

English edition

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2559/2000
of 16 November 2000
amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and
on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EEC) No 2658/87 ⁽¹⁾ established a goods nomenclature, hereinafter referred to as the 'Combined Nomenclature', and set out the conventional duty rates of the Common Customs Tariff.
- (2) By its Decision 97/359/EC of 24 March 1997 concerning the elimination of duties on information technology products ⁽²⁾, the Council approved, on behalf of the Community, the Agreement on trade in information technology products (ITA), together with the Communication on its implementation.
- (3) According to that Agreement, participants are to meet to consider any divergence among them in classifying information technology products, beginning with the products specified in Attachment B of the Annex thereto. This procedure brings to the fore changes to be made to the Community's tariff schedule, reproduced in

Regulation (EEC) No 2658/87. Once they are agreed to by the participants to the Agreement, the said changes must be implemented as quickly as possible,

HAS ADOPTED THIS REGULATION:

Article 1

1. In Part Two of Annex I to Regulation (EEC) No 2658/87, CN code 8528 shall be amended as shown in the Annex to this Regulation.
2. The amendments to the Combined Nomenclature subheadings provided for in this Regulation shall be applicable as TARIC subheadings until they are inserted into the Combined Nomenclature in accordance with Article 12 of Regulation (EEC) No 2658/87.

Article 2

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

It shall apply from 1 October 2000.

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

Done at Brussels, 16 November 2000.

For the Council

The President

R. SCHWARTZENBERG

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1264/2000 (OJ L 144, 17.6.2000, p. 6).

⁽²⁾ OJ L 155, 12.6.1997, p. 1.

ANNEX

CN code	Description	Rates of duties %	Supplementary unit
1	2	3	4
8528	Reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus; video monitors and video projectors:		
	– Reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus:		
8528 12	-- Colour:		
8528 12 10 to 8528 12 81	<i>(unchanged)</i>		
8528 12 89	----- Other	14	p/st
	----- Without screen:		
	----- Video tuners:		
8528 12 90	----- Electronic assemblies for incorporation into automatic data processing machines	free	p/st
8528 12 91 ⁽⁴⁾	----- Apparatus with a microprocessor-based device incorporating a modem for gaining access to the Internet, and having a function of interactive information exchange, capable of receiving television signals ("Set-top boxes with communication function")	free	p/st
	----- Other:		
8528 12 94 ⁽⁵⁾	----- Digital (including mixed digital and analogue)	14	p/st
8528 12 95 to 8528 12 98	<i>(unchanged)</i>		

⁽⁴⁾ TARIC code: 8528 12 93 10.⁽⁵⁾ TARIC code: 8528 12 93 90.

COMMISSION REGULATION (EC) No 2560/2000
of 21 November 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 ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 November 2000.

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

Done at Brussels, 21 November 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 21 November 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	108,8
	204	106,4
	999	107,6
0709 90 70	052	85,7
	999	85,7
0805 20 10	204	75,4
	999	75,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,9
	999	63,9
	0805 30 10	69,9
0808 10 20, 0808 10 50, 0808 10 90	528	28,7
	600	77,4
	999	58,7
	039	82,1
	388	41,1
	400	64,4
	404	83,0
0808 20 50	999	67,7
	052	80,3
	064	54,1
	388	78,5
	400	101,6
	999	78,6

⁽¹⁾ 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 2561/2000**of 21 November 2000****laying down special provisions for the granting of private storage aid for cows**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 48(2) thereof,

Whereas:

- (1) The information on the risk of transmission of bovine spongiform encephalopathy to man has caused grave concern among consumers. The Community market for cow meat has been particularly badly affected by the loss of consumer confidence leading to a sharp drop in consumption. The resultant threat of market disruption calls for urgent support measures. Under the circumstances, granting of private storage aid is appropriate.
- (2) Commission Regulation (EC) No 907/2000 ⁽²⁾ lays down detailed rules for the application of Regulation (EC) No 1254/1999 as regards aid for private storage in the beef and veal sector. Provision should hereby be made to fix not only the amount of aid for a specific minimum period of storage but also the amounts to be applied if that period is extended or reduced. In the light of the urgency of this measure, the amount of aid shall be fixed in advance. The fixing of the amount of aid should in particular take into account the market value of the cow carcasses and their subsequent depreciation through freezing.
- (3) With a view to increasing the market effect of the private storage arrangements, the period for placing in storage should be as short as possible and advance payment of aid should be made possible after a minimum storage period.
- (4) In order to make the private storage as effective as possible it is necessary to fix deboning yields which take into account the category of animals concerned.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 27 November 2000 until 2 February 2001 inclusive, applications for private storage aid may be introduced in

accordance with the provisions of Regulation (EC) No 907/2000 and this Regulation.

2. Only fresh or chilled half-carcasses of female bovine animals of category D referred to in Article 3(1) of Commission Regulation (EEC) No 1208/81 ⁽³⁾ and produced in full compliance with all prevailing veterinary rules shall qualify for private storage aid.

A half-carcase shall be defined in accordance with the description referred to in Article 2(1)(b) of Regulation (EEC) No 1208/81.

Where half-carcasses are cut into quarters, the quartering shall be carried out in a way which allows the necessary control of the legibility requirements under the first subparagraph. With a view to acceptance for private storage, quarters shall be grouped by half-carcase when placed under the control of the intervention agency.

3. The period of storage to be included in the contract in accordance with Article 4(5)(d) of Regulation (EC) No 907/2000 shall be three months, with, the possibility for the contracting operator, at his request, of prolonging the storage period up to a maximum of six months.

4. The amount of aid for the storage period of three months shall be EUR 472 per tonne of carcase weight. If the storage period is extended in accordance with paragraph 3, the amount of aid shall be increased by a daily supplement of EUR 0,93 per tonne.

5. The daily amount referred to in Article 17(3) of Regulation (EC) No 907/2000 is fixed at EUR 0,93 per tonne.

6. By derogation from Article 10 of Regulation (EC) No 907/2000, in the case of boning:

- no aid shall be paid if the quantity stored does not exceed 60 kilograms of boneless meat per 100 kilograms of bone-in meat employed,
- the amount of aid shall be reduced proportionately if the quantity stored exceeds 60 kilograms but is lower than 68 kilograms of boneless meat per 100 kilograms of bone-in meat employed,
- no reduction or increase of the amount of aid shall apply where the quantity stored is 68 kilograms or more of boneless beef per 100 kilograms of bone-in meat employed.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 105, 3.5.2000, p. 6.

⁽³⁾ OJ L 123, 7.5.1981, p. 3.

7. By derogation from Article 11 of Regulation (EC) No 907/2000 the advance payment may take place after two months of storage. It shall not exceed the amount of aid corresponding to that period.

Article 2

1. The minimum quantity per contract shall be 10 tonnes.

2. By derogation from Article 5(1) of Regulation (EC) No 907/2000 placing in storage must be completed not later than 14 days after the date of conclusion of the contract.

Article 3

The notifications pursuant to Article 29(2) of Regulation (EC) No 907/2000, from Member States to the Commission, shall be made by fax to one of the following numbers:

- (32-2) 295 36 13
- (32-2) 296 60 27.

Article 4

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, 21 November 2000.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2562/2000
of 21 November 2000
amending representative prices and additional duties for the import of certain products 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 markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1411/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 2545/2000 ⁽⁶⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 November 2000.

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

Done at Brussels, 21 November 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 161, 1.7.2000, p. 22.

⁽⁶⁾ OJ L 291, 18.11.2000, p. 23.

ANNEX

to the Commission Regulation of 21 November 2000 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	28,09	2,86
1701 11 90 ⁽¹⁾	28,09	7,49
1701 12 10 ⁽¹⁾	28,09	2,72
1701 12 90 ⁽¹⁾	28,09	7,06
1701 91 00 ⁽²⁾	27,99	11,24
1701 99 10 ⁽²⁾	27,99	6,72
1701 99 90 ⁽²⁾	27,99	6,72
1702 90 99 ⁽³⁾	0,28	0,37

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 5/2000 OF THE EU-LATVIA ASSOCIATION COUNCIL

of 7 November 2000

adopting the terms and conditions for the participation of the Republic of Latvia in the 'Youth' Community action programme

(2000/726/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part ⁽¹⁾, and in particular Article 109 thereof,

Whereas:

- (1) According to Article 109 of the Europe Agreement and Annex XVIII thereto, Latvia may participate in Community framework programmes, specific programmes, projects or other actions in the fields of, *inter alia*, youth.
- (2) According to the same Article, the terms and conditions for the participation of Latvia in these activities shall be decided upon by the Association Council.
- (3) Following Council Decision 2/98 of the Association Council between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part, of 27 October 1998 ⁽²⁾, Latvia has been participating in the Youth for Europe programme since 1 November 1998, and has expressed the wish to participate in the new Youth programme,

HAS DECIDED AS FOLLOWS:

Article 1

Latvia shall participate in the 'Youth' Community action programme (hereinafter called 'Youth programme') according to the terms and conditions set out in Annexes I and II, which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the Youth programme, starting on 1 January 2000.

