

English edition

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2666/2000
of 5 December 2000**

on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia, repealing Regulation (EC) No 1628/96 and amending Regulations (EEC) No 3906/89 and (EEC) No 1360/90 and Decisions 97/256/EC and 1999/311/EC

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

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

Whereas:

(1) The Community provides assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia.

(2) Most of this Community assistance is currently provided under Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia (OBNOVA) ⁽²⁾ and under Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe (PHARE) ⁽³⁾. This means that the Community assistance is subject to different sets of procedures, which encumbers management. In the interests of efficiency it is therefore desirable to establish a single legal framework for this assistance, as requested by the European Council at its meeting in Helsinki on 10 and 11 December 1999. It is therefore appropriate to repeal Regulation (EC) No 1628/96 and to amend Regulation (EEC) No 3906/89. However, in order to ensure the continuity of the activities of the European Agency for Reconstruction, the provisions of Regulation (EC) No 1628/96 which concern the establishment and operation of the Agency should be incorporated into a new Regulation, which should enter into force on the date of that repeal.

(3) The European Council, meeting in Lisbon on 23 and 24 March 2000, confirmed that its overall objective remained the fullest possible integration of the countries of the region into the political and economic mainstream of Europe and that the stabilisation and association process was the centrepiece of its policy in the Balkans.

(4) The European Council, meeting in Feira on 19 and 20 June 2000, recognised the countries concerned by the stabilisation and association process to be potential candidates for EU membership.

(5) The existing Community assistance should be expanded and redirected to adjust it to the European Union's political objectives for the region and, particularly, to contribute to the stabilisation and association process and increase the responsibility of recipient countries and entities in relation to that process.

(6) To that end Community assistance will be focused mainly on building up an institutional, legislative, economic and social framework directed at the values and models subscribed to by the European Union and on promoting a market economy, with due regard for priorities agreed with the partners concerned.

(7) A precondition for receiving assistance is that the recipients respect democratic principles, the rule of law, human and minority rights, fundamental freedoms and the principles of international law.

(8) The regional dimension of Community assistance should be given special attention, with a view to stepping up regional cooperation and supporting the European Union's role as a driving force within the Stability Pact.

(9) In view of the political situation in some areas and the nature of the various entities that have responsibility for implementing assistance there, it is desirable to provide that the assistance can be supplied in some cases directly to recipients other than the State.

⁽¹⁾ Opinion delivered on 15 November 2000 (not yet published in the Official Journal).

⁽²⁾ OJ L 204, 14.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 2454/1999 (OJ L 299, 20.11.1999, p.1).

⁽³⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 1266/1999 (OJ L 161, 26.6.1999, p. 68).

- (10) To make Community assistance more effective and ensure it is properly implemented, the Commission should adopt general guidelines, in accordance with the management procedure laid down in this Regulation, taking into account the objectives of reform of external aid.
- (11) To promote cooperation within the region, provision should be made for the candidate countries and, on a case-by-case basis, the countries covered by the TACIS and MEDA programmes to participate in the tendering procedures and contracts.
- (12) Provision should be made for checks and for the protection of the Community's financial interests, inter alia by enabling the Commission, including the European Fraud Prevention Office (OLAF), and the Court of Auditors to exercise their respective powers pursuant to Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁽¹⁾ and Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests⁽²⁾.
- (13) The Community assistance should be governed by a strategy framework and by annual and multiannual programming, which will be put to the management committee set up by this Regulation for an opinion. This will situate the assistance within a medium-term outlook and will make it possible to ensure that it complements and remains consistent with that of the Member States.
- (14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽³⁾.
- (15) In the case of the Federal Republic of Yugoslavia, provision should be made for the Commission to be able to delegate implementation of assistance programmes to the European Agency for Reconstruction.
- (16) In the light of the scope of this Regulation, consequent changes will need to be made to Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe

(PHARE)⁽⁴⁾, to Council Decision 97/256/EC of 14 April 1997 granting a Community guarantee to the European Investment Bank against losses under loans for projects outside the Community (Central and Eastern European countries, Mediterranean countries, Latin American and Asian countries, South Africa, the Former Yugoslav Republic of Macedonia and Bosnia and Herzegovina)⁽⁵⁾, to Council Decision 1999/311/EC adopting the third phase of the trans-European cooperation scheme for higher education (Tempus III) (2000 to 2006)⁽⁶⁾ and to Council Regulation (EEC) No 1360/90 of 7 May 1990 establishing a European Training Foundation⁽⁷⁾.

- (17) The operations covered by this Regulation are part of the Community's Western Balkans policy and are needed to implement one of the Community's objectives.
- (18) The Treaty does not provide, for the adoption of this Regulation, powers other than those under Article 308,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community shall provide assistance, hereinafter referred to as 'Community assistance', to Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia.

2. The following shall be directly eligible for Community assistance: the State, entities under United Nations jurisdiction and administration, federal, regional and local bodies, public and semi-public bodies, the social partners, organisations providing support to businesses, cooperatives, mutual societies, associations, foundations and non-governmental organisations.

3. Authorities established by the international community to act as the civil administration in some areas, such as the High Representative in Bosnia and Herzegovina and the United Nations Interim Administration Mission in Kosovo (UNMIK), shall be duly consulted on implementation of the Community assistance in their areas. Any programmes or projects they implement shall be eligible for Community assistance under this Regulation, except in the case of those entities' running costs; where appropriate, such costs may draw on a grant provided under Council Regulation (EC) No 1080/2000 of 22 May 2000 on support for the United Nations Interim Mission in Kosovo (UNMIK) and the Office of the High Representative in Bosnia and Herzegovina (OHR)⁽⁸⁾.

4. The financial reference amount for the implementation of this programme for the period 2000 to 2006 shall be EUR 4 650 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

⁽¹⁾ OJ L 292, 15.11.1996, p. 2.

⁽²⁾ OJ L 312, 23.12.1995, p. 1.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 1266/1999 (OJ L 161, 26.6.1999, p. 68).

⁽⁵⁾ OJ L 102, 19.4.1997, p. 33. Decision as last amended by Decision 98/729/EC (OJ L 346, 22.12.1998, p. 54).

⁽⁶⁾ OJ L 120, 8.5.1999, p. 30. Decision as amended by Decision 2000/460/EC (OJ L 183, 22.7.2000, p. 1).

⁽⁷⁾ OJ L 131, 23.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 1572/98 (OJ L 206, 23.7.1998, p. 1).

⁽⁸⁾ OJ L 122, 24.5.2000, p. 27.

Article 2

1. The main purpose of the Community assistance is to support participation by the recipient countries in the stabilisation and association process.
2. The Community assistance shall *inter alia* be for:
 - (a) reconstruction, aid for the return of refugees and displaced persons, and stabilisation of the region;
 - (b) the creation of an institutional and legislative framework to underpin democracy, the rule of law and human and minority rights, reconciliation and the consolidation of civil society, the independence of the media and the strengthening of legality and of measures to combat organised crime;
 - (c) sustainable economic development and market-economy-orientated economic reform;
 - (d) social development, with particular reference to poverty reduction, gender equality, education, teaching and training, and environmental rehabilitation;
 - (e) the development of closer relations among recipient countries, between them and the European Union and between them and countries which are candidates for accession to the European Union, in coordination with other instruments for cross-border, transnational and regional transboundary cooperation with non-member countries;
 - (f) fostering regional, transnational, cross-border and interregional cooperation among the recipient countries, between them and the European Union and between the recipient countries and other countries of the region.
3. The Community assistance shall be implemented by financing investment and institution-building programmes in accordance with the programming principles set out in the general guidelines adopted by the Commission in accordance with the procedure referred to in Article 10(2).

