by Directive 93/40/EEC ⁽⁴⁾, to take account of the provisions of this Regulation,

(10) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III of Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the 60th day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ OJ L 290, 12.11.1999, p. 5.

⁽³⁾ OJ L 317, 6.11.1981, p. 1.

⁽⁴⁾ OJ L 214, 24.8.1993, p. 31.

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

Done at Brussels, 8 December 1999.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

A. Annex I to Regulation (EEC) No 2377/90 is amended as follows:

1. Anti-infectious agents

1.2. Antibiotics

1.2.3. Quinolones

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Enrofloxacin	Sum of enrofloxacin and ciprofloxacin	Ovine	100 µg/kg 100 µg/kg 300 µg/kg 200 µg/kg	Muscle Fat Liver Kidney	Not for use in animals from which milk is produced for human consumption'

1.2.4. Macrolides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Spiramycin	Spiramycin 1	Porcine	250 µg/kg 2 000 µg/kg 1 000 µg/kg	Muscle Liver Kidney'	

1.2.11. Other antibiotics

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Novobiocin	Novobiocin	Bovine	50 µg/kg	Milk'	

2. Antiparasitic agents

2.2. Agents acting against ectoparasites

2.2.4. Acyl urea derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Diflubenzuron	Diflubenzuron	Salmonidae	1 000 µg/kg	Muscle and skin in natural proportions'	

5. Corticoides

5.1. Glucocorticoids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Betamethasone	Betamethasone	Bovine	0,75 µg/kg 2,0 µg/kg 0,75 µg/kg 0,3 µg/kg	Muscle Liver Kidney Milk	
		Porcine	0,75 µg/kg 2,0 µg/kg 0,75 µg/kg	Muscle Liver Kidney'	

B. Annex II to Regulation (EEC) No 2377/90 is amended as follows:

2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
'1-methyl-2-pyrrolidone	All food-producing species	For use in parturient animals only
Ergometrine maleate	All mammalian food-producing species	For topical use only
<i>Jecoris oleum</i>	All food-producing species	For intra-articular and epidural use as local anaesthetic only
Mepivacaine	Equidae	For intrammary use only and for all tissues except milk
Novobiocin	Bovine	For all tissues except eggs
Piperazine dihydrochloride	Chicken	For use as excipient
Polyoxyl castor oil with 30 to 40 oxyethylene units	All food-producing species	For use as excipient
Polyoxyl hydrogenated castor oil with 40 to 60 oxyethylene units	All food-producing species	For use as excipient
Xylazine hydrochloride	Bovine, equidae	Not for use in animals from which milk is produced for human consumption'

6. Substances of vegetable origin

Pharmacologically active substance(s)	Animal species	Other provisions
' <i>Calendulae flos</i>	All food-producing species	For topical use only
<i>Cimicifugae racemosae rhizoma</i>	All food-producing species	Not for use in animals from which milk is produced for human consumption'

C. Annex III to Regulation (EEC) No 2377/90 is amended as follows:

1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.2. Macrolides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Tilmicosin	Tilmicosin	Bovine	40 µg/kg	Milk	Provisional MRLs expire on 1.1.2001'

2. Antiparasitic agents
- 2.1. Agents acting against endoparasites
- 2.1.5. Piperazine derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Piperazine	Piperazine	Porcine	400 µg/kg 800 µg/kg 2 000 µg/kg 1 000 µg/kg 2 000 µg/kg	Muscle Skin and fat Liver Kidney Eggs	Provisional MRLs expire on 1.7.2001'

- 2.2. Agents acting against ectoparasites
- 2.2.7. Triazine derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Cyromazine	Cyromazine	Ovine	300 µg/kg 300 µg/kg 300 µg/kg 300 µg/kg	Muscle Fat Liver Kidney	Provisional MRLs expire on 1.7.2001 Not for use in animals from which milk is produced for human consumption'

2.4. Agents acting against protozoa
2.4.3. Triazinetrione derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Toltrazuril	Toltrazuril sulfone	Porcine	100 µg/kg 150 µg/kg 500 µg/kg 250 µg/kg	Muscle Skin and fat Liver Kidney	Provisional MRLs expire on 1.1.2001'

