

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 637/2000**  
**of 27 March 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 28 March 2000.

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

Done at Brussels, 27 March 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 27 March 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	125,5
	999	125,5
0707 00 05	052	109,0
	068	130,6
	628	146,6
	999	128,7
0709 90 70	052	110,2
	204	53,0
	628	113,7
	999	92,3
0805 10 10, 0805 10 30, 0805 10 50	052	67,1
	204	37,0
	212	47,6
	220	28,2
	624	57,2
	999	47,4
	0805 30 10	052
0808 10 20, 0808 10 50, 0808 10 90	220	71,3
	600	84,1
	999	63,0
	039	90,1
	388	98,1
	400	78,1
	404	81,5
	508	82,2
	512	77,5
	528	92,9
	720	78,5
0808 20 50	999	84,9
	388	62,5
	512	66,8
	528	73,2
	720	71,3
	999	68,5

<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 638/2000**  
**of 27 March 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 his 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, 27 March 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:** 722/97
2. **Beneficiary** <sup>(2)</sup>: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Nicaragua
5. **Product to be mobilised:** milled rice (product code 1006 30 96 9900, 1006 30 98 9900)
6. **Total quantity (tonnes net):** 757,5
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)(f))
9. **Packaging** <sup>(7)</sup> <sup>(8)</sup>: see OJ C 267, 13.9.1996, p. 1 (1.0, A (1.c and 2.c) and B(6))
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: Spanish
  - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment
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: 1-21.5.2000
  - second deadline: 15.5-4.6.2000
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: 11.4.2000
  - second deadline: 25.4.2000
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. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi 200, B-1049 Bruxelles tlx 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** <sup>(4)</sup>: refund applicable on 31.3.2000, fixed by Commission Regulation (EC) No 439/2000 (OJ L 54, 26.2.2000, p. 25)

## Notes

- (<sup>1</sup>) Supplementary information: André Debongnie (tel. (32-2) 295 14 65), Torben Vestergaard (tel. (32-2) 299 30 50).
- (<sup>2</sup>) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product 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.
- (<sup>4</sup>) 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 indicated 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.
- (<sup>5</sup>) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:  
— phytosanitary certificate.
- (<sup>6</sup>) Notwithstanding OJ C 114, 29.4.1991, point II.A(3)(c) is replaced by the following: 'the words "European Community"'.  
(<sup>7</sup>) 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'.  
(<sup>8</sup>) Shipment to take place in 20-foot containers, condition FCL/FCL.

The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (ONESEAL, SYSKO Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.

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**COMMISSION REGULATION (EC) No 639/2000**  
**of 27 March 2000**  
**on the sale by tender of beef held by certain intervention agencies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, and in particular Article 28(2) thereof,

Whereas:

- (1) The application of intervention measures in respect of beef has created stocks in several Member States. In order to prevent an excessive prolongation of storage, part of these stocks should be sold by tender.
- (2) The sale should be made subject to the rules laid down by Commission Regulation (EEC) No 2173/79 <sup>(2)</sup>, as last amended by Regulation (EC) No 2417/95 <sup>(3)</sup>, subject to certain special exceptions which are necessary.
- (3) With a view to ensuring a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Article 8(1) of Regulation (EEC) No 2173/79.
- (4) Provision should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79, in view of the administrative difficulties which application of that provision creates in the Member States concerned.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The sale shall take place of:
  - approximately 278 tonnes of bone-in beef held by the Portuguese intervention agency,
  - approximately 0,3 tonnes of bone-in beef held by the Italian intervention agency,
  - approximately 660 tonnes of boneless beef held by the United Kingdom intervention agency.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 251, 5.10.1979, p. 12.

<sup>(3)</sup> OJ L 248, 14.10.1995, p. 39.

Detailed information concerning quantities is given in Annex I.

2. Subject to the provisions of this Regulation the products referred to in paragraph 1 shall be sold in accordance with Regulation (EEC) No 2173/79, in particular Titles II and III thereof.

*Article 2*

1. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, the provisions of and Annexes to this Regulation shall serve as a general notice of invitations to tender.

The intervention agencies concerned shall draw up a notice of invitation to tender which shall include the following:

- (a) the quantities of beef offered for sale; and
- (b) the deadline and place for submitting tenders.