Article 3

This Decision shall enter into force on the day of its adoption by the Association Council.

Done at Brussels, 7 November 2000.

For the Association Council

The President

H. VÉDRINE

⁽¹⁾ OJ L 26, 2.2.1998, p. 3.

⁽²⁾ OJ L 313, 21.11.1998, p. 17.

ANNEX I

Terms and conditions for the participation of the Republic of Latvia in the Youth programme

1. Latvia will participate in the activities of the Youth programme (hereinafter called 'the Programme') in conformity, unless otherwise provided for in this Decision, with the objectives, criteria, procedures and deadlines as defined in Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme ⁽¹⁾.
2. In accordance with the terms of Article 5 of Decision No 1031/2000/EC and with the provisions relating to the responsibilities of the Member States and of the Commission concerning the Youth national agencies adopted by the Commission, Latvia shall establish the appropriate structure for the coordinated management of the implementation of the programme actions at national level, and take the measures needed to ensure the adequate funding of this agency, which will receive programme grants for its activities. Latvia will take all other necessary steps for the efficient running of the Programme at national level.
3. To participate in the Programme, Latvia will pay each year a contribution to the general budget of the European Union according to the procedures described in Annex II.

If necessary in order to take into account programme developments, or the evolution of Latvia's absorption capacity, the Association Committee is entitled to adapt this contribution, so as to avoid budgetary imbalance in the implementation of the programmes.

4. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Latvia will be the same as those applicable to eligible institutions, organisations and individuals of the Community.

Latvian experts may be taken into consideration by the Commission when appointing independent experts according to the relevant provisions of Decision No 1031/2000/EC to assist it in the project evaluation.

5. With a view to ensuring the Community dimension of the Programme, to be eligible for Community financial support, projects and activities will have to include at least a partner from one of the Member States of the Community.
6. For the actions to be managed on a decentralised basis, as well as for financial support to the activities of the national agency set up in accordance with point 2, funds will be allocated to Latvia on the basis of the annual programme budget breakdown decided at Community level and Latvia's contribution to the programme. The maximal amount of financial support for the activities of the national agency will not exceed 50 % of the budget for the national agency's work programme.
7. The Member States of the Community and Latvia will make every effort, within the framework of existing provisions, to facilitate the free movement and residence of young people and other eligible persons moving between Latvia and the Member States of the Community for the purpose of participating in activities covered by this Decision.
8. Activities covered by this Decision shall be exempt from imposition by Latvia of indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.
9. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programme pursuant to Article 13 of Decision No 1031/2000/EC, the participation of Latvia in the Programme will be continuously monitored on a partnership basis involving the Commission of the European Communities and Latvia. Latvia will submit to the Commission relevant reports and take part in other specific activities set out by the Community in that context.
10. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, entities of Latvia shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. As far as financial audits are concerned, they may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant authorities of Latvia shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

The provisions relating to the responsibilities of the Member States and of the Commission concerning the Youth national agencies adopted by the Commission will apply to the relations between Latvia, the Commission and the Latvian national agency. In the event of irregularity, negligence or fraud imputable to the Latvian national agency, the Latvian authorities shall be responsible for the funds not recovered.

⁽¹⁾ OJ L 117, 18.5.2000, p. 1.

11. Without prejudice to the procedures referred to in Article 8 of Decision No 1031/2000/EC, representatives of Latvia will participate as observers in the Programme Committee, for the points which concern them. This committee shall meet without the presence of representatives of Latvia for the rest of the points, as well as when voting takes place.
 12. The language to be used in contacts of any sort with the Commission, as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programmes, will be any one of the official languages of the Community.
 13. The Community and Latvia may terminate activities under this Decision at any time upon twelve months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.
-

ANNEX II

Financial contribution of the Republic of Latvia to the Programme

1. The financial contribution to be paid by Latvia to the budget of the European Union to participate in the Programme in 2000 will be EUR 579 000.

The contribution to be paid by Latvia for the following years of the Programme will be decided by the Association Council in the course of the year 2000.

2. Latvia will pay the contribution mentioned above partly from the Latvian national budget and partly from Latvia's Phare National Programme. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Latvia by means of a separate Financing Memorandum. Together with the part coming from Latvia's State budget, these funds will constitute Latvia's national contribution, out of which it will make payments in response to annual calls for funds from the Commission.
3. Phare funds will be requested according to the following schedule:
 - EUR 231 600 for the contribution to the Programme in 2000,
 - the remaining part of Latvia's contribution will be covered from the Latvian State budget.
4. The Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾ will apply, notably to the management of Latvia's contribution.

Travel costs and subsistence costs incurred by representatives and experts of Latvia for the purposes of taking part as observers in the work of the committee referred to in point 11 of Annex I, or other meetings related to the implementation of the Programme shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for non-governmental experts of the Member States of the European Union.

5. After the entry into force of this Decision and at the beginning of each following year, the Commission will send to Latvia a call for funds corresponding to its contribution to the Programme.

This contribution shall be expressed in euros and paid into a euro bank account of the Commission.

Latvia will pay its contribution according to the call for funds:

- by 1 May for the part financed from its national budget, provided that the call for funds is sent by the Commission before 1 April, or at the latest one month after the call for funds is sent if later,
- by 1 May for the part financed from Phare, provided that the corresponding amounts have been sent to Latvia by this time, or at the latest in a period of 30 days after these funds have been sent to Latvia.

Any delay in the payment of the contribution shall give rise to the payment of interest by Latvia on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euros, increased by 1,5 percentage points.

⁽¹⁾ OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC) No 2779/98 (OJ L 347, 23.12.1998, p. 3).

COMMISSION

COMMISSION DECISION

of 21 June 2000

concerning State aid granted by France to Manufacture corrézienne de vêtements (MCV) and the plan to grant aid to the company that is to succeed it

(notified under document number C(2000) 1729)

(Only the French text is authentic)

(Text with EEA relevance)

(2000/727/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down procedures for the application of Article 93 of the EC Treaty ⁽¹⁾,

Having given interested parties notice to submit their comments in accordance with the abovementioned provisions ⁽²⁾,

Whereas:

- (2) By letters of 7 April 1998 (D/51578) and 31 July 1998 (D/53275), the Commission asked France for explanations concerning the context of, and legal basis for the measures in question.
- (3) By letter of 25 June 1998, received on 26 June (A/34909), France provided the Commission with incomplete information, while the Commission's second request for information went unanswered.
- (4) On 21 April 1999 the Commission decided to initiate the Article 88(2) procedure in respect of the abovementioned aid; it formally requested France to supply the necessary information that would allow it to determine whether the aid was compatible with the Treaty.
- (5) The decision was communicated to France by letter of 17 May 1999 (SG(99)D/3460). France sent its comments by letters of 22 September 1999, received on 23 September (A/37235), of 17 November 1999, received on 18 November (A/38788), and of 2 December 1999, received on 3 December (A/39357).

I. PROCEDURE

- (1) An article published in *Les Échos* on 24 March 1998 drew the Commission's attention to State aid allegedly granted by France to Manufacture corrézienne de vêtements (hereinafter 'MCV'), a company in liquidation. Aid was also allegedly to be granted to a new firm (hereinafter 'the firm') which was to acquire MCV's assets once it had been wound up.
- (6) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽³⁾. The Commission invited interested parties to submit their comments on the aid in question.
- (7) No comments were received.

⁽¹⁾ OJ L 83, 23.3.1999, p. 1.

⁽²⁾ OJ C 298, 16.10.1999, p. 11.

⁽³⁾ See footnote 2.

II. DETAILED DESCRIPTION OF THE AID

The measures

(a) MCV

(8) MCV is located in Bort-les-Orgues (Corrèze), in a region that is experiencing economic difficulties and is therefore classified as an area eligible for the higher-rate regional planning grant ⁽⁴⁾. According to the French authorities, MCV failed to overcome its financial difficulties, which stemmed from the fact that it continued to manufacture textiles as its main activity. It never possessed a strategy for responding flexibly to market demand and for improving its added value by means of special services such as the development of new designs, quality control and speed. Furthermore, its industrial equipment was antiquated and designed for outdated working methods, and this reduced its productivity. According to an article published in *Les Échos* on 24 March 1998, State aid totalling FRF 100 million (EUR 15 244 902) was granted to help the firm overcome its financial difficulties. On 18 December 1997 the relevant court had started winding-up proceedings for MCV and decided that it should be wound up.

