

English edition

## Legislation

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

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2698/2000  
of 27 November 2000**

**amending Regulation (EC) No 1488/96 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership**

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 <sup>(1)</sup>,

Having regard to the Opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) Article 15(6) of Regulation (EC) No 1488/96 <sup>(3)</sup> provides that the Regulation will be reviewed by the Council before 30 June 1999 and that the Commission shall, if necessary, submit to the Council the amendments to be made to it.
- (2) The Mediterranean region constitutes a priority area for the European Union and the political, economic and social development of the Mediterranean partners is a challenge of ever increasing proportions.
- (3) It is important to pursue and intensify the cooperation launched within the Euro-Mediterranean partnership which was established by the Barcelona Declaration of 27 November 1995.
- (4) New Euro-Mediterranean Association Agreements are now starting to come into force and their preparation and implementation require important adjustment efforts by the Mediterranean partners. These efforts should be supported by the Community.
- (5) Over the period 1995 to 1998 Regulation (EC) No 1488/96 has been implemented satisfactorily but it is now necessary to streamline decision-making procedures in order to permit more efficient implementation of Community assistance.

- (6) Indicative programming should therefore express more clearly the envisaged impact of planned MEDA funded operations in the context of Mediterranean partners' reform processes and the establishment of the Euro-Mediterranean partnership.
- (7) Strategy papers and the national and regional indicative programmes should define the main objectives of, the guidelines for, and the priority sectors of Community support.
- (8) The introduction of national and regional financing plans based on the indicative programmes facilitates the streamlining of decision-making procedures.
- (9) Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests <sup>(4)</sup> establishes a common legal framework for all the fields of the Communities' own resources and expenditure. 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 <sup>(5)</sup> applies to all areas of the Communities' activity without prejudice to the provisions of Community rules specific to the different policy areas.
- (10) 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 <sup>(6)</sup>.
- (11) The Commission and the European Investment Bank are committed to ensuring further improvement of their collaboration on the implementation of risk capital operations and interest rate subsidies.

<sup>(1)</sup> OJ C 89 E, 28.3.2000, p. 4.

<sup>(2)</sup> Opinion delivered on 6 September 2000 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 189, 30.7.1996, p. 1. Regulation as last amended by Regulation (EC) No 780/98 (OJ L 113, 13.4.1998, p. 3).

<sup>(4)</sup> OJ L 312, 23.12.1995, p. 1.

<sup>(5)</sup> OJ L 292, 15.11.1996, p. 2.

<sup>(6)</sup> OJ L 184, 17.7.1999, p. 23.

- (12) A financial reference amount within the meaning of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure<sup>(1)</sup> is included in this Regulation for its entire duration, without thereby affecting the powers of the budgetary authority as defined by the Treaty.
- (13) It is therefore necessary to amend Regulation (EC) No 1488/96.
- (14) The Treaty has not provided, for the adoption of this Regulation, powers other than those of Article 308,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 1488/96 is amended as follows:

1. Article 1(1) shall be replaced by the following:

'1. The Community shall implement measures in the framework of the principles and priorities of the Euro-Mediterranean partnership to support the efforts that Mediterranean non-member countries and territories listed in Annex I (hereinafter referred to as "Mediterranean partners") will undertake to reform their economic and social structures, improve conditions for the underprivileged and mitigate any social or environmental consequences which may result from economic development.'

2. the first subparagraph of Article 1(3) shall be replaced by the following:

'3. The financial reference amount for the implementation of this programme for the period 2000 to 2006 shall be EUR 5 350 000 000.'

3. Article 2(2) shall be replaced by the following:

'2. These support measures shall be implemented taking account of the objective of achieving sustainable development leading to long-term stability and prosperity. Particular attention shall be paid to the economic, social and environmental impact of economic transition, to regional and subregional cooperation and to building the capacity of the Mediterranean partners to integrate into the world economy. The objectives and details of the relevant procedures shall be as set out in Annex II.'

4. Article 4 shall be replaced by the following:

#### 'Article 4

1. The Commission shall, in liaison with the Member States and on the basis of a reciprocal and regular exchange of information, including exchange of information on the spot, especially with regard to strategy papers, the national indicative programmes (NIP), annual financing

plans, and the preparation of projects and monitoring of their implementation, ensure the effective coordination of the assistance efforts undertaken by the Community, including the European Investment Bank (hereinafter referred to as "the Bank"), and individual Member States, in order to increase the coherence and complementarity of their cooperation programmes. In addition, the Commission shall promote coordination and cooperation with international financial institutions, the United Nations cooperation programmes and other donors. The specific arrangements for on-the-spot coordination shall be the subject of guidelines to be approved by the Committee provided for in Article 11.

2. The measures referred to in this Regulation may be adopted by the Community either independently or in the form of co-financing with the Mediterranean partners themselves or with public or private bodies of the Member States and the Bank, on the one hand, or multilateral bodies or third countries, on the other. The Commission shall, where appropriate, promote such co-financing on the basis of a reciprocal and early exchange of information with the Member States.'

5. paragraphs 2 and 3 of Article 5 shall be replaced by paragraphs 2 to 6 as follows:

'2. Strategy papers covering the period 2000 to 2006 shall be established at national and regional level, in liaison with the Bank. These strategy papers shall have the purpose of defining the long-term objectives of cooperation and of identifying priority areas of intervention. To this end, due account shall be taken of all relevant evaluations, a problem-oriented analysis shall be used and cross-cutting issues shall be integrated. As far as possible, implementation benchmarks will be developed in order to facilitate the evaluation of the attainment of the objectives of cooperation. If required by unforeseeable circumstances, or following the result of the review referred to in Article 15(4), the strategy papers shall be revised.

3. Indicative programmes national and regional covering three-year periods shall be based on the corresponding strategy papers. They shall be established at national and regional level in liaison with the Bank, and they may include, respectively, interest rate subsidies and risk capital.

They shall take into account the priorities identified with the Mediterranean partners, including the conclusions of the economic dialogue.

The programmes shall define the main objectives of, the guidelines for, and the priority sectors of, Community support in the areas referred to in Section II of Annex II, together with indicators for the evaluation of the programmes. The programmes shall include indicative amounts (overall and by priority sector) and list the criteria for funding the programme concerned.

<sup>(1)</sup> OJ C 172, 18.6.1999, p. 1.

The programmes shall be updated annually, as necessary. They may be amended in the light of experience acquired, or the progress achieved by the Mediterranean partners as regards structural reforms, macroeconomic stabilisation, industrial development and social advancement, or the outcome of cooperation under the new Association Agreements. These programmes shall describe the reforms to be implemented by the partners in the priority sectors and shall include an evaluation of progress made in this respect.

4. Financing plans shall be based on the indicative programmes referred to in paragraph 3 and, as a rule, be adopted annually. They shall be established at national and regional level in liaison with the Bank. Projects relating to interest rate subsidies shall be included in national financing plans. Projects relating to risk capital shall be included in regional financing plans.

The plans shall include a list of the projects to be financed. Each project shall be examined on its merits as a component part of the financing plan as a whole. The contents of the plans shall be described in sufficient detail so as to allow their adoption in accordance with the procedure set out in Article 11(2).

5. The Commission, in liaison with the Bank, shall ensure that programming of measures concerning interest-rate subsidies and risk capital is complementary to, and coherent with, the national and regional strategy papers, indicative programmes and financing plans. The Bank shall ensure, at the stage of implementation, the conformity of the measures with this Regulation and with the decisions taken thereunder.

Projects relating to interest-rate subsidies shall, as a rule, be incorporated by the Commission, on the basis of proposals made by the Bank, into the national financing plans, as appropriate.

Projects relating to risk capital shall be incorporated by the Commission, on the basis of proposals made by the Bank, into a regional financing plan, as appropriate. The projects shall take the form of a risk capital facility, consisting of an allocation for financing risk capital operations over a multiannual period.

6. Financing decisions shall be based on the corresponding indicative programme if the projects do not form part of a financing plan.;

6. Article 6 shall be amended as follows:

- (a) the last sentence of paragraph 1 shall be deleted;
- (b) the following subparagraph shall be added to paragraph 1:

'Loans from the Bank carrying interest rate subsidies shall be denominated and paid in euro. The interest rate applicable shall be set for each payment, taking account of the financial characteristics of the operation in question; the subsidy rate applied to each payment shall be half the interest rate applicable to the payment

in question, although this subsidy rate shall not exceed the nominal rate of 3 %.';

- (c) the first subparagraph of paragraph 3 shall be replaced by the following:

'3. Financing decisions and any financing agreements and contracts resulting therefrom shall provide, *inter alia*, for supervision and financial control by the Commission (including the European Anti-fraud Office (OLAF)), including on-the-spot checks and inspection in conformity with Regulation (Euratom, EC) No 2185/96 (\*), and audits by the Court of Auditors, where appropriate, to be carried out on the spot. The Commission shall take measures in accordance with the procedure set out in Article 11(2), in order to provide for adequate protection of the financial interests of the European Community in conformity with Regulation (EC, Euratom) No 2988/95 (\*\*).

(\*) OJ L 292, 15.11.1996, p. 2.

(\*\*) OJ L 312, 23.12.1995, p. 1.;

- (d) in paragraph 4, a second subparagraph shall be inserted as follows:

'Risk capital shall be used primarily to strengthen the private sector, and in particular to reinforce the financial sector in MEDA countries. It shall add value clearly, by offering financial products and terms that are not available locally.';

- (e) in paragraph 4, the introductory wording of the third subparagraph shall be replaced by the following:

'Risk capital provided and managed by the Bank may in particular take the form of:';

7. Article 7 shall be amended as follows:

- (a) the first subparagraph of paragraph 1 shall be replaced by the following:

'1. Measures under this Regulation may cover expenditure on imports of goods and services and local expenditure needed to carry out the projects and programmes. Direct budgetary support in favour of the beneficiary partner may also be covered to support agreed programmes of economic reform, in particular through sectoral facilities for structural adjustment, as referred to in Annex II, Part I(b). Taxes, duties and charges shall be excluded from Community financing.';

- (b) paragraph 2 shall be replaced by the following:

'2. Costs incurred in identifying, preparing, managing, monitoring, auditing and controlling programmes or projects may also be covered. This may include costs related to technical and administrative assistance when they are to the mutual benefit of the Commission and the beneficiaries of the activity and do not constitute the permanent tasks of the public service.';

8. Article 8 shall be amended as follows:

- (a) the last indent of paragraph 2 shall be deleted;
- (b) paragraphs 4 and 5 shall be replaced by the following:

'4. The Commission shall provide, in liaison with Member States, on request, to all interested firms, organisations and institutions throughout the Community, documentation on the general aspects of the MEDA programmes and the requirements for participation in the programmes, making appropriate use of the Internet.

5. Financing conventions referred to in Article 9(6) or financing proposals shall include indications of the contracts to be expected, including the estimated values, the procedure for awarding them and the planned dates for the invitations to tender.;

- (c) paragraph 7 shall be replaced by the following:

'7. The results of the invitations to tender, including information on the number of received tenders, the date of the award of the contract, the name and the address of the successful tenderers, shall be published in the *Official Journal of the European Communities* and released on the Internet. The Commission shall provide the Committee provided for in Article 11, every six months, with specific detailed information on the contracts concluded in implementation of MEDA programmes and projects.;

9. Article 9 shall be replaced by the following:

'Article 9

1. The Commission shall forward for information its overall financial programme planning and its underlying reasoning in the context of the strategy papers, indicating in particular the total amount of the national and regional indicative programmes, as well as the allocation by beneficiary country and by priority sector of the overall amount adopted within those programmes.

2. The strategy papers, indicative programmes, financing plans and any amendment to them shall be adopted by the Commission in accordance with the procedure laid down in Article 11(2).