2. Interested parties may obtain the details of the quantities available and the places where the products are stored from the addresses listed in Annex II to this Regulation. The intervention agencies shall, in addition, display the notice referred to in paragraph 1 at their head offices and may publish it in other ways.

3. For each product mentioned in Annex I the intervention agencies concerned shall sell first the meat which has been stored the longest.

4. Only tenders which reach the intervention agencies concerned by 12 noon on 10 April 2000 shall be considered.

5. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 4.

6. Notwithstanding Article 8(2)(b) of Regulation (EEC) No 2173/79, tenders shall not indicate in which cold store or stores the products are held.

7. Notwithstanding Article 18(1) of Regulation (EEC) No 2173/79 the time limit for taking over meat sold pursuant to this Regulation shall be three months from the day of the notification referred to in Article 11 of the same Regulation.



*Article 3*

1. Member States shall provide the Commission with information concerning the tenders received not later than the working day following the deadline set for the submission of tenders.

2. After the tenders received have been examined a minimum selling price shall be set for each product or the sale will not proceed.

*Article 4*

The security provided for in Article 15(1) of Regulation (EEC) No 2173/79 shall be EUR 120/t.

*Article 5*

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, 27 March 2000.

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

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ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I —  
ANEXO I — LIITE I — BILAGA I

Estado miembro	Productos (1)	Cantidad aproximada (toneladas)
Medlemsstat	Produkter (1)	Tilnærmet mængde (tons)
Mitgliedstaat	Erzeugnisse (1)	Ungefähre Mengen (Tonnen)
Κράτος μέλος	Προϊόντα (1)	Κατά προσέγγιση ποσότητα (τόνοι)
Member State	Products (1)	Approximate quantity (tonnes)
État membre	Produits (1)	Quantité approximative (tonnes)
Stato membro	Prodotti (1)	Quantità approssimativa (tonnellate)
Lidstaat	Producten (1)	Hoeveelheid bij benadering (ton)
Estado-Membro	Produtos (1)	Quantidade aproximada (toneladas)
Jäsenvaltio	Tuotteet (1)	Arvioitu määrä (tonneina)
Medlemsstat	Produkter (1)	Ungefärlig kvantitet (ton)

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

PORTUGAL	— Quartos dianteiros	11
	— Quartos traseiros	267
ITALIA	— Quarti posteriori	0,3

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

UNITED KINGDOM	— Intervention fillet (INT 15)	20
	— Intervention striploin (INT 17)	25
	— Intervention rump (INT 16)	34
	— Intervention silverside (INT 14)	15
	— Intervention flank (INT 18)	8
	— Intervention forerib (INT 19)	39
	— Intervention shoulder (INT 22)	434
	— Intervention brisket (INT 23)	11
	— Intervention thick flank (INT 12)	20
	— Intervention forequarter (INT 24)	3
	— Intervention topside (INT 13)	9
	— Intervention shin (INT 21)	6
	— Intervention shank (INT 11)	36

- (<sup>1</sup>) Véanse los anexos V y VII del Reglamento (CEE) n.º 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n.º 2812/98 (DO L 349 de 24.12.1998, p. 47).
- (<sup>1</sup>) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24.12.1998, s. 47).
- (<sup>1</sup>) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24.12.1998, S. 47).
- (<sup>1</sup>) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24.12.1998, σ. 47).
- (<sup>1</sup>) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2812/98 (OJ L 349, 24.12.1998, p. 47).
- (<sup>1</sup>) Voir annexes V et VII du règlement (CEE) n.º 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n.º 2812/98 (JO L 349 du 24.12.1998, p. 47).
- (<sup>1</sup>) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4.9.1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24.12.1998, pag. 47).
- (<sup>1</sup>) Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24.12.1998, blz. 47).
- (<sup>1</sup>) Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24.12.1998, p. 47).
- (<sup>1</sup>) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2812/98 (EYVL L 349, 24.12.1998, s. 47) liitteet V ja VII.
- (<sup>1</sup>) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2812/98 (EGT L 349, 24.12.1998, s. 47).

