

English edition

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2100/2000  
of 29 September 2000**

**amending Regulation (EC) No 119/97 imposing a definitive anti-dumping duty on imports of ring binder mechanisms originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

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>, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. PROCEDURE**

**1. Measures in force**

- (1) In January 1997, by Regulation (EC) No 119/97 <sup>(2)</sup>, the Council imposed definitive anti-dumping duties on imports of ring binder mechanisms ('RBMs') originating, *inter alia*, in the People's Republic of China. The rate of the definitive duty applicable to the net, free-at-Community frontier price, was 32,5 % for World Wide Stationery, which obtained individual treatment, and 39,4 % for all other companies in the People's Republic of China.

**2. Request for a review**

- (2) On 7 December 1998, a request for a review of the abovementioned measures was lodged pursuant to Article 12 of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation'). The lodging was made on behalf of the Community producers whose collective output of RBMs constituted a major proportion of the total Community production of that product within the meaning of Article 5(4) of the basic Regulation, namely Koloman Handler AG (Austria) and Robert Krause Ringbuchtechnik GmbH (Germany).
- (3) The request contained information which showed that the resale and subsequent selling prices in the Community of the product under consideration did not adequately reflect the level of the anti-dumping measures imposed. This information was based on price lists and other information obtained from the Chinese exporters and their resellers. It was also alleged that in certain Member States, exporters discounted their prices immediately after the imposition of measures and that the insufficient movement in resale and subsequent selling prices after the imposition of measures had led to the continued erosion of prices obtained by the Community industry.

**B. REVIEW INVESTIGATION PURSUANT TO ARTICLE 12 OF THE BASIC REGULATION**

**1. Initiation of the review pursuant to Article 12**

- (4) On 19 January 1999, the Commission announced by a notice published in the *Official Journal of the European Communities* <sup>(3)</sup> the initiation of a review, pursuant to Article 12 of the basic Regulation, of the anti-dumping measures applicable to imports of certain imports of RBMs originating in the People's Republic of China and commenced an investigation.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

<sup>(2)</sup> OJ L 22, 24.1.1997, p. 1.

<sup>(3)</sup> OJ C 14, 19.1.1999, p. 4.

- (5) The Commission officially advised the producers/exporters known to be concerned, the representatives of the exporting country and the applicant Community producers of the initiation of the review. 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.
- (6) The Commission services sent questionnaires to all exporters known to be concerned, namely: World Wide Stationery Manufacturing Company Ltd, Hong Kong ('WWS'); Guangzhou Wah Hing Stationery Manufactory Limited, PRC; Hong Kong Stationery Manufacturing Company Limited, Hong Kong; Champion Stationery Manufacturing Co. Ltd, PRC, and Sun Kwong Metal Manufacturing Co. Ltd., PRC.
- (7) From the above exporters, only WWS, Hong Kong, provided a complete reply to the Commission's questionnaire.
- (8) One exporting producer provided false and misleading information in its reply to the Commission's questionnaire. The information provided by this exporting producer did not coincide with declarations made to the national customs authorities. In fact, some of the goods of Chinese origin were declared to national customs authorities as being of Thai origin and thus avoided payment of the anti-dumping duties normally due. Moreover, certain consignments from the People's Republic of China were entered under the wrong CN code which again meant that there was no payment of the anti-dumping duties. The precise extent of these practices could not be accurately identified and, as a result, the whole reply to the questionnaire had to be disregarded.
- (9) In these circumstances, findings had to be made on the basis of the facts available, in accordance with Article 18 of the basic Regulation. In this regard, the facts available indicated absorption of the anti-dumping duty as demonstrated by the fact that invoices of this exporting producer showed that export prices were on an 'anti-dumping duty paid' basis, i.e. the duties were paid by the exporter.

Of the other three producers/exporters, one refused to submit a complete questionnaire reply on the grounds that such a reply would impose an unreasonable and disproportionate burden on it and the remaining two did not make themselves known. Findings were therefore made on the basis of facts available in accordance with Article 18 of the basic Regulation.

- (10) Questionnaires were also sent to independent importers known to have imported RBMs from the People's Republic of China so as to ascertain the resale prices of the product concerned before and after the imposition of the anti-dumping duties. In this regard, it should be noted that a high level of cooperation was obtained by the unrelated importers. Replies to the questionnaires were received from the following unrelated importers: Bensons International Systems B.V., The Netherlands, ('Bensons NL'); Bensons International Systems Ltd, United Kingdom, ('Bensons UK'); KWH Plast Vertriebsges. GmbH, Germany, ('KWH Germany'); KWH Plast (Danmark) AS, Denmark, ('KWH Danmark'), and KWH Plast (UK) Limited, United Kingdom, ('KWH UK').

Verification visits were carried out at the premises of KWH Germany and Bensons NL.

- (11) The investigation period of this review ('new investigation period') ran from 1 January 1998 to 31 December 1998. This new investigation period was used to determine the level of export prices, resale and subsequent selling prices charged after the imposition of anti-dumping measures to ascertain whether the measures were failing to achieve their intended effects because of increased dumping.
- (12) In establishing whether resale and subsequent selling prices had moved sufficiently, the price levels charged in the new investigation period were compared to those charged during the original investigation period which had covered the period from 1 October 1994 to 30 September 1995.
- (13) Owing to the volume of data gathered and examined, in particular in view of the complexity of the analysis regarding the movement in the resale and subsequent selling prices of the unrelated importers as well as the enquiries and examination of one exporting company's practices as set out above in recital 8, the investigation exceeded the normal period of six months provided for in Article 12(4) of the basic Regulation.

## 2. Product concerned

- (14) The product concerned by the request and for which the review was initiated is the same as in the original investigation, i.e. certain RBMs used as fittings for loose-leaf binders or files, but excluding lever arch mechanisms, which consists of two or more round, arched or D-shaped sturdy metal rings. The product is currently classifiable within CN code ex 8305 10 00.

### 3. Movement of export prices from the People's Republic of China and of resale prices in the Community

- (15) The purpose of this investigation was to establish whether measures were having the intended effects and whether any failure to have such effects was as a result of increased dumping through a fall in export prices. For the purpose of the present investigation, such a fall in export prices may be reflected by a fall in the direct export prices charged by exporters to the Community or it may be reflected in a lack of movement or insufficient movement in resale prices or subsequent selling prices in the Community due to a compensatory arrangement.
- (16) In this case, it was decided that the problem of absorption should be addressed in relation to movements in resale prices of the product concerned in the Community.
- (17) The movement of resale prices in the Community was assessed separately, on the one hand, for WWS, since this company had been granted individual treatment and, on the other, for the other Chinese exporters. The duty rate applicable to it is 32,5 %.
- (18) The comparison was made between resale prices both prior to and following the imposition of measures. This comparison was based on the information on resale prices provided by the five cooperating unrelated importers in the Community. The imports of the above five companies account for the great majority of export sales from the People's Republic of China to the Community during the new investigation period. In order to make a proper comparison, a sufficient degree of representativeness was ensured during both the original and new investigation periods in terms of quantity, value and the number of the product types sold and used for comparison.
- (19) The comparison showed that the movement of resale prices between the two investigation periods was limited. It was established that on a weighted average basis, for all product types concerned and for all cooperating unrelated importers, the level of movement was 3,1 %, while prices should have increased by over 30 %.
- (20) With regard to the non-cooperating parties, findings were made in accordance with Article 18 of the basic Regulation (see recitals 8 and 9 above). In this context, the incomplete information available to the Commission on export prices for these parties indicated that full absorption was taking place. On this basis and given that cooperating parties were absorbing most of the duties, it is reasonable to consider that the non-cooperating parties were absorbing in full.