3. Financing decisions that are not covered by the national or regional financing plans shall be adopted individually by the Commission in accordance with the procedure laid down in Article 11(2), subject to paragraph 5 of this Article.

4. Decisions amending the financing decisions referred to in paragraph 3 shall be taken by the Commission where they do not entail any substantial amendments or additional commitments in excess of 20 % of the original commitment. The Commission shall inform the

Committee referred to in Article 11 immediately of any such decisions.

5. Financing decisions not exceeding EUR 2 000 000 shall be adopted by the Commission if they form part of an overall allocation. An overall allocation shall be adopted in accordance with the procedure laid down in Article 11(2). The Committee provided for in Article 11 shall be informed systematically and promptly, and in any event before its next meeting, of financing decisions for measures not exceeding EUR 2 000 000.

6. Without prejudice to Article 106 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities (\*), (hereinafter referred to as "the Financial Regulation"), financing conventions shall be forwarded for information to the members of the Committee provided for in Article 11 two weeks before they are signed.

7. The further procedure laid down in Article 12 shall be applied in relation to interest-rate subsidies for loans granted by the Bank for projects financed in the field of environment. The further procedure laid down in Article 13 shall be applied in relation to risk capital.

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

10. Article 10(2) shall be replaced by the following:

'2. In financing decisions taken under this Regulation and the assessments and evaluations mentioned in Article 15, the Commission shall abide by the principles of sound financial management and, in particular, those of economy and cost-effectiveness referred to in the Financial Regulation.;

11. Article 11 shall be amended as follows:

- (a) paragraphs 1, 2, and 3 shall be replaced by the following:

'1. A management committee shall be established (hereinafter referred to as "the MED Committee"). A representative of the Bank shall take part in the proceedings without a right to vote.

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

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

- (b) paragraph 5 shall be replaced by the following:

'5. The Committee shall adopt its rules of procedure by qualified majority, in accordance with Article 205(2) of the Treaty.;

- (c) paragraph 7 shall be deleted;

12. Article 12 shall be replaced by the following:

*'Article 12*

1. The Bank shall communicate to the Commission the proposed project relating to interest-rate subsidies either for incorporation into a financing plan or for adoption as an individual financing decision, as provided for in Article 9(2) and (3) respectively. The Commission shall verify the conformity of the proposed project with this Regulation and the relevant decisions taken thereunder.

2. The Commission shall communicate to the Bank each decision relating to interest rate subsidies, whether adopted as a financing plan or as an individual financing decision.

3. In accordance with the decision referred to in paragraph 2, the Bank, where the decision grants the interest rate subsidy, may grant the corresponding loan with the said subsidy, subject to a positive opinion of the Committee referred to in Article 14 and of the Commission representative therein.

4. The Bank shall inform the Commission accordingly.;

13. Article 13 shall be replaced by the following:

*'Article 13*

1. The Bank shall communicate to the Commission the proposed project relating to risk capital in the form of a risk capital facility for incorporation into a regional financing plan. The Commission shall verify the conformity of the terms of this project with this Regulation and the relevant decisions taken thereunder.

2. The Commission shall communicate to the Bank each decision adopted pursuant to Article 9(2) on a regional financing plan including risk capital for its implementation.

3. On this basis, the Bank shall submit to the Committee referred to in Article 14, for its opinion, individual operations implementing the risk capital project envisaged within a regional financing plan. The Commission representative shall convey to that Committee the position of his institution on the operation concerned and in particular on its conformity with the regional financing plan.

4. On this basis, and subject to a positive opinion of the Committee referred to in Article 14 and of the Commission representative therein, the individual risk capital operations shall be submitted to the Bank for appropriate measures.

5. The Bank shall inform the Commission accordingly.;

14. in Article 14(3) and (4) the reference to Article 148(2) of the Treaty shall be replaced by a reference to Article 205(2) of the Treaty;

15. Article 15 shall be replaced by the following:

*'Article 15*

1. The Commission shall, together with the Bank, examine progress achieved in implementing the measures undertaken pursuant to this Regulation and shall submit to the European Parliament and the Council an annual report, no later than 30 June of the following year. The report shall contain information on the measures financed during the year, with regard for due confidentiality, as well as information on the results of monitoring activities and provide an assessment of the results obtained in the overall context of the strategy papers.

2. The Commission shall inform the Member States each year of the budgetary execution of the previous year, in terms of commitments and payments.

3. The Commission and the Bank shall evaluate at mid-term and *ex-post* their respective projects and main sectors of intervention in order to determine whether the objectives have been achieved and to establish guidelines for increasing the effectiveness of future activities. The evaluation reports, with regard for due confidentiality, shall be made available to the MED Committee as well as to the European Parliament. For operations managed by the Bank, the reports shall be made available to the MED Committee.

4. Every three years the Commission shall, together with the Bank, produce an overall evaluation report of the assistance already provided to the Mediterranean partners, including the effectiveness of the programmes and the review of the strategy papers. This report shall be presented to the MED Committee forthwith for discussion.

5. The Council will review this Regulation before 30 June 2006. To that end, the Commission shall submit to the Council before 31 December 2005 an evaluation report accompanied by proposals regarding the future of this Regulation and, if necessary, the amendments to be made to it.;

16. Annex II to Regulation (EC) No 1488/96 shall be replaced by the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 27 November 2000.

*For the Council*

*The President*

L. FABIUS

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## ANNEX

## 'ANNEX II

**Objectives and rules for the implementation of Article 2**

- I. (a) Support for economic transition and the establishment of a Euro-Mediterranean free-trade area shall include in particular:
- job creation and private sector development, including improvement of the business environment and support for SMEs,
  - the opening-up of markets, promotion of investment, industrial cooperation and trade between the European Community and the Mediterranean partners, as well as among the Mediterranean partners themselves,
  - upgrading of economic infrastructure, possibly to include the financial and taxation systems.
- (b) Operations in support of reform programmes of the partners are implemented on the basis of the following principles:
- the support programmes shall be designed to restore or, as the case may be, consolidate the major financial balances and to create an economic environment favourable to accelerated growth, while at the same time seeking to improve the well-being of the population,
  - the support programmes shall also contribute to reforms in the key sectors with a view to the creation of a free trade area with the European Community,
  - the support programmes shall be adapted to the particular situation of each country and take account of economic and social conditions,
  - the support programmes shall lay down measures intended, in particular, to accompany, as regards social conditions and employment, economic transition and the accomplishment of a Euro-Mediterranean free trade area, and to alleviate the negative effects which this process may have on social conditions and employment, especially for the most underprivileged sections of the population,
  - disbursement of the support will be implemented in tranches in the form of direct budgetary support according to the compliance with the objectives and/or sectoral targets agreed within the support programme.

The following eligibility criteria must be satisfied:

- the country concerned must undertake a reform programme approved by the Bretton Woods institutions or implement programmes recognised as analogous, in coordination with those institutions, but not necessarily financially supported by them, in accordance with the scope and effectiveness of the reforms,
- account must be taken of the economic situation of the country, at the macroeconomic level, (indebtedness, cost of debt-servicing, the balance of payments, the budget situation, the monetary situation, the level of per capita income and the unemployment level) and at the level of sectoral reforms, with a view to creating a free trade area with the European Community.

II. Support for sustainable economic and social development shall include in particular:

- the participation of civil society and populations in the planning and implementation of development measures,
- the improvement of social services, especially in the areas of health, family planning, water supplies, sanitation and housing,
- the promotion of wide and equitable sharing of the fruits of growth, paying particular attention to the objectives and targets agreed at UN summits concerning the fight against poverty and incorporated in the international development targets,
- harmonious and integrated rural development and the improvement of urban living conditions,
- reinforced cooperation concerning agriculture, particularly as regards quality and standards,
- reinforced cooperation concerning fisheries and the sustainable exploitation of marine resources,
- protection and improvement of the environment, particular consideration being given to the precautionary and the preventive action principles in supporting economic development through reinforced environmental cooperation,
- upgrading of economic infrastructures, particularly in the sectors of transport, energy, rural and urban development, strengthening activities related to the information society, information technology and telecommunications,
- integrated development of human resources to complement Member States' programmes, notably with regard to continuing vocational training in the context of industrial cooperation, and improvement of the potential for scientific and technological research,

- strengthening democracy, respect for, and defence of, human rights, in particular through non-governmental organisations in the European Community and the Mediterranean partners,
- cultural cooperation and youth exchanges,
- cooperation and technical assistance in order to strengthen cooperation in the area of migrations and combating illegal migration, including repatriation of illegal residents,
- cooperation and technical assistance in combating organised crime, including illegal drug trafficking and trafficking in human beings,
- the development of cooperation in areas relating to the rule of law, such as cooperation in judicial and criminal matters, the strengthening of institutions which guarantee the independence and effectiveness of the judicial system, the training of national security services and civil protection.

III. Regional, subregional and cross-border cooperation shall be supported in particular by:

- (a) establishing and developing structures for regional cooperation between the Mediterranean partners, and between them and the European Union and its Member States;
- (b) — establishing the physical infrastructure necessary for regional trade, including transport, communications and energy,
  - improvement of the regulatory framework and small-scale infrastructure projects in the context of border-crossing facilities,
  - cooperation on the level of large geographic regions as well as measures complementary to those undertaken in this field within the European Community, including support for connection between the transport and energy networks of the Mediterranean partners and the trans-European networks;
- (c) other regional activities including the Euro-Arab dialogue;
- (d) exchanges between civil society in the European Community and the Mediterranean partners; in this context, decentralised cooperation will:
  - have as its objective to identify the non-governmental beneficiaries of Community aid,
  - concentrate particularly on the networking of universities and researchers, local communities, associations, political science foundations, trade unions and non-governmental organisations, the media, private business and cultural institutions in the widest sense, as well as the other bodies listed in point IV.

The programmes must concentrate on promoting the participation and the emergence of civil society within the partner countries, in particular by encouraging information between networks and durable links between network partners.

IV. Good governance shall be promoted by supporting key institutions and key protagonists in civil society such as local authorities, rural and village groups, mutual-aid associations, trade unions, the media and organisations supporting business, and by assisting in the improvement of the capacity of the public administration to develop policies and manage their implementation.

V. Measures taken under this Regulation shall take into account analyses of the needs and potential of women and men in economic and social life so as to include gender aspects in the programming and implementation of development cooperation. Special importance shall be attached to education and the creation of jobs for women.

The measures shall also take account of the need to promote education and the creation of jobs for young people in order to facilitate their social integration.

VI. The activities financed under this Regulation shall mainly take the form of technical assistance, training, institution-building, information, seminars, studies, projects for investment in micro-enterprises, small and medium-sized undertakings and infrastructures and action designed to highlight the Community nature of the assistance. Recourse should be had to decentralised cooperation where this may prove effective. Risk-capital operations and interest-rate subsidies will be financed in collaboration with the Bank.

VII. Due regard shall be paid to environmental considerations in the preparation and implementation of activities financed by means of this Regulation.'

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**COUNCIL REGULATION (EC) No 2699/2000**

**of 4 December 2000**

**amending Regulation (EC) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation (EC) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits**

THE COUNCIL OF THE EUROPEAN UNION,

procedure. Provision should therefore be made for the possibility of holding such invitations to tender.