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II  
— ANEXO II — LIITE II — BILAGA II

**Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρέμβασης — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

PORTUGAL

INGA — Instituto Nacional de Intervenção e Garantia Agrícola  
Rua Fernando Curado Ribeiro, n.º 4 — 6.º E  
P-1600 Lisboa  
Tel. 217 51 85 00; fax: 217 51 86 15

ITALIA

AGEA (Agenzia per le erogazioni in agricoltura)  
Via Palestro, 81  
I-00185 Roma  
Tel. 49 49 91; telex 61 30 03; fax 445 39 40/445 19 58

UNITED KINGDOM

Intervention Board Executive Agency  
PO Box 1AW  
Hampshire Court  
Newcastle-upon-Tyne NE99 1AW  
United Kingdom  
Tel. (44-191) 273 96 96; fax (44-191) 226 18 39

**COMMISSION REGULATION (EC) No 640/2000****of 27 March 2000****on fixing advance payments in respect of the production levies in the sugar sector for the 1999/2000 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, and in particular Article 33(8) thereof,

Whereas:

- (1) Article 5 of Commission Regulation (EEC) No 1143/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector <sup>(2)</sup>, as last amended by Regulation (EC) No 392/94 <sup>(3)</sup>, provides for the fixing before 1 April and the collection before the following 1 June, of the unit amounts to be paid by sugar producers, isoglucose producers and inulin syrup producers as advance payments of the production levies for the current marketing year. The estimate of the basic production levy and of the B levy, referred to in Article 6 of Regulation (EEC) No 1443/82, gives an amount which is more than 60 % of the maximum amounts indicated in Article 33(3), (4) and (5) of Regulation (EC) No 2038/1999. In accordance with Article 6 of Regulation (EEC) No 1443/82, the unit amounts for sugar and inulin syrup should therefore be fixed at 50 % of the maximum amounts concerned and for isoglucose the unit amount of the advance payment should therefore be fixed at 40 % of the unit amount of the basic production levy estimated for sugar.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit amounts referred to in Article 5(1)(b) of Regulation (EEC) No 1443/82 in respect of the 1999/2000 marketing year are hereby fixed as follows:

- (a) the advance payment of the basic production levy for A sugar and B sugar shall be EUR 0,632 per 100 kilograms of white sugar;
- (b) the advance payment of the B levy for B sugar shall be EUR 11,848 per 100 kilograms of white sugar;
- (c) the advance payment of the basic production levy for A isoglucose and B isoglucose shall be EUR 0,506 per 100 kilograms of dry matter;
- (d) the advance payment of the basic production levy for A inulin syrup and B inulin syrup shall be EUR 0,632 per 100 kilograms of dry matter equivalent sugar/isoglucose;
- (e) the advance payment of the B levy for B inulin syrup shall be EUR 11,848 per 100 kilograms of dry matter equivalent sugar/isoglucose.

*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, 27 March 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 252, 25.9.1999, p. 1.

<sup>(2)</sup> OJ L 158, 9.6.1982, p. 17.

<sup>(3)</sup> OJ L 53, 24.2.1994, p. 7.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 20 March 2000

**amending Decision 97/787/EC providing exceptional financial assistance for Armenia and Georgia in order to extend it to Tajikistan**

(2000/244/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposals from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) Council Decision 97/787/EC provides exceptional financial assistance for Armenia and Georgia <sup>(2)</sup>.
- (2) In parallel with its Decision to provide exceptional financial assistance for Armenia and Georgia, the Council agreed also to consider a similar operation for Tajikistan once circumstances allowed.
- (3) Tajikistan is undertaking fundamental political and economic reforms and is making substantial efforts to implement a market economy model.
- (4) In view of the initial results, particularly in terms of growth and control of inflation, these reforms should be continued with the primary aim of improving people's living conditions and creating jobs.
- (5) Trade, commercial and economic links are expected to develop between the Community and Tajikistan. Tajikistan is eligible for a Partnership and Cooperation Agreement with the European Communities and their Member States and has formally requested to benefit from such an agreement as soon as possible.