### 4. Claims made by interested parties

#### (a) *General*

- (21) Interested parties were provided with an opportunity to provide evidence that could justify a lack of movement in prices in the Community following the imposition of measures. The reasons which can justify such a lack of movement include a reduction in the selling, general and administrative (hereinafter referred to as 'SG&A') expenses (efficiency gains) and profit of the importer or a fall in normal value. These allowances cannot be granted for every fall in the level of these items. Rather, they must be restricted to those reductions which can be said to have offset the cost of the anti-dumping duty and which consequently need not be fully reflected in the resale prices. Credit will also be given to the importers and exporters concerned for any amount by which the resale prices have increased between the original and the new investigation period.

#### (b) *Claims for change in normal value*

- (22) Together with its reply to the questionnaire, WWS requested market-economy status and asked the Commission to take into account changed normal values. WWS was informed, however, that a market-economy status review should be pursued under Article 11(3) of the basic Regulation.
- (23) Similarly, other non-cooperating companies which requested a revision of normal values in relation to a market-economy treatment request were informed that the request for such treatment should be pursued under Article 11(3) of the basic Regulation.

(c) *Reduction in SG&A and profit*

- (24) It was also examined whether the lack of movement of resale prices was due to a lasting decrease in the SG&A expenses and profits of the unrelated importers. All five cooperating importers supplied information to that effect.
- (25) It was found that for all cooperating unrelated importers, SG&A expenses had increased by 0,86 %, and profits decreased by 4,72 % between the original and the new investigation periods.
- (26) As regards the changes in the profit, it was established that of the total decrease of 4,72 %, 3,8 % was related to offsetting the cost increases of the anti-dumping duty. Therefore, credit of 3,8 % was granted for a fall in profit at resale level, which corresponds to 7,6 % at cif level.

(d) *Increase in resale prices*

- (27) Credit was also granted for the amounts by which the resale prices had increased between the original and the new investigation period. Based on the information provided by the five cooperating importers, on an overall level, resale prices had moved between the original and the new investigation period by 3,1 %.
- (28) As regards the movement in resale prices between the two investigation periods, the cooperating unrelated importers argued that when converting national currencies into the euro (or its predecessor, the ecu), the exchange rates prevailing during the original and new investigation period respectively should have been used.
- (29) In this regard, it should be noted that the methodology adopted to compare the resale prices between both investigation periods, that is, using the exchange rate prevailing during the original investigation period for both investigation periods, was simply used to provide the same result as if the comparison were calculated in each national currency. The reasoning behind the use of a single denominator was that it allowed the calculation of a weighted average result for the Community as a whole. Movements in exchange rates are, therefore, irrelevant.

(e) *Total allowances*

- (30) At resale level, the overall credit granted amounted to 6,9 %, i.e. 3,8 % for decrease in profit and 3,1 % for increase in resale prices. Expressed as a percentage of the cif value, this overall credit was 13,8 %.

## 5. Reassessment of the export prices

- (31) As it was established that the resale and subsequent selling prices failed to reflect the full amount of the anti-dumping duty, export prices were reassessed on the basis of Article 2(9) of the basic Regulation. Export prices were reconstructed since there appeared to be a compensatory arrangement between the exporters and importers. The reassessment was made by reference to the export prices found in the original investigation period, deducting the amount of the anti-dumping duty in force and adding any adjustments found to be warranted i.e. any reduction in the SG&A expenses of importers, any reduction in the profit level of importers and any amount by which resale prices had increased since the imposition of measures.
- (32) In the case of WWS, these adjustments amounted to 13,8 % at cif level. Thus, export prices were reassessed by taking the old export prices, deducting the anti-dumping duty applicable to WWS, i.e. 32,5 % and adding an allowance of 13,8 % for decrease in profit and increase in resale prices.
- (33) In the case of other non-cooperating exporters from the People's Republic of China, the reassessment of the export prices was made in accordance with Article 18 of the basic Regulation. Consequently, export prices were re-assessed by taking the export prices found in the original investigation and deducting the amount of the anti-dumping duty paid. For the reasons outlined above in recital 20, no adjustments were granted.
- (34) One party alleged that export prices should not have been reassessed in accordance with Article 2(9) of the basic Regulation, since no compensatory arrangement between the exporters and the importers has been proved. This argument was rejected on the grounds that it appeared that the export price was unreliable due to an association or compensatory arrangement and this was considered sufficient reason to reassess export prices on the basis of Article 2(9) of the basic Regulation.

- (35) It was also argued that there was no compensatory arrangement since any decrease of the export prices was due to an increase in the value of the US dollar to which the Hong Kong dollar, the currency in which sales are invoiced, was pegged. This argument was rejected as currency movements cannot on their own, without taking account of all factors which could have affected the dumping margins, be used to justify a failure adequately to reflect the cost of measures in resale prices and subsequent selling prices. In any event, in this case, taking account of these movements would not have changed the result.

#### 6. Recalculation of the dumping margin taking account of reassessed export prices

- (36) As required under Article 12 of the basic Regulation, the dumping margin for the Chinese producers/exporters concerned was recalculated. This was done by comparing the reassessed export prices with the normal values established in the original investigation. For WWS, which has been granted individual treatment in the original investigation, the recalculated dumping margin, expressed as percentage of the cif value is 115,3 %. For all other Chinese exporters, the recalculated dumping margin, expressed as percentages of the cif value, is 168,6 %.

#### 7. New level of duties

- (37) The measures currently in force are based on the level of injury found in the original investigation which for WWS was 32,5 %, and the residual duty for all other exporters from the People's Republic of China was 39,4 %. In order to ensure that injury is eliminated, the revised measures should be established by comparing the reassessed export prices with the non-injurious price found in the original investigation period. Since the injury margin calculated on this basis is lower than the dumping margin, the new level of the duty should be based in the former. Accordingly, the proposed level of duty expressed as a percentage of the cif value is 51,2 % for WWS and 78,8 % for all other exporters from the People's Republic of China.
- (38) One party argued that measures should not have been increased on the grounds of Community interest since such increase would unfairly penalise importers who had cooperated with the investigation and demonstrated that they had passed on the duties in terms of reduced profits and increased prices. This argument cannot be accepted since the investigation showed that the cost of the anti-dumping duty had not been adequately reflected in the resale prices and an allowance was made for the increase in prices and reduction in profits. In any event, Community interest is not taken into account in Article 12 investigations, as these are carried out to verify whether the measures imposed, which were deemed to be in the interest of the Community, are having their intended effects and that such effects are not being undermined through increased dumping.

HAS ADOPTED THIS REGULATION:

#### Article 1

Article 1(2)(b) of Regulation (EC) No 119/97 is hereby replaced by the following:

'(b) for mechanisms other than those with 17 or 23 rings (TARIC code: 8305 10 00 10)

	Rate of duty	TARIC additional code
Malaysia	10,5 %	—
People's Republic of China:		
— WWS	51,2 %	8934
— all other companies	78,8 %	8900'

#### Article 2

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

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

Done at Brussels, 29 September 2000.

*For the Council*

*The President*

L. FABIUS

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**COMMISSION REGULATION (EC) No 2101/2000**  
**of 4 October 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 5 October 2000.

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

Done at Brussels, 4 October 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 4 October 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	052	100,5
	064	69,3
	999	84,9
0707 00 05	628	145,8
	999	145,8
0709 90 70	052	70,8
	999	70,8
0805 30 10	052	93,8
	388	53,6
	524	74,9
	528	65,2
0806 10 10	999	71,9
	052	94,1
	064	58,3
	400	222,8
0808 10 20, 0808 10 50, 0808 10 90	999	125,1
	388	209,8
	400	57,7
	800	185,3
	804	68,5
0808 20 50	999	130,3
	052	89,5
	064	63,4
	999	76,5

<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 2102/2000  
of 4 October 2000**

**fixing the maximum export refund for white sugar for the 10th partial invitation to tender issued  
within the framework of the standing invitation to tender provided for in Regulation (EC) No  
1531/2000**

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>, as amended by Commission Regulation (EC) No 1527/2000 <sup>(2)</sup>, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1531/2000 of 13 July 2000 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar <sup>(3)</sup>, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1531/2000 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 10th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 10th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 41,295 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 5 October 2000.

