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## Legislation

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<sup>(1)</sup> Text with EEA relevance

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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.

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 332/2000**  
**of 14 February 2000**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 February 2000.

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

Done at Brussels, 14 February 2000.

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

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

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

## ANNEX

**to the Commission Regulation of 14 February 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code   | Third country code <sup>(1)</sup> | Standard import value |
|---|-----------------------------------|-----------------------|
| 0702 00 00  | 204                               | 50,5                  |
|   | 624                               | 183,5                 |
|   | 999                               | 117,0                 |
| 0707 00 05  | 052                               | 116,8                 |
|   | 628                               | 159,4                 |
|   | 999                               | 138,1                 |
| 0709 10 00  | 220                               | 217,7                 |
|   | 999                               | 217,7                 |
| 0709 90 70  | 052                               | 136,5                 |
|   | 204                               | 57,6                  |
|   | 628                               | 144,3                 |
| 0805 10 10, 0805 10 30, 0805 10 50                | 999                               | 112,8                 |
|   | 052                               | 38,7                  |
|   | 204                               | 40,1                  |
|   | 212                               | 40,9                  |
| 0805 20 10  | 624                               | 61,8                  |
|   | 999                               | 45,4                  |
|   | 052                               | 53,6                  |
|   | 204                               | 65,0                  |
| 0805 20 30, 0805 20 50,<br>0805 20 70, 0805 20 90 | 999                               | 59,3                  |
|   | 052                               | 65,8                  |
|   | 204                               | 66,7                  |
|   | 464                               | 143,4                 |
|   | 600                               | 93,4                  |
|   | 624                               | 71,7                  |
| 0805 30 10  | 999                               | 88,2                  |
|   | 052                               | 63,9                  |
|   | 600                               | 70,1                  |
| 0808 10 20, 0808 10 50, 0808 10 90                | 999                               | 67,0                  |
|   | 060                               | 48,4                  |
|   | 400                               | 90,6                  |
|   | 404                               | 79,4                  |
|   | 720                               | 76,2                  |
|   | 728                               | 76,8                  |
|   | 999                               | 74,3                  |
| 0808 20 50  | 388                               | 90,5                  |
|   | 400                               | 95,3                  |
|   | 528                               | 108,9                 |
|   | 720                               | 53,6                  |
|   | 999                               | 87,1                  |

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

**COMMISSION REGULATION (EC) No 333/2000**  
**of 14 February 2000**  
**on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security <sup>(1)</sup>, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

under Council Regulation (EC) No 1292/96 as Community food aid <sup>(2)</sup>. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in the tender is deemed unwritten.

*Article 2*

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

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

Done at Brussels, 14 February 2000.

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

<sup>(1)</sup> OJ L 166, 5.7.1996, p. 1.

<sup>(2)</sup> OJ L 346, 17.12.1997, p. 23.

## ANNEX

## LOT A

1. **Action No:** 52/99
2. **Beneficiary** <sup>(2)</sup>: North Korea
3. **Beneficiary's representative:** Flood Damage Rehabilitation Committee, PO Box No 44, Pyongyang, Democratic People's Republic of Korea. Contact: Ri Si Hong, Director. Tel. (850-2) 382 70 00; fax 381 46 60; telex 5350KP/5351KP
4. **Country of destination:** North Korea
5. **Product to be mobilised:** Common wheat
6. **Total quantity (tonnes net):** 20 000
7. **Number of lots:** 1 in 2 parts (A1: 14 000 tonnes; A2: 6 000 tonnes)
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(5)</sup>: See OJ C 114, 29.4.1991, p. 1 (II.A.1(a))
9. **Packaging** <sup>(7)</sup> <sup>(10)</sup>: See OJ C 267, 13.9.1996, p. 1 (1.0 A.1.c, 2.c and B.3)
10. **Labelling or marking** <sup>(6)</sup> <sup>(8)</sup>: See OJ C 114, 29.4.1991, p. 1 (II.A.(3))
  - language to be used for the markings: English and Korean
  - Supplementary markings: 'For free distribution'
11. **Method of mobilisation of the product:** The Community market
12. **Specified delivery stage:** Free at port of shipment — fob stowed and trimmed <sup>(11)</sup>
13. **Alternative delivery stage:** Free at port of shipment — fob stowed and trimmed
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** A1: Nampo; A2: Haeju
16. **Place of destination:** —
  - port or warehouse of transit: —
  - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
  - first deadline: 21.5.2000
  - second deadline: 4.6.2000
18. **Period or deadline of supply at the alternative stage:**
  - first deadline: 13 to 26.3.2000
  - second deadline: 27.3 to 9.4.2000
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
  - first deadline: 29.2.2000
  - second deadline: 14.3.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn M. T. Vestergaard, bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel, Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** <sup>(4)</sup>: Refund applicable on 25.2.2000 fixed by Commission Regulation (EC) No 237/2000 (OJ L 24, 29.1.2000, p. 43)