Article 3

1. Save in exceptional, duly substantiated cases, Community assistance shall be provided as follows:
 - (a) a strategic framework ('country strategic paper'), for the period 2000 to 2006, which shall serve to set long-term objectives for assistance and priority fields of action in recipient countries. For this purpose, due account shall be taken of all relevant assessments. The strategic framework shall be revised if exceptional events so require or in the light of the results of the assessment provided for in Article 12;
 - (b) on the basis of the strategic framework referred to in point (a), multiannual indicative programmes shall be drawn up, for three-year periods, for each country receiving Community assistance. They shall reflect priorities set

under the stabilisation and association process and priorities identified and agreed with the partners concerned. Such programmes shall describe the reforms to be carried out by partners in priority sectors and include an assessment of progress made in doing so. They shall give indicative amounts (overall and for each priority sector) and set out criteria for funding the programme concerned. They shall be updated each year as necessary. They may be amended in the light of experience and progress in implementing stabilisation and association agreements, particularly as regards regional cooperation;

- (c) annual action programmes, based on the multiannual indicative programmes referred to in point (b), shall be drawn up for each country receiving Community assistance. They shall set out, as precisely as possible, for a given operational year, the aims being pursued, the fields of action and the budget provided. The annual action programmes shall contain a detailed list of projects to be financed and specify the relevant amounts.
2. The strategic framework, the multiannual indicative programmes and the annual action programmes referred to in paragraph 1 shall be adopted in accordance with the procedure referred to in Article 10(2).

Any amendments shall be adopted in accordance with the same procedure.

Article 4

1. Where Community assistance for the Federal Republic of Yugoslavia is implemented by the European Agency for Reconstruction, in accordance with Council Regulation (EC) No 2667/2000 of 5 December 2000 on the European Agency for Reconstruction⁽¹⁾:
 - (a) the strategic framework, multiannual indicative programme and annual action programme referred to in Article 3 covering Community assistance implemented by the Agency shall be adopted in accordance with the procedure referred to in Article 10(2). The utmost account shall be taken of recommendations made by the Agency's Governing Board, in accordance with Article 2(2) of Regulation (EC) No 2667/2000;
 - (b) the draft annual action programmes shall be submitted to the Commission by the Agency's Director. The Governing Board of the Agency shall be consulted on the implementation of the annual action programme, as laid down in Article 4 of Regulation (EC) No 2667/2000.
2. The procedure laid down in Article 10(2) shall also be used to adopt programmes of assistance for the Federal Republic of Yugoslavia which are not to be implemented by the Agency and are therefore not included in the annual action programme.

⁽¹⁾ See page 7 of this Official Journal.

Article 5

1. Respect for the principles of democracy and the rule of law and for human and minority rights and fundamental freedoms is an essential element for the application of this Regulation and a precondition of eligibility for Community assistance. If these principles are not respected, the Council, acting by qualified majority on a proposal from the Commission, may take appropriate measures.

2. Community assistance shall also be subject to the conditions defined by the Council in its Conclusions of 29 April 1997, in particular as regards the recipients' undertaking to carry out democratic, economic and institutional reforms.

Article 6

1. Community assistance shall be in the form of grants.

2. Community financing may be used to cover expenditure on preparing, implementing, monitoring, checking and evaluating projects and programmes and on information.

3. Community financing may be used for co-financing, which should be sought whenever feasible. Co-financing of investment projects financed by guaranteed loans from the European Investment Bank may, in exceptional cases, take the form of interest rate subsidies.

4. Community financing may cover the grant part of ad hoc exceptional financial assistance decisions which are taken by the Council on the basis of Article 308 of the Treaty.

5. Community financing may not be used for paying taxes, duties or charges or for acquiring immovable property.

Article 7

1. The Commission shall implement the Community assistance in accordance with the Council Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾.

2. In taking financing decisions under this Regulation and carrying out the assessments referred to in Article 12, the Commission shall have regard to the principles of sound financial management, in particular economy and cost-effectiveness, as laid down in the Financial Regulation.

3. Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons from Member States, States which are recipients under this Regulation and candidate countries for accession to the European Union.

Participation by countries which are recipients under the TACIS and MEDA programmes shall also be authorised by the Commission on a case-by-case basis.

4. In the case of co-financing, the Commission may authorise participation in invitations to tender and contracts by nationals of other countries on a case-by-case basis.

5. The Commission shall provide information on invitations to tender, procurement, contracts and financing agreements, as laid down in the Annex hereto.

Article 8

1. Financing decisions and any agreements or contracts resulting therefrom shall expressly provide for monitoring and financial control by the Commission, including OLAF, and audits by the Court of Auditors, if necessary on the spot.

2. In addition, the Commission may carry out on-the-spot checks and inspections in accordance with Regulation (Euratom, EC) No 2185/96. Measures taken by the Commission in accordance with the procedure referred to in Article 10(2) shall provide for adequate protection of the financial interests of the Community as required by Regulation (EC, Euratom) No 2988/95.

Article 9

1. Financing decisions not covered by multiannual indicative programmes and annual action programmes shall be individually adopted by the Commission in accordance with the procedure referred to in Article 10(2).

2. Decisions amending Decisions referred to in Article 10(1) shall be adopted by the Commission where they do not comprise substantial changes to the nature of the programmes referred to in the said paragraph and, as regards the financial element, where they do not exceed 20 % of the total amount allocated for the programme in question, subject to a limit of EUR 4 million. The CARDS Committee referred to in Article 10 shall be notified of all revised decisions.

Article 10

1. The Commission shall be assisted by a management committee, hereinafter referred to as 'the CARDS Committee'.

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

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at 45 days.

3. The Committee shall adopt its rules of procedure.

⁽¹⁾ OJ L 356, 31.12.1977, p. 1.

4. The Committee may examine any other question concerning this Regulation which is submitted to it by the Chairman, whether or not at the request of the representative of a Member State, and in particular any question relating to the programming or general implementation of measures or to co-financing.

Article 11

1. In the interests of making the Community assistance cohesive and more efficient and complementary, the Member States and the Commission shall exchange any relevant information on the operations they intend to implement.

2. In liaison with the Member States and on the basis of a regular mutual exchange of information, including on the spot, particularly as regards strategy papers, multiannual indicative programmes and annual action programmes and the preparation of projects and monitoring of their implementation, the Commission shall ensure effective coordination of the assistance efforts made by the Community, including the EIB, and by each Member State, in order to make their cooperation programmes more consistent and complementary. In addition, it shall encourage coordination and cooperation with international financial institutions, United Nations cooperation programmes and other donors. Practical arrangements for on-the-spot coordination shall be covered by guidelines to be approved by the CARDS Committee.

Article 12

Every year the Commission shall submit to the European Parliament and the Council a progress report on the Community assistance. That report shall contain information on the action financed during the year and on the findings of monitoring work and shall give an assessment of the results achieved in the implementation of the strategic framework, the multiannual indicative programmes and the annual action programmes referred to in Article 3(1).

Article 13

1. The Council shall review this Regulation before 31 December 2004.

2. For that purpose, not later than 30 June 2004, the Commission shall submit to the Council an evaluation report, together with proposals for the future of this Regulation and for any amendments needing to be made to it.

Article 14

1. Regulation (EC) No 1628/96 is hereby repealed.

2. In the Annex to Regulation (EEC) No 3906/89, the names 'Bosnia and Herzegovina', 'Albania', 'Croatia', 'the Former Yugoslav Republic of Macedonia' and 'Yugoslavia' shall be deleted.

Article 15

Regulations (EEC) No 3906/89 and (EC) No 1628/96 shall nevertheless remain applicable to projects and programmes for which the procedures leading to the Commission financing

decision have been started but have not yet been completed at the time of entry into force of this Regulation.

