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Legislation

Contents

I	<i>Acts whose publication is obligatory</i>	
*	Council Regulation (EC) No 2791/1999 of 16 December 1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries	1
*	Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector	10
*	Council Regulation (EC) No 2793/1999 of 17 December 1999 on certain procedures for applying the Trade, Development and Cooperation Agreement between the European Community and the Republic of South Africa	29
	Commission Regulation (EC) No 2794/1999 of 29 December 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables	34
*	Commission Regulation (EC) No 2795/1999 of 29 December 1999 concerning the classification of certain goods in the Combined Nomenclature	36
*	Commission Regulation (EC) No 2796/1999 of 29 December 1999 laying down rates of compensatory interest applicable during the first half of 2000 to customs debts incurred in relation to compensating products or goods in the unaltered state (inward processing relief arrangements and temporary importation)	38
*	Commission Regulation (EC) No 2797/1999 of 29 December 1999 amending Regulation (EC) No 1771/96 laying down detailed rules for the implementation of the specific measures for the supply of hops to the French overseas departments	39

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(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Council

1999/870/EC:

- * **Council Decision of 17 December 1999 authorising the Deputy Secretary-General of the Council of the European Union to act as representative of certain Member States for the purpose of concluding contracts relating to the installation and the functioning of the communication infrastructure for the Schengen environment, 'SISNET', and to manage such contracts** 41

1999/871/EC:

- * **Council Decision of 21 December 1999 on the provisional application of the Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Community and Ukraine on trade in textile products** 43

Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the agreement between the European Community and Ukraine on trade in textile products 44

Corrigenda

- * **Corrigendum to Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ L 214 of 13.8.1999)** 75

Notice to readers (see page 3 of the cover)

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2791/1999
of 16 December 1999**

laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The Convention on future multilateral cooperation in the north-east Atlantic fisheries, hereinafter called 'the NEAFC Convention', was approved by Decision 81/608/EEC ⁽²⁾ and entered into force on 17 March 1982;
- (2) The NEAFC Convention provides an appropriate framework for multilateral cooperation on the rational conservation and management of fishery resources in the area defined by the Convention;
- (3) The North-East Atlantic Fisheries Commission, at its 17th annual meeting on 17, 18, 19 and 20 November 1998, adopted two recommendations establishing a scheme of control and enforcement applicable to fishing vessels operating in areas beyond the limits of the national jurisdiction of the Contracting Parties in the Convention area (hereinafter called 'the Scheme'), and a programme to promote compliance by non-Contracting Party vessels with its recommendations in order to ensure full respect for conservation and management measures adopted by the NEAFC (hereinafter called 'the Programme');
- (4) The Scheme provides for control measures applicable to vessels flying the flag of the Contracting Parties and operating in the NEAFC area, and arrangements for inspections at sea which include inspection and surveillance procedures and infringement procedures which must be implemented by the Contracting Parties;
- (5) The Programme provides for the mandatory inspection of non-Contracting Party vessels where they enter the ports of the Contracting Parties voluntarily and a prohi-

bition on the landing and transhipment of catches if, during such inspection, it is established that they have been taken in breach of the conservation measures adopted by the NEAFC;

- (6) Under Articles 12 and 15 of the NEAFC Convention, these recommendations enter into force on 1 July 1999 and become binding on the Contracting Parties; the Community should apply these recommendations;
- (7) In order to make it possible for Community fishing activities in the NEAFC Regulatory Area to be monitored and to supplement the control measures provided for in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽³⁾, certain specific control measures should be laid down, in particular as regards participation in fishing activities, the marking of vessels and fishing gear and their documents, the recording and reporting of catches and the transhipment of fish;
- (8) Article 2(3) of Regulation (EEC) No 2847/93 provides that each Member State must ensure that the activities of its vessels outside the Community fishery zone are subject to proper monitoring and, where such Community obligations exist, to inspections and surveillance, in order to ensure compliance with Community rules applicable in those waters; provision should therefore be made that Member States whose vessels are authorised to fish in the NEAFC Regulatory Area assign inspectors to the Scheme to undertake monitoring and surveillance, together with adequate resources for inspection;
- (9) In order to ensure the monitoring of fishing activities in the NEAFC area, it is necessary that Member States cooperate with one another and with the Commission in applying the Scheme;
- (10) It is the responsibility of Member States to ensure that their inspectors comply with the inspection procedures laid down by the NEAFC;

⁽¹⁾ Opinion delivered on 15 December 1999 (not yet published in the Official Journal).

⁽²⁾ OJ L 227, 12.8.1981, p. 21.

⁽³⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2846/98 (OJ L 358, 31.12.1998, p. 5).

- (11) The masters of Community vessels should cooperate in the inspection of their vessels as provided for in the procedures laid down in this Regulation;
- (12) The procedures to be applied in situations where it is suspected that an infringement and in particular a serious infringement has been committed should be laid down; to that end a list of the types of action considered to constitute serious infringements should be drawn up;
- (13) Detailed rules for the implementation of the Programme in the Community should be laid down;
- (14) Under the Treaty, authority over national waters and ports is exercised by the Member States; however, in the case of access to Community port facilities by non-Contracting Party vessels which have been sighted operating in the NEAFC Regulatory Area, additional uniform measures need to be adopted at Community level so that the activities of those vessels in the Community ports can be regulated, in order to ensure the effectiveness of measures laid down by the NEAFC;
- (15) A procedure should be laid down for adopting detailed rules for the implementation of the Scheme;
- (16) The measures necessary for the implementation of this Regulation should be adopted in accordance with Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾;
- (17) In order to gain experience for the definitive division of tasks to be undertaken, it is appropriate that certain provisions on inspection and control, to be carried out in cooperation between the Member States and the Commission, be applied for a limited period pending a decision on the definitive regime,
- which lie beyond the waters under the jurisdiction of NEAFC Contracting Parties;
2. 'fisheries resources' are those referred to in Article 1(2) of the NEAFC Convention;
 3. 'regulated resources' are those fishery resources which are subject to recommendations under the Convention and are listed in the Annex hereto; the Annex may be amended in accordance with the procedure laid down in Article 29(2);
 4. 'fishing activities' means fishing, fish-processing operations, the transshipment of fish and fishery products and any other activity in preparation for or related to fishing in the Regulatory Area;
 5. 'NEAFC inspector' means an inspector assigned by an NEAFC Contracting Party to the Scheme;
 6. 'boarding' means the boarding of a fishing vessel by NEAFC inspectors to carry out an inspection;
 7. 'infringement' means any activity or omission of a fishing vessel which gives clear grounds for suspecting that a breach of the provisions of this Regulation and of any other regulation transposing an NEAFC recommendation has occurred and which has been noted in an inspection report in accordance with the Scheme;
 8. 'serious infringement' means:
 - (a) fishing without a valid authorisation issued by the flag State;
 - (b) fishing without or after exhausting a quota;
 - (c) using prohibited fishing gear;
 - (d) serious mis-recording of catches;
 - (e) repeated failure to comply with the obligation to communicate movements and catches;
 - (f) preventing an inspector from carrying out his duties;
 - (g) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;
 - (h) falsifying or concealing the markings, identity or registration of a fishing vessel;
 - (i) concealing, tampering with or disposing of evidence relating to an investigation;
 - (j) multiple breaches which together constitute a serious disregard of conservation and management measures;
 9. 'duly authorised inspector' means an NEAFC inspector duly authorised by the flag Member State of the vessel suspected of having committed a serious infringement;
 10. 'non-Contracting Party vessel' means a vessel which has been sighted and reported as having engaged in fishing activities in the NEAFC Regulatory Area and
 - (i) which flies the flag of a State which is not a Contracting Party to the NEAFC Convention; or
 - (ii) for which there are reasonable grounds for suspecting it to be without nationality.

HAS ADOPTED THIS REGULATION:

Article 1

Purpose

This Regulation lays down the general rules and conditions for the application by the Community of:

- (a) the Scheme of control and enforcement applicable to fishing vessels operating in areas beyond the limits of national jurisdiction in the NEAFC Convention area;
- (b) the Programme to promote compliance by non-Contracting Party vessels with recommendations made by the NEAFC.

Article 2

Definitions

For the purposes of this Regulation:

1. 'Regulatory Area' means the waters of the Convention Areas as defined in Article 1(1) of the NEAFC Convention,

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

TITLE I

IMPLEMENTATION OF THE CONTROL SCHEME ADOPTED BY THE NEAFC*Article 3***Scope**

1. This Title shall apply to all Community fishing vessels used or intended for use for the purposes of commercial fishing activities conducted on fishery resources in the Regulatory Area.

2. Community fishing vessels operating in the Regulatory Area which keep on board fish from that area shall do so in accordance with the objectives and principles of the NEAFC Convention.

CHAPTER 1

CONTROL MEASURES*Article 4***Community participation**

1. Only Community fishing vessels which have been issued a special fishing permit by their flag Member State shall be authorised, on the conditions set out in the permit, to fish, keep on board, tranship and land fishery resources from the Regulatory Area.

2. Member States shall send the Commission, in computer-readable form, a list of all the vessels flying their flag and registered in the Community which are authorised to fish in the Regulatory Area, in particular the vessels authorised to fish directly for one or more regulated resources together with amendments to the list. This information shall be sent no later than 15 December each year or at least 5 days before the vessel enters the Regulatory Area. The Commission shall forward the information promptly to the NEAFC secretariat.

3. The format for transmission of the list referred to in paragraph 2 and the specifications shall be adopted in accordance with the procedure laid down in Article 29(2).

*Article 5***Recording of catches and fishing effort**

1. In addition to the information specified in Article 6 of Regulation (EEC) No 2847/93, the masters of Community fishing vessels shall enter in their logbook each entry into and departure from the Regulatory Area.

2. The masters of Community fishing vessels shall keep in respect of processed or frozen catches of the regulated resources listed in the Annex:

- (a) a production logbook setting out, for each species and each processed product, the aggregate production, or

- (b) a storage plan, for each species, of the processed products, showing the location of the processed products in the hold.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 29(2).

*Article 6***Reporting of catches of regulated resources**

1. The masters of Community fishing vessels shall send the competent authorities in their flag Member State a 'catch report' within the period specified in the second subparagraph.

Reports of catch of regulated resources shall include:

- (a) the quantities held on board when the masters of Community fishing vessels enter the Regulatory Area. Reports shall be transmitted no earlier than 12 hours and no later than 6 hours in advance of each entry into the Regulatory Area;
- (b) weekly catches. These reports shall be transmitted for the first time no later than the end of the seventh day following the entry of the vessel into the Regulatory Area or, when fishing trips take more than seven days, at the latest on Monday for catches that have been taken in the Regulatory Area during the preceding week ending at midnight on Sunday;
- (c) the quantities held on board when a vessel leaves the Regulatory Area. These reports shall be transmitted no earlier than 8 hours and no later than 6 hours in advance of each departure from the Regulatory Area. They shall include, where appropriate, the number of fishing days and the catches taken in the Regulatory Area;
- (d) the quantities loaded and unloaded for each transhipment of fish during the vessel's stay in the Regulatory Area. These reports shall be transmitted no later than 24 hours after the completion of transhipment.

2. Each Member State shall, upon receipt, forward catch reports by computer transmission to the NEAFC Secretariat.

3. Catch reports shall be transmitted to the competent authorities in the Member States for transmission to the NEAFC Secretariat. ⁽¹⁾

4. The Member States shall record the data contained in the catch reports in the database referred to in Article 19(2) of Regulation (EEC) No 2847/93.

5. The detailed rules for the application of this Article and in particular the format and the specifications for the transmissions referred to in paragraph 3 shall be determined under the procedure laid down in Article 29(2).

⁽¹⁾ As an ad hoc arrangement for 2000 only.

*Article 7***Global reporting of catches and fishing effort**

1. Member States shall inform the Commission, by computer transmission before the fifteenth day of each month, of the quantities of resources referred to in paragraph 3 taken in the Regulatory Area which have been landed or transhipped during the preceding month.
2. Notwithstanding Article 3(2), this Article shall apply also to regulated resources which have been taken in the Convention area under the jurisdiction of the Member States without prejudice to Article 15 of Regulation (EEC) No 2847/93.
3. The list of resources referred to in paragraph 1 and the format for transmission of the data shall be adopted in accordance with the procedure laid down in Article 29(2).

*Article 8⁽¹⁾***Vessel Monitoring System (VMS)**

Member States shall ensure that information obtained by the vessel monitoring system (VMS) concerning vessels flying their flag which fish in the Regulatory Area is transmitted electronically to the NEAFC Secretariat, in real time, in the format and in compliance with the specifications adopted in accordance with the procedure laid down in Article 29(2).

*Article 9***Transhipments**

Community fishing vessels shall engage in transhipment activities in the Regulatory Area only if they have received prior authorisation from the competent authorities in the Member State whose flag they are flying and in which they are registered.

CHAPTER 2

INSPECTION PROCEDURE*Article 10⁽¹⁾***General rules for inspection and surveillance**

1. Member States whose fishing vessels are authorised to fish in the Regulatory Area shall assign inspectors to the Scheme to carry out surveillance and inspection.
2. Each Member State shall take steps to ensure that NEAFC inspectors are able to carry out inspections on board vessels flying its flag.
3. Each Member State shall ensure that inspections carried out by its inspectors are conducted in a non-discriminatory manner and in accordance with the Scheme. The number of inspections shall be based on the size of the fleets of the

Contracting Parties present in the Regulatory Area, taking into account the time spent in the Area.

4. The Commission may assign Community inspectors to the Scheme.

*Article 11⁽¹⁾***Means of inspection**

1. Member States or, pursuant to Article 10(4), the Commission shall make available to their inspectors adequate means to enable them to carry out their surveillance and inspection tasks. To that end they shall assign inspection vessels and aircraft to the Scheme.

2. The Commission shall coordinate the surveillance and inspection activities for the Community. It may draw up, in concert with the Member States concerned, joint operational surveillance and inspection programmes for that purpose which will enable the Community to fulfil its obligations under the Scheme. The Member States whose vessels are engaged in fisheries on regulated resources shall adopt the necessary measures to facilitate the implementation of these programmes particularly as regards the human and material resources required and the periods and zones when these are to be deployed.

3. Member States shall inform the Commission by 1 January 2000 of the names of the inspectors and the inspection vessels and of the details of the aircraft they are intending to assign to the Scheme during the following year. Using this information the Commission shall draw up, in collaboration with the Member States, a forward plan for Community participation in the Scheme in the calendar year concerned, which it shall send to the NEAFC Secretariat and the Member States.

4. When drawing up operational surveillance and inspection programmes the Commission shall ensure that, where, at any time, more than 10 Community fishing vessels are engaged in fishing activities targeted at regulated resources in the Regulatory Area, an inspection vessel from a Member State is present in the area or that an agreement has been concluded with another Contracting Party to ensure the presence of an inspection vessel.

5. Member States shall see to it that any vessel assigned to the Scheme and carrying inspectors and any support vessels display a special flag or pennant to show that inspectors are carrying out an inspection under the Scheme. Aircraft assigned to the Scheme shall have their international radio call sign clearly displayed. The form of the special flag or pennant shall be determined in accordance with the procedure laid down in Article 29(2).

6. Member States shall inform the Commission electronically of the date and time of the start and end of the activities of inspection vessels and aircraft, in the form determined in accordance with the procedure laid down in Article 29(2).

⁽¹⁾ As an ad hoc arrangement for 2000 only.

*Article 12***NEAFC inspectors**

1. The Member States or, pursuant to Article 10(4), the Commission shall issue a special identity document to each inspector. Inspectors shall carry and produce this document when boarding a fishing vessel. The form of the special identity document shall be determined in accordance with the procedure laid down in Article 29(2).

2. The Member States and the Commission shall ensure that inspectors carry out their duties in accordance with the rules laid down in the Scheme. Inspectors shall remain under the operational control of their competent authorities and shall be accountable to them.

*Article 13***Surveillance procedure**

1. NEAFC inspectors shall carry out surveillance based on sightings of fishing vessels from a vessel or aircraft assigned to the Scheme. They shall record their findings in an observation report in a form adopted in accordance with the procedure laid down in Article 29(2) and shall forward it to their competent authority.

2. Member States shall forward the observation report promptly, by electronic transmission, to the flag State of the sighted vessel or the authorities designated by that State, as notified by the NEAFC Secretariat, to the NEAFC Secretariat and to the Commission. They shall also forward the original of each observation report and any photographs to the flag State of the vessel concerned at its request.

*Article 14***Inspection procedure**

1. Member States and the Commission shall ensure that their NEAFC inspectors:

- (a) do not board a vessel without prior notice being given by radio to the vessel or without the vessel being given the appropriate signal using the International Code Signal, including details of the inspection team;
- (b) do not require the vessel that is being boarded to stop or manoeuvre during fishing, or the shooting or hauling of fishing gear. Inspectors may, however, require the interruption or delay of the shooting of gear until they have boarded the vessel but in any event no more than 30 minutes after receiving the signal;
- (c) see to it that an inspection does not exceed four hours or the period until the net and catch are hauled in and inspected, whichever is longer. Where an infringement is detected, inspectors may remain on board for the period necessary to complete their duties as referred to in Article 16(1)(b). However, in special circumstances, taking into account the size of the fishing vessel and the quantity of fish held on board, the duration of the inspection may exceed the periods referred to above. In such a situation, inspectors shall remain on board no longer than is necessary to complete their inspection. The reasons for exceeding the usual period shall be recorded in the inspection report;
- (d) do not interfere with the ability of masters to communicate with the authorities of their flag State during boarding and inspection;

- (e) manoeuvre at a safe distance from the fishing vessel in accordance with the rules of good seamanship;
- (f) avoid the use of force save where and to the extent that it is necessary to ensure their safety. When conducting inspections on board fishing vessels, inspectors shall not carry firearms;
- (g) conduct their inspection in a manner such as to cause the least disturbance or inconvenience to the vessel, its activities and catches;
- (h) draw up an inspection report as provided for in the rules adopted in accordance with the procedure laid down in Article 29(2) and forward it to their authorities.

2. Inspectors shall be authorised to examine all relevant areas, decks and rooms of the fishing vessel, catches (whether processed or not), nets and other gear, equipment and any relevant documents which are necessary for verifying compliance with the conservation measures adopted by the NEAFC and to question the master or a person designated by him.

3. In carrying out their inspection, inspectors may ask the master for any assistance they may require. The master may comment on the inspection report, which must be signed by inspectors on completion of the inspection. A copy of the inspection report shall be given to the master of the fishing vessel.