## LOT B

1. **Action No:** 51/99
2. **Beneficiary** <sup>(2)</sup>: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma  
Tel. (39 06) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** Common wheat
6. **Total quantity (tonnes net):** 30 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(5)</sup>: See OJ C 114, 29.4.1991, p. 1 (II.A.(1)(a))
9. **Packaging:** See OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.2)
10. **Labelling or marking** <sup>(6)</sup>: See OJ C 114, 29.4.1991, p. 1 (II.A.(3))  
— language to be used for the markings: English  
— supplementary markings: —
11. **Method of mobilisation of the product:** The Community market
12. **Specified delivery stage:** Free at port of shipment — fob stowed and trimmed <sup>(1)</sup>
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —  
— port or warehouse of transit: —  
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**  
— first deadline: 13.3 to 2.4.2000  
— second deadline: 27.3 to 16.4.2000
18. **Period or deadline of supply at the alternative stage:**  
— first deadline: —  
— second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**  
— first deadline: 29.2.2000  
— second deadline: 14.3.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn M T. Vestergaard, bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel, Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** <sup>(4)</sup>: Refund applicable on 25.2.2000 fixed by Commission Regulation (EC) No 237/2000 (OJ L 24, 29.1.2000, p. 43)

## LOT C

1. **Action No:** 50/99
2. **Beneficiary** <sup>(2)</sup>: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma  
Tel. (39-06) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** To be designated by the recipient
4. **Country of destination:** Angola
5. **Product to be mobilised:** Maize
6. **Total quantity (tonnes net):** 15 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(5)</sup>: See OJ C 114, 29.4.1991, p. 1 (II.A.(1)(d))
9. **Packaging:** See OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.2)
10. **Labelling or marking** <sup>(6)</sup>: See OJ C 114, 29.4.1991, p. 1 (II.A.(3))  
— language to be used for the markings: Portuguese  
— supplementary markings: —
11. **Method of mobilisation of the product:** The Community market
12. **Specified delivery stage:** Free at port of shipment — fob stowed and trimmed <sup>(1)</sup>
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —  
— port or warehouse of transit: —  
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**  
— first deadline: 13.3 to 2.4.2000  
— second deadline: 27.3 to 16.4.2000
18. **Period or deadline of supply at the alternative stage:**  
— first deadline: —  
— second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**  
— first deadline: 29.2.2000  
— second deadline: 14.3.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn M. T. Vestergaard, bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussels, Telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** <sup>(4)</sup>: Refund applicable on 25.2.2000, fixed by Commission Regulation (EC) No 237/2000 (OJ L 24, 29.1.2000, p. 43)

## Notes:

- (1) Supplementary information: André Debongnie (tel. (32-2) 295 14 65),  
Torben Vestergaard (tel. (32-2) 299 30 50).
- (2) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (3) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (4) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39) is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex. The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (5) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:  
— phytosanitary certificate.
- (6) Notwithstanding OJ C 114, point II.A (3) (c) is replaced by the following: 'the words "European Community"'.  
(7) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.  
(8) The marking in Korea must be made as follows on the reverse side of the packaging:

European Community:

구 주 공 동 체

Common wheat:

밀  
리

For free distribution:

무 상 배 급 용

- (9) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).
- (10) Bagging must be carried out at the port of landing.
- (11) The quantity and quality control will be carried out for every 2 500 tonnes.