- (6) Tajikistan agreed with the International Monetary Fund (IMF) in June 1998 on a three-year enhanced structural adjustment facility.
- (7) The Tajik authorities have formally undertaken to settle fully their outstanding financial obligations towards the Community and Tajikistan secures a minimum servicing of outstanding Community claims.
- (8) The Tajik authorities have formally requested exceptional financial support from the Community.
- (9) Tajikistan is a low-income country and is facing particularly critical economic, social and political circumstances. This country is eligible for highly concessional loans from the World Bank and the IMF.
- (10) Concessional financial assistance from the Community in the form of a mix of a long-term loan and straight grants is an appropriate measure to help the beneficiary country at this critical juncture.
- (11) This assistance, both the loan and the grant component, is highly exceptional and therefore in no way constitutes a precedent.
- (12) The inclusion of a grant component in this assistance is without prejudice to the powers of the budgetary authority.
- (13) This assistance should be managed by the Commission.
- (14) The Commission is to ensure that financial assistance is used in accordance with the rules of budgetary control.

<sup>(1)</sup> Opinion delivered on 17 December 1999 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 322, 25.11.1997, p. 37.

- (15) In implementing this Decision, the Commission will take due account of progress made in the Inter-Tajik peace process and, in particular, in the holding of elections under acceptable conditions.
- (16) The Commission consulted the Economic and Financial Committee before submitting its proposal.
- (17) The Treaty does not provide, for the adoption of this Decision, powers other than those of Article 308,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Decision 97/787/EC is hereby amended as follows:

1. Article 1(1) to (3) shall be replaced by the following:
- '1. The Community shall make available to Armenia, Georgia and Tajikistan exceptional financial assistance, in the form of long-term loans and straight grants.
2. The total loan component of this assistance shall amount to a maximum principal of EUR 245 million, with a maximum maturity of 15 years and a grace period of 10 years. To this end, the Commission shall be empowered to borrow, on behalf of the Community, the necessary resources that will be placed at the disposal of the beneficiary countries in the form of loans.

3. The grant component of this assistance shall consist of an amount of up to EUR 130 million during the 1997 to 2004 period, with a maximum of EUR 24 million annually. The grants shall be made available in so far as the net debtor position of the beneficiary countries towards the Community has been reduced, as a rule, by at least a similar amount.'
2. Article 3(1) shall be replaced by the following:
- '1. Subject to the provisions of Article 1(4) and Article 2, the total amount of the loan offered to each country shall be made available by the Commission in parallel with the first instalments of the grants. The remainder of the grant component of the assistance shall be made available by the Commission in successive instalments, subject to the same provisions.'
3. Article 5(2) shall be replaced by the following text:
- '2. Before 31 December 2004, the Council shall examine the application of this Decision to that date on the basis of a comprehensive report by the Commission, which shall also be submitted to the European Parliament.'

Done at Brussels, 20 March 2000.

*For the Council*  
*The President*  
J. GAMA

# COMMISSION

## COMMISSION DECISION

of 2 February 2000

### on the procedure for attesting the conformity of construction products pursuant to Article 20(4) of Council Directive 89/106/EEC as regards flat glass, profiled glass and glass block products

(notified under document number C(1999) 5016)

(Text with EEA relevance)

(2000/245/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products<sup>(1)</sup>, as amended by Directive 93/68/EEC<sup>(2)</sup>, and in particular Article 13(4) thereof,

Whereas:

- (1) The Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required.
- (2) Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications.
- (3) The two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of

products, since Annex III gives preference to certain systems.

- (4) The procedure referred to in Article 13(3)(a) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of section 2(ii) of Annex III, and the procedure referred to in Article 13(3)(b) corresponds to the systems set out in section 2(i) of Annex III, and in the first possibility, with continuous surveillance, of section 2(ii) of Annex III.
- (5) The measures provided for in this Decision are not in accordance with the opinion of the Standing Committee on Construction.
- (6) The decision was submitted to the Council, which was unable to act within the three-month time period foreseen in Directive 89/106/EEC. The proposed measure is therefore adopted by the Commission,

HAS ADOPTED THIS DECISION:

#### Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

#### Article 2

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12.

<sup>(2)</sup> OJ L 220, 30.8.1993, p. 1.

*Article 3*

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonised standards.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 2 February 2000.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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## ANNEX I

**Flat and curved glass panels (including basic glass, processed glass, special or safety glass, coated, filmed, enamelled, surface-treated or mirrored glass):**

For all uses other than:

- for use in a glazed assembly intended specifically to provide fire resistance,
- for use as anti-bullet or anti-explosion glazing.