(b) The firm

(9) A firm, Core Placements SA, presented a plan to restore the economic viability of the former MCV. On 13 July 1998 the competent court accepted an offer made by Mr Bienaimé, President of Core Placement SA, who was acting on the latter's behalf, to re-employ 110 employees and to purchase the stock and operating plant for FRF 100 000.

(10) Core Placements was a limited company with its headquarters in Bort-les-Orgues (Corrèze) and a registered capital of FRF 1 million. Mr Bienaimé and Mr Terrassoux together held 75 % of the shares, the remaining shares being owned by other individuals.

(11) Core Placements intended to continue MCV's activities through a new firm whose shares would be held by Core Placements SA (35 %), by a subsidiary of Établissements Albert SA (10 %), by a textiles distribution company (10 %) and by individuals (45 %).

(12) To carry out the plan, Core Placements had provided for the following measures, to be implemented up to 2003:

— Core Placements would undertake an FRF 12,8 million investment programme including building work, plant acquisitions and R & D activities,

— a vocational training scheme for MCV employees providing 42 000 hours of training at an investment cost of FRF 4,2 million,

— a supply contract with Établissements Albert (Vendée), a specialist in the manufacture and marketing of children's ready-to-wear clothing with brands such as Chevignon Kids, UCLA and Naf-Naf. Its managing director was Mr Bienaimé. In October 1998 Établissements Albert undertook to supply the firm with a turnover of 150 000 hours of work per annum for five years.

(13) France had planned to grant aid as follows:

— the firm would have equity of FRF 3 million, of which FRF 2,2 million from Mr Bienaimé and Mr Terrassoux and FRF 0,8 million from Sofred ⁽⁵⁾,

— public grants (central government, local authorities and the ERDF) totalling FRF 12,3 million,

<i>(in million FRF)</i>	
	Amount
New Plant	1,2
Land	0,9
Vocational training	3,4
Unspecified measures	6,8
Total	12,3

— loans: FRF 8,7 million, of which FRF 2,7 million at subsidised rates (4 % and 4,5 %) and the balance at market rates.

The other winding-up procedures

(14) On 19 January 1999 Établissements Albert filed for bankruptcy. On 24 February Artal Europe made an offer for its assets without, however, concluding the supply contract with the firm, as envisaged in the restructuring project presented by Core Placements.

⁽⁴⁾ 'Zone PAT'.

⁽⁵⁾ Société de financement pour la restructuration des industries de défense.

- (15) As a result, the supply contract with Établissements Albert, an essential part of the recovery plan drawn up by Core Placements with a view to setting up a new company that would benefit from MCV's existing production plant, was cancelled. According to the information in the Commission's possession, the plan was never carried out. Core Placements was compelled to petition for bankruptcy on 30 September 1999. By decision of the competent court of 21 October, the company was put into liquidation. As a result, the company ceased trading completely. The French authorities confirmed that no aid had been granted to the plan to restart production at the former MCV site.

III. COMMENTS FROM FRANCE

- (16) By letters of 25 June 1998, 22 September 1999, 17 November 1999 and 2 December 1999, France replied to the questions put by the Commission in its letters of 7 April and 31 July 1998 and in its formal request for information of 21 April 1999. The comments may be summarised as follows.

Measures relating to MCV

- (17) By letter of 23 September 1999, France confirmed that it had granted aid to MCV but pointed out that the amount of FRF 100 million on which the Commission based itself was incorrect. It did not provide any further details concerning the exact amount granted. Nor did it challenge the Commission's assumption in its decision of 21 April 1999 that the aid had been granted on an ad hoc basis. It also stated that MCV was located in a regional eligible for regional planning grants and that, if this had not been the case, MCV would have been covered by the national aid scheme of 12 April 1996. However, France failed to provide any further information on the schemes which may have served as a basis for the aid granted.

Measures relating to the firm

- (18) Following the Commission's formal request for information on 21 April 1999, France provided an explanation by letters of 22 September and 17 November 1999 of the attempts by Core Placements to restore the financial viability of the former MCV plant and the reasons for the failure of those attempts. Core Placements had presented the proposed measures to the French authorities with a view to obtaining aid. Following its bankruptcy, no aid was granted or paid.

IV. ASSESSMENT OF THE AID

Aid under Article 87(1) of the EC Treaty

(a) MCV

- (19) Article 87(1) of the Treaty states that, except where otherwise provided, aid which distorts or threatens to distort competition by favouring certain enterprises or the production of certain goods is, in so far as it affects trade among Member States, incompatible with the common market. France confirmed that State aid had been granted to MCV, although it did not specify the exact amount. It therefore failed to comply with the Commission's formal request for information of 21 April 1999. Accordingly, the Commission is taking its decision on the basis of the information available, in accordance with Article 13(1) of Regulation (EC) No 659/1999. According to the article published in *Les Échos* on 24 March 1998, State aid totalling FRF 100 million (EUR 15 244 902) was granted before December 1997⁽⁶⁾. The aid allowed MCV to be relieved, by means of public resources, of some of the costs which it would normally have had to bear itself.

- (20) Where financial aid granted by a State strengthens a firm's position in relation to that of its competitors in the Community, it must be regarded as affecting competition. Competition in the textile industry is extremely strong. According to the 1997 *Panorama of EU industry*⁽⁷⁾, Community textile producers had to cope both with weak domestic demand for their products and with increasing competition from developing countries. As a result, production and employment in the industry have fallen. Between 1990 and 1994 output declined by 14 % at constant prices while employment fell by 21 %. The industry is currently undergoing restructuring in order to make it more competitive at international level. The aid in question is therefore liable to distort competition and affect trade between Member States in the relevant sector and consequently constitutes State aid within the meaning of Article 87(1) of the Treaty.

(b) The firm

- (21) In its decision initiating the procedure, the Commission assumed that various measures for restoring the viability of the former MCV plant were to be subsidised through public resources. It emerged in the course of the procedure that Core Placements had submitted an investment plan. The receiver appointed to MCV therefore sold the latter's assets to Core Placements. When the main purchaser of the products to be produced by the firm replacing MCV went bankrupt, Core Placements itself was wound up by decision of 21 October 1999. France confirmed that no aid had therefore been granted. In the circumstances, there is no need for the Commission to take a decision on this matter.

⁽⁶⁾ Winding-up decision taken on 18 December 1997.

⁽⁷⁾ Pages 4 to 9.

Compatibility of the aid granted to MCV with Article 87 of the EC Treaty

- (22) France stated that the aid for MCV could have been granted under the 'textile plan'. By Decision 97/811/EC⁽⁸⁾ concerning aid granted by France to the textile, clothing, leather and footwear industries, the Commission took the view that the aid measures provided for in the 'textile plan' were not compatible with the Treaty. The action for annulment instituted by France was rejected by the Court of Justice of the European Communities⁽⁹⁾. France failed to communicate any evidence that measures had been taken to recover the aid granted to MCV. On the contrary, by letter of 22 September 1999, i.e. after the negative Commission decision concerning that aid scheme, France claimed that the aid granted to MCV conformed to the 'textile plan'. The Commission therefore based its assessment on the assumption that no steps had been taken to recover the aid.
- (23) In its decision of 21 April 1999 to initiate the procedure, the Commission based its assessment on the assumption that the aid had been granted on an individual ad hoc basis. France did not challenge this assumption and simply mentioned the other hypotheses which might serve as a basis for the measure. The Commission decision does not therefore cover the hypothetical application of the PAT regional aid scheme.
- (24) In view of the foregoing, the aid should have been notified in advance and France failed to fulfil its obligations under Article 88(3) of the Treaty.
- (25) Article 87(2) and (3) allow several derogations from the principle that aid is incompatible with the common market.
- (26) As the aid granted to MCV is intended to assist in its restructuring, it cannot be exempted under Article 87(2). In particular, the aid (a) does not have a social character and is not granted to individual consumers, (b) does not make good the damage caused by natural disasters or exceptional occurrences and (c) is not granted to the economy of certain areas of the Federal Republic of Germany. Nor is it granted in a region qualifying for regional aid under Article 87(3)(a). Finally, the derogations provided for in Article 87(3)(b) and (d) for projects of common European interest and aid to promote culture and heritage conservation are not applicable, and France has not invoked them.
- (27) As regards the derogation under Article 87(3)(a) of the Treaty, the Commission points out that point 2 of the guidelines on national regional aid⁽¹⁰⁾ provides that an individual ad hoc payment made to a single firm may have a major impact on competition in the relevant market, and its effects on regional development are likely to be too limited. It therefore considers that such aid does not fulfil the requirements of the guidelines. Consequently, the derogations in question are, in principle, granted only in respect of multisectoral aid schemes applicable in a given region to all firms in the sectors concerned. France has not shown that the equilibrium between the resulting distortions of competition and the advantages of the aid in terms of the development of a less-favoured region can be guaranteed. The derogation is not therefore applicable.
- (28) As regards the first part of the derogation under Article 87(3)(c), i.e. aid to facilitate the development of certain economic activities, the Commission based its assessment on the fact that the aid was essentially intended to restructure a firm in difficulty. The aid was granted before 18 December 1997, the date on which MCV was wound up.
- (29) Accordingly, the Commission examined the aid in the light of the Community guidelines on State aid for rescuing and restructuring firms in difficulty⁽¹¹⁾ (hereinafter 'the guidelines'), in accordance with point 7.5(b) of the new Community guidelines on State aid for rescuing and restructuring firms in difficulty⁽¹²⁾.
- (30) MCV is located in Bort-les-Orgues, in a region covered by Article 87(3)(c) of the Treaty. In accordance with point 3.2.3 of the guidelines, the fact that an ailing firm is located in an assisted area does not, however, justify a wholly permissive approach to aid for restructuring. The criteria in point 3.2.2 are therefore equally applicable to assisted areas, even when the needs of regional development are taken into account. In particular, the result of the restructuring operation must be an economically viable business that will contribute to the real development of the region without requiring continual aid — contrary to that prior condition. The MCV production plant will, however, never become an economically viable enterprise. The buyers have not to date succeeded in restoring its viability and have been obliged to file for bankruptcy. The Commission therefore considers that the survival of the production site depends on repeated aid.