4. Member States shall ensure that inspection teams comprise no more than two NEAFC inspectors.

*Article 15***Obligations of masters of fishing vessels during the inspection procedure**

The master of a Community fishing vessel which is being boarded and inspected shall:

- (a) facilitate safe and effective boarding;
- (b) cooperate with and assist in the inspection of the fishing vessel conducted in accordance with the procedures laid down in this Regulation, and shall not obstruct, intimidate or interfere with the inspectors in the performance of their duties and shall ensure their safety;
- (c) permit the inspectors to communicate with the authorities of the flag State and the inspecting State;
- (d) provide access to relevant areas, decks, rooms of the vessel, catches (whether processed or not), nets and other gear, equipment and any relevant documents;
- (e) provide inspectors with reasonable facilities, including, where appropriate, food and accommodation where they remain on board the vessel in accordance with Article 18(3);
- (f) facilitate safe disembarkation by inspectors.

*Article 16***Infringement procedure**

1. Where NEAFC inspectors find that there are clear grounds for believing that a fishing vessel has engaged in an activity contrary to the conservation measures adopted by the NEAFC, they shall:

- (a) record the infringement in their inspection report;
- (b) take all necessary measures to ensure the security and continuity of the evidence. An identification mark shall be affixed securely to any part of the fishing gear, which

appears on inspection to have been used in breach of the measures;

- (c) attempt immediately to communicate with an inspector or the designated authorities of the flag State of the inspected fishing vessel;
- (d) transmit the inspection report promptly to their authorities.

2. The Member State carrying out the inspection or, as appropriate, the Commission shall notify the details of the infringement committed by the inspected vessel, where possible during the working day following the start of the inspection, to the flag State of the inspected vessel and the Commission.

3. The Member State carrying out the inspection shall send the original inspection report with supporting documents to the Commission, which shall forward them to the appropriate authorities in the flag State of the inspected vessel with a copy to the NEAFC Secretariat.

Article 17

Follow-up in the case of infringements

1. Where a Member State is notified by another Contracting Party or another Member State of an infringement committed by a vessel flying its flag, it shall take prompt action in conformity with its national law to receive and examine the evidence and conduct any further investigations necessary for action to be taken as a result of the infringement and, where possible, inspect the vessel.

2. Member States shall designate the appropriate authorities appointed to receive evidence of infringements and inform the Commission of their address.

Article 18

Special procedure in the event of serious infringements

1. Where NEAFC inspectors consider that there are clear grounds for believing that a fishing vessel has committed a serious infringement, they shall notify the flag State, their own authorities, the Commission and the NEAFC Secretariat thereof without delay.

2. In order to preserve the evidence, inspectors shall take all necessary steps to ensure the security and continuity of the

evidence while minimising interference with and inconvenience to the operation of the vessel.

3. Inspectors may remain on board a fishing vessel for the period necessary to provide the duly authorised inspector with information concerning the infringement or until receiving a reply from the flag State requesting them to leave the fishing vessel.

4. The Member State carrying out the inspection shall take a decision, with the consent of the flag State, on whether the inspector remains on board during the re-routing of the vessel. The Member State carrying out the inspection shall decide also whether an NEAFC inspector shall be present during the thorough inspection of the vessel in port. It shall inform the Commission promptly of the decisions it has taken in accordance with this paragraph.

Article 19

Follow-up in the case of serious infringements

1. Where the competent authorities in a flag Member State receive information from an NEAFC inspector that a serious infringement is suspected to have been committed by a fishing vessel flying its flag or where the Commission receives such information, the competent authorities and the Commission shall inform one another thereof without delay.

2. After receiving information as provided for in paragraph 1, the flag Member State shall ensure that the vessel is inspected within 72 hours by a duly authorised inspector.

3. The duly authorised inspector shall board the fishing vessel concerned and examine the evidence of the suspected infringement, established by the NEAFC inspector, and forward as quickly as possible to the competent authority in the flag Member State and the Commission the results of this examination.

4. Following notification of the results and where the suspected infringement is a serious one, the competent authority in the flag Member State of the inspected vessel shall, if the situation so warrants it, within 24 hours, itself require or authorise the duly authorised inspector to require the vessel to proceed to a designated port.

Where a vessel is re-routed, the duly authorised inspector shall take all necessary measures to ensure the security and continuity of the evidence.

5. On arrival in the designated port, the vessel suspected of having committed an infringement shall undergo a thorough inspection under the authority of the flag Member State and in the presence of an NEAFC inspector from any other Contracting Party which wishes to participate.

The flag Member State shall inform the Commission promptly of the outcome of the thorough inspection and of the measures it has adopted as a result of the infringement.

6. Where the competent authority of the flag Member State does not require the vessel to be re-routed to a port, it shall inform the Commission without delay of the reasons for its decision. The Commission shall notify the NEAFC Secretariat at the appropriate time of this decision and its justification.

7. The detailed rules for the application of this Article shall be determined under the procedure laid down in Article 29(2).

Article 20

Treatment of inspection reports

1. Member States shall treat reports drawn up by the NEAFC inspectors of other Contracting Parties and other Member States on the same basis as reports from its own inspectors.

2. Member States shall cooperate with the relevant Contracting Parties in order to facilitate judicial or other proceedings in accordance with their national law, arising from a report submitted by an inspector under the Scheme.

TITLE II

IMPLEMENTATION OF THE PROGRAMME TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY VESSELS

Article 23

Transmission of sighting reports

1. Upon receiving a report of the sighting of a non-Contracting Party vessel from one of its NEAFC inspectors, the Member State concerned shall forward this information without delay to the NEAFC Secretariat and the Commission, and where possible, to the vessel, informing it that the information will be transmitted to its flag State.

2. The Commission shall inform all Member States promptly of each sighting report it receives by notifying the NEAFC Secretariat or another Contracting Party thereof.

Article 24

Transshipment

Community fishing vessels shall be prohibited from receiving transshipments of fish from non-Contracting Party vessels.

Article 21

Infringement reports

1. Member States shall forward to the Commission by 15 September each year for the previous calendar year a report containing information on the progress of proceedings relating to notified infringements of NEAFC conservation measures. A list of the infringements shall be drawn up annually until a final decision is taken in accordance with the relevant provisions of national law.

2. The report shall contain details of the progress of the proceedings (e.g. case pending, under appeal, under investigation, etc.), a specific description of fines or penalties (i.e. the amount of fines, the value of forfeited fish and/or gear, written warnings, etc.) and include an explanation if no action has been taken.

Article 22

Reporting on inspection activities

Each Member State shall report to the Commission by 15 September each year for the previous calendar year on:

- (a) the number of inspections it has carried out under the Scheme specifying the number of inspections on the vessels of each Contracting Party and, where an infringement has been committed, the date and location of the inspection of the vessel concerned and the nature of the suspected infringement;
- (b) the number of air hours flown on NEAFC surveillance, the number of sightings and the number of surveillance reports that have been drawn up together with the follow-up action that has been taken on the reports.

Article 25

Monitoring/inspection of fishing activities of non-Contracting Party vessels

1. Member States shall ensure that each non-Contracting Party vessel, which enters a designated port within the meaning of Article 28(e)(2) of Regulation (EEC) No 2847/93, is inspected by their competent authorities. Until this inspection is completed, the landing and/or transshipment of the catches of this vessel shall be prohibited.

2. If, on completion of inspection, the competent authorities find that the non-Contracting Party vessel is carrying on board resources, which are the subject of a NEAFC recommendation which has been transposed into Community law, the Member State concerned shall prohibit their landing and/or transshipment.

3. However, no ban shall apply if the master of the inspected vessel or his representative establishes to the satisfaction of the competent authorities of the Member State concerned that:

- (a) the catch retained on board was taken outside the Regulatory Area, or
- (b) the catch retained on board was taken in compliance with the Community conservation measures.

Article 26

Follow-up of inspections

1. Member States shall inform the Commission immediately of the results of each inspection and, where appropriate, of any prohibition of landing and/or transshipment imposed as a result of the inspection.
2. The Commission shall transmit this information immediately to the NEAFC Secretariat and as soon as possible to the flag State of the inspected vessel.

TITLE III

FINAL PROVISIONS

Article 27

Confidentiality

In addition to the obligations laid down in Article 37 of Regulation (EEC) No 2847/93, Member States and the Commission shall comply with the rules of confidentiality adopted in accordance with the procedure laid down in Article 29(2).

Article 28

The necessary rules to implement this Regulation as regards Articles 2(3), 4(3), 5(3), 6(5), 7(3), 8, 11 (5) and (6), 12(1), 13 (1), 14(1)(h), 19(7) and 27 shall be adopted in accordance with the management procedure laid down in Article 29(2).

Article 29

1. The Commission shall be assisted by a Management Committee for Fisheries and Aquaculture (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply. The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 30

Entry into force

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

The provisions referred to in Articles 6(2) and (3), 8, 10 and 11 shall remain in force on an ad hoc basis until 31 December 2000. Before 30 September 2000 at the latest, the Commission will submit any appropriate proposals providing for a definitive regime. The Council, acting in accordance with the procedure provided for in Article 37 of the Treaty, shall adopt the necessary measures by 31 December 2000 at the latest.

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

Done at Brussels, 16 December 1999.

For the Council

The President

K. HEMILÄ

ANNEX

REGULATED RESOURCES

Stock		Geographical area/ICES area
(Common name)	(Scientific name)	
Redfish	<i>Sebastes mentella</i>	V, XII, XIV
Norwegian Spring-Spawning (Atlanto-Scandinavian) herring	<i>Clupea harengus</i>	I, II
Blue whiting	<i>Micromesistius poutassou</i>	IIa, IVa, Vb, VII, XII, XIV
Mackerel	<i>Scomber scombrus</i>	IIa, IVa, Vb, VI, VII, XII, XIV

**COUNCIL REGULATION (EC) No 2792/1999
of 17 December 1999**

laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

(1) Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽⁴⁾ defines the general objectives and tasks of the Structural Funds and the Financial Instrument for Fisheries Guidance ('FIFG'), their organisation, the assistance methods, the programming and general organisation of the aid provided by the Funds and the general financial arrangements;

(2) Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽⁵⁾ lays down the objectives and general rules of the common fisheries policy; the development of the Community fishing fleet must in particular be regulated according to the decisions that the Council is called upon to take by virtue of Article 11; it is for the Commission to translate these decisions into precise measures at the level of each Member State; furthermore, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽⁶⁾ is to be complied with;

(3) Council Regulation (EC) No 1263/1999 of 21 June 1999 on the Financial Instrument for Fisheries Guidance ⁽⁷⁾ defines the specific purpose of structural measures in the sector, as it is defined in Article 1 of the said Regulation; under Article 4 thereof the Council is to decide, no later than 31 December 1999, on the terms and conditions of the contribution of the FIFG to the restructuring of the sector in order to ensure that this restructuring achieves its intended objectives;

(4) the provisions concerning the programming should be fixed;

(5) the multiannual guidance programmes for the fishing fleets for the period from 1 January 1997 to 31 December 2001 are to remain in force until they expire; appropriate provisions should be laid down for the period commencing on 1 January 2002;

(6) the provisions for the monitoring and implementation of the multiannual guidance programmes should be specified, in particular concerning the mechanism of fleet entries and exits as well as the framework of public aid for the renewal of the fleet, the modernisation of vessels and the establishment of joint enterprises;

(7) small scale coastal fishing has a special status in terms of the objectives for fishing effort adjustments; it is important that this specificity is translated into concrete measures at the level of this Regulation;

(8) socio-economic accompanying measures will be needed to implement the restructuring of the fishing fleets;

(9) detailed rules should be fixed for the granting of aid for the protection and development of the aquatic resources, for aquaculture, for equipment in fishing ports, for processing, for marketing, for inland fishing and for the promotion of fisheries and aquaculture products;

(10) certain measures having a structural character for the benefit of producer organisations currently being implemented under Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽⁸⁾ should be included among the structural measures, and such inclusion should not jeopardise the regulatory role of the producer organisations as defined in Regulation (EEC) No 3759/92; it is also convenient to include other measures of collective interest undertaken by the professionals;

(11) detailed rules should be fixed for the granting of indemnities and financial compensation to fishermen and vessel owners, in cases of temporary cessation of activity or of technical restrictions being applied to certain equipment on board or fishing methods;

⁽¹⁾ OJ C 16, 21.1.1999, p. 12.

⁽²⁾ OJ C 279, 1.10.1999, p. 325.

⁽³⁾ OJ C 209, 22.7.1999, p. 10.

⁽⁴⁾ OJ L 161, 26.6.1999, p. 1.

⁽⁵⁾ OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1).

⁽⁶⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2846/98 (OJ L 358 31.12.1998, p. 5).

⁽⁷⁾ OJ L 161, 26.6.1999, p. 54.

⁽⁸⁾ OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

- (12) the programmes are to envisage the means necessary for the execution of innovative actions and technical assistance;
- (13) achieving a lasting balance between aquatic resources and their exploitation and environmental impact represent an important interest for the fisheries sector; it is as important, therefore, to provide for appropriate measures to preserve the trophic chain as it is to provide for aquaculture and the fish processing industry;
- (14) insofar as such measures are not limited to the granting of Community aid, it is appropriate in particular to regulate State aid schemes in this sector, without prejudice to Articles 87 to 89 of the Treaty, and to integrate the programming of the restructuring of Community fishing fleets in a coherent manner in the context of structural assistance as a whole;
- (15) the measures necessary for implementing this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾;
- (16) Council Regulation (EC) No 2468/98 of 3 November 1998 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products ⁽²⁾ as well as other provisions should be repealed; at the same time, for the proper execution of the aid, actions and projects approved up until 31 December 1999 the repealed provisions should remain applicable to that end,

Article 2

Means

The Financial Instrument for Fisheries Guidance, hereafter referred to as 'FIFG' may, under the conditions laid down in this Regulation, provide assistance for the measures defined in Titles II, III and IV within the fields covered by the common fisheries policy as defined in Article 1 of Regulation (EEC) No 3760/92.

TITLE I

PROGRAMMING

Article 3

Common provisions

1. Programming, defined in Article 9(a) of Regulation (EC) No 1260/1999, shall be in accordance with the objectives of the common fisheries policy and with the provisions of the multiannual guidance programmes for the fishing fleets referred to in Article 4 of this Regulation. To this end, it may be revised as necessary and in particular at the end of each period of application of the multiannual guidance programmes.

Programming shall cover all the fields referred to in Titles II, III and IV.

2. Programming of measures part-financed by the FIFG in Objective 1 regions shall be in accordance with Article 2(2), first subparagraph of Regulation (EC) No 1263/1999.

Programming of measures part-financed by the FIFG outside Objective 1 regions shall be in accordance with Article 2(2), second subparagraph of Regulation (EC) No 1263/1999. Articles 14, 15(2), 15(3), first subparagraph, 15(5), 15(6), 15(7), 19(3) and 19(4) of Regulation (EC) No 1260/1999 shall apply.

3. The plans, defined in Article 9(b) of Regulation (EC) No 1260/1999, shall demonstrate that public aid is necessary with regard to the objectives pursued, and in particular that without public aid the fishing fleets concerned could not be renewed or modernised and that the planned measures will not jeopardise the long-term equilibrium of fishery resources.

The contents of the plans shall be as set out in Annex I.

4. For the remainder of the programming period not yet covered by a multiannual guidance programme approved by the Commission, the programming information shall be purely indicative; such information shall be specified when the new multiannual guidance programme is approved, in accordance with its objectives.

HAS ADOPTED THIS REGULATION:

Article 1

Objectives

1. This Regulation provides a framework for all structural measures in the fisheries sector carried out in the territory of a Member State, without prejudice to regional particularities with a view to achieving the objectives set out in Article 1 (1) of Regulation (EC) No 1263/1999 and the objectives of the common fisheries policy, in particular conservation and long-term sustainability of resources.

2. Structural policy in this sector aims at guiding and facilitating restructuring. Restructuring shall comprise actions and measures with a lasting effect that contribute to achieving the tasks defined in Article 1(2) of Regulation (EC) No 1263/1999.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23

⁽²⁾ OJ L 312, 20.11.1998, p. 19.

*Article 4***Multiannual guidance programmes for fishing fleets**

1. The Council, under Article 11 of Regulation (EEC) No 3760/92, lays down the objectives and measures for restructuring the fisheries sector. On the basis of this Council Decision, the Commission shall, acting in accordance with the procedure laid down in Article 23(2), adopt the multiannual guidance programmes for individual Member States.

2. The Commission Decision referred to in paragraph 1 shall fix, in particular, a series of objectives accompanied by a set of measures for their realisation, enabling management of fishing effort on an overall, long-term basis.

3. Before 1 May 2001 at the latest, Member States shall supply the Commission with the information specified in Annex II to this Regulation, to be used in drawing up subsequent multiannual guidance programmes.

*Article 5***Monitoring multiannual guidance programmes**

1. For the purpose of monitoring the implementation of multiannual guidance programmes, Member States shall transmit to the Commission, before 1 May each year, a document reviewing the progress made with their multiannual guidance programme. Within three months of this deadline the Commission shall forward an annual report to the European Parliament and the Council on the implementation of multiannual guidance programmes throughout the Community.

2. Member States shall transmit to the Commission information on the physical characteristics of fishing vessels and the monitoring of fishing effort by fleet segment and by fishery, particularly as regards the development of capacities and the corresponding fishing activities, in accordance with the procedures laid down in Commission Regulations (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community⁽¹⁾ and (EC) No 2091/98 of 30 September 1998 concerning the segmentation of the Community fishing fleet and fishing effort in relation to the multiannual guidance programmes⁽²⁾.

3. On its own initiative or at the request of the Member State concerned, or under provisions laid down in the multiannual guidance programmes, the Commission may re-examine and adapt any multiannual guidance programme, whilst respecting the Council Decision mentioned in Article 4(1).

4. The Commission shall decide on the revisions provided for in paragraph 3 in accordance with the procedure laid down in Article 23(2).

⁽¹⁾ OJ L 266, 1.10.1998, p. 27.

⁽²⁾ OJ L 266, 1.10.1998, p. 36.

5. For the implementation of this Article, Member States shall apply the provisions of Article 24 of Regulation (EEC) No 2847/93.

TITLE II

IMPLEMENTATION OF MULTIANNUAL GUIDANCE PROGRAMMES FOR FISHING FLEETS*Article 6***Fleet renewal and modernisation of fishing vessels**

1. Fleet renewal and the modernisation of fishing vessels shall be organised in accordance with this title.

Each Member State shall submit to the Commission, for approval in accordance with the procedure laid down in Article 23(2), permanent arrangements for monitoring fleet renewal and modernisation. Within the framework of these arrangements Member States shall demonstrate that entries and exits from the fleet will be managed in such a way that the capacity does not exceed the annual objectives fixed in the multiannual guidance programme, overall and for the segments concerned, or where appropriate that fishing capacity is gradually reduced to attain these objectives.