**COMMISSION REGULATION (EC) No 334/2000**  
**of 14 February 2000**  
**amending Regulation (EC) No 1547/1999 as regards the control procedures to apply to shipments**  
**of certain types of waste to Malaysia**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 259/93 of 1 February 1993 on supervision and control of shipments of waste within, into and out of the European Community <sup>(1)</sup>, as last amended by Commission Decision 1999/816/EC <sup>(2)</sup>, and in particular Article 17(3) thereof,

Whereas:

- (1) Malaysia made an official request on 12 November 1999 to import all categories of waste listed in Annex II to Regulation (EEC) No 259/93 either without any control procedures or under the control procedure applying to waste listed in Annex III to that Regulation.
- (2) In accordance with Article 17(3) of Regulation (EEC) No 259/93, that official request was notified on 17 November 1999 to the committee established pursuant to Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(3)</sup>, as last amended by Commission Decision 96/350/EC <sup>(4)</sup>.
- (3) In order to take account of Malaysia's new position, Commission Regulation (EC) No 1547/1999 of 12 July 1999 determining the control procedures under Council Regulation (EEC) No 259/93 to apply to shipments of certain types of waste to certain countries to which OECD Decision C(92)39 final does not apply <sup>(5)</sup> should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1547/1999 is amended as follows:

1. In Annex A, between the text relating to Macau and that relating to Poland, the following text is inserted:

‘MALAYSIA

1. In section GA (Metal and metal-alloy wastes in metallic, non-dispersible form):

GA 150                      7802 00                      Waste and scrap of lead

GA 240                      ex 8107 10                      Waste and scrap of cadmium.

2. In section GG (Other, wastes containing principally inorganic constituents, which may contain metals and organic material).

GG 010    Partially refined calcium sulphate produced from flue gas desulphurisation

GG 020    Waste gypsum wallboard or plasterboard arising from the demolition of buildings

<sup>(1)</sup> OJ L 30, 6.2.1993, p. 1.

<sup>(2)</sup> OJ L 316, 10.12.1999, p. 45.

<sup>(3)</sup> OJ L 194, 25.7.1975, p. 39.

<sup>(4)</sup> OJ L 135, 6.6.1996, p. 32.

<sup>(5)</sup> OJ L 185, 17.7.1999, p. 1.

|        |            |  |
|--------|------------|--|
| GG 030 | ex 2621    | Bottom ash and slag tap from coal-fired power plants                         |
| GG 040 | ex 2621    | Fly ash from coal-fired power plants   |
| GG 100 |            | Limestone from the production of calcium cyanamide (having a pH less than 9) |
| GG 110 | ex 2621 00 | Neutralised red mud from alumina production                                  |
| GG 140 |            | Broken concrete.   |

3. All types included in section GH (Solid plastic waste).
4. All types included in section GJ (Textile wastes).
5. All types included in section GK (Rubber waste).
6. All types included in section GM (Waste arising from agro-food industries).
7. All types included in section GN (Wastes arising from tanning and fellmongery operations and leather use).
8. In section GO (Other wastes containing principally organic constituents, which may contain metals and inorganic materials):

|        |            |  |
|--------|------------|--|
| GO 010 | ex 0501 00 | Waste of human hair  |
| GO 020 |            | Waste straw  |
| GO 030 |            | Deactivated fungus mycelium from penicillin production to be used as animal feed |
| GO 050 |            | Single-use cameras without batteries.'   |

2. In Annex B, the text relating to Malaysia is deleted.
3. In Annex D, the text relating to Malaysia is replaced by the following:

'MALAYSIA  
All types in Annex II except those listed in Annex A.'

#### Article 2

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

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

Done at Brussels, 14 February 2000.

For the Commission  
Pascal LAMY  
Member of the Commission

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**COMMISSION REGULATION (EC) No 335/2000**  
**of 14 February 2000**  
**on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 298/2000 <sup>(2)</sup>, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 67/2000 <sup>(3)</sup> sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued.
- (2) Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued.
- (3) The Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were issued without restriction for shelled almonds in

response to applications submitted since 11 February 2000; therefore, one percentage should be fixed for the issuing of licences for quantities applied for on 11 February 2000 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

*Article 1*

A1 export licences for shelled almonds for which applications were submitted on 11 February 2000 pursuant to Article 1 of Regulation (EC) No 67/2000 shall be issued for 81,5 % of the quantities applied for.