Article 16

The first paragraph of Article 1 of Regulation (EEC) No 1360/90 shall be replaced by the following:

'This Regulation hereby establishes the European Training Foundation (hereinafter referred to as the "Foundation"), whose objective shall be to contribute to the development of the vocational training systems of:

- the countries of Central and Eastern Europe designated as eligible for economic aid by the Council in Regulation (EEC) No 3906/89 or in any subsequent relevant legal act,
- the new independent States of the former Soviet Union and Mongolia which are the beneficiaries of the programme to assist economic reform and recovery pursuant to Regulation (Euratom, EC) No 1279/96 or any subsequent relevant legal act,
- the Mediterranean non-member countries and territories which are the beneficiaries of the financial and technical measures to accompany the reform of their economic and social structures pursuant to Regulation (EC) No 1488/96 or any subsequent relevant legal act, and
- the countries which are beneficiaries under Regulation (EC) No 2666/2000 (*) or any subsequent relevant legal act.

Those countries shall be hereinafter referred to as the "eligible countries".

(*) OJ L 306, 7.12.2000, p. 1.'

Article 17

The second subparagraph of Article 1a(5) of Decision 97/256/EC shall be replaced by the following:

'Financial decisions relating to this Decision shall be adopted in accordance with the procedures laid down in Regulation (EC) No 2666/2000 (*).

(*) OJ L 306, 7.12.2000, p. 1.'

Article 18

The first paragraph of Article 2 of Decision 99/311/EC shall be replaced by the following:

'Tempus III concerns the countries which are beneficiaries under Regulation (EC) No 2666/2000 (*) and the new independent States of the former Soviet Union and Mongolia mentioned in Regulation (EC, Euratom) No 99/2000 (**) (which replaces the old TACIS programme). These countries are hereinafter referred to as "eligible countries".

(*) OJ L 306, 7.12.2000, p. 1.

(**) OJ L 12, 18.1.2000, p. 1.'

Article 19

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

It shall apply until 31 December 2006.

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

Done at Brussels, 5 December 2000.

For the Council

The President

C. PIERRET

ANNEX

Information on invitations to tender, procurement, contracts and financing agreements referred to in Article 7(5)

1. The Commission, acting in liaison with the Member States, shall provide all interested businesses, organisations and institutions in the Community, at their request, with the necessary documentation on the general aspects of programmes referred to in this Regulation and the conditions for participation in those programmes, making appropriate use of the Internet.
 2. The Commission shall notify the CARDS Committee and, where appropriate, the Governing Board of the European Agency for Reconstruction of the financing decisions adopted, which shall contain specific details of the contracts anticipated, including their likely value, the procedure for awarding them and the dates envisaged for invitations to tender. Those specific details shall be released on the Internet.
 3. The results of invitations to tender, including information on numbers of tenders received as at the contract award date and names and addresses of successful tenderers, shall be published in the *Official Journal of the European Communities* and released on the Internet. The Commission shall supply the CARDS Committee and, where appropriate, the Governing Board of the European Agency for Reconstruction, every three months, with specific detailed information on contracts concluded in implementation of programmes and projects referred to in this Regulation.
 4. The Commission shall forward financing agreements or similar documents to the CARDS Committee for information.
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COUNCIL REGULATION (EC) No 2667/2000
of 5 December 2000
on the European Agency for Reconstruction

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

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

Whereas:

- (1) Assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia has been implemented essentially under Regulation (EC) No 1628/96 ⁽²⁾ and under Council Regulation (EC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe ⁽³⁾.
- (2) Regulation (EC) No 1628/96, established the European Agency for Reconstruction.
- (3) The Council adopted Regulation (EC) No 2666/2000 ⁽⁴⁾, which lays down a single legal framework for Community assistance to those countries and repeals Regulation (EC) No 1628/96.
- (4) The provisions governing the establishment and operation of the European Agency for Reconstruction should therefore be adapted to Regulation (EC) No 2666/2000 and incorporated in a new Regulation, and the appropriate changes made at the same time.
- (5) The Feira European Council of 19 and 20 June 2000 emphasised that the European Agency for Reconstruction, as an authority implementing the future CARDS programme, should be allowed to use its full potential in order to achieve the goals set by the Cologne European Council of 3 and 4 June 1999.
- (6) The Treaty does not provide, for the adoption of this Regulation, powers other than those under Article 308,

HAS ADOPTED THIS REGULATION:

Article 1

The Commission may delegate to an Agency implementation of the Community assistance provided for in Article 1 of

⁽¹⁾ Opinion delivered 15.11.2000 (Not yet published in the Official Journal).

⁽²⁾ OJ L 204, 14.8.1996, p. 1. Regulation as amended by Regulation (EC) No 2454/1999 (OJ L 299, 20.11.1999, p. 1).

⁽³⁾ OJ L 375, 23.12.1989, P. 11. Regulation as last amended by Regulation (EC) No 1266/1999 (OJ L 161, 26.6.1999, p. 68).

⁽⁴⁾ See page 1 of this Official Journal.

Regulation (EC) No 2666/2000 to the Federal Republic of Yugoslavia.

The European Agency for Reconstruction, hereinafter referred to as the 'Agency', shall be set up to that end with the aim of implementing this Community assistance.

Article 2

1. To achieve the objective laid down in the second subparagraph of Article 1, the Agency shall carry out the following tasks, within the limits of its powers and in accordance with the decisions taken by the Commission:

- (a) gathering, analysing and communicating information to the Commission on:
 - (i) damage, the requirements for reconstruction and the return of refugees and displaced persons, and related initiatives taken by governments, local or regional authorities and the international community;
 - (ii) the urgent requirements of the communities concerned, taking account of the various population displacements and the possibilities for the return of those displaced;
 - (iii) the priority sectors and geographical areas requiring urgent assistance from the international community;
- (b) preparing draft programmes for the reconstruction of the Federal Republic of Yugoslavia and the return of refugees and displaced persons in accordance with guidelines provided by the Commission;
- (c) implementing the Community assistance referred to in Article 1, wherever possible in cooperation with the local population and where necessary by drawing on the services of operators selected by tender. The Commission may accordingly make the Agency responsible for all operations required to implement the programmes referred to in (b), including:
 - (i) drawing up terms of reference;
 - (ii) preparing and evaluating invitations to tender;
 - (iii) signing contracts;
 - (iv) concluding financing agreements;
 - (v) awarding contracts, in accordance with the provisions of this Regulation;
 - (vi) evaluating draft programmes referred to in (b);
 - (vii) checking implementation of the draft programmes referred to in (b);
 - (viii) effecting payments.

2. The Board of Management referred to in Article 4 shall be kept informed on the implementation of the tasks listed in paragraph 1. It shall where necessary adopt recommendations which shall be communicated to the Commission and brought to the attention of the CARDS Committee set up by Article 10 of Regulation (EC) No 2666/2000.

3. Without prejudice to any operations cofinanced in the framework of the responsibilities entrusted to the Agency under Article 1, the Agency may implement reconstruction programmes, programmes for the restoration of civil society and the rule of law and programmes providing aid for the return of refugees and displaced persons which the Member States and other donors entrust to it, *inter alia* under the arrangements for cooperation established by the Commission with the World Bank, international financial institutions and the European Investment Bank (EIB).

Such implementation shall be subject to the following conditions:

- (a) the financing must be provided in full by the other donors;
- (b) the financing must cover any associated administrative costs;
- (c) the duration thereof must be compatible with the deadline for winding up the Agency set in Article 14.

4. The Commission may also entrust the Agency with following up (including monitoring, evaluation and auditing) decisions regarding support for the United Nations Interim Mission in Kosovo (UNMIK) taken within the framework of Regulation (EC) No 1080/2000 ⁽¹⁾.

Article 3

The Agency shall have legal personality. It shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable and immovable property and be a party to legal proceedings. The Agency shall be non-profit-making.

The Agency may establish operational centres with a considerable degree of management autonomy.

The Agency's general services shall be located at its seat in Thessaloniki.

Article 4

1. The Agency shall have a Governing Board composed of one representative from each Member State and two representatives of the Commission.

2. The Member State representatives shall be appointed by the Member State concerned, paying due regard to experience and qualifications relevant to the Agency's activities.