These arrangements shall, in particular, take into account that capacity, other than that of vessels of less than 12 metres overall length excluding trawlers, which has been withdrawn with public aid, cannot be replaced.

2. Member States can submit a request for a clearly identified and quantified increase in the capacity objectives for measures to improve safety, navigation at sea, hygiene, product quality and working conditions provided that these measures do not result in an increase in the exploitation rate of the resources concerned.

Such a request shall be examined by the Commission and approved in accordance with the procedure laid down in Article 23(2). Any capacity increase shall be managed by the Member States under the permanent arrangements referred to in paragraph 1.

*Article 7***Adjustment of fishing effort**

1. Member States shall take appropriate measures to adjust fishing effort to achieve the objectives of the multiannual guidance programmes referred to in Article 4.

Where necessary, this shall be achieved by stopping vessels' fishing activities permanently or restricting them or a combination of both measures, in accordance with the applicable provisions of Annex III.

2. Measures to stop vessels' fishing activities may be applied only to vessels 10 years old or more.

3. The permanent cessation of vessels' fishing activities may be achieved by:

- (a) the scrapping of the vessel;
- (b) permanent transfer of the vessel to a third country, including in the framework of a joint enterprise within the meaning of Article 8, after agreement by the competent authorities of the country concerned, provided all the following criteria are met:
 - (i) there exist appropriate guarantees that international law is not likely to be infringed, in particular with respect to the conservation and management of marine resources or other objectives of the common fisheries policy and with respect to working conditions of fishermen;
 - (ii) the third country to which the vessel is to be transferred is not a country which is a candidate for accession;
 - (iii) the transfer results in a reduction of fishing effort on the resources previously exploited by the vessel transferred; however, this criterion shall not apply when the vessel transferred has lost fishing possibilities under a fisheries agreement with the Community or under another agreement;
- (c) permanent reassignment of the vessel for purposes other than fishing.

4. The capacity of vessels, except vessels less than 12 metres overall length other than trawlers which may be replaced without public aid, that are subject to a measure to stop fishing activities permanently within the meaning of paragraph 2 and 3 may under no circumstances be replaced.

Member States shall ensure that the fishing licenses of all vessels withdrawn are cancelled and that the withdrawals of the vessels are communicated to the fishing vessel register of the Community. They shall also ensure that vessels transferred to third countries and declared as deleted from the register are permanently excluded from fishing in Community waters.

5. Public aid for final cessation paid to beneficiaries may not exceed the following amounts:

- (a) scrapping premiums:
 - (i) vessels of 10 to 15 years old: see Tables 1 and 2 in Annex IV;
 - (ii) vessels from 16 to 29 years old: the scales in Tables 1 and 2 decreased by 1,5 % per year over 15;
 - (iii) vessels of 30 years old or more: the scales in Tables 1 and 2, less 22,5 %;
- (b) premiums for permanent transfer within the framework of a joint enterprise: the amounts referred to in Article 8(3); however, no public aid for this purpose can be given for vessels with a tonnage less than 20 GRT or 22 GT, or of 30 years old or more;
- (c) premiums for other permanent transfer to a third country: the maximum amounts for the scrapping premiums referred to in (a) above, less 50 %. However, no public aid

for this purpose can be given for vessels with a tonnage less than 20 GRT or 22 GT, or of 30 years old or more, except under the conditions provided for in paragraph 6;

- (d) premiums for other cases stopping fishing activities permanently: the maximum amounts for the scrapping premiums referred to in (a) above, less 50 %. However, no public aid for this purpose can be given for vessels with a tonnage less than 20 GRT or 22 GT, except under the conditions provided for in paragraph 6.

6. Notwithstanding paragraph 5(c) and (d), where the vessel is definitively assigned for the preservation of historical heritage in the territory of a Member State, or for the fisheries research or training activities of public or semi-public bodies of a Member State, or for the control of fishing activities, in particular by a third country, public aid shall be granted under the conditions given in paragraph 5(a).

7. Without prejudice to Article 16, measures to restrict fishing activities may include restrictions on the fishing days or days at sea authorised for a specific period. Such measures may not give rise to any public aid.

Article 8

Joint enterprises

1. Member States may take measures to promote the creation of joint enterprises.

For the purpose of this Regulation 'joint enterprise' means a commercial enterprise with one or more partners who are nationals of the third country in which the vessel is registered.

2. In addition to the conditions laid down in Article 7 and Annex III for the grant of a premium for permanent transfer, the following conditions shall apply:

- (a) the creation and registration of a commercial enterprise, in accordance with the laws of the third country, or the acquisition of holdings in an enterprise that is already registered, for the purpose of engaging in a commercial activity in the fisheries sector in the waters under the sovereignty or the jurisdiction of the third country. The Community partner must hold a significant proportion, generally between 25 % and 75 %, of the share capital;
- (b) ownership of the permanently transferred vessel must be handed over to the joint enterprise in the third country. For five years the vessel may not be used for fishing activities other than those authorised by the competent authorities of the third country, nor may it be used by other shipowners.

3. The premiums for the creation of joint enterprises may not exceed 80 % of the maximum amount of the premium for scrapping referred to in Article 7(5)(a).

The premiums cannot be cumulated with the premiums referred to in Article 7(5)(a),(c),(d).

4. The management authority shall pay 80 % of the premium to the applicant when the vessel is transferred to the joint enterprise, after the applicant has provided proof that a bank guarantee for an amount equal to 20 % of the premium has been lodged.

5. Each year for five consecutive years from the date of constitution of the joint enterprise or the date on which the Community partner acquired holdings in the enterprise, applicants shall submit to the management authority a report on the implementation of the activity plan, including data on catches and markets of fisheries products, in particular products landed in or exported to the Community, with supporting documents, together with the enterprise's balance sheet and a statement of its net worth. The management authority shall forward the report to the Commission for information.

The balance of the premium shall be paid to applicants after two years of activity and after the first two reports have been received.

6. The guarantee shall be released, provided all the conditions are met, once the fifth report has been approved.

7. Where necessary, the Commission shall adopt detailed rules for the application of this Article in accordance with the procedure laid down in Articles 23(2).

Article 9

Public aid for fleet renewal and modernisation of fishing vessels

1. Without prejudice to the conditions laid down in the second subparagraph of Article 3(3), public aid for fleet renewal and modernisation shall be granted only on the following conditions and those set out in Article 6 and Annex III and provided that the overall annual objectives of the multi-annual guidance programme are respected:

- (a) where the annual objectives for the segments concerned are respected, Member States must ensure that during the programming period from 2000 to 2006 the entry of new capacity with public aid is compensated by the withdrawal of a capacity without public aid which is at least equal to the new capacity introduced in the segments concerned, taken in aggregate and in terms of both tonnage and power;
- (b) until 31 December 2001, where the annual objectives of the segments concerned are not yet respected, Member States must ensure that during the period from 2000 to 2001 the entry of new capacity with public aid is compensated by the withdrawal of a capacity without public aid

which is at least 30 % greater than the new capacity introduced in the segments concerned, taken in aggregate and in terms of both tonnage and power.

The capacity withdrawn cannot be replaced by any capacity other than the new capacity which is introduced with public aid as provided for under this point;

- (c) public aid may also be granted for the equipping or modernising of vessels where this does not concern capacity measured in terms of either tonnage or power.

The Council shall, acting in accordance with the procedure laid down in Article 37 of the Treaty, decide by 31 December 2001 on any necessary adjustments to be applied as from 1 January 2002 to the provisions of this paragraph.

2. The effect of granting public aid shall be accounted for in the annual implementation report referred to in Article 21.

3. The indicators relating to the granting of public aid for fleet renewal and modernisation of fishing vessels in the plans, as provided for in Annex I (2) (d), must be drawn up in accordance with this Article.

4. Expenditure eligible for public aid as referred to in paragraph 1 may not exceed the following amounts:

- (a) construction of fishing vessels: twice the scales in Table 1 in Annex IV;
- (b) modernisation of fishing vessels including, where applicable, the cost of remeasuring tonnage in accordance with Annex I to the 1969 Tonnage Measurement Convention⁽¹⁾: the scales in Table 1 of Annex IV.

Article 10

Common provisions on fishing fleets

1. Public aid for fleet renewal and the modernisation of vessels can be permitted only where, within the time allowed, the Member State:

- (a) has submitted the information provided for in Article 5;
- (b) has complied with Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels⁽²⁾;
- (c) has implemented the arrangements referred to in Article 6(1); and
- (d) complies with the overall annual objectives, specified in the multiannual guidance programmes.

2. If the obligations referred to in paragraph 1 (a) to (d) are not respected, the Commission may adjust the capacity objectives in the multiannual guidance programme in the light of the information available to it, in accordance with the procedure laid down in Article 23(2).

3. The following provisions shall apply to the cumulation of public aids to the fishing fleet:

- (a) expenditure on modernisation shall not be eligible for aid for five years following the grant of public aid for the construction of the vessel concerned;

⁽¹⁾ International Convention on tonnage measurement of ships, drawn up in London in 1969 under the auspices of the international maritime organisation (IMO).

⁽²⁾ OJ L 274, 25.9.1986, p. 1. Regulation as last amended by Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, p. 11).

(b) permanent withdrawal premiums within the meaning of Article 7(S) and premiums for the creation of joint enterprises within the meaning of Article 8 may not be added to other Community aid granted under this Regulation or Regulations (EEC) No 2908/83 ⁽¹⁾, (EEC) No 4028/86 ⁽²⁾ and (EC) No 2468/98. These premiums are to be reduced:

- (i) by a part of the amount previously received in the case of modernisation aid and/or the allowance for a temporary joint venture; this part is calculated *pro rata temporis* for the five-year period preceding the permanent withdrawal or the setting up of the joint enterprise;
- (ii) by the total amount previously received in the case of aid for the temporary cessation of activities within the meaning of Article 16 (1) of this Regulation and under Article 14 of Regulation (EC) No 2468/98 paid during the year preceding permanent withdrawal or the setting up of the joint enterprise.

4. An aid for construction or for modernisation, under this Regulation shall be reimbursed *pro rata temporis* when the vessel concerned is deleted from the fishing vessel register of the Community, within 10 years from the construction, or within five years from the modernisation works.

Article 11

Small-scale coastal fishing

1. For the purposes of this Article, 'small-scale coastal fishing' means fishing carried on by vessels of an overall length of less than 12 metres.

2. Member States may take additional measures as provided for under this Regulation to supplement the measures to improve the conditions in which small-scale coastal fishing is carried on, under the terms laid down in this Article.

3. Where a group of owners of vessels or families of fishermen involved in small-scale coastal fisheries cooperatively implement an integrated collective project to develop or modernise this fishing activity, a lump-sum premium part-financed by the FIFG may be granted to the participants.

4. The following projects, *inter alia*, may be considered integrated collective projects for the purpose of this paragraph:

- safety equipment on board and improvement of sanitary and working conditions,

⁽¹⁾ Council Regulation (EEC) No 2908/83 of 4 October 1983 on a common measure for restructuring, modernising and developing the fishing industry and for developing aquaculture (OJ No L 290, 22.10.1983, p. 1). Regulation as last amended by Regulation (EEC) No 3733/85 (OJ L 361, 31.12.1985, p. 78).

⁽²⁾ Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector (OJ L 376, 31.12.1986, p. 7). Regulation as last amended by Regulation (EEC) No 3946/92 (OJ L 401, 31.12.1992, p. 1).

- technological innovations (more selective fishing techniques),
- organisation of the production, processing and marketing chain (promotion and added value of the products),
- professional requalification or training.

5. The lump-sum premium shall not exceed EUR 150 000 per integrated collective project. The management authority shall determine the amount of the premium actually paid and how it is shared between the beneficiaries according to the scale of the project and the financial commitments made by each participant.

Article 12

Socioeconomic measures

1. For the purposes of this Article, 'fisherman' means anyone engaging in his main occupation on board an operational seagoing fishing vessel.

2. The Member States may take, for fishermen, measures of a socioeconomic nature associated with restructuring of the Community fisheries sector within the meaning of Article 11 of Regulation (EEC) No 3760/92.

3. Financial assistance from the FIFG may be granted only for the following measures:

- (a) part-financing of national early-retirement schemes for fishermen, provided that the following conditions are fulfilled:
 - (i) at the time of early retirement, the age of the beneficiaries of the measure must be not more than 10 years from the legal retirement age within the meaning of the legislation in force in the Member State, or the beneficiaries must be aged at least 55;
 - (ii) the beneficiaries can show that they have worked for at least 10 years as fishermen.

However, contributions to the normal retirement scheme for fishermen during the period of early retirement shall not be eligible for financial assistance from the FIFG.

In each Member State, for the entire programming period the number of beneficiaries may not exceed the number of jobs eliminated on board fishing vessels as a result of those vessels permanently stopping fishing activities within the meaning of Article 7;

- (b) granting individual compensatory payments to fishermen who can show that they have worked for at least twelve months as fishermen, on the basis of an eligible cost limited to EUR 10 000 per individual beneficiary, provided the vessel on which the beneficiaries were employed has been the object of measures permanently stopping its activities, within the meaning of Article 7;

- (c) granting non-renewable individual compensatory payments to fishermen who can show that they have worked for at least five years as fishermen, to help them retrain or diversify their activities outside maritime fisheries under an individual or collective social plan, on the basis of an eligible cost limited to EUR 50 000 per individual beneficiary; the management authority shall determine the individual amount according to the scale of the retraining and diversification project and the financial commitment entered into by the beneficiary;
- (d) granting individual premiums to fishermen younger than 35 years who can demonstrate that they have worked at least five years as fishermen or can demonstrate equivalent vocational training and who acquire for the first time part or total ownership in a fishing vessel, provided that the following conditions are fulfilled:
- (i) the fishing vessel must have an overall length between 7 and 24 metres; at the time of acquisition of ownership it must be aged between 10 and 20 years, it must be operational and it must be registered in the fishing vessel register of the Community;
 - (ii) the transfer of ownership does not occur within the same family up to the second degree.

The management authority shall determine the amount of each individual premium in particular on the basis of the size and age of the vessel and of the financial conditions of the acquisition (cost of acquisition of ownership; level and conditions of bank loan; guarantee, if any, given by a third party; and/or other financial engineering facilities).

The management authority shall also establish the other conditions and criteria under which acquisition takes place.

In any event, the amount of the premium may not exceed 10 % of the cost of acquisition of ownership nor exceed the amount of EUR 50 000.

4. The management authority shall make the necessary arrangements, in particular through appropriate control mechanisms, to ensure:

- (a) that the beneficiaries of the measure referred to in paragraph 3(a) permanently give up work as fishermen;
- (b) that no one fisherman can benefit from more than one of the measures referred to in paragraph 3;
- (c) that the compensation referred to in paragraph 3 (b) is refunded on a *pro rata temporis* basis where the beneficiaries return to their work as fishermen within a period of less than one year after being paid the compensation;
- (d) that the compensation referred to in paragraph 3 (c) is refunded on a *pro rata temporis* basis where the beneficiaries return to their work as fishermen within a period of less than five years after being paid the compensation;
- (e) that the beneficiaries of the measure referred to in paragraph 3 (c) actually engage in a new activity;
- (f) that the premium referred to in paragraph 3(d) is refunded on a *pro rata temporis* basis where the ownership acquired by the beneficiary is transferred, or where the vessel is

subject to a permanent withdrawal pursuant to Article 7, within a period of less than five years after being paid the premium.

5. All arrangements, methods of calculation, criteria and other rules that the management authority shall establish for the implementation of this Article shall be described in the programme complements referred to in Article 18(3) of Regulation (EC) No 1260/1999.

6. The Member States may introduce nationally financed accompanying social measures for fishermen in order to facilitate temporary cessation of fishing activities in the framework of plans for the protection of aquatic resources.

TITLE III

PROTECTION AND DEVELOPMENT OF AQUATIC RESOURCES, AQUACULTURE, FISHING PORT FACILITIES, PROCESSING AND MARKETING AND INLAND FISHING

Article 13

Scope

1. Member States may, under the conditions specified in Annex III, take measures to encourage capital investment in the following fields:

- (a) fixed or movable facilities aimed at the protection and development of aquatic resources, except restocking;
- (b) aquaculture;
- (c) fishing port facilities;
- (d) processing and marketing of fishery and aquaculture products;
- (e) inland fishing.

2. Financial assistance from the FIFG may be granted only for projects which:

- (a) contribute to lasting economic benefits from the structural improvement in question;
- (b) offer an adequate guarantee of technical and economic viability;
- (c) avoid counterproductive effects, particularly the risk of creating surplus production capacity.