Applications for A1 export licences submitted after 11 February 2000 and before 10 March 2000 for this product shall be rejected.

*Article 2*

This Regulation shall enter into force on 15 February 2000.

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

Done at Brussels, 14 February 2000.

*For the Commission*  
Margot WALLSTRÖM  
*Member of the Commission*

<sup>(1)</sup> OJ L 292, 15.11.1996, p. 12.

<sup>(2)</sup> OJ L 34, 9.2.2000, p. 16.

<sup>(3)</sup> OJ L 9, 13.1.2000, p. 11.

**COMMISSION REGULATION (EC) No 336/2000**  
**of 14 February 2000**  
**on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 298/2000 <sup>(2)</sup>, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2782/1999 <sup>(3)</sup>, amended by Regulation (EC) No 41/2000 <sup>(4)</sup>, fixes the indicative quantities for system B export licences for apples other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for apples for destination groups FO2, FO3 and FO4 will shortly be exceeded. This overrun will prejudice the proper

working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for apples for destination groups FO2, FO3 and FO4 exported after 14 February 2000 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for apples for destination groups FO2, FO3 and FO4 submitted pursuant to Article 1 of Regulation (EC) No 2782/1999, export declarations for which are accepted after 14 February 2000 and before 17 March 2000, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 15 February 2000.

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

Done at Brussels, 14 February 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 292, 15.11.1996, p. 12.

<sup>(2)</sup> OJ L 34, 9.2.2000, p. 16.

<sup>(3)</sup> OJ L 334, 28.12.1999, p. 26.

<sup>(4)</sup> OJ L 5, 8.1.2000, p. 43.

II

*(Acts whose publication is not obligatory)*

COMMISSION

**THE EUROPEAN ANTI-FRAUD OFFICE (OLAF)**

**RULES OF PROCEDURE OF THE OLAF SUPERVISORY COMMITTEE**

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THE SUPERVISORY COMMITTEE,

having regard to Article 11(6) of Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) <sup>(1)</sup>,

HEREBY ADOPTS THE FOLLOWING RULES OF PROCEDURE:

## TITLE I

### ROLE AND RESPONSIBILITIES OF THE OLAF SUPERVISORY COMMITTEE

#### Article 1

##### Tasks

1. The Supervisory Committee of the European Anti-Fraud Office, hereinafter referred to as 'OLAF', shall have the task of reinforcing the independence of the Office in relation to any government, institution, body or agency.
2. To that end, the Supervisory Committee shall regularly monitor the Office's investigative role and reinforce the independence of the Director in the exercise of the powers conferred on him by Regulation (EC) No 1073/1999.

#### Article 2

##### Compliance with the law

The Committee shall ensure that OLAF activities are conducted in full compliance with human rights and fundamental freedoms and in accordance with the Treaties and with secondary legislation, including the Protocol on the Privileges and Immunities of the European Communities and the Staff Regulations of officials.

#### Article 3

##### Procedures

1. Investigative activity shall be monitored in accordance with the following procedures:
  - (a) the Committee shall examine the information on investigative activity supplied on a regular basis by the Director of OLAF;
  - (b) the Committee shall have access to all documents and files held by and data stored by OLAF;
  - (c) the Committee may make use of inspections, expert reports, or studies;
  - (d) the Committee may hear representatives of institutions, bodies, or agencies pursuant to Article 7 of Regulation (EC) No 1073/1999.

It shall refrain from interfering with the conduct of investigations in progress.

2. The Committee shall issue opinions to the Director at his request or on its own initiative. Opinions shall be delivered subject to the conditions set out in Articles 21 to 24 of these Rules of Procedure, without prejudice to any other provisions that might apply.

3. The Committee shall supervise implementation of Article 8 of Regulation (EC) No 1073/1999 and Articles 286 and 287 of the EC Treaty relating to confidentiality and data protection, in particular by regularly reviewing the procedures employed by the Office for that purpose, and include implementation of the above provisions among the criteria forming the basis for its monitoring of investigative activity.