3. The term of office of representatives shall be thirty months.

4. The Governing Board shall be chaired by a Commission representative. The Chairman shall not vote.

5. The EIB shall appoint a non-voting observer.

6. The Governing Board shall adopt its rules of procedure.

7. The Commission and Member State representatives on the Governing Board shall each have one vote.

Governing Board decisions shall be adopted by a two-thirds majority.

8. The Governing Board shall determine by unanimous decision the rules governing the languages used by the Agency.

9. The Governing Board shall be convened by the Chairman whenever necessary, and at least once every three months. It shall also be convened at the request of the Agency's Director or at least a simple majority of its members.

10. The Governing Board shall be kept informed by the Director of the strategy framework, the multiannual programme and the annual action programme referred to in Article 3(1) of Regulation (EC) No 2666/2000, which shall include Community assistance to the Federal Republic of Yugoslavia as well as the list of projects to be implemented.

11. The Director shall regularly report to the Governing Board on the progress of implementation of projects. The Governing Board may then approve recommendations concerning:

- (a) conditions for implementation and proper execution of projects
- (b) possible adjustments to projects currently being executed
- (c) individual projects which may be particularly sensitive.

12. The Director shall regularly report to the Governing Board on the functioning and activities of the operational centres set up in accordance with Article 3. The Governing Board may approve recommendations to this effect.

13. On a proposal from the Director, the Governing Board shall decide on:

- (a) arrangements for evaluating the implementation and proper execution of projects;
- (b) proposals for programmes by the other donors referred to in Article 2(3) for possible implementation by the Agency;
- (c) setting the multiannual contractual framework with the provisional authority responsible for the administration of Kosovo, for implementation of the Community assistance referred to in Article 1(3) of Regulation (EC) No 2666/2000;
- (d) whether representatives of the countries and organisations delegating implementation of their programmes to the Agency should be present as observers on the Governing Board;
- (e) the establishment of new operational centres in accordance with the second subparagraph of Article 3.

⁽¹⁾ OJ L 122, 24.5.2000, p. 27.

14. The Governing Board shall present a draft annual report to the Commission by 31 March each year at the latest on the Agency's activities in the previous year and how they were financed.

The Commission shall adopt the annual report and submit it to the European Parliament and the Council.

Article 5

1. The Director of the Agency shall be appointed by the Governing Board on a proposal from the Commission for a term of office of thirty months. The term of office may be terminated by the same procedure.

The Director shall be responsible for:

- (a) preparing the draft annual action programme referred to in Article 4(1)(b) of Regulation (EC) No 2666/2000 and its implementation;
- (b) preparation and organisation of the work of the Governing Board and regularly informing the Board;
- (c) informing the Governing Board of invitations to tender, procurement and contracts;
- (d) day-to-day administration of the Agency;
- (e) preparation of the statement of revenue and expenditure and execution of the Agency's budget;
- (f) preparation and publication of the reports specified in this Regulation;
- (g) all staff matters;
- (h) implementation of the Governing Board's decisions and guidelines laid down for the Agency's activities.

2. The Director shall be accountable to the Governing Board for his activities and shall attend its meetings.

3. The Director shall be the legal representative of the Agency.

4. The Director shall hold the power of Appointing Authority.

5. The Director shall present a quarterly activity report to the European Parliament.

Article 6

1. Estimates of all the Agency's revenue and expenditure shall be prepared for each financial year, which shall correspond to the calendar year, and shall be shown in the Agency's budget, which shall include an establishment plan.

2. The revenue and expenditure shown in the Agency budget shall be in balance.

3. The Agency's revenue shall comprise, without prejudice to other types of income, a subsidy from the general budget of the European Union, payments made as remuneration for services performed and funding from other sources.

4. The budget shall also include details of any funds made available by the recipient countries themselves for projects receiving financial assistance from the Agency.

Article 7

1. The Director shall establish each year a draft budget for the Agency covering administrative expenditure and operational expenditure for the following financial year, and shall submit it to the Governing Board.

2. On this basis, the Governing Board shall adopt a draft budget for the Agency by 15 February of each year at the latest, and shall submit it to the Commission.

3. The Commission shall assess the draft budget of the Agency having regard to the priorities it has established and the overall financial guidelines for Community assistance for the reconstruction of the Federal Republic of Yugoslavia.

It shall establish, on this basis and within the proposed limits of the overall amount to be made available for Community assistance to the Federal Republic of Yugoslavia, the indicative annual contribution to the Agency budget to be included in the preliminary draft general budget of the European Union.

4. The Governing Board, after receiving the opinion of the Commission, shall adopt the budget of the Agency at the beginning of each financial year, adjusting it to the various contributions granted to the Agency and to funds from other sources. The budget shall also specify the number, grade and category of staff employed by the Agency during the financial year in question.

5. For reasons of budgetary transparency, funds from sources other than the Community budget shall be entered separately in the Agency's revenue. In the expenditure section, administrative and staff costs shall be clearly separated from the operational costs of the programmes referred to in the first subparagraph of Article 2(3).

Article 8

1. The Director shall implement the budget of the Agency.

2. The competent departments of the Commission shall be responsible for financial checks.

3. By 31 March each year at the latest, the Director shall submit to the Commission, the Governing Board and the Court of Auditors the detailed accounts of all revenue and expenditure from the previous financial year.

The Court of Auditors shall examine the accounts in accordance with Article 248 of the Treaty. It shall publish a report on the Agency's activities every year.

4. On a recommendation from the Council, the European Parliament shall give a discharge to the Director in respect of the implementation of the Agency's budget.

Article 9

The Governing Board, having received the agreement of the Commission and the opinion of the Court of Auditors, shall adopt the Agency's Financial Regulation, specifying in particular the procedure to be used for drawing up and implementing the Agency's budget, in accordance with Article 142 of the Financial Regulation of the Council of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾.

Article 10

The Agency's staff shall be subject to the rules and regulations applicable to officials and other servants of the European Communities. The Governing Board, in agreement with the Commission, shall adopt the necessary implementing rules.

The Agency's staff shall consist of a strictly limited number of officials assigned or seconded by the Commission or Member States to carry out management duties. The remaining staff shall consist of other employees recruited by the Agency for a period strictly limited to its requirements.

Article 11

The translation services necessary for the operation of the Agency shall, as a rule, be provided by the Translation Centre of the bodies of the European Union.

Article 12

The Governing Board shall decide on the Agency's accession to the Interinstitutional Agreement on internal investigations by the European Anti-Fraud Office (OLAF). It shall adopt the provisions necessary for the conduct of internal investigations by OLAF.

Financing decisions and any implementing instrument or contract arising therefrom shall expressly provide that the Court of Auditors and OLAF may, if necessary, carry out

on-the-spot checks on recipients of Agency funds and on the intermediaries distributing them.

Article 13

1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.

2. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to laws of the Member States, make good any damage caused by the Agency or its servants in the performance of their duties.

The Court of Justice shall have jurisdiction in disputes relating to compensation for any such damage.

3. The personal liability of servants towards the Agency shall be governed by the relevant provisions applying to the staff of the Agency.

Article 14

Once the Commission considers that the Agency has fulfilled the mandate described in Article 1, it shall submit to the Council a proposal for the winding up of the Agency. In any event, on 30 June 2004 at the latest, the Commission shall submit to the Council an evaluation report on the application of this Regulation and a proposal on the status of the Agency.

Article 15

The Commission may delegate to the Agency the execution of the Community assistance decided upon for the Federal Republic of Yugoslavia under Regulation (EC) No 1628/96.

Article 16

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

It shall apply until 31 December 2004.

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

Done at Brussels, 5 December 2000.

For the Council

The President

C. PIERRET

⁽¹⁾ OJ L 356, 31.12.1977, p. 1.

COMMISSION REGULATION (EC) No 2668/2000
of 6 December 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 7 December 2000.