TITLE IV

OTHER MEASURES

Article 14

Measures to find and promote new market outlets

1. Member States may, under the conditions specified in Annex III, take measures to encourage collective operations to find and promote new market outlets for fishery and aquaculture products, in particular:

- (a) operations associated with quality certification, product labelling, rationalisation of product names and product standardisation;
- (b) promotion campaigns, including those highlighting quality;
- (c) projects to test consumer and market reactions;
- (d) organisation of and participation in trade fairs and exhibitions;
- (e) organisation of study and sales visits;
- (f) market studies and surveys, including studies relating to the prospects for marketing Community products in third countries;
- (g) campaigns improving marketing conditions;
- (h) sales advice and aids, services provided to wholesalers, retailers, and producer organisations.
2. Priority is to be given to investments:
- (a) to encourage the sale of surplus or underexploited species;
- (b) implemented by organisations officially recognised within the meaning of Regulation (EEC) No 3759/92;
- (c) jointly implemented by several producer organisations or other organisations of the sector recognised by national authorities;
- (d) pursuing a quality policy for fishery and aquaculture products;
- (e) to promote products obtained using environmentally friendly methods.
3. The measures must not be based around commercial brands nor make reference to particular countries or a geographic zone, except in specific cases where official recognition of origin with reference to a specified geographical zone for a product or process is granted pursuant to Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾. The reference may be used only from the date on which the name has been entered in the register provided for in Article 6(3) of Regulation (EEC) No 2081/92.
- (i) 3 %, 2 % and 1 % respectively of the value of the products marketed by the producer organisation;
- (ii) 60 %, 40 % and 20 % respectively of the administrative costs of the producer organisation;
- (b) without prejudice to the aid referred to at (a), aid may be granted to producer organisations that have been specifically recognised under Article 7a(1) of Regulation (EEC) No 3759/92 during the three years following the date of the specific recognition to facilitate the implementation of their plans to improve quality. The amount of this aid, for the first, second and third years shall not exceed 60 %, 50 % and 40 % respectively of the costs incurred by the organisation in implementing the plan;
- (c) the aid referred to at (a) and (b) shall be paid to the final beneficiaries during the year following that for which it was granted, and not later than 31 December 2008.
2. The Member States may encourage short-term operations of collective interest with a broader scope than operations normally undertaken by private businesses, carried out with the active contribution of members of the trade themselves or carried out by organisations acting on behalf of the producers or by other organisations having been recognised by the management authority, and serving to attain the objectives of the common fisheries policy.
3. Eligible operations shall relate in particular to the following topics:
- (a) management and control of conditions for access to certain fishing zones and quota management;
- (b) management of fishing effort;
- (c) promotion of gear or methods recognised by the management authority as being more selective;
- (d) promotion of technical measures for the conservation of resources;
- (e) promotion of measures improving the working conditions and the sanitary conditions concerning the products, on board and landed;
- (f) collective aquaculture facilities, restructuring or improvement of aquaculture sites, collective treatment of aquaculture effluent;
- (g) eradication of the pathological risks of fish farming or parasites in catchment areas or coastal ecosystems;
- (h) collection of basic data and/or preparation of environmental management models for fisheries and aquaculture with a view to drawing up integrated management plans for coastal areas;
- (i) organisation of electronic trade and other information technologies to disseminate technical and commercial information;

Article 15

Operations by members of the trade

1. The Member States may encourage the creation and facilitate the operation of producer organisations recognised under Regulation (EEC) No 3759/92:

- (a) aid can be granted to producer organisations created after 1 January 2000 for three years following the date of recognition. This aid for the first, second and third years must be within both the following limits:

⁽¹⁾ OJ L 208, 27.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 1068/97 (OJ L 156, 13.6.1997, p. 10).

- (j) creation of business incubators in the sector and/or centres for the collection of fishery and aquaculture products;
- (k) access to training, particularly in quality, and organisation of transmission of know-how on board vessels and on land;
- (l) design and application of systems to improve and control quality, traceability, health conditions, statistical instruments and environmental impact;
- (m) creation of added value in products (*inter alia*, through experimentation, innovation, the addition of value to by-products and co-products);
- (n) improvement of knowledge and transparency in production and in the market.

Expenditure incurred in the normal production process in firms shall not be eligible under this paragraph.

4. The Commission shall adopt detailed rules for the application of this Article in accordance with the procedure laid down in Article 23(2).

Article 16

Temporary cessation of activities and other financial compensation

1. The Member States may grant compensation to fishermen and owners of vessels for the temporary cessation of activities in the following circumstances:

- (a) in the event of unforeseeable circumstances, particularly those caused by biological factors; the granting of compensation may last for no more than two months per year or six months over the entire period from 2000 to 2006. The management authority shall forward suitable scientific proof to the Commission in advance;
- (b) where a fisheries agreement is not renewed, or where it is suspended, for the Community fleets dependent on the agreement; the granting of compensation may not last longer than six months; it may be extended by a further six months provided a conversion plan approved by the Commission is implemented for the fleet concerned;
- (c) where a plan is introduced for the recovery of a resource threatened with exhaustion, decided by the Commission or by one or some Member States; the granting of compensation may last for no more than two years and may be extended by a further year. Compensation may also be granted, subject to the same restrictions as to duration, to the processing industry where it depends for its supply on a resource covered by a recovery plan and where imports cannot compensate for the reduced supply. Before the recovery plan is put into place the management authority shall forward to the Commission suitable scientific and economic justification. The Commission shall request without delay the opinion of the Committee provided for in Article 16 of Regulation (EEC) No 3760/92.

2. The Member States may grant financial compensation to fishermen and owners of vessels where a Council Decision imposes technical restrictions on the use of certain gear or fishing methods; this aid is intended to cover the technical adjustment and may not be paid for more than six months.

3. The financial contribution from the FIGG to the measures referred to in paragraphs 1 and 2 per Member State for the entire period from 2000 to 2006 may not exceed the higher of the following two thresholds: EUR 1 million or 4 % of the Community financial assistance allocated to the sector in the Member State concerned.

The management authority shall determine the amount of compensation as provided for in paragraphs 1 and 2 to be paid in individual cases taking account of relevant parameters such as the real losses suffered, the scale of the conversion effort, recovery plan or technical adjustment effort.

4. The measures taken under this Article may under no circumstances be invoked as contributing to the attainment of the objectives of the multiannual guidance programme referred to in Article 5, nor can they be justified by a recurrent seasonal suspension of activity as part of the ongoing management of fisheries.

Article 17

Innovative measures and technical assistance

1. The Member States shall envisage in the plans referred to in Articles 3(3) and defined in Article 9(b) of Regulation (EC) No 1260/1999 the means necessary to undertake studies, pilot projects, demonstration projects, training measures, technical assistance, the exchange of experience and publicity connected with the preparation, implementation, monitoring, evaluation or adjustment of the operational programmes and the single programming documents.

2. 'Pilot project' means a project carried out by an economic operator, a scientific or technical body or another competent body to test, in conditions approaching actual conditions in the industry, the technical reliability and/or financial viability of an innovative technology with a view to acquiring and disseminating technical and/or financial knowledge of the technology being tested. Pilot projects shall always comprise scientific monitoring of sufficient intensity and duration to obtain significant results; they must be the subject of scientific reports forwarded to the management authority. The latter shall immediately forward such reports to the Commission for information.

Experimental fishing projects shall be eligible as pilot projects provided their aim is the conservation of fishery resources and they implement more selective techniques.

3. The measures referred to in paragraph 1 may, in particular, concern the topics referred to in Article 15(2) and (3), provided they are implemented on the initiative of public or semi-public bodies or other bodies designated to that end by the management authority.

They may also include the construction or transformation of vessels provided that these vessels are destined exclusively for fisheries research and training activities, undertaken by public or semi-public bodies, under the flag of a Member State.

4. In addition, the measures referred to in paragraph 1 may include the promotion of equal employment opportunities between men and women working in the sector.

TITLE V

GENERAL AND FINANCIAL PROVISIONS

Article 18

Compliance with the conditions governing assistance

The management authority shall ensure that the special conditions governing assistance listed in Annex III are complied with.

It shall also satisfy itself as to the technical capacity of beneficiaries and the financial viability of firms before granting aid.

Article 19

Notification of aid schemes

1. The Member States shall notify the Commission of the aid schemes provided for in the plans referred to in Article 3(3) and defined in Article 9(b) of Regulation (EC) No 1260/1999, in accordance with Articles 87 to 89 of the Treaty.

2. Within the scope of this Regulation, Member States may introduce supplementary aid measures subject to conditions or rules other than those laid down in this Regulation, or covering a sum in excess of the maximum amounts referred to in Annex IV, provided they comply with Articles 87 to 89 of the Treaty.

Article 20

Monetary conversion

For Member States which are not in the euro zone, the amounts in euro set by this Regulation shall be converted into national currency at the rate published in the C series of the *Official Journal of the European Communities*.

The conversion shall be made at the rate applicable on 1 January of the year of the Member State's decision to grant the premium or aid.

Article 21

Implementing rules

The form of the expenditure statements and annual implementation reports shall be adopted by the Commission in accordance with the procedure laid down in Article 23(2).

Article 22

Committee procedure

The measures necessary for the implementation of this Regulation relating to matters referred to in Articles 4, 5, 6, 8, 10, 15 and 21 shall be adopted in accordance with the management procedure referred to in Article 23(2).

Article 23

Committees

1. The Commission shall be assisted:

- (a) for the purpose of the implementation of Articles 8, 15 and 21 by the Committee on structures for fisheries and aquaculture established by Article 51 of Regulation (EEC) No 1260/1999; and
- (b) for the purpose of the implementation of Articles 4, 5, 6 and 10 by the Committee for fisheries and aquaculture established by Article 17 of Regulation (EEC) No 3760/92.

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

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committees shall adopt their rules of procedure.

Article 24

Transitional provisions

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

- Regulation (EC) No 2468/98,
- Article 7(1), (2), (3) and Article 7b of Regulation (EEC) No 3759/92;
- Regulation (EEC) No 3140/82⁽¹⁾.

However, the repealed provisions shall remain applicable for aid, measures and projects approved before 31 December 1999.

References to the repealed Regulations and Articles shall be understood as references to this Regulation.

Article 25

Entry into force

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

⁽¹⁾ Council Regulation (EEC) No 3140/82 of 22 November 1982 on granting and financing aid granted by Member States to producers' organisations in the fishery products sector (OJ L 331, 26.11.1982, p. 7).

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

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

ANNEX I

CONTENTS OF THE PLANS

1. **Quantified description of the current situation for each of the fields referred to in Titles II, III and IV**
 - (a) Strengths and weaknesses;
 - (b) summary of operations undertaken and impact of funds used in previous years;
 - (c) requirements of the sector, particularly with regard to the constraints of the multiannual guidance programme for the fishing fleet.

 2. **Strategy for restructuring the sector**
 - (a) Results of consultations and measures to involve the competent authorities and bodies and socioeconomic partners at the appropriate levels;
 - (b) objectives:
 - (i) general objectives under the common fisheries policy;
 - (ii) priorities;
 - (iii) objectives specific to each area of assistance, quantified if possible;
 - (c) demonstration that public aid is necessary to attain the objectives sought; steps taken to prevent counterproductive effects, particularly as regards the creation of surplus capacity;
 - (d) with regard to the fleet:
 - (i) indicators concerning the development of the fleet in relation to the objectives of the multiannual guidance programme;
 - (ii) fishing techniques and gear to be encouraged in the event of redeployment of fishing activities;
 - (e) anticipated impact (on employment, production, etc.).

 3. **Means to attain the objectives**
 - (a) The measures (legal, financial or other) planned in each field to implement the plans, particularly aid schemes;
 - (b) indicative financing schedule covering the entire programming period and listing the regional, national, Community or other resources provided for each area of assistance;
 - (c) the requirements in terms of studies, pilot projects, demonstration projects, training, technical assistance and publicity measures connected with the preparation, implementation, monitoring, evaluation or adjustment of the measures concerned.

 4. **Implementation**
 - (a) Management authority designated by the Member State;
 - (b) steps taken to ensure efficient and effective implementation, including monitoring and evaluation; definition of the quantified indicators;
 - (c) provisions relating to checks, penalties and publicity measures;
 - (d) with regard to the fleet:
 - (i) the methods for monitoring trends in fishery resources, particularly vulnerable resources;
 - (ii) for static gear, the arrangements for monitoring fishing effort, including trends in the number and size of gear.
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ANNEX II

MINIMUM CONTENT OF SUBSEQUENT MULTIANNUAL GUIDANCE PROGRAMMES (MAGPs) FOR THE FISHING FLEET**1. Updating of the description of the situation provided for in Annex I**

This consists in describing the change in the situation regarding fisheries, the fleet and related employment since the date of submission of the programming documents referred to in Article 3.

2. Results from the previous programme

- (a) Member States shall by 1 May 2001 identify and comment on the progress achieved and means used in attaining the objectives set for the 1997-2001 programme;
- (b) analyse the general administrative and socioeconomic context in which it was implemented and in particular, where appropriate, in which measures to reduce fishing activity were implemented;
- (c) specify and comment on the Community, national and regional financial resources committed in attaining the results achieved, for each fleet segment.

3. New guidelines

On the basis of the replies given to points 1 and 2 indicate the guidelines which should be given to the various fleet segments for the subsequent MAGPs, in particular in relation to the following two operations:

- (a) fleet renewal: criteria for joining and leaving the fleet, for each segment and associated funding. Legal or administrative provisions enabling the Member State to monitor vessels joining and leaving its fleet. Measures taken by the Member State per fleet segment to ensure that public aid granted for fleet renewal and adjustment of fishing effort does not have contradictory effects where the pursuit of the objectives of the programmes is concerned;
 - (b) adjustment of fishing effort: desirable evolution of fishing effort per segment until the end of the subsequent MAGP, expressed in relation to the objectives set for each segment for 31 December 2001. Associated laws, regulations or administrative provisions. Systems for managing fishing activity. Extent of administrative and financial resources to be used to attain the new objectives thus set.
-

ANNEX III

SPECIAL CONDITIONS AND CRITERIA FOR ASSISTANCE

1. Implementation of multiannual guidance programmes (Title II)

1.0. Age of vessels

For the purposes of this Regulation, the age of a vessel is a whole number defined as the difference between the year of the management authority's decision to grant a premium or aid and the year in which the vessel was built (or, if this is not known, the year of commissioning).

1.1. Permanent withdrawal (Article 7(3))

- (a) Permanent withdrawal may concern only vessels which have carried out a fishing activity for at least 75 days at sea in each of the two periods of 12 months preceding the date of the application for permanent withdrawal or, as the case may be, a fishing activity for at least 80 % of the number of days at sea permitted by current national regulations for the vessel concerned.

In the Baltic Sea the number of 75 days shall be reduced to:

- 60 for vessels registered in ports situated north of parallel 59°30'N,
- 40 for vessels registered in ports situated north of parallel 59°30'N and fishing for salmon;

- (b) the following conditions must be met:

- (i) prior to its permanent withdrawal, the vessel must be registered in the fishing vessel register of the Community;
 - (ii) the vessel must be operational at the time the decision is taken to grant the premium;
 - (iii) after permanent withdrawal, the fishing licence must be cancelled and the vessel declared permanently deleted from the fishing vessel register of the Community;
 - (iv) in the event of permanent transfer to a third country, the vessel must be registered in the register of the third country without delay and may never return to Community waters;
- (c) if a vessel is lost between the date of the decision to grant the premium and the actual date of permanent withdrawal, the management authority shall make a financial correction for the amount of the compensation paid by the insurance;
- (d) no public aid within the meaning of Article 7 may be paid for a vessel transferred to a third country to replace a lost vessel belonging to a joint enterprise within the meaning of Article 8.

1.2. Joint enterprises (Article 8)

- (a) In addition to the conditions for the permanent transfer of a vessel to a third country within the meaning of Article 7(3)(b) and point 1.1 of this Annex, vessels, transferred within the framework of joint enterprises, must meet the following conditions:

- (i) they must have been operating for at least the last five years, under the flag of a Member State of the Community:
 - in Community waters,
 - and/or in the waters of a third country either under a fisheries agreement with the Community or under another agreement,
 - and/or in international waters where fisheries are ruled by an international Convention;
 - (ii) they must, within six months of the date of the decision to grant the premium, be fitted out with the technical equipment needed to operate in the waters of the third country under the terms of the fishing authorisation issued by the authorities of the third country; they must comply with the Community safety regulations and be adequately insured as decided by the management authority; costs associated with such a fitting, if any, are not eligible for a Community aid;
- (b) when the application for the premium for joint enterprises is lodged, beneficiaries must provide the management authority with the following information:
- (i) a description of the vessel, including, in particular, the internal number, registration number, tonnage, power and year of entry into service;

- (ii) during the last five years: service and activity of the vessel (and conditions under which the activity was carried on); indication of fishing zones (Community waters/other); any previous Community, national or regional aid received;
- (iii) proof of the project's financial viability, including, in particular:
 - a financing plan showing the contributions of the different shareholders in cash and in kind; level of contribution of Community/third country partners; proportion of the premium provided for in Article 7(5)(b), which is to be invested in cash in the capital of the joint enterprise,
 - an activity plan covering at least five years, showing, in particular, fishing zones, places of landing and final destination of catches;
- (iv) a copy of the insurance contract;
- (c) the following conditions must be met by the beneficiary during a period of five years from the transfer of ownership of the vessel to the joint enterprise:
 - (i) any change in the conditions under which the vessel is operated (particularly change of partner, change in the share capital of the joint enterprise, change of flag, change of fishing zone), within the limits of the conditions referred to in Article 8(2), shall be subject to prior authorisation by the management authority;
 - (ii) a vessel lost through shipwreck must be replaced by an equivalent vessel within one year of the shipwreck;
 - (d) if the conditions at (a) and (b) are not fulfilled when the application for the premium for joint enterprises is lodged, the public aid shall be restricted to the premium for permanent transfer referred to in Article 7(5)(c);
 - (e) without prejudice to Articles 29(4) and 38 of Regulation (EC) No 1260/1999, the management authority shall carry out a financial correction on the difference between the premium for joint enterprise and the premium for permanent transfer of the same vessel (hereinafter called 'difference'), in the following cases:
 - (i) if the beneficiary notifies to the management authority a change in operating conditions that lead to non-compliance with the conditions referred to in Article 8(2) of this Regulation, including the sale of the vessel, the transfer of holding by the Community partner or the retirement of the Community shipowner in the joint enterprise the financial correction shall be equal to part of the amount of the difference; this part shall be calculated *pro rata temporis* over the period of five years;
 - (ii) if during a control it is found that the conditions provided for in Article 8(2) of this Regulation and point (c) of this paragraph are not complied with, the financial correction shall be equal to the difference;
 - (iii) if the beneficiary fails to provide the activity reports provided for in Article 8(5) of this Regulation after having been served notice by the management authority, the financial correction shall be equal to part of the amount of the difference; this part shall be calculated *pro rata temporis* over the period of five years;
 - (iv) if the vessel is lost and not replaced, the financial correction shall be equal to part of the amount of the difference; this part shall be calculated *pro rata temporis* over the period of five years.

1.3. Fleet renewal (Articles 6 and 9)

- (a) Vessels must be built to comply with the Regulations and Directives governing hygiene, safety, health, product quality and working conditions and the Community provisions concerning the measurement of vessels and the monitoring of fishing activities;
- (b) vessels shall be entered in the appropriate segment of the Community register;
- (c) without prejudice to Articles 7, 8 and 12(3)(d) the transfer of ownership of a fishing vessel shall not give rise to Community aid.

1.4. Vessel modernisation (Articles 6 and 9)

- (a) Vessels must be registered in the fishing vessels register of the Community. Changes in vessel characteristics must be communicated to this register and the vessels must be measured in accordance with Community provisions, when they are modernised;
- (b) investments should relate to:
 - (i) the rationalisation of fishing operations, in particular by the use of more selective fishing technologies and methods on board in order to avoid undesirable by-catches,

and/or

- (ii) improvement of the quality of products caught and preserved on board, the use of better fishing and preserving techniques and the implementation of legal and regulatory provisions regarding health,

and/or

- (iii) improvement of working and safety conditions.

Without prejudice to Article 16(2), the replacement of fishing gear shall not be considered eligible expenditure.