**Channel-shaped glass (wired or unwired):**

For all uses other than:

- for use in a glazed assembly intended specifically to provide fire resistance.

**Insulating glass units:**

For all uses other than:

- for use in a glazed assembly intended specifically to provide fire resistance,
- for use as anti-bullet or anti-explosion glazing.

**Glass blocks:**

For use in non-load bearing applications other than:

- for anti-bullet and anti-explosion uses.

**Glass-block wall panels:**

For all non-load bearing uses other than:

- for fire compartmentation uses,
  - for anti-bullet and anti-explosion uses.
-

## ANNEX II

**Flat and curved glass panels (including basic glass, processed glass, special or safety glass, coated, filmed, enamelled, surface-treated or mirrored glass):**

- for anti-bullet and anti-explosion uses,
- for use in a glazed assembly intended specifically to provide fire resistance.

**Channel-shaped glass (wired or unwired):**

- for use in a glazed assembly intended specifically to provide fire resistance.

**Insulating glass units:**

- for anti-bullet and anti-explosion uses,
- for use in a glazed assembly intended specifically to provide fire resistance.

**Glass blocks:**

for anti-bullet and anti-explosion uses.

**Glass-block wall panels:**

- for fire compartmentation uses,
  - for anti-bullet and anti-explosion uses.
-

## ANNEX III

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

## PRODUCT FAMILY

**FLAT GLASS, PROFILED GLASS AND GLASS-BLOCK PRODUCTS (1/6)****1. Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) (fire resistance)	Attestation of conformity system(s)
<b>Flat or curved glass panels</b> <b>Channel-shaped glass</b> <b>Insulating glass units</b>	For use in a glazed assembly intended specifically to provide fire resistance	Any	1
<b>Glass-block wall panels</b>	For fire compartmentation	Any	1

System 1: See Section 2 (i) of Annex III to Directive 89/106/EEC, without audit testing of samples.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

**FLAT GLASS, PROFILED GLASS AND GLASS-BLOCK PRODUCTS (2/6)****1. Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) (reaction to fire)	Attestation of conformity system(s)
<b>Flat or curved glass panels</b> <b>Channel-shaped glass</b> <b>Insulating glass units</b> <b>Glass blocks</b> <b>Glass-block wall panels</b>	For uses subject to reaction to fire regulations	A, B, C, _____	3
		A (!), D, E, F	4

System 3: See Section 2(ii) of Annex III to 89/106/EEC, second possibility.

System 4: See Section 2(ii) of Annex III to 89/106/EEC, third possibility.

(!) Materials of class A that according to Decision 96/603/EC do not require to be tested for reaction to fire.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

## FLAT GLASS, PROFILED GLASS AND GLASS-BLOCK PRODUCTS (3/6)

## 1. Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
<b>Flat or curved glass panels</b> <b>Channel-shaped glass</b> <b>Insulating glass units</b>	For uses subject to external fire performance regulations	Products requiring testing	3
		Products 'deemed to satisfy' without testing <sup>(1)</sup>	4

System 3: See Section 2(ii) of Annex III to 89/106/EEC, second possibility.

System 4: See Section 2(ii) of Annex III to 89/106/EEC third possibility.

(1) To be confirmed in discussions with the fire regulators group.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

## FLAT GLASS, PROFILED GLASS AND GLASS-BLOCK PRODUCTS (4/6)

## 1. Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
<b>Flat or curved glass panels</b> <b>Insulating glass units</b> <b>Glass-block</b> <b>Glass-block wall panels</b>	For use as anti-bullet, or anti-explosion glazing	—	1
	For other uses liable to present 'safety-in-use' risks and subject to such regulations	—	3
<b>Channel-shaped glass</b>	For uses liable to present 'safety-in-use' risk and subject to such regulations	—	3

System 1: See Section 2(i) of Annex III to 89/106/EEC, without audit testing of samples.

