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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC, ECSC, EURATOM) No 2673/1999
of 13 December 1999
amending the Financial Regulation of 21 December 1977 applicable to the general budget of the
European Communities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 279 thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 78h thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 183 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinions of the Court of Auditors ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

After consulting the Committee of the Regions,

Whereas:

- (1) the conciliation provided for in the Joint Declaration by the European Parliament, the Council and the Commission of 4 March 1975 ⁽⁵⁾ has taken place;
- (2) it is necessary to amend the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁶⁾, hereinafter referred to as the 'Financial Regulation', in order to take account of the entry into force of the Treaty of Amsterdam, which repealed Protocol 16 to the Treaty on European Union on the common organisational structure for the Economic and Social Committee and the Committee of the Regions;
- (3) like the Economic and Social Committee and the Committee of the Regions, the Ombudsman is treated by Article 22(5) of the Financial Regulation ⁽⁷⁾, for the purposes of that Regulation, as an institution, and is in receipt of increasingly large amounts of financial

resources, which ought to be subject to the same budgetary procedure and the same rules as the other Community bodies which are treated as institutions by the Financial Regulation;

- (4) specific sections should therefore be created within the general budget of the European Union for the Economic and Social Committee, the Committee of the Regions and the Ombudsman and the provisions of the Financial Regulation concerning them should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The Financial Regulation is hereby amended as follows:

1. In point 3 of Article 7, 'the Ombudsman' shall be inserted after 'the Committee of the Regions'.
2. Article 12 shall be amended as follows:
 - (a) the first subparagraph shall be replaced by the following:

'The European Parliament, the Council, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the Ombudsman shall, each year before 1 July, draw up an estimate of their revenue and expenditure for the following year.';
 - (b) the second subparagraph shall be deleted.
3. In Article 14 the first subparagraph shall be replaced by the following:

'The Commission may, on its own initiative or if requested by the European Parliament, the Council, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions or the Ombudsman, each in respect of its own section, present to the Council a letter of amendment to the preliminary draft budget on the basis of new information which was not available at the time the preliminary draft was established.'

⁽¹⁾ OJ C 149, 15.5.1998, p. 21 and OJ C 396, 19.12.1998, p. 18.

⁽²⁾ OJ C 313, 12.10.1998, p. 4.

⁽³⁾ OJ C 7, 11.1.1999, p. 1 and OJ C 154, 1.6.1999, p. 5.

⁽⁴⁾ OJ C 284, 14.9.1998, p. 54.

⁽⁵⁾ OJ C 89, 22.4.1975.

⁽⁶⁾ OJ L 356, 31.12.1977, Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2779/98 (OJ L 347, 23.12.1998, p. 3). Consolidated version appears in OJ C 80, 25.3.1991, p. 1.

⁽⁷⁾ In the version thereof resulting from Regulation (ECSC, EC, Euratom) No 1923/94 (OJ L 198, 30.7.1994, p. 4).

4. Article 15(4) shall be replaced by the following:

‘4. Requests for amending and/or supplementary budgets from the European Parliament, the Council, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions or the Ombudsman shall be forwarded by the Commission to the budgetary authority. The Commission may attach a dissenting opinion.’

5. Article 19(1) shall be amended as follows:

(a) in the first subparagraph, the second indent shall be replaced by the following:

‘— separate sections subdivided into statements of revenue and expenditure of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the Ombudsman.’;

(b) the second and third subparagraphs shall be deleted.

6. In the first indent of point 3 of Article 20, ‘The staff of the Ombudsman shall be shown separately in Parliament’s establishment plan. The staff of the Economic and Social Committee, the Committee of the Regions and their common organisational structure shall be shown separately in their specific section’ shall be deleted.

7. Article 22 shall be amended as follows:

(a) in paragraph 2, the first subparagraph shall be replaced by the following:

‘2. The Commission shall confer upon the European Parliament, the Council, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the Ombudsman the

requisite powers for the implementation of the sections of the budget relating to them.’;

(b) the second subparagraph shall be deleted.

8. In the first subparagraph of Article 24, ‘The Economic and Social Committee and the Committee of the Regions shall appoint a financial controller by common agreement’ shall be deleted.

9. In the second subparagraph of Article 25, ‘The Economic and Social Committee and the Committee of the Regions shall appoint an accounting officer by common agreement’ shall be deleted.

10. Article 26 shall be amended as follows:

(a) the second subparagraph of paragraph 2 shall be replaced by the following:

‘The Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the regions and the Ombudsman may, within their own section of the budget, transfer appropriations from one article to another within each chapter. They shall inform the budgetary authority and the Commission three weeks before making such transfers.’;

(b) the third subparagraph of paragraph 4 shall be replaced by the following:

‘Proposals made by the other Institutions, the Economic and Social Committee, the Committee of the Regions and the Ombudsman for transfers from one chapter to another shall be automatically forwarded to the budgetary authority; the Commission may attach its own opinion to such proposals.’

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 13 December 1999.

For the Council

The President

S. HASSI

**COUNCIL REGULATION (EC) No 2674/1999
of 13 December 1999**

amending Regulation (EEC) No 1911/91 on the application of the provisions of Community law to the Canary Islands

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular the first subparagraph of Article 25(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

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

Whereas:

- (1) by virtue of Article 25 of the 1985 Act of Accession, the Treaties and the acts of the Institutions of the Communities apply to the Canary Islands, subject to the derogations set out in that Article and in Protocol 2 to that Act;
- (2) on account of their geographical situation, the Canary Islands are faced with special difficulties due in particular to their remoteness, their island status, their volcanic terrain unpropitious to the development of agricultural and industrial production and their lack of natural resources; the Council has adopted a number of measures to integrate the Canary Islands more fully into the Community and the customs union in particular;
- (3) in this context, existing indirect taxation arrangements intended in particular to compensate for the region's island status and geographical isolation needed gradual reform and modernisation in accordance with Community legislation; to that end and among other measures adopted, Regulation (EEC) No 1911/91 ⁽³⁾ allowed a new tax on production and imports (the 'arbitrio sobre la producción y sobre las importaciones' (APIM)) to be applied in the Canary Islands until 31 December 2000;
- (4) this temporary tax is intended to enable local production to adjust to the requirements of the single market through a system of exemptions; certain total or partial exemptions from the tax are accordingly granted in respect of locally produced goods, according to economic needs and on condition that such exemptions contribute to the promotion of local activities without being liable to affect trading conditions to an extent contrary to the common interest;

- (5) pursuant to Article 5(6) of Regulation (EEC) No 1911/91, the Commission has examined the impact of the measures taken in the context of the APIM on the economy of the Canary Islands and the prospects for integration of the region into the Community's customs territory; that examination has found that the impact of eliminating the APIM is broadly positive as regards prices and negative as far as output and employment are concerned;
- (6) the negative impact on output and employment nevertheless varies greatly according to the sector concerned; although the time that has elapsed has allowed most sectors to adjust, this is not the case for certain products in sensitive sectors; the Commission has, at the request of the Spanish authorities, studied the most vulnerable sectors and identified the sensitive products, and has concluded that such vulnerability could in some cases lead to the virtual disappearance of the sector concerned;
- (7) after consultation with the Spanish authorities, it has become clear that the phasing-out of the tax should be suspended until 30 June 2000 in the case of certain sensitive products, in order to facilitate their adjustment to market conditions before the tax disappears; this suspension does not call into question the objectives of introducing the Common Customs Tariff and eliminating the APIM, but is confined solely to mitigating the effects of the economic adjustments which are necessary in order to arrive at abolition of the tax;
- (8) Regulation (EEC) No 1911/91 should therefore be amended accordingly;
- (9) The APIM will disappear on 31 December 2000; before that date, the Commission will nevertheless examine with the Spanish authorities the impact of suspending the phasing-out of the tax on the economic sectors concerned, and more particularly on the products covered by this Regulation; in the light of the conclusions of that examination, the Commission will, if necessary, present to the Council a proposal concerning the measures to be taken under the Treaty to avoid jeopardising the existence of certain local production activities that are particularly vulnerable, whilst still ultimately achieving the objective of eliminating the tax,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1911/91 is hereby amended as follows:

⁽¹⁾ Opinion delivered on 19 November 1999 (not yet published in the Official Journal).

⁽²⁾ OJ C 329, 17.11.1999, p. 27.

⁽³⁾ OJ L 171, 29.6.1991, p. 1. Regulation as amended by Regulation (EEC) No 284/92 (OJ L 31, 7.2.1992, p. 6).

1. The following subparagraph shall be added to Article 5(2):
'By way of derogation from the provisions of the first subparagraph, the reduction in the rates of the tax shall be suspended from 30 December 1999 until 30 June 2000 in the case of the products listed in the Annex.'
2. The Annex which appears in the Annex to this Regulation shall be added.

Article 2

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

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

Done at Brussels, 13 December 1999.

For the Council
The President
S. HASSI

ANNEX

‘ANNEX

List of products, referred to in the second subparagraph of Article 5(2), classified according to the nomenclature of the Common Customs Tariff (CCT)*Miscellaneous foodstuffs:*

0403 10, 0407 00 90, 0701 90, 0702, 0703, 0803, 0901 21, 0901 90 90, 1101, 1601, 1602, 1704 90 71, 1806 (except 1806 20 95), 1901 90 99, 1902, 1904 10 10, 1905 10 00, 1905 20, 1905 30, 1905 40, 1905 90, 2002 10 90, 2002 90 91, 2007 91 10, 2007 99 39, 2008 99 61, 2008 99 68, 2101, 2103, 2105, 2106 90 98, 2309.

Tobacco:

2402 10 00, 2402 20.

Chemicals:

2804 30 00, 2804 40 00, 2851 00 30, 3208, 3209, 3213, 3401, 3402 (except 3402 11 00, 3402 12 00 and 3402 13 00), 3809 91 00.

Paper:

4808, 4818 10, 4818 20, 4818 30, 4818 40, 4819, 4821, 4823 59 10, 4909, 4910, 4911, 5601 22 10, 5601 22 99.

Textiles:

6112 31, 6112 41, 6213, 6302, 6303.

Metalworking industries I:

7308, 7309 00 (except 7309 00 90), 7317, 7325, 7604, 7608, 7610, 9406 00 31.

Other manufactured goods:

3923 10 00, 3923 21 00, 3923 30 10, 3924 10 00, 4012 10, 4418, 4601, 4602, 6802, 7010, 8544 59 10, 9401, 9403, 9404.’

COMMISSION REGULATION (EC) No 2675/1999
of 17 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 18 December 1999.

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

Done at Brussels, 17 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 17 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	103,5
	204	43,7
	999	73,6
0707 00 05	052	118,8
	999	118,8
0709 10 00	220	196,7
	999	196,7
0709 90 70	052	115,6
	204	106,0
	999	110,8
0805 10 10, 0805 10 30, 0805 10 50	052	45,7
	204	46,1
	388	35,6
	624	54,9
	999	45,6
0805 20 10	052	77,1
	204	55,5
	999	66,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,2
	204	53,1
	464	123,0
	999	82,8
0805 30 10	052	59,5
	600	102,2
	999	80,8
0808 10 20, 0808 10 50, 0808 10 90	400	76,8
	404	78,9
	728	89,9
	999	81,9
0808 20 50	052	142,9
	064	67,0
	400	75,1
	720	69,8
	999	88,7

⁽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 2676/1999**of 17 December 1999****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

- (1) Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;
- (2) Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national

food aid actions, the level of the refunds granted for these actions should be determined;

- (3) Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations;
- (4) Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;
- (5) Whereas the measures provided for this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 17 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 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 17 December 1999 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)	
Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	42,50
1002 00 00 9000	67,00
1003 00 90 9000	30,00
1004 00 00 9400	61,00
1005 90 00 9000	47,00
1006 30 92 9100	139,00
1006 30 92 9900	139,00
1006 30 94 9100	139,00
1006 30 94 9900	139,00
1006 30 96 9100	139,00
1006 30 96 9900	139,00
1006 30 98 9100	139,00
1006 30 98 9900	139,00
1006 30 65 9900	139,00
1006 40 00 9000	—
1007 00 90 9000	47,00
1101 00 15 9100	58,25
1101 00 15 9130	58,25
1102 20 10 9200	71,02
1102 20 10 9400	60,88
1102 30 00 9000	—
1102 90 10 9100	40,92
1103 11 10 9200	15,00
1103 11 90 9200	15,00
1103 13 10 9100	91,31
1103 14 00 9000	—
1104 12 90 9100	90,96
1104 21 50 9100	54,56

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2677/1999
of 17 December 1999
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products
from the Community to the French overseas departments

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 2598/95 ⁽²⁾, and in particular Article 2 (6) thereof,

- (1) Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 2497/1999 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 267, 9.11.1995, p. 1.

⁽³⁾ OJ L 43, 19.2.1992, p. 23.

⁽⁴⁾ OJ L 304, 27.11.1999, p. 5.

ANNEX

to the Commission Regulation of 17 December 1999 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(EUR/t)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	48,50	48,50	48,50	51,50
Barley (1003 00 90)	36,00	36,00	36,00	39,00
Maize (1005 90 00)	53,00	53,00	53,00	56,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00
Oats (1004 00 00)	67,00	67,00	—	—

COMMISSION REGULATION (EC) No 2678/1999
of 17 December 1999
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals
products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

- (1) Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 2499/1999 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply

to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 76, 13.3.1998, p. 6.