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

Done at Brussels, 6 December 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 6 December 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	113,1
	204	80,2
	999	96,7
0707 00 05	624	195,0
	628	128,8
	999	161,9
0709 90 70	052	90,1
	204	37,8
	999	63,9
0805 10 10, 0805 10 30, 0805 10 50	052	57,1
	204	46,0
	388	43,0
	999	48,7
0805 20 10	052	77,1
	204	71,6
	999	74,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	66,0
	999	66,0
0805 30 10	052	77,9
	600	60,4
	999	69,2
0808 10 20, 0808 10 50, 0808 10 90	400	81,4
	404	83,3
	999	82,3
	052	73,6
0808 20 50	064	55,8
	400	91,4
	720	129,7
	999	87,6

⁽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 2669/2000
of 6 December 2000**

**fixing the maximum export refund for white sugar for the 19th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1531/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

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

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

- (3) Following an examination of the tenders submitted in response to the 19th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 19th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 42,578 EUR/100 kg.

Article 2

This Regulation shall enter into force on 7 December 2000.

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

Done at Brussels, 6 December 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 175, 14.7.2000, p. 69.

COMMISSION REGULATION (EC) No 2670/2000**of 6 December 2000****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation 1527/2000 ⁽²⁾,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 December 2000.

⁽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. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 6 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

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

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,05	—	0
1703 90 00 ⁽¹⁾	10,22	—	0

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

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

COMMISSION REGULATION (EC) No 2671/2000**of 6 December 2000****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995

laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks; whereas it may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 December 2000.

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

Done at Brussels, 6 December 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 89, 10.4.1968, p. 3.

⁽⁴⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁵⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 6 December 2000 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	35,16 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	32,39 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	35,16 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	32,39 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3822
1701 99 10 9100	A00	EUR/100 kg	38,22
1701 99 10 9910	A00	EUR/100 kg	39,53
1701 99 10 9950	A00	EUR/100 kg	39,53
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3822

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

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

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

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

COMMISSION REGULATION (EC) No 2672/2000
of 6 December 2000
prohibiting fishing for hake by vessels flying the flag of Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Council Regulation (EC) No 2742/1999 of 17 December 1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No 66/98 ⁽³⁾, as last amended by Regulation (EC) No 2517/2000 ⁽⁴⁾, lays down quotas for hake for 2000.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of hake in the waters of ICES Zone VIII a b d e by vessels flying the flag of Spain or regis-

tered in Spain have exhausted the quota allocated for 2000. Spain has prohibited fishing for this stock from 30 November 2000. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of hake in the waters of ICES Zone VIII a b d e by vessels flying the flag of Spain or registered in Spain are hereby deemed to have exhausted the quota allocated to Spain for 2000.

Fishing for hake in the waters of ICES Zone VIII a b d e by vessels flying the flag of Spain or registered in Spain is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 30 November 2000.

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

Done at Brussels, 6 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 341, 31.12.1999, p. 1.

⁽⁴⁾ OJ L 290, 17.11.2000, p. 3.

COMMISSION REGULATION (EC) No 2673/2000**of 6 December 2000****laying down detailed rules for the application of the tariff quota for imports of beef and veal provided for in Council Regulation (EC) No 2475/2000 for the Republic of Slovenia**

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 32(1) thereof,

Having regard to Council Regulation (EC) No 2475/2000 of 7 November 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Slovenia ⁽²⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Regulation (EC) No 2475/2000 provides for the opening of a reduced-tariff quota for beef and veal. Detailed rules for the application of that quota should be laid down on a multiannual basis for 12-month periods beginning on 1 January, hereinafter referred to as 'years of importation'. For that purpose, the annual provisions used in the past for that quota should be followed.
- (2) To ensure orderly importation of the quantities laid down, they should be staggered.
- (3) The arrangements should be managed using import licences. To that end rules should be laid down on the submission of applications and the information to be given on applications and licences, where appropriate, by derogating from or supplementing Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽³⁾ and Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁴⁾, as last amended by Regulation (EC) No 1659/2000 ⁽⁵⁾. Provision should also be made to issue these licences after a period of consideration and subject, where applicable, to a uniform percentage reduction.
- (4) In view of the risk of speculation inherent in these arrangements for beef and veal, clear conditions should be laid down as regards access by operators. Verification

of the above conditions requires that applications be submitted in the Member State in which the importer is listed in the VAT register.

- (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. On a multiannual basis, for period running from 1 January to 31 December of the same year, hereinafter referred to as 'years of importation', products listed in Annex I and originating in the Republic of Slovenia may be imported under the tariff quota opened by Regulation (EC) No 2475/2000 in accordance with the provisions laid down herein.

2. For this quota, which bears the serial number 09.4082, the annual quantity of products and the preferential rate of customs duty shall be as set out in Annex I for each year of importation.

Article 2

1. The quantity referred to in Article 1 shall be staggered over the year of importation as follows:

- 50 % from 1 January to 30 June,
- 50 % from 1 July to 31 December.

2. If, during a particular year of importation, the quantity covered by licence applications submitted for the first period specified in paragraph 1 is less than the quantity available, the remaining quantity shall be added to the quantity available for the following period.

Article 3

1. To benefit from the import arrangements:

- (a) applicants for import licences must be natural or legal persons; when submitting their applications, they must prove to the satisfaction of the competent authorities of the Member State concerned that they have been active in trade in beef and veal with third countries at least once during the 12 months preceding the year of importation in question; applicants must be listed in a national VAT register;

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 286, 11.11.2000, p. 15.

⁽³⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁴⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁵⁾ OJ L 192, 28.7.2000, p. 19.

- (b) licence applications may be submitted only in the Member State in which the applicant is registered;
- (c) licence applications must be for a minimum quantity of 15 tonnes of product, without exceeding the quantity available;
- (d) the country of origin shall be shown in box 8 of licence applications and of licences; licences shall carry an obligation to import from that country;
- (e) the serial number 09.4082 and at least one of the following shall be shown in box 20 of licence applications and of licences:
- Reglamento (CE) n° 2673/2000
 - Forordning (EF) nr. 2673/2000
 - Verordnung (EG) Nr. 2673/2000
 - Κανονισμός (ΕΚ) αριθ. 2673/2000
 - Regulation (EC) No 2673/2000
 - Règlement (CE) n° 2673/2000
 - Regolamento (CE) n. 2673/2000
 - Verordening (EG) nr. 2673/2000
 - Regulamento (CE) n.º 2673/2000
 - Asetuksen (EY) N:o 2673/2000
 - Förordning (EG) nr 2673/2000

2. Article 5 of Regulation (EC) No 1445/95 notwithstanding, one or more of the CN codes referred to in Annex I shall be shown in box 16 of licence applications and of licences.

Article 4

1. Licence applications may be submitted only in the first 12 days of each period referred to in Article 2(1).
2. Applicants may lodge no more than one application each for each period. Where an applicant submits more than one application, all his applications shall be rejected.
3. By no later than the fifth working day following the end of the application period, the Member States shall notify the Commission of applications submitted for the quantity avail-

able. Notification shall consist of a list of applicants and the quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax; in cases where applications have actually been submitted, the model form in Annex II hereto shall be used.

4. The Commission shall decide what percentage of quantities covered by licence applications may be imported.

If the quantities covered by licence applications exceed the quantity available, the Commission shall reduce the quantities applied for by a fixed percentage.

5. Licences shall be issued as soon as possible subject to the Commission's decision regarding acceptance of the applications.

Article 5

1. Notwithstanding this Regulation, Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply.

2. Notwithstanding Article 3 of Regulation (EC) No 1445/95, import licences drawn up in accordance with this Regulation shall be valid for 180 days from their date of issue. However, no licence shall be valid after the 31 December following its date of issue.

3. Licences issued shall be valid throughout the Community.

Article 6

The duties referred to in Article 1 shall be applied on presentation either of a EUR.1 movement certificate issued by the exporter country in accordance with Protocol 4 annexed to the Europe Agreement or an invoice declaration made out by the exporter in accordance with that Protocol.