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

Done at Brussels, 4 October 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 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 175, 14.7.2000, p. 69.

**COMMISSION REGULATION (EC) No 2103/2000****of 4 October 2000****fixing the representative prices and the additional import duties for molasses in the sugar sector**

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 market in sugar <sup>(1)</sup>, as amended by Commission Regulation 1527/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 <sup>(3)</sup>, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 <sup>(4)</sup>. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) 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 representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 October 2000.

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

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 12.

<sup>(4)</sup> OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 4 October 2000.

*For the Commission*  
 Franz FISCHLER  
 Member of the Commission

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ANNEX

**fixing the representative prices and additional import duties to imports of molasses in the sugar sector**

*(in EUR)*

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(2)</sup>
1703 10 00 <sup>(1)</sup>	9,36	—	0
1703 90 00 <sup>(1)</sup>	10,21	—	0

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

<sup>(2)</sup> This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

**COMMISSION REGULATION (EC) No 2104/2000**  
**of 4 October 2000**  
**altering the export refunds on white sugar and raw sugar exported in the natural state**

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>, as amended by Commission Regulation (EC) No 1527/2000 <sup>(2)</sup>, and in particular the third subparagraph of Article 18(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2030/2000 <sup>(3)</sup>, as amended by Regulation (EC) No 2059/2000 <sup>(4)</sup>.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 2030/2000 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 2030/2000 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 October 2000.

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

Done at Brussels, 4 October 2000.

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

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

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 59.

<sup>(3)</sup> OJ L 243, 28.9.2000, p. 6.

<sup>(4)</sup> OJ L 246, 30.9.2000, p. 6.

## ANNEX

**to the Commission Regulation of 4 October 2000 altering the export refunds on white sugar and raw sugar exported in its unaltered state**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	35,78 <sup>(1)</sup>
1701 11 90 9910	A00	EUR/100 kg	32,26 <sup>(1)</sup>
1701 11 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 12 90 9100	A00	EUR/100 kg	35,78 <sup>(1)</sup>
1701 12 90 9910	A00	EUR/100 kg	32,26 <sup>(1)</sup>
1701 12 90 9950	A00	EUR/100 kg	<sup>(2)</sup>
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3890
1701 99 10 9100	A00	EUR/100 kg	38,90
1701 99 10 9910	A00	EUR/100 kg	38,26
1701 99 10 9950	A00	EUR/100 kg	38,26
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3890

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Council Regulation (EC) No 2038/1999.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

**COMMISSION REGULATION (EC) No 2105/2000  
of 4 October 2000**

**amending Regulation (EC) No 1392/1999 increasing to 116 488 tonnes the quantity of barley held  
by the Finnish intervention agency for which a standing invitation to tender for export has been  
opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 1630/2000 <sup>(4)</sup>, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1392/1999 <sup>(5)</sup>, as last amended by Regulation (EC) No 2022/2000 <sup>(6)</sup>, opened a standing invitation to tender for the export of 105 787 tonnes of barley held by the Finnish intervention agency. Finland informed the Commission of the intention of its intervention agency to increase by 10 701 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of barley held by the Finnish intervention agency for which a standing invitation to tender for export has been opened should be increased to 116 488 tonnes.
- (3) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in

store. Annex I to Regulation (EC) No 1392/1999 must therefore be amended.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1392/1999 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 116 488 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.
  2. The regions in which the 116 488 tonnes of barley are stored are stated in Annex I to this Regulation.'
2. Annex I is replaced by the Annex hereto.

*Article 2*

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

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

Done at Brussels, 4 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 187, 26.7.2000, p. 24.

<sup>(5)</sup> OJ L 163, 29.6.1999, p. 21.

<sup>(6)</sup> OJ L 242, 27.9.2000, p. 3.

## ANNEX

## ANNEX I

(tonnes)

Place of storage	Quantity
Hämeenlinna	2 245
Hattula	1 426
Kaipiainen	6 034
Kirkniemi	5 873
Kokemäki	20 866
Koria	26 834
Kouvola	757
Loimaa	15 722
Mäntsälä	1 072
Mustio	2 093
Perniö	9 102
Turenki	24 464'

**COMMISSION REGULATION (EC) No 2106/2000**  
**of 4 October 2000**  
**prohibiting fishing for saithe by vessels flying the flag of Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup>, as last amended by Regulation (EC) No 2846/98 <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2742/1999 of 17 December 1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No 66/98 <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 1902/2000 <sup>(4)</sup>, lays down quotas for saithe for 2000.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of saithe in the waters of ICES divisions IIa (EC zone), Skagerrak and Kattegat, IIIa, c and d (EC

zone) and North Sea by vessels flying the flag of Sweden or registered in Sweden have exhausted the quota allocated for 2000. Sweden has prohibited fishing for this stock from 18 September 2000. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of saithe in the waters of ICES divisions IIa (EC zone), Skagerrak and Kattegat, IIIb, c and d (EC zone) and North Sea by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 2000.

Fishing for saithe in the waters of ICES divisions IIa (EC zone), Skagerrak and Kattegat, IIIb, c and d (EC zone) and North Sea by vessels flying the flag of Sweden or registered in Sweden is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 18 September 2000.

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

Done at Brussels, 4 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(2)</sup> OJ L 358, 31.12.1998, p. 5.

<sup>(3)</sup> OJ L 341, 31.12.1999, p. 1.

<sup>(4)</sup> OJ L 228, 8.9.2000, p. 50.

**COMMISSION REGULATION (EC) No 2107/2000  
of 4 October 2000**

**derogating, as regards the maximum moisture content of certain cereals offered for intervention during the 2000/01 marketing year, from Regulation (EC) No 824/2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EC) No 824/2000 of 19 April 2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals <sup>(3)</sup> sets the maximum moisture content of cereals at 14,5 % and lays down reductions in the intervention price for cereals with a moisture content of more than 14 %.
- (2) The 2000 harvest of some cereals was carried out in certain regions in unusual weather conditions, resulting in an above-normal moisture content, exceeding the maximum level laid down for intervention.
- (3) The situation described above is likely disproportionately to reduce market prices and the Member States concerned should therefore be permitted to derogate from the moisture-content requirement for common

wheat, barley and rye and extend the list of price reductions.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Notwithstanding Article 2(2) of Regulation (EC) No 824/2000, Member States are authorised to set the maximum moisture content for common wheat, barley and rye offered for intervention during the 2000/01 marketing year at 15 %. In that case, the price reductions given in the Annex hereto shall apply.

2. Member States deciding to apply the derogation provided for in paragraph 1 shall notify the Commission thereof before 1 November 2000.

*Article 2*

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

It shall apply from 1 November 2000.

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

Done at Brussels, 4 October 2000.

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

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 100, 20.4.2000, p. 31.

## ANNEX

**Price reductions for moisture content**

Moisture content (%)	Price reduction (EUR/t)
15,0	2,0
14,9	1,8
14,8	1,6
14,7	1,4
14,6	1,2

**COMMISSION REGULATION (EC) No 2108/2000**  
**of 4 October 2000**  
**amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1257/1999 <sup>(2)</sup>, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 <sup>(3)</sup>, as last amended by Regulation (EC) No 1512/2000 <sup>(4)</sup>, provides for surveillance of imports of the products listed in the Annex hereto. That surveillance is to be carried out in accordance with the rules on the surveillance of preferential imports laid down in Article 308d of Commission Regulation (EEC) No 2454/93 <sup>(5)</sup>, as last amended by Regulation (EC) No 1602/2000 <sup>(6)</sup>.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture <sup>(7)</sup> concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 1997, 1998 and 1999, the trigger levels for additional duties on pears should be amended.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1555/96 is replaced by the Annex hereto.

*Article 2*

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

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

Done at Brussels, 4 October 2000.