2. Investment in the areas referred to in Title III

2.0. General provisions

- (a) Projects in undertakings may involve capital investment in production and management (construction, enlargement, equipping and modernisation of facilities);
- (b) capital investment to improve conditions of hygiene or human or animal health, to improve product quality or reduce pollution of the environment and, where relevant, to increase production itself, shall be eligible for assistance;
- (c) the transfer of ownership of an undertaking shall not give rise to the grant of Community aid.

2.1. Protection and development of aquatic resources

Expenditure eligible for assistance from the FIFG may concern only the installation of fixed or movable facilities to protect and develop aquatic resources and the scientific monitoring of projects. Such projects must:

- (a) be of collective interest;
- (b) be implemented by public or semi-public bodies, recognised professional organisations or other bodies designated to that end by the management authority;
- (c) not have a negative impact on the aquatic environment.

Each project must include scientific monitoring for at least five years, comprising in particular the evaluation and monitoring of the development of aquatic resources in the waters concerned. The management authority shall forward the scientific monitoring reports to the Commission every year for information.

2.2. Aquaculture

- (a) For the purposes of this Regulation, 'aquaculture' means the rearing or culture of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment; the organisms remain the property of a natural or legal person throughout the rearing or culture stage, up to and including harvesting;
- (b) the promoters of intensive fish-farming projects shall forward the information provided for in Annex IV to Directive 85/337/EEC ⁽¹⁾ to the management authority together with their application for public aid. The management authority shall decide whether the project must be submitted for assessment under Articles 5 to 10 of that Directive. Where the public aid is granted the cost of collecting information on environmental impact and any assessment costs shall be eligible for assistance from the FIFG;
- (c) investments in works concerning the installation or improvement of water circulation in aquaculture enterprises and on service vessels shall be eligible;
- (d) notwithstanding Group 3 in Table 3 in paragraph 2 of Annex IV, where investments concern the use of techniques that substantially reduce environmental impact, the contribution of private beneficiaries (C) may be restricted to 30 % of eligible expenditure in Objective 1 regions and 50 % in other areas, instead of 40 % and 60 % respectively.

2.3. Fishing port facilities

Priority shall be given to investments of collective interest to fishermen using a port and contributing to the general development of the port and to the improvement of services offered to fishermen. Investments shall relate in particular to installations and equipment intended:

- (a) to improve the conditions under which fishery products are landed, treated and stored in ports;
- (b) to support fishing vessel activities (provision of fuel, ice and water, maintenance and repair of vessels);
- (c) to improve jetties with a view to improving safety during the landing or loading of products.

⁽¹⁾ Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ L 175, 5.7.1985, p. 40). Directive as amended by Directive 97/11/EC (OJ L 73, 14.3.1997, p. 5).

2.4. *Processing and marketing*

- (a) For the purposes of this Regulation, 'processing and marketing of fishery and aquaculture products' means all operations, including handling, treatment, production and distribution, between the time of landing or harvesting and the end-product stage;
- (b) investments shall not be eligible for assistance where they concern:
 - (i) fishery and aquaculture products intended to be used and processed for purposes other than human consumption, with the exception of investments exclusively for the treatment, processing and marketing of fishery and aquaculture product wastes;
 - (ii) the retail trade.
- (c) Notwithstanding group 3 in Table 3 in paragraph 2 of Annex IV, where investments concern the use of collective facilities or techniques that substantially reduce environmental impact, the contribution of private beneficiaries (C) may be restricted to 30 % of eligible expenditure in Objective 1 regions and 50 % in other areas, instead of 40 % and 60 % respectively.

2.5. *Inland fishing*

- (a) For the purpose of this Regulation, 'inland fishing' means fisheries carried out for commercial purpose by vessels operating exclusively in inland waters of the territory of Member States and which are not subject to the provisions of Title II;
- (b) when the investment concerns the construction of a vessel for inland fishing, the provisions of point 1.3(a) of Annex III shall apply;
- (c) when the investment concerns the modernisation of a vessel for inland fishing, the provisions of point 1.4(b) of Annex III shall apply;
- (d) investments shall not be eligible for assistance if they are likely to jeopardise the equilibrium between the fleet size and the corresponding fish resources available;
- (e) scrapping premiums for vessels for inland fishing shall not be eligible for assistance;
- (f) the management authority shall take all necessary measures to ensure that vessels receiving financial assistance from the FIFG under Article 13 shall continue to operate exclusively in inland waters.

3. **Measures to find and promote new market outlets (Article 14)**

- (a) Eligible expenditure shall cover in particular:
 - (i) the costs of advertising agencies and other service providers involved in the preparation and implementation of promotion campaigns;
 - (ii) the purchase or hire of advertising space and the creation of slogans and labels for the duration of promotion campaigns;
 - (iii) expenditure on publishing, external staff, premises and vehicles required for the campaigns;
 - (b) the beneficiary's operating costs (staff, equipment, vehicles, etc.) shall not be eligible.
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ANNEX IV

SCALES AND RATES OF ASSISTANCE

1. Scales of assistance relating to fishing fleets (Title II)

TABLE 1

Category of vessel by tonnage (GT)	EUR
0 < 10	11 000/GT + 2 000
10 < 25	5 000/GT + 62 000
25 < 100	4 200/GT + 82 000
100 < 300	2 700/GT + 232 000
300 < 500	2 200/GT + 382 000
500 and above	1 200/GT + 882 000

TABLE 2

Category of vessel by gross registered tonnes (GRT)	EUR
0 < 25	8 200/grt
25 < 50	6 000/grt + 55 000
50 < 100	5 400/grt + 85 000
100 < 250	2 600/grt + 365 000

From 1 January 2000, for vessels longer than 24 metres between perpendiculars, and from 1 January 2004, for all vessels, only table 1 shall apply.

2. Rates of financial participation

For all the operations referred to in titles II, III and IV, the limits on Community financial participation (A), total State financial participation (national, regional and other) by the Member State concerned (B) and, where applicable, financial participation by private beneficiaries (C) shall be as follows, expressed as a percentage of eligible costs.

Group 1:

Permanent withdrawal premiums (Article 7), premiums for the creation of joint enterprises (Article 8), small-scale coastal fishing (Article 11), socioeconomic measures (Article 12), protection and development of aquatic resources (Article 13(1)(a)), fishing port facilities with no financial participation by private beneficiaries (Article 13(1)(c)), measures to find and promote new market outlets with no financial participation by private beneficiaries (Article 14), operations by members of the trade with no financial participation by private beneficiaries (Article 15), temporary cessation premiums and other financial compensation (Article 16), innovative measures and technical assistance including pilot projects carried out by public bodies (Article 17).

Group 2:

fleet renewal and modernisation of fishing vessels (Article 9).

Group 3:

aquaculture (Article 13(1)(b)), fishing port facilities with financial participation by private beneficiaries (Article 13(1)(c)), processing and marketing (Article 13(1)(d)), inland fishing (Article 13(1)(e)), measures to find and promote new market outlets with financial participation by private beneficiaries (Article 14), operations by members of the trade with financial participation by private beneficiaries (Article 15(2)).

Group 4:

pilot projects other than carried out by public bodies (Article 17).

With respect to operations concerning the protection and development of aquatic resources (Article 13(1)(a)), fishing port facilities (Article 13(1)(c)), measures to find and promote new market outlets (Article 14) and operations by members of the trade (Article 15), the management authority shall determine whether they fall under group 1 or group 3, in particular on the basis of the following considerations:

- collective versus individual interests,
- collective versus individual beneficiary (producers' organisations, organisations representing the trade),
- public access to the results of the operation versus private ownership and control,
- financial participation by collective bodies, research institutions.

TABLE 3

	Group 1	Group 2	Group 3	Group 4
Objective 1 regions 1 (*)	$50 \% \leq A \leq 75 \%$ $B \geq 25 \%$	$A \leq 35 \%$ $B \geq 5 \%$ $C \geq 60 \%$	$A \leq 35 \%$ $B \geq 5 \%$ $C \geq 40 \%$	$A \leq 75 \%$ $B \geq 5 \%$ $C \geq 20 \%$
Other areas	$25 \% \leq A \leq 50 \%$ $B \geq 50 \%$	$A \leq 15 \%$ $B \geq 5 \%$ $C \geq 60 \%$	$A \leq 15 \%$ $B \geq 5 \%$ $C \geq 60 \%$	$A \leq 50 \%$ $B \geq 5 \%$ $C \geq 30 \%$

(*) Including those referred to in Article 6(1) of Regulation (EC) No 1260/1999.

In the case of investments in small and medium-sized businesses within the meaning of Commission Recommendation 96/280/EC ⁽¹⁾ the (A) rates for groups 2 and 3 may be increased by an amount for forms of finance other than direct assistance, provided that this increase does not exceed 10 % of the total eligible cost. The contribution of the private beneficiary shall be reduced accordingly.

⁽¹⁾ Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises (OJ L 107, 30.4.1996, p. 4).

COUNCIL REGULATION (EC) No 2793/1999**of 17 December 1999****on certain procedures for applying the Trade, Development and Cooperation Agreement between the European Community and the Republic of South Africa**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Council has concluded a Trade, Development and Cooperation Agreement between the European Community and the Republic of South Africa, hereinafter referred to as 'the Agreement', and decided by Decision 1999/753/EC⁽¹⁾ that the Agreement enters into force provisionally on 1 January 2000;
- (2) The tariff preferences provided in the Agreement are applicable to products originating in the Republic of South Africa in accordance with Protocol 1 of the Agreement;
- (3) It is necessary to lay down the procedures for applying certain provisions of the Agreement;
- (4) The preferential rates of duty to be applied by the Community under the Agreement should normally be calculated on the basis of the conventional rate of duty in the Common Customs Tariff for the products concerned; they should, however, be calculated from the autonomous rate of duty where no conventional rate is given for the products concerned or where the autonomous rate is lower than the conventional rate; whereas it is unnecessary to include in the coverage of this Regulation products for which the Common Customs Tariff duty is free; the calculation must in no case be based on duties applied under conventional or autonomous tariff quotas;
- (5) The Agreement stipulates that certain products originating in the Republic of South Africa may be imported into the Community, within the limits of tariff quotas, at a reduced or a zero rate of customs duty; the Agreement specifies the products eligible for those tariff measures,

their volumes and duties; the most suitable method for managing the tariff quota for products of CN code ex 0406 is based on import licences and should be carried out by the Commission; the other tariff quotas should be managed, as a rule, on a first-come first-served basis in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽²⁾;

- (6) Amendments to the Combined Nomenclature and Taric codes and adaptations arising from the conclusion of agreements, protocols or exchanges of letters between the Community and the Republic of South Africa do not involve changes of substance; in the interest of simplicity, provision should therefore be made for the Commission, assisted by the Customs Code Committee, to take the measures necessary for the implementation of this Regulation, in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers of the Commission⁽³⁾;
- (7) In the interest of combating fraud, provisions should be made to submit preferential imports into the Community to surveillance,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the application of preferential duty under the Agreement, the expression 'duty effectively applied' shall be taken to mean either:

- the lowest rate of duty appearing in column 3 or 4, taking into account the periods of application mentioned or referred to in that column, of the second part of Annex I of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁴⁾, or
- the GSP rate according to Article 2 of Council Regulation (EC) No 2820/98 of 21 December 1998 applying a multi-annual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001⁽⁵⁾,

whichever is the lower. However, the expression 'duty effectively applied' shall not be taken to refer to a duty set up within the framework of a tariff quota under Article 26 of the Treaty or under Annex 7 of Regulation (EC) No 2658/87.

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation last amended by Regulation (EC) No 502/1999 (OJ L 65, 12.3.1999, p. 1).

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 256, 7.9.1987, p. 1. Regulation last amended by Regulation (EC) No 2261/98 (OJ L 292, 30.10.1998, p. 1).

⁽⁵⁾ OJ L 357, 30.12.1998, p. 1.

⁽¹⁾ OJ L 311, 4.12.1999, p. 1.

2. For the purposes of the Annex to this Regulation, the term 'MFN' shall be taken to mean the lowest rate of duty appearing in column 3 or 4, taking into account the periods of application mentioned or referred to in that column, of the second part of Annex I of Regulation (EEC) No 2658/87.

3. Subject to paragraph 4, the final rate of preferential duty calculated in accordance with this Regulation shall be rounded down to the first decimal place.

4. Where the result of calculating the rate of preferential duty in application of paragraph 3 is one of the following, the preferential rate shall be considered a full exemption:

- 1 % or less in the case of *ad valorem* duties, or
- EUR 0,5 or less per individual euro amount in the case of specific duties.

Article 2

1. The customs duties on the products listed in the Annex, originating in the Republic of South Africa, shall be reduced to the levels provided in the Annex and within the limits of the tariff quotas specified in that Annex, without prejudice to Article 8.

2. These tariff quotas shall be managed in accordance with Articles 308a to 308c of Commission Regulation (EEC) No 2454/93.

3. The reductions of tariff quota duty referred to in the Annex are expressed as a percentage of the customs duties effectively applied to South African goods, as defined in Article 1(1) on the day of provisional entry into force of the Agreement.

Article 3

The Commission shall open an annual duty-free tariff quota for cheese and curd of CN codes 0406 10 20, 0406 10 80, 0406 20 90, 0406 30 10, 0406 30 31, 0406 30 39, 0406 30 90, 0406 40 90, 0406 90 01, 0406 90 21, 0406 90 50, 0406 90 69, 0406 90 78, 0406 90 86, 0406 90 87, 0406 90 88, 0406 90 93 and 0406 90 99 originating in the Republic of South Africa. The initial annual volume of this tariff quota shall be 5 000 tonnes. An annual growth factor of 5 % shall apply to this volume. The resulting figure shall be rounded up to the next complete unit.

Article 4

After the first year, the tariff quotas referred to in Article 2 shall be increased each year by the percentage specified as the

annual growth factor in the Annex. The resulting figure shall be rounded up to the next complete unit.

Article 5

Without prejudice to Articles 2 to 4, the amendments and technical adaptations of this Regulation made necessary by amendments to the Combined Nomenclature and Taric codes or arising from the conclusion of agreements, protocols or exchanges of letters between the Community and the Republic of South Africa, shall be adopted by the Commission in accordance with the management procedure set out in Article 6(2).

Article 6

1. The Commission shall be assisted by the Customs Code Committee, hereinafter referred to as 'the Committee'.

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

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 7

1. Products put into free circulation with the benefit of the preferential rates provided under the Agreement, other than those covered by Article 2, shall be subject to surveillance. The Commission in consultation with the Member States shall decide the products to which this surveillance applies.

2. Article 308d of Regulation (EEC) No 2454/93 shall apply.

3. The Member States and the Commission shall cooperate closely to ensure that this measure is complied with.

Article 8

The tariff quota referred to at order number 09.1825 in the Annex shall be opened for the first time from the entry into force of the EC/RSA agreement on wines and spirits.

Article 9

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

It shall apply from the date of entry into force of the Agreement⁽¹⁾.

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

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

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

ANNEX

PRODUCTS REFERRED TO IN ARTICLE 2

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

Order No	CN code	Taric code	Description	Annual tariff quota volume, and annual growth factor ⁽¹⁾ ⁽²⁾	Tariff quota duty (% reduction)
09.1803	0603 10 15 0603 10 51 0603 10 65		Fresh orchids, from 1.6 to 31.10 Fresh roses, from 1.1 to 31.5, from 1.11 to 31.12 Fresh chrysanthemums, from 1.1 to 31.5, and from 1.11 to 31.12	500 tonnes (agf 3 %)	50 MFN or 80 GSP ⁽³⁾
09.1805	0603 10 29		Other fresh flowers, from 1.6 to 31.10	600 tonnes (agf 3 %)	50 MFN or 80 GSP ⁽³⁾
09.1807	ex 0603 10 69	10	Proteas, from 1.1 to 31.5, and from 1.11 to 31.12	900 tonnes (agf 5 %)	100
09.1809	0603 90 00		Other than fresh flowers	500 tonnes (agf 3 %)	25 MFN ⁽³⁾
09.1811	0811 10 90		Strawberries, frozen	250 tonnes (agf 3 %)	100
09.1813	2008 40 51 2008 40 59 2008 40 71 2008 40 79 2008 40 91 2008 40 99 2008 50 61 2008 50 69 2008 50 71 2008 50 79 2008 50 92 2008 50 94 2008 50 99 2008 70 61 2008 70 69 2008 70 71 2008 70 79 2008 70 92 2008 70 94 2008 70 99		Pears, not containing added spirit Apricots, not containing added spirit Peaches, not containing added spirit	40 000 tonnes gross weight (agf 3 %)	50 MFN
09.1815	2008 92 59 2008 92 74 2008 92 78 2008 92 98		Mixtures of fruit, other than tropical fruit	18 000 tonnes gross weight (agf 3 %)	50 MFN
09.1817	2008 92 72		Mixtures of tropical fruit	2 000 tonnes gross weight (agf 3 %)	50 MFN
09.1819	2009 11 99		Frozen orange juice	700 tonnes (agf 3 %)	50 MFN

Order No	CN code	Taric code	Description	Annual tariff quota volume, and annual growth factor ⁽¹⁾ ⁽²⁾	Tariff quota duty (% reduction)
09.1821	2009 40 30 2009 70 11 2009 70 19 2009 70 30 2009 70 91 2009 70 93 2009 70 99		Pineapple juice Apple juice	700 tonnes (agf 3 %)	50 MFN
09.1823	2204 10 19 2204 10 99		Sparkling wine	450 000 litres (agf 5 %)	100
09.1825	2204 21 79 2204 21 80 2204 21 83 2204 21 84		Other wine	32 000 000 litres	100
09.1827	7202 41 10 7202 41 91 7202 41 99		Ferro-chromium, containing by weight more than 4 % of carbon	515 000 tonnes	100

⁽¹⁾ Annual growth factor (agf) = % of base year volume.

⁽²⁾ Net weight, unless otherwise stated.

⁽³⁾ Whichever results in the lower duty applicable.

COMMISSION REGULATION (EC) No 2794/1999
of 29 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 30 December 1999.

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

Done at Brussels, 29 December 1999.