⁽³⁾ OJ L 185, 4.7.1992, p. 28.

⁽⁴⁾ OJ L 304, 27.11.1999, p. 9.

ANNEX

to the Commission Regulation of 17 December 1999 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

		(EUR/t)	
Product (CN code)		Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	(1001 90 99)	45,50	45,50
Barley	(1003 00 90)	33,00	33,00
Maize	(1005 90 00)	50,00	50,00
Durum wheat	(1001 10 00)	8,00	8,00

COMMISSION REGULATION (EC) No 2679/1999
of 17 December 1999
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals
products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 ⁽⁴⁾ thereof,

- (1) Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 2498/1999 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply

to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 320, 11.12.1996, p. 1.

⁽³⁾ OJ L 185, 4.7.1992, p. 26.

⁽⁴⁾ OJ L 304, 27.11.1999, p. 7.

ANNEX

to the Commission Regulation of 17 December 1999 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

		(EUR/t)
Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	45,50
Barley	(1003 00 90)	33,00
Maize	(1005 90 00)	50,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	64,00

COMMISSION REGULATION (EC) No 2680/1999
of 17 December 1999
approving a system of identification for bulls intended for cultural and sporting events

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and the labelling of beef and beef products ⁽¹⁾, and in particular Article 4(1) thereof,

Having regard to requests submitted by Spain, Portugal and France,

- (1) Whereas Spain, Portugal and France have submitted requests regarding the identification of bulls intended for cultural and sporting events, due to difficulties linked to tradition;
- (2) Whereas it is justified to take into account those requests, provided that the system to be foreseen offers equivalent guarantees to the ones foreseen by Regulation (EC) No 820/97; whereas the special provisions to be made for bulls intended for cultural and sporting events should be limited only to eartags; whereas the other elements of the identification system as provided for by Article 3 of Regulation (EC) No 820/97 should be implemented according to the current Community legislation;
- (3) Whereas for bulls intended for cultural and sporting events the competent authority should choose one of the following means of marking: (a) two plastic eartags, (b) one or two metallic eartags together with brand marking, or (c) one plastic eartag together with brand marking; whereas in any case the two eartags foreseen by the current Community legislation should be attached to those animals or should accompany them when they are subject to intra-Community trade;
- (4) Whereas the eartags may be removed from animals destined to such events prior to movement to the place where such an event is organised or at weaning; whereas, when both eartags are removed at weaning, the animals should be brand-marked at the same time;
- (5) Whereas appropriate links among all the identification elements used should be established in order to guarantee coherence and accuracy;
- (6) Whereas as bulls intended for cultural and sporting events may be reared in other Member States too, these special provisions should apply to all Member States,

Article 1

The present Regulation refers to bulls intended for cultural and sporting events registered to the herd-books of the following organisations:

- (a) — 'Asociación nacional de ganaderías de Lidia',
— 'Asociación de ganaderos de Lidia unidos',
— 'Agrupación española de reses bravas',
— 'Unión de criadores de toros de Lidia',

regarding the breed *raza bovina de Lidia*, for animals born in Spain;

- (b) 'Associação de Criadores de Toiros de Lide regarding the breed *Brava* for animals born in Portugal';
- (c) 'Association des éleveurs Français de taureaux de combat' regarding the breed *Brave* or *de combat* and 'Association des éleveurs de la Raço di biou' regarding the breed *Camargue* or *Raço di biou*, for animals born in France (including any crossbreeds of these).

Article 2

1. The animals defined in Article 1 shall be subject to the special provisions set out in paragraphs 2 to 5.
2. The competent authority shall choose one of the following means of marking the animals:
 - two plastic eartags;
 - one or two metallic eartags together with brand marking;
 - one plastic eartag together with brand marking;
3. The competent authority may remove the eartags from animals destined to such events prior to movement to the place where such an event is organised or at weaning. When both eartags are removed at weaning, the animals shall be brand-marked at the same time.
4. In any case, the keeper of such animals shall be in possession of the two eartags complying with the current Community legislation. When such animals are subject to intra-Community trade, those two eartags shall be attached to them or shall accompany them during any movement.
5. Appropriate links among all the identification elements used shall be established in order to guarantee coherence and accuracy.

Article 3

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

⁽¹⁾ OJ L 117, 7.5.1997, p. 1.

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

Done at Brussels, 17 December 1999.

For the Commission
David BYRNE
Member of the Commission

COMMISSION REGULATION (EC) No 2681/1999
of 17 December 1999
amending Regulation (EC) No 28/97 and assessing requirements for the supply of certain vegetable
oils (other than olive oil) for the processing industry in the French overseas departments

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 2(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 28/97 of 9 January 1997 laying down detailed rules for implementation of the specific measures for the supply of certain vegetable oils for the processing industry in the French overseas departments and assessing supply requirements ⁽³⁾, as last amended by Regulation (EC) No 2656/98 ⁽⁴⁾, establishes the supply requirements for those products for 1999,
- (2) Article 2 of Regulation (EEC) No 3763/91 requires that supply requirements for agricultural products essential for consumption and processing be established each

year; the supply requirements of vegetable oils intended for the processing industry in the French overseas departments should therefore be established for 2000; the Annex to Regulation (EC) No 28/97 should therefore be amended,

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 28/97 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 6, 10.1.1997, p. 15.

⁽⁴⁾ OJ L 335, 10.12.1998, p. 56.

ANNEX

'ANNEX

Assessment of supply requirements for vegetable oils (other than olive oil) for the processing industry falling within CN codes 1507 to 1516 (except 1509 and 1510) for the French overseas departments for 2000

Department	Quantity (in tonnes)
French Guiana	400
Martinique	2 000
Réunion	9 200
Guadeloupe	300
Total	11 900'

**COMMISSION REGULATION (EC) No 2682/1999
of 17 December 1999**

establishing the forecast supply balances for cereal products and dried fodder for the smaller Aegean islands for 2000 and amending Regulation (EC) No 3175/94 laying down detailed rules of application for the specific supply arrangements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2958/93 ⁽³⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁴⁾, lays down the common detailed rules for implementing Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products to smaller Aegean islands, and pursuant to Article 3 of Regulation (EEC) No 2019/93, the amount of aid for this supply;
- (2) For the purposes of applying Article 2 of Regulation (EEC) No 2019/93, Commission Regulation (EC) No 3175/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2782/98 ⁽⁶⁾, establishes for 1999 the forecast supply

balances for cereals and dried fodder. The forecast supply balances should be established for 2000. Regulation (EC) No 3175/94 should therefore be amended;

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Joint Committee of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balance for cereal products and dried fodder for the smaller Aegean islands originating in the rest of the Community in 2000 shall be as set out in the Annex hereto.

Article 2

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

It shall apply from 1 January 2000.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 184, 27.7.1993, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 267, 28.10.1993, p. 4.

⁽⁴⁾ OJ L 174, 26.7.1995, p. 27.

⁽⁵⁾ OJ L 335, 23.12.1994, p. 54.

⁽⁶⁾ OJ L 347, 23.12.1998, p. 15.

ANNEX

Forecast supply balance for cereal products and dried fodder for the smaller Aegean islands for 2000*(tonnes)*

Quantity		2000	
Cereal products and dried fodder originating in the European Community	CN code	Islands belonging to group A	Islands belonging to group B
Grain cereals	1001, 1002, 1003, 1004 and 1005	9 000	65 000
Barley originating on Limnos	1003	3 000	
Wheat flour	1101 and 1102	11 000	40 000
Food industry wastes and residues	2302 to 2308	9 000	48 000
Preparations of a kind used in animal feed	2309 20	2 000	15 000
Lucerne and dehydrated fodder for artificial drying, by heat or other means	1214 10 00 1214 90 91 1214 90 99	2 000	5 000
Group total		33 000	173 000
Total		209 000	

Groups A and B are defined in Annexes I and II to Regulation (EEC) No 2958/93.

**COMMISSION REGULATION (EC) No 2683/1999
of 17 December 1999**

amending Regulation (EC) No 1524/98 laying down detailed rules for the application of the specific measures adopted in respect of fruit and vegetables, plants and flowers for the benefit of the French overseas departments and determining the forecast supply balance for 2000

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 on 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 2(6) thereof,

Whereas:

- (1) Common detailed rules for implementing the specific measures for the supply of certain agricultural products to the French overseas departments are laid down in Commission Regulation (EEC) No 131/92 ⁽³⁾, as last amended by Regulation (EC) No 1736/96 ⁽⁴⁾ and the additional detailed rules for applying the arrangements for the supply of processed fruit and vegetables and the forecast balance determining the quantities eligible for the specific supply arrangements for the period 1 July to 31 December 1999 are laid down in Commission Regulation (EC) No 1524/98 ⁽⁵⁾, as last amended by Regulation (EC) No 1124/1999 ⁽⁶⁾.
- (2) The quantities of products eligible for the specific supply balance are determined by means of forecast balances established periodically and subject to revision on the

basis of essential market requirements in the French overseas departments and taking account of local production and traditional trade flows. A forecast supply balance for 2000 is accordingly established in the Annex hereto.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Part A of Annex I to Regulation (EC) No 1524/98 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2000.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 15, 22.1.1992, p. 13.

⁽⁴⁾ OJ L 225, 6.9.1996, p. 3.

⁽⁵⁾ OJ L 201, 17.7.1998, p. 29.

⁽⁶⁾ OJ L 135, 29.5.1999, p. 39.

ANNEX

'Part A: Forecast supply balance for processed fruit and vegetables for the French overseas departments for 2000

Product group	CN code	Product	Quantity (tonnes)
A	ex 2007 91 ex 2007 99	Fruit purees, being cooked preparations, whether or not containing added sugar or other sweetening matter, for processing Citrus fruit Other, not including tropical fruit	100
B	ex 2008 30 ex 2008 40 ex 2008 50 ex 2008 60 ex 2008 70 ex 2008 80 ex 2008 92 ex 2008 99	Fruit pulps, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit not elsewhere specified or included, for processing Citrus fruit Pears Apricots Cherries Peaches Strawberries Mixtures not including tropical fruit Other not including tropical fruit	1 200
C	ex 2009 11 11 ex 2009 11 19 ex 2009 19 11 ex 2009 19 19	Concentrated fruit juice (including grape must), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, for processing } Orange juice	800
D	ex 2009 20 11 ex 2009 20 19	} Grapefruit or pomelo juice	1 000
	ex 2009 60 11 ex 2009 60 19 ex 2009 60 51 ex 2009 60 71	} Grape juice	
	ex 2009 70 11 ex 2009 70 19	} Apple juice	
	ex 2009 80 11 ex 2009 80 19	} Pear juice	
	ex 2009 80 35 ex 2009 80 38	} Juice of any other fruit not including tropical fruit	
	ex 2009 90 11 ex 2009 90 19	} Mixtures of apple and pear juice	
	ex 2009 90 21 ex 2009 90 29	} Other mixtures, not including tropical fruit	
Total			3 100'

**COMMISSION REGULATION (EC) No 2684/1999
of 17 December 1999**

**laying down detailed rules for the application in 2000 of the arrangements applicable to imports of
beef and veal provided for in the Cooperation Agreement with the Former Yugoslav Republic of
Macedonia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 15(2) of the Cooperation Agreement with the Former Yugoslav Republic of Macedonia ⁽²⁾ provides for a tariff quota for 2000 of 1 650 tonnes of products listed in Annex E to the Agreement, expressed in carcase weight. The detailed rules of application for that quota should be adopted;
- (2) in order to ensure flexible management of the quota, applications should be managed using a system of import rights. Provision should also be made to allocate these import rights after a period of consideration and subject to a single percentage reduction, where applicable. On the basis of the rights allocated, importers may apply for import licences throughout 2000 under Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽³⁾, as last amended by Regulation (EC) No 1127/1999 ⁽⁴⁾, and Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁵⁾, as last amended by Regulation (EC) No 2648/98 ⁽⁶⁾, subject to certain additional provisions;
- (3) in view of the risk of speculation inherent in these arrangements for beef and veal, clear conditions should be laid down as regards access by operators. Verification of the above conditions requires that applications be submitted in the Member State in which the importer is recorded in the VAT register;
- (4) in order to ensure close control of the origin of the products, it should be laid down that either a EUR 1 movement certificate or an invoice declaration in accordance with Protocol 2 to the Cooperation Agreement must be presented;

- (5) 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

1. A tariff quota of 1 650 tonnes of certain beef and veal products, expressed in carcase weight, originating in the Former Yugoslav Republic of Macedonia is hereby opened for the period 1 January to 31 December 2000.

The quota shall bear the serial number 09.4505.

2. Import under the quota referred to in paragraph 1 shall be reserved for certain live animals and certain meat falling within CN codes:

- ex 0102 90 51, ex 0102 90 59, ex 0102 90 71 and ex 0102 90 79,
- ex 0201 10 00,
- ex 0201 20 20,
- ex 0201 20 30,
- ex 0201 20 50,

referred to in Annex E to the Cooperation Agreement.

3. For the purposes of attributing the quota, 100 kilograms live weight shall be equivalent to 50 kilograms carcase weight.

4. The *ad valorem* customs duty and the specific amounts of customs duty laid down in the Common Customs Tariff (CCT) shall be reduced by 80 % for products imported under the quota.

Article 2

In order to import under the arrangements referred to in Article 1, applicants for import rights must be natural or legal persons who, at the time of submission of applications, can prove to the satisfaction of the competent authorities of the Member State concerned that they have been active in trade in beef and veal and/or live animals of the bovine species with third countries at least once during the previous 12 months; applicants must be entered in a national VAT register.