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) The third subparagraph of Article 15(5) of Regulation (EC) No 2200/96 <sup>(4)</sup> caps the amount of Community financial assistance granted to any individual producer organisation, and also sets a limit on the total granted to all producer organisations. The application of that limit introduces a variable factor into the scheme, thus complicating the task of producer organisations in developing and implementing operational programmes, and creating some uncertainty as to their financing. Experience has shown that this limit may be dispensed with while continuing to ensure proper financial management. In view of the results of past programmes, the limit for individual organisations can be set at 4,1 % of the value of the marketed production of each producer organisation.
- (2) For citrus fruit, the divergence, due in particular to overrunning of the processing threshold, between Community withdrawal compensation and Community processing aid may in the future lead to unjustified diversion into withdrawal of products that should properly have been processed. To avoid this risk, the ceiling fixed in Articles 23 and 24 of Regulation (EC) No 2200/96 as a percentage of marketed quantity on eligibility for the Community withdrawal compensation should be reduced to 10 % for the 2001/02 marketing year and to 5 % from the 2002/03 marketing year onwards. This amendment makes it possible to simplify the wording of Articles 23 and 26 of that Regulation.
- (3) Experience has shown that the administration of export refunds on fresh fruit and vegetables could be improved and simplified, at least in some cases, by using a tender

- (4) Experience of applying the Community aid scheme for tomato processing governed by Regulation (EC) No 2201/96 <sup>(5)</sup> has shown that the quota mechanism introduces rigidity in the sector, preventing the processing industries concerned from adapting rapidly to market demand. To correct this rigidity, the quota system should be replaced by a system of processing thresholds, with aid for the following marketing year being reduced if the thresholds are overrun. To ensure that these arrangements are sufficiently flexible, a single Community threshold should be fixed, expressed in tonnes of fresh tomatoes intended for processing. To allow for expanding demand for these products, the threshold should be fixed above the level corresponding to the present quota scheme.
- (5) The quantities of tomatoes, peaches and pears going for processing under the aid scheme governed by Regulation (EC) No 2201/96 have developed differently from one Member State to another. As a result, and to ensure that operators in each Member State assume greater responsibility, Community processing thresholds should be split between the Member States on an equitable basis, and any reduction in Community aid resulting from an overrun of the Community threshold should apply only in those Member States in which the threshold is exceeded. In this case, account must be taken of quantities that have not been processed in the Member States where the threshold was not overrun. To take into account the characteristics of the peeled tomato sector, the possibility must be given to the Member States to subdivide their national threshold into two sub-thresholds. In this case, reductions in aid subsequent to an overrun of this national threshold should be applied separately for each of the two sub-thresholds.
- (6) At present, processing aid for tomatoes, peaches and pears is granted under Regulation (EC) No 2201/96 to processors who have paid producers for their raw materials a price not less than a certain minimum price. Aid is fixed by unit of weight of the processed product. The management of this scheme should be simplified, introducing more flexibility in trade relations between producer organisations and processors and contributing

<sup>(1)</sup> OJ C 337 E, 28.11.2000, p. 207.

<sup>(2)</sup> Opinion delivered on 26 October 2000 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 19 October 2000 (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Regulation (EC) No 1257/1999 (OJ L 160, 26.6.1999, p. 80).

<sup>(5)</sup> OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Regulation (EC) No 2701/1999 (OJ L 327, 21.12.1999, p. 5).

to the adjustment of supply to consumer demand at reasonable prices. To this end, aid should be granted to producer organisations that deliver fresh products to processors, this aid should be fixed in terms of the weight of raw materials irrespective of the weight of the processed product, and the minimum price should be discontinued.

- (7) The amount of aid for processing tomatoes, peaches and pears should be fixed in particular on the basis of the aid granted in the most recent marketing years preceding this amendment to the scheme.
- (8) As a result of this amendment to Title I of Regulation (EC) No 2201/96, the provisions governing processing aid for prunes derived from dried 'd'Ente' plums and for dried figs must be adapted, although without any change of substance. Furthermore, the revision procedure for the list of processed products appearing in Annex I to Regulation (EC) No 2201/96 should be simplified.
- (9) Article 5 of Regulation (EC) No 2202/96 <sup>(1)</sup> lays down Community processing thresholds for lemons, oranges and grapefruit separately, and for mandarins, clementines and satsumas, hereinafter referred to as 'small citrus fruit', taken together. Since the introduction of this regime, those thresholds have been largely exceeded each marketing year in the case of lemons and oranges, and to a lesser extent in the 1998/99 and 1999/2000 marketing years in the case of small citrus fruit. The thresholds for grapefruit have been complied with. Under the rules, those overruns have resulted in major reductions in processing aid. The continued existence of such a situation could lead in future to products usually intended for processing being diverted into withdrawals. As a result, the thresholds for lemons, oranges and small citrus fruit should be raised. To take into account the characteristics of the small citrus fruit sector, the possibility must be given to the Member States to subdivide their national threshold into two sub-thresholds. In this case, reductions in aid subsequent to an overrun of this national threshold should be applied separately for each of the two sub-thresholds.
- (10) The quantities going for processing have evolved differently from one Member State to another. As a result, and to ensure that operators in each Member State assume greater responsibility, the Community processing thresholds should be split between the Member States on an equitable basis, and any reduction in Community aid resulting from an overrun of the Community threshold should apply only in those Member States in which the threshold is exceeded. In

this case, account must be taken of quantities that have not been processed in the Member States where the threshold was not overrun.

- (11) Changes in the numbering of the Annexes to Regulation (EC) No 2202/96 require an amendment to the wording of Article 3 of that Regulation.
- (12) The measures necessary for the implementation of Regulations (EC) No 2200/96 and (EC) No 2201/96 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 <sup>(2)</sup>.
- (13) These amendments to Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 2202/96 should be applied from the 2001/02 marketing year. However, as the operational funds are managed on a calendar-year basis, the amendment to the third subparagraph of Article 15(5) of Regulation (EC) No 2200/96 should apply from 2001,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 2200/96 is amended as follows:

- the third subparagraph of Article 15(5) shall be replaced by the following:
 

'However, the financial assistance shall be capped at 4,1 % of the value of the marketed production of each producer organisation.';
- Article 23(3), (4), (5) and (6) shall be replaced by the following:
 

'3. Where paragraph 1 is applied to any one of the products listed in Annex II which meet the relevant standards, producer organisations and their associations shall pay their producer members the Community withdrawal compensation indicated in Annex V, up to a limit:

  - for citrus fruit, of 5 %,
  - for apples and pears, of 8,5 %, and
  - for other products, of 10 %,

of the marketed quantity.

The limits set in the first subparagraph shall apply to the marketed quantity of each product, as defined in accordance with the procedure laid down in Article 46, of only the members of the producer organisation concerned, or of another organisation where Article 11(1)(c) applies.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 49. Regulation as last amended by Regulation (EC) No 858/1999 (OJ L 108, 27.4.1999, p. 8).

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

4. The ceilings fixed in paragraph 3 shall apply from the 2002/03 marketing year. For the 2001/02 marketing year, the ceilings shall be 10 % for citrus fruit, melons and water melons, and 20 % for other products.

The second subparagraph of paragraph 3 shall apply to the ceilings set in this paragraph.

5. The percentages in paragraphs 3 and 4 shall be annual averages over a three-year period, with a 3 % annual margin of overrun.;

3. Article 24 shall be replaced by the following:

*'Article 24*

In connection with the products listed in Annex II, producer organisations shall allow the benefits of Article 23 to growers who are not members of any of the collective structures provided for in this Regulation, if they so request. However, the Community withdrawal compensation shall be reduced by 10 %. In addition, the amount paid shall take account, on scrutiny of the evidence, of the overall withdrawal costs borne by the members. The compensation may not be granted on a volume greater than that share of the grower's marketed production corresponding to the percentages given in Article 23(3).;

4. Article 26 shall be replaced by the following:

*'Article 26*

The Community withdrawal compensation shall be a single amount valid throughout the Community.;

5. the third subparagraph of Article 35(3) shall be replaced by the following:

'Refunds shall be fixed in accordance with the procedure laid down in Article 46. Refunds shall be fixed periodically or by tender.;

6. Article 45 shall be repealed;

7. Article 46 shall be replaced by the following:

*'Article 46*

1. The Commission shall be assisted by a committee, the Management Committee for Fresh Fruit and Vegetables, hereinafter referred to as the "committee", composed of representatives of the Member States and chaired by the representative of the Commission.

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

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

4. The committee shall adopt its rules of procedure.'

*Article 2*

Regulation (EC) No 2201/96 is amended as follows:

1. Articles 2 to 6 shall be replaced by the following:

*'Article 2*

A Community aid scheme is hereby introduced to assist producer organisations supplying tomatoes, peaches and pears harvested in the Community for the production of the processed products listed in Annex I.

The list of processed products appearing in Annex I may be revised on the basis of changes in the market, in accordance with the procedure laid down in Article 29.

*Article 3*

1. The scheme referred to in Article 2 shall be based on contracts between, on the one hand, producer organisations recognised or provisionally authorised under Regulation (EC) No 2200/96 and, on the other, processors approved by the competent authorities in the Member States.

However, in the course of the 2001/02 marketing year, contracts between processors and individual producers shall also be eligible, for a quantity not exceeding 25 % of the total quantity contracted for by any processor.

2. Contracts shall be concluded by a specific date, to be defined in accordance with the procedure laid down in Article 29. In particular, they shall specify the quantities they cover, the schedule of supply to the processor and the price to be paid to the producer organisations, and shall require the processor to process the products covered.

As soon as they have been signed, the contracts shall be forwarded to the competent authorities in the Member States.

3. The producer organisations shall extend the benefit of the provisions of this Article to operators not affiliated to any of the collective structures provided for in Regulation (EC) No 2200/96, who undertake to market through such structures all their output of tomatoes, peaches and pears for processing and who pay a contribution towards the overall management costs of this system borne by the organisation.

*Article 4*

1. Aid shall be granted to producer organisations for the quantities of raw materials supplied for processing under the contracts referred to in Article 3.

2. The amount of aid shall be:

EUR 34,50/tonne for tomatoes,

EUR 47,70/tonne for peaches,

EUR 161,70/tonne for pears.

3. Without prejudice to the application of Article 5, aid shall be paid by the Member States to the producer organisations on request, as soon as the control authorities in the Member State in which processing is carried out have established that the products covered by the contracts have been supplied to the processing industry. The amount of aid received by the producer organisation shall be paid to its members, and where Article 3(3) is applied, to the operators concerned.

*Article 5*

1. For each of the products referred to in Article 2, Community and national processing thresholds shall be established as indicated in Annex II.

2. Whenever a Community processing threshold is overrun, the aid fixed for the product in question in accordance with Article 4(2) shall be reduced in all the Member States in which the corresponding threshold has been overrun.

For the purposes of applying the first subparagraph, threshold overruns shall be calculated by comparing the threshold with the average quantity processed with aid under this Regulation over the three marketing years preceding that for which aid must be set.

However, to calculate the overrun of the thresholds fixed for each Member State, any quantities still available below the threshold of a Member State but not processed shall be allocated to the other Member States, in proportion to their respective thresholds.

The reduction in aid shall be proportional to the volume of overrun relative to the relevant threshold.

3. For tomatoes, and by way of derogation from the second subparagraph of paragraph 2, the following arrangements shall apply to the first three marketing years immediately following implementation of this Regulation:

(a) for the first marketing year:

- overrun of the processing threshold shall be calculated on the basis of the quantity supplied for processing with aid during the year, and
- the aid fixed in Article 4(2) shall be reduced to EUR 31,36/tonne. However, in the Member States where the threshold has not been overrun, or where it has been overrun by less than 10 %, and in all Member States concerned if the Community threshold has not been overrun, a supplement shall be paid after the end of the marketing year. The supplement shall be fixed on the basis of the actual overrun of the threshold concerned;

(b) for the second marketing year, overrun of the processing threshold shall be calculated on the basis of the quantity supplied for processing with aid during the first year;

(c) for the third marketing year, overrun of the processing threshold shall be calculated on the basis of the average quantity supplied for processing with aid during the first and second years.