For the Commission
Margot WALLSTRÖM
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 29 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	89,4
	204	45,6
	999	67,5
0709 90 70	052	143,5
	204	87,2
	999	115,3
0805 10 10, 0805 10 30, 0805 10 50	052	53,3
	204	45,6
	999	49,5
0805 20 10	052	77,1
	204	51,6
	999	64,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	54,7
	999	54,7
0805 30 10	052	47,7
	600	71,0
	999	59,4
0808 10 20, 0808 10 50, 0808 10 90	400	81,4
	404	75,5
	999	78,5
0808 20 50	052	150,9
	064	69,2
	400	108,1
	720	70,7
	999	99,7

⁽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 2795/1999
of 29 December 1999
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2626/1999⁽²⁾, and in particular Article 9 thereof,

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

invoked under the provisions in Article 6 of Commission Regulation (EEC) No 3796/90⁽³⁾, as amended by Regulation (EEC) No 2674/92⁽⁴⁾, for a period of three months by the holder if a binding contract has been concluded such as is envisaged in Article 14(3)(a) or (b) of Council Regulation (EEC) No 1715/90⁽⁵⁾;

- (5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Nomenclature Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The good described in column 1 of the annexed table is classified within the Combined Nomenclature under the appropriate CN code indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 6 of Regulation (EEC) No 3796/90 for a period of three months by the holder if a binding contract has been concluded as envisaged in Article 14(3)(a) or (b) of Regulation (EEC) No 1715/90.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 29 December 1999.

For the Commission
Margot WALLSTRÖM
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 321, 14.12.1999, p. 3.

⁽³⁾ OJ L 365, 28.12.1990, p. 17.
⁽⁴⁾ OJ L 271, 16.9.1992, p. 5.
⁽⁵⁾ OJ L 160, 26.6.1990, p. 1.

ANNEX

Description of goods	CN code	Reason
(1)	(2)	(3)
<p>Covers made from cotton designed to be permanently fixed to the back or the seat of upholstered furniture</p> <p>The covers are used in conjunction with sets of furniture for assembly. After the assembly of the furniture the covers cannot be taken off without disassembling the furniture</p>	9401 90 80	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 9401, 9401 90 and 9401 90 80</p> <p>These covers are considered as parts of seats of CN code 9401</p>

**COMMISSION REGULATION (EC) No 2796/1999
of 29 December 1999**

laying down rates of compensatory interest applicable during the first half of 2000 to customs debts incurred in relation to compensating products or goods in the unaltered state (inward processing relief arrangements and temporary importation)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Codes ⁽³⁾, as last amended by Regulation (EC) No 1662/1999 ⁽⁴⁾, and in particular Article 589(4) (a) and Article 709 thereof,

Whereas Article 589(4)(a) of Regulation (EEC) No 2454/93 provides that the Commission shall publish rates of compensatory interest applicable to customs debts incurred in relation to compensating products or goods in the unaltered state, in order to make up for the unjustified financial advantage arising from the postponement of the date on which the customs debt is incurred in the case of non-exportation out of the customs territory of the Community; whereas the rates of compensatory interest for the first half of 2000 must be established in accordance with the rules laid down in that Regulation,

Article 1

The annual rates of compensatory interest referred to in Articles 589(4)(a) and 709(3)(a) of Regulation (EEC) No 2454/93 applicable for the period from 1 January until 30 June 2000 are the following:

Belgium	2,87
Denmark	3,22
Germany	2,87
Greece	10,35
Spain	2,87
France	2,87
Ireland	2,87
Italy	2,87
Luxembourg	2,87
Netherlands	2,87
Austria	2,87
Portugal	2,87
Finland	2,87
Sweden	3,17
United Kingdom	5,36.

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, 29 December 1999.

For the Commission
Margot WALLSTRÖM
Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 25.

COMMISSION REGULATION (EC) No 2797/1999
of 29 December 1999
amending Regulation (EC) No 1771/96 laying down detailed rules for the implementation of the
specific measures for the supply of hops to the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 1771/96 ⁽³⁾, as last amended by Regulation (EC) No 2718/98 ⁽⁴⁾, establishes the quantities of the forecast supply balance for the French overseas departments of hops eligible for exemption from import duties or for Community aid from the rest of the Community as well as the amount of that aid; the above quantities should be established for the period 1 January to 31 December 2000.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Hops,

Article 1

Article 1 of Regulation (EC) No 1771/96 is hereby replaced by the following:

'Article 1

For the purposes of Article 2 of Regulation (EEC) No 3763/91, the quantity of the forecast supply balance for hops falling within CN codes 1210 and 1302 13 00 eligible for exemption from duty on importation into the French overseas departments or, for products from the rest of the Community, eligible for Community aid, is hereby set at 15 tonnes for the period 1 January to 31 December 2000. This quantity shall be allocated as laid down in the Annex.

The French authorities may adjust the allocation within the overall limit set. They shall inform the Commission of any such adjustment.'

Article 2

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

It shall apply from 1 January 2000.

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

Done at Brussels, 29 December 1999.

For the Commission
Margot WALLSTRÖM
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 232, 13.9.1996, p. 11.

⁽⁴⁾ OJ L 342, 17.12.1998, p. 14.

ANNEX

(tonnes)

Hops falling within CN codes 1210 and 1302 13 00

Guadeloupe	1
Martinique	3
Réunion	11

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 December 1999

authorising the Deputy Secretary-General of the Council of the European Union to act as representative of certain Member States for the purpose of concluding contracts relating to the installation and the functioning of the communication infrastructure for the Schengen environment, 'SISNET', and to manage such contracts

(1999/870/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Acting on the basis of Article 7 of the Protocol annexed to the Treaty on European Union and the Treaty establishing the European Community, integrating the Schengen acquis into the framework of the European Union (hereinafter the 'Schengen Protocol'),

Whereas:

- (1) The Secretary-General of the Council has been authorised to manage on behalf of those Member States concerned the contract relating to the installation and the functioning of the SIRENE Network Phase II ⁽¹⁾;
- (2) The Member States concerned have decided not to extend the contract for the SIRENE Network Phase II, which will therefore terminate on 23 August 2001;
- (3) A new communication infrastructure for the Schengen environment, to be called 'SISNET' must accordingly be provided for by 23 August 2001, which will require the execution of preparatory measures for the conclusion of the relevant contracts, the conclusion of the contracts themselves and the management of those contracts;
- (4) The Member States concerned have requested the Deputy Secretary-General of the Council to represent them with respect to the execution of the necessary preparatory measures as well as the conclusion and management of the contracts in question;
- (5) The performance of such a task by the Deputy Secretary-General of the Council on behalf of certain Member States constitutes a task distinct from the tasks performed by the Deputy Secretary-General pursuant to

his obligations under the Treaty establishing the European Community and the Treaty on European Union;

- (6) It is therefore appropriate to have this task assigned to the Deputy Secretary-General by way of an explicit decision of the Council,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Council hereby authorises the Deputy Secretary-General of the Council to act as the representative of the member States concerned (Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland and Sweden), with respect to:
 - (a) the execution of a call for tenders for the delivery, installation and management of the SISNET and any other preparatory measures which may be necessary in this regard; and
 - (b) the conclusion and management of the contracts for the delivery, installation and management of the SISNET and the supply of services relating to the use thereof,
2. The authorisation under paragraph 1 above shall apply so long as payments under the aforementioned contracts are not charged to the general budget of the European Union but continue to be charged to the Member States concerned.
3. The Deputy Secretary-General shall also be authorised to act as the representative of Ireland and/or of the United Kingdom with respect to the matters set out in paragraph 1 above, pursuant to any future Council decision on the participation of either of these Member States in some or all of the provisions of the Schengen acquis, in accordance with the provisions of Article 4 of the Schengen Protocol.

⁽¹⁾ Council Decision 1999/322/EC of 3 May 1999, OJ L 123, 13.5.1999, p. 49.

Article 2

The work involved in preparing the call for tenders and managing the subsequent contracts referred to in Article 1(1) on behalf of the Member States concerned shall be performed by the General Secretariat of the Council as part of its normal administrative tasks.

Article 3

All questions relating to any non-contractual liability resulting from the acts or omissions of the General Secretariat of the Council in the performance of its administrative tasks pursuant to this Decision shall be governed by Article 288, second paragraph, of the Treaty establishing the European Community. Article 235 of that Treaty shall therefore apply to any disputes relating to compensation for damage.

Article 4

1. The special bank account in the name of the Secretary-General of the Council, opened for the purpose of managing the contracts mentioned in Decision 1999/322/EC, shall be

used in respect of the budget relating to the conclusion and management of the contracts mentioned in Article 1(1).

2. The Deputy Secretary-General shall be authorised to use the bank account referred to in paragraph 1 for the purposes of carrying out his obligations pursuant to this Decision.

Article 5

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

Article 6

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

COUNCIL DECISION
of 21 December 1999
on the provisional application of the Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Community and Ukraine on trade in textile products

(1999/871/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community an Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Community and Ukraine on trade in textile products;
- (2) This Agreement in the form of an Exchange of Letters should, taking into account the provisions on increases of quotas in 1999, be applied on a provisional basis, pending the completion of procedures required for conclusion, subject to reciprocal provisional application by Ukraine,

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Community and Ukraine on trade in textile products shall be applied on a provisional basis, pending its formal conclusion and subject to reciprocal provisional application by Ukraine ⁽¹⁾.

The text of the Agreement is attached to this Decision.

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

It shall enter into force on the day after its publication in the Official Journal.

Done at Brussels, 21 December 1999.

For the Council
The President
T. HALONEN

⁽¹⁾ The date from which provisional application will become effective will be published in the *Official Journal of the European Communities*, C series.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
between the European Community and Ukraine amending the agreement between the European Community and Ukraine on trade in textile products

A. Letter from the Council of the European Union

Sir,

1. I have the honour to refer to the negotiations held on 14 and 15 October 1999 between our respective Delegations with a view to renewing the Agreement between the European Community and Ukraine on trade in textile products including its annexes and agreed minutes ('the Agreement') initialled on 5 May 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 9 November 1995.
2. During these negotiations both Parties restated their long-term objective of enhancing textiles and clothing trade between their countries. For this purpose it was agreed that the Parties would negotiate during the year 2000 a longer-term agreement aiming at the full liberalisation of trade in textiles, in parallel with alignment of Ukrainian tariffs to the rates applied by the European Community.

Such agreement will aim at the elimination, upon its entry into force, of quantitative restrictions for product categories whose utilisation rates were below 2 % in 1999 (categories 1, 2, 2A, 3, 9, 12, 20, 23, 37, 67 and 115).

3. The Parties agreed to amend the following provisions of the Agreement:
 - 3.1. Annex I which sets out the products referred to in Article 1 of the Agreement shall be replaced by Annex I to EC Regulation 3030/93 (Appendix 1 to this letter gives further details).
 - 3.2. Annex II which sets out the quantitative restrictions for exports from Ukraine to the European Community shall be replaced by Appendix 2 to this letter. For the year 1999 there will be an increase of 60 % for quantitative limits for textile categories 6, 7, 15 and 16, and an increase of 50 % for categories 5, 26/27, 29 and 50. For the year 2000, the increase will be, subject to the conditions and procedures of paragraph 5 of this letter, 30 % for all textile categories over the effective 1999 levels, with the exception of categories 5, 6, 7, 15, 16, 26/27, 29 and 50, which will be increased by 50 % over the effective 1999 levels.
 - 3.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Ukraine to the European Community after OPT operations in the Republic of Ukraine shall be replaced by Appendix 3 to this letter.
 - 3.4. The second and third sentence of Article 20, paragraph 1, shall be replaced by the following text:

'It shall be applicable until 31 December 2000.'
4. The Parties agreed that imports into Ukraine of the textiles products originating in the Community and listed in Appendix 4 shall not exceed the rates of import duties described in that Appendix (products covered by chapters 50 to 63 of the Harmonised System).
5. The Parties agreed that the balance of this Agreement, forming a package of mutual concessions, depends on the full and faithful implementation of all agreement terms. In order to monitor the implementation of the Agreement, both parties will hold consultations during the first quarter of 2000, in which the quantitative limits for the year 2000 as set out in Appendix 2 may also be reviewed in order to further facilitate the expansion of trade.

The increase of the levels of quantitative limits for the year 2000, as set out in Appendix 2, will be effected automatically upon confirmation that the tariff levels have been reduced to the levels established in Appendix 3. Ukraine undertakes to provide such confirmation by 31 March 2000.

The Parties also agreed that the volume of quantitative limits of year 2000 would be the same as those of 1999 until the moment when Ukraine applies the import tariff levels specified in Annex III.

6. In the case of non-application of these rates the Community will have the right to reintroduce for the year 2000 the levels for quantitative restrictions applicable for 1999 as specified in the Exchange of Letters initialled on 9 November 1995.
7. Should Ukraine become a Member to the World Trade Organisation before the date of expiry of the Agreement, this Agreement and its annexes will be applied and notified to the World Trade Organisation as an Administrative Arrangement, and its provisions will be applied within the framework of the Agreements and rules of the World Trade Organisation.
8. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally no later than 1 December 1999 on the conditions to be specified in an Exchange of Notes (see Appendix 5).

Please accept, Sir, the assurance of my highest consideration.

For the Council of the European Union

Appendix 1

Annex I to the Agreement between the European Community and Ukraine on trade in textile products including initialled on 5 May 1993 is replaced by Annex I to EC Regulation 3030/93 ⁽¹⁾. It is understood that without prejudice to the rules for the interpretation of the combined nomenclature, the wording of the description of goods is considered to be of indicative value only, since the products covered by each category are determined, within that Annex by CN codes. Where there is an 'ex' symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.

⁽¹⁾ In 1999 this Annex was published in Official Journal L 134 of 28.5.1999.

Appendix 2

ANNEX II

(The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

Country	Category	Unit	Community quantitative limits		Effective new Quota level 1999	Effective new Quota level 2000
			1998	1999		
UKRAINE	Group IA					
	1	tons	1 393	1 441		1 873
	2	tons	1 928	1 996		2 595
	3	tons	653	676		879
	Group IB					
	4	T pieces	1 638	1 712		2 226
	5	T pieces	1 310	1 369	2 054	3 080
	6	T pieces	1 201	1 255	2 008	3 012
	7	T pieces	546	571	914	1 370
	8	T pieces	874	913		1 187
	Group IIA					
	9	tons	413	431		560
	20	tons	664	687		893
	23	tons	404	427		555
	39	tons	331	347		451
	Group IIB					
	12	T pairs	6 505	6 830		8 879
	13	T pieces	2 387	2 459		3 197
	15	T pieces	437	456	730	1 094
	16	T pieces	97	101	162	242
	21	T pieces	328	342		445
	24	T pieces	750	787		1 023
	26/27	T pieces	655	685	1 028	1 541
	29	T pieces	162	169	254	380
	Group IIIA					
	36	tons	835	881		1 145
	37	tons	1 018	1 068		1 388
	50	tons	309	324	486	729
	Group IIIB					
	67	tons	270	284		369
	90	tons	662	695		904
	Group IV					
	115	tons	245	257		334
117	tons	606	637		828	
118	tons	386	405		527	

T pieces: Thousand of pieces

T pairs: Thousand of pairs

Appendix 3

Annex to Protocol C

(The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

OPT QUOTAS**Community quantitative limits**

Country	Category	Unit	Quota level 1999	Growth rate	Quota level 2000
UKRAINE	Group IB				
	4	T pieces	2 719	50 %	4 079
	5	T pieces	3 739	50 %	5 609
	6	T pieces	4 759	50 %	7 139
	7	T pieces	6 967	50 %	10 451
	8	T pieces	1 360	50 %	2 040
	Group IIB				
	12	T pairs	10 560	50 %	15 840
	13	T pieces	1 223	50 %	1 835
	15	T pieces	4 079	50 %	6 119
	16	T pieces	820	50 %	1 230
	21	T pieces	2 719	50 %	4 079
	24	T pieces	1 231	50 %	1 847
	26/27	T pieces	8 157	50 %	12 236
	29	T pieces	1 805	50 %	2 708

T pieces: Thousand of pieces

T pairs: Thousand of pairs

Appendix 4

Maximum rates of duties applicable for imports into Ukraine of textile products from the European Community

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5001 00 00	2			
5002 00 00	2			
5003 10 00		1		
5003 90 00		1		
5004 00 10	2			
5004 00 90		1		
5005 00 10	2			
5005 00 90	2			
5006 00 10	2			
5006 00 90	2			
5007 10 00		1		
5007 20 10	2			
5007 20 11	2			
5007 20 19	2			
5007 20 21	2			
5007 20 31	2			
5007 20 39	2			
5007 20 41	2			
5007 20 51		1		
5007 20 59		1		
5007 20 61	2			
5007 20 69		1		
5007 20 71	2			
5007 90 10	2			
5007 90 30	2			
5007 90 50	2			
5007 90 90		1		
5101 11 00	2			
5101 19 00	2			
5101 21 00	2			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5101 29 00	2			
5101 30 00	2			
5102 10 10		1		
5102 10 30		1		
5102 10 50		1		
5102 10 90		1		
5102 20 00		1		
5103 10 10		1		
5103 10 90	2			
5103 20 10	2			
5103 20 91		1		
5103 20 99		1		
5103 30 00		1		
5104 00 00	2			
5105 10 00			1	
5105 21 00			1	
5105 29 00			1	
5105 30 10			1	
5105 30 90			1	
5105 40 00			1	
5106 10 10	2			
5106 10 90	2			
5106 20 10	2			
5106 20 11	2			
5106 20 19	2			
5106 20 91	2			
5106 20 99	2			
5107 10 10	2			
5107 10 90	2			
5107 20 10	2			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5107 20 30	2			
5107 20 51	2			
5107 20 59	2			
5107 20 91	2			
5107 20 99	2			
5108 10 10		1		
5108 10 90		1		
5108 20 10		1		
5108 20 90		1		
5109 10 10		1		
5109 10 90				2
5109 90 10	2			
5109 90 90		1		
5110 00 00	2			
5111 11 00	5			
5111 11 11	5			
5111 11 19	5			
5111 11 91	5			
5111 11 99	5			
5111 19 10	5			
5111 19 11	5			
5111 19 19	5			
5111 19 31	5			
5111 19 39	5			
5111 19 90	5			
5111 19 91	5			
5111 19 99	5			
5111 20 00	5			
5111 30 10	5			
5111 30 30	5			
5111 30 90	5			
5111 90 10	5			
5111 90 91	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5111 90 93	5			
5111 90 99	5			
5112 11 00	5			
5112 11 10	5			
5112 11 90	5			
5112 19 10	5			
5112 19 11	5			
5112 19 19	5			
5112 19 90	5			
5112 19 91	5			
5112 19 99	5			
5112 20 00	5			
5112 30 10	5			
5112 30 30	5			
5112 30 90	5			
5112 90 10	5			
5112 90 91	5			
5112 90 93	5			
5112 90 99	5			
5113 00 00				5
5201 00 10	5			
5201 00 90	5			
5202 10 00		1		
5202 91 00	5			
5202 99 00		1		
5203 00 00	5			
5204 11 00	5			
5204 19 00	5			
5204 20 00		1		
5205 11 00		1		
5205 12 00		5		
5205 13 00				5
5205 14 00		5		