COMMISSION REGULATION (EC) No 2594/1999**of 8 December 1999****amending Regulations (EC) No 2243/1999, (EC) No 2251/1999, (EC) No 2258/1999 and (EC) No 2262/1999 establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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) Commission Regulation (EC) No 2243/1999 ⁽³⁾, (EC) No 2251/1999 ⁽⁴⁾, (EC) No 2258/1999 ⁽⁵⁾ and (EC) No 2262/1999 ⁽⁶⁾ establish a standard import value for determining the entry price of lemons originating in certain third countries.
- (2) An error has been discovered in the Annexes to those Regulations. The Regulations in question should therefore be corrected.
- (3) Article 4(3) of Regulation (CE) No 3223/94 provides that, where no standard import value is in force for a product for a given origin, the average of the standard import values in force for that product is to apply. As a result, that average should be recalculated if one of its component standard import values is corrected.
- (4) Application of the corrected standard import value must be requested by the party concerned so that they are not placed retroactively at a disadvantage,

Article 1

The standard import values applicable to lemons originating in certain third countries listed in the Annexes to Regulations (EC) No 2243/1999, (EC) No 2251/1999, (EC) No 2258/1999 and (EC) No 2262/1999 are replaced, as regards the third-country codes indicated in the table in the Annex hereto, by the standard import values listed there.

Article 2

At the request of the party concerned, the customs office where the import was recorded shall refund part of the customs duties for the lemons originating in the third countries concerned and released for free circulation during the period of application of the corrected Regulations. Refund applications must be lodged no later than the last day of the third month following that in which this Regulation enters into force and must be accompanied by the declaration of release for free circulation for the import concerned.

Article 3

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, 8 December 1999.

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.

⁽³⁾ OJ L 273, 23.10.1999, p. 2.

⁽⁴⁾ OJ L 275, 26.10.1999, p. 5.

⁽⁵⁾ OJ L 276, 27.10.1999, p. 1.

⁽⁶⁾ OJ L 277, 28.10.1999, p. 1.

ANNEX

(EUR/100 kg)			
Regulation	CN code	Country code	Standard import value
(EC) No 2243/1999	0805 30 10	600	63,8
		999	63,2
(EC) No 2251/1999	0805 30 10	600	63,8
		999	60,7
(EC) No 2258/1999	0805 30 10	600	63,8
		999	63,0
(EC) No 2262/1999	0805 30 10	600	63,8
		999	62,4

COMMISSION REGULATION (EC) No 2595/1999
of 8 December 1999
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

- (1) Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;
- (2) Whereas, pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;
- (3) Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;
- (4) Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;
- (5) Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;
- (6) Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 December 1999.

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

Done at Brussels, 8 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	76,44	111,06		173,10
1006 10 23	(7)	76,44	111,06		173,10
1006 10 25	(7)	76,44	111,06		173,10
1006 10 27	(7)	76,44	111,06		173,10
1006 10 92	(7)	76,44	111,06		173,10
1006 10 94	(7)	76,44	111,06		173,10
1006 10 96	(7)	76,44	111,06		173,10
1006 10 98	(7)	76,44	111,06		173,10
1006 20 11	267,90	89,43	129,61		200,93
1006 20 13	267,90	89,43	129,61		200,93
1006 20 15	267,90	89,43	129,61		200,93
1006 20 17	208,76	68,72	100,04	0,00	156,57
1006 20 92	267,90	89,43	129,61		200,93
1006 20 94	267,90	89,43	129,61		200,93
1006 20 96	267,90	89,43	129,61		200,93
1006 20 98	208,76	68,72	100,04	0,00	156,57
1006 30 21	(7)	146,86	212,59		341,25
1006 30 23	(7)	146,86	212,59		341,25
1006 30 25	(7)	146,86	212,59		341,25
1006 30 27	(7)	146,86	212,59		341,25
1006 30 42	(7)	146,86	212,59		341,25
1006 30 44	(7)	146,86	212,59		341,25
1006 30 46	(7)	146,86	212,59		341,25
1006 30 48	(7)	146,86	212,59		341,25
1006 30 61	(7)	146,86	212,59		341,25
1006 30 63	(7)	146,86	212,59		341,25
1006 30 65	(7)	146,86	212,59		341,25
1006 30 67	(7)	146,86	212,59		341,25
1006 30 92	(7)	146,86	212,59		341,25
1006 30 94	(7)	146,86	212,59		341,25
1006 30 96	(7)	146,86	212,59		341,25
1006 30 98	(7)	146,86	212,59		341,25
1006 40 00	(7)	45,38	(7)		105,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	208,76	455,00	267,90	455,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	328,27	285,85	293,00	298,45	—
(b) fob price (EUR/tonne)	—	—	—	263,70	269,15	—
(c) Sea freight (EUR/tonne)	—	—	—	29,30	29,30	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2596/1999
of 8 December 1999
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(8) thereof,