#### Article 4

##### Means of action

1. To enable it to perform its role, the powers conferred on the Supervisory Committee shall be those laid down in Regulation (EC) No 1073/1999.
2. The Committee may report to the European Parliament, the Council, the Commission, and, in so far as is appropriate in the light of its powers, the Court of Auditors on the findings of and action taken on investigations carried out by the Office. Where it thinks fit, it may likewise submit comments to those institutions on the operation of the Office.
3. The Committee shall submit at least one progress report a year to the above institutions.
4. The Committee shall act upon requests for advice and deliver opinions as provided for in Regulation (EC) No 1073/1999 when a matter has been referred to it by the proper authority.
5. The Committee shall have its own budget, which shall be covered by the OLAF budget.

## TITLE II

### MEMBERSHIP AND OPERATION OF THE SUPERVISORY COMMITTEE

#### Article 5

##### Status of the Supervisory Committee

1. The Supervisory Committee shall consist of five independent persons not holding a Community post or office appointed by common accord of the European Parliament, the Council, and the Commission on the basis of their expertise and all necessary guarantees as to their independence.
2. Members of the Supervisory Committee shall perform their role in complete independence. They shall neither seek nor take

instructions from any government or from any institution, body, or agency.

#### Article 6

##### Term of office of Supervisory Committee members

1. Members shall serve for a three-year term of office and may be reappointed for one further term.
2. On expiry of their term, Committee members shall remain in office until they have been reappointed or replaced.

<sup>(1)</sup> OJ L 136, 31.5.1999, p. 1.

3. When a member is prevented for any reason from serving on the Committee, he shall inform the Committee chairman.

4. If a member resigns his seat, he shall inform the Committee of his decision.

#### Article 7

##### **Ethics**

1. Members shall inform the Committee of any circumstance likely to undermine the principle of independence of their office as set out in Article 5 above.

2. Members shall refrain from seeking or accepting any office or responsibility, particularly from the European institutions, which might create a conflict of interests.

3. When commenting in public, orally or in writing, on the activities of the Committee and OLAF, members shall do so in keeping with their collective responsibility.

4. Members shall be bound by the obligation to respect professional secrecy laid down in Article 287 of the EC Treaty. Where information comes to their knowledge while carrying out their duties, they shall treat it as confidential. They shall remain subject to that obligation after leaving office.

#### Article 8

##### **Disciplinary procedure applicable to Supervisory Committee members**

Any member of the Supervisory Committee who has infringed an obligation referred to in Article 7 above may be suspended by a decision carried by a majority of the votes cast in a secret ballot. The member concerned shall be heard before the decision is taken but shall not take part in the discussion. The Committee chairman shall inform the European Parliament, the Council, and the Commission of the decision.

#### Article 9

##### **Legal protection**

When carrying out their duties, members of the Supervisory Committee shall enjoy the legal protection of the Community as provided for in Article 288 of the EC Treaty.

#### Article 10

##### **Chairmanship**

1. The Committee shall elect a chairman from among its members by majority vote.

2. The chairman shall be elected for a term of one year and may be re-elected. The election shall be held at the last meeting chaired by the outgoing chairman.

3. Where the chairman is prevented for any reason from performing his duties over a long period, he shall inform the members of his situation. In that event, a new chairman shall be elected by the procedure set out in paragraph 1 above.

#### Article 11

##### **Powers of the chairman**

1. The chairman shall represent the Committee and chair its meetings. He shall ensure that its proceedings are properly conducted. He shall convene Committee meetings and determine where, on what date, and at what time they shall take place. He shall draw up the draft agenda and implement OLAF Supervisory Committee decisions.

2. Where he is temporarily unable to perform his duties, the chairman may request a Committee member to deputise for him.

3. If the chairman is absent and the procedure referred to in paragraph 2 above has not been employed, the office of chairman shall be exercised by the oldest member.

4. The chairman shall be responsible for the secretariat attached to the Supervisory Committee.

5. The chairman shall have full power to send or reply to letters concerning Supervisory Committee activities. He shall inform Committee members of the letters which he has received or to which he has replied. He shall determine which matters should be referred to the members for discussion.