4. Member States may divide the national threshold for tomatoes into two sub-thresholds, namely tomatoes for processing into whole peeled tomatoes and those for processing into other tomato products.

Member States which take up this option shall inform the Commission thereof.

If the national threshold is overrun, the reduction in aid provided for in paragraph 2 shall be applied to the aid for both sub-thresholds in proportion to the recorded overrun of the sub-threshold concerned.

#### Article 6

1. Detailed rules for the application of Articles 2 to 5, and in particular rules governing approval of processors, conclusion of processing contracts, payment of aid, control measures and sanctions, marketing years, minimum characteristics of the raw material supplied for processing,

minimum quality requirements for finished products and the financial consequences of overrunning thresholds, shall be adopted in accordance with the procedure laid down in Article 29.

2. Quality and quantity checks shall also be adopted in accordance with that procedure to verify:

- that the products supplied to processors by producer organisations meet requirements, and
- that the products supplied have actually been processed into products listed in Annex I;

2. the following Articles shall be inserted after Article 6:

#### 'Article 6a

1. A production aid scheme shall be applied:

- (a) to dried figs falling within CN code 0804 20 90,
- (b) to prunes derived from dried "d'Ente" plums falling within CN code ex 0813 20 00,

obtained from fruit harvested in the Community.

2. Production aid shall be granted to processors who have paid producers for their raw materials a price not less than the minimum price under contracts between, on the one hand, producer organisations recognised or provisionally authorised under Regulation (EC) No 2200/96 and, on the other, processors.

However, in the course of the 2001/02 marketing year, contracts between processors and individual producers shall also be eligible, for a quantity not exceeding 25 % of the quantity giving entitlement to production aid.

The producer organisations shall extend the benefit of the provisions of this Article to operators not affiliated to any of the collective structures provided for in Regulation (EC) No 2200/96, who undertake to market through such structures all their output intended for the manufacture of the products referred to in paragraph 1 and who pay a contribution towards the overall management costs of this system borne by the organisation.

Contracts must be signed before the start of the marketing year.

#### Article 6b

1. The minimum price to be paid to producers shall be calculated on the basis of:

- (a) the minimum price applying during the previous marketing year;
- (b) the movement of market prices in the fruit and vegetables sector;
- (c) the need to ensure normal market disposal of basic fresh products for the various uses, including supply to the processing industry.

2. Minimum prices shall be fixed before the start of each marketing year.

3. Minimum prices and detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 29.

#### Article 6c

1. The production aid may not exceed the difference between the minimum price paid to the producer in the Community and the price of the raw material in the main producing and exporting third countries.

2. The amount of production aid shall be so fixed as to enable the Community product to be disposed of, within the limit set in paragraph 1.

To establish this amount, account shall be taken in particular:

- (a) of the difference between the cost of the raw material in the Community and that in the major competing third countries;
- (b) of the amount of aid fixed for the previous marketing year,  
and
- (c) where Community output of a product accounts for a substantial share of the market, movements in external trade volumes and in the prices obtaining in such trade, where the latter criterion results in a reduction in the amount of the aid.

3. The production aid shall be fixed in terms of the net weight of the processed product. The coefficients expressing the relationship between the weight of raw material used and the net weight of the processed product shall be defined on a standardised basis. They shall be regularly updated on the basis of experience.

4. Production aid shall be granted to processors only for processed products which:

- (a) have been produced from raw materials harvested in the Community, for which the applicant has paid at least the minimum price referred to in Article 6a(2);
- (b) meet minimum quality requirements.

5. The price of the raw material in the main competing third countries shall be determined mainly on the basis of the prices actually applying at the farm-gate stage for fresh products of a comparable quality used for processing, weighted on the basis of the quantities of finished products exported by those third countries.

6. Where Community production accounts for at least 50 % of the quantities of a product making up the Community consumption market, movements in volumes and prices of imports and exports shall be assessed by comparing the data for the calendar year preceding the start of the marketing year with the data for the previous calendar year.

7. The Commission shall fix the amount of the production aid before the start of each marketing year, in accordance with the procedure laid down in Article 29. The coefficients referred to in paragraph 3, the minimum quality requirements and the other detailed rules for the application

of this Article shall be adopted in accordance with the same procedure.;

3. Article 28 shall be repealed;

4. Article 29 shall be replaced by the following:

#### 'Article 29

1. The Commission shall be assisted by a committee, the Management Committee for Processed Fruit and Vegetables, hereafter referred to as the "committee", composed of representatives of the Member States and chaired by the representative of the Commission.

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

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

4. The committee shall adopt its rules of procedure.;

5. Annex I shall be replaced by the text appearing in Annex I to this Regulation;

6. Annex III shall be replaced by the text appearing in Annex II to this Regulation.

#### Article 3

Regulation (EC) No 2202/96 is amended as follows:

1. Article 3 shall be replaced by the following:

#### 'Article 3

1. Aid shall be granted to producer organisations for the quantities delivered for processing under the contracts referred to in Article 2.

2. The amount of the aid is set out in Table 1 of Annex I.

However:

(a) where the contract referred to in Article 2(1) covers more than one marketing year and a minimum quantity of citrus fruit, to be determined in accordance with the procedure laid down in Article 46 of Regulation (EC) No 2200/96, the amount of the aid shall be that indicated in Table 2 of Annex I;

(b) for quantities delivered under the provisions of Article 4, the amount of the aid shall be that indicated in Table 3 of Annex I.

3. Without prejudice to the application of Article 5, the aid shall be paid by the Member States to producer organisations which apply therefor as soon as the inspecting authorities of the Member State in which processing is undertaken have established that the products covered by the contracts have been delivered to the processing industry.

The aid received by the producer organisations shall be paid to their members.

4. Measures shall be adopted in accordance with the procedure laid down in Article 46 of Regulation (EC) No 2200/96 to ensure that the processing industry meets its obligation to process the products delivered by the producer organisations.;

2. Article 5 shall be replaced by the following:

*Article 5*

1. Processing thresholds shall be established for the Community and for each producer Member State, on the one hand for lemons, oranges and grapefruit separately and, on the other hand, for mandarins, clementines and satsumas taken together. The thresholds shall be as set out in Annex II.

2. Whenever a Community processing threshold is overrun, the aid fixed for the product in question in accordance with Article 3(2) shall be reduced in all the Member States in which the corresponding threshold has been overrun.

For the purposes of applying the first subparagraph, threshold overruns shall be calculated by comparing the threshold with the average quantity processed with aid under this Regulation over the three marketing years or equivalent periods preceding the marketing year for which the aid must be set.

However, to calculate the overrun of the thresholds fixed for each Member State, any quantities still available below the threshold of a Member State but not processed shall be allocated to the other Member States, in proportion to their respective thresholds.

The reduction in aid shall be proportional to the volume of overrun relative to the relevant threshold.

3. Member States may divide the national threshold laid down for small citrus fruit into two sub-thresholds, namely small citrus fruit for processing into segments and those for processing into juice.

Member States which take up this option shall inform the Commission thereof.

If the national threshold is overrun, the reduction in aid provided for in paragraph 2 shall be applied to the aid for both sub-thresholds in proportion to the recorded overrun of the sub-threshold concerned.;

3. the Annex becomes Annex I;

4. the text of Annex II appearing in Annex III to this Regulation shall be inserted after Annex I.

*Article 4*

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

It shall apply to each product or group of products from the 2001/02 marketing year. However, Article 1(1) shall apply to operational funds from 2001.

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

Done at Brussels, 4 December 2000.

*For the Council*

*The President*

J. GLAVANY

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## ANNEX I

## ANNEX I

**Processed products referred to in Article 2**

CN code	Description
ex 0710 80 70	Peeled tomatoes, whole or in pieces, frozen
ex 0712 90 30	Tomato flakes
2002 10 10	Peeled tomatoes, whole or in pieces
2002 10 90	Unpeeled tomatoes, whole or in pieces
ex 2002 90	Other (crush or pizza sauce)
ex 2002 90 11 ex 2002 90 19	Tomato juice (including passata)
ex 2002 90 31 ex 2002 90 39 ex 2002 90 91 ex 2002 90 99	Tomato concentrate
ex 2008 40 51 ex 2008 40 59 ex 2008 40 71 ex 2008 40 79 ex 2008 40 91 ex 2008 40 99	Williams and Rocha pears in syrup and/or in natural fruit juice
ex 2008 70 61 ex 2008 70 69 ex 2008 70 71 ex 2008 70 79 ex 2008 70 92 ex 2008 70 94 ex 2008 70 99	Peaches in syrup and/or in natural fruit juice
ex 2008 92 ex 2008 99	Mixtures of fruit, whole or in pieces, in syrup and/or in natural fruit juice, containing at least [60 %] peaches and pears
2009 50	Tomato juice'

## ANNEX II

## 'ANNEX III

**Processing thresholds referred to in Article 5***Net weight fresh product**(in tonnes)*

		Tomatoes	Peaches	Pears
<b>Community thresholds</b>		<b>8 251 455</b>	<b>539 006</b>	<b>104 617</b>
National thresholds	Greece	1 211 241	300 000	5 155
	Spain	1 238 606	180 794	35 199
	France	401 608	15 685	17 703
	Italy	4 350 000	42 309	45 708
	Netherlands	n.r.	n.r.	243
	Austria	n.r.	n.r.	9
	Portugal	1 050 000	218	600

n.r. = not relevant.

## ANNEX III

## 'ANNEX II

**Processing thresholds referred to in Article 5***Net weight fresh product**(in tonnes)*

		Oranges	Lemons	Grapefruit	Small citrus fruit
<b>Community thresholds</b>		<b>1 500 236</b>	<b>510 600</b>	<b>6 000</b>	<b>384 000</b>
National thresholds	Greece	280 000	27 976	799	5 217
	Spain	600 467	192 198	1 919	270 186
	France	n.r.	n.r.	61	445
	Italy	599 769	290 426	3 221	106 428
	Portugal	20 000	n.r.	n.r.	1 724

n.r. = not relevant.

**REGULATION (EC) No 2700/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 16 November 2000  
amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 26, 95 and 133 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

- (1) Article 253(4) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(4)</sup>, provides that, before 1 January 1998, the Council is, on the basis of a Commission report, which may be accompanied by proposals, to review the Code with a view to making such adaptations as may appear necessary, taking into account in particular the achievement of the internal market.
- (2) Every revision of the Code must, without instituting any barriers to international trade, be regarded as an opportunity to introduce instruments and procedures to prevent fraud, the prevention of fraud being one of the best ways of saving taxpayers' money as underlined in the Council's conclusions of 19 May 1998.
- (3) Account should be taken of the Council resolution of 25 October 1996 on the simplification and rationalisation of the Community's customs regulations and procedures <sup>(5)</sup>.
- (4) The powers of the different authorities to establish exchange rates following the introduction of the euro have not yet been decided.
- (5) Provision should be made for the possibility of customs declarations lodged by means of a data-processing technique not being accompanied by certain documents.
- (6) In order to make it easier to take advantage of the arrangements for inward processing, processing under customs control and temporary importation, the rules should be made more flexible.