Article 3

1. The application for import rights may only be presented in the Member State in which the applicant is registered within the meaning of Article 2.

⁽¹⁾ OJ L 8, 14.1.1998, p. 1.

⁽²⁾ OJ L 348, 18.12.1997, p. 2.

⁽³⁾ OJ L 331, 2.12.1988, p. 1.

⁽⁴⁾ OJ L 135, 29.5.1999, p. 48.

⁽⁵⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁶⁾ OJ L 335, 10.12.1998, p. 39.

2. The application for import rights must be for a minimum quantity of 15 tonnes carcase weight and not exceed the total quantity of the quota.

3. Applications for import rights may be submitted only from 4 to 11 January 2000.

4. Applicants may lodge no more than one application each. Where an applicant submits more than one application, all his applications shall be rejected.

5. The Member States shall notify the Commission, not later than the fifth working day following the end of the application period, of applications submitted for each of the products listed in Article 1(1). Notification shall consist of a list of applicants and the quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax using the model form in the Annex hereto in cases where applications have actually been submitted.

Article 4

The Commission shall decide to what extent applications may be granted. If the quantities applied for exceed the quantities available, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

Article 5

1. Imports of the quantities granted shall be subject to presentation of one or more import licences.

Notwithstanding this Regulation, Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply.

2. Licence applications may be lodged only in the Member State where the application for import rights is submitted.

3. After the Commission has notified the quantities allocated in accordance with Article 4, import licences shall be issued on application by and in the names of the operators who have obtained import rights.

4. Licence applications and licences shall show the following:

- (a) in Section 8, 'Former Yugoslav Republic of Macedonia'; the licences shall carry an obligation to import from that country;
- (b) in Section 17, in addition to the number of animals, the relevant liveweight, which must correspond to part or all of the import rights allocated to the operator;
- (c) in Section 20, the serial number 09.4505 and at least one of the following:
 - Reglamento (CE) n° 2684/1999
 - Forordning (EF) nr. 2684/1999
 - Verordnung (EG) Nr. 2684/1999
 - Κανονισμός (ΕΚ) αριθ. 2684/1999
 - Regulation (EC) No 2684/1999
 - Règlement (CE) n° 2684/1999
 - Regolamento (CE) n. 2684/1999
 - Verordening (EG) nr. 2684/1999
 - Regulamento (CE) n.º 2684/1999
 - Asetus (EY) N:o 2684/1999
 - Förordning (EG) nr 2684/1999.

5. Import licences issued pursuant to this Regulation shall be valid for 90 days from their date of issue as laid down in Article 21(1) of Regulation (EEC) No 3719/88. However, their validity shall expire no later than 31 December 2000.

6. Licences issued shall be valid throughout the Community.

Article 6

The duties referred to in Article 1 shall be applied on presentation either of a EUR 1 movement certificate issued by the exporter country in accordance with Protocol 2 annexed to the Cooperation Agreement or an invoice declaration made out by the exporter in accordance with that Protocol.

Article 7

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

It shall apply from 1 January 2000.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

EC Fax No (32-2) 296 60 27/295 36 13

Application of Regulation (EC) Nr 2684/1999

Serial No: 09.4505

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/2 BEEF AND VEAL SECTOR

IMPORT RIGHTS APPLICATION

Date: Period:

Member State:

Applicant No (!)	Applicant (name and address)	Quantity (head)
Total		

Member State: Fax No:

Tel.:

(¹) Continuous numbering.

COMMISSION REGULATION (EC) No 2685/1999**of 17 December 1999****fixing the maximum purchasing price for butter for the 252nd invitation to tender carried out under the standing invitation to tender governed by Regulation (EEC) No 1589/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular the first subparagraph of Article 7a(1) first indent and Article 7a(3) thereof,

Whereas:

- (1) Article 5 of Commission Regulation (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to

the intervention price applicable and that it may also be decided not to proceed with the invitation to tender;

- (2) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 252nd invitation to tender issued under Regulation (EEC) No 1589/87, for which tenders had to be submitted not later than 14 December 1999, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 146, 6.6.1987, p. 27.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 2686/1999
of 17 December 1999**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 44th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 6(3) and (6) and Article 12(3) thereof,

Whereas:

- (1) the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 494/1999 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter

and concentrated butter; whereas it is further stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; the amount(s) of the processing securities must be fixed accordingly;

- (2) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 44th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 59, 6.3.1999, p. 17.

ANNEX

to the Commission Regulation of 17 December 1999 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 44th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		95	91	—	91
	Butter < 82 %		92	88	—	88
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security	Butter		105	—	—	—
	Concentrated butter		129	—	129	—
	Cream		—	—	44	—

COMMISSION REGULATION (EC) No 2687/1999**of 17 December 1999****fixing the maximum aid for concentrated butter for the 216th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 7a(3) thereof,

Whereas:

- (1) in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

- (2) in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;
- (3) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 216th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | 117 EUR/100 kg |
| — end-use security: | 129 EUR/100 kg. |

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 2688/1999
of 17 December 1999**

fixing the minimum selling price for skimmed-milk powder for the 143rd individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EEC) No 3398/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) pursuant to Commission Regulation (EEC) No 3398/91 of 20 November 1991 on the sale by invitation to tender of skimmed-milk powder for the manufacture of compound feedingstuffs ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them;
- (2) according to Article 8 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award; whereas the amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum price fixed;

- (3) in the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly;

- (4) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 143rd individual invitation to tender pursuant to Regulation (EEC) No 3398/91, in respect of which the time limit for the submission of tenders expired on 14 December 1999, the minimum selling price and the processing security are fixed as follows:

- | | |
|--------------------------|--------------------|
| — minimum selling price: | EUR 201,52/100 kg, |
| — processing security: | EUR 40,00/100 kg. |

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 320, 22.11.1991, p. 16.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 2689/1999
of 17 December 1999
providing for the rejection of applications for export licences in relation to products falling within
the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 laying down special rules for the application of the system of import and export licences for beef and repealing Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EC) No 2648/98 ⁽⁴⁾, and in particular Article 10 thereof,

Whereas the quantity covered by applications for advance fixing of refunds is greater than that normally disposed of; whereas it has therefore been decided to reject all applications

for export licences in the beef and veal sector made between 13 and 17 December 1999,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 10(2) of Regulation (EC) No 1445/95, applications for export licences with advance fixing of refunds for products in the beef and veal sector made between 13 and 17 December 1999 shall be rejected.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1998, p. 17.

⁽³⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁴⁾ OJ L 335, 10.12.1998, p. 39.

COMMISSION REGULATION (EC) No 2690/1999
of 17 December 1999
concerning the authorisation of new additives in feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 2562/1999 ⁽²⁾, and in particular Article 3, thereof,

Whereas:

(1) Directive 70/524/EEC provides that new additives shall be authorised, taking account of advances in scientific and technical knowledge.

(2) Council Directive 93/113/EC of 14 December 1993 concerning the use and the marketing of enzymes, micro-organisms and their preparations in animal nutrition ⁽³⁾, as last amended by Directive 97/40/EC ⁽⁴⁾, by derogation from Directive 70/524/EEC, authorised Member States to permit provisionally the use and marketing of enzymes, micro-organisms and their preparations.

(3) A provisional authorisation of new additives or uses of additives shall be given if, at the level permitted in feedingstuffs, it does not adversely affect human or animal health or the environment, nor harm the consumer by altering the characteristics of livestock product, if its presence in feedingstuffs can be controlled, and it is reasonable to assume, in view of the available results, that it has a favourable effect on the characteristics of those feedingstuffs or on livestock production when incorporated in such feedingstuffs.

(4) Council Directive 89/391/EEC ⁽⁵⁾ on the introduction of measures to encourage improvements in the safety and health of workers at work and its relevant individual directives, in particular Council Directive 90/679/EEC ⁽⁶⁾ as last amended by Commission Directive 97/65/CE ⁽⁷⁾

on the protection of workers from risks related to exposure to biological agents at work, are fully applicable to the use and manipulation by workers of the additives in feedingstuffs.

(5) The examination of the dossiers, submitted by the Member States in accordance with Article 3 of Directive 93/113/EC, indicates that a certain number of preparations belonging to the groups of enzymes and micro-organisms can be provisionally authorised.

(6) The Scientific Committee for Animal Nutrition has delivered a favourable opinion with regard to the harmlessness of these preparations.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS REGULATION:

Article 1

The preparations belonging to the group 'Enzymes' listed in Annex I to the present Regulation shall be authorised according to Directive 70/524/EEC as additives in animal nutrition under the conditions laid down in the said Annex.

Article 2

The preparation belonging to the group 'Micro-organisms' listed in Annex II to the present Regulation shall be authorised according to Directive 70/524/EEC as additives in animal nutrition under the conditions laid down in the said Annex.

Article 3

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

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 310, 4.12.1999, p. 11.

⁽³⁾ OJ L 334, 31.12.1993, p. 17.

⁽⁴⁾ OJ L 180, 9.7.1997, p. 21.

⁽⁵⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁶⁾ OJ L 374, 31.12.1990, p. 1.

⁽⁷⁾ OJ L 335, 6.12.1997, p. 17.

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

Done at Brussels, 17 December 1999.

For the Commission
David BYRNE
Member of the Commission

ANNEX I

No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kg of complete feedingstuff			
43	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (IMI SD 135), endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106) and alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553) having a minimum activity of: endo-1,4-beta-xylanase: 3 975 U/g ⁽¹⁾ endo-1,3(4)-beta-glucanase: 125 U/g ⁽²⁾ alpha-amylase: 1 000 U/g ⁽³⁾	Piglets	4 months	endo-1,4-beta-xylanase: 3 975 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,4-beta-xylanase: 3 975 U endo-1,3(4)-beta-glucanase: 125 U alpha-amylase: 1 000 U 3. For use in compound feed containing cereals rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 30 % wheat and 20 % barley and 20 % rye.	30.9.2000
	endo-1,3(4)-beta-glucanase: 125 U				—			
	alpha-amylase: 1 000 U				—			
44	Endo-1,4-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106), and endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105) and alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553) having a minimum activity of: Endo-1,3(4)-beta-glucanase: 250 U/g ⁽²⁾ Endo-1,4-beta-xylanase: 400 U/g ⁽¹⁾ Alpha-amylase: 1 000 U/g ⁽³⁾	Piglets	4 months	endo-1,3(4)-beta-glucanase: 250 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,3(4)-beta-glucanase: 250 U endo-1,4-beta-xylanase: 400 U alpha-amylase: 1 000 U. 3. For use in compound feed containing cereals rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 50 % barley.	30.9.2000
	endo-1,4-beta-xylanase: 400 U				—			
	alpha-amylase: 1 000 U				—			

No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kg of complete feedingstuff			
45	Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106), and endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (IMI SD.135) and alphaamylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553) having a minimum activity of: endo-1,3(4)-beta-glucanase: 250 U/g ⁽²⁾ endo-1,4-beta-xylanase: 400 U/g ⁽¹⁾ alpha-amylase: 1 000 U/g ⁽³⁾	Piglets	4 months	endo-1,3(4)-beta-glucanase: 250 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,3(4)-beta-glucanase: 250 U endo-1,4-beta-xylanase: 400 U alpha-amylase: 1 000 U. 3. For use in compound feed containing cereals rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 35 % barley.	30.9.2000
	Endo-1,4-beta-xylanase EC 3.2.1.8				endo-1,4-beta-xylanase: 400 U	—		
	Alpha-amylase EC 3.2.1.1				alpha-amylase: 1 000 U	—		
46	Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106), and endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (IMI SD.135) and polygalacturonasa produced by <i>Aspergillus aculeatus</i> (CBS 589.94) having a minimum activity of: endo-1,3(4)-beta-glucanase: 400 U/g ⁽²⁾ endo-1,4-beta-xylanase: 400 U/g ⁽¹⁾ polygalacturonase: 50 U/g ⁽⁴⁾	Pigs for fattening	—	endo-1,3(4)-beta-glucanase: 400 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,3(4)-beta-glucanase: 400 U endo-1,4-beta-xylanase: 400 U polygalacturonase: 50 U. 3. For use in compound feed containing cereals rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 40 % barley.	30.9.2000
	Endo-1,4-beta-xylanase EC 3.2.1.8				endo-1,4-beta-xylanase: 400 U	—		
	Polygalacturonase EC 3.2.1.15				polygalacturonase: 50 U	—		

No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorisation
					Units of activity per kg of complete feedingstuff				
47	Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,3(4)-beta-xylanase EC 3.2.1.8 Alpha-amylase EC 3.2.1.1 Polygalacturonase EC 3.2.1.15	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106), endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (IMI SD 135), alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553), polygalacturonase produced by <i>Aspergillus aculeatus</i> (CBS 589.94) having a minimum activity of: endo-1,3(4)-beta-glucanase: 150 U/g ⁽¹⁾ endo-1,4-beta-xylanase: 4 000 U/g ⁽¹⁾ alpha-amylase: 1 000 U/g ⁽²⁾ polygalacturonase: 25 U/g ⁽⁴⁾	Piglets	4 months	endo-1,3(4)-beta-glucanase: 150 U endo-1,4-beta-xylanase: 4 000 U alpha-amylase: 1 000 U polygalacturonase: 25 U	— — — —	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,3(4)-beta-glucanase: 150 U endo-1,4-beta-xylanase: 4 000 U alpha-amylase: 1 000 U polygalacturonase: 25 U. 3. For use in compound feed containing cereals rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 20 % barley and 35 % wheat.	30.9.2000	

⁽¹⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5,3 and 50 °C.