6. The chairman or a majority of the members may request the Director of OLAF or his representative to attend meetings. Any representative of institutions, bodies, or agencies established by the Communities, Member States, or associated States may be invited to attend the proceedings when the Committee deals with specific agenda items.

#### Article 12

##### **Meetings**

1. The OLAF Supervisory Committee shall exercise its powers when meeting in a body. It shall meet at least ten times a year. The Supervisory Committee shall have a quorum only if the majority of its members, namely three, are present. It shall also meet on the initiative of the chairman and whenever a majority of the members have submitted a reasoned written request or made an oral request at an earlier meeting. The Director of OLAF shall be entitled to propose to the chairman that items be placed on the agenda or the Supervisory Committee convened. His proposals shall be supported by any document appropriate for that purpose.

2. Other than in cases which the chairman considers urgent, notices of meetings shall be sent in sufficient time to reach the recipients at least one week before the meeting in question. The notice shall include the draft agenda and the documents required for the meeting, unless the nature of the documents is such that they cannot be attached. The final agenda shall be adopted at the beginning of each meeting.

3. Any member may request the chairman to place items or specific matters on the draft agenda or add such items thereto.



*Article 13***Voting procedure**

1. Decisions shall be taken by a simple majority on a proposal from the chairman. If a member is absent and the vote is tied, or if it should prove impossible to secure a majority within the Committee, the chairman shall have a casting vote.
2. On a proposal from a member, a vote may be taken by secret ballot.

*Article 14***Working methods**

1. Meetings of the Supervisory Committee shall not be held in public. Its proceedings, and documents of any description giving rise to those proceedings, shall be confidential, unless the Supervisory Committee decides otherwise.
2. Documents and information submitted by the Director of OLAF shall be subject to the provisions of Article 287 of the EC Treaty on the protection of confidentiality.
3. The Supervisory Committee shall act on the basis of documents and draft opinions, reports, or decisions.
4. Documents and draft opinions, reports, or decisions shall be drawn up in at least two of the three working languages adopted by the Committee. Where necessary, a member may request that any document be translated into his own language.
5. Opinions, reports, and decisions shall be adopted at meetings of the Supervisory Committee as a whole.
6. However, by way of exception to that principle, certain decisions may be taken by a written procedure if the Committee has approved the use of such a procedure at an earlier meeting. In urgent cases, the chairman shall be empowered to initiate a written procedure to consult the members. In either of the above cases, he shall forward a draft decision to the Committee members. If the members raise no objections to the draft decision within a time-limit to be specified by the chairman, namely five working days following receipt of the proposal, the proposal shall be deemed to have been adopted. If, within five working days of receipt of the draft decision, a member requests that it be discussed by the Supervisory Committee, the written consultation procedure shall be suspended.

*Article 15***Minutes**

1. Minutes shall be taken of every Supervisory Committee meeting.
2. The draft minutes shall be drawn up by the secretariat under the supervision of the chairman and submitted to the members of the Supervisory Committee with a view to their approval at its next meeting.
3. Any member may propose at the time of approval that the minutes be altered. Members may likewise request that any documents deemed useful be attached to the minutes.

*Article 16***Progress report**

1. In accordance with Article 4(3) the Supervisory Committee shall adopt at least one progress report a year and send it to the institutions. The progress report shall cover the activities pursued in the exercise of the Committee's powers and contain an assessment of OLAF activities.
2. The progress report shall be submitted to the Committee by one or more rapporteurs.
3. The report may include an annex listing the opinions delivered by the Supervisory Committee.
4. The Supervisory Committee shall publish its progress report in the *Official Journal of the European Communities* after sending it to the European Parliament, the Council, and the Commission.

*Article 17***Rapporteurs**

1. To prepare for its discussions or proceedings, the Committee, on a proposal from the chairman, may appoint one or more rapporteurs from among its members.
2. If the matter to be dealt with is urgent, the chairman may make the appointment on his own initiative. In that event, he shall inform the Committee members forthwith.
3. The rapporteur shall consider the matter entrusted to his responsibility and submit a draft report to the Committee. Where necessary, he shall be assisted by the Supervisory Committee secretariat.