System 3: See Section 2(ii) of Annex III to 89/106/EEC, Second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

**FLAT GLASS, PROFILED GLASS AND GLASS-BLOCK PRODUCTS (5/6)****1. Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
<b>Flat or curved glass panels (specially treated)</b> <b>Channel-shaped glass</b> <b>Insulating glass units</b> <b>Glass blocks</b> <b>Glass-block wall panels</b>	For uses relating to energy conservation and/or noise reduction	—	3

System 3: See Section 2(ii) of Annex III to 89/106/EEC, second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

**FLAT GLASS, PROFILED GLASS AND GLASS-BLOCK PRODUCTS (6/6)****1. Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
<b>Flat or curved glass panels</b> <b>Channel-shaped glass</b> <b>Insulating glass units</b> <b>Glass blocks</b> <b>Glass-block wall panels</b>	For uses other than those specified in families 1/6 to 5/6	—	4

System 4: See Section 2(ii) of Annex III to 89/106/EEC, third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## COMMISSION DECISION

of 15 March 2000

**authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of potatoes, other than potatoes intended for planting, originating in Cuba**

(notified under document number C(2000) 692)

(2000/246/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Directive 1999/53/EC <sup>(2)</sup>, and in particular Article 14(1) thereof,

Having regard to the requests made by the Netherlands

Whereas:

- (1) Under the provisions of Directive 77/93/EEC, potato tubers other than those officially certified as seed potatoes pursuant to other Community provisions, originating in Cuba may in principle not be introduced into the Community because of the risk of introducing exotic potato harmful organisms which would present a plant health risk to the Community.
- (2) The early growing in Cuba of potatoes, other than potatoes intended for planting, from seed potatoes supplied by Member States has become an established practice. Part of the early supply of potatoes in the Community has been ensured by imports of such material from Cuba.
- (3) By Decisions 87/306/EEC <sup>(3)</sup>, 88/223/EEC <sup>(4)</sup>, 89/152/EEC <sup>(5)</sup>, 91/593/EEC <sup>(6)</sup>, 93/36/EEC <sup>(7)</sup>, 95/96/EC <sup>(8)</sup> and 96/157/EC <sup>(9)</sup>, the Commission authorised derogations under special technical conditions in respect of potatoes for human consumption originating in Cuba, in the 1987-1996 seasons, and by Decision 97/186/EC <sup>(10)</sup> and 1999/222/EC <sup>(11)</sup> in respect of potatoes other than potatoes intended for planting originating in Cuba in the 1997-1999 season.
- (4) There have never been confirmed findings of harmful organisms on samples drawn from imports pursuant to the said Decisions.

- (5) Information supplied by Cuba and collected in that country during a mission carried out in July 1999 by the Food and Veterinary Office, has shown that the potatoes, other than potatoes intended for planting, produced in the province Pinar del Río fulfilled the provisions established in Decision 1999/222/EC.
- (6) The circumstances justifying the authorisation still obtain.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions to Article 4(1) with regard to the prohibitions referred to in Part A, point 12 of Annex III to Directive 77/93/EEC, for potatoes other than potatoes intended for planting, originating in Cuba.
2. In addition to the requirements laid down in Annexes I, II and IV to Directive 77/93/EEC in relation to potatoes, the following specific conditions shall be satisfied:
  - (a) the potatoes shall be other than potatoes intended for planting;
  - (b) they shall either be immature potatoes, i.e. unuberised potatoes with loose skin, or they shall have been treated for the suppression of their faculty of germination;
  - (c) they shall have been grown in the province 'Pinar del Río' in areas where *Ralstonia solanacearum* (Smith) Yabuuchi et al. is known not to occur;
  - (d) they shall belong to varieties the seed potatoes of which were imported into Cuba only from Member States or from any other country for which the entry into the Community of potatoes intended for planting is not prohibited pursuant to Annex III of Directive 77/93/EEC;

<sup>(1)</sup> OJ L 26, 31.1.1977, p. 20.

<sup>(2)</sup> OJ L 142, 5.6.1999, p. 29.

<sup>(3)</sup> OJ L 153, 13.6.1987, p. 41.

<sup>(4)</sup> OJ L 100, 19.4.1988, p. 44.

<sup>(5)</sup> OJ L 59, 2.3.1989, p. 29.

<sup>(6)</sup> OJ L 316, 16.11.1991, p. 47.

<sup>(7)</sup> OJ L 16, 25.1.1993, p. 40.

<sup>(8)</sup> OJ L 75, 4.4.1995, p. 22.