- (1) Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 2402/1999 ⁽³⁾, as last amended by Regulation (EC) No 2545/1999 ⁽⁴⁾;
- (2) Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

- (3) Whereas the corrective amount must be fixed according to the same procedure as the refund; whereas it may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 December 1999.

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

Done at Brussels, 8 December 1999.

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 290, 12.11.1999, p. 26.

⁽⁴⁾ OJ L 307, 2.12.1999, p. 55.

ANNEX

to the Commission Regulation of 8 December 1999 amending the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination ⁽¹⁾	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	03	0	0	-1,00	-2,25	-3,25	-3,25	-3,25
	02	0	0	-1,00	-2,25	-3,25	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	-1,37	-3,08	-4,45	—	—
1101 00 15 9130	01	0	0	-1,28	-2,88	-4,16	—	—
1101 00 15 9150	01	0	0	-1,18	-2,66	-3,84	—	—
1101 00 15 9170	01	0	0	-1,09	-2,45	-3,54	—	—
1101 00 15 9180	01	0	0	-1,02	-2,30	-3,32	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	01	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	0	0	—	—
1103 11 10 9400	01	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(¹) The destinations are identified as follows:

01 all third countries,

02 other third countries,

03 Mauritania, Mali, Niger, Senegal, Burkina Faso, The Gambia, Guinea-Bissau, Guinea, Cape Verde, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Democratic Republic of the Congo, Rwanda, Burundi, Angola, Zambia, Malawi, Mozambique, Namibia, Botswana, Zimbabwe, Lesotho, Swaziland, Seychelles, The Comoros, Madagascar, Djibouti, Ethiopia, Eritrea and Mauritius.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 November 1999

laying down special conditions governing imports of fishery products originating in the Socialist Republic of Vietnam

(notified under document number C(1999) 3758)

(Text with EEA relevance)

(1999/813/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by the Council Directive 97/79/EC ⁽²⁾, and in particular Article 11 thereof,

Whereas:

- (1) A Commission expert has conducted an inspection visit to the Socialist Republic of Vietnam to verify the conditions under which fishery products are produced, stored and dispatched to the Community;
- (2) The provisions of legislation of the Socialist Republic of Vietnam on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;
- (3) In the Socialist Republic of Vietnam the 'National Fisheries Inspection and Quality Assurance Center (Nafiqacen) of the Ministry of Fisheries' is capable of effectively verifying the application of the laws in force;
- (4) The procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in

which it must be drafted and the grade of the person empowered to sign it;

- (5) Pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;
- (6) Pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved/registration establishments, factory vessels, or cold stores must be drawn up; a list of freezer vessels registered in the sense of Directive 92/48/EEC ⁽³⁾ must be drawn up; these list must be drawn up on the basis of a communication from the Nafiqacen to the Commission; it is therefore for the Nafiqacen to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;
- (7) The Nafiqacen has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval or registration of establishments, factory vessels, cold stores or freezer vessels of origin;
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 268, 24.9.1991, p. 15.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 187, 7.7.1992, p. 41.

HAS ADOPTED THIS DECISION:

Article 1

The 'National Fisheries Inspection and Quality Assurance Center (Nafiqacen) of the Ministry of Fisheries' shall be the competent authority in the Socialist Republic of Vietnam for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

Article 2

Fishery and aquaculture products originating in the Socialist Republic of Vietnam must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'Vietnam' and the approval/

registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

Article 3

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the Nafiqacen and the latter's official stamp in a colour different from that of other endorsements.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1999.