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

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.  
<sup>(2)</sup> OJ L 160, 26.6.1999, p. 80.  
<sup>(3)</sup> OJ L 193, 3.8.1996, p. 1.  
<sup>(4)</sup> OJ L 174, 13.7.2000, p. 17.  
<sup>(5)</sup> OJ L 253, 11.10.1993, p. 1.  
<sup>(6)</sup> OJ L 188, 26.7.2000, p. 1.  
<sup>(7)</sup> OJ L 336, 23.12.1994, p. 22.

## ANNEX

## 'ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where "ex" appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015 78.0020	ex 0702 00 00	Tomatoes	— 1 October to 31 March — 1 April to 30 September	501 111 639 884
78.0065 78.0075	ex 0707 00 05	Cucumbers	— 1 May to 31 October — 1 November to 30 April	10 098 3 196
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	19 302
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	9 879
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	753 719
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	100 949
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	93 803
78.0155 78.0160	ex 0805 30 10	Lemons	— 1 June to 31 December — 1 January to 31 May	186 300 69 813
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	256 320
78.0175 78.0180	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August — 1 September to 31 December	625 202 88 229
78.0220 78.0235	ex 0808 20 50	Pears	— 1 January to 30 April — 1 July to 31 December	269 259 106 018
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	2 236
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	20 048
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	349 940
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	41 539'

**COMMISSION REGULATION (EC) No 2109/2000  
of 4 October 2000**

**fixing the conversion rate applicable to certain direct aids having an operative event on 1  
September 2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1410/1999 <sup>(2)</sup> amending Regulation (EC) No 2808/98 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture, and in particular Article 2 thereof,

Whereas:

- (1) The operative event for the conversion rate applicable to per hectare aid for rice and dried grapes is defined in Article 4(1) of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture <sup>(3)</sup>, as amended by Regulation (EC) No 1410/1999, as the commencement of the marketing year in respect of which the aid is granted.

- (2) The conversion rate is defined in Article 4(3) of Regulation (EC) No 2808/98 as the average, calculated *pro rata temporis*, of the exchange rates applicable during the month preceding the date of the operative event, which is 1 September 2000,

HAS ADOPTED THIS REGULATION:

*Article 1*

The conversion rate to be applied to the aids referred to in Article 4(1) of Regulation (EC) No 2808/98 having an operative event on 1 September 2000 shall be that set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on the seventh 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, 4 October 2000.

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

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<sup>(1)</sup> OJ L 349, 24.12.1998, p. 1.  
<sup>(2)</sup> OJ L 164, 30.6.1999, p. 53.  
<sup>(3)</sup> OJ L 349, 24.12.1998, p. 36.

## ANNEX

**Conversion rate applicable to the aids referred to in Article 1 of this Regulation**

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EUR 1 = (average 1.8.2000 to 31.8.2000)

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7,45788	Danish krone
337,252	Greek drachma
8,39311	Swedish krona
0,607287	Pound sterling

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**COMMISSION REGULATION (EC) No 2110/2000**

**of 4 October 2000**

**amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(11) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(3)</sup>, as last amended by Regulation (EC) No 1667/2000 <sup>(4)</sup>, and in particular Articles 9(2) and 13(15) thereof,

Whereas:

- (1) Article 7(3) of Commission Regulation (EC) No 1162/95 <sup>(5)</sup>, last amended by Regulation (EC) No 1432/1999 <sup>(6)</sup>, lays down the conditions under which export licences for products in the cereals and rice sectors are to be issued. The Commission may, within three working days following the submission of licence applications, decide not to grant applications. Such a measure may in some cases disrupt the continuity of supplies of products in respect of which regular supplies are necessary. To remedy that situation, operators so requesting should be given the opportunity to obtain an export licence without refund. However, special conditions of use must be attached to such licences.
- (2) Article 13(7) of Regulation (EEC) No 1766/92 and Article 13(11) of Regulation (EC) No 3072/95 stipulate that the provisions of those Articles relating to refunds may be waived in respect of products eligible for refunds as part of food aid operations. The rate of the refund applicable to national supplies eligible for export refunds as part of food aid operations should therefore be determined.
- (3) Article 12(1) of Regulation (EC) No 1162/95 lays down the method for calculating the refund for the products referred to in Article 1(1)(a) and (b) of Regulation (EEC) No 1766/92. Paragraph 2 of that Article lays down a different calculation method where the term of validity of the export licence extends beyond the end of the marketing year. The two paragraphs lay down reference

periods for maize and grain sorghum which are different from those for other cereals. Article 12(4) and (5) provide for a similar system for rice.

- (4) Since the adoption of the Regulation, it has been found that those provisions could be applied in different ways by the Member States and this could result in distortion of competition between operators. The provisions must therefore be clarified so that they can be applied uniformly throughout the Community.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1162/95 is amended as follows:

1. in Article 7, the following paragraph is added:

‘3 a. Without prejudice to Article 16 of Regulation (EEC) No 1766/92, at the request of operators, export licences without refund shall be issued on the day of submission of applications, except where an export duty is applicable to the product in question on the day of submission.

Where, at the time of export, an export duty has been fixed for the product covered by licences issued pursuant to the first subparagraph, that duty shall apply.

Such export licences shall be valid for 30 days from the day of issue.

One of the following wordings shall be entered in Section 22 of the licence:

- Limitación establecida en el apartado 3 bis del artículo 7 del Reglamento (CE) nº 1162/95
- Begrænsning, jf. artikel 7, stk. 3a, i forordning (EF) nr. 1162/95
- Kürzung der Gültigkeitsdauer nach Artikel 7 Absatz 3a, der Verordnung (EG) Nr. 1162/95
- Περιορισμός που προβλέπεται στο άρθρο 7 παράγραφος 3α του κανονισμού (ΕΚ) αριθ. 1162/95
- Limitation provided for in Article 7(3a) of Regulation (EC) No 1162/95

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(5)</sup> OJ L 117, 24.5.1995, p. 2.

<sup>(6)</sup> OJ L 166, 1.7.1999, p. 56.

- Limitation prévue à l'article 7, paragraphe 3 bis, du règlement (CE) n° 1162/95
- Limitazione prevista all'articolo 7, paragrafo 3 bis, del regolamento (CE) n. 1162/95
- Beperking als bepaald in artikel 7, lid 3 bis, van Verordening (EG) nr. 1162/95
- Limitação estabelecida no n.º 3A do artigo 7.º do Regulamento (CE) n.º 1162/95
- Asetuksen (EY) N:o 1162/95 7 artiklan 3 a kohdassa säädetty rajoitus
- Begränsning enligt artikel 7.3a i förordning (EG) nr 1162/95;

2. Article 10(a) is replaced by the following:

'(a) EUR 1 per tonne in the case of import licences to which the fourth indent of Article 10(4) of Regulation (EEC) No 1766/92 does not apply and of products covered by Council Regulation (EC) No 3072/95 (\*) and EUR 5 per tonne in the case of export licences:

- for a product for which, on the day of submission of the application, no export refund or duty has been fixed,
- for a product for which the export refund or duty is not fixed in advance,
- issued pursuant to Article 7(3a) of this Regulation;

(\*) OJ L 329, 30.12.1995, p. 18.'

3. The following Article 11a is added:

'Article 11a

The rate of refund applicable to national food-aid supplies shall be that applying on the day on which the Member State opens the invitation to tender for the supply in question.'

4. Article 12(2) is replaced by the following:

'2. Where the term of validity of licences extends beyond the end of the marketing year and export occurs in the following marketing year, refunds on products listed in Article 1(1)(a) and (b) of Regulation (EEC) No 1766/92, exclusive of any monthly increases referred to in paragraph 1, with the exception of maize and grain sorghum shall be reduced by the price break between the two marketing years. That price break shall occur on 1 July and shall be defined as:

- (a) the difference between the intervention prices, exclusive of any monthly increase, for the previous and the new marketing years; plus
- (b) an amount equal to the monthly increase, multiplied by the number of months elapsing between August and the month of the licence application, inclusive.

Where the price break is greater than the refund in question, the corrected refund shall be reduced to zero.

Refunds reduced by the price break shall be increased as from August in the new marketing year, in accordance with the rules set out in paragraph 1, by the monthly increase applying to the new marketing year.