⁽⁸⁾ OJ L 334, 5.12.1997, p. 25.

⁽⁹⁾ Judgment of 5 October 1999 in Case C-215/97.

⁽¹⁰⁾ OJ C 74, 10.3.1998, p. 9.

⁽¹¹⁾ OJ C 368, 23.12.1994, p. 12.

⁽¹²⁾ OJ C 288, 9.10.1999, p. 2.

- (31) In addition, point 3.2.2 of the guidelines stipulates that restructuring aid can be considered to be compatible with the common market only if the following conditions are fulfilled: (a) a viable restructuring plan must be submitted and implemented; it must provide for the firm's return to long-term viability within a reasonable timescale and on the basis of realistic assumptions as to its future operating conditions; (b) undue distortions of competition must be avoided; (c) the amount and intensity of the aid must be limited to the strict minimum during the restructuring phase and must be related to the benefits anticipated from the Community's point of view.
- (32) France has not furnished any evidence that the conditions described above have been met. In so far as the aid in question does not meet the conditions of the guidelines, it cannot be regarded as contributing to the development of economic activities without adversely affecting trade to an extent contrary to the common interest; as the derogation under Article 87(3)(c) is no longer relevant either, the principle of prohibition provided for in Article 87(1) is fully applicable.
- (33) If aid is incompatible with the common market, the Commission must, pursuant to the judgment of the Court of Justice in Case 70/72, upheld in its judgments in Cases 310/85 and C-5/89⁽¹³⁾, require the Member State to recover from the recipient all aid granted unlawfully⁽¹⁴⁾. This measure is necessary in order to restore the previous situation by removing all the financial benefits which the firm receiving the unlawful aid has improperly enjoyed since the date on which the aid was paid⁽¹⁵⁾. Recovery of incompatible and unlawful aid is an obligation imposed on the Commission by Regulation (EC) No 659/1999.
- (34) Recovery must be effected without delay and in accordance with the procedures of French law provided that they allow the immediate and effective execution of the Commission decision. The aid to be recovered includes interest from the date on which it was granted to the recipient until the date of its recovery. Interest is calculated on the basis of the reference rate used for calculating the grant equivalent of regional aid.

V. CONCLUSIONS

- (35) The aid for MCV constitutes aid which has distorted competition and affected trade within the meaning of Article 87(1) of the Treaty. The derogation provided for in Article 87(3)(c) is not applicable as none of the conditions set out in the Community guidelines on State

aid for rescuing and restructuring firms in difficulty have been met. The aid is incompatible with the common market.

- (36) The Commission concludes that France unlawfully implemented the aid measures in question in breach of Article 88(3) of the Treaty. The aid must be recovered,

HAS ADOPTED THIS DECISION:

Article 1

The State aid of EUR 15 244 902 (FRF 100 million) granted by France for the restructuring of Manufacture corrézienne de vêtements is incompatible with the common market.

Article 2

1. France shall take all necessary measures to recover from the recipient the aid referred to in Article 1 and unlawfully made available to the recipient.

2. Recovery shall be effected without delay and in accordance with the procedures of national law provided that they allow the immediate and effective execution of the decision. The aid to be recovered shall include interest from the date on which it was granted to the recipient until the date of its recovery. Interest shall be calculated on the basis of the reference rate used for calculating the grant equivalent of regional aid.

Article 3

France shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 21 June 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹³⁾ Case 310/85 *Deufil v Commission* [1987] ECR 901 and Case-5/89 *Commission v Germany* [1990] ECR I-3437.

⁽¹⁴⁾ Case 70/72 *Commission v Germany* [1973] ECR 813.

⁽¹⁵⁾ Case 310/85, referred to above, and Case C-142/87 *Belgium v Commission* [1990] ECR I-959.

COMMISSION DECISION
of 10 November 2000
establishing the application and annual fees of the Community Eco-label

(notified under document number C(2000) 3279)

(Text with EEA relevance)

(2000/728/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and in particular Article 175(1) thereof,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000, on a revised Community Eco-label award scheme ⁽¹⁾, and in particular Article 12 and Annex V thereof,

Whereas:

- (1) Article 12 of Regulation (EC) No 1980/2000 provides that every application for the award of an Eco-label should be subject to payment of a fee relating to the costs of processing the application and that the use of Eco-label should entail payment of an annual fee by the applicant.
- (2) Article 12 of Regulation (EC) No 1980/2000 provides that the level of application and annual fees should be established by the Commission in accordance with Annex V and under the procedure laid down in Article 17 of the said Regulation.
- (3) Annex V of Regulation (EC) No 1980/2000 provides that a minimum and a maximum application fee should be fixed, and that in the case of SMEs ⁽²⁾ and also product manufacturers as well as service providers of developing countries the application fee should be reduced by at least 25 %.
- (4) Annex V of Regulation (EC) No 1980/2000 provides that the annual fee should be calculated in relation to the annual volume of sales within the Community of the product awarded the Eco-label, and that a minimum and a maximum fee should be fixed.
- (5) Annex V of Regulation (EC) No 1980/2000 provides that in the case of SMEs, and also product manufacturers as well as service providers of developing countries, the annual fees should be reduced by at least 25 %.
- (6) Annex V of Regulation (EC) No 1980/2000 provides that applicants who have already received certification under EMAS or ISO 14001 may be granted additional reductions on the annual fee.
- (7) Annex V of Regulation (EC) No 1980/2000 provides that further reductions could be considered under the

procedure laid down in Article 17 of the said Regulation.

- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee set up pursuant to Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

Article 1

1. An application for the award of a label will be subject to payment of a fee relating to the costs of processing the application.
2. The minimum application fee shall be EUR 300. The maximum application fee shall be EUR 1 300.
3. In the case of SMEs, and also product manufacturers as well as service providers of developing countries, the application fee shall be reduced by 25 %. Both reductions shall be cumulative and shall also apply to the minimum and maximum application fee.

Article 2

1. Each applicant who has been awarded an Eco-label will pay an annual fee for the use of the label to the competent body which has awarded the label.
2. The period covered by the fee will begin with the date of the award of the Eco-label to the applicant.
3. Figures for the annual sales volume shall be based on ex-factory prices when the product that has been awarded the Eco-label is a good. They shall be based on delivery price when related to services.
4. The figure for the annual fee shall be 0,15 % of the annual volume of sales within the Community of the product awarded the Eco-label.
5. The minimum annual fee shall be EUR 500 per product group per applicant. The maximum annual fee shall be EUR 25 000 per product group per applicant.
6. In the case of SMEs, and also product manufacturers as well as service providers of developing countries, the annual fee shall be reduced by 25 %. Both reductions shall be cumulative.

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ SMEs as defined in Commission Recommendation 96/280/EC (OJ L 107, 30.4.1996, p. 4).

7. The annual fee shall be reduced by 15 % for applicants that are EMAS registered and/or ISO 14001 certified. This reduction shall be subject to the condition that the applicant explicitly commits itself in its environmental policy to ensure full compliance of its Eco-labelled products with the Eco-label criteria throughout the period of validity of the contract and that this commitment is appropriately incorporated into the detailed environmental objectives. Those applicants with ISO 14001 shall demonstrate annually the implementation of this commitment. Those with EMAS shall forward a copy of their annually verified environmental statement.

8. Competent Bodies may grant reductions of up to 25 % for up to the first three applicants in each Member State that are awarded the Eco-label for a given product group.