⁽²⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5,0 and 30 °C.

⁽³⁾ 1 U is the amount of enzyme which liberates 1 micromole of glucosidic linkages from a water insoluble cross-linked starch polymer substrate per minute at pH 6,5 and 37 °C.

⁽⁴⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing material (galacturonic acid equivalents) from a poly D-galacturonic substrate per minute at pH 5,0 and 40 °C.

⁽¹⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5,3 and 50 °C.

⁽²⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5,0 and 30 °C.

⁽³⁾ 1 U is the amount of enzyme which liberates 1 micromole of glucosidic linkages from a water insoluble cross-linked starch polymer substrate per minute at pH 6,5 and 37 °C.

⁽⁴⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing material (galacturonic acid equivalents) from a poly D-galacturonic substrate per minute at pH 5,0 and 40 °C.

ANNEX II

No	Additive	Chemical formula, description	Species or category of animal	Maximum age	CFU/kg (kg of complete feedingstuffs)		Other provisions	Period of authorisation
					Minimum content	Maximum content		
15	<i>Enterococcus faecium</i> NCIMB 11181	Preparation of <i>Enterococcus faecium</i> containing a minimum of: Powder form: 4×10^{11} CFU/g additive	Calves	6 months	5×10^8	2×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.	30.9.2000
		Coated form: 5×10^{10} CFU/g additive	Piglets	4 months	5×10^8	2×10^9		
16	<i>Enterococcus faecium</i> DSM 7134 <i>Lactobacillus rhamnosus</i> DSM 7133	Mixture of: <i>Enterococcus faecium</i> containing a minimum of: 7×10^9 CFU/g and of <i>Lactobacillus rhamnosus</i> containing a minimum of: 3×10^9 CFU/g	Calves	6 months	1×10^9	6×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.	30.9.2000
			Piglets	4 months	1×10^9	5×10^9		

COMMISSION REGULATION (EC) No 2691/1999
of 17 December 1999
on rules for implementing Council Regulation (EC) No 1172/98 on statistical returns in respect of
the carriage of goods by road
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road ⁽¹⁾, and in particular, Article 9 thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EC) No 1172/98, the Commission should determine the arrangements for the transmission of data by the Member States.
- (2) It is necessary to specify the country codes for international transport during the transitional period foreseen in Article 5 of the said Regulation.
- (3) The use of the two different systems of country codes specified in Annexes A and G of Regulation (EC) No 1172/98 is not compatible with the efficient transmission of data by the Member States.
- (4) It is desirable to establish a new list of country codes following the system used for the NUTS region codes.

- (5) The contents of Annexes A and G of Regulation (EC) No 1172/98 needs to be adapted accordingly.

- (6) The measures provided for in this Regulation are in accordance with the opinion delivered by the Statistical Programme Committee, set up by Decision 89/382/EEC, Euratom ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1172/98 shall be amended as follows:

1. In Annex A, part A2, the text of section 7 shall be replaced by the following:
‘7. Countries crossed in transit (not more than 5), coded according to Annex G.’
2. Annex G shall be replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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, 17 December 1999.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

⁽¹⁾ OJ L 163, 6.6.1998, p. 1.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

ANNEX

'ANNEX G

CODING OF COUNTRIES AND REGIONS

1. Except as provided for in Article 5 of Regulation (EC) No 1172/98 concerning the simplified coding of certain variables during a transitional period, the places of loading and unloading will be coded as follows:
 - (a) regional breakdown to Level 3 of the Nomenclature of Territorial Units for Statistics (NUTS), for the Member States of the European Community;
 - (b) lists of administrative regions supplied by the third country concerned, for States which are not members of the European Community but which are contracting parties to the Agreement on the European Economic Area (EEA), namely Iceland, Liechtenstein and Norway;
 - (c) for other third countries, the 2-alpha ISO-3166 codes should be used. The most frequently-used codes are given in the table below.
2. For the simplified coding of international transport during the transitional period referred to in Article 5 of Regulation (EC) No 1172/98, as well as for the coding of countries crossed in transit (section 7 of Annex A, part A2), the following country codes are to be used:
 - (a) the 2-alpha part of the NUTS codes, as given in the table below, for the Member States of the European Community;
 - (b) for all other countries, the 2-alpha ISO-3166 codes should be used. The most frequently-used codes are given in the table below.

Table of country codes

(a) EU Member States (corresponding to NUTS 2-alpha country codes)

Note: countries in official EU order.

Country name	Code
Belgium	BE
Denmark	DK
Germany	DE
Greece	GR
Spain	ES
France	FR
Ireland	IE
Italy	IT
Luxembourg	LU
Netherlands	NL
Austria	AT
Portugal	PT
Finland	FI
Sweden	SE
United Kingdom	UK

(b) *Other countries (ISO-3166 2-alpha codes)*

Note: countries ordered by code.

Country name	Code
Albania	AL
Bosnia-Herzegovina	BA
Bulgaria	BG
Belarus	BY
Switzerland	CH
Cyprus	CY
Czech Republic	CZ
Estonia	EE
Croatia	HR
Hungary	HU
Iceland	IS
Liechtenstein	LI
Lithuania	LT
Latvia	LV
Moldova	MD
Former Yugoslav Republic of Macedonia (FYROM)	MK
Malta	MT
Norway	NO
Poland	PL
Romania	RO
Russian Federation	RU
Slovenia	SI
Slovakia	SK
Turkey	TR
Ukraine	UA
Yugoslavia	YU

For countries not shown in this list, the ISO-3166 2-alpha codes should be used.'

COMMISSION REGULATION (EC) No 2692/1999**of 17 December 1999****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2176/1999**

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⁾, and in particular Article 13 (3) thereof,

(1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2176/1999 ⁽³⁾;

(2) Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

(3) Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2176/1999 is hereby fixed on the basis of the tenders submitted from 10 to 16 December 1999 at EUR/t 242,00.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 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 267, 15.10.1999, p. 4.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2693/1999**of 17 December 1999****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2177/1999**

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⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9 (1) thereof,

- (1) Whereas Commission Regulation (EC) No 2177/1999 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;
- (2) Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

(3) Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 13 to 16 December 1999 in response to the invitation to tender referred to in Regulation (EC) No 2177/1999 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 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 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 267, 15.10.1999, p. 7.

COMMISSION REGULATION (EC) No 2694/1999**of 17 December 1999****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2178/1999**

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 organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

(1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2178/1999 ⁽³⁾;

(2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

(3) Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in European Regulation (EC) No 2178/1999 is hereby fixed on the basis of the tenders submitted from 10 to 16 December 1999 at 150,00 EUR/t.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 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 267, 15.10.1999, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2695/1999
of 17 December 1999**

**fixing the maximum export refund on wholly milled round grain, medium grain and long grain A
rice in connection with the invitation to tender issued in Regulation (EC) No 2179/1999**

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⁾, and in particular Article 13(3) thereof,

- (1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2179/1999 ⁽³⁾;
- (2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

(3) Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2179/1999 is hereby fixed on the basis of the tenders submitted from 10 to 16 December 1999 at 137,00 EUR/t.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 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 267, 15.10.1999, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2696/1999**of 17 December 1999****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2180/1999**

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 organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

(1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2180/1999 ⁽³⁾;

(2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

(3) Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2180/1999 is hereby fixed on the basis of the tenders submitted from 10 to 16 December 1999 at 130,00 EUR/t.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 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 267, 15.10.1999, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2697/1999**of 17 December 1999****on the issuing of import licences for bananas under the tariff quotas and the quantity of traditional ACP bananas for the first quarter of 2000 and on the submission of new applications**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 20 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2362/98 ⁽³⁾, as amended by Regulation (EC) No 756/1999 ⁽⁴⁾, lays down detailed rules for the implementation of Regulation (EEC) No 404/93 regarding imports of bananas into the Community;
- (2) Article 17 of Regulation (EC) No 2362/98 lays down that where, in the case of a given origin or origins referred to in Annex I, the quantities covered by import licence applications exceed the quantity available, a reduction percentage to be applied to applications must be set;
- (3) the indicative quantities available for import under the tariff quotas and the quantity of traditional ACP bananas are laid down for the first quarter of 2000 by Commission Regulation (EC) No 2268/1999 ⁽⁵⁾, which also lays down the conditions for issuing licences for the first quarter of 2000;
- (4) in the case of the quantities covered by licence applications that are either less than or do not appreciably exceed the indicative quantities fixed for the given quarter, import licences are issued for the quantities applied for. However, for certain origins, the quantities applied for appreciably exceed the indicative quantities. A reduction percentage should therefore be set to be applied to each licence application for the origin or origins involved;

- (5) the maximum quantity for which licence applications may still be submitted in accordance with Article 18 of Regulation (EC) No 2362/98 should be set, taking account of the applications accepted at the end of the application period and of the available quantities;
- (6) this Regulation should apply immediately to permit licences to be issued as quickly as possible;
- (7) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for bananas shall be issued under the tariff quotas and the quantity of traditional ACP bananas referred to in Article 18 of Regulation (EEC) No 404/93 for the first quarter of 2000 for:

- (a) the quantity indicated in the licence application, multiplied by reduction coefficients of 0,6225, 0,6864, 0,6421, and 0,7466 for applications indicating the origins 'Columbia', 'Costa Rica', 'Ecuador', and 'Other' respectively;
- (b) the quantity indicated in the licence application for applications indicating origins other than those referred to in (a).

Article 2

The quantities for which licence applications may still be lodged in respect of the first quarter of 2000 are laid down in the Annex.

Article 3

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

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 293, 31.10.1998, p. 32.

⁽⁴⁾ OJ L 98, 13.4.1999, p. 10.

⁽⁵⁾ OJ L 277, 28.10.1999, p. 10.

ANNEX

	(tonnes)
	Quantities available for new applications
Panama	36 715,545
Traditional ACP bananas	185 284,060

COMMISSION REGULATION (EC) No 2698/1999
of 17 December 1999
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 13 thereof,

(1) Whereas Article 13 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

(2) Whereas Regulation (EEC) No 32/82 ⁽³⁾, as last amended by Regulation (EC) No 2326/97 ⁽⁴⁾, Regulation (EEC) No 1964/82 ⁽⁵⁾, as last amended by Regulation (EC) No 1452/1999 ⁽⁶⁾, and Regulation (EEC) No 2388/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁸⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

(3) Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

(4) Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms;

(5) Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex I under CN code 0201, on some frozen meat

listed in the Annex I under CN code 0202, on some meat or offal listed in the Annex I under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex I under CN code 1602 50 10;

(6) Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

(7) Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

(8) Whereas, in the case of certain other cuts and preserves of meat or offal shown in Annex I under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

(9) Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

(10) Whereas Commission Regulation (EEC) No 3846/87 ⁽⁹⁾, as last amended by Regulation (EC) No 1230/1999 ⁽¹⁰⁾, establishes the agricultural product nomenclature for the purposes of export refunds;

(11) Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals;

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1998, p. 17.

⁽³⁾ OJ L 4, 8.1.1982, p. 11.

⁽⁴⁾ OJ L 323, 26.11.1997, p. 1.

⁽⁵⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁶⁾ OJ L 167, 2.7.1999, p. 17.

⁽⁷⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁸⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁹⁾ OJ L 366, 24.12.1987, p. 1.

⁽¹⁰⁾ OJ L 149, 16.6.1999, p. 3.

- (12) Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and as new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 2026/83 ⁽²⁾;
- (13) Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;
- (14) Whereas opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old;
- (15) Whereas, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

- (16) Whereas the Management Committee for beef and veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in Annex I of this Regulation.
2. The destinations are identified in Annex II to this Regulation.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third countries in zone 10 listed in Annex II to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 7.3.1980, p. 5.

⁽²⁾ OJ L 199, 22.7.1983, p. 12.