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5205 15 10		1		
5205 15 90		1		
5205 21 00		1		
5205 22 00			5	
5205 23 00				5
5205 24 00				5
5205 25 10				5
5205 25 30	5			
5205 25 90		1		
5205 26 00	5			
5205 27 00	5			
5205 28 00	5			
5205 31 00	5			
5205 32 00		1		
5205 33 00				5
5205 34 00		5		
5205 35 00	5			
5205 35 10				5
5205 35 90		1		
5205 41 00				5
5205 42 00		1		
5205 43 00		5		
5205 44 00		5		
5205 45 10		1		
5205 45 30				5
5205 45 90				5
5205 46 00	5			
5205 47 00	5			
5205 48 00	5			
5206 11 00	5			
5206 12 00	5			
5206 13 00	5			
5206 14 00	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5206 15 10	5			
5206 15 90	5			
5206 21 00	5			
5206 22 00	5			
5206 23 00	5			
5206 24 00	5			
5206 25 10	5			
5206 25 90	5			
5206 31 00	5			
5206 32 00	5			
5206 33 00	5			
5206 34 00	5			
5206 35 00	5			
5206 35 10	5			
5206 35 90	5			
5206 41 00	5			
5206 42 00	5			
5206 43 00	5			
5206 44 00	5			
5206 45 00	5			
5206 45 10	5			
5206 45 90	5			
5207 10 00	2			
5207 90 00	2			
5208 11 10		1		
5208 11 90	5			
5208 12 11		2		
5208 12 13		1		
5208 12 15	5			
5208 12 16	5			
5208 12 19	5			
5208 12 91		1		
5208 12 93	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5208 12 95		1		
5208 12 96	5			
5208 12 99		1		
5208 13 00		1		
5208 19 00	5			
5208 21 10		1		
5208 21 90		1		
5208 22 11		2		
5208 22 13	5			
5208 22 15		2		
5208 22 16	5			
5208 22 19	5			
5208 22 91		1		
5208 22 93		2		
5208 22 95		2		
5208 22 96	5			
5208 22 99		1		
5208 23 00	5			
5208 29 00	5			
5208 31 00		2		
5208 32 11		5		
5208 32 13	5			
5208 32 15			0	
5208 32 16	5			
5208 32 19			0	
5208 32 91		1		
5208 32 93			0	
5208 32 95			0	
5208 32 96	5			
5208 32 99			0	
5208 33 00	5			
5208 39 00		2		
5208 41 00	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5208 42 00			0	
5208 43 00			0	
5208 49 00	5			
5208 51 00		1		
5208 52 10		5		
5208 52 90		1		
5208 53 00			0	
5208 59 00		2		
5209 11 00		5		
5209 12 00		5		
5209 19 00		1		
5209 21 00	5			
5209 22 00	5			
5209 29 00		2		
5209 31 00		10		
5209 32 00		5		
5209 39 00			0	
5209 41 00			0	
5209 42 00	5			
5209 43 00		5		
5209 49 10			0	
5209 49 90	5			
5209 51 00		1		
5209 52 00		2		
5209 59 00			0	
5210 11 10	5			
5210 11 90	5			
5210 12 00	5			
5210 19 00	5			
5210 21 10	5			
5210 21 90	5			
5210 22 00	5			
5210 29 00	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5210 31 10	5			
5210 31 90	5			
5210 32 00	5			
5210 39 00	5			
5210 41 00	5			
5210 42 00	5			
5210 49 00	5			
5210 51 00	5			
5210 52 00	5			
5210 59 00	5			
5211 11 00		1		
5211 12 00	5			
5211 19 00		1		
5211 21 00	5			
5211 22 00	5			
5211 29 00	5			
5211 31 00	5			
5211 32 00		5		
5211 39 00			0	
5211 41 00	5			
5211 42 00	5			
5211 43 00		1		
5211 49 10	5			
5211 49 11	5			
5211 49 19			0	
5211 49 90	5			
5211 51 00	5			
5211 52 00		1		
5211 59 00	5			
5212 11 10	5			
5212 11 90	5			
5212 12 10	5			
5212 12 90	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5212 13 10	5			
5212 13 90	5			
5212 14 10	5			
5212 14 90	5			
5212 15 10	5			
5212 15 90	5			
5212 21 10	5			
5212 21 90	5			
5212 22 10	5			
5212 22 90	5			
5212 23 10	5			
5212 23 90	5			
5212 24 10	5			
5212 24 90	5			
5212 25 10	5			
5212 25 90	5			
5301 10 00			5	
5301 21 00			1	
5301 29 00			1	
5301 30 10		1		
5301 30 90			5	
5302 10 00		1		
5302 90 00				2
5303 10 00	2			
5303 90 00	2			
5304 10 00	2			
5304 90 00	2			
5305 11 00	2			
5305 19 00	2			
5305 21 00	2			
5305 29 00	2			
5305 91 00	2			
5305 99 00	2			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5306 10 10	2			
5306 10 11		1		
5306 10 19		1		
5306 10 30	2			
5306 10 31				2
5306 10 39				2
5306 10 50				2
5306 10 90		1		
5306 20 10	2			
5306 20 11		1		
5306 20 19		1		
5306 20 90				2
5307 10 10	2			
5307 10 90	2			
5307 20 00	2			
5308 10 00	2			
5308 20 10	2			
5308 20 90	2			
5308 30 00	2			
5308 90 11	2			
5308 90 12	2			
5308 90 13	2			
5308 90 19	2			
5308 90 90	2			
5309 11 10	5			
5309 11 11			5	
5309 11 19			5	
5309 11 90		5		
5309 19 00	5			
5309 19 10			5	
5309 19 90				5
5309 21 10		1		
5309 21 90				5

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5309 29 00	5			
5309 29 10			5	
5309 29 90				5
5310 10 10	5			
5310 10 90	5			
5310 90 00	5			
5311 00 10	5			
5311 00 90	5			
5401 10 11	5			
5401 10 19	5			
5401 10 90	5			
5401 20 10	5			
5401 20 90	5			
5402 10 10	5			
5402 10 90	5			
5402 20 00	5			
5402 31 00	5			
5402 31 10	5			
5402 31 30	5			
5402 31 90	5			
5402 32 00	5			
5402 33 00	5			
5402 33 10	5			
5402 33 90	5			
5402 39 10	5			
5402 39 90	5			
5402 41 00	5			
5402 41 10	5			
5402 41 30	5			
5402 41 90	5			
5402 42 00	5			
5402 43 00	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5402 43 10	5			
5402 43 90	5			
5402 49 10	5			
5402 49 91	5			
5402 49 99	5			
5402 51 00	5			
5402 51 10	5			
5402 51 30	5			
5402 51 90	5			
5402 52 00	5			
5402 52 10	5			
5402 52 90	5			
5402 59 10	5			
5402 59 90	5			
5402 61 00	5			
5402 61 10	5			
5402 61 30	5			
5402 61 90	5			
5402 62 00	5			
5402 62 10	5			
5402 62 90	5			
5402 69 10	5			
5402 69 90	5			
5403 10 00	5			
5403 20 10	5			
5403 20 90	5			
5403 31 00	5			
5403 32 00	5			
5403 33 10	5			
5403 33 90	5			
5403 39 00	5			
5403 41 00	5			
5403 42 00	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5403 49 00	5			
5404 10 10	5			
5404 10 90	5			
5404 90 11	5			
5404 90 19	5			
5404 90 90	5			
5405 00 00	5			
5406 10 00	5			
5406 20 00	5			
5407 10 00				5
5407 20 11				5
5407 20 19				5
5407 20 90				5
5407 30 00				5
5407 41 00				5
5407 42 00	5			
5407 42 10				5
5407 42 90				5
5407 43 00				5
5407 44 00	5			
5407 44 10				5
5407 44 90				5
5407 51 00				5
5407 52 00				5
5407 53 00	5			
5407 53 10				5
5407 53 90				5
5407 54 00				5
5407 60 10				5
5407 60 30				5
5407 60 51				5
5407 60 59				5
5407 60 90				5

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5407 61 10	5			
5407 61 30	5			
5407 61 50	5			
5407 61 90	5			
5407 69 10	5			
5407 69 90	5			
5407 71 00		1		
5407 72 00				5
5407 73 00	5			
5407 73 10				5
5407 73 91				5
5407 73 99				5
5407 74 00				5
5407 81 00				5
5407 82 00				5
5407 83 00	5			
5407 83 10		1		
5407 83 90				5
5407 84 00				5
5407 91 00		2		
5407 92 00				5
5407 93 00	5			
5407 93 10				5
5407 93 90				5
5407 94 00				5
5408 10 00			0	
5408 21 00			0	
5408 22 10				5
5408 22 90				5
5408 23 10				5
5408 23 90				5
5408 24 00				5
5408 31 00		2		

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5408 32 00			0	
5408 33 00				5
5408 34 00				5
5501 10 00	5			
5501 20 00	5			
5501 30 00	5			
5501 90 00	5			
5501 90 10	5			
5501 90 90	5			
5502 00 10	5			
5502 00 40	5			
5502 00 80	5			
5502 00 90	5			
5503 10 11	5			
5503 10 19	5			
5503 10 90	5			
5503 20 00	5			
5503 30 00	5			
5503 40 00	5			
5503 90 10	5			
5503 90 90	5			
5504 10 00	5			
5504 90 00	5			
5505 10 10				5
5505 10 30				5
5505 10 50				5
5505 10 70				5
5505 10 90				5
5505 20 00				5
5506 10 00				5
5506 20 00				5
5506 30 00				5
5506 90 10				5

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5506 90 90	5			
5506 90 91			0	
5506 90 99				5
5507 00 00				5
5508 10 11	5			
5508 10 19	5			
5508 10 90	5			
5508 20 10	5			
5508 20 90	5			
5509 11 00				5
5509 12 00				5
5509 21 10				5
5509 21 90				5
5509 22 10				5
5509 22 90				5
5509 31 10				5
5509 31 90				5
5509 32 10				5
5509 32 90			0	
5509 41 10				5
5509 41 90				5
5509 42 10				5
5509 42 90				5
5509 51 00			0	
5509 52 10				5
5509 52 90				5
5509 53 00				5
5509 59 00				5
5509 61 10				5
5509 61 90			0	
5509 62 00				5
5509 69 00				5
5509 91 10				5

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5509 91 90				5
5509 92 00				5
5509 99 00				5
5510 11 00	5			
5510 12 00	5			
5510 20 00	5			
5510 30 00	5			
5510 90 00	5			
5511 10 00	5			
5511 20 00	5			
5511 30 00	5			
5512 11 00	5			
5512 19 10	5			
5512 19 90	5			
5512 21 00	5			
5512 29 10	5			
5512 29 90	5			
5512 91 00	5			
5512 99 10	5			
5512 99 90	5			
5513 11 10	5			
5513 11 20	5			
5513 11 30	5			
5513 11 90	5			
5513 12 00	5			
5513 13 00	5			
5513 19 00	5			
5513 21 10	5			
5513 21 30	5			
5513 21 90	5			
5513 22 00	5			
5513 23 00	5			
5513 29 00	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5513 31 00	5			
5513 32 00	5			
5513 33 00	5			
5513 39 00	5			
5513 41 00	5			
5513 42 00	5			
5513 43 00	5			
5513 49 00	5			
5514 11 00	5			
5514 12 00	5			
5514 13 00	5			
5514 19 00	5			
5514 21 00	5			
5514 22 00	5			
5514 23 00	5			
5514 29 00	5			
5514 31 00	5			
5514 32 00	5			
5514 33 00	5			
5514 39 00	5			
5514 41 00	5			
5514 42 00	5			
5514 43 00	5			
5514 49 00	5			
5515 11 10	5			
5515 11 30	5			
5515 11 90	5			
5515 12 10	5			
5515 12 30	5			
5515 12 90	5			
5515 13 11	5			
5515 13 19	5			
5515 13 91	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5515 13 99	5			
5515 19 10	5			
5515 19 30	5			
5515 19 90	5			
5515 21 10	5			
5515 21 30	5			
5515 21 90	5			
5515 22 11	5			
5515 22 19	5			
5515 22 91	5			
5515 22 99	5			
5515 29 10	5			
5515 29 30	5			
5515 29 90	5			
5515 91 10	5			
5515 91 30	5			
5515 91 90	5			
5515 92 11	5			
5515 92 19	5			
5515 92 91	5			
5515 92 99	5			
5515 99 10	5			
5515 99 30	5			
5515 99 90	5			
5516 11 00	5			
5516 12 00	5			
5516 13 00	5			
5516 14 00	5			
5516 21 00	5			
5516 22 00	5			
5516 23 10	5			
5516 23 90	5			
5516 24 00	5			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5516 31 00	5			
5516 32 00	5			
5516 33 00	5			
5516 34 00	5			
5516 41 00	5			
5516 42 00	5			
5516 43 00	5			
5516 44 00	5			
5516 91 00	5			
5516 92 00	5			
5516 93 00	5			
5516 94 00	5			
5601 10 10				5
5601 10 90				5
5601 21 10				5
5601 21 90				5
5601 22 10				5
5601 22 91				5
5601 22 99				5
5601 29 00		2		
5601 30 00				5
5602 10 11				5
5602 10 19				5
5602 10 31				5
5602 10 35				5
5602 10 39				5
5602 10 90				5
5602 21 00		2		
5602 29 10		1		
5602 29 90				5
5602 90 00				5
5603 00 10				5
5603 00 91				5

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5603 00 93				5
5603 00 95				5
5603 00 99				5
5603 11 10	5			
5603 11 90	5			
5603 12 10	5			
5603 12 90	5			
5603 13 10	5			
5603 13 90	5			
5603 14 10	5			
5603 14 90	5			
5603 91 10	5			
5603 91 90	5			
5603 92 10	5			
5603 92 90	5			
5603 93 10	5			
5603 93 90	5			
5603 94 10	5			
5603 94 90	5			
5604 10 00				5
5604 20 00		1		
5604 90 00		5		
5605 00 00				5
5606 00 10				5
5606 00 91				5
5606 00 99				5
5607 10 00		1		
5607 21 00				5
5607 29 10		1		
5607 29 90				5
5607 30 00				5
5607 41 00				5
5607 49 11				5

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5607 49 19		2		
5607 49 90		1		
5607 50 11		2		
5607 50 19		1		
5607 50 30		2		
5607 50 90				5
5607 90 00				5
5608 11 11		1		
5608 11 19		1		
5608 11 91	5			
5608 11 99	5			
5608 19 11		1		
5608 19 19		1		
5608 19 30	5			
5608 19 31	5			
5608 19 39	5			
5608 19 90	5			
5608 19 91	5			
5608 19 99	5			
5608 90 00		2		
5609 00 00				5
5701 10 10				20
5701 10 91				20
5701 10 93				20
5701 10 99				20
5701 90 10		5		
5701 90 90				20
5702 10 00	20			
5702 20 00				20
5702 31 00	20			
5702 31 10				20
5702 31 30				20
5702 31 90		5		

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5702 32 00	20			
5702 32 10				20
5702 32 90				20
5702 39 10				20
5702 39 90				20
5702 41 00	20			
5702 41 10				20
5702 41 90		10		
5702 42 00	20			
5702 42 10				20
5702 42 90				20
5702 49 10				20
5702 49 90		5		
5702 51 00				20
5702 52 00				20
5702 59 00				20
5702 91 00				20
5702 92 00				20
5702 99 00				20
5703 10 00	20			
5703 10 10				20
5703 10 90				20
5703 20 11				20
5703 20 19				20
5703 20 91				20
5703 20 99		10		
5703 30 11				20
5703 30 19				20
5703 30 51				20
5703 30 59				20
5703 30 91				20
5703 30 99				20
5703 90 00	20			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5703 90 10				20
5703 90 90				20
5704 10 00				20
5704 90 00				20
5705 00 10				20
5705 00 30	20			
5705 00 31				20
5705 00 39				20
5705 00 90				20
5801 10 00				10
5801 21 00				10
5801 22 00				10
5801 23 00				10
5801 24 00				10
5801 25 00				10
5801 26 00				10
5801 31 00				10
5801 32 00				10
5801 33 00				10
5801 34 00				10
5801 35 00				10
5801 36 00				10
5801 90 10				10
5801 90 90				10
5802 11 00		10		
5802 19 00		5		
5802 20 00				10
5802 30 00				10
5803 10 00		2		
5803 90 10				10
5803 90 30				10
5803 90 50				10
5803 90 90		2		

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5804 10 11				10
5804 10 19				10
5804 10 90				10
5804 21 10				10
5804 21 90				10
5804 29 10				10
5804 29 90				10
5804 30 00				10
5805 00 00				10
5806 10 00				10
5806 20 00				10
5806 31 00	10			
5806 31 10		5		
5806 31 90				10
5806 32 10				10
5806 32 90				10
5806 39 00				10
5806 40 00				10
5807 10 10				10
5807 10 90				10
5807 90 10				10
5807 90 90				10
5808 10 00				10
5808 90 00				10
5809 00 00		1		
5810 10 10				10
5810 10 90				10
5810 91 10				10
5810 91 90				10
5810 92 10				10
5810 92 90				10
5810 99 10				10
5810 99 90				10

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5811 00 00			10	
5901 10 00	10			
5901 90 00	10			
5902 10 10	10			
5902 10 90	10			
5902 20 10	10			
5902 20 90	10			
5902 90 10	10			
5902 90 90		2		
5903 10 10			10	
5903 10 90				10
5903 20 10				10
5903 20 90				10
5903 90 10				10
5903 90 91				10
5903 90 99				10
5904 10 00				10
5904 91 10				10
5904 91 90		15		10
5904 92 00				10
5905 00 10				10
5905 00 30	10			
5905 00 31				10
5905 00 39				10
5905 00 50				10
5905 00 70			10	
5905 00 90				10
5906 10 00	10			
5906 10 10				10
5906 10 90				10
5906 91 00				10
5906 99 10		1		
5906 99 90		5		

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
5907 00 00				10
5907 00 10	10			
5907 00 90	10			
5908 00 00	10			
5909 00 10	10			
5909 00 90		1		
5910 00 00	10			
5911 10 00	10			
5911 20 00		2		
5911 31 11	10			
5911 31 19	10			
5911 31 90		1		
5911 32 10	10			
5911 32 90		5		
5911 40 00		2		
5911 90 10		5		
5911 90 90		5		
6001 10 00				10
6001 21 00				10
6001 22 00				10
6001 29 10				10
6001 29 90				10
6001 91 10				10
6001 91 30				10
6001 91 50				10
6001 91 90				10
6001 92 10				10
6001 92 30				10
6001 92 50				10
6001 92 90				10
6001 99 10				10
6001 99 90				10
6002 10 10				10