Article 7

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

It shall apply from 1 January 2001.

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

Done at Brussels, 6 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Concessions applying to imports into the Community of the following products originating in the Republic of Slovenia

(MFN = most favoured nation duty)

Serial No	CN code	Description	Applicable duty (% of MFN)	Annual quantity for 2001 (tonnes)	Annual quantity for subsequent years (tonnes)
09.4082	ex 0201 10 00	Meat of bovine animals, fresh or chilled:	20	9 800	10 500
	0201 20 20	Carcases and half-carcases, other than high-quality beef and veal			
	0201 20 30	Compensated quarters			
	0201 20 50	Forequarters, unseparated/separated			
	0201 30 00	Hindquarters, unseparated/separated			
		Boneless			

ANNEX II

Fax: (32-2) 296 60 27/295 36 13

Application of Regulation (EC) No 2673/2000

Serial No 09.4082

COMMISSION OF THE EUROPEAN COMMUNITIES

DG AGRI/D/2 — BEEF AND VEAL

IMPORT LICENCE APPLICATION

Date: Period:

Member State:

Number of applicant ⁽¹⁾	Applicant (name and address)	Quantity (tonnes)
Total		

Member State: Fax:

Tel:

⁽¹⁾ Continuous numbering.

COMMISSION REGULATION (EC) No 2674/2000
of 6 December 2000
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 7 December 2000.

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

Done at Brussels, 6 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties (€)				
	Third countries (except ACP and Bangladesh) (7)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (6)	Egypt (8)
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	205,88	67,72	98,60	0,00	154,41
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	205,88	67,72	98,60	0,00	154,41
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

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

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

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

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

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

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

(7) Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	205,88	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	331,15	272,75	278,09	315,57	—
(b) fob price (EUR/tonne)	—	—	—	244,04	281,52	—
(c) Sea freight (EUR/tonne)	—	—	—	34,05	34,05	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2675/2000
of 6 December 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 2660/2000 ⁽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 7 December 2000.

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

Done at Brussels, 6 December 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 304, 5.12.2000, p. 13.

ANNEX

to the Commission Regulation of 6 December 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⁾	27,91	2,91
1701 11 90 ⁽¹⁾	27,91	7,58
1701 12 10 ⁽¹⁾	27,91	2,78
1701 12 90 ⁽¹⁾	27,91	7,15
1701 91 00 ⁽²⁾	26,67	11,90
1701 99 10 ⁽²⁾	26,67	7,38
1701 99 90 ⁽²⁾	26,67	7,38
1702 90 99 ⁽³⁾	0,27	0,38

⁽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 3/2000 OF THE EU-ROMANIA ASSOCIATION COUNCIL

of 29 September 2000

adopting the terms and conditions for the participation of Romania in Community programmes in the fields of training and education

(2000/765/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, concerning Romania's participation in Community programmes ⁽¹⁾, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) According to Article 1 of the Additional Protocol, Romania may participate in Community framework programmes, specific programmes, projects or other actions notably in the fields of training and education.
- (2) According to Article 2 of the Additional Protocol, the terms and conditions for the participation of Romania in these activities shall be decided by the Association Council.
- (3) Following Decision No 2/97 of the Association Council between the European Communities and their Member States, of the one part, and Romania, of the other part of 4 August 1997 adopting the terms and conditions for the participation of Romania in Community programmes in the fields of training youth and education ⁽²⁾, Romania has been participating in the first phase of the Leonardo da Vinci ⁽³⁾ and Socrates ⁽⁴⁾ programmes since 1 September 1997, and has expressed the wish to participate in the second phase of the programmes,

HAS DECIDED AS FOLLOWS:

Article 1

Romania shall participate in the second phase of the European Community programmes Leonardo da Vinci and Socrates set out respectively in Council Decision 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' ⁽⁵⁾ and Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' ⁽⁶⁾ (hereinafter referred to as 'Leonardo da Vinci II' and 'Socrates II') 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 Leonardo da Vinci II and Socrates II programmes, starting from 1 January 2000.

Article 3

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

Done at Brussels, 29 September 2000.

For the Association Council

The President

P. ROMAN

⁽¹⁾ OJ L 317, 30.12.1995, p. 40.

⁽²⁾ OJ L 229, 20.8.1997, p. 5.

⁽³⁾ OJ L 340, 29.12.1998, p. 8.

⁽⁴⁾ OJ L 87, 20.4.1995, p. 10. Decision amended by Decision No 576/98/EC (OJ L 77, 14.3.1998, p. 1).

⁽⁵⁾ OJ L 146, 11.6.1999, p. 33.

⁽⁶⁾ OJ L 28, 3.2.2000, p. 1.

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF ROMANIA IN THE LEONARDO DA VINCI II, AND SOCRATES II PROGRAMMES

1. Romania will participate in the activities of the Leonardo da Vinci II and Socrates II programmes (hereinafter referred to as 'the Programmes') in conformity, unless otherwise provided in this Decision, with the objectives, criteria, procedures and deadlines as defined in Council Decision 1999/382/EC and Decision No 253/2000/EC of the European Parliament and of the Council establishing these Community action programmes.
2. In conformity with the terms of the Articles 5 of the Decisions on Leonardo da Vinci II and Socrates II and with the provisions relating to the responsibilities of the Member States and of the Commission concerning the Leonardo da Vinci and Socrates National Agencies adopted by the Commission, Romania will establish the appropriate structures for the coordinated management of the implementation of the programme actions at national level, and will take the measures needed to ensure the adequate funding of these Agencies which will receive programme grants for their activities. Romania will take all other necessary steps for the efficient running of the Programmes at national level.
3. To participate in the Programmes, Romania will pay each year a contribution to the General Budget of the European Union according to the arrangements set out in Annex II.

If necessary in order to take account of programme developments, or the evolution of Romania's absorption capacity, the Association Committee is entitled to adapt this contribution, so as to avoid a 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 Romania will be the same as those applicable to eligible institutions, organisations and individuals of the Community.

Romanian experts may be taken into consideration by the Commission when appointing independent experts according to the relevant provisions of the decisions establishing the programmes to assist it in project evaluation.

5. With a view to ensuring the Community dimension of the Programmes, in order to be eligible for Community financial support, projects and activities will have to include a partner from at least one of the Member States of the Community.
6. For the mobility activities referred to in Annex I, section III.1 of the Leonardo da Vinci II decision, and for the Socrates decentralised actions, as well as for financial support to the activities of the National Agencies set up in accordance with point 2 above, funds will be allocated to Romania on the basis of the annual programme budget breakdown decided at Community level and Romania's contribution to the programme. The maximal amount of financial support to the activities of the National Agencies will not exceed 50 % of the budget for the National Agencies' work programmes.
7. The Member States of the Community and Romania will make every effort, within the framework of existing provisions, to facilitate the free movement and residence of students, teachers, trainees, trainers, university administrators, young people and other eligible persons moving between Romania and the Member States of the Community for the purpose of participating in activities covered by this Decision.
8. Activities covered by this Decision will be exempt from imposition by Romania 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 programmes pursuant to the Decisions on Leonardo da Vinci II and Socrates II (Articles 13 and 14 respectively), the participation of Romania in the programmes will be continuously monitored on a partnership basis involving the Commission of the European Communities and Romania. Romania 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 Romania 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 Romania 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 Leonardo da Vinci and the Socrates National Agencies adopted by the Commission will apply to the relations between Romania, the Commission and the Romanian National Agencies. In the event of irregularity, negligence or fraud imputable to the Romanian National Agencies, the Romanian authorities shall be responsible for the funds not recovered.

11. Without prejudice to the procedures referred to in Articles 7 of the Decision on Leonardo da Vinci II and Article 8 of the Decision on Socrates II, representatives of Romania will participate as observers in the Programme Committees, for the points which concern them. These committees shall meet without the presence of representatives of Romania for the rest of the points, as well as, at the time of voting.