ANNEX I

to the Commission Regulation of 17 December 1999 fixing export refunds on beef

(EUR/100 kg)			(EUR/100 kg)		
Product code	Destination	Refund (°)	Product code	Destination	Refund (°)
		– Live weight –			– Net weight –
0102 10 10 9120	01	60,00	0201 20 20 9120	02	46,00
0102 10 10 9130	02	22,00		03	31,50
	03	15,00		04	16,00
	04	7,50	0201 20 30 9110 ⁽¹⁾	02	89,50
0102 10 30 9120	01	60,00		03	62,00
0102 10 30 9130	02	22,00		04	30,00
	03	15,00	0201 20 30 9120	02	33,00
	04	7,50		03	23,50
0102 10 90 9120	01	60,00		04	11,50
0102 90 41 9100	02	57,50	0201 20 50 9110 ⁽¹⁾	02	155,00
0102 90 51 9000	02	22,00		03	103,50
	03	15,00		04	51,50
	04	7,50	0201 20 50 9120	02	58,50
0102 90 59 9000	02	22,00		03	40,00
	03	15,00		04	20,00
	04	7,50	0201 20 50 9130 ⁽¹⁾	02	89,50
	10	57,50 ⁽²⁾		03	62,00
0102 90 61 9000	02	22,00		04	30,00
	03	15,00	0201 20 50 9140	02	33,00
	04	7,50		03	23,50
0102 90 69 9000	02	22,00		04	11,50
	03	15,00	0201 20 90 9700	02	33,00
	04	7,50		03	23,50
0102 90 71 9000	02	57,50		04	11,50
	03	37,50	0201 30 00 9050	05 ⁽⁴⁾	47,50
	04	19,00		07 ^(4a)	47,50
0102 90 79 9000	02	57,50	0201 30 00 9100 ^{(2) (6)}	02	216,00
	03	37,50		03	148,00
	04	19,00		04	74,50
		– Net weight –		06	191,00
0201 10 00 9110 ⁽¹⁾	02	89,50	0201 30 00 9120 ^{(2) (6)}	08	119,00
	03	62,00		09	110,50
	04	30,00		03	81,50
0201 10 00 9120	02	33,00		04	41,00
	03	23,50		06	104,50
	04	11,50	0201 30 00 9150 ⁽⁶⁾	08	16,50
0201 10 00 9130 ⁽¹⁾	02	122,50		09	15,00
	03	82,00		03	13,00
	04	41,50		04	7,00
0201 10 00 9140	02	46,00		06	15,00
	03	31,50	0201 30 00 9190 ⁽⁶⁾	02	46,00
	04	16,00		03	30,00
0201 20 20 9110 ⁽¹⁾	02	122,50		04	14,50
	03	82,00		06	37,00
	04	41,50			

(EUR/100 kg)			(EUR/100 kg)		
Product code	Destination	Refund (°)	Product code	Destination	Refund (°)
		– Net weight –			– Net weight –
0202 10 00 9100	02	33,00	1602 50 10 9120	02	53,00 ⁽⁸⁾
	03	23,50		03	42,50 ⁽⁸⁾
	04	11,50		04	42,50 ⁽⁸⁾
0202 10 00 9900	02	46,00	1602 50 10 9140	02	47,50 ⁽⁸⁾
	03	31,50		03	37,50 ⁽⁸⁾
	04	16,00		04	37,50 ⁽⁸⁾
0202 20 10 9000	02	46,00	1602 50 10 9160	02	37,50 ⁽⁸⁾
	03	31,50		03	30,00 ⁽⁸⁾
	04	16,00		04	30,00 ⁽⁸⁾
0202 20 30 9000	02	33,00	1602 50 10 9170	02	25,00 ⁽⁸⁾
	03	23,50		03	20,00 ⁽⁸⁾
	04	11,50		04	20,00 ⁽⁸⁾
0202 20 50 9100	02	58,50	1602 50 10 9190	02	25,00
	03	40,00		03	20,00
	04	20,00		04	20,00
0202 20 50 9900	02	33,00	1602 50 10 9240	02	—
	03	23,50		03	—
	04	11,50		04	—
0202 20 90 9100	02	33,00	1602 50 10 9260	02	—
	03	23,50		03	—
	04	11,50		04	—
0202 30 90 9100	02	33,00	1602 50 10 9280	02	—
	03	23,50		03	—
	04	11,50		04	—
0202 30 90 9100	05 ⁽⁴⁾	47,50	1602 50 31 9125	01	100,00 ⁽⁵⁾
	07 ^(4a)	47,50		01	34,00 ⁽⁸⁾
0202 30 90 9400 ⁽⁶⁾	08	16,50	1602 50 31 9135	01	16,50
	09	15,00	1602 50 31 9195	01	89,00 ⁽⁵⁾
	03	13,00	1602 50 31 9325	01	30,00 ⁽⁸⁾
	04	7,00	1602 50 31 9335	01	16,50
	06	15,00	1602 50 31 9395	01	100,00 ⁽⁵⁾
0202 30 90 9500 ⁽⁶⁾	02	46,00	1602 50 39 9125	01	34,00 ⁽⁸⁾
	03	30,00	1602 50 39 9135	01	16,50
	04	14,50	1602 50 39 9195	01	89,00 ⁽⁵⁾
	06	37,00	1602 50 39 9325	01	30,00 ⁽⁸⁾
0206 10 95 9000	02	46,00	1602 50 39 9335	01	16,50
	03	30,00	1602 50 39 9395	01	34,00 ⁽⁵⁾
	04	14,50	1602 50 39 9425	01	20,00 ⁽⁸⁾
	06	37,00	1602 50 39 9435	01	14,50
0206 29 91 9000	02	46,00	1602 50 39 9495	01	14,50
	03	30,00	1602 50 39 9505	01	34,00 ⁽⁵⁾
	04	14,50	1602 50 39 9525	01	20,00 ⁽⁸⁾
	06	37,00	1602 50 39 9535	01	14,50
0210 20 90 9100	02	38,50	1602 50 39 9595	01	14,50
	04	23,00			
0210 20 90 9300	02	47,50			
0210 20 90 9500 ⁽³⁾	02	47,50			

(EUR/100 kg)			(EUR/100 kg)		
Product code	Destination	Refund (°)	Product code	Destination	Refund (°)
		– Net weight –			– Net weight –
1602 50 39 9615	01	14,50	1602 50 80 9495	01	14,50
1602 50 39 9625	01	7,00	1602 50 80 9505	01	14,50
1602 50 39 9705	01	—	1602 50 80 9515	01	7,00
1602 50 39 9805	01	—	1602 50 80 9535	01	20,00 ⁽⁸⁾
1602 50 39 9905	01	—	1602 50 80 9595	01	14,50
1602 50 80 9135	01	30,00 ⁽⁸⁾	1602 50 80 9615	01	14,50
1602 50 80 9195	01	14,50	1602 50 80 9625	01	7,00
1602 50 80 9335	01	27,00 ⁽⁸⁾	1602 50 80 9705	01	—
1602 50 80 9395	01	14,50	1602 50 80 9805	01	—
1602 50 80 9435	01	20,00 ⁽⁸⁾	1602 50 80 9905	01	—

(¹) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(²) The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

(³) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(⁴) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29.12.1979, p. 44).

(^{4a}) Carried out in accordance with amended Commission Regulation (EEC) No 2051/96 (OJ L 274, 26.10.1996, p. 18).

(⁵) OJ L 221, 19.8.1984, p. 28.

(⁶) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 2457/97 (OJ L 340, 11.12.1997, p. 29). The sample is to be taken from that part of the consignment presenting the highest risk.

(⁷) Article 13(10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(⁸) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

(⁹) The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

NB: The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

ANNEX II

Zone 01: all third countries

Zone 02: zones 08 and 09

[illegible]

NB: The countries are those defined by Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19).

COMMISSION REGULATION (EC) No 2699/1999**of 17 December 1999****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1702/1999 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75.
- (2) In accordance Article 4(1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period

of the same duration as that for which refunds are fixed for the same products exported unprocessed.

- (3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (4) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (5) Whereas the Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 1999.

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

Done at Brussels, 17 December 1999.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁴⁾ OJ L 201, 31.7.1999, p. 30.

ANNEX

to the Commission Regulation of 17 December 1999 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	13,37
		03	14,33
		04	6,69
	b) On exportation of other goods	01	6,69
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	55,39
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	25,79
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	25,79
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	41,07
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	10,51

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 July 1999

on State aid granted by the Federal Republic of Germany to Kranbau Eberswalde GmbH

(notified under document number C(1999) 2915)

(Text with EEA relevance)

(Only the German version is authentic)

(1999/840/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having, called on interested parties to submit their comments pursuant to Article 88(2) of the EC Treaty and Article 6(1) of Council Regulation (EC) No 659/1999 of 22 March 1999 ⁽¹⁾ laying down detailed rules for the application of Article 93 of the EC Treaty ⁽²⁾,

Whereas:

were being pressed for by the private investor. On 21 January 1998, the case was reclassified under the number NN 9/98. The formal investigation procedure was initiated in March 1998, and a letter stating the reasons for this was sent to the German authorities on 16 April 1998. The contents of this letter were published in the *Official Journal of the European Communities* on 19 November 1998 ⁽³⁾. By letter dated 20 August 1998, received on 24 August 1998, Germany stated its position on the initiation of the formal investigation procedure. A meeting with the investor and the recipient took place on 11 October 1998, and the German authorities confirmed the information provided at the meeting by letter dated 23 December 1998. The comments of interested parties were sent to Germany on 1 March 1999, to which Germany replied by letter dated 12 April 1999. Further information was provided by Germany by letter dated 12 July 1999, received on 13 July 1999, and by letter dated 23 July 1999, received on the same day.

I. PROCEDURE

- (1) By letter dated 25 June 1997, received by the Commission on 27 June 1997 and registered under number N 433/97, the German authorities notified the Commission of aid from the Federal Office for Special Unification-related Tasks (BvS) and the *Land* of Brandenburg for Kranbau Eberswalde GmbH ('Kranbau Eberswalde'). By letter dated 28. July 1997, the Commission requested further information. Germany replied by letter dated 10 September 1997, received by the Commission on 11 September 1997. By letter dated 25 November 1997, received by the Commission on 26 November 1997, Germany notified further possible aid measures which

II. THE UNDERTAKINGS

- (2) The aid recipient is Kranbau Eberswalde, based in Eberswalde (Brandenburg) ⁽⁴⁾, which produces special cranes for loading in ports, in combined road-rail transport and for other purposes. In 1998, it had a workforce of 160 and an annual turnover of DEM 75 million. As it is part of the Koehne Group (see below), it is not a small or medium-sized enterprise (SME) within the meaning of the Community guidelines on State aid for small and medium-sized enterprises ⁽⁵⁾.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ C 353, 19.11.1998, p. 3.

⁽³⁾ See footnote 2.

⁽⁴⁾ The unemployment rate in the relevant region is 22,1 %. If secondary employment is also taken into account, the figure is increased by a further 6,9 %.

⁽⁵⁾ OJ C 213, 27.7.1996, p. 4.

- (3) The investor, the Koehne Group, comprises a number of companies previously held by Koehne Verwaltungs GmbH & Co. Holding KG. The Group is active in the manufacture and supply of building materials and in the manufacture of cranes and special vehicles. It has 800 employees and achieved an annual turnover of DEM 224 million in 1997. The Kirow group is the subdivision of the Koehne Group responsible for the manufacture of cranes and special vehicles. It has 400 employees and achieved a turnover of DEM 118,286 million. Apart from Kranbau Eberswalde, the Kirow Group also includes the company Kocks Krane International GmbH ('KKI'), which on completion of the restructuring is to form a single operational unit with Kranbau Eberswalde (see Section IV). KKI is based in Bremen and designs postpanamax cranes, container bridges, ship unloaders and giant cranes. It has a workforce of 72 and a turnover of [...] (*). It is based on the assets bought from the administrator in bankruptcy of the Bremen-based Vulkan Kocks GmbH ('Vulkan Kocks') — a member of the Bremer Vulkan Verbund ('BVV') — which went bankrupt in 1997 (no aid was involved in the acquisition of the assets by the Kirow Group).

III. PRIVATISATION

- (4) Kranbau Eberswalde was originally privatised by sale to the BVV in November 1993. This was by open public tender with sale to what was described as the best bid. Because of the BVV Group's difficulties, Kranbau Eberswalde was taken back into State ownership in October 1996 and a new private investor sought. Following an open and unconditional invitation to submit tenders, negotiations took place between the BvS and at least seven companies. The Koehne Group was selected as the best offer.
- (5) According to the information provided, neither Kranbau Eberswalde nor Vulkan Kocks was integrated into the BVV cash management system.
- (6) The contract on the acquisition of Kranbau Eberswalde by the current private investor and owner of the company was concluded in December 1996. The final transfer of all the shares to Kirow-Leipzig Rail & Port AG took place in March 1997. [...] *, and the investor paid DEM 2 million by way of capital contribution. (Other contributions to Kranbau Eberswalde made by the investor are described in Section V.)

IV. THE CURRENT RESTRUCTURING

- (7) Apart from the measures to rationalise operations within Kranbau Eberswalde, the current restructuring of the company involves two aspects. The first is the completion of the restructuring begun in 1993 on the basis of the approach pursued at that time, which involved the full economic merger of the operations of Kranbau Eberswalde with those of the economic predecessor of

KKI. The second is the integration of Kranbau Eberswalde into the Koehne Group.

- (8) The restructuring of Kranbau Eberswalde started in 1993. The objective was the merger of the operations of two companies based in different geographic locations, Kranbau Eberswalde in Eberswalde and Vulkan Kocks in Bremen; into a single economic entity. Vulkan Kocks became entirely responsible for the management, distribution and financial control functions of Kranbau Eberswalde; the engineering design offices for Kranbau Eberswalde were with Vulkan Kocks; the two companies shared a common assembly and construction team; Kranbau Eberswalde's future business strategy was dependent on the industrial property of Vulkan Kocks; technological improvements made by Kranbau Eberswalde could be exploited only through access to Vulkan Kocks' intellectual property, and in many areas there was shared personnel.
- (9) The restructuring of Kranbau Eberswalde within the BVV Group was accompanied by growing losses. The BVV Group as a whole was facing difficulties. As a result of this, Kranbau Eberswalde, as an East German operation, was extracted from the BVV Group by the BvS prior to the BVV Group's bankruptcy, so that Kranbau Eberswalde itself was not involved in the bankruptcy proceedings. (By contrast, Vulkan Kocks, based in West Germany, went bankrupt.) When the BVV Group ran into difficulties, the integration of Kranbau Eberswalde and Vulkan Kocks was at an advanced stage. Vulkan Kocks had become responsible for the management and distribution functions of Kranbau Eberswalde, and the future of Kranbau Eberswalde had also become dependent on the industrial property of Vulkan Kocks. It was because of the degree of integration between Kranbau Eberswalde and Vulkan Kocks that the assets of Vulkan Kocks were acquired by the Kirow Group from the administrator in April 1997 and used to form KKI. Without these assets, the restructuring of Kranbau Eberswalde could not have been completed without drawing up an entirely new restructuring plan. According to the German authorities, these assets were acquired at arm's length and no aid was otherwise involved.
- (10) The integration of Kranbau Eberswalde into the Koehne Group will help it to become a profitable undertaking. In particular, Kranbau Eberswalde will draw benefit from its relationship with its immediate parent company, Kirow-Leipzig Rail & Port AG; since they operate in adjoining markets, this should mean that each has access to the other's customers and can offer a broad range of products. The two companies could also reduce costs by sharing certain internal services and using common parts. In addition, they could exploit cost savings through common purchase strategies in respect of components. Internal rationalisation measures such as the contracting-out of certain production stages, the introduction of computer-assisted design technology and the drawing-up of a new marketing approach should enable Kranbau Eberswalde to develop new products and enter new markets.