2 a. In the case of maize and grain sorghum, the rules on adjustment set out in paragraph 2 shall apply *mutatis mutandis*, with the following exceptions:

- the end of the marketing year shall be deemed to be 30 September,
- the abovementioned price break shall occur on 1 October instead of 1 July,
- the month of August shall be replaced by November,
- the monthly increases shall be those applicable to the marketing years in question.;

5. in Article 12(5), the first subparagraph is replaced by the following:

'5. Where the term of validity of the licence extends beyond the end of the marketing year and export occurs in the following marketing year, refunds, excluding the monthly increases referred to in paragraph 4, shall be reduced by the break in the intervention price for paddy rice between the two marketing years, based on the processing stage and the applicable processing coefficient.;

6. in Article 12(5), the following subparagraph is added after the third subparagraph:

'Where the price break is greater than the refund in question, the corrected refund shall be reduced to zero.;

7. in Article 12, the following paragraph 6 is added:

'6. This Article shall not apply to licences issued for the purpose of a food aid operation within the meaning of Article 10(4) of the Agreement on Agriculture concluded as part of the Uruguay Round of multilateral trade negotiations, as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 (\*).

(\*) OJ L 152, 24.6.2000, p. 1.'

Article 2

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

Points 4, 5 and 6 of Article 1 shall apply from 1 July 2000.

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

Done at Brussels, 4 October 2000.

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

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**COMMISSION REGULATION (EC) No 2111/2000**  
**of 4 October 2000**  
**amending the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1667/2000 <sup>(2)</sup>,

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

Whereas:

(1) Import duties in the rice sector have been fixed by Commission Regulation (EC) No 2033/2000 <sup>(5)</sup>.

(2) Article 4(1) of Regulation (EC) No 1503/96 provides that if during the period of application, the average import duty calculated differs by EUR 10 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2033/2000,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 2033/2000 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 5 October 2000.

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

Done at Brussels, 4 October 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 189, 30.7.1996, p. 71.

<sup>(4)</sup> OJ L 351, 29.12.1998, p. 25.

<sup>(5)</sup> OJ L 243, 28.9.2000, p. 23.

## ANNEX I

## Import duties on rice and broken rice

(EUR/t)

CN code	Duties <sup>(1)</sup>				
	Third countries (except ACP and Bangladesh) <sup>(2)</sup>	ACP ( <sup>1</sup> ) ( <sup>2</sup> ) ( <sup>3</sup> )	Bangladesh ( <sup>4</sup> )	Basmati India and Pakistan ( <sup>5</sup> )	Egypt ( <sup>6</sup> )
1006 10 21	( <sup>7</sup> )	69,51	101,16		158,25
1006 10 23	( <sup>7</sup> )	69,51	101,16		158,25
1006 10 25	( <sup>7</sup> )	69,51	101,16		158,25
1006 10 27	( <sup>7</sup> )	69,51	101,16		158,25
1006 10 92	( <sup>7</sup> )	69,51	101,16		158,25
1006 10 94	( <sup>7</sup> )	69,51	101,16		158,25
1006 10 96	( <sup>7</sup> )	69,51	101,16		158,25
1006 10 98	( <sup>7</sup> )	69,51	101,16		158,25
1006 20 11	165,71	53,66	78,52		124,28
1006 20 13	165,71	53,66	78,52		124,28
1006 20 15	165,71	53,66	78,52		124,28
1006 20 17	211,75	69,77	101,54	0,00	158,81
1006 20 92	165,71	53,66	78,52		124,28
1006 20 94	165,71	53,66	78,52		124,28
1006 20 96	165,71	53,66	78,52		124,28
1006 20 98	211,75	69,77	101,54	0,00	158,81
1006 30 21	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 23	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 25	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 27	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 42	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 44	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 46	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 48	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 61	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 63	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 65	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 67	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 92	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 94	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 96	( <sup>7</sup> )	133,21	193,09		312,00
1006 30 98	( <sup>7</sup> )	133,21	193,09		312,00
1006 40 00	( <sup>7</sup> )	41,18	( <sup>7</sup> )		96,00

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

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

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

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

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

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

<sup>(7)</sup> Duties fixed in the Common Customs Tariff.

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

## ANNEX II

**Calculation of import duties for rice**

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	( <sup>1</sup> )	211,75	416,00	165,71	416,00	( <sup>1</sup> )
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	326,29	268,32	395,19	334,25	—
(b) fob price (EUR/tonne)	—	—	—	369,00	308,06	—
(c) Sea freight (EUR/tonne)	—	—	—	26,19	26,19	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

## II

(Acts whose publication is not obligatory)

## COUNCIL

**COUNCIL DECISION  
of 26 September 2000**

**on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 2000 to 31 December 2001**

(2000/595/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to the second paragraph of Article 15 of the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast<sup>(1)</sup>, the Community and the Republic of Guinea have conducted negotiations to determine any amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto.
- (2) As a result of those negotiations, a new Protocol was initialled on 17 December 1999.
- (3) Under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period 1 January 2000 to 31 December 2001.
- (4) In order to avoid any interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as quickly as possible. For this reason, the two Parties initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the current Protocol. The Agreement in the form of an Exchange of Letters should be approved, pending a definitive decision under Article 37 of the Treaty.

- (5) The method of allocating the fishing rights among the Member States should be defined on the basis of the traditional allocation of fishing rights under the Fisheries Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing rights and financial contribution provided for in the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 2000 to 31 December 2001 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Protocol are attached to this Decision.

*Article 2*

The fishing rights set out in the Protocol shall be allocated among the Member States as follows:

- (a) fin-fish/cephalopods:
 

Spain:	844 grt
Italy:	750 grt
Greece:	906 grt
- (b) shrimps
 

Spain:	1 050 grt
Portugal:	300 grt
Greece:	150 grt

<sup>(1)</sup> OJ L 111, 27.4.1983, p. 1.

- (c) tuna seiners:
- |         |            |
|---------|------------|
| France: | 19 vessels |
| Spain:  | 19 vessels |
- (d) pole-and-line tuna vessels:
- |         |           |
|---------|-----------|
| France: | 7 vessels |
| Spain:  | 7 vessels |
- (e) surface longliners:
- |           |            |
|-----------|------------|
| Spain:    | 14 vessels |
| Portugal: | 2 vessels  |

If licence applications from those Member States do not exhaust the fishing rights set out in the Protocol, the Commis-

sion may consider licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community <sup>(1)</sup>.

Done at Brussels, 26 September 2000.

*For the Council*

*The President*

C. TASCA

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<sup>(1)</sup> The date of entry into force of the Protocol shall be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

**concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 2000 to 31 December 2001**

*A. Letter from the Government of the Republic of Guinea*

Sir,

With reference to the Protocol, initialled on 17 December 1999, setting out the fishing rights and financial contribution for the period 1 January 2000 to 31 December 2001, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply that Protocol on a provisional basis from 1 January 2000, pending the entry into force of the Protocol in accordance with Article 16 of the Fisheries Agreement, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 30 June 2000.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

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

*For the Government of the Republic of Guinea*

*B. Letter from the Community*

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol, initialled on 17 December 1999, setting out the fishing rights and financial contribution for the period 1 January 2000 to 31 December 2001, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply that Protocol on a provisional basis from 1 January 2000, pending the entry into force of the Protocol in accordance with Article 16 of the Fisheries Agreement, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 30 June 2000.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to such provisional application.

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

*On behalf of the Council of the European Union*

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**PROTOCOL****setting out the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the coast of Guinea for the period 1 January 2000 to 31 December 2001***Article 1*

For a period of two years from 1 January 2000, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. fin-fish and cephalopod trawlers: an annual average of 2 500 gross registered tonnes (grt) per month;
2. shrimp trawlers: an annual average of 1 500 grt per month;
3. freezer tuna seiners: 38 vessels;
4. pole-and-line tuna vessels: 14 vessels;
5. surface longliners: 16 vessels.