For the Commission

David BYRNE

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in the Socialist Republic of Vietnam and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: SOCIALIST REPUBLIC OF VIETNAM

Competent authority: 'National Fisheries Inspection and Quality Assurance Center (NAFIQACEN) of the Ministry of Fisheries'

I. Details identifying the fishery products

- Description of fishery — aquaculture products ⁽¹⁾:
- species (scientific name):
- presentation of product and type of treatment ⁽²⁾:
- Code numer (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishments(s), factory vessels(s), or cold store(s) approved or freezer vessel(s) registered by the NAFIQACEN for export to the European Community:

III. Destination of products

The products are dispatched from:

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:
.....

Name of consignee and address at place of destination:
.....

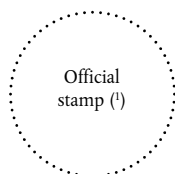
⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
- 1) were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 - 2) were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 - 3) have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 - 4) are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 - 5) do not come from toxic species or species containing biotoxins;
 - 6) have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 1999/813/EC.

Done at, on
(Place) (Date)



.....
(Signature of official inspector (1))

.....
(Name in capital letters, capacity and qualifications of person signing)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

I. LIST OF APPROVED ESTABLISHMENTS

No	Name	Address
003 DL 02	Special aquatic products import and export company (Seaspimex) — Factory No 2	Tan Binh district, Ho Chi Minh city
008 DL 07	An Giang fishery import-export company, workshop No 1 — Agifish	Long Xuyen town, An Giang province
012 DL 12	Song Huong import export seafoods company — Soseafood	Hue city, Thua Thien Hue province
017 DL 21	Seaproduct Tien Giang	My Tho city, Tien Giang province
024 DL 32	Thuan Phuoc seafoods and trading corporation — Thuan Phuoc Corporation	Hai Chau district, Da Nang city
038 DL 103	Cau Tre Enterprise — CTE Workshop No 3	Tan Binh district, Ho Chi Minh city
060 DL 110	Kiengiang seaproducts import and export company (Kisimex) — Kien Giang export fish processing enterprise	Rach Gia town, Kien Giang province
053 DL 121	Ngoc HaCompany Ltd foodprocessing and Trading	Thu Duc district, Ho Chi Minh city
067 DL 130	Minh Hai Jostoco	Ca Mau town, Ca Mau province
070 DL 132	Soc Trang foodstuff and general import export company — Fimex VN	Soc Trang town, Soc Trang province
063 DL 129	Sagimexco	Sa Dec town, Dong Thap province
077 DL 138	Hung Thanh Phu Quoc fish sauce manufacture enterprise	Phu Quoc district, Kien Giang province
078 DL 139	Thanh Ha Co. Ltd	Phu Quoc district, Kien Giang province
073 DL 134	Can Tho — agricultural and animal products imex company Cataco	Can Tho city, Can Tho province
058 DL 127	Song Tien No 2ST2	Chau Than district, Tien Giang province
080 DL 141	Phu Than frozen factory	Chau Thanh district, Can Tho province
050 DL 118	Minh Hai Sea products. Import and export Corporation new sea products processing factory	Ca Mau Town, Ca Mau province
057 DL 125	Hai Nam Co. Ltd	Phan Thiet town, Binhthuan province

COMMISSION DECISION
of 16 November 1999
amending Decision 97/296/EC drawing up the list of third countries from which the import of
fishery products is authorised for human consumption

(notified under document number C(1999) 3759)

(Text with EEA relevance)

(1999/814/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as amended by Decision 98/603/EC ⁽²⁾, and in particular Article 2(2) and Article 7 thereof,

Whereas:

- (1) Commission Decision 97/296/EC ⁽³⁾, as last amended by Decision 1999/532/EC ⁽⁴⁾, lists the countries and territories from which importation of fishery products for human consumption is authorised. Part I of the Annex lists the names of the countries and territories covered by a specific decision and part II names those qualifying under Article 2(2) of Decision 95/408/EC. Commission Decision 1999/813/EC ⁽⁵⁾ sets specific import conditions for fishery and aquaculture products originating in Vietnam. Whereas Vietnam should therefore be added to part I of the Annex, to the list of countries and terri-

tories from which importation of fishery products for human consumption is authorised.

- (2) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to the present Decision replaces the Annex to the Decision 97/296/EC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 November 1999.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17.

⁽²⁾ OJ L 289, 28.10.1998, p. 36.

⁽³⁾ OJ L 122, 14.5.1997, p. 21.

⁽⁴⁾ OJ L 203, 3.8.1999, p. 78.