- (7) It is appropriate to make provision, in accordance with the committee procedure, for additional cases in which charges due under outward processing arrangements are calculated taking the cost of processing operations as a basis.
- (8) In some free zones it may be appropriate to permit completion of the formalities attaching to the customs warehousing procedure and the carrying out of customs checks by the customs authorities according to that procedure.
- (9) In certain circumstances, the benefit of favourable tariff treatment granted by reason of the nature or end-use of goods and of differential charges under the outward processing procedure should also be available where a customs debt is incurred for reasons other than the release of goods into free circulation.
- (10) The provisions relating to the place where a customs debt is incurred should include special rules for particular cases where the sum involved is below a given threshold.
- (11) It is necessary, for the particular case of preferential arrangements, to define the concepts of error by the customs authorities and of the good faith of the person liable for payment. The person liable for payment should not be held responsible for a malfunction of the system due to an error made by the authorities of a third country. The issue of an incorrect certificate by such authorities should not, however, be considered an error if the certificate is based on an application which contains incorrect information. The incorrect nature of the information provided by the exporter in his application must be assessed on the basis of all the factual elements which are contained in that application. The person liable for payment can plead his good faith where he can demonstrate that he has taken due care, except when a notice stating that there are grounds for doubt has been published in the *Official Journal of the European Communities*.
- (12) The Community's financial interests and the rights of the person liable for payment should be protected against unduly lengthy legal proceedings.
- (13) Provision should be made for suspending the obligation to pay a customs debt incurred where goods have been removed from customs supervision and there is more than one debtor, so as to allow customs authorities to initiate recovery proceedings against one particular debtor, taking priority over other debtors.

<sup>(1)</sup> OJ C 228, 21.7.1998, p. 8 and OJ C 248E, 29.8.2000, p. 1.

<sup>(2)</sup> OJ C 101, 12.4.1999, p. 6.

<sup>(3)</sup> Opinion of the European Parliament of 12 March 1999 (OJ C 175, 21.6.1999, p. 420), Council Common Position of 25 May 2000 (OJ C 208, 20.7.2000, p. 1) and Decision of the European Parliament of 5 October 2000.

<sup>(4)</sup> OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 955/99 of the European Parliament and of the Council (OJ L 119, 7.5.1999, p. 1).

<sup>(5)</sup> OJ C 332, 17.11.1996, p. 1.

- (14) The measures necessary for the implementation of Regulation (EEC) No 2913/92 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 <sup>(1)</sup>.
- (15) Regulation (EEC) No 2913/92 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION

*Article 1*

Regulation (EEC) No 2913/92 is amended as follows:

1. in Article 4, point 24 shall be replaced by the following:

'24. Committee procedure means either the procedure referred to in Articles 247 and 247a, or in Articles 248 and 248a.;

2. in Article 35, the first paragraph shall be replaced by the following:

'Where factors used to determine the customs value of goods are expressed in a currency other than that of the Member State where the valuation is made, the rate of exchange to be used shall be that duly published by the authorities competent in the matter.;

3. in Article 77, the current text becomes paragraph 1 and the following paragraph shall be added:

'2. Where the customs declaration is made by means of a data-processing technique, the customs authorities may allow accompanying documents referred to in Article 62(2) not to be lodged with the declaration. In this case the documents shall be kept at the customs authorities' disposal.;

4. Article 115(4) shall be replaced by the following:

'4. Measures aimed at prohibiting, imposing certain conditions for or facilitating recourse to paragraph 1 may be adopted in accordance with the committee procedure.;

5. the following sentence shall be added to Article 117(c):

'The cases in which the economic conditions are deemed to have been fulfilled may be determined in accordance with the committee procedure.;

6. Article 124 shall be replaced by the following:

*Article 124*

1. The drawback system may be used for all goods. It shall not, however, be usable where, at the time the declaration of release for free circulation is accepted:

- the import goods are subject to quantitative import restrictions,
- a tariff measure within quotas is applied to the import goods,

- the import goods are subject to presentation of an import or export licence or certificate in the framework of the common agricultural policy, or
- an export refund or tax has been set for the compensating products.

2. Moreover, no reimbursement of import duties under the drawback system shall be possible if, at the time the export declaration for the compensating products is accepted, these products are subject to presentation of an import or export licence or certificate in the framework of the common agricultural policy or an export refund or tax has been set for them.

3. Derogations from paragraphs 1 and 2 may be laid down in accordance with the committee procedure.;

7. Article 131 shall be replaced by the following:

*Article 131*

The cases in and specific conditions under which the procedure for processing under customs control may be used shall be determined in accordance with the committee procedure.;

8. in Article 133(e), the following sentence shall be added:

'The cases in which the economic conditions are deemed to have been fulfilled may be determined in accordance with the committee procedure.;

9. Article 142 shall be replaced by the following:

*Article 142*

1. Use of the temporary importation procedure with partial relief from import duties shall be granted in respect of goods which are not covered by the provisions adopted in accordance with Article 141 or which are covered by such provisions but do not fulfil all the conditions laid down therein for the grant of temporary importation with total relief.

2. The list of goods in respect of which the temporary importation procedure with partial relief from import duties may not be used and the conditions subject to which the procedure may be used shall be determined in accordance with the committee procedure.;

10. the following paragraph shall be added to Article 153:

'By way of derogation from Article 151, the committee procedure may be used to determine the cases in and specific conditions under which goods may be released for free circulation following an outward-processing operation, with the cost of the processing operation being taken as the basis for assessment for the purpose of applying the Customs Tariff of the European Communities.;

11. Article 167(3) shall be replaced by the following:

'3. Free zones with the exception of those designated in accordance with Article 168a, shall be enclosed. The Member States shall define the entry and exit points of each free zone or free warehouse.;

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

12. Article 168(1) shall be replaced by the following:

'1. The perimeter and the entry and exit points of free zones, except the free zones designated in accordance with Article 168a, and of free warehouses shall be subject to supervision by the customs authorities.';

13. the following Article shall be inserted between Article 168 and heading B ('Placing of goods in free zones or free warehouses'):

*'Article 168a*

1. The customs authorities may designate free zones in which customs checks and formalities shall be carried out and the provisions concerning customs debt applied in accordance with the requirements of the customs warehousing procedure.

Articles 170, 176 and 180 shall not apply to the free zones thus designated.

2. References to free zones in Articles 37, 38 and 205 shall not apply to free zones referred to in paragraph 1.';

14. Article 212a shall be replaced by the following:

*'Article 212a*

Where customs legislation provides for favourable tariff treatment of goods by reason of their nature or end-use or for relief or total or partial exemption from import or export duties pursuant to Articles 21, 82, 145 or 184 to 187, such favourable tariff treatment, relief or exemption shall also apply in cases where a customs debt is incurred pursuant to Articles 202 to 205, 210 or 211, on condition that the behaviour of the person concerned involves neither fraudulent dealing nor obvious negligence and he produces evidence that the other conditions for the application of favourable treatment, relief or exemption have been satisfied.';

15. the following paragraph shall be added to Article 215:

'4. If a customs authority finds that a customs debt has been incurred under Article 202 in another Member State and the amount of that debt is lower than EUR 5 000, the debt shall be deemed to have been incurred in the Member State where the finding was made.';

16. Article 220(2)(b) shall be replaced by the following:

'(b) the amount of duty legally owed was not entered in the accounts as a result of an error on the part of the customs authorities which could not reasonably have been detected by the person liable for payment, the latter for his part having acted in good faith and complied with all the provisions laid down by the legislation in force as regards the customs declaration.

Where the preferential status of the goods is established on the basis of a system of administrative cooperation involving the authorities of a third

country, the issue of a certificate by those authorities, should it prove to be incorrect, shall constitute an error which could not reasonably have been detected within the meaning of the first subparagraph.

The issue of an incorrect certificate shall not, however, constitute an error where the certificate is based on an incorrect account of the facts provided by the exporter, except where, in particular, it is evident that the issuing authorities were aware or should have been aware that the goods did not satisfy the conditions laid down for entitlement to the preferential treatment.

The person liable may plead good faith when he can demonstrate that, during the period of the trading operations concerned, he has taken due care to ensure that all the conditions for the preferential treatment have been fulfilled.

The person liable may not, however, plead good faith if the European Commission has published a notice in the *Official Journal of the European Communities*, stating that there are grounds for doubt concerning the proper application of the preferential arrangements by the beneficiary country.'

17. Article 221(3) shall be replaced by the following paragraphs:

'3. Communication to the debtor shall not take place after the expiry of a period of three years from the date on which the customs debt was incurred. This period shall be suspended from the time an appeal within the meaning of Article 243 is lodged, for the duration of the appeal proceedings.

4. Where the customs debt is the result of an act which, at the time it was committed, was liable to give rise to criminal court proceedings, the amount may, under the conditions set out in the provisions in force, be communicated to the debtor after the expiry of the three-year period referred to in paragraph 3.';

18. Article 222(2) shall be replaced by the following:

'2. The cases and conditions in which the debtor's obligation to pay duty shall be suspended may also be provided for in accordance with the committee procedure:

- where an application for remission of duty is made in accordance with Article 236, 238 or 239, or
- where goods are seized with a view to subsequent confiscation in accordance with the second indent of point (c) or with point (d) of Article 233, or
- where the customs debt was incurred under Article 203 and there is more than one debtor.';

19. Articles 247, 248 and 249 shall be replaced by the following:

*Article 247*

The measures necessary for the implementation of this Regulation, including implementation of the Regulation referred to in Article 184, except for Title VIII and subject to Articles 9 and 10 of Regulation (EEC) No 2658/87 (\*) and to Article 248 of this Regulation shall be adopted in accordance with the regulatory procedure referred to in Article 247a(2) in compliance with the international commitments entered into by the Community.

*Article 247a*

1. The Commission shall be assisted by a Customs Code Committee (hereinafter referred to as "the Committee").

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 248*

The measures necessary for implementing Articles 11, 12 and 21 shall be adopted in accordance with the management procedure referred to in Article 248a(2).

*Article 248a*

1. The Commission shall be assisted by a Customs Code Committee, hereinafter referred to as "the 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 three months.

3. The Committee shall adopt its rules of procedure.

*Article 249*

The Committee may examine any question concerning customs legislation which is raised by its chairman, either on his own initiative or at the request of a Member State's representative.

(\*) OJ L 256, 7.9.1987, p. 1.'

*Article 2*

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

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

Done at Brussels, 16 November 2000.

*For the European Parliament*

*The President*

N. FONTAINE

*For the Council*

*The President*

R. SCHWARTZENBERG

**COMMISSION REGULATION (EC) No 2701/2000**  
**of 11 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 December 2000.

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

Done at Brussels, 11 December 2000.

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

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

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

## ANNEX

**to the Commission Regulation of 11 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	110,5
	204	70,2
	999	90,3
0707 00 05	628	152,5
	999	152,5
0709 90 70	052	91,4
	204	40,1
	628	109,0
0805 10 10, 0805 10 30, 0805 10 50	999	80,2
	052	40,5
	204	49,4
	388	34,7
0805 20 10	999	41,5
	052	73,8
	204	76,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	999	75,2
	052	68,0
	999	68,0
	052	71,6
0805 30 10	600	73,7
	999	72,7
	060	36,9
	400	77,9
	404	78,2
0808 10 20, 0808 10 50, 0808 10 90	720	113,0
	999	76,5
	052	73,7
	064	57,1
	400	90,7
0808 20 50	999	73,8

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

**COMMISSION REGULATION (EC) No 2702/2000****of 11 December 2000****postponing for the year 2000 the decision date of the national authorities for certain operational programmes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1257/1999 <sup>(2)</sup>, and in particular Article 46 thereof,

Whereas:

- (1) Commission Regulation (EC) No 411/97 <sup>(3)</sup>, as last amended by Regulation (EC) No 1923/1999 <sup>(4)</sup>, lays down detailed rules for operational programmes, operational funds and Community financial assistance.
- (2) Articles 5, 6 and 7 of Regulation (EC) No 411/97 set a time limit of 15 December for Member States to approve operational programmes of producer organisations and to notify producer organisations of the amount of the operational fund.
- (3) The ceiling on the amount of Community financial assistance granted to any individual producer organisation, set in Article 15(5) of Regulation (EC) No 2200/96, has been amended by Council Regulation (EC) No 2699/2000 <sup>(5)</sup>. Producer organisations have not been able to take this ceiling into account when submitting operational programmes for implementation in 2001.
- (4) Regulation (EC) No 1257/1999 provides a framework for the elaboration and implementation of rural development plans. According to Article 37(3) of Regulation (EC) No 1257/1999, consistency shall be ensured between these measures and measures in the common market organisations. Certain delays have occurred with respect to the time-frames for submission and approval of rural development plans set in Article 44(2).