Where appropriate and where the state of resources allows, the Joint Committee provided for in Article 10 of the Agreement shall consider introducing new categories of fish and shall lay down the technical and financial conditions under which they can be fished by Community vessels.

*Article 2*

1. The financial contribution referred to in Article 8 of the Agreement for the fishing rights fixed in Article 1 shall be EUR 2 960 000 per year (EUR 1 600 000 as financial compensation and EUR 1 360 000 for the measures provided for in Article 4 of this Protocol). This financial compensation shall be payable by 30 June each year at the latest.
2. The Government of the Republic of Guinea shall have full discretion regarding the use to which the financial compensation is put.
3. This compensation shall be paid into an account specified by the Government of the Republic of Guinea and opened with the Public Treasury.

*Article 3*

If the fishing rights referred to in Article 1(1) or (2) are exhausted, the Community may request that they be increased by successive instalments of an annual average of 1 000 grt per month. In such cases, the financial contribution referred to in Article 2 shall be increased proportionately, *pro rata temporis*.

*Article 4*

The measures set out below shall be financed from the overall financial contribution provided for in Article 2(1), to the amount of EUR 1 360 000 in the first year and EUR 1 360 000 in the second year, broken down as follows:

1. scientific and technical programmes to improve knowledge of fishery and biological resources in the Republic of Guinea's fishing zone: EUR 400 000;
2. support for fisheries' surveillance bodies: EUR 800 000;
3. aid for non-industrial fishing: EUR 300 000;
4. institutional aid for the Fisheries Ministry: EUR 520 000;
5. awards for study, practical training and seminars in the various scientific, technical and economic disciplines relating to fisheries: EUR 300 000;
6. the Republic of Guinea's contributions to international fisheries organisations: EUR 100 000;
7. costs of Guinean delegates' participation in international meetings on fisheries: EUR 300 000.

The measures and the annual amounts allocated thereto shall be decided on by the Fisheries Ministry, which shall inform the Commission of the European Communities thereof.

The annual amounts shall be made available to the bodies concerned not later than 30 June in the first year and 2 January in the second year and paid into the bank accounts specified by the Fisheries Ministry according to the schedule for their use. The Government of the Republic of Guinea shall provide the bank account numbers to be used for such payments.

Before the anniversary date of the Protocol each year, the Fisheries Ministry shall forward a detailed report to the Delegation of the European Commission on the implementation of the measures and the results obtained. The Commission reserves the right to ask the Fisheries Ministry for any additional information on the results and to reconsider the payments concerned should the measures not be implemented.

*Article 5*

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

*Article 6*

The Republic of Guinea shall undertake to implement a plan to reduce its overall fishing effort.

The Community, aware that the Republic of Guinea needs to reduce the overall fishing effort of all parties fishing in its waters, shall undertake to pay, at the end of each year of the Protocol, a financial contribution to the costs incurred in the management and monitoring required to implement that reduction, provided the conditions agreed on jointly are met. That financial contribution shall not exceed EUR 370 000 per year. The contribution will be paid into an account to be specified by the Fisheries Ministry of the Republic of Guinea.

*Article 7*

The Annex to the Agreement between the Government of the Republic of Guinea and the European Community on fishing off the Guinean coast is hereby repealed and replaced by the Annex hereto.

*Article 8*

This Protocol enters into force on the date of its signing.

It applies from 1 January 2000.

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## ANNEX

**CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE REPUBLIC OF GUINEA'S FISHING ZONE****1. Licence application and issuing formalities**

The relevant Community authorities shall present to the Fisheries Ministry via the Delegation of the European Commission in the Republic of Guinea, an application for each vessel that is to be used for fishing under the Agreement, at least 30 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Fisheries Ministry, a specimen of which is attached hereto (Appendix 1).

Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into the account opened with the Public Treasury of the Republic of Guinea.

The fees shall include all national and local charges except for port taxes and service costs.

Licences for all vessels shall be issued by the Fisheries Ministry within 30 days following receipt of proof of payment as laid down above to the shipowners or their representatives via the Delegation of the European Commission in the Republic of Guinea.

The following annual periods serve to determine the term of validity of licences:

- first period: 1 January to 31 December 2000,
- second period: 1 January to 31 December 2001.

Licences may not start running during one annual period and expire during the next.

Licences shall be issued for a specific vessel and shall not be transferable. However, where *force majeure* is proven and at the request of the Community, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Fisheries Ministry via the Delegation of the European Commission in the Republic of Guinea.

The new licence shall indicate:

- the date of issue,
- the validity of the new licence, covering the period from the date of arrival of the replacement vessel to the date of expiry of the licence of the replaced vessel.

In this case, no fee as laid down in the second subparagraph of Article 5 of the Agreement shall be due for unexpired periods of validity.

The licence must be held on board at all times.

**1.1. Provisions applicable to trawlers**

1. Each vessel shall be obliged to report to the port of Conakry once a year, prior to the issue of the licence, to undergo the inspection laid down by the rules and regulations currently in force. Inspections shall be carried out exclusively by duly authorised persons and must be effected within 24 working hours of arrival of the vessel in port if arrival has been announced at least 48 hours in advance. If the licence is renewed during the same calendar year the vessel shall be exempt from further inspection.

The costs of technical inspections are to be borne by the shipowners and may not exceed EUR 250 per vessel per year.

2. Each vessel must be represented by an agent of Guinean nationality, established in the Republic of Guinea.
3. (a) Licences shall be issued for periods of three, six and twelve months and be renewable. The term of validity of licences shall be taken into account when calculating the utilisation of the fishing rights granted under Article 1 of the Protocol.

(b) The fees to be paid by shipowners, expressed in EUR/grt shall be as follows.

— for annual licences:

	<i>First year</i>	<i>Second year</i>
fin-fish trawlers	150	160
cephalopod trawlers	166	174
shrimp boats	168	176

— for six-month licences:

	<i>First year</i>	<i>Second year</i>
fin-fish trawlers	77	82
cephalopod trawlers	85	89
shrimp boats	86	90

— for three-month licences:

	<i>First year</i>	<i>Second year</i>
fin-fish trawlers	40	43
cephalopod trawlers	43	45
shrimp boats	44	46

#### 1.2. Provisions applicable to tuna vessels and surface longliners

Licences must be held on board at all times; however, fishing shall be authorised on receipt of the notification of payment of the advance forwarded by the European Commission to the Fisheries Ministry of the Republic of Guinea. Vessels shall be entered on a list of vessels authorised to fish, which will be sent to the Guinean authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

The annual fees shall be EUR 25 per tonne caught within the Republic of Guinea's fishing zone.

Licences shall be issued following payment to the Public Treasury of an annual advance of EUR 2 250 for each tuna seiner, EUR 375 for each pole-and-line tuna vessel, EUR 875 per year for each surface longliner of more than 150 grt and EUR 625 per year for each surface longliner of 150 grt or less, equivalent to the fees for:

- 90 tonnes of tuna caught per year in the case of seiners,
- 15 tonnes caught per year in the case of pole-and-line tuna vessels,
- 35 tonnes per year in the case of surface longliners of more than 150 grt,
- 25 tonnes per year in the case of surface longliners of 150 grt or less.

The final statement of the fees due for the fishing period shall be drawn up by the European Commission at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the scientific institutes competent to verify catch data, such as the Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO) and the Instituto Português de Investigação Marítima (IPIMAR), in cooperation with the Centre National des Sciences Halieutiques de Boussoura (CNSHB). The statement shall be forwarded to the Fisheries Ministry and to the shipowners at the same time. Any additional payment due shall be made by the shipowners no later than 30 days after notification of the final statement, to be paid into the account opened with the Public Treasury of the Republic of Guinea.

However, if the amount of the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursable.