(*) Business secret.

- (11) Another aspect of the current organisational restructuring of Kranbau Eberswalde is the permanent reduction in its production capacity in terms of plant, premises and equipment and in terms of skilled personnel. Since the beginning of 1997, it has sold off production equipment, including cutting and welding equipment, presses and lathes to a variety of different purchasers. Since these machines cannot be used separately to make cranes, but have to work as an ensemble, the sales to purchasers in different markets mean a permanent reduction in crane production capacity. The workforce has also been reduced from 239 in 1997 to 159 in 1998. As a result of this, production capacity expressed in hours has been reduced from 255 000 hours in 1990 to 52 000 in 1998. At the beginning of the current restructuring phase in 1997, it amounted to 73 500 hours.

- (12) It should be pointed out that, although the KKI engineering operation is not the aid recipient and is not therefore required to make a capacity reduction, it has effectively done so in the process of its emergence from Vulkan Kocks. An indicator of an engineering company's capacity is the number of employees. Between 1997 and 1999, KKI's workforce fell from 184 to 73.

- (13) It should be noted that, in addition to its obligation under the privatisation contract to ensure that aid is used only for the purposes of the contract, Kranbau Eberswalde has its own account separate from the others, and it keeps its own profit and loss accounts and balance sheet; furthermore, the use of State-financial resources is checked by an independent party.

- (14) The restructuring costs amount to some DEM 99,7 million and are made up as follows (in DEM million):

	1997 actual	1998 actual	1999 plan	2000 plan
Turnover	[...] *	[...] *	[...] *	[...] *
Material costs	[...] *	[...] *	[...] *	[...] *
Personnel costs	[...] *	[...] *	[...] *	[...] *
Profit/loss	[...] *	[...] *	[...] *	[...] *

- (17) Turnover increases from [...] * in 1997 to [...] * in 2000. As from 1999, positive operating results are expected, thus covering losses and achieving [...] * profit. The increase in turnover between 1998 and 1999 reflects an improved order book due to the impact of privatisation and to the development of new products. The reduction in personnel costs between 1997 and 1998 reflects a further decrease in the workforce after privatisation and the impact of a collective agreement to reduce wages.

(in million DEM)

Investment	
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
[...] *	[...] *
Total	16,8
Financing of orders	
For Kranbau Eberswalde	30,0
For KKI	11,0
Total	41,0
Offsetting of losses 1996/1997	41,9
Total restructuring costs	99,7

- (15) The loss cover of DEM 41,9 million relates to losses from the period prior privatisation (1996) and from the new investor's run-in phase (1997). These losses were incurred as a result of the collapse of the BVV Group, which affected both customer confidence and the ability of Kranbau Eberswalde to obtain commercial loans. The Koehne Group is unable to obtain the full amount necessary for restoring Kranbau Eberswalde to profitability.

- (16) Under the restructuring plan, profitability is to be re-established in 1999. The following table ⁽⁶⁾ contains the key data for the projected return to profitability. The figures for 1999 and 2000 are based on the projections drawn up at the time of privatisation (in DEM million).

⁽⁶⁾ This table contains only a selection of key data, and the columns are not arithmetically complete.

V. CURRENT AID MEASURES AND INVESTOR CONTRIBUTION

(18) The current restructuring phase of Kranbau Eberswalde, costing some DEM 99,7 million, is being financed from public and private sources. Kranbau Eberswalde has received or will receive from the BvS and from the *Land* of Brandenburg finance amounting in total to DEM 60,64 million, ⁽⁷⁾ comprising the following:

- (a) a DEM 5 million loan granted by the BvS in 1996 and its subsequent waiver, together with DEM 95 000 in interest;
- (b) a DEM 5 million loan granted by the *Land* of Brandenburg in 1996 and its subsequent waiver, together with DEM 76 000 in interest;
- (c) a DEM 15 million loan from the BvS at an annual interest rate of 5 %, and its subsequent waiver in the event of a positive Commission decision;
- (d) a DEM 5 million investment by the Brandenburg consolidation fund ⁽⁸⁾;
- (e) a guarantee by the Federal and *Land* authorities of up to 80 % (i.e. DEM 24 million) of credit facilities of DEM 30 million (this guarantee will be called upon only if a DEM 6 million guarantee provided by the investors has been used up);
- (f) a DEM 2,5 million grant from the BvS in the event of a positive Commission decision;
- (g) a DEM 4,14 million grant under the approved aid scheme known as the joint Federal Government/*Länder* scheme for improving regional economic structures ⁽⁹⁾ (GA resources).

(19) From private sources, Kranbau Eberswalde (including KKI) will receive DEM 39,06 million from the Koehne Group. This amount comprises the following privately financed measures totalling DEM 25,06 million directly in favour of Kranbau Eberswalde:

- (a) the provision of capital (including purchase price) of DEM 2 million;
- (b) the provision of a guarantee of DEM 6 million;
- (c) the provision of a loan of DEM 10 million from a private bank ⁽¹⁰⁾;
- (d) other non-cash capital contributions amounting to DEM 300 000 (expert's report costs, audit costs);
- (e) other cash payments amounting to DEM 350 000;
- (f) funds from outside sources amounting to DEM 6,41 million.

(20) In addition, apart from the purchase price of [...] * for the shares, the investor has invested DEM 14 million in the setting up of KKI in order to complete the restructuring of Kranbau Eberswalde (see Section IV). This amount consists of the following:

- (a) the provision of capital (fully paid) of DEM 3 million;
- (b) the provision of guarantees of up to DEM 11 million.

(The German authorities have confirmed that no aid was granted in connection with KKI.)

(21) The following table shows the origin of the various financing measures (in DEM million):

(DEM million)

Public	Waiver of loan by the BvS (including interest of DEM 0,095 million)	5,00
	Waiver of loan by the <i>Land</i> (including interest of DEM 0,076 million)	5,00
	Loan from the BvS	15,00
	Brandenburg consolidation fund	5,00
	Federal Government/ <i>Land</i> guarantee (up to 80 % of the DEM 30 million in credit facilities)	24,00
	Grant	2,50
	GA resources	4,14
	Total public funds	60,64

⁽⁷⁾ This figure does not include loan interest.

⁽⁸⁾ SG(95) D/9074.

⁽⁹⁾ 27th framework programme.

⁽¹⁰⁾ This loan is covered by a guarantee provided by Kirow-Leipzig Rail & Port AG amounting to DEM 3 million and by a guarantee provided by Koehne Beteiligungsgesellschaft GmbH & Co. Holding KG amounting to DEM 3 million. The German authorities confirm that neither the Federal Government nor the *Land* of Brandenburg is involved in these.

(DEM million)

Private (Koehne Group)		
To Kranbau Eberswalde	Provision of capital	2,00
	Guarantee	6,00
	Bridging loan	10,00
	Other cash payments	0,30
	Other non-cash capital payments	0,35
	Funds from external sources	6,41
	Total	25,06
Via KKI (to Kranbau Eberswalde)	Provision of capital	3,0
	Guarantee	11,0
	Total	14,0
	Restructuring measures: Total	99,7

VI. MARKET

- (22) The business activities of Kranbau Eberswalde comprise the construction and assembly of various types of special cranes, including container cranes, bridge cranes harbour cranes. The company has specialised in particular the manufacture of double-lever level-luffing jib cranes. The immediate owner of Kranbau Eberswalde, Kirow-Leipzig Rail & Port AG, operates in neighbouring areas, producing railway cranes, port equipment, reach stackers, transport systems and railway engineering equipment. There is no overlap between the two companies in terms of specific types of products. In its restructured form, the company will also operate on the market for the development of postpanamax cranes, container bridges, ship unloaders and giant cranes (KKI's activities).

- (23) Since the relevant market is worldwide, trade between Member States is affected (Kranbau Eberswalde exports 2,5 % of its output to other Member States, 46,6 % outside the Community and the remaining 50,9 % within Germany). The general market for cranes and lifting equipment is very competitive and, according to the information available to the Commission, there are grounds for believing that there is overcapacity in this

sector generally. There is also lively cross-border trade within the Community in this sector ⁽¹¹⁾.

- (24) However, Kranbau Eberswalde operates in a specialised market in which there appears to be no overcapacity.
- (25) As far as the new activity brought in by KKI is concerned, KKI as an engineering firm operates on an upstream market. Since there is no indication that the downstream market in which Kranbau Eberswalde operates is suffering from overcapacity, there is little reason to believe that the upstream market for crane design is affected by overcapacity.

VII. GROUNDS FOR INITIATING THE INFORMAL INVESTIGATION PROCEDURE

- (26) The information provided by Germany in the notification was unsatisfactory on several points and gave rise to doubts as to the compatibility of the measures with the guidelines on rescue and restructuring aid for firms in difficulties ⁽¹²⁾ These included:
- (a) an unclear restructuring plan with divergences from the projected performance;
 - (b) apparent structural overcapacity on the relevant market, plus lack of clarity on capacity development, and, in any event, no obvious capacity reduction by Kranbau Eberswalde;
 - (c) an apparently low investor contribution.

⁽¹¹⁾ See pages 57 and 60 of *Statistisches Handbuch für den Maschinenbau*, 1997 edition, published by the Verband Deutscher Maschinen- und Anlagenbau e.V.

⁽¹²⁾ OJ C 368, 23.12.1994, p. 12.

VIII. COMMENTS FROM INTERESTED PARTIES AND GERMANY

- (27) The initiation of the investigation procedure elicited comments from two competitors, Caillard (a subsidiary of the Rolls Royce Group) and Kranservice Rheinberg GmbH ('KSR') (a subsidiary of the Mannesman Dematic Group). Germany provided detailed and closely argued replies on both sets of comments.
- (28) In a letter received on 4 January 1999, Caillard claimed that there was overcapacity and that the Kirow-Leipzig Rail & Port AG (another member of the Kirow Group) had received aid which had been used for predatory pricing. Germany argued in response that Caillard's claims did not relate to the current aid recipient and were chronologically inconsistent. It argued that any flow of aid from Kranbau Eberswalde to Kirow-Leipzig Rail & Port AG was not possible; both companies had an arm's length relationship, as confirmed by an auditor's report.
- (29) KSR claimed that there was overcapacity and predatory pricing. As an example, it cited an invitation to tender by Deutsche Bahn for two container cranes. Kranbau Eberswalde's tender was 15 % lower than KSR's, even though KSR had submitted a tender in which it did not expect to make any profit and had cut the administration, distribution and material costs by 40 %. Germany rejected KSR's assertions: Kranbau Eberswalde's tender covered costs and was not even selected as the best bid. As far as capacity was concerned, Germany reiterated that Kranbau Eberswalde was operating on an expanding niche market.

IX. ASSESSMENT

- (30) The financial measures for Kranbau Eberswalde constitute aid within the meaning of Article 87(1) of the EC Treaty, since they are granted through State resources and confer on Kranbau Eberswalde a free benefit which a company in difficulty would not have received from a private investor; as such, they threaten to distort competition and, given the nature of the relevant market, affect trade between Member States. The following aid packages must be regarded as new aid to be assessed by the Commission:
- (a) a DEM 5 million loan granted by the BvS in 1996 and its subsequent waiver together with interest of DEM 95 000;
- (b) a DEM 5 million loan granted by the *Land* of Brandenburg in 1996 and its subsequent waiver together with interest of DEM 76 000;

- (c) a DEM 15 million loan from the BvS at an annual interest rate of 5 % and its subsequent waiver in the event of a positive Commission decision;
- (d) a DEM 5 million contribution from the Brandenburg consolidation fund ⁽¹³⁾;
- (e) a guarantee by the Federal Government and the *Land* of up to 80 % (DEM 24 million) of the DEM 30 million credit facilities (this guarantee will be called upon only if a DEM 6 million guarantee provided by the investors has been used);
- (f) a DEM 2,5 million grant from the BvS in the event of a positive Commission decision.
- (31) Although the DEM 4,14 million grant stems from the approved aid scheme known as the joint Federal Government/*Land* scheme for the improvement of regional economic structures ⁽¹⁴⁾ (GA resources) and is not therefore a new measure, it will be taken into account in assessing the proportionality of the aid.
- (32) Under Article 87(1) of the EC Treaty, aid for certain undertakings is incompatible with the common market if it affects trade between Member States and distorts or threatens to distort competition in the common market. Given the nature of the aid in question and the particular features of the crane manufacturing industry, the current aid package clearly falls within the scope of Article 87(1) of the EC Treaty. Such aid is in principle incompatible with the common market unless it is eligible for one of the derogations provided for in Article 87(2) or (3) of the EC Treaty. Article 87(3) is relevant in this instance. It gives the Commission discretionary power to authorise State aid in certain specified circumstances. These include, under Article 87(3)(c), aid to facilitate the development of certain economic activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest. The guidelines set out the conditions to be met for the Commission to be able to exercise its discretionary power.
- (33) Under Article 87(3)(a) of the EC Treaty, the Commission also has the power to authorise State aid intended to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment. The new German *Länder* fall within the scope of this provision ⁽¹⁵⁾. The fact that the aid is to be granted to a single firm in difficulty does not

⁽¹³⁾ See footnote 8.