*Article 18***Inspections, studies, and expert reports**

1. When exercising its powers and responsibilities, the Supervisory Committee may conduct any inspection or commission any study, research, or expert report.
2. The Supervisory Committee may appoint one or more members to conduct such inspections, studies, or research. If the Committee or the appointed member considers it appropriate, the member may be assisted by officials or other servants of OLAF or Community institutions, bodies, or agencies.
3. Where the chairman believes a matter to be urgent, he may appoint the necessary members and experts on his own initiative. In that event, he shall inform the members of the Supervisory Committee without delay.
4. Members of the Supervisory Committee instructed to conduct inspections, studies, or research shall report to the Committee on the outcome of their work.

*Article 19***Secretariat**

1. The Supervisory Committee shall be provided with a secretariat to assist it in the performance of its duties. The secretariat shall be a permanent body, the staff of which shall be appointed by the Director of OLAF on a proposal from the chairman of the Supervisory Committee.

2. Secretariat staff shall be placed under the authority of the chairman of the Supervisory Committee and refrain from taking instructions from any other authority. Secretariat staff shall refrain from engaging in any other activity without the permission of the Supervisory Committee chairman.

3. Where information comes to their knowledge, secretariat staff shall be required to treat it as confidential. They shall remain bound by that obligation after leaving the service. If a member of the secretariat has infringed the obligation to respect confidentiality, the chairman of the Supervisory Committee shall request the Director of OLAF to institute disciplinary proceedings in accordance with the conditions set out in the Staff Regulations of officials.

4. The seat of the secretariat shall be determined by decision of the chairman of the Supervisory Committee.

5. The secretariat shall seek to ensure that the tasks entrusted to the Supervisory Committee are duly accomplished. It shall accordingly assist the chairman in the preparations for and the conduct of meetings. It shall draw up draft minutes of meetings. It shall supply Committee members with information and documents relating to every sphere of their activities. It shall assist members, especially when they act as rapporteurs, and, under the authority of the chairman, help to draft texts.

6. The head of the secretariat shall be responsible for assigning duties within the secretariat and for signing staff travel orders.

7. Expenditure to be incurred by the Committee shall be committed by the head of the secretariat, who shall be sub-delegated for that purpose.

### TITLE III

#### RELATIONS BETWEEN THE COMMITTEE AND THE DIRECTOR OF OLAF

##### *Article 20*

##### **Opinion procedure for appointment of the Director**

1. The candidates' files sent to the Commission following the call for applications referred to in Article 12(2) of Regulation (EC) No 1073/1999 shall all be forwarded as quickly as possible to the chairman of the Supervisory Committee.

2. The files received shall be made available to the five members of the Committee.

3. The Supervisory Committee shall adopt a draft list of suitably qualified candidates likely to be endorsed in a favourable opinion.

4. The opinion shall include an explanatory statement, which may specify the criteria used by the Committee to assess the qualifications required. The draft list shall be put to the vote.

5. After the procedure has been completed, the chairman shall draw up a list of suitably qualified candidates endorsed by the Supervisory Committee.

6. If no candidate has been endorsed or if, on a proposal from a member, the Supervisory Committee so decides, the chairman shall inform the Commission that the Committee has voted to reject the list put forward.

7. The opinion drawn up on the above basis shall be sent to the Commission to be forwarded to Parliament and the Council.

##### *Article 21*

##### **Attendance of the Director of OLAF at Committee proceedings**

1. Without prejudice to Article 11(1) above, the Director of OLAF may be invited to attend proceedings relating to his activities. Items specifically concerning him shall be identified in the draft agendas for Supervisory Committee meetings, which must be sent to him.

2. If he is unable to attend, the Director of OLAF may be authorised at his request to appoint a member of his staff to deputise for him.

##### *Article 22*

##### **Action to be taken on information supplied by the Director of OLAF**

1. In its progress report the Supervisory Committee shall review implementation of the OLAF work programme.

2. At each of its meetings the Committee shall consider the reports and information supplied by the Director of OLAF. It shall carry out any checks that it deems necessary in order to exercise its supervision after obtaining the requisite information from the Director.