#### 2. Statement of catch

For all Community vessels authorised to fish in the Republic of Guinea's waters under the Agreement a statement of their catch must be provided to the Fisheries Ministry, with a copy to the Delegation of the European Commission in the Republic of Guinea, in accordance with the procedures set out below:

- for trawlers a statement shall be made out according to the specimen annexed hereto (Appendix 2). The statements shall be drawn up each month and presented at least once each quarter,
- for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with Appendix 3, for each fishing period spent in the Republic of Guinea's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in the Republic of Guinea's fishing zone, to the Fisheries Ministry via the Delegation of the European Commission in the Republic of Guinea.

Forms must be completed legibly and be signed by the master of the vessel. They must be completed by all vessels which have obtained a licence, even if they have not fished.

Should this provision not be adhered to, the Fisheries Ministry reserves the right to suspend the licence of the offending vessel until the formality has been complied with. In this case, the Delegation of the European Commission in the Republic of Guinea shall be informed.

Where applicable, the Joint Committee provided for in Article 10 of the Agreement is to consider equipping Community fishing vessels with facilities for the electronic transmission of data covering fishing operations.

### 3. **Landing of catch**

Trawlers authorised to fish in the Republic of Guinea's fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in the Republic of Guinea's fishing zone, be obliged to land 200 kg of fish per Grt per year free of charge.

Landings may be made individually or collectively, mention being made of the vessels concerned. However, vessels not intending to land 200 kg of fish per grt per year shall be required to pay an additional fee of EUR 30 per grt when they pay for their licence.

### 4. **By-catch**

Fin-fish trawlers may not hold on board crustaceans representing more than 9 % or cephalopods representing more than 9 % of their total catch in the Republic of Guinea's fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 15 % or fish representing more than 35 % of their total catch in the Republic of Guinea's fishing zone.

Shrimp trawlers may not hold on board fish representing more than 30 % or cephalopods representing more than 20 % of their total catch in the Republic of Guinea's fishing zone.

### 5. **Signing-on of seamen**

Owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Republic of Guinea nationals, subject to the conditions and limits set out below.

- 5.1. Each trawler owner shall undertake to employ:
  - two Guinean seamen on vessels of up to 200 grt,
  - three Guinean seamen on vessels of more than 200 grt but not more than 350 grt,
  - four Guinean seamen on vessels of more than 350 grt.
- 5.2. For the fleet of tuna seiners, six Guinean seamen shall be signed on permanently.
- 5.3. For the fleet of pole-and-line tuna vessels, five Guinean seamen shall be signed on for the duration of the vessels' actual presence in Guinean waters, all of them to be assigned to different vessels.
- 5.4. For surface longliners, the shipowners shall undertake to employ two Guinean seamen per vessel for the duration of the vessels' actual presence in Guinean waters.
- 5.5. The wages of these Guinean seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Fisheries Ministry; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).

Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay the Fisheries Ministry a lump sum equivalent to the wages of seamen not signed on in accordance with the provisions of points 2, 3 and 4.

This sum will be used for the training of seamen/fishermen in the Republic of Guinea and is to be paid into an account specified by the Fisheries Ministry.

## 6. Observers

- 6.1. Each trawler shall take on board an observer appointed by the Fisheries Ministry.

Observers shall not normally remain on board for more than two consecutive trips.

- 6.2. Tuna seiners and surface longliners shall take an observer on board at the request of the Guinean authorities. The time spent on board by observers is to be fixed by the Guinean authorities but, as a general rule, it should not exceed the time required to carry out their duties.

- 6.3. Observers shall be treated as officers. They shall:

- observe the fishing activities of the vessels,
- verify the position of vessels engaged in fishing operations,
- perform biological sampling in the context of scientific programmes,
- note the fishing gear used,
- verify the catch data for Guinea's zone recorded in the logbook,
- report fishing data by radio once a week.

While on board, observers shall:

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- draw up an activity report to be transmitted to the competent Guinean authorities and send a copy to the Delegation of the European Commission.

The terms of observers' embarkation are to be agreed between the shipowner or his agent and the Guinean authorities. Their wages and social insurance contributions are to be paid by the Fisheries Ministry. Shipowners, through their agents, shall pay the Centre National de Surveillance et de Protection des Pêches EUR 15 for each day spent by an observer on board a trawler and EUR 10 for each day spent on board a tuna seiner or surface longliner. Shipowners who are unable to take observers aboard and put them off at a Guinean port agreed by common accord with the Guinean authorities shall bear the cost of taking the observers aboard and putting them ashore.

If the observer is not present at the time and place agreed and during the 12 hours following the time agreed, shipowners shall be automatically absolved of their obligation to take the observer on board.

## 7. Inspection and monitoring

Any Community vessel fishing in the Republic of Guinea's zone shall allow on board any official of the Republic of Guinea responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. This official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

## 8. Fishing zones

All the vessels referred to in Article 1 of the Protocol shall be authorised to fish in waters beyond 10 nautical miles, including pole-and-line tuna vessels for the purpose of acquiring live bait.

**9. Minimum meshes authorised**

The minimum mesh size authorised for the trawl body (mesh fully extended) shall be:

- (a) 40 mm for shrimps;
- (b) 60 mm for cephalopods;
- (c) 70 mm for fin-fish;
- (d) 16 mm for fishing for live bait with purse seines.

These mesh sizes also apply to trawls used for fishing with outriggers.

**10. Entering and leaving the zone**

All Community vessels intending to enter or leaving the Republic of Guinea's fishing zone shall notify the radio station of the Centre National de Surveillance des Pêches (CNSP) thereof at least 24 hours in advance. They shall communicate the date and time and their position each time they enter and leave the Republic of Guinea's fishing zone.

The call sign and operating frequencies and times of the station shall be communicated to the shipowners by the CNSP at the time the licence is issued.

In cases where this radio communication cannot be used, vessels may use alternative means, such as fax (CNSP: 224-46 39 22, the Fisheries Ministry: 224-41 43 10).

**11. Boarding of vessels**

11.1. The Delegation of the European Commission in the Republic of Guinea shall be notified within 48 hours of any boarding within the Republic of Guinea's fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under an Agreement concluded between the Community and a third country and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

11.2. In the case of vessels authorised to fish in Guinean waters, before any measures regarding the master or the crew of the vessel of any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within 48 hours of receipt of the abovementioned information, between the Delegation of the European Commission, the Fisheries Ministry and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, helping to clarify the circumstances of the established facts.

The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

11.3. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than three working days after the boarding.

11.4. Should the case not be settled by means of compromise, and therefore be brought before a competent judicial body, a bank security payable by the shipowner shall be fixed by the relevant authority within 48 hours following the conclusion of the compromise procedure, pending the judicial decision. The amount of the security must not exceed the amount of the penalty laid down under national legislation for the presumed infringement in question. The bank security shall be returned to the shipowner by the relevant authority once the case is settled without incrimination of the master of the vessel concerned.

11.5. The vessel and its crew shall be released either:

- at the end of the consultation meeting, if the established facts permit, or
  - once the obligations arising under the compromise have been fulfilled, or
  - once a bank security is deposited by the shipowner (judicial procedure).
-

Appendix 1

APPLICATION FORM  
FOR A  
FISHING LICENCE

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

APPLICANT

Name of firm: .....

Trade register No: .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Address: .....

.....

Number of employees: .....

Name and address of co-signatory: .....

.....

VESSEL

Type of vessel: ..... Registration No: .....

New name: ..... Former name: .....

Date and place of construction: .....

Original nationality: .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: .....

Make of main engine: ..... Type: ..... Rating: .....

Propeller: Fixed  Variable  Ducted

Transit speed: .....

Call sign: ..... Call frequency: .....

List of sounding, navigating and transmission instruments:

Radar  Sonar  Net sounder

VHF  SSB  satellite navigation  Other: .....

Number of seamen: .....

CONSERVATION

Packed in ice

Ice and refrigeration

Freezing: In brine

Dry

In refrigerated sea water

Total refrigerating power: .....

Freezing capacity in tonnes/24 hours: .....

Hold capacity: .....

TYPE OF FISHING

A. Demersal

Inshore demersal

Deep-sea demersal

Type of trawl: Cephalopods

Shrimps

Fish

Length of trawl: ..... Headline: .....