- (5) Approval of operational programmes for implementation in 2001 can only be made adequately by taking into account the ceiling of financial assistance on operational funds and the contents of rural development plans. To enable Member States to approve operational programmes, the time limit of 15 December set in Articles 5(1) and (4), 6(2) and 7(2) of Regulation (EC) No 411/97 may be postponed.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

For operational programmes to be implemented in 2001, Member States may accept requests for amendments from producer organisations, where the amendments take into account:

- the maximum amount of financial assistance set in Article 15(5) of Regulation (EC) No 2200/96, and/or
- approved rural development plans according to Regulation (EC) No 1257/1999.

*Article 2*

For the approval of new or amended operational programmes to be implemented in 2001 and for the notification of the maximum estimated amount of the Community contribution to the operational fund, Member States may postpone the deadline of 15 December 2000, applicable in accordance with Articles 5(1) and (4), 6(2) and 7(2) of Regulation (EC) No 411/97.

*Article 3*

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

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.<sup>(2)</sup> OJ L 160, 26.6.1999, p. 80.<sup>(3)</sup> OJ L 62, 4.3.1997, p. 9.<sup>(4)</sup> OJ L 238, 9.9.1999, p. 11.<sup>(5)</sup> See page 9 of this Official Journal.

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

Done at Brussels, 11 December 2000.

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

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**COMMISSION REGULATION (EC) No 2703/2000  
of 11 December 2000**

**amending items in the specifications for several names listed in the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and food-stuffs <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1068/97 <sup>(2)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) In accordance with Article 9 of Regulation (EEC) No 2081/92, for French Government has requested that items be amended in the specifications for several names registered by Commission Regulation (EC) No 2400/96 <sup>(3)</sup>, as last amended by Regulation (EC) No 2446/2000 <sup>(4)</sup>. Those applications have been considered and the amendments deemed minor ones.
- (2) As regards the name 'Pays d'Auge' registered as a protected designation of origin, under 'national requirements' in the specification provided for in Article 4 of Regulation (EEC) No 2081/92, 'Decree of 19 March 1996' should be replaced by 'Decree on the registered designation of origin "Pays d'Auge"'. The new decree replaces the previous one to take account of a judgment of the Court of Justice of the European Communities.
- (3) As regards the name 'Cornouaille' registered as a protected designation of origin, under 'national requirements' in the specification provided for in Article 4 of Regulation (EEC) No 2081/92, 'Decree of 19 March 1996' should be replaced by 'Decree on the registered designation of origin "Cornouaille"'. The new decree

replaces the previous one to take account of a judgment of the Court of Justice of the European Communities.

- (4) As regards the name 'Rocamadour' registered as a protected designation of origin, under 'national requirements' in the specification provided for in Article 4 of Regulation (EEC) No 2081/92, 'Decree of 16 January 1996' should be replaced by 'Decree on the registered designation of origin "Rocamadour"'. The new decree replaces the previous one to take account of a judgment of the Court of Justice of the European Communities.
- (5) In accordance with the procedure laid down in Article 9 of Regulation (EEC) No 2081/92, by decision of 17 November 2000 the Commission decided not to apply the Article 6 procedure, considering the amendments to be minor.
- (6) The amendments have also been found to comply with Regulation (EEC) No 2081/92. As a result, they should be registered and published,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments set out in the Annex are registered and published in accordance with Article 6(4) of Regulation (EEC) No 2081/92.

*Article 2*

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

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

Done at Brussels, 11 December 2000.

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

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1.

<sup>(2)</sup> OJ L 156, 13.6.1997, p. 18.

<sup>(3)</sup> OJ L 327, 18.12.1996, p. 11.

<sup>(4)</sup> OJ L 281, 7.11.2000, p. 12.

## ANNEX

FRANCE

**'Pays d'Auge'**

Requirements (Article 4(2)(i)):

Instead of 'Decree of 19 March 1996' read 'Decree on the registered designation of origin "Pays d'Auge"'.  
  
**'Cornouaille'**

Requirements (Article 4(2)(i)):

Instead of 'Decree of 19 March 1996' read 'Decree on the registered designation of origin "Cornouaille"'.  
  
**'Rocamadour'**

Requirements (Article 4(2)(i)):

Instead of 'Decree of 16 January 1996' read 'Decree on the registered designation of origin "Rocamadour"'.  
  

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**COMMISSION REGULATION (EC) No 2704/2000  
of 11 December 2000**

**amending Regulation (EC) No 1899/97 laying down rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulations (EC) No 1727/2000 and (EC) No 3066/95 and repealing Regulations (EEC) No 2699/93 and (EEC) No 1559/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations <sup>(1)</sup>, as last amended by Regulation (EC) No 2435/98 <sup>(2)</sup>, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 2290/2000 of 9 October 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 Bulgaria <sup>(3)</sup>, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2433/2000 of 17 October 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 the Czech Republic <sup>(4)</sup>, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2434/2000 of 17 October 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 the Slovak Republic <sup>(5)</sup>, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 2435/2000 of 17 October 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 Romania <sup>(6)</sup>, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs <sup>(7)</sup>, as last amended by Commission Regulation (EC) No 1516/96 <sup>(8)</sup>, and in particular Article 22 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(9)</sup>, as last amended by Commission Regulation (EC) No 2916/95 <sup>(10)</sup>, and in particular Article 22 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1899/97 of 29 September 1997 laying down rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulations (EC) No 1727/2000 and (EC) No 3066/95 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94 <sup>(11)</sup>, as last amended by Regulation (EC) No 1773/2000 <sup>(12)</sup>, lays down rules of application in these sectors for the arrangements in the Europe Agreements. It must be modified in line with the provisions on poultrymeat and egg products adopted in Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000.
- (2) To prevent licences being used after the end of the period for which they have been applied for, they should not be valid beyond 30 June of the current year and the date for lodging applications for the following period should be brought forward.
- (3) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(13)</sup>, as last amended by Regulation (EC) No 1602/2000 <sup>(14)</sup>, codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations.
- (4) To allow the application of the arrangements provided for in the above Regulations once this Regulation has been published, the tariff quotas with the serial numbers 09.4672, 09.4627, 09.4630, 09.4633 and 09.4771 should be administered in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

<sup>(1)</sup> OJ L 328, 30.12.1995, p. 31.

<sup>(2)</sup> OJ L 303, 13.11.1998, p. 1.

<sup>(3)</sup> OJ L 262, 17.10.2000, p. 1.

<sup>(4)</sup> OJ L 280, 4.11.2000, p. 1.

<sup>(5)</sup> OJ L 280, 4.11.2000, p. 9.

<sup>(6)</sup> OJ L 280, 4.11.2000, p. 17.

<sup>(7)</sup> OJ L 282, 1.11.1975, p. 49.

<sup>(8)</sup> OJ L 189, 30.7.1996, p. 99.

<sup>(9)</sup> OJ L 282, 1.11.1975, p. 77.

<sup>(10)</sup> OJ L 305, 19.12.1995, p. 49.

<sup>(11)</sup> OJ L 267, 30.9.1997, p. 67.

<sup>(12)</sup> OJ L 205, 12.8.2000, p. 3.

<sup>(13)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(14)</sup> OJ L 188, 26.7.2000, p. 1.

- (5) Repayment of import duties on products of groups 19, 21, 23, 24, 28, 30, 32, 33, 37, 38, 39 and 43 and hatching eggs of group 25 listed in Annex I to Regulation (EC) No 1899/97 as it existed before the entry into force of this Regulation and imported under licences used from 1 July 2000 falls within the scope of Articles 878 to 898 of Regulation (EEC) No 2454/93.
- (6) To limit the potential trade problems that might temporarily arise from the parallel existence of two different management procedures for some tariff quotas in the poultrymeat sector, i.e. management via the quarterly issue of import licences and management according to the 'first come first served' principle in line with Article 308a, 308b and 308c of Regulation (EEC) No 2454/93, import licence holders should be given the possibility of cancellation with release of the security.
- (7) A deadline should be laid down for the submission of request for cancellation, giving traders a reasonable time for submission.
- (8) This Regulation should be applied from 1 July 2000 in parallel with Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 1899/97 is hereby amended as follows:

1. The title is replaced by the following:

'laying down rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulations (EC) No 1727/2000, (EC) No 3066/95, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94'.

2. The first paragraph of Article 1 is replaced by the following:

'All imports into the Community under the arrangements laid down by Regulations (EC) No 1727/2000, (EC) No 3066/95, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2435/2000 of products covered by Annex I to this Regulation shall be subject to presentation of an import licence.'

3. The following paragraph is added to Article 1:

'Tariff quotas with the serial numbers 09.4672, 09.4627, 09.4630, 09.4633 and 09.4771 shall be administered in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.'

4. Article 2 is replaced by the following:

The quantities referred to in Article 1 are for each period referred to in Annex I to this Regulation staggered as follows:

Group 12:

- 1 July to 30 September: 35 %
- 1 October to 31 December: 35 %,
- 1 January to 31 March: 15 %,
- 1 April to 30 June: 15 %.

Other groups:

- 1 July to 30 September: 25 %,
- 1 October to 31 December: 25 %,
- 1 January to 31 March: 25 %,
- 1 April to 30 June: 25 %.'

5. The following subparagraph is added to Article 4(1):

'However, from 2001, for the period 1 July to 30 September licence applications may be lodged only in the first 10 days of the month of June of the current year.'

6. The following paragraph is inserted after the first paragraph of Article 5:

'However, from 2001, licences issued for the periods 1 January to 31 March and 1 April to 30 June may not be valid beyond 30 June of the current year.'

7. Annex I is replaced by Annex I hereto.

#### Article 2

The quantities available for applications in the period 1 January to 31 March 2001 are laid down in Annex II to this Regulation.

#### Article 3

Holders of import licences issued under Regulation (EC) No 1899/97 for groups 19, 21, 23, 24, 25, 28, 30, 32, 33, 37, 38, 39 and 43 listed in Annex I to Regulation (EC) No 1899/97 as it existed before the entry into force of this Regulation and applied for between 1 and 10 July 2000 or between 1 and 10 October 2000 may, before 31 March 2001, request their cancellation and release of the security.

Member States shall notify to the Commission before the end of the following month the monthly volume of cancelled licences for each of the above groups, indicating the application period concerned.

*Article 4*

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

It shall apply from 1 July 2000, with the exception of point 4 of Article 1.

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

Done at Brussels, 11 December 2000.