9. All of the above reductions shall be cumulative and shall also apply to the minimum and maximum annual fee, but shall not exceed in total 50 %.

10. Products for which intermediates have already been subject to the payment of an annual fee shall only be subject to payment of a fee corresponding to the annual sales of the products after deduction of the cost value of such intermediates.

Article 3

Neither the application fee nor the annual fee will include any cost towards testing and verification which may be necessary for products which are the subject of applications. Applicants will meet the cost of such testing and verification themselves.

Article 4

Contracts for the use of the Eco-label concluded before the entry into force of this Decision may at the request of the

licence holder be modified to take into account the provisions of this Decision.

Article 5

Community adoption or revision of EU Eco-label product groups, in accordance with the procedure set in Article 6 of Regulation (EC) No 1980/2000, may lead to modifications in the application of the current Decision fixing the costs and fees to a particular product group. Such modifications should be expressly provided for in the Decision establishing the ecological criteria for that particular product group.

Article 6

Commission Decision 93/326/EEC of 13 May 1993 establishing indicative guidelines for the fixing of costs and fees in connection with the Community Eco-label⁽¹⁾ is hereby repealed.

Article 7

The Commission may review and evaluate the implementation of this Decision within two years, and may propose to adapt it as appropriate.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 10 November 2000.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 129, 27.5.1993, p. 23.

COMMISSION DECISION
of 10 November 2000
on a standard contract covering the terms of use of the Community Eco-label

(notified under document number C(2000) 3278)

(Text with EEA relevance)

(2000/729/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000, on a revised Community Eco-label Award Scheme ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1980/2000 provides that a standard contract shall be adopted in accordance with the procedure laid down in Article 17,
- (2) It is appropriate, in order not only to avoid distortions of competition but also to ensure that the interests of consumers and users are protected, that the terms of use of the label should be uniform throughout the Community,
- (3) The competent bodies should, however, be able, subject to compatibility with Regulation (EC) No 1980/2000, to include additional provisions in the contract.
- (4) It is appropriate that the contract should include provisions for compliance monitoring which should allow the competent body to ensure that the label is used only for products which meet the objectives and principles specified in Article 1 of Regulation (EC) No 1980/2000 and are in accordance with the terms of the contract.
- (5) It is further appropriate that, in cases of non-compliance with the objectives and principles of the said Regulation and the terms of the contract, provisions should be made for suspension or withdrawal of the award of the label.

- (6) The measures set out in this Decision are in accordance with the opinion of the Committee set up pursuant to Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

Article 1

The contract which shall be concluded between the competent body and each applicant in accordance with Article 9 of Regulation (EC) No 1980/2000 shall be in the form set out in the Annex to this Decision.

Article 2

Without prejudice to Article 1, the competent body may include in the contract additional provisions provided that such additional provisions are compatible with Regulation (EC) 1980/2000.

Article 3

Commission Decision 93/517/EEC of 15 September 1993 on a standard contract covering the terms of use of the Community eco-label ⁽²⁾ is hereby repealed.

Article 4

This decision is addressed to the Member States.

Done at Brussels, 10 November 2000.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 243, 29.9.1993, p. 13.

ANNEX

STANDARD CONTRACT COVERING THE TERMS OF USE OF THE COMMUNITY ECO-LABEL

PREAMBLE

The competent body . . . (full title) hereafter called 'the competent body', registered at . . . (full address), which for the purposes of the signature of this contract is represented by (name of person responsible), . . . (full name of holder), in his capacity as manufacturer, importer, service provider, trader or retailer whose official registered address is . . . (full address), hereafter called 'the holder', represented by . . . (name of person responsible), have agreed the following with regard to the use of the Community Eco-label:

Article 1

RIGHTS AND OBLIGATIONS

- 1.1. The competent body grants the holder the right to use the Eco-label for his products as described in the annexed product specifications, which conform) to the relevant product group criteria in force for the period . . ., adopted by the Commission of the European Communities on (date), published in the *Official Journal of the European Communities* of . . . (full reference), and annexed to this contract.
- 1.2. The Eco-label shall be used only in the form and colour laid down in the Eco-label specifications provided by the competent body and annexed to this contract and shall be clearly visible. The right to use the Eco-label does not extend to the use of the Eco-label as a component of the trademark.
- 1.3. The holder shall ensure that the product to be labelled complies throughout the duration of this contract with all the terms of use and provisions set out in this contract and the product group criteria and Eco-label specifications referred to in the Annexes to this contract which are applicable at the time in question. No new application will be required for modifications in the characteristics of the products which do not affect compliance with the criteria. The holder shall however inform the competent body of such modifications by registered letter. The competent body may carry out appropriate verifications.
- 1.4. The contract may be extended to a wider range of products than those initially foreseen, subject to agreement by the competent body, and subject to the condition that they belong to the same product group and that they also comply with its criteria. The competent body may verify that these conditions are met. The Annex detailing the product specifications shall be modified accordingly.
- 1.5. Participation in the Eco-label scheme is without prejudice to environmental or other regulatory requirements of Community or national law applicable to the various life stages of goods, and where appropriate to a service.

Article 2

ADVERTISING

- 2.1. The holder shall refer to the award of the Eco-label only in relation to the product referred to in Article 1 and in the Annex of this contract.
- 2.2. The holder shall not advertise or make any statement or use any label or logo in a way which is false or misleading or which results in confusion or calls into question the integrity of the Eco-label.
- 2.3. The holder shall be responsible under this contract for the manner in which the Eco-label is used in relation to his product, especially in the context of advertising.

Article 3

COMPLIANCE MONITORING

- 3.1. The competent body, including its agents authorised for such purpose by the competent body, may undertake all or any necessary investigations to monitor the on-going compliance by the holder with both the product group criteria and the terms of use and provisions of this contract. To this end, the competent body may request, and the holder shall provide, any relevant documentation to prove such compliance.
- 3.2. Further, the competent body, including its agents authorised for such purpose by the competent body, may, at any reasonable time and without notice, request, and the holder shall grant, access to the premises as stated in the Annex or any part thereof, for the purposes mentioned in paragraph 1 of the present Article.
- 3.3. The holder shall be liable for the reasonable costs incurred by the competent body under this Article.

Article 4

CONFIDENTIALITY

- 4.1. Except as required by Regulation (EC) No 1980/2000, and in particular Article 7 thereof, the competent body and any of its authorised agents may not disclose, or use for any purpose unconnected with this contract, information to which they have gained access in the course of assessing a product with a view to the award of the Eco-label or in the course of monitoring compliance pursuant to Article 3 hereof.
- 4.2. The competent body shall take all reasonable steps to secure the protection of the documents confided to it against falsification and misappropriation.
- 4.3. Furthermore, the competent body shall take all reasonable steps to secure the protection of the documents entrusted to it from destruction, for a period of at least three years from the date of termination of this contract. At the end of this period the competent body may destroy the documentation.

Article 5

SUSPENSION AND WITHDRAWAL

- 5.1. In a case where the holder becomes aware that he fails to meet the terms of use or provisions contained in Articles 1, 2 and 3, the holder shall notify the competent body and refrain from using the Eco-label until those terms for use or provisions have been fulfilled and the competent body notified thereof.
- 5.2. Where the competent body considers that the holder has contravened any of the terms of use or provisions of this contract, the competent body shall be entitled to suspend or withdraw its authorisation to the holder to use the Eco-label, and to take such measures as are necessary to prevent the holder from using it further, including such measures as are provided for in Article 9.

Article 6

LIMITATION OF LIABILITY AND INDEMNITY

- 6.1. The holder shall not include the Eco-label as part of any guarantee or warranty in relation to the product referred to in Article 1.1 of this contract.
- 6.2. The competent body, including its authorised agents, shall not be liable for any loss or damage sustained by the holder arising out of the award and/or use of the Eco-label.
- 6.3. The competent body, including its authorised agents, shall not be liable for any loss or damage sustained by a third party and arising out of the award and/or use, including advertising, of the Eco-label.
- 6.4. The holder shall indemnify and keep indemnified the competent body and its authorised agents against any loss, damage or liability sustained by the competent body, or its authorised agents, as a result of a breach of this contract by the holder or as a result of reliance by the competent body on information or documentation provided by the holder, including any claims by a third party.

Article 7

FEES

- 7.1. The holder undertakes to pay to the competent body a fee, or fees, for use of the Eco-label on the product referred to in Article 1.1 and in the Annex, for the period of use as laid down in this contract, in accordance with the rules on fees in force at the time of the signature of the contract, made available by the competent body on . . . (date and full reference), and as annexed to this contract. In the event of suspension or early termination by either the competent body or the holder, the holder shall not be entitled to repayment (of the fee(s)), either in whole or in part.
- 7.2. Use of the Eco-label is conditional upon all relevant fees having been paid in due time.