Mesh size in the body: .....

Mesh size in the wings: .....

Speed of trawling: .....

B. Deep-sea pelagic (tuna)

Pole and line

Number of poles and lines

Seine

Length of net: ..... Depth of net: .....

Number of tanks: ..... Capacity in tonnes: .....

C. Longlines and pots

Surface

Bottom

Length of lines: ..... Number of hooks: .....

Number of lines: .....

Number of pots: .....

SHORE INSTALLATIONS

Address and permit No: .....

.....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card: .....

Description of processing and conservation plant:

.....

.....

.....

.....

.....

Number of employees: .....

NB: Indicate affirmative answers by a tick in the appropriate box.

**Technical remarks**

**Authorisation of the Fisheries Ministry**

Appendix 2

FISHERIES MINISTRY

STATISTICS ON CATCH AND ACTIVITY

Month:

Year:

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish							Total	
	Longitude	Latitude											
1/													
2/													
3/													
4/													
5/													
6/													
7/													
8/													
9/													
10/													
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30/													
31/													



## EUROPEAN ECONOMIC AREA

## THE EEA JOINT COMMITTEE

## DECISION OF THE EEA JOINT COMMITTEE

No 65/2000

of 2 August 2000

amending Annex VI (social security) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex VI to the Agreement was amended by Decision No 11/2000 of the EEA Joint Committee of 28 January 2000 <sup>(1)</sup>.
- (2) Decision No 173 of 9 December 1998 concerning the common arrangements adopted by the Member States, for the purposes of reimbursement between institutions following the introduction of the euro unit <sup>(2)</sup>, adopted by the Administrative Commission of the European Communities on Social Security for Migrant Workers, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be added after point 3.51 (Decision No 170) in Annex VI to the Agreement:

'3.52. **32000 D 0129(01)**: Decision No 173 of 9 December 1998 concerning the common arrangements adopted by the Member States, for the purposes of reimbursement between institutions following the introduction of the euro unit (OJ C 27, 29.1.2000, p. 21).'

*Article 2*

The texts of Decision No 173 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

*Article 3*

This Decision shall enter into force on 3 August 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee <sup>(3)</sup>.

<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> OJ C 27, 29.1.2000, p. 21.

<sup>(3)</sup> No constitutional requirements indicated.

*Article 4*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 2 August 2000.

*For the EEA Joint Committee*

*The President*

G. S. GUNNARSSON

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**DECISION OF THE EEA JOINT COMMITTEE**  
**No 66/2000**  
**of 2 August 2000**  
**amending Annex XI (telecommunication services) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XI to the Agreement was amended by Decision No 175/1999 of the EEA Joint Committee of 17 December 1999 <sup>(1)</sup>.
- (2) Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) The provisions on third country aspects of Directive 1999/93/EC are to be adapted for the purposes of the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following shall be inserted in Annex XI to the Agreement after point 5f (Directive 97/66/EC of the European Parliament and of the Council):

'5g. **399 L 0093**: Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures (OJ L 13, 19.1.2000, p. 12).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) in Article 7(1)(c) the words "or between an EFTA State and third countries or international organisations" shall be inserted after the word "organisations";
- (b) in situations referred to in Article 7(2), the Contracting Parties shall keep each other informed and, on request, consultations shall take place within the EEA Joint Committee;
- (c) whenever the Community negotiates with a third country with respect to market access for Community undertakings on the basis of Article 7(3), it shall endeavour to obtain equal treatment for undertakings of the EFTA States.'

*Article 2*

The texts of Directive 1999/93/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

*Article 3*

This Decision shall enter into force on 3 August 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee <sup>(3)</sup>.

<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> OJ L 13, 19.1.2000, p. 12.

<sup>(3)</sup> Constitutional requirements indicated.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 2 August 2000.

*For the EEA Joint Committee*  
*The President*  
G. S. GUNNARSSON

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**DECISION OF THE EEA JOINT COMMITTEE**  
**No 67/2000**  
**of 2 August 2000**  
**amending Annex XI (telecommunication services) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XI to the Agreement was amended by Decision No 175/1999 of the EEA Joint Committee of 17 December 1999 <sup>(1)</sup>.
- (2) Commission recommendation 2000/263/EC of 20 March 2000 amending recommendation 98/511/EC on interconnection in a liberalised telecommunications market (Part 1 — Interconnection pricing) <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be inserted in point 26g (Commission recommendation 98/195/EC) of Annex XI to the Agreement:

‘— **32000 X 0263**: Commission recommendation 2000/263/EC of 20 March 2000 (OJ L 83, 4.4.2000, p. 30).’

*Article 2*

The texts of recommendation 2000/263/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

*Article 3*

This Decision shall enter into force on 3 August 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee <sup>(3)</sup>.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 2 August 2000.

*For the EEA Joint Committee*  
*The President*  
G. S. GUNNARSSON

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<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> OJ L 83, 4.4.2000, p. 30.

<sup>(3)</sup> No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 68/2000**  
**of 2 August 2000**  
**amending Annex XIII (transport) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision No 3/2000 of the EEA Joint Committee of 4 February 2000 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 609/2000 of 21 March 2000 amending Regulation (EC) No 3298/94 laying down detailed measures concerning the system of rights of transit (ecopoints) for heavy-goods vehicles transiting through Austria <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 26a (Council Regulation (EEC) No 881/92) and 26aa (Protocol 9 to the Act of Accession of Austria) of Annex XIII to the Agreement:

— **32000 R 0609**: Commission Regulation (EC) No 609/2000 of 21 March 2000 amending Regulation (EC) No 3298/94 laying down detailed measures concerning the system of rights of transit (ecopoints) for heavy-goods vehicles transiting through Austria (OJ L 73, 22.3.2000, p. 9).'

*Article 2*

The texts of Regulation (EC) No 609/2000 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

*Article 3*

This Decision shall enter into force on 3 August 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee <sup>(3)</sup>.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 2 August 2000.

*For the EEA Joint Committee*  
*The President*  
G. S. GUNNARSSON

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<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> OJ L 73, 22.3.2000, p. 9.

<sup>(3)</sup> No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 69/2000**  
**of 2 August 2000**  
**amending Annex XIII (transport) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision No 180/1999 of the EEA Joint Committee of 17 December 1999 <sup>(1)</sup>.
- (2) Commission Directive 1999/97/EC of 13 December 1999 amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 56b (Council Directive 95/21/EC) in Annex XIII to the Agreement:

‘— **399 L 0097**: Commission Directive 1999/97/EC of 13 December 1999 (OJ L 331, 23.12.1999, p. 67).’

*Article 2*

The texts of Directive 1999/97/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

*Article 3*

This Decision shall enter into force on 3 August 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee <sup>(3)</sup>.

*Article 4*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 2 August 2000.

*For the EEA Joint Committee*

*The President*

G. S. GUNNARSSON

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<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> OJ L 331, 23.12.1999, p. 67.

<sup>(3)</sup> No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 70/2000****of 2 August 2000****amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision No 45/2000 of the EEA Joint Committee of 19 May 2000 <sup>(1)</sup>.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include the 'Youth' Community action programme (Decision No 1031/2000/EC of the European Parliament and of the Council <sup>(2)</sup>).
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2000,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in Article 4(2)(c) of Protocol 31 to the Agreement:

— **32000 D 1031**: Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the "Youth" Community Action programme (OJ L 117, 18.5.2000, p. 1).'

*Article 2*

This Decision shall enter into force on 3 August 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee <sup>(3)</sup>.

It shall apply from 1 January 2000.

*Article 3*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 2 August 2000.

*For the EEA Joint Committee*

*The President*

G. S. GUNNARSSON

<sup>(1)</sup> OJ L 174, 13.7.2000, p. 57.

<sup>(2)</sup> OJ L 117, 18.5.2000, p. 1.

<sup>(3)</sup> No constitutional requirements indicated.