12. The language to be used in contacts 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 Romania 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 ROMANIA TO LEONARDO DA VINCI II AND SOCRATES II

1. Leonardo da Vinci

The financial contribution to be paid by Romania to the budget of the European Union to participate in the Leonardo da Vinci II programme will be the following (in euro):

2000	2001	2002	2003	2004	2005	2006
4 317 000	4 437 000	4 737 000	4 948 000	5 158 000	5 428 000	5 638 000

2. Socrates

The financial contribution to be paid by Romania to the budget of the European Union to participate in the Socrates II programme in 2000 will be EUR 7 743 000.

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

3. Romania will pay the contribution mentioned above, partly from the Romanian national budget, and partly from Romania's PHARE National Programme. Subject to a PHARE separate programming procedure, the requested PHARE funds will be transferred to Romania by means of a separate Financing Memorandum. Together with the part coming from Romania's State budget, these funds will constitute Romania's national contribution, out of which it will make payments in response to annual calls for funds from the Commission.
4. PHARE funds will be requested according to the following schedule:
- EUR 3 846 500 for the contribution to the Socrates II programme in 2000;
 - for the contribution to the Leonardo da Vinci II programme, the following yearly amounts (in euro):

2000	2001	2002	2003	2004	2005	2006
2 146 500	2 206 500	2 356 500	Amount to be specified later	Amount to be specified later	Amount to be specified later	Amount to be specified later

The remaining part of the contribution of Romania will be covered from the Romanian State budget.

5. The Financial Regulation applicable to the General Budget of the European Community⁽¹⁾ will apply, notably as regards the management of the contribution of Romania.

Travel costs and subsistence costs incurred by representatives and experts of Romania for the purposes of taking part as observers in the work of the committees referred to in Annex I, Point 11 or other meetings related to the implementation of the Programmes shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for nongovernmental experts of the Member States of the European Union.

6. After the entry into force of this Decision and at the beginning of each following year, the Commission will send to Romania a call for funds corresponding to its contribution to each of the respective programmes under this Decision.

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

Romania 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 Romania by this time, or at the latest in a period of 30 days after these funds have been sent to Romania.

Any delay in the payment of the contribution shall give rise to the payment of interest by Romania 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 euro, increased by 1,5 percentage points.

⁽¹⁾ OJ L 356, 31.12.1977, p. 1. Financial Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2673/1999 (OJ L 326, 18.12.1999, p. 1).

COUNCIL DECISION

of 4 December 2000

concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein

(2000/766/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22 thereof,

Having regard to the proposal of the Commission,

Whereas:

- (1) Community rules for control of certain processed animal protein into ruminant feed entered into force in July 1994.
- (2) Cases of bovine spongiform encephalopathy (BSE) have been recorded in animals born in 1995 and later years in certain Member States.
- (3) Based on scientific opinion, the Commission adopted a series of measures for the animal feed, including high processing standards regarded as being the most effective for the inactivation of the agents of scrapie and BSE for the production of mammalian processed animal proteins, the exclusion of specified risk material from the feed chain and active surveillance measures to prevent cases of BSE from entering into the feed chain. The Scientific Steering Committee adopted an opinion on 27 and 28 November 2000. It recommended that, where the risk of cross-contamination of cattle feed with feed intended for other animals and which contains animal proteins possibly contaminated by the BSE agent cannot be excluded, a temporary ban of animal proteins in animal feed should be considered.
- (4) Certain Member States have reported deficiencies in the implementation of Community legislation on animal feed and have, as a consequence, adopted safeguard measures.

- (5) Community inspections have identified systematic failures in the implementation of Community rules in several Member States.
- (6) In the light of the above, as a precautionary measure, it is appropriate to prohibit on a temporary basis the use of animal protein in animal feed, pending a total re-evaluation of the implementation of Community legislation in Member States. As this prohibition could have environmental implications if not controlled properly, it is necessary to ensure that animal waste is collected, transported, processed, stored and disposed of in a safe manner.
- (7) A large scale Community testing programme will start on 1 January 2001. This programme will provide concrete data on the prevalence of BSE in Member States. This data will provide factual information of the effectiveness of past Community legislation on animal feed and will identify Member States where BSE recycling via processed animal protein remains a possibility. This information should be used in the review of the measure laid down by this Decision.
- (8) The Standing Veterinary Committee has not given a favourable opinion,

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of this Decision the definition 'Processed animal proteins' means meat-and-bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed proteins, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatine and any other similar products including mixtures, feedingstuffs, feed additives and premixtures, containing these products.

Article 2

1. Member States shall prohibit the feeding of processed animal proteins to farmed animals which are kept, fattened or bred for the production of food.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15.3.1993, p. 49).

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

2. The prohibition referred to in paragraph 1 shall not apply to the feeding of:

- fishmeal to animals other than ruminants, in accordance with control measures to be fixed in accordance with the procedure laid down in Article 17 of Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾,
- gelatine of non-ruminants for coating additives within the meaning of Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽²⁾,
- dicalcium phosphate and hydrolysed proteins obtained in accordance with the conditions to be fixed in accordance with the procedure laid down in Article 17 of Directive 89/662/EEC,
- milk and milk products to farmed animals which are kept, fattened or bred for the production of food.

Article 3

1. With the exception of the derogations laid down in Article 2(2) the Member States shall:

- (a) prohibit the placing on the market, the trade, the importation from third countries and the exportation to third countries of processed animal proteins intended for the feeding of farmed animals which are kept, fattened or bred for the production of food,
- (b) ensure that all processed animal proteins intended for the feeding of farmed animals which are kept, fattened or bred for the production of food are withdrawn from the market, distribution channels and from on-farm storage.

2. Member States shall ensure that animal waste as defined by Directive 90/667/EEC ⁽³⁾ is collected, transported, processed, stored or disposed of in accordance with that Directive, Commission Decision 97/735/EC ⁽⁴⁾ and Council Decision 1999/534/EC ⁽⁵⁾.

Article 4

This Decision shall enter into force on 1 January 2001.

It shall apply until 30 June 2001.

It may be adapted by the Commission before 30 June 2001 to the situation of each Member State in the light of the results of Commission inspections and the incidence of BSE, based on the results of BSE monitoring, with particular reference to testing of bovine animals over 30 months of age, as established by Commission Decision 2000/764/EC ⁽⁶⁾.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 4 December 2000.

For the Council

The President

J. GLAVANY

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15.3.1993, p. 4).

⁽²⁾ OJ L 270, 14.12.1970, p. 1. Directive as last amended by Directive 1999/70/EC (OJ L 80, 25.3.1999, p. 20).

⁽³⁾ Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive 90/425/EEC (OJ L 363, 27.12.1990, p. 51). Directive as last amended by the 1994 Act of Accession.

⁽⁴⁾ Commission Decision 97/735/EC of 21 October 1997 concerning certain protection measures with regard to trade in certain types of mammalian animal waste (OJ L 294, 28.10.1997, p. 7). Decision as amended by Council Decision 1999/534/EC.

⁽⁵⁾ Council Decision 1999/534/EC of 19 July 1999 on measures applying to the processing of certain animal waste to protect against transmissible spongiform encephalopathies and amending Commission Decision 97/735/EC (OJ L 204, 4.8.1999, p. 37).

⁽⁶⁾ OJ L 305, 6.12.2000, p. 35.