Article 8

COMPLAINTS

- 8.1. The competent body may inform the holder of any complaints made concerning the product bearing the Eco-label, and may request the holder to reply to those complaints. The competent body may withhold the identity of the complainant from the holder.
- 8.2. Any reply made by the holder in accordance with a request under Article 8.1 shall be without prejudice to the rights and/or obligations of the competent body under Articles 3 and 5 of this contract.

Article 9

CONTRACT DURATION AND APPLICABLE LAW

- 9.1 Except as provided for in Article 9.2, 9.3 and 9.4 hereof, this contract shall run from the date on which it is signed until (...) or until expiry of the product group criteria, whichever is sooner.
- 9.2. Where the holder has contravened any of the terms of use or provisions of this contract within the meaning of Article 5.2, the competent body shall be entitled to treat this as a breach of contract entitling the competent body, in addition to the provisions in Article 5.2, to terminate the contract, by registered letter to the holder, at an earlier date than given in Article 9.1, within (a time period to be determined by the competent body).
- 9.3. The holder may terminate the contract by giving the competent body three months' notice by registered letter.
- 9.4. If the product group criteria as stated in Article 1.1 are extended without amendments for any period, and if no written notice of termination from the competent body has been given at least three months before the expiry of the product group criteria and of this contract, the competent body shall inform the holder at least three months in advance that the contract shall be automatically renewed for as long as the product group criteria remain in force.
- 9.5. After the termination of this contract the holder may not use the Eco-label in relation to the product specified in Article 1.1 and in the Annex to this contract, either as labelling or for advertising purposes. The Eco-label may nevertheless, for a period of six months after the termination, be displayed on stock held by the holder or others and manufactured before the termination. This latter provision shall not apply if the contract has been terminated for the reasons foreseen under Article 9.2.
- 9.6. Any dispute between the competent body and the holder or any claim by one party against the other based on this contract which has not been settled by amicable agreement between the contracting parties, shall be subject to the applicable law of the Member State/region of the competent body and to the jurisdiction of the courts of the Member State/region of the competent body.

The following Annexes shall form part of this contract:

- copy of Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community Eco-label Award Scheme, in (the relevant Community language(s)),
- product specifications, which shall at least include details of the names, and/or the manufacturer's internal reference numbers, the manufacturing sites, and the related Eco-label licence registration number or numbers,
- a copy of Commission Decision. . . (on product group criteria),
- Eco-label specifications, indicating amongst others that the label shall be printed either in two colours (Pantone 347 green and Pantone 279 blue), or in black on white, or in white on black.
- a copy of Commission Decision 2000/728/EC of 10 November 2000 fixing the costs and fees in connection with the Community Eco-label, in (the relevant Community language(s)).

Done at and date Done at and date

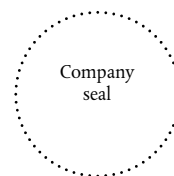
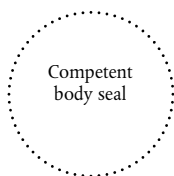
.....

(Competent body) (Holder)

Designated person Designated person

.....

(Legally binding signature) (Legally binding signature)



COMMISSION DECISION
of 10 November 2000
establishing the European Union Eco-labelling Board and its rules of procedure

(notified under document number C(2000) 3280)

(Text with EEA relevance)

(2000/730/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

an important role in the development and setting of criteria for Community Eco-labels.

Having regard to the Treaty establishing the European Community and in particular Article 175(1) thereof,

(6) Article 6(2) of Regulation (EC) No 1980/2000 provides that the EUEB may request the Commission to initiate the procedure for setting the ecological criteria.

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July on a revised Community Eco-label Award Scheme⁽¹⁾, and in particular Article 13 thereof,

(7) Article 6(2) of Regulation (EC) No 1980/2000 provides that the Commission shall give mandates to the EUEB to develop and periodically review the Eco-label criteria as well as the assessment and verification requirements relating to those criteria, applying to the product groups coming within the scope of this Regulation.

Whereas:

(1) Article 13 of Regulation (EC) No 1980/2000 provides that the Commission shall establish a European Union Eco-labelling Board, hereinafter referred to as the 'EUEB', consisting of the competent bodies referred to in Article 14 and of the Consultation Forum referred to in Article 15.

(8) Article 6(3) of Regulation (EC) No 1980/2000 provides that on the basis of the mandate the EUEB shall draft the Eco-label criteria in respect of the product group and the assessment and verification requirements related to those criteria, as outlined in Article 4 and Annex IV of this Regulation, by taking into account the results of feasibility and market studies, life cycle considerations and the improvement analysis referred to in Annex II of this Regulation.

(2) Article 13 of Regulation (EC) No 1980/2000 provides that the rules of procedure of the EUEB shall be established by the Commission in accordance with the procedure laid down in Article 17 and taking into account the procedural principles set out in Annex IV.

(3) Article 13 of Regulation (EC) No 1980/2000 provides that the EUEB shall in particular contribute to the setting and review of Eco-label criteria as well as the assessment and verification requirements.

(9) Annex IV(1) of Regulation (EC) No 1980/2000 provides that a specific ad hoc working group involving the interested parties referred to in Article 15 and the competent bodies referred to in Article 14 will be established within the EUEB for the development of Eco-label criteria for each product group.

(4) Article 15 of Regulation (EC) No 1980/2000 provides that the Commission shall ensure that in the conduct of its activities the EUEB observes, in respect of each product group, a balanced participation of all relevant interested parties concerned with that product group such as industry and service suppliers, including SMEs, crafts and their business organisations, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations.

(10) Article 5 of Regulation (EC) No 1980/2000 provides that the EUEB shall be consulted by the Commission on the Community Eco-label working plan.

(5) Recital 5 of Regulation (EC) No 1980/2000 provides that for the acceptance by the general public of the Community Eco-label Award System it is essential that environmental NGOs and consumer organisations play

(11) Article 10 of Regulation (EC) No 1980/2000 provides that the members of the EUEB shall cooperate with the Member States and the Commission in promoting the use of the Community Eco-label.

(12) The measures provided for in this Decision are in accordance with the opinion of the Committee set up in accordance with Article 17 of Regulation (EC) No 1980/2000,

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The rules establishing the European Union Eco-labelling Board and its rules of procedure, set out in the Annex hereto, are hereby adopted.

Article 2

This decision is addressed to the Member States.

Done at Brussels, 10 November 2000.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX

RULES OF PROCEDURE OF THE EUROPEAN UNION ECO-LABELLING BOARD (EUEB)

ROLE OF THE EUEB

1. The EUEB referred to in Article 13 of Regulation (EC) No 1980/2000 is established and shall operate in accordance with the said Regulation.
2. The EUEB shall, in particular:
 - request the Commission to initiate the procedure for setting the ecological criteria as well as the related assessment and compliance verification requirements for product groups,
 - contribute to the setting and review of Eco-label criteria as well as the related assessment and compliance verification requirements for product groups,
 - be consulted by the Commission on the Community Eco-label working plan,
3. The members of the EUEB shall cooperate with the Member States and the Commission in promoting the use of the Community Eco-label.

COMPOSITION

4. The EUEB shall consist of the competent bodies referred to in Article 14 of Regulation (EC) No 1980/2000, including the competent bodies of the Member States of the European Economic Area, and the Consultation Forum referred to in Article 15 of the said Regulation.
5. Amongst others, the following organisations, representing the interested parties, shall be members of the EUEB:
 - Coface (consumers, representing also BEUC, Eurocoop and AEC),
 - EEB (environmental)
 - ETUC (trade unions),
 - UNICE (industry),
 - UEAPME (SMEs, crafts),
 - Eurocommerce (commerce)

In order to ensure a balanced participation of all relevant interested parties, the EUEB may adapt this membership as appropriate, either at the request of the Commission or on its own initiative, subject to approval by the Commission.

6. Each member of the EUEB shall designate a contact person.

CHAIR, VICE-CHAIRS AND SECRETARIAT

7. The chair and the two vice-chairs of the EUEB shall be held in turn by the EU Ecolabel competent bodies referred to in Article 14 of Regulation (EC) No 1980/2000.
8. The chair shall firstly be held in turn by a competent body from each Member State of the European Union, during the period of their presidency, and then from each Member State of the European Economic Area, for the same duration and in alphabetical order.
9. The two vice-chairs shall be held by the competent body that is next in line to hold the chair and the competent body that previously held the chair.
10. The competent body holding the chair or the vice-chairs may, exceptionally, be replaced by one of the vice-chairs or by another member of the EUEB.
11. At any time, however, the EUEB may, subject to agreement by the Commission, adopt a different way of determining the chair and vice-chairs.
12. The secretariat of the EUEB shall be held by the Commission.