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

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## ANNEX I

## ANNEX I

**A. Products originating in Hungary**

Duty applicable: 20 % of MFN

Serial No	Group No	CN code	Annual quantity from 1.7.2000 (tonnes)	Annual increase from 1.7.2001 (tonnes)
09.4716	10	0407 00 30	2 625	265
09.4717	11	0408 91 80	625	65

**B. Products originating in Poland**

Duty applicable: 20 % of MFN

Serial No	Group No	CN code	Annual quantity from 1.7.2000 (tonnes)	Annual increase from 1.7.2001 (tonnes)
09.4801	12	0207 32 11 0207 32 15 0207 32 19 0207 33 11 0207 33 19 ex 0207 35 15 ex 0207 36 15 ex 0207 35 53 ex 0207 36 53 ex 0207 35 63 ex 0207 36 63 ex 0207 35 79 <sup>(1)</sup> ex 0207 36 79 <sup>(1)</sup>	1 875	—
09.4810	14	0105 92 00 0105 93 00 0207 11 10 0207 11 30 0207 11 90 0207 12 10 0207 12 90	4 375	—
09.4811	15	0207 13 10 0207 13 20 0207 13 30 0207 13 40 0207 13 50 0207 13 60 0207 13 99 0207 14 10 0207 14 20 0207 14 30 0207 14 40 0207 14 50 0207 14 60 0207 14 70 0207 14 99	6 125	—

Serial No	Group No	CN code	Annual quantity from 1.7.2000 (tonnes)	Annual increase from 1.7.2001 (tonnes)
09.4812	16	0105 99 30 0207 24 10 0207 24 90 0207 25 10 0207 25 90 0207 26 10 0207 26 20 0207 26 30 0207 26 40 0207 26 50 0207 26 60 0207 26 70 0207 26 80 0207 26 99 0207 27 10 0207 27 20 0207 27 30 0207 27 40 0207 27 50 0207 27 60 0207 27 70 0207 27 80	1 750	—
09.4816	17	0407 00 11 0407 00 19 0407 00 30	1 875	—
09.4825	18	0408 91 80 0408 99 80	375 <sup>(?)</sup>	—

<sup>(1)</sup> Duty applicable: 20 % of MFN for CN code 0207 35 53.

<sup>(?)</sup> In dried egg equivalent (1 kg liquid or frozen egg = 0,25 kg dried egg).

### C. Products originating in the Czech Republic

Duty applicable: 20 % of MFN

Serial No	Group No	CN code	Annual quantity from 1.7.2000 (tonnes)	Annual increase from 1.7.2001 (tonnes)
09.4628	25	0407 00 30	6 625	—
09.4615	26	0408 11 80 0408 19 81 0408 19 89	375 <sup>(1)</sup>	—
09.4616	27	0408 91 80 0408 99 80	2 750 <sup>(?)</sup>	—

<sup>(1)</sup> In liquid egg yolk equivalent (1 kg dried egg yolk = 2,12 kg liquid or frozen egg yolk).

<sup>(?)</sup> In liquid egg equivalent (1 kg dried egg = 3,9 kg liquid or frozen egg).

**D. Products originating in the Slovak Republic**

Duty applicable: 20 % of MFN

Serial No	Group No	CN code	Annual quantity from 1.7.2000 (tonnes)	Annual increase from 1.7.2001 (tonnes)
09.4614	34	0407 00 11 0407 00 19 0407 00 30	3 125	—
09.4615	35	0408 11 80 0408 19 81 0408 19 89	250 <sup>(1)</sup>	—
09.4616	36	0408 91 80 0408 99 80	1 250 <sup>(2)</sup>	—

<sup>(1)</sup> In liquid egg yolk equivalent (1 kg dried egg yolk = 2,12 kg liquid or frozen egg yolk).<sup>(2)</sup> In liquid egg equivalent (1 kg dried egg = 3,9 kg liquid or frozen egg).**E. Products originating in Bulgaria**

Duty applicable: 20 % of MFN

Serial No	Group No	CN code	Annual quantity from 1.7.2000 (tonnes)	Annual increase from 1.7.2001 (tonnes)
09.4656	40	0408 91 80 0408 99 80	750 <sup>(1)</sup>	—

<sup>(1)</sup> 1 kg dried egg = 3,9 kg liquid for frozen egg.

## ANNEX II

*(tonnes)*

Group	Total available quantity in the period 1 January to 31 March 2001
10	1 782,30
11	436,55
12	1 461,26
14	3 281,25
15	2 557,56
16	437,50
17	1 406,25
18	281,25
25	4 761,13
26	237,99
27	2 062,50
34	2 343,75
35	187,50
36	937,50
40	525,00

**COMMISSION REGULATION (EC) No 2705/2000  
of 11 December 2000**

**derogating from Regulation (EC) No 2799/1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder and repealing Regulation (EC) No 1492/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, and in particular Articles 10 and 15 thereof,

Whereas:

- (1) Pursuant to Article 5(1) of Commission Regulation (EC) No 2799/1999 <sup>(3)</sup>, as last amended by Regulation (EC) No 2348/2000 <sup>(4)</sup>, aid is granted for skimmed milk and skimmed-milk powder processed into compound feedingstuffs provided that at least 50 kg of powder is incorporated in every 100 kg of finished product. In the light of the development of the situation on the market for skimmed-milk powder, Commission Regulation (EC) No 1492/2000 <sup>(5)</sup> reduces the abovementioned rate of incorporation temporarily for the period 1 July to 31 December 2000. For the same reason, the period of application and the scope of that derogation should be extended. For the sake of clarity, Regulation (EC) No 1492/2000 should be repealed and the new conditions governing the derogation should be incorporated in a new regulation.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Notwithstanding Article 5(1) and (2) of Regulation (EC) No 2799/1999, the minimum quantity referred to in paragraph 1(a)(i) of that Article for compound feedingstuffs manufactured between the date of entry into force of this Regulation and 30 April 2001 shall be 25 kg and the content referred to in the second subparagraph of paragraph 2 of that Article shall be 20 kg.

*Article 2*

Regulation (EC) No 1492/2000 is hereby repealed.

*Article 3*

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

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

Done at Brussels, 11 December 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 340, 31.12.1999, p. 3.

<sup>(4)</sup> OJ L 271, 24.10.2000, p. 35.

<sup>(5)</sup> OJ L 168, 8.7.2000, p. 13.

**COMMISSION REGULATION (EC) No 2706/2000**  
**of 11 December 2000**  
**amending Regulation (EC) No 1455/1999 laying down the marketing standard for sweet peppers**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1455/1999 <sup>(3)</sup> lays down the marketing standard for sweet peppers.
- (2) It is not possible in practice to establish a distinction between types of sweet pepper. It should therefore be specified that all sweet peppers are varieties (cultivars) grown from *Capsicum annuum* L. var. *annuum*, and the derogation with respect to the minimum size for *Capsicum annuum* L. var. *longum*, also known as 'peperoncini', should be deleted.
- (3) Sales of small elongated sweet peppers (pointed) are growing. The minimum size applicable to this type of pepper should therefore be lowered.
- (4) Where sweet peppers are presented in a mixture of colours, uniformity of origin is not required. It is therefore necessary to provide, where appropriate, for indication of the different countries of origin.
- (5) Sales of miniature peppers have grown in recent years. Special provisions concerning sizing should therefore be laid down for those products, which are below the minimum size, along with the corresponding provisions concerning labelling and presentation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1455/1999 is amended as follows:

1. The first paragraph of Title I (Definition of produce) is replaced by the following:

'This standard applies to sweet peppers of varieties (cultivars) grown from *Capsicum annuum* L. var. *annuum*, to be

supplied fresh to the consumer, sweet peppers for industrial processing being excluded.'

2. The first indent of the third paragraph of Title III (Provisions concerning sizing) is replaced by the following:

'— elongated sweet peppers (pointed): 20 mm.'

3. The fifth paragraph of Title III (Provisions concerning sizing) is replaced by the following with the associated footnote:

'The size requirements shall not apply to miniature produce <sup>(1)</sup>.

(1) Miniature product means a variety or cultivar of sweet pepper, obtained by plant breeding and/or special cultivation techniques, excluding sweet peppers of non-miniature varieties which have not fully developed or are of inadequate size. All other requirements of the standard must be met.'

4. The following paragraph is inserted after the fourth paragraph of point A (Uniformity) of Title V (Provisions concerning presentation):

'Miniature sweet peppers must be reasonably uniform in size. They may be mixed with other miniature products of a different type and origin.'

5. The third indent of point B (Nature of produce) of Title VI (Provisions concerning marking) is deleted.

6. The first indent of point C (Origin of produce) of Title VI (Provisions concerning marking) is replaced by the following:

'— Country or, where appropriate, countries of origin and, optionally, district where grown or national, regional or local place name.'

7. The following indent is inserted after the second indent in point D (Commercial specifications) of Title VI (Provisions concerning marking):

'— Mini peppers, baby peppers, or other appropriate term for miniature produce. Where several types of miniature produce are mixed in the same package, all products and their respective origins must be mentioned.'

*Article 2*

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

It shall apply from the first day of the third month following that of its entry into force.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 80.

<sup>(3)</sup> OJ L 167, 2.7.1999, p. 22.

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

Done at Brussels, 11 December 2000.

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

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**COMMISSION REGULATION (EC) No 2707/2000  
of 11 December 2000**

**laying down rules for applying Council Regulation (EC) No 1255/1999 as regards Community aid  
for supplying milk and certain milk products to pupils in educational establishments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, and in particular Article 15 thereof,

Whereas:

- (1) Regulation (EC) No 1255/1999 replaced Council Regulation (EEC) No 804/68 <sup>(3)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(4)</sup>, and *inter alia* Council Regulation (EEC) No 1842/83 <sup>(5)</sup>, as last amended by Regulation (EC) No 1958/97 <sup>(6)</sup>, on the supply of milk and certain milk products to schoolchildren. The new Community aid scheme and experience acquired call for the amendment and simplification of Commission Regulation (EC) No 3392/93 of 10 December 1993 on detailed rules for the application of Council Regulation (EEC) No 1842/83 laying down general rules for the supply of milk and certain milk products at reduced prices to schoolchildren <sup>(7)</sup>, as last amended by Regulation (EC) No 2235/97 <sup>(8)</sup>. For the sake of clarity that Regulation should be recast.
- (2) The aid should be targeted at nursery and primary schools, with Member States left to decide for themselves whether or not to include secondary schools. To simplify management, consumption by pupils in residence at school holiday camps should be excluded.
- (3) There are policing difficulties over the use of subsidised milk products in the preparation of meals served to pupils, and this seems moreover not to be an effective way of attaining the purposes of the aid scheme. Aid should therefore be restricted to products distributed to pupils.
- (4) The list of products qualifying for aid must give priority to some basic milk products consumption of which is essential for market balance. To take account of varying consumption habits in the Community, Member States should have the option of including certain low fat products and certain cheeses.
- (5) Article 14(3) of Regulation (EC) No 1255/1999, as amended by Regulation (EC) No 1670/2000, specifies a new aid rate for whole milk of 75 % of the target price and for other products a rate set in line with the milk components of the product. The aid for the various products under these rules should be specified.
- (6) As regards payment of the aid, the requirements to be met by applicants should be specified and rules on the lodging of applications, the checks to be made by the competent authorities and the payment procedure should be laid down. For the purposes of management and policing of the aid there should be an approval procedure for applicants. To simplify management of the scheme, the use of organisations that apply on behalf of a number of schools should be encouraged.
- (7) Under Article 14(4) of Regulation (EC) No 1255/1999, the maximum daily quantity per pupil on which aid can be granted is the equivalent of 0,25 litres of milk. Equivalences between milk and the various other products should be specified.
- (8) Policing rules for the aid scheme must be laid down, in order to guarantee that the aid is duly reflected in the price paid by recipients and that subsidised products are not deflected from their intended use.
- (9) This Regulation should apply from 1 January 2001, since that is the date on which the new aid amount comes into force and this will give the competent authorities time to prepare the application of the new provisions.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(4)</sup> OJ L 206, 16.8.1996, p. 21.

<sup>(5)</sup> OJ L 183, 7.7.1983, p. 1.

<sup>(6)</sup> OJ L 277, 10.10.1997, p. 1.

<sup>(7)</sup> OJ L 306, 11.12.1993, p. 27.

<sup>(8)</sup> OJ L 306, 11.11.1997, p. 11.

HAS ADOPTED THIS REGULATION:

### Article 1

#### Purpose

This Regulation lays down rules for applying Regulation (EC) No 1255/1999 as regards Community aid under Article 14 thereof for supplying certain milk products to pupils in educational establishments.