⁽⁵⁾ See page 39 of this Official Journal.

ANNEX

List of countries and territories from which importation of fishery products in any form intended for human consumption is authorised*I. Countries and territories covered by a specific decision under Council Directive 91/493/EEC*

AL — Albania	GT — Guatemala	PE — Peru
AR — Argentina	ID — Indonesia	PH — Philippines
AU — Australia	IN — India	RU — Russia
BD — Bangladesh	JP — Japan	SC — Seychelles
BR — Brazil	KR — South Korea	SG — Singapore
CA — Canada	MA — Morocco	SN — Senegal
CI — Côte d'Ivoire	MG — Madagascar	TH — Thailand
CL — Chile	MR — Mauritania	TN — Tunisia
CO — Colombia	MU — Mauritius	TW — Taiwan
CU — Cuba	MV — Maldives	TZ — Tanzania
EC — Ecuador	MX — Mexico	UY — Uruguay
EE — Estonia	MY — Malaysia	VN — Vietnam
FK — Falkland Islands	NG — Nigeria	YE — Yemen
FO — Faeroe Islands	NZ — New Zealand	ZA — South Africa
GH — Ghana	OM — Oman	
GM — Gambia	PA — Panama	

II. Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC

AO — Angola	HR — Croatia	SH — St Helena
AG — Antigua & Barbuda ⁽¹⁾	HU — Hungary ⁽³⁾	SI — Slovenia
AN — Netherlands Antilles	IL — Israel	SR — Suriname
AZ — Azerbaijan ⁽²⁾	IR — Iran	TG — Togo
BG — Bulgaria	JM — Jamaica	TR — Turkey
BJ — Benin	KE — Kenya	UG — Uganda
BS — Bahamas	LK — Sri Lanka	US — United States of America
BZ — Belize	LT — Lithuania	VC — St Vincent & Grenadines
CH — Switzerland	LV — Latvia	VE — Venezuela
CM — Cameroon	MM — Myanmar	FJ — Fiji
CN — China	MT — Malta	GA — Gabon
CR — Costa Rica	MZ — Mozambique	GL — Greenland
CV — Cape Verde	NA — Namibia	NC — New Caledonia
CY — Cyprus	PF — French Polynesia	NI — Nicaragua
CZ — Czech Republic	PG — Papua New Guinea	ZW — Zimbabwe
DZ — Algeria	PK — Pakistan	
ER — Eritrea	PL — Poland	
GN — Guinea Conakry	PM — St Pierre & Miquelon	
HK — Hong Kong	RO — Romania	
HN — Honduras	SB — Solomon Islands	

⁽¹⁾ Authorised only for imports of fresh fish.⁽²⁾ Authorised only for imports of caviar.⁽³⁾ Authorised only for import of live animals intended for direct human consumption.

COMMISSION DECISION

of 7 December 1999

adopting measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing one or more of the substances di-iso-nonyl phthalate (DINP), di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), di-iso-decyl phthalate (DIDP), di-n-octyl phthalate (DNOP), and butylbenzyl phthalate (BBP)

(notified under document number C(1999) 4436)

(Text with EEA relevance)