MEETINGS

13. Meetings of the EUEB shall be convened by the chair, who shall, with the assistance of the vice-chairs and of the secretariat, be responsible for preparing and circulating the invitations, agendas and supporting papers, as well as drafting and circulating the corresponding minutes.
14. The Commission shall on request make a meeting room available should the meeting be scheduled to take place in Brussels.

15. In general no more than three representatives of a member of the EUEB should participate in a given meeting.
16. Representatives of the Member States of the European Union and of the European Economic Area may participate in the EUEB meetings. Representatives of the Commission shall participate in the EUEB meetings. The Chairperson or the Commission may, where appropriate, invite other interested parties to participate.

EXPENSES

17. Common expenses necessary for the meetings, developing and reviewing ecological criteria and other activities shall be met by the Commission subject to agreement of an annual budget for such expenditure.

GENERAL RULES

(Pertaining amongst others to lead competent bodies and ad hoc working groups, and applicable when acting in relation to setting or reviewing the ecological criteria and related assessment and compliance verification requirements for product groups)

18. When acting in relation to setting or reviewing the ecological criteria as well as the related assessment and compliance verification requirements for a product group, the EUEB shall select one or more of the competent bodies referred to in Article 14 of Regulation (EC) No 1980/2000 who are willing to take a lead role. These shall be referred to as the lead competent bodies.
19. The lead competent body shall, with the assistance of members of the EUEB, form an ad hoc working group, as referred to in Annex IV(1) of the said Regulation. It shall actively seek the balanced participation of, amongst others, appropriate representatives of the interested parties, of the competent bodies, and of the Commission. European Union and non-European Union interested parties shall be treated on an equal footing. The representatives of the interested parties referred to above shall as far as possible be expert and knowledgeable of the product group in question, and shall be referred to as the technical representatives.
20. All competent bodies shall actively seek the opinion of all interested parties in their country in relation to the product group in question, and shall communicate these opinions to the ad hoc working group and to the EUEB.
21. The lead competent body shall organise and chair at least one meeting of this ad hoc working group. The Commission shall on request make a meeting room available should the meeting be scheduled to take place in Brussels.
22. The technical representatives of the interested parties referred to above shall as far as possible also participate in meetings of the EUEB where the product group in question is to be fully discussed.
23. The EUEB, the lead competent body and the ad hoc working group shall act in compliance with the objectives and principles laid down in Article 1 of the said Regulation as well as the procedural principles laid down in Annex IV of the said Regulation.
24. The EUEB, the lead competent body and the ad hoc working group shall take into account relevant Community environmental policies and work done on other related product groups.
25. All reasonable efforts shall be made by the EUEB and its members and by the lead competent body and the ad hoc working group to achieve a consensus throughout their work, while aiming at high levels of environmental protection.

PREPARATORY WORK

(Procedure to be followed before requesting the Commission to initiate the procedure for setting the ecological criteria for product groups)

26. The EUEB may request the Commission to initiate the procedure for setting the ecological criteria for product groups.
27. The EUEB shall take due account of the Community Eco-label working plan referred to in Article 5 of Regulation (EC) No 1980/2000, and in particular the nonexhaustive list of product groups considered as priorities for Community action.
28. The EUEB shall carry out preparatory work to determine whether the product group under consideration falls within the scope of the Community Eco-label award scheme as laid down in Article 2 of the said Regulation, and in particular satisfies the conditions laid down in Article 2(2). The Commission may also request the EUEB to carry out this preparatory work.

29. In order to carry out this preparatory work, the EUEB shall select a lead competent body or bodies willing to take a lead role, who shall form an ad hoc working group. The general rules detailed above shall apply.
30. The lead competent body with the assistance of the ad hoc working group shall, amongst others and to an appropriate degree, carry out the feasibility and market study, the life cycle considerations and the improvement analysis referred to in Annex II of the said Regulation, taking into account the requirements and applicable provisions laid down in Article 3, Annex I and Annex IV(1).

In doing so, the lead competent body with the assistance of the ad hoc working group shall, amongst others and insofar as is appropriate and feasible, carry out the following tasks:

- (a) analysing the nature of the market, including the industrial and economic segmentation of the sector (main manufacturers, market shares, imports, etc.), characterising the different types of the product, analysing the possibilities of successfully marketing the Eco-labelled products, and proposing an appropriate marketing and communication strategy;
 - (b) seeking the opinion of all interested parties (competent bodies, interest groups, etc.), and identifying those parties that would cooperate in the process of establishing criteria;
 - (c) analysing the key environmental impacts, the environmental best practice in the sector, looking also at design for environment issues, and identifying the major areas for improvement of the product group and how these might feasibly be addressed in ecological criteria;
 - (d) analysing the key elements relating to the product's fitness in meeting the needs of consumers and how these might feasibly be addressed in Eco-label criteria;
 - (e) making an inventory and obtaining copies of existing Eco-labels, standards, test methods and studies that are relevant for the establishment of an Eco-label for the product group, taking into account the work done on related product groups, and estimating the costs of testing;
 - (f) reviewing relevant national, European and international legislation;
 - (g) identifying potential barriers for successfully establishing this product group;
 - (h) drafting and distributing in due time before related meetings all necessary working papers summarising the main findings of each of the three steps referred to above and including other relevant information and analyses.
 - (i) drafting a comprehensive final report on the result of the above analyses and investigations, written in English and optionally in one of the other official languages of the Community as well. This final report shall be made available in both printed and electronic format, and shall be made open for consultation, if possible on the Eco-label web-site. It shall include in annex a summary list of all documents circulated in the course of this work, together with an indication of the date of circulation of each document and to whom it has been circulated, and a copy of the documents in question. It shall also include in annex a list of the interested parties involved in the work or that have been consulted or have expressed an opinion, together with their contact information. It shall include an executive summary and where relevant annexes with detailed inventory computations. Any observations received on the report will be taken into consideration, and, upon request, information on the followup to the comments will be provided.
 - (j) presenting the findings to one or more EUEB meetings and, on the basis of these consultations and of the likelihood of the overall success of an Eco-label for the candidate product group, recommending whether or not the product group should be further developed and Eco-label criteria established.
31. When satisfied with the above preparatory work for a candidate product group and with the positive recommendation of the ad hoc working group, the EUEB shall forward the final report together with the proposals concerning the drafting of the mandate to the Commission, and shall request the Commission to initiate the procedure for setting the ecological criteria for the product group in question and to give a mandate to the EUEB that takes into account the abovementioned proposals. The members of the EUEB representing the interested parties referred to in Article 15 of the said Regulation may individually or collectively annex their specific opinion or opinions to this final report.

MANDATE TO DEVELOP OR REVISE CRITERIA

(Procedure to be followed when carrying out a mandate from the Commission to develop or revise Eco-label criteria and related assessment and compliance verification requirements for a product group)

32. The EUEB shall, on the basis of a mandate received from the Commission, develop a proposal for the Eco-label criteria and related assessment and compliance verification requirements for the product group in question. The EUEB shall respect the deadline for completion of the work provided in the mandate.
33. In order to do so, the EUEB shall select a lead competent body or bodies willing to take a lead role, who shall form an ad hoc working group. The general rules detailed above shall apply.

34. The lead competent body with the assistance of the ad hoc working group shall firstly determine if all of the necessary analyses, investigations and other preparatory work, detailed above, have been carried out. This includes, in particular, the feasibility and market study, the life cycle considerations and the improvement analysis referred to in Annex II of Regulation (EC) No 1980/2000. The lead competent body with the assistance of the ad hoc working group should take all appropriate actions to complete and update this preparatory work as necessary, taking into account the procedures detailed in the aforementioned section.
35. The lead competent body shall present the draft proposal and related reports and analyses to one or more EUEB meetings and, on the basis of these consultations, shall when appropriate indicate to the EUEB that the mandate may be considered to be completed. In this respect, particular regard will be paid to the likelihood of the draft proposal receiving a high level of support.
36. Similarly the EUEB, on the basis of the work carried out by the lead competent body and the ad hoc working group, shall when appropriate inform the Commission of the draft criteria and indicate to the Commission that the mandate may be considered to be completed. In this respect, particular regard will be paid to the likelihood of the draft proposal receiving a high level of support. The members of the EUEB representing the interested parties referred to in Article 15 of said Regulation (EC) No 1980/2000, may individually or collectively annex their specific opinion or opinions to the draft criteria.
37. Should the Commission indicate that the mandate has not been fulfilled, the EUEB shall continue its work on the draft criteria, taking into account the procedures and requirements detailed in this section. The Commission shall indicate the reasons for its position.
38. Should at any point in time the Commission indicate that the mandate has been fulfilled, the EUEB shall consider the mandate to have been completed. The EUEB shall nevertheless recommence work on the mandate should at a later date the Commission so request.
39. Should at any point in time the EUEB conclude that it is unable to fulfil the mandate, it shall inform the Commission accordingly without delay, indicating in detail the reasons.