<sup>(9)</sup> OJ L 36, 14.2.1996, p. 38.

<sup>(10)</sup> OJ L 77, 19.3.1997, p. 32.

<sup>(11)</sup> OJ L 82, 26.3.1999, p. 47.

- (e) they shall have been grown in Cuba directly from seed potatoes certified in one of the Member States or, from seed potatoes certified in any other country for which the entry into the Community of potatoes intended for planting is not prohibited pursuant to Annex III to Directive 77/93/EEC; or from the progeny of such seed potatoes, officially certified in the year before the previous one, if this progeny was produced in the province Pinar del Río and qualified as seed potatoes in accordance with the current rules applicable in Cuba;
- (f) they shall have been grown either on farms which have not grown potatoes of varieties other than those specified in (d) over the previous five years, or, in the case of State farms, on land sections which are kept separate from other land where potatoes of varieties other than those specified in (d) have been grown over the last five years;
- (g) they shall have been handled by machinery which is reserved for them or which has been disinfected in an appropriate manner after each use for other purposes;
- (h) they shall not have been in store-houses where potatoes of varieties other than those specified in (d) have been stored;
- (i) they shall be packed either in new bags or in containers which have been disinfected in an appropriate manner; and an official label shall be applied to each bag or container, bearing the information specified in the Annex;
- (j) prior to export, the potatoes shall have been cleaned free from soil, leaves and other plant debris;
- (k) the potatoes intended for the Community shall be accompanied by a phytosanitary certificate issued in Cuba in accordance with Articles 7 and 12 of Directive 77/93/EEC, on the basis of the examination laid down therein, in particular certifying freedom from the harmful organism mentioned in (c).

The certificate shall state:

- under 'Additional declaration':
    - the indication 'this consignment meets the conditions laid down in Decision 2000/246/EC',
    - name of variety,
    - identification number or name of the farm where the potatoes have been grown and its location,
    - reference allowing the identification of seed lot used in accordance with (e),
  - under 'Disinfestation and/or disinfection treatment', all information related to the possible treatments referred to in (b) second option and/or (i);
- (l) the potatoes shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State; these points of entry and the name and address of the responsible official body referred to in Directive 77/93/EEC in charge of each point shall be notified sufficiently in advance by the Member States to the Commis-

sion and shall be held available on request to other Member States. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State of introduction shall inform and cooperate with the said responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with;

- (m) prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in (a) to (p); the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the notification to the Commission, indicating:
- the type of material,
  - the quantity,
  - the declared date of introduction and confirmation of the point of entry,
  - the premises referred to in (o).

The importer shall provide details of any changes to the aforementioned advance notification to the responsible official bodies of their own Member State, preferably as soon as they are known and in any case prior to the time of import, and that Member State, without delay, shall convey the details of the changes to the Commission;

- (n) the inspections including testing, as appropriate, required pursuant to Article 12 of Directive 77/93/EEC and in accordance with provisions laid down in the present Decision shall be made by the responsible official bodies, referred to in the said Directive; of these inspections, the plant health checks shall be carried out by the Member State making use of this derogation. Furthermore during the said plant health check that Member State(s) shall also inspect for all other harmful organisms. Without prejudice to the monitoring referred to in Article 19a(3) second indent, first possibility of the said Directive, the Commission shall determine to which extent the inspections referred to in Article 19a(3) second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive;
- (o) the potatoes shall be packed and repacked only at premises which have been authorised and registered by the said responsible official bodies;
- (p) the potatoes shall be packed or repacked in closed packages that are ready for direct delivery to retailers or to final consumers, and that do not exceed a weight common in the Member State of introduction for that purpose, up to a maximum of 25 kg; the packaging shall bear the number of the registered premises referred to in (o), as well as the Cuban origin;

(q) Member States making use of this derogation shall, where appropriate, in cooperation with the Member State of introduction ensure that at least two samples of 200 tubers shall be drawn from each consignment of 50 tonnes or part thereof, of imported potatoes pursuant to this Decision, for official examination in respect of *Ralstonia solanacearum* and *Clavibacter michiganensis* ssp. *sepedonicus* in accordance with the Community established methods for the detection and diagnosis of *Ralstonia solanacearum* <sup>(1)</sup> and *Clavibacter Michiganensis* ssp. *Sepedonicus* and in the case of potato spindle tuber viroid: the reverse-page method, or c-DNA hybridisation procedure; in the case of suspicion the lots shall remain separate under official control and may not be marketed or used until it has been established that the presence of *Clavibacter michiganensis* ssp. *sepedonicus*, *Ralstonia solanacearum* or potato spindle tuber viroid was not detected in those examinations.