COMMISSION

COMMISSION DECISION

of 5 December 2000

making it possible to extend provisional authorisations granted for the new active substances FOE 5043 (flufenacet — earlier name fluthiamide) and flumioxazine

(notified under document number C(2000) 3658)

(Text with EEA relevance)

(2000/767/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2000/68/EC ⁽²⁾, and in particular Article 8(1) fourth subparagraph thereof,

Whereas:

- (1) Directive 91/414/EEC (hereinafter 'the Directive') has provided for the development of a Community list of active substances authorised for use in plant protection products.
- (2) The applicant Bayer SA submitted a dossier for the new active substance FOE 5043 (flufenacet) (previously known as fluthiamide) to France on 1 February 1996.
- (3) The applicant Cyanamid submitted a dossier for the new active substance flumioxazine to France on 2 May 1994.
- (4) In accordance with the provisions of Article 6(3) of the Directive, the Commission confirmed in its Decision 97/362/EC ⁽³⁾ that the dossier submitted for FOE 5043 (flufenacet) could be considered as satisfying, in principle, the data and information requirements of Annex II and for a plant protection product containing this active substance, of Annex III to the Directive.
- (5) In accordance with the provisions of Article 6(3) of the Directive, the Commission confirmed in its Decision 97/631/EC ⁽⁴⁾ that the dossier submitted for flumioxazine could be considered as satisfying, in principle, the

data and information requirements of Annex II and for a plant protection product containing this active substance, of Annex III to the Directive.

- (6) Such confirmation of data and information is necessary to permit a detailed examination of the dossier and to allow Member States the possibility to grant provisional authorisations, for a period up to three years, for plant-protection products containing the active substance concerned, while complying with the conditions laid down in Article 8(1) of the Directive and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by the Directive.
- (7) For FOE 5043 (flufenacet) the effects on human health and the environment are being assessed, in accordance with the provisions of Article 6(2) and (4) of the Directive, for the uses proposed by the applicant. France acting as nominated rapporteur Member State submitted to the Commission on 6 January 1998 the draft assessment report concerned. The submitted report is being reviewed by the Member States and the Commission within the framework of the Standing Committee on Plant Health and in working groups thereof.
- (8) For flumioxazine, the effects on human health and the environment are being assessed, in accordance with the provisions of Article 6(2) and (4) of the Directive, for the uses proposed by the applicant. France acting as nominated rapporteur Member State submitted to the Commission on 20 January 1998 the draft assessment report concerned. The submitted report is being reviewed by the Member States and the Commission within the framework of the Standing Committee on Plant Health and in working groups thereof.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 276, 28.10.2000, p. 41.

⁽³⁾ OJ L 152, 11.6.1997, p. 31.

⁽⁴⁾ OJ L 262, 24.9.1997, p. 7.

- (9) It will not be possible to complete the evaluation of the dossiers within three years of the adoption of the decisions on completeness referred to above because the examination of the dossiers after submission of the draft assessment reports by the rapporteur Member State, France, have been subject to longer time periods than the Community average for new active substance evaluation.
- (10) The evaluation processes for both applications have been examined according to a set of assessment criteria. From this analysis it would appear that the longer time periods for the Community evaluation have been due to factors essentially not due to the two applicants referred to above.
- (11) To enable the assessment of the FOE 5043 (flufenacet) and flumioxazine to continue, and to permit plant-protection products containing these active substances to continue to be made provisionally available for use in agriculture, Member States should therefore be permitted to prolong authorisations of plant protection products containing these active substances granted under Article 8(1) of the Directive.
- (12) An extension of 12 months is proposed in both cases, as this should be sufficient to allow the completion of the evaluation and decision making process with respect to a decision on possible Annex I inclusion.
- (13) Such provisions to extend the possible time limits for provisional authorisations should be seen as a temporary measure. The Commission has already taken steps to improve the efficiency of the evaluation system with a

view to complete the evaluation of a new active substance within a period of three years from the date of publication of the completeness.

- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations already granted for plant-protection products containing FOE 5043 (flufenacet) and flumioxazine for a period not exceeding 12 months from the date of adoption of this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 December 2000.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION**of 6 December 2000****terminating the review of Council Regulation (EC) No 2450/98 imposing a definitive countervailing duty on imports of stainless steel bars originating in India***(notified under document number C(2000) 3680)*

(2000/768/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾, and in particular Article 19 thereof,

After consulting the Advisory Committee,

Whereas:

1. PROCEDURE

- (1) Definitive countervailing duties were imposed on the above product on 14 November 1998 by Council Regulation (EC) No 2450/98 ⁽²⁾. Subsequent to the imposition of definitive measures, the Commission received a request for an interim review, pursuant to Article 19 of Regulation (EC) No 2026/97, from an Indian exporting producer, Chandan Steel Ltd, which participated in the original investigation and is currently subject to a countervailing duty rate of 19,0 %. The company concerned provided sufficient evidence that the continued imposition of the measure was no longer necessary to offset the countervailable subsidy.

- (2) Accordingly, the Commission, after consultation with the Advisory Committee, announced in a notice published in the *Official Journal of the European Communities* ⁽³⁾ the initiation of an interim review of Regulation (EC) No 2450/98 with regard to Chandan Steel Ltd.

2. WITHDRAWAL OF THE REQUEST FOR REVIEW

- (3) On 10 May 2000, the company concerned withdrew its request for a review. The Commission has therefore decided to terminate this review without amending the measures in relation to Chandan Steel Ltd,

HAS ADOPTED THIS DECISION:

Sole Article

The interim review of Regulation (EC) No 2450/98 concerning imports of stainless steel bright bars originating in India is hereby terminated.

Done at Brussels, 6 December 2000.

For the Commission

Pascal LAMY

Member of the Commission⁽¹⁾ OJ L 288, 21.10.1997, p. 1.⁽²⁾ OJ L 304, 14.11.1998, p. 1.⁽³⁾ OJ L 22, 26.1.2000, p. 7.

COMMISSION DECISION

of 6 December 2000

prolonging for the fourth time the validity of Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates

(notified under document number C(2000) 3719)

(Text with EEA relevance)

(2000/769/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/59/EEC of 29 June 1992 on general product safety ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) On 7 December 1999, the Commission adopted Decision 1999/815/EC ⁽²⁾, based on Article 9 of Directive 92/59/EEC requiring the Member States to prohibit the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age, made of soft PVC containing one or more of the substances di-iso-nonyl phthalate (DINP), di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), di-iso-decyl phthalate (DIDP), di-n-octyl phthalate (DNOP) and butylbenzyl phthalate (BBP).
- (2) The validity of Decision 1999/815/EC was limited to three months, in accordance with the provision of Article 11(2) of Directive 92/59/EEC. Therefore, the validity of the Decision was to expire on 8 March 2000.
- (3) Article 11(2) of Directive 92/59/EEC states that the validity of the measures adopted on the basis of Article 9 of the said Directive is limited to three months, but may be prolonged under the same procedure foreseen for the adoption of these measures.
- (4) When adopting Decision 1999/815/EC it was foreseen to prolong its validity if necessary. The validity of the measures adopted under Decision 1999/815/EC on the basis of Article 9 of Directive 92/59/EEC was prolonged under Commission Decisions 2000/217/EC, 2000/381/EC and 2000/535/EC for an additional period of three months each time, in accordance with the provision of Article 11(2) of the said Directive. Therefore the validity of the Decision is to expire on 5 December 2000.
- (5) The reasons which motivated Decision 1999/815/EC and its prolongation under Decisions 2000/217/EC, 2000/381/EC and 2000/535/EC are still valid and it is

therefore necessary to maintain the prohibition of the placing on the market of the products considered.

- (6) Certain Member States have implemented Decision 1999/815/EC, as modified by Decisions 2000/217/EC, 2000/381/EC and 2000/535/EC by measures applicable until 5 December 2000. Therefore it is necessary to ensure that the validity of these measures is prolonged.
- (7) It is therefore necessary to prolong the validity of Decision 1999/815/EC for a fourth time in order to ensure that all the Member States maintain the prohibition provided for by that Decision. According to Article 11(2) of Directive 92/59/EEC the validity may be prolonged for a period of three months.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Emergencies Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 1999/815/EC the date '5 December 2000' is replaced by '6 March 2001'.

Article 2

Member States shall take the measures necessary to comply with this Decision within less than 10 days of its notification. They shall forthwith inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 December 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 228, 11.8.1992, p. 24.

⁽²⁾ OJ L 315, 9.12.1999, p. 46.