MANDATE TO REVIEW CRITERIA

(Procedure to be followed when carrying out a mandate from the Commission to review the Eco-label criteria and related assessment and compliance verification requirements for a product group)

40. The EUEB shall on the basis of a mandate received from the Commission, review the Eco-label criteria and related assessment and compliance verification requirements for the product group in question.
41. The EUEB shall take particular care to complete its work in due time before the expiry of the validity of the existing criteria.
42. In order to do so, the EUEB shall select a lead competent body or bodies willing to take a lead role, who shall form an ad hoc working group. The general rules detailed above shall apply.
43. The lead competent body with the assistance of the ad hoc working group shall review the current Eco-label criteria and related assessment and compliance verification requirements, as well as reviewing and where necessary completing and updating the various analyses, reports, inventories and other work detailed in the section entitled 'Preparatory work'.
44. The lead competent body with the assistance of the ad hoc working group shall in particular evaluate the past, current and likely future success of this product group, including the related environmental benefits, taking into account the success of related product groups, and taking into account the Community Eco-label working plan.
45. The lead competent body shall present the results of these evaluations and analyses to one or more EUEB meetings and, on the basis of these consultations, shall when appropriate recommend to the EUEB whether the ecological criteria and related assessment and compliance verification requirements should be either prolonged, withdrawn or revised. In this respect, particular regard will be paid to the likelihood of the recommendation receiving a high level of support.
46. Similarly, the EUEB, on the basis of the work carried out by the lead competent body and the ad hoc working group, shall when appropriate recommend to the Commission that the ecological criteria and related assessment and compliance verification requirements should be either prolonged, withdrawn or revised. In this respect, particular regard will be paid to the likelihood of the recommendation receiving a high level of support. The members of the EUEB representing the interested parties referred to in Article 15 of the Regulation (EC) No 1980/2000, may individually or collectively annex their specific opinion or opinions on this recommendation.

47. Should the Commission indicate that the mandate has not been fulfilled, the EUEB shall continue accordingly, taking into account the procedures and requirements detailed in this section. The Commission shall indicate the reasons for its position.
48. Should the Commission indicate its agreement with a recommendation that the ecological criteria and related assessment and compliance verification requirements should be revised, the EUEB shall proceed accordingly, taking into account the procedure and requirements detailed in the section entitled 'Mandate to develop or revise criteria'.
49. Should the Commission agree with a recommendation that the ecological criteria and related assessment and compliance verification requirements should be withdrawn or prolonged, the EUEB shall consider the mandate to have been completed. The EUEB shall nevertheless recommence work on the mandate should at a later date the Commission so request.
50. Should at any point in time the EUEB conclude that it is unable to fulfil the mandate, it shall inform the Commission accordingly without delay, indicating in detail the reasons.

INPUT REGARDING THE WORKING PLAN

(Procedure to be followed when consulted by the Commission on the Community Eco-label working plan)

51. The EUEB may provide input to the Commission on the proposed Community Eco-label working plan referred to in Article 5 of Regulation (EC) No 1980/2000.
52. In order to do so the EUEB should take all necessary and appropriate steps, acting in compliance with the objectives and principles laid down in Article 1(1) and (4) of the said Regulation.
53. Before proposing new product groups which could be a priority for Community action, the EUEB shall first make a preliminary and indicative determination as to whether the product groups in question fall within the scope of the Community Eco-label award scheme as laid down in Article 2 of the said Regulation, and in particular satisfy the conditions laid down in Article 2(2) of the said Regulation. In doing so it shall take into account, to an appropriate degree, the various considerations detailed above in the section entitled 'Preparatory work'.
54. All reasonable efforts shall be made by the EUEB and its members to achieve a high level of consensus throughout this work.

OTHER ACTIONS BY THE MEMBERS OF THE EUEB

55. The members of the EUEB shall act in the general interest of the Community Eco-label Scheme, and may take any initiatives they consider pertinent and useful to this end. They may similarly act at the request of the Commission. Such initiatives may include, amongst others:
 - promotional activities, as referred to in Article 10 of Regulation (EC) No 1980/2000 or otherwise,
 - the formation of ad hoc working groups,
 - actions to promote the harmonised application of Eco-label criteria and related assessment and compliance verification requirements, including the regular adaptation and improvement of the related user manuals,
 - drafting guidelines, for example to facilitate the development of ecological criteria,
 - adopting internal procedures as appropriate.

REVIEW

56. The EUEB shall regularly review its functioning, and, if necessary, may make recommendations to the Commission to adapt these procedures as appropriate. The first review should be completed before the end of 2002.
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COMMISSION DECISION
of 10 November 2000
establishing the rules of procedure of the Consultation Forum of the revised Community Eco-label Scheme

(notified under document number C(2000) 3281)

(Text with EEA relevance)

(2000/731/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and in particular Article 175(1) thereof,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July on a revised Community Eco-Label Award Scheme ⁽¹⁾, and in particular Article 15 thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1980/2000 provides that the Commission shall establish a European Union Eco-Labeling Board, hereinafter referred to as the 'EUEB', consisting of the competent bodies referred to in Article 14 and of the Consultation Forum referred to in Article 15.
- (2) Article 15 of Regulation (EC) No 1980/2000 provides that the Commission shall ensure that in the conduct of its activities the EUEB observes, in respect of each product group, a balanced participation of all relevant interested parties concerned with that product group such as industry and service providers, including SMEs, crafts and their business organisations, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations.
- (3) Article 15 of Regulation (EC) No 1980/2000 provides these parties shall meet in a Consultation Forum.
- (4) Article 15 of Regulation (EC) No 1980/2000 provides that the rules of procedure of the Consultation Forum shall be established by the Commission in accordance with the procedure laid down under Article 17.
- (5) Recital 5 of Regulation (EC) No 1980/2000 provides that for the acceptance by the general public of the Community Eco-Label Award System it is essential that environmental NGOs and consumer organisations play

an important role in the development and setting of criteria for Community Eco-Labels.

- (6) Annex IV(1) of Regulation (EC) No 1980/2000 provides that a specific ad hoc working group involving the interested parties referred to in Article 15 and the competent bodies referred to in Article 14 will be established within the EUEB for the development of Eco-Label criteria for each product group.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee set up in accordance with Article 17 of Regulation (EC) No 1980/2000.

HAS ADOPTED THIS DECISION:

Article 1

The rules of procedure of the Consultation Forum, set out in the Annex hereto, are hereby adopted.

Article 2

The Commission Decision of 18 November 1992 establishing the rules of procedure of the Consultation Forum of the Community Eco-Label Award Scheme ⁽²⁾ is hereby repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 10 November 2000.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ C(92) 2314 final, 18.11.1992.

ANNEX

rules of procedure of the Consultation Forum

1. The rules of procedure of the Consultation Forum (the Forum) referred to in Article 15 of Regulation (EC) No 1980/2000 are established. The Forum shall operate in accordance with the said Regulation.
2. The Consultation Forum and its members shall be members of the European Union Eco-Labeling Board (EUEB) and shall participate in all activities of the EUEB, in particular:
 - requesting the Commission to initiate the procedure for setting the ecological criteria as well as the related assessment and compliance verification requirements for product groups,
 - setting and reviewing Eco-Label criteria as well as the related assessment and compliance verification requirements for product groups,
 - being consulted by the Commission on the Community Eco-Label working plan,
 - the promotion and use of the Community Eco-Label.
3. The following organisations, amongst others, representing the interested parties referred to in Article 15 of the said Regulation, shall be members of the Forum, and thereby of the EUEB:
 - Coface (consumers, representing also BEUC, Eurocoop and AEC),
 - EEB (environmental),
 - ETUC (trade unions),
 - UNICE (industry)
 - UEAPME (SMEs, crafts),
 - Eurocommerce (commerce).

In order to ensure a balanced participation of all relevant interested parties, the EUEB may adapt this membership as appropriate, either at the request of the Commission or on its own initiative, subject to approval by the Commission.

4. Each member of the Forum shall designate a contact person.
 5. The Forum shall meet in meetings of the EUEB.
 6. In addition to general representatives who should participate in meetings of the EUEB, each member of the Forum should designate at least one technical representative per product group to participate in the ad hoc working groups set up by the EUEB in relation to specific product groups, as well as in meetings of the EUEB where the product group in question is to be fully discussed. These technical representatives should as far as possible be expert and knowledgeable of the product group in question.
 7. The members of the Forum and their general and technical representatives shall act in compliance with the objectives and principles laid down in Article 1 of the said Regulation as well as the procedural principles laid down in Annex IV of the said Regulation.
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