(1999/815/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to Article 3 of Directive 92/59/EEC, producers are obliged to place only safe products on the market; the Directive stresses in particular the need to ensure a high level of protection of the health and safety of children;
- (2) Article 9 of the Directive provides that the Commission may, under certain conditions and in conformity with the procedure set out in the Directive, adopt a decision requiring Member States to take temporary measures to prevent, restrict or submit to particular conditions the placing on the market of a product, or requiring its withdrawal from the market, if it presents a serious and immediate risk to the health and safety of consumers;
- (3) The Commission may adopt such a decision with regard to a product which, in accordance with information provided by a Member State, presents a serious and immediate risk and in respect of which one or more Member States have adopted measures entailing restrictions on the marketing of the product or requiring its withdrawal from the market;
- (4) Such a decision is subject to the conditions that Member States differ on the adoption of measures to deal with the risk in question; that the risk cannot be dealt with in a manner compatible with the urgency of the case under the other procedures laid down by the specific Community legislation applicable to the product or category of products concerned; that the risk can be eliminated effectively only by adopting appropriate measures applicable at Community level, in order to ensure the protection of the health and safety of consumers and the proper functioning of the internal market;
- (5) The Danish authorities have informed the Commission, in four notifications presented in April and July 1997 under Article 8 of Directive 92/59/EEC, of the serious and immediate risk presented by certain soft PVC teething rings containing the phthalates DINP, DEHP, DBP, DIDP, DNOP and BBP;
- (6) The Spanish authorities have informed the Commission, in a notification presented in the same framework in February 1998, of the risk presented by a soft PVC imitation fruit containing the phthalate DINP, intended for children;
- (7) The Greek authorities adopted on 15 January 1999 measures concerning the withdrawal from the market of soft PVC childcare articles intended for teething by infants and the prohibition of the import and marketing of certain soft PVC toys intended for children under the age of three years;
- (8) The Austrian authorities adopted on 4 August 1998 a law prohibiting toys containing phthalates; intended for children of less than three years of age, which are, under normal and foreseeable conditions of use, sucked, chewed or otherwise frequently placed in the mouth;
- (9) The Danish authorities issued on 15 March 1999 a Statutory Order prohibiting the production, import and marketing of childcare articles intended or likely to be placed in mouth, and of toys, and products which must be expected to be used as toys by children under the age of three years, or parts thereof, containing more than 0,05 % of phthalates;
- (10) The Swedish authorities adopted on 10 June 1999, a measure prohibiting the marketing and sale of phthalate-containing toys and childcare articles intended for children under three years of age and which can be put in the mouth;
- (11) The Finnish authorities adopted on 23 September 1999, a Resolution of the Council of State prohibiting childcare articles and toys which can be put into the mouth by children under three years of age which are made of soft PVC and contain more than 0,05 % by weight of DINP, DEHP, DBP, DIDP, DNOP or BBP;

⁽¹⁾ OJ L 228, 11.8.1992, p. 24.

- (12) The Italian authorities adopted on 30 September 1999 a measure prohibiting the marketing of soft plastic toys for children under three years of age intended or likely to be put in the mouth, containing more than 0,05 % of DINP, DIDP, DEHP, DBP, DNOP or BBP; in addition the Italian authorities notified the Commission on 14 June 1999 within the framework of Directive 98/34/EC of the European Parliament and of the Council⁽¹⁾ as last amended by Directive 98/48/EC⁽²⁾, of a draft measure prohibiting the use of four phthalates (DIDP, DEHP, DINP, DBP) in plastic materials and elastomers and restricting the use of certain other phthalates to a maximum of 5 % by weight in childcare articles;
- (13) The French authorities adopted on 5 July 1999 a measure suspending the marketing, production, import and export and ordering a withdrawal of certain toys and childcare articles intended for placing in the mouth by children under 36 months in soft PVC containing DINP, DIDP, DEHP, DBP, DNOP and BBP; they have in addition notified the Commission within the framework of Directive 98/34/EC of a draft measure prohibiting the use of DINP, DIDP, DEHP, DBP, DNOP and BBP in toys and childcare articles intended for placing in the mouth by children under three years of age;
- (14) The German authorities notified the Commission on 24 August 1999 within the framework of Directive 98/34/EC of a draft measure prohibiting the marketing, production and import of teething rings and certain plastic toys for children up to three years of age entirely or partly made of plastic materials, of which the plastic parts are intended or can be foreseen to be put in the mouth, containing more than 0,1 % of any phthalates;
- (15) All the abovementioned notifications and measures relate to the risks associated with exposure of children to phthalates and concern childcare products and/or toys made of soft PVC containing certain phthalates which are intended or likely to be placed in the mouth by young children;
- (16) The Commission adopted, on 1 July 1998 recommendation 98/485/EC⁽³⁾ on phthalates in certain childcare articles and toys, on the basis of the scientific knowledge then available, inviting Member States to monitor the level of phthalate migration from the products in question, taking into account the opinion of the Scientific Committee on Toxicity, Ecotoxicity and the Environment (SCTEE) of 24 April 1998, and to take the measures required to ensure a high level of child health protection;
- (17) The Scientific Committee on Toxicity, Ecotoxicity and the Environment (SCTEE), consulted by the Commission, in its opinion on phthalates in toys of 27 November 1998, taking into account the results of the most recent relevant studies, has confirmed that there are grounds for concern with the low safety margins as regards the exposure of children to the phthalate DEHP and DINP, in connection with the use of certain toys and childcare articles made of soft PVC containing these substances;
- (18) The SCTEE has come to this conclusion on the basis, *inter alia*, of adverse effects of DINP for liver and kidney and testicular damage caused by DEHP observed in laboratory tests; it therefore appears that under certain conditions these substances may have serious adverse health effects;
- (19) In the light of the SCTEE opinion, the Commission considers that young children who use certain toys and childcare articles which are placed in the mouth, made of phthalate-containing soft PVC, may be subject to daily levels of exposure to DINP and DEHP higher than the levels deemed to be safe;
- (20) The SCTEE found the release of the other phthalates (DNOP, DIDP, BBP and DBP) to be low and to present no risk under current conditions of use. The Committee observed that a larger release would occur if they were used as plasticisers in higher concentrations;
- (21) The Commission considers that, should the use of DNOP, DIDP, BBP and DBP be allowed to replace DINP and DEHP, as a consequence of the prohibition of these two substances as plasticisers in the products in question, the exposure of children to them would increase and consequently the risk would be higher. Therefore, the Commission, adopting a precautionary approach, considers that this Decision should also apply to them;
- (22) Young children are also exposed to phthalates from sources other than PVC toys and childcare articles, but the level of exposure due to these sources cannot, according to the SCTEE opinion, be quantified because of lack of sufficient data; the existence of such additional exposure should however be taken into account in managing the risks in question;
- (23) Although the serious effects mentioned above do not become manifest until some time after exposure, the risk associated with the products in question is an immediate one because it is directly associated with exposure to the phthalates; such products, following the normal period of use by a child, may lead to significant exposure with serious effects later in life;
- (24) Therefore, the Commission considers that toys and childcare articles for young children made of soft PVC containing phthalates are liable to present a serious and immediate risk to health;