⁽¹⁴⁾ 27th framework programme.

⁽¹⁵⁾ See Commission Decision in aid case N 464/93.

preclude it from being deemed to be regional aid falling within the scope of Article 87(3)(a) ⁽¹⁶⁾. In this case, however, the main purpose of the aid is to restructure a company in difficulty rather than to promote the economic development of an area. Even if a successfully restructured company may contribute to the development of an area, the aid should be assessed under Article 87(3)(c) rather than under Article 87(3)(a).

- (34) The notification submitted by Germany in June 1997 was intended to be in respect of restructuring aid. The notified measures must therefore fulfil the conditions laid down in point 3.2 of the guidelines if they are to be regarded as restructuring aid that is compatible with the common market within the meaning of Article 87(3)(c) of the EC Treaty.

X. RESTORING LONG-TERM VIABILITY

- (35) The restructuring plan must restore the long-term viability of the firm within a reasonable timescale and on the basis of realistic assumptions. In order to be able to assess the cogency of the plan, the Commission requires information as to the reasons for the current difficulties of the undertaking concerned, the proposed internal measures and their expected effect.
- (36) The Commission notes that, in response to its letter announcing the initiation of the formal investigation procedure, Germany provided additional information on the restructuring measures. The problems facing Kranbau Eberswalde and the measures required to address them were outlined above. The measures are appropriate for addressing these problems. Furthermore, the economic performance of Kranbau Eberswalde is in line with what was projected at the time of privatisation.
- (37) It follows from the financial analysis that Kranbau Eberswalde should be able to reduce its losses considerably and to solve its problems in the next few years. Its financial situation has improved steadily (see Section IV), and the steady improvement in the figures and in the qualitative aspects of the restructuring mean that the financial outlook is credible.
- (38) Thus, the restructuring following privatisation show allow Kranbau Eberswalde to return to profitability within the four-year restructuring period, which can be regarded as a reasonable timescale.

XI. NO UNDUE DISTORTIONS OF COMPETITION

- (39) A further condition for restructuring aid set out in the guidelines is that measures are taken to offset as far as possible adverse effects on competitors. Otherwise aid would be contrary to the common interest. Generally speaking, restructuring aid will result in undue distortions of competition if it is used to increase production capacity. In the event of structural overcapacity in the relevant market, the aid recipient must contribute to a reduction of the excess capacity by irreversibly reducing its own capacity by an amount proportionate to the aid received.
- (40) It is to be noted that Kranbau Eberswalde has in any event carried out a reduction in its capacity as part of the current restructuring and that there is no evidence that overcapacity exists on the niche market on which it operates. (It is also noted that the KKI engineering operation, although not the aid recipient, has also reduced its capacity.)
- (41) In assessing the reduction in capacity, account must also be taken of the fact that Kranbau Eberswalde is based in an area covered by Article 87(3)(a) of the EC Treaty. Thus, in accordance with the guidelines, the Commission can show greater flexibility in applying this criterion in cases involving markets with structural overcapacity. In this instance, therefore, no further capacity reduction by Kranbau Eberswalde is necessary.
- (42) Accordingly, the Commission considers that, since the aid recipient has substantially reduced capacity and since Kranbau Eberswalde operates on an expanding niche market, the impact on competitors must be regarded as minimal. There will therefore be no undue distortions of competition.

XII. AID IN PROPORTION TO THE RESTRUCTURING COSTS AND BENEFITS

- (43) A further requirement in the guidelines is that the amount and intensity of the aid must be limited to the strict minimum needed to enable restructuring to be undertaken and must be related to the benefits anticipated from the Community's point of view. Aid recipients will therefore be expected to make a significant contribution to the restructuring plan from their own resources. To limit the distortive effect, the form in which the aid is granted must be such as to avoid providing the company with surplus cash which could be used for market-distorting activities.

⁽¹⁶⁾ See Joined Cases C-278/92 and C-279/92 *Spain v Commission* (Hytasa/Imepiel) [1994] ECR I-4103.

- (44) In this case, the total aid package from the BvS and the *Land* amounts to DEM 60,64 million. This amount is made up of the waiver of a loan of DEM 5 million together with interest of DEM 95 000, the waiver of a loan of DEM 5 million together with interest of DEM 76 000, a loan of DEM 15 million and a contribution of DEM 5 million from the Brandenburg consolidation fund. A Further component of the aid package consists of a guarantee of up to DEM 24 million provided by the BvS and the *Land*. The DEM 4,14 million granted under the GA resources programme has to be added to the amount of new aid for the purpose of assessing proportionality.
- (45) In addition to the purchase price of [...] *, the investors have committed themselves to investing DEM 25,06 million ⁽¹⁷⁾ in the restructuring of Kranbau Eberswalde. The restructuring costs directly related to Kranbau Eberswalde amount to DEM 85,7 million, of which the private investor is contributing some 29 %. If one also includes the investor's costs incurred in respect of KKI (DEM 14 million) ⁽¹⁷⁾, the investor contribution amounts to over 39 % of the total restructuring costs of DEM 99,7 million. The investor's contribution may therefore in either case be regarded as appropriate.
- (46) In view of the foregoing, the Commission concludes that its concerns expressed when the proceedings were initiated have been addressed and that the criterion of proportionality of the aid is met.

XIII. FULL IMPLEMENTATION OF THE PLAN

- (47) A company receiving restructuring aid must fully implement the restructuring plan that was submitted to and accepted by the Commission and must discharge any other obligations laid down by the Commission Decision. Otherwise, unless the original Decision is amended following a new notification from the Member State, the Commission will take steps to require the recovery of the aid. Germany has given an assurance that all possible measures will be taken to ensure that the restructuring plan is carried out. The Commission therefore concludes that this part of the guidelines is also complied with.

XIV. CONCLUSIONS

- (48) The Commission finds that Germany has unlawfully implemented the aid measures described above in breach of Article 88(3) of the EC Treaty. However, in view of the considerations set out above, the Commission concludes that, since they comply with the guidelines on

restructuring aid, the measures are compatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The state aid amounting to DEM 60 640 000 (EUR 30 004 739) plus interest which Germany has granted and is to grant to Kranbau Eberswalde is compatible with the common market.

According to the information available, the aid consists of the following measures:

- (a) a DEM 5 million loan granted by the Federal Office for Special Unification-related Tasks (BvS) and its subsequent waiver together with DEM 95 000 in interest;
- (b) a DEM 5 million loan granted by the *Land* of Brandenburg and its subsequent waiver together with DEM 76 000 in interest;
- (c) a DEM 15 million loan from the BvS at an annual interest rate of 5 % and its subsequent waiver in the event of a positive Commission decision;
- (d) a DEM 5 million contribution from the Brandenburg consolidation fund;
- (e) a DEM 24 million guarantee provided by the Federal Government and the *Land*;
- (f) a DEM 2,5 million grant from the BvS.

Article 2

In accordance with the guidelines on State aid for rescuing and restructuring firms in difficulty, Germany shall submit detailed annual reports on the implementation of the restructuring plan.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 28 July 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁷⁾ For details of the investor contribution, see Section V.

COMMISSION DECISION**of 24 November 1999****on the implementation of Council Decision 1999/297/EC establishing a Community statistical information infrastructure relating to the industry and markets of the audiovisual and related sectors***(notified under document number C(1999) 3872)***(Text with EEA relevance)**

(1999/841/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Council Decision 1999/297/EC of 26 April 1999 establishing a Community statistical information infrastructure relating to the industry and markets of the audiovisual and related sectors ⁽¹⁾ and in particular Article 3 thereof,

The measures to implement individual actions referred to in Article 2 of Decision 1999/297/EC are specified in the Annex to this Decision.

Whereas:

Article 2

- (1) Decision 1999/297/EC determined the individual statistical actions necessary in order to establish a Community statistical information infrastructure relating to the industry and markets of the audiovisual and related sectors;
- (2) It is necessary to adopt measures for the implementation of individual statistical actions;
- (3) The measures provided for in this Decision are in accordance with the opinion of the Statistical Programme Committee,

This Decision is addressed to the Member States.

Done at Brussels, 24 November 1999.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 117, 5.5.1999, p. 39.

ANNEX

A. Measures to implement actions to be undertaken by the national authorities

Reference in the Council Decision 1999/297/EC		Description of the measure	Date scheduled for completing the measure
Article 2(1)(a)	1	Studies by each Member State of priorities concerning national user needs for statistics. The domains to be studied should be those in the Auvis classification plan ⁽¹⁾	June 2000
Article 2(1)(b)	2	Update of the existing inventory by each Member State of national statistics and sources	December 2000
Article 2(1)(c)	3	Optionally, development of the network of contacts between the Member States and main data producers by means of workshops held in volunteer Member States	September 2000
	4	Forwarding to Eurostat by each Member State during 2000 of a questionnaire on audiovisual statistics (firms, functions and products) already on hand or available from the competent national authorities. The questionnaire, which is based on the Auvis classification plan, will be sent to Member States in the second quarter of the year 2000	September 2000

⁽¹⁾ The Auvis classification plan covers the following markets:

- Audiovisual production market;
 - Audiovisual distribution market;
 - Cinema exhibition market;
 - Video market;
 - Television market;
 - Sound recording production and publishing market;
 - Consumer sound recordings market;
 - Radio market;
 - 'Bouquets' of programme services market;
 - Cable operating market;
 - Radio and TV signal market;
 - Satellite (broadcasting) transmission market;
- In addition, technological developments may require a 'New media' market category.

B. Measures to implement actions to be undertaken by Eurostat

Reference in the Council Decision 1999/297/EC		Description of the measure	Date scheduled for completing the measure
Article 2(2)(a)	1	Updating of the chapter specific to audiovisual services in the Eurostat Manual of Business Statistics	March 2000
	2	Updating and publication, via the web, of the general methodological manual on audiovisual statistics	December 2000
	3	Methodological studies on specific topics selected from within the following broad areas: — structural business statistics for enterprises of the audiovisual and related sectors; — statistics on selected sub-sectors such as film production, TV and radio; — selected topics such as international trade in services of the audiovisual and related sectors, international co-productions, new media	September 2001

Reference in the Council Decision 1999/297/EC		Description of the measure	Date scheduled for completing the measure
Article 2(2)(b)	4	Processing of the data received from the 1999 questionnaire to Member States, and making the results available in Eurostat's dissemination database, and via publications	December 1999
	5	Participation in workshops held in volunteer Member States for the development of the network of contacts between the Member States and main data producers	September 2000
	6	Processing the data received from the 2000 questionnaire to Member States, and making the results available in Eurostat's dissemination database, and via publications	December 2000
	7	Adaptation of an existing Eurostat computerised system to receive, validate, transform and store statistics gathered from Member States and international organisations	June 2001
Article 2(2)(c)	8	Comparison of existing statistical systems in Member States with a view to improved harmonisation	June 2001
Article 2(2)(d)	9	Study of the priorities concerning needs for statistics by the Commission's services	November 1999
	10	Study of the priorities concerning needs for statistics by international organisations working in the field	March 2000

COMMISSION DECISION

of 30 November 1999

amending Decision 96/301/EC and authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt

(notified under document number C(1999) 3980)

(1999/842/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, as last amended by Commission Directive 1999/53/EC ⁽²⁾, and in particular Article 15(3) thereof,

Whereas:

- (1) where a Member State considers that there is an imminent danger of the introduction into its territory of *Pseudomonas solanacearum* (Smith) Smith, the cause of potato brown rot, from a third country, it may temporarily take any additional measures necessary to protect itself from that danger;
- (2) in 1996, on the basis of continued interceptions of *Pseudomonas solanacearum* (Smith) Smith in potatoes originating in Egypt, several Member States — France, Finland, Spain and Denmark — adopted measures to implement a ban on potatoes originating in Egypt, with a view to ensuring more efficient protection against the introduction of *Pseudomonas solanacearum* (Smith) Smith from Egypt into their respective territories;
- (3) the Commission, by Decision 96/301/EC ⁽³⁾, authorised Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt; whereas furthermore as a result of considerable numbers of interceptions of *Pseudomonas solanacearum* (Smith) Smith on imports of potatoes originating in Egypt during the import season 1996/1997, Decision 96/301/EC was amended and further strengthened by Commission Decision 98/105/EC ⁽⁴⁾ and the import into the Community of potatoes originating in Egypt was banned unless the emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as laid down in the Annex to the said Decision were complied with;
- (4) during the 1997/1998 import season, Finland and Denmark, on the basis of continued interceptions of *Pseudomonas solanacearum* (Smith) Smith in potatoes

originating in Egypt adopted on 2 April 1998 and 9 May 1998 respectively measures to implement a ban on potatoes originating in Egypt, with a view to ensuring more efficient protection against the introduction of *Pseudomonas solanacearum* (Smith) Smith from Egypt into Finland and Denmark;

- (5) therefore it has become apparent that the strengthened measures laid down in Decision 98/105/EC are not sufficient to prevent the entry of *Pseudomonas solanacearum* (Smith) Smith or have not been complied with; whereas, in particular, the operation of a 'qualified area', in which no outbreak of *Pseudomonas solanacearum* (Smith) Smith has occurred, seems to be insufficient to prevent such a risk of entry and should be altered;
- (6) therefore the Commission, by Decision 98/503/EC ⁽⁵⁾, authorised Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt, based on the concept of 'pest-free area' in which *Pseudomonas solanacearum* (Smith) Smith is known not to occur, as established by official surveys and monitoring procedures in accordance with the 'FAO International Standard for Phytosanitary Measures Part 4: Pest Surveillance — Requirements for the Establishment of Pest-Free Areas';
- (7) during the import season 1998/1999 there have been again a number of interceptions of *Pseudomonas solanacearum* (Smith) Smith on imports of potatoes originating in Egypt;
- (8) as a consequence of the above interceptions, and in accordance with the provisions of Decision 98/503/EC, the entry into the territory of the Community of tubers of *Solanum tuberosum* L. originating in Egypt has been prohibited on 3 April 1999 and remained prohibited during the rest of the import season 1998/1999, and an assessment of the situation has been made;
- (9) Egypt informed the Commission that administrative measures had been strengthened to control the processes of harvesting, handling and packing of potatoes by the Egyptian central administration for plant quarantine. Moreover Egypt confirmed that improved measures are taken against exporters who violate Egyptian instructions on the export of potatoes destined to the EU;

⁽¹⁾ OJ L 26, 31.1.1977, p. 20.