#### Article 2

Member States shall inform the other Member States and the Commission by means of the notification referred to in Article 1(2)(m) first sentence of any use made of the authorisation. They shall provide the Commission and the other Member States, before 1 September 2000, with the information on

amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(2)(q); copies of each phytosanitary certificate shall be transmitted to the Commission.

#### Article 3

1. Article 1 shall apply in the period between 1 and 30 April 2000.

2. The present Decision shall be revoked if it is established that the conditions laid down in Article 1(2) have been insufficient to prevent the introduction of harmful organisms or have not been complied with.

#### Article 4

This Decision is addressed to the Member States.

Done at Brussels, 15 March 2000.

For the Commission

David BYRNE

Member of the Commission

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#### ANNEX

##### Information required on the label

(referred to in Article 1(2)(i))

1. Name of the authority issuing the label.
2. Name of the exporters' organisation, if available.
3. Indication 'potatoes other than potatoes intended for planting of Cuban origin'.
4. Variety.
5. Province of production.
6. Size.
7. Declared net weight.
8. Indication 'In accordance with EC requirements laid down in Decision 2000/246/EC'.
9. A mark printed or stamped on behalf of the Cuban plant protection administration.

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<sup>(1)</sup> OJ L 273, 6.10.1997, p. 1.



**COMMISSION DECISION****of 27 March 2000****terminating the anti-dumping proceeding concerning imports of yellow phosphorus originating in the People's Republic of China***(notified under document number C(2000) 709)*

(2000/247/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup>, as last amended by Regulation (EC) No 905/98<sup>(2)</sup>, and in particular Article 91(1) thereof,

After consulting the Advisory Committee,

Whereas:

**A. PROCEDURE**

- (1) On 30 November 1998, the Commission received a complaint concerning the alleged injurious dumping caused by imports of yellow phosphorus originating in the People's Republic of China.
- (2) The complaint was lodged by Thermphos International BV, representing a major proportion of the total Community production of yellow phosphorus, within the meaning of Articles 4(1) and 5(4) of Regulation (EC) No 384/96.
- (3) The complaint contained prima facie evidence of the existence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of an anti-dumping proceeding.
- (4) Accordingly, the Commission, after consultation, by a notice published in the *Official Journal of the European Communities*<sup>(3)</sup>, initiated an anti-dumping proceeding concerning imports into the Community of yellow phosphorus, currently classifiable within CN code ex 2804 70 00 and originating in the People's Republic of China.
- (5) The Commission officially advised the exporting producers, importers and representative associations of importers or exporters known to be concerned, the representatives of the exporting country, the representative users, and the complainant Community producer. Interested parties were given the opportunity to make their views

known in writing and to request a hearing within the time limit set out in the notice of initiation.

**B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING**

- (6) By letter of 9 February 2000 to the Commission, Thermphos International BV formally withdrew its complaint.
- (7) In accordance with Article 9(1) Regulation (EC) No 384/96, the proceeding may be terminated where the complaint is withdrawn, unless such termination would not be in the Community interest.
- (8) The Commission considered that this proceeding should be terminated, since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. No comments were received indicating that such termination would not be in the Community interest.
- (9) The Commission therefore concludes that the anti-dumping proceeding concerning imports into the Community of yellow phosphorus originating in the People's Republic of China should be terminated without the imposition of anti-dumping measures,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The anti-dumping proceeding concerning imports of yellow phosphorus, currently classifiable within CN code ex 2804 70 00 and originating in the People's Republic of China, is hereby terminated.

Done at Brussels, 27 March 2000.

*For the Commission*

Pascal LAMY

*Member of the Commission*<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.<sup>(2)</sup> OJ L 128, 30.4.1998, p. 18.<sup>(3)</sup> OJ C 10, 14.1.1999, p. 3.