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

⁽²⁾ OJ L 217, 5.8.1998, p. 18.

⁽³⁾ OJ L 217, 5.8.1998, p. 35.

- (25) The products which pose the abovementioned risks are toys and childcare articles which are intended to be placed in the mouth by young children and are made of soft PVC containing one or more of the phthalates in question, because they are expected to be placed in the mouth for periods long enough and in a way liable to give rise to daily phthalate-extraction above the levels deemed to be safe; this Decision concerns, taken into account the nature of the risk, both products produced in the Community and imported products;
- (26) Denmark, Austria, Greece, Finland, Sweden, Italy, France and Germany have decided to submit the products belonging to the category in question to restrictive measures with different scope, aimed at eliminating the use of phthalates in this application; the Commission has ascertained, that Member States differ on the adoption of measures to deal with the risk in question;
- (27) Because of the differences between Member States and between the scope of the measures taken by certain Member States, a Community measure is necessary to eliminate the risk and effectively ensure a consistent high level of protection of child health and the proper functioning of the internal market;
- (28) Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ⁽¹⁾, as last amended by Directive 1999/77/EC ⁽²⁾ applies to dangerous substances and preparations, but does not yet contain provisions concerning phthalates; Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys ⁽³⁾, as last amended by Directive 93/68/EEC ⁽⁴⁾, as regards dangerous substances refers to the relevant Community legislation relating to certain categories of products or to the prohibition, restriction of use or labelling of certain dangerous substances and preparations; it does not apply to childcare articles and does not provide for an emergency procedure;
- (29) The Danish authorities requested the Commission on 15 April 1998 to adopt a decision introducing restrictive measures in relation to the products in question, in compliance with Article 9 of Directive 92/59/FEC;
- (30) The European Parliament, in its resolution on a consumer policy action plan, adopted on 4 May 1999, has called on the Commission to take steps in removing phthalates from PVC toys intended for babies and young children ⁽⁵⁾;
- (31) The SCTEE, consulted by the Commission, has concluded in its opinion of 28 September 1999 on TNO, LGC and United States CPSC reports on phthalate-migration test validation that none of the phthalate-migration test methods which have been subject to validation attempts is currently suitable for control purposes;
- (32) In the absence of a test method of phthalate migration that has been validated and standardised at Community level, it is not currently feasible to guarantee a consistently high level of child health protection by laying down limits on the migration of these substances from the toys and childcare articles in question, and to ensure standard and non-discriminatory application of these limits; furthermore it is at present very difficult to establish phthalate migration limits which take account of the contribution to phthalate child exposure from sources other than PVC toys and childcare articles;
- (33) The scientific evidence on phthalate migration-test methods mentioned above, which has been made available recently, has shown that Recommendation 98/485/EC is not sufficient to ensure a consistent high level of child health protection; it is now urgent to prohibit rapidly the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years, because it has now become evident that there is no other effective control measure currently available for regulatory purposes;
- (34) The Commission has presented a proposal for an amendment to Directive 76/769/EEC on restrictions on the marketing and use of dangerous substances and preparations prohibiting, the use of DINP, DEHP, DIDP; DNOP, DBP and BBP in toys and childcare articles made of soft PVC and intended to be put in the mouth by children under the age of three. Furthermore, the placing on the market of such products is not allowed if they contain the mentioned phthalates; the proposal aims, in addition, at ensuring that other toys and childcare articles of soft PVC intended for children under the age of three and which could be put in the mouth should bear a label in order to ensure that the children do not put them in the mouth;
- (35) In order to ensure a consistent high level of child health protection throughout the EU, in the period preceding the adoption by the European Parliament and the Council of the proposed Directive and its implementation by the Member States, and given that toys and childcare articles of soft PVC containing phthalates intended for placing in the mouth by children under three years of age present a serious and immediate risk, it is necessary to prohibit immediately their placing on the market;