⁽²⁾ OJ L 142, 5.6.1999, p. 29.

⁽³⁾ OJ L 115, 9.5.1996, p. 47.

⁽⁴⁾ OJ L 25, 31.1.1998, p. 101.

⁽⁵⁾ OJ L 225, 12.8.1998, p. 34.

- (10) Egypt also informed the Commission that they will apply a strict control system to ensure and maintain freedom within 'approved pest-free areas' from the above pathogen;
- (11) therefore, it should be possible for the Commission to re-establish 'pest-free areas' which have been approved in Egypt in accordance with the said FAO International Standard;
- (12) the Commission will ensure that Egypt makes available all technical information in relation to surveying and monitoring for the approval of such 'pest-free areas' in accordance with the said FAO International Standard in order to enable the Commission to carry out the necessary assessment for its aforesaid action; whereas that technical information shall be sufficiently detailed to give evidence that the specific risk factors both in the delta and in the desert region are sufficiently addressed while establishing the approved PFAs in Egypt;
- (13) the effects of the emergency measures will be assessed continually, in the import season 1999/2000, and whereas if it is established that the conditions laid down in this Decision have not been complied with, the consequences should be specified;
- (14) the official testing for latent infection with *Pseudomonas solanacearum* (Smith) Smith should be carried out in accordance with the Community test scheme recently laid down in Council Directive 98/57/EC⁽¹⁾ on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.;
- (15) it is necessary to clarify the provision of point 5 of the Annex to the Decision in order to indicate that the holding notice refers to the relevant 'approved pest-free area';
- (16) the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on plant health (hereinafter referred to as the 'Committee'),

HAS ADOPTED THIS DECISION:

Article 1

Decision 96/301/EC is hereby amended as follows:

1. The text of Article 1a is replaced by the following:

'Article 1a

1. By way of derogation to Article 1, for the import season 1999/2000, the entry into the territory of the Community of tubers of *Solanum tuberosum* L. which

originate in Egypt shall be permitted from the "pest-free areas" referred to in paragraph 2, provided that the measures applicable to tubers grown in these areas and laid down in the Annex of this Decision, are complied with.

2. The Commission establishes whether "pest-free areas" have been approved in Egypt for the import season 1999/2000 in accordance with the "FAO International Standard for Phytosanitary Measures Part 4: Pest Surveillance — Requirements for the Establishment of Pest-Free Areas", in particular point 2.3 thereof, and compiles a "list of approved pest-free areas", including identification details of the fields located in the above "approved pest-free areas". The Commission shall convey such a list to the Committee and to the Member States.'

2. In Article 1b, '1998/1999' is replaced by '1999/2000.'

3. In Article 2, '30 Augustu 1999' is replaced by '30 August 2000.'

4. In Article 3, 'Article 1' is replaced by 'Article 1, 1a and 1b.'

5. In Article 4, '30 September 1999' is replaced by '30 September 2000.'

6. The text in point 1(c), first indent of the Annex to the Decision, is replaced by the following:

— grown from potatoes, either directly of Community origin or once grown from such potatoes, produced in an approved "pest-free area" as established under Article 1a of this Decision and which have been officially tested for latent infection, immediately prior to planting in accordance with the Community test scheme as laid down in Directive 98/57/EC, and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing.'

7. The text in point 1(c), third indent of the Annex to the Decision, '1998/1999' is replaced by '1999/2000' and '1 December 1998' is replaced by '1 December 1999'.

8. The text in point 1(c), fifth indent of the Annex to the Decision is replaced by the following:

— officially tested for latent infection on samples taken from each consignment; during the export season at least one sample per area as specified in (a) and represented in the consignment must be taken, but in any case at least five samples must be taken and submitted for laboratory analysis in accordance with the Community test scheme as laid down in Directive 98/57/EC, and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing.'

⁽¹⁾ OJ L 235, 21.8.1998, p. 1.

9. In point 1(c), last indent of the Annex to the Decision, '1 December 1998' is replaced by '1 December 1999'.
10. In point 5 of the Annex to the Decision, the second sentence is replaced by the following:

'The list of approved pest-free areas shall be adjusted by the Commission according to these results and to the findings made under 2 and 3; in relation to a suspect notification made under 4 the list of "approved pest-free areas" shall be adjusted with an indication of a holding notice on further exports from the relevant approved pest-free area until confirmation or refutation of the suspect finding of *Pseudomonas solanacearum* (Smith) Smith.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 November 1999.

For the Commission

David BYRNE

Member of the Commission

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL JOINT ACTION
of 17 December 1999
extending and amending Joint Action 96/676/CFSP in relation to the nomination of an EU Special
Envoy for the Middle East peace process

(1999/843/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Articles 14 and 18(5) thereof,

Whereas:

- (1) Joint Action 96/676/CFSP of 25 November 1996 in relation to the nomination of a Special Envoy for the Middle East peace process ⁽¹⁾, as last modified by Council Decision 98/608/CFSP ⁽²⁾ and amended by Council Joint Action 1999/664/CFSP ⁽³⁾, expires on 31 December 1999;
- (2) The European Union considers that this Joint Action should be further extended until 31 December 2000;
- (3) The action of the Special Representative should be co-ordinated with the overall action of the EU in order to maximise its impact,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The validity of Joint Action 96/676/CFSP shall be extended until 31 December 2000.

Article 2

1. The financial reference amount intended to cover the costs related to the extension of the mission of the EU Special Representative for the year 2000 shall be EUR 2 845 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget.

Article 3

The EU Special Representative shall be guided by, and report under the authority of, the Presidency, assisted by the Secretary General/High Representative to the Council on a regular basis and as the need arises. The Commission shall be fully associated therewith.

Article 4

This Joint Action shall enter into force on 1 January 2000.

Article 5

This Joint Action shall be published in the Official Journal.

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

⁽¹⁾ OJ L 315, 4.12.1996, p. 1.

⁽²⁾ OJ L 290, 29.10.1998, p. 4.

⁽³⁾ OJ L 264, 12.10.1999, p. 1.

COUNCIL JOINT ACTION
of 17 December 1999
extending Joint Action 95/545/CFSP with regard to the participation of the Union in the imple-
menting structures of the peace plan for Bosnia and Herzegovina

(1999/844/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 11 December 1995 the Council adopted Joint Action 95/545/CFSP with regard to the participation of the European Union in the implementing structures of the peace plan for Bosnia and Herzegovina ⁽¹⁾, as last extended on 26 October 1998 by Decision 98/737/CFSP ⁽²⁾ and supplemented by Decision 1999/191/CFSP ⁽³⁾;
- (2) Joint Action 95/545/CFSP is due to expire on 31 December 1999 and should be extended;
- (3) On 29 October 1999 the Peace Implementation Council Steering Board approved the budget of the Office of the High Representative for 2000,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The validity of Joint Action 95/545/CFSP shall be extended until 31 December 2000.

Article 2

1. The financial reference amount intended to cover the European Union's contribution to the operational expenses involved in the High Representative's mission in 2000 shall be EUR 11 million.

2. The management of the expenditure financed by the amount specified in paragraph 1 shall be subject to the procedures and rules of the Community applying to budget matters.

Article 3

This Joint Action shall enter into force on the day of its adoption.

Article 4

This Joint Action shall be published in the Official Journal.

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

⁽¹⁾ OJ L 309, 21.12.1995, p. 2.

⁽²⁾ OJ L 354, 30.12.1998, p. 4.

⁽³⁾ OJ L 63, 12.3.1999, p. 5.

COUNCIL DECISION

of 17 December 1999

implementing Joint Action 1999/34/CFSP with a view to a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Mozambique

(1999/845/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Joint Action 1999/34/CFSP of 17 December 1998 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾, and in particular Article 7 thereof, in conjunction with Article 23(2) of the Treaty on European Union,

Whereas:

- (1) The excessive and uncontrolled accumulation and spread of small arms and light weapons poses a threat to peace and security and reduces the prospects for sustainable development; this is acutely the case in Mozambique;
- (2) In pursuing the objectives set out in Article 1 of Joint Action 1999/34/CFSP, the European Union envisages operating within the relevant international fora and in a regional context, to promote confidence-building measures and incentives to encourage the voluntary surrender of surplus or illegally-held small arms, the implementation of effective national controls, such as efficient border and customs mechanisms, regional and international cooperation and enhanced information exchange; this Decision is intended to implement Joint Action 1999/34/CFSP;
- (3) A financial contribution to the South African Police Service (SAPS) will pursue the aims of locating, collecting and destroying illegal arms caches, and enhance transborder security with South Africa;
- (4) The European Union intends therefore to offer financial support in accordance with Title II of Joint Action 1999/34/CFSP,

HAS DECIDED AS FOLLOWS:

Article 1

1. The European Union shall contribute to the locating, collecting and destroying of weapons in Mozambique through the joint cross border operations between the South African Police and the Mozambique Police (Operation Rachel).
2. For this purpose, the European Union shall
 - (a) support the South African Police Service, as implementing agency, in the acquisition of fuel, air support, explosives and accessories, and ration packs and daily allowances,

- (b) allocate these funds to a SAPS Divisional Commissioner.

Article 2

The European Union Member States' missions and the Commission local representatives shall monitor, as appropriate, the joint cross border operations undertaken in the framework of this Decision.

Article 3

1. The financial reference amount for the purposes referred to in Article 1 shall be EUR 200 000.
2. The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Joint Action, where appropriate by pertinent Community measures.

Article 4

The Presidency, assisted by the Secretary General/High Representative for the CFSP, who shall keep the Council informed on the regular reports which shall be provided by the SAPS.

Article 5

This Decision shall take effect on the date of its adoption.
It shall expire on 18 December 2000.

Article 6

This Decision shall be reviewed six months after the date of its adoption.

Article 7

This Decision shall be published in the Official Journal.

Done at Brussels, 17 December 1999.

For the Council
The President
K. HEMILÄ

⁽¹⁾ OJ L 9, 15.1.1999, p. 1.

COUNCIL DECISION
of 17 December 1999
amending Decision 1999/320/CFSP on a European Union contribution to the collection and
destruction of weapons in Albania

(1999/846/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Joint Action 1999/34/CFSP of 17 December 1998 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾, and in particular Article 7 thereof, in conjunction with Article 23(2) of the Treaty on European Union,

Whereas:

- (1) Decision 1999/320/CFSP ⁽²⁾ is intended to implement Joint Action 1999/34/CFSP by supporting a pilot project of the United Nations Department for Disarmament Affairs (DDA) and the United Nations Development Programme (UNDP) on 'weapons in exchange for development in the Gramsh district of Albania';
- (2) DDA and UNDP wish to extend the pilot project to other districts in Albania, and the scope of Decision 1999/320/CFSP should be extended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1(1) and (2) of Decision 1999/320/CFSP shall be replaced by the following text:

'1. The European Union shall contribute to promoting the collection and destruction of weapons in the districts of Gramsh, Elbasan and Peshkopja in Albania.

2. For this purpose, the European Union shall give financial support to the DDA and UNDP pilot project on "weapons in exchange for development in the Gramsh district of Albania", as extended to the Elbasan and Peshkopja districts of Albania.'

Article 2

This Decision shall take effect on the date of its adoption.

Article 3

This Decision shall be published in the Official Journal.

Done at Brussels, 17 December 1999.

For the Council
The President
K. HEMILÄ

⁽¹⁾ OJ L 9, 15.1.1999, p. 1.

⁽²⁾ OJ L 123, 13.5.1999, p. 12.