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6002 10 90				10
6002 20 10	10			
6002 20 31	10			
6002 20 39	10			
6002 20 50	10			
6002 20 70	10			
6002 20 90	10			
6002 30 10	10			
6002 30 90	10			
6002 41 00				10
6002 42 10	10			
6002 42 30	10			
6002 42 50	10			
6002 42 90	10			
6002 43 11				10
6002 43 19				10
6002 43 31				10
6002 43 33				10
6002 43 35				10
6002 43 39				10
6002 43 50				10
6002 43 91				10
6002 43 93				10
6002 43 95				10
6002 43 99				10
6002 49 00	10			
6002 91 00	10			
6002 92 10	10			
6002 92 30	10			
6002 92 50	10			
6002 92 90	10			
6002 93 10	10			
6002 93 31	10			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6002 93 33	10			
6002 93 35	10			
6002 93 39	10			
6002 93 91	10			
6002 93 99	10			
6002 99 00	10			
6101 10 10				15
6101 10 90			15	
6101 20 10				15
6101 20 90				15
6101 30 10				15
6101 30 90				15
6101 90 10				15
6101 90 90				15
6102 10 10				15
6102 10 90				15
6102 20 10				15
6102 20 90			15	
6102 30 10				15
6102 30 90				15
6102 90 10				15
6102 90 90				15
6103 11 00				15
6103 12 00				15
6103 19 00				15
6103 21 00				15
6103 22 00				15
6103 23 00				15
6103 29 00				15
6103 31 00				15
6103 32 00				15
6103 33 00				15
6103 39 00				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6103 41 10				15
6103 41 90				15
6103 42 10				15
6103 42 90				15
6103 43 10				15
6103 43 90				15
6103 49 10				15
6103 49 91				15
6103 49 99				15
6104 11 00				15
6104 12 00			15	
6104 13 00				15
6104 19 00				15
6104 21 00				15
6104 22 00				15
6104 23 00				15
6104 29 00				15
6104 31 00				15
6104 32 00				15
6104 33 00			15	
6104 39 00				15
6104 41 00				15
6104 42 00				15
6104 43 00				15
6104 44 00		20		15
6104 49 00	15			
6104 51 00				15
6104 52 00				15
6104 53 00				15
6104 59 00				15
6104 61 10				15
6104 61 90				15
6104 62 10				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6104 62 90				15
6104 63 10		20		15
6104 63 90				15
6104 69 10				15
6104 69 91				15
6104 69 99				15
6105 10 00			15	
6105 20 10	15			
6105 20 90				15
6105 90 10				15
6105 90 90				15
6106 10 00				15
6106 20 00				15
6106 90 10				15
6106 90 30				15
6106 90 50				15
6106 90 90				15
6107 11 00				15
6107 12 00				15
6107 19 00			15	
6107 21 00				15
6107 22 00				15
6107 29 00				15
6107 91 00				15
6107 91 10	15			
6107 91 90	15			
6107 92 00				15
6107 99 00				15
6108 11 00	15			
6108 11 10				15
6108 11 90				15
6108 19 00	15			
6108 19 10				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6108 19 90				15
6108 21 00				15
6108 22 00				15
6108 29 00				15
6108 31 10				15
6108 31 90				15
6108 32 11			0	
6108 32 19				15
6108 32 90				15
6108 39 00			0	
6108 91 00				15
6108 91 10	15			
6108 91 90	15			
6108 92 00				15
6108 99 10		15		
6108 99 90	15			
6109 10 00			15	
6109 90 10				15
6109 90 30			15	
6109 90 90				15
6110 10 10				15
6110 10 31			15	
6110 10 35	15			
6110 10 38	15			
6110 10 39				15
6110 10 91			15	
6110 10 95	15			
6110 10 98	15			
6110 10 99				15
6110 20 10				15
6110 20 91				15
6110 20 99			15	
6110 30 10			15	

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6110 30 91				15
6110 30 99			15	
6110 90 10				15
6110 90 90				15
6111 10 10				15
6111 10 90				15
6111 20 10				15
6111 20 90				15
6111 30 10				15
6111 30 90				15
6111 90 00				15
6112 11 00			0	
6112 12 00				15
6112 19 00				15
6112 20 00				15
6112 31 10				15
6112 31 90				15
6112 39 10				15
6112 39 90				15
6112 41 10				15
6112 41 90				15
6112 49 10				15
6112 49 90				15
6113 00 10		15		
6113 00 90		15		
6114 10 00				15
6114 20 00				15
6114 30 00			15	
6114 90 00				15
6115 11 00				15
6115 12 00			15	
6115 19 00	15			
6115 19 10	15			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6115 19 90				15
6115 20 11				15
6115 20 19				15
6115 20 90				15
6115 91 00				15
6115 92 00				15
6115 93 10			15	
6115 93 30				15
6115 93 91				15
6115 93 99			15	
6115 99 00				15
6116 10 10				15
6116 10 20	15			
6116 10 80	15			
6116 10 90		5		
6116 91 00				15
6116 92 00		20		15
6116 93 00				15
6116 99 00				15
6117 10 00			15	
6117 20 00			15	
6117 80 10				15
6117 80 90				15
6117 90 00				15
6201 11 00				15
6201 12 10			15	
6201 12 90	15			
6201 13 10				15
6201 13 90				15
6201 19 00				15
6201 91 00				15
6201 92 00				15
6201 93 00				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6201 99 00				15
6202 11 00				15
6202 12 10				15
6202 12 90			15	
6202 13 10			15	
6202 13 90				15
6202 19 00				15
6202 91 00				15
6202 92 00				15
6202 93 00				15
6202 99 00				15
6203 11 00			15	
6203 12 00				15
6203 19 10				15
6203 19 30				0
6203 19 90				0
6203 21 00		15		
6203 22 10				15
6203 22 80	15			
6203 22 90				15
6203 23 10		20		15
6203 23 80	15			
6203 23 90				15
6203 29 11				15
6203 29 18	15			
6203 29 19				15
6203 29 90				15
6203 31 00				15
6203 32 10				15
6203 32 90				15
6203 33 10				15
6203 33 90				15
6203 39 11				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6203 39 19				15
6203 39 90				15
6203 41 10			15	
6203 41 30				15
6203 41 90				15
6203 42 11				15
6203 42 31				15
6203 42 33				15
6203 42 35				15
6203 42 51				15
6203 42 59				15
6203 42 90				15
6203 43 11				15
6203 43 19				15
6203 43 31				15
6203 43 39				15
6203 43 90				15
6203 49 11				15
6203 49 19			15	
6203 49 31				15
6203 49 39				15
6203 49 50				15
6203 49 90				15
6204 11 00				15
6204 12 00				15
6204 13 00				15
6204 19 10				15
6204 19 90				15
6204 21 00				15
6204 22 10		20		15
6204 22 80	15			
6204 22 90				15
6204 23 10				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6204 23 80	15			
6204 23 90				15
6204 29 11				15
6204 29 18	15			
6204 29 19				15
6204 29 90				15
6204 31 00			15	
6204 32 10				15
6204 32 90				15
6204 33 10				15
6204 33 90				15
6204 39 11				15
6204 39 19			15	
6204 39 90				15
6204 41 00				15
6204 42 00			15	
6204 43 00			15	
6204 44 00				15
6204 49 10				15
6204 49 90				15
6204 51 00				15
6204 52 00				15
6204 53 00				15
6204 59 10				15
6204 59 90				15
6204 61 10				15
6204 61 80				15
6204 61 90				15
6204 62 11				15
6204 62 31				15
6204 62 33				15
6204 62 35				15
6204 62 39	15			

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6204 62 51				15
6204 62 59				15
6204 62 90				15
6204 63 11	15			
6204 63 18	15			
6204 63 19				15
6204 63 31				15
6204 63 39				15
6204 63 90				15
6204 69 11		10		
6204 69 18	15			
6204 69 19				15
6204 69 31		10		
6204 69 39				15
6204 69 50				15
6204 69 90				15
6205 10 00				15
6205 20 00				15
6205 30 00				15
6205 90 10				15
6205 90 90				15
6206 10 00				15
6206 20 00				15
6206 30 00				15
6206 40 00				15
6206 90 10				15
6206 90 90				15
6207 11 00				15
6207 19 00				15
6207 21 00				15
6207 22 00				15
6207 29 00				15
6207 91 00				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6207 91 10	15			
6207 91 90	15			
6207 92 00				15
6207 99 00				15
6208 11 00				15
6208 19 10				15
6208 19 90				15
6208 21 00				15
6208 22 00				15
6208 29 00				15
6208 91 10				15
6208 91 11	15			
6208 91 19	15			
6208 91 90				15
6208 92 00	15			
6208 92 10				15
6208 92 90				15
6208 99 00				15
6209 10 00		10		
6209 20 00				15
6209 30 00				15
6209 90 00				15
6210 10 10		10		
6210 10 91				15
6210 10 99				15
6210 20 00				15
6210 30 00				15
6210 40 00				15
6210 50 00				15
6211 11 00				15
6211 12 00				15
6211 20 00				15
6211 31 00		15		

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6211 32 10		20		15
6211 32 31	15			
6211 32 41	15			
6211 32 42	15			
6211 32 90				15
6211 33 10				15
6211 33 31	15			
6211 33 41	15			
6211 33 42	15			
6211 33 90				15
6211 39 00				15
6211 41 00				15
6211 42 10		20		15
6211 42 31	15			
6211 42 41	15			
6211 42 42	15			
6211 42 90				15
6211 43 10				15
6211 43 31	15			
6211 43 41	15			
6211 43 42	15			
6211 43 90				15
6211 49 00				15
6212 10 00	15			
6212 10 10	15			
6212 10 90	15			
6212 20 00				15
6212 30 00				15
6212 90 00				15
6213 10 00		10		
6213 20 00		20		15
6213 90 00		10		
6214 10 00				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6214 20 00		15		
6214 30 00				15
6214 40 00				15
6214 90 10		15		
6214 90 90				15
6215 10 00				15
6215 20 00				15
6215 90 00				15
6216 00 00				15
6217 10 00				15
6217 90 00				15
6301 10 00				15
6301 20 10				15
6301 20 91				15
6301 20 99		15		
6301 30 10				15
6301 30 90		15		
6301 40 10			15	
6301 40 90				15
6301 90 10		15		
6301 90 90				15
6302 10 10			15	
6302 10 90				15
6302 21 00				15
6302 22 10		10		
6302 22 90				15
6302 29 10		15		
6302 29 90			10	
6302 31 10		15		
6302 31 90				15
6302 32 10				15
6302 32 90			10	

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6302 39 10		10		
6302 39 30				15
6302 39 90				15
6302 40 00				15
6302 51 10				15
6302 51 90				15
6302 52 00				15
6302 53 10				15
6302 53 90			15	
6302 59 00				15
6302 60 00				15
6302 91 10				15
6302 91 90				15
6302 92 00				15
6302 93 10				15
6302 93 90				15
6302 99 00				15
6303 11 00	15			
6303 12 00				15
6303 19 00				15
6303 91 00				15
6303 92 10				15
6303 92 90				15
6303 99 10				15
6303 99 90				15
6304 11 00			15	
6304 19 10				15
6304 19 30				15
6304 19 90				15
6304 91 00		15		
6304 92 00		15		
6304 93 00				15

CN code (1)	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6304 99 00				15
6305 10 10		5		
6305 10 90	15			
6305 20 00		5		
6305 31 10				15
6305 31 91				15
6305 31 99				15
6305 32 11	15			
6305 32 81	15			
6305 32 89	15			
6305 32 90	15			
6305 33 10	15			
6305 33 91	15			
6305 33 99	15			
6305 39 00	15			
6305 90 00		2		
6306 11 00				15
6306 12 00		5		
6306 19 00				15
6306 21 00		15		
6306 22 00		10		
6306 29 00		5		
6306 31 00				15
6306 39 00				15
6306 41 00				15
6306 49 00				15
6306 91 00		2		
6306 99 00		10		
6307 10 10			15	
6307 10 30				15
6307 10 90				15

CN code ⁽¹⁾	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)	CN code ⁽¹⁾	Tariff rates 1996 (%)	Tariff rates of Decree 1 (%)	Tariff rates of Decree 2 (%)	Tariff rates of Decree 3 (%)
6307 20 00				15	6309 00 00				15
6307 90 10				15	6310 10 10		1		
6307 90 91				15	6310 10 30				2
6307 90 99				15	6310 10 90				2
6308 00 00				15	6310 90 00				2

⁽¹⁾ The product descriptions corresponding to the CN codes listed in this Appendix can be found in Annex I to Council Regulation (EEC) No 2658/87 (OJ L 256, 7.9.1987, p. 1), as last amended by Commission Regulation (EC) No 2204/1999 (OJ L 278, 28.10.1999, p. 1).

*Appendix 5***Exchange of notes**

The Directorate General for Trade of the European Commission presents its compliments to the Mission of Ukraine and has the honour to refer to the Agreement between the European Community and Ukraine on Trade in Textile Products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999.

The Directorate General for Trade wishes to inform the Mission of Ukraine that, whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the Agreement in the form of an Exchange of Letters, the European Community is prepared to allow the provisions of the Agreement to apply de facto from This is on the understanding that either Party may at any time terminate this de facto application of the Agreement in the form of an Exchange of Letters provided that four months notice is given.

The Directorate General for Trade would be grateful if the Mission of Ukraine would confirm its agreement to the foregoing.

B. Letter from the Government of Ukraine

Sir,

I have the honour to acknowledge receipt of your letter of ... which reads as follows:

1. I have the honour to refer to the negotiations held on 14 and 15 October 1999 between our respective Delegations with a view to renewing the Agreement between the European Community and Ukraine on trade in textile products including its annexes and agreed minutes ("the Agreement") initialled on 5 May 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 9 November 1995.
2. During these negotiations both Parties restated their long-term objective of enhancing textiles and clothing trade between their countries. For this purpose it was agreed that the Parties would negotiate during the year 2000 a longer-term agreement aiming at the full liberalisation of trade in textiles, in parallel with alignment of Ukrainian tariffs to the rates applied by the European Community.

Such agreement will aim at the elimination, upon its entry into force, of quantitative restrictions for product categories whose utilisation rates were below 2 % in 1999 (categories 1, 2, 2A, 3, 9, 12, 20, 23, 37, 67 and 115).

3. The Parties agreed to amend the following provisions of the Agreement:
 - 3.1. Annex I which sets out the products referred to in Article 1 of the Agreement shall be replaced by Annex I to EC Regulation 3030/93 (Appendix 1 to this letter gives further details).
 - 3.2. Annex II which sets out the quantitative restrictions for exports from Ukraine to the European Community shall be replaced by Appendix 2 to this letter. For the year 1999 there will be an increase of 60 % for quantitative limits for textile categories 6, 7, 15 and 16, and an increase of 50 % for categories 5, 26/27, 29 and 50. For the year 2000, the increase will be, subject to the conditions and procedures of paragraph 5 of this letter, 30 % for all textile categories over the effective 1999 levels, with the exception of categories 5, 6, 7, 15, 16, 26/27, 29 and 50, which will be increased by 50 % over the effective 1999 levels.
 - 3.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Ukraine to the European Community after OPT operations in the Republic of Ukraine shall be replaced by Appendix 3 to this letter.
 - 3.4. The second and third sentence of Article 20, paragraph 1, shall be replaced by the following text:

"It shall be applicable until 31 December 2000."
4. The Parties agreed that imports into Ukraine of the textiles products originating in the Community and listed in Appendix 4 shall not exceed the rates of import duties described in that Appendix (products covered by chapters 50 to 63 of the Harmonised System).
5. The Parties agreed that the balance of this Agreement, forming a package of mutual concessions, depends on the full and faithful implementation of all agreement terms. In order to monitor the implementation of the Agreement, both parties will hold consultations during the first quarter of 2000, in which the quantitative limits for the year 2000 as set out in Appendix 2 may also be reviewed in order to further facilitate the expansion of trade.

The increase of the levels of quantitative limits for the year 2000, as set out in Appendix 2, will be effected automatically upon confirmation that the tariff levels have been reduced to the levels established in Appendix 3. Ukraine undertakes to provide such confirmation by 31 March 2000.

The Parties also agreed that the volume of quantitative limits of year 2000 would be the same as those of 1999 until the moment when Ukraine applies the import tariff levels specified in Annex III.

6. In the case of non-application of these rates the Community will have the right to reintroduce for the year 2000 the levels for quantitative restrictions applicable for 1999 as specified in the Exchange of Letters initialled on 9 November 1995.

7. Should Ukraine become a Member to the World Trade Organisation before the date of expiry of the Agreement, this Agreement and its annexes will be applied and notified to the World Trade Organisation as an Administrative Arrangement, and its provisions will be applied within the framework of the Agreements and rules of the World Trade Organisation.
8. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally no later than 1 December 1999 on the conditions to be specified in an Exchange of Notes (see Appendix 5).'

I have the honour to confirm that my Government is in agreement with the content of your letter and the Appendices attached thereto.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Ukraine

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)

(Official Journal of the European Communities L 214 of 13 August 1999)

On page 33 the first paragraph of Article 2 should read as follows:

'The conditions laid down in Article 5 of Council Regulation (EC) No 1257/1999 must be fulfilled at the time when the individual decision to grant support is taken.'

On page 36, Article 21(c) should read as follows:

'(c) general costs, such as architects', engineers', and consultants' fees, feasibility studies, acquisition of patents and licences, in addition to expenditure as referred to in (a) and (b) and up to a ceiling of 12 % of that expenditure.;

and in Article 24 the introductory sentence should read as follows:

'Forests excluded from support under Article 29(3) of Council Regulation (EC) No 1257/1999 shall be:'.

On page 36 in Article 36, last two lines

for: 'Council Regulations (EC) No 1261/1999 ⁽¹⁾ and (EC) No 1262/1999 ⁽²⁾;',

read: 'Council Regulations (EC) No 1783/1999 ⁽¹⁾ and (EC) No 1784/1999 ⁽²⁾;',

and footnotes (1) and (2) should read:

⁽¹⁾ OJ L 213, 13.8.1999, p. 1.

⁽²⁾ OJ L 213, 13.8.1999, p. 5.'

NOTICE TO READERS

Subject: Monthly Indexes

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

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

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

We apologise for any inconvenience caused.