⁽¹⁾ OJ L 262, 27.9.1976, p. 201.

⁽²⁾ OJ L 207, 6.8.1999, p. 18.

⁽³⁾ OJ L 187, 16.7.1988, p. 1.

⁽⁴⁾ OJ L 220, 30.8.1993, p. 1.

⁽⁵⁾ OJ C 279, 1.10.1999, p. 86.

- (36) All the relevant phthalates must be covered by this Decision in order to eliminate those which are presently used and prevent use of the others which pose comparable risks for child health;
- (37) This Decision should eliminate the deliberate use of the relevant phthalates as plasticizers in the products in question, while acknowledging the possibility of their presence at a trace level of up to 0,1 % by weight which is considered a level allowing for non-intended impurities not giving rise to concern for child health;
- (38) The duration of the validity of this Decision is limited to three months; period of validity may be prolonged if necessary;
- (39) Pursuant to Article 11(3) of Directive 92/59/EEC Member States shall take all necessary measures to implement the decision adopted within less than 10 days;
- (40) The measures provided for in this Decision are in accordance with the opinion of the Emergencies Committee,

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to toys and childcare articles:

- made of, or in part made of, soft PVC containing more than 0,1 % by weight of one or more of the following substances:
 - di-isononyl phthalate (DINP) CAS No 28553-12-0 EINECS No 249-079-5,
 - di(2-ethylhexyl) phthalate (DEHP) CAS No 117-81-7 EINECS No 204-211-0,
 - di-n-octyl phthalate (DNOP) CAS No 117-84-0 EINECS No 204-214-7,
 - di-iso-decyl phthalate (DIDP) CAS No 26761-40-0 EINECS No 247-977-1,

- butyl benzyl phthalate (BBP) CAS No 85-68-7 EINECS No 201-622-7,
 - dibutyl phthalate (DBP) CAS No 84-74-2 EINECS No 201-557-4,
- intended to be placed in the mouth by children of less than three years of age.

Article 2

For the purposes of this Decision:

- a 'toy' shall mean any product designed or clearly intended for use in play by children,
- childcare article shall mean any product intended to facilitate sleep, relaxation, the feeding of children, or sucking on the part of children.

Article 3

Member States shall prohibit the placing on the market of the toys and childcare articles referred to in Article 1.

Article 4

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

Article 5

This Decision shall be applicable until 8 March 2000.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 7 December 1999.

For the Commission

David BYRNE

Member of the Commission

NOTICE TO READERS

Subject: Monthly Indexes

The April 1999 editions of the OJ 'L' and 'C' monthly alphabetical index and the methodological table are now available.

EUR-OP aims to produce all subsequent editions rapidly, at two-week intervals, and to be up to date early in the year 2000.

We regret the long delays which were caused by internal changes in production methods, and are confident that these problems will not re-appear with the year 2000 subscriptions.

We apologise for any inconvenience caused.