3. Where an investigation has been in progress for more than nine months, the Committee shall consider why the investigation has proved impossible to conclude and what time might be needed to complete it.

4. The Committee shall consider the cases in which an institution, body, or agency has failed to act on recommendations made by the Director of the Office, referring for that purpose to a copy of the Director's comments. It shall also consider situations in which the work of OLAF investigators has been obstructed, delayed, or prevented. Where necessary, it shall send a reasoned opinion to the Director of OLAF or the institution, body, or agency concerned.

5. Where a case has to be passed on to the judicial authorities of a Member State, it shall be considered in the light of information supplied by the Director of OLAF before any information is communicated to the above authorities. Such cases shall be kept under review, also on the basis of information supplied by the Director.

6. Where the Director of OLAF receives a complaint from an official or servant of the Communities in connection with the judicial review of the Office's actions pursuant to Article 14 of Regulation (EC) No 1073/1999, he shall inform the Committee thereof.

7. The Committee shall consider proposals from the Director of OLAF for the preparation of the Commission's legislative and regulatory initiatives designed to improve fraud prevention or protection of the Communities' financial interests.

*Article 23*

**Independence of and disciplinary procedure applicable to the Director of OLAF**

1. The Director of OLAF shall inform the Committee of any measure, instruction, threat, or promise likely to cast doubt on his independence. Acting on its own initiative or on the initiative of the Director, the Supervisory Committee shall deliver an opinion on the matter referred to it.

2. Should the Director of OLAF be subject to or under threat of any form of disciplinary action instituted by the Commis-

sion, he shall supply all relevant information to the Supervisory Committee.

3. The Supervisory Committee shall deliver an opinion when it is consulted by the Commission pursuant to Article 12(4) of Regulation (EC) No 1073/1999.

*Article 24*

**Confidentiality and processing of personal data**

1. The Committee shall monitor the application of the provisions of Article 8 of Regulation (EC) No 1073/1999.

2. Acting on its own initiative or on the initiative of the Director, the Supervisory Committee may decide to deliver an opinion.

TITLE IV

**BUDGETARY PROVISIONS**

*Article 25*

**Budget**

1. The Committee shall deliver an opinion on the preliminary draft budget submitted by the Director of OLAF and addressed to the Commission Directorate-General for Budgets.

2. The Director of OLAF shall present to the Committee a regular report on the implementation of the budget.

3. The secretariat shall draw up annual budget proposals for the operating purposes of the Supervisory Committee. The proposals shall be forwarded to the Director of OLAF after they have been approved by the Supervisory Committee. The Supervisory Committee budget shall be entered as a separate section in the OLAF budget.

4. The costs incurred by the Supervisory Committee to enable it properly to perform its duties shall be charged to the Committee budget in accordance with rules that the Committee shall lay down. Expenditure shall be effected under the terms of the subdelegation provided for in Article 19(7), in accordance with the Financial Regulation.

TITLE V

**TRANSITIONAL AND FINAL PROVISIONS**

*Article 26*

**Review and amendment of the Rules of Procedure**

1. These Rules of Procedure shall be reviewed by the Supervisory Committee within two years of their entry into force.

2. Any member of the Committee may propose amendments at any time and submit them in writing to the Committee chairman. Amendments shall be put to the vote at the first meeting following their submission, in accordance with the voting procedure set out in Article 13 above.

*Article 27*

**Entry into force, progress report and publication of the Rules of Procedure**

1. These Rules of Procedure shall enter into force on the day following their adoption by the Supervisory Committee.

2. The Committee's progress report on OLAF's activities referred to in Article 15 of Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 shall be placed on the agenda of the first meeting in January 2002.
3. After they have been adopted, the Rules of Procedure shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 17 November 1999.

*For the OLAF Supervisory Committee,*

*The Chairman*

Mireille DELMAS-MARTY

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**CORRIGENDA****Corrigendum to Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft**

*(Official Journal of the European Communities L 164 of 30 June 1994)*

On page 16, in Chapter 1, Article 1(3)(h):

*for:* '... Directive 82/716/EEC of 4 October 1982 ...',

*read:* '... Council Directive 82/714/EEC of 4 October 1982 ...'.

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