### Article 2

#### Beneficiaries

1. The beneficiaries of the aid shall be pupils in regular attendance at one of the following types of educational establishment:

- (a) nursery schools/other pre-school establishments administered or recognised by the Member State's competent authority;
- (b) primary schools;
- (c) secondary schools (if the Member State chooses).

2. Pupils shall not benefit from the aid during stays at holiday camps organised by the establishment or its education authority.

3. Aid shall be conditional on a written commitment to the competent authority, by the establishment or, as appropriate, its education authority, that subsidised milk products will not be used in the preparation of meals.

Where a Member State shows good reason, however, the Commission may authorise it not to apply the first subparagraph.

### Article 3

#### Eligible products

1. Member States shall pay the aid on the category I and III products listed in the Annex.

2. Without prejudice to Council Regulation (EC) No 2596/97<sup>(1)</sup>, Member States may pay the aid on products of categories II and IV to IX listed in the Annex.

3. In the French overseas departments, milk flavoured with chocolate or otherwise may be reconstituted milk.

<sup>(1)</sup> OJ L 351, 23.12.1997, p. 12.

4. Member States may authorise the addition of a maximum of 5 mg of fluorine per kilogram to category I to V products.

5. The products listed in Article 3(2)(b) and (c) of Council Regulation (EC) No 2597/97<sup>(2)</sup> shall be regarded, as appropriate, as whole, semi-skimmed or skimmed milk.

### Article 4

#### Rate of aid

1. The aid rates shall be:

- (a) EUR 23,24/100 kg for category I products;
- (b) EUR 21,82/100 kg for category II products;
- (c) EUR 17,58/100 kg for category III products;
- (d) EUR 16,17/100 kg for category IV products;
- (e) EUR 13,34/100 kg for category V products;
- (f) EUR 69,72/100 kg for category VI products;
- (g) EUR 177,79/100 kg for category VII products;
- (h) EUR 197,54/100 kg for category VIII products;
- (i) EUR 217,29/100 kg for category IX products.

2. Notwithstanding paragraph 1, where the aid is greater than the supplier's selling price before deduction of the aid, it shall be reduced so as not to exceed that price.

3. If an aid rate in euro is altered, the rate in force on the first day of the month shall apply to all quantities supplied during that month.

4. If the quantities supplied are expressed in litres, the coefficient 1,03 shall be used for conversion into kilograms.

### Article 5

#### Maximum subsidisable quantity

1. In order to comply with the maximum 0,25 litre quantity referred to in Article 14(4) of Regulation (EC) No 1255/1999, the total quantity of milk products for which there is entitlement to the aid during the period covered by an application shall be calculated on the basis of the number of pupils entered on the establishment's roll.

2. For products of categories VI to IX listed in the Annex, the calculation shall use the following equivalences:

- (a) category VI: 100 kg = 300 kg of whole milk;

<sup>(2)</sup> OJ L 351, 23.12.1997, p. 13.

- (b) category VII: 100 kg = 765 kg of whole milk;
- (c) category VIII: 100 kg = 850 kg of whole milk;
- (d) category IX: 100 kg = 935 kg of whole milk.

#### Article 6

##### General conditions for granting the aid

1. Aid shall be granted to applicants approved in accordance with Articles 7, 8 and 9 for the supply of Community products purchased in the Member State where the educational establishment is located.
2. Aid can be applied for by:
  - (a) the educational establishment;
  - (b) an education authority in respect of the products distributed to the pupils within its area;
  - (c) if the Member State so provides, the supplier of the products;
  - (d) if the Member State so provides, an organisation acting on behalf of one or more schools or education authorities and specifically established for that purpose.

#### Article 7

##### Approval of applicants

Applicants for aid must be approved for that purpose by the competent body of the Member State in which the educational establishment to which the products are supplied is located.

#### Article 8

##### General conditions for approval

Approval is conditional on the following written commitments by the applicant to the competent authority:

- (a) not to use the products except for consumption by the pupils of its establishment or of the establishments in regard to which it will apply for aid;
- (b) to repay any aid unduly paid, for the quantities concerned, should it be found that the products have not been distributed to the recipients indicated in Article 2 or that it has

been paid for quantities larger than those given by applying Article 5;

- (c) to make supporting documents available to the competent authorities on their request;
- (d) to permit physical inspection.

#### Article 9

##### Specific conditions for the approval of certain applicants

1. If the aid is to be applied for by the supplier he must make the following written commitments in addition to those specified in Article 8:
  - (a) to keep records showing the makers of the products, the names and addresses of the educational establishments or, where appropriate, education authorities and the quantities sold or supplied to these establishments;
  - (b) to submit to any check decided on by the Member State's competent body, in particular scrutiny of the records.
2. If the aid is to be applied for by an organisation as referred to in Article 6(2)(d) it must make the following written commitments in addition to those specified in Article 8:
  - (a) to keep records showing the makers or suppliers of the products, the names and addresses of the educational establishments or, where appropriate, education authorities and the quantities sold or supplied to them;
  - (b) to submit to any check decided on by the Member State's competent body, in particular scrutiny of the records.

#### Article 10

##### Suspension and withdrawal of approval

If it is found that an applicant for aid is no longer meeting the conditions laid down in Articles 8 and 9, or any other obligation under this Regulation, approval shall be suspended for one to twelve months or withdrawn, depending on the gravity of the irregularity.

Such action shall not be taken in cases of *force majeure* or if the Member State finds that the irregularity was not committed deliberately or by negligence or was of minor importance.

Approval, once withdrawn, can be restored at the applicant's request after a minimum period of six months.

## Article 11

**Payment applications**

1. Payment applications must be made as specified by the Member State's competent authority and include at least the following information:

- (a) the quantities distributed by category;
- (b) the name and address of the educational establishment or education authority.

2. Member States shall specify the frequency of applications. These may cover periods of one to seven months according to the amount of aid applied for.

3. Except in cases of *force majeure*, aid applications must, in order to be valid, be lodged by the last day of the fourth month following the end of the period to which they relate.

If this time limit is overrun by less than two months the aid shall still be paid but reduced:

- (a) by 5 % if the overrun is less than a month;
- (b) by 10 % otherwise.

4. The amounts shown in the application must be supported by documentary evidence held available for the competent authorities. This must show separately the price of each product delivered and be receipted or accompanied by proof of payment.

## Article 12

**Payment of the aid**

1. Without prejudice to Article 11(4), the aid shall be paid to suppliers only:

- (a) on presentation of a receipt for the quantities actually delivered; or
- (b) on the basis of the report of an inspection made by the competent authority before final payment of the aid, establishing that the payment requirements have been met; or
- (c) if the Member State so authorises, on presentation of an extract from an account of the supplier by credit of which, and in no other way, the quantities delivered for the purposes of this Regulation are paid for.

2. The aid shall be paid by the competent authority within four months of the day of lodging of the application as referred to in Article 11(3), unless administrative inquiries have been initiated into entitlement to it.

3. Member States may delegate local authorities to pay the aid and to manage the scheme provided for in this Regulation.

In cases to be determined by the Member State the local authority may be replaced by an association, approved by the Member State, to which the educational establishments belong.

## Article 13

**Payment of advances**

1. Member States may pay an advance equal to the amount of the aid applied for, against security for 110 % of the amount advanced.

2. If a supplier applies for an advance the competent authority may pay it on the basis of the quantities delivered without requiring the documentary evidence indicated in Article 12(1). Within one month of its being paid, the supplier shall forward to the competent authority the documents required for final payment of the aid, unless the latter draws up a report as provided for in Article 12(1)(b).

3. Final payment of the aid shall be made by the end of the sixth month following the end of the school year concerned.

## Article 14

**Policing**

1. Member States shall take whatever action is necessary to ensure that the amount of the aid is duly reflected in the price paid by the beneficiary.

To this end they shall set maximum prices to be paid by pupils for the various products listed in the Annex that are distributed on their territory. These prices shall be notified to the Commission with evidence in support of them.

2. Member States shall carry out the policing needed to ensure compliance with this Regulation.

Their action shall include checking of the supporting documents for product delivery and of compliance with the maximum quantities on which aid which can be paid.

3. The checks specified in paragraph 2 shall be supplemented by physical inspection to check in particular on:

- (a) the impact of the aid on the price paid by the beneficiary and compliance with the maximum prices referred to in paragraph 1;
- (b) the records referred to in Article 9;

- (c) use of the subsidised products in accordance with this Regulation, particularly if there are grounds for suspecting deflection;
- (d) the price paid to the supplier, in order to ensure that it is not less than the aid.

*Article 15*

**Notifications**

1. Within six months of entry into force of this Regulation, Member States shall notify to the Commission their measures for applying it, in particular the policing arrangements adopted.
2. Before 31 December each year they shall notify:
  - (a) the quantities on which aid was paid during the previous school year;
  - (b) a brief account of any information and promotion measures for milk products undertaken in connection with distribution of the subsidised products in schools.

*Article 16*

**Repeal**

Regulation (EC) No 3392/93 is hereby repealed.

References to that Regulation shall be taken as made to this one.

Derogations under Article 3(3) of Regulation (EC) No 3392/93 shall remain valid under this Regulation.

Approvals granted pursuant to Article 6 of Regulation (EC) No 3392/93 shall remain valid for the purposes of this Regulation.

*Article 17*

**Entry into force**

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, 11 December 2000.

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

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## ANNEX

## LIST OF PRODUCTS ELIGIBLE FOR COMMUNITY AID

**Category I**

- (a) heat-treated whole milk;
- (b) heat-treated whole milk flavoured with chocolate or otherwise, containing at least 90 % whole milk by weight;
- (c) whole milk yoghurt.

**Category II**

- (a) heat-treated milk with a 3 % minimum fat content;
- (b) heat-treated milk flavoured with chocolate or otherwise, containing at least 90 % by weight of the milk indicated at (a);
- (c) 'Pimä/filmjök' with a 3 % minimum fat content.

**Category III**

- (a) heat-treated semi-skimmed milk;
- (b) heat-treated semi-skimmed milk flavoured with chocolate or otherwise, containing at least 90 % semi-skimmed milk by weight;
- (c) semi-skimmed milk yoghurt;
- (d) 'Pimä/fil' with a 1,5 % minimum fat content.

**Category IV**

- (a) heat-treated milk with a 1 % minimum fat content;
- (b) heat-treated milk flavoured with chocolate or otherwise, containing at least 90 % by weight of the milk indicated at (a).

**Category V**

- (a) heat-treated skimmed milk;
- (b) heat-treated skimmed milk flavoured with chocolate or otherwise, containing at least 90 % skimmed milk by weight;
- (c) skimmed milk yoghurt;
- (d) 'Pimä/fil' with a less than 1,5 % fat content.

**Category VI**

Fresh and processed cheeses with a fat content by weight in dry matter of at least 40 %.

**Category VII**

Cheeses other than fresh and processed, with a fat content by weight in dry matter of at least 45 %.

**Category VIII**

'Grana padano' cheese.

**Category IX**

'Parmigiano-Reggiano' cheese.

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**COMMISSION REGULATION (EC) No 2708/2000  
of 11 December 2000**

**fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip <sup>(1)</sup>, as last amended by Regulation (EC) No 1300/97 <sup>(2)</sup>, and in particular Article 5 (2) (a) thereof,

Whereas:

Pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip <sup>(3)</sup>, as last amended by Regulation (EC) No 2062/

97 <sup>(4)</sup>, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. Whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 12 December 2000.

It shall apply from 13 December to 26 December 2000.

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

Done at Brussels, 11 December 2000.

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

<sup>(1)</sup> OJ L 382, 31.12.1987, p. 22.

<sup>(2)</sup> OJ L 177, 5.7.1997, p. 1.

<sup>(3)</sup> OJ L 72, 18.3.1988, p. 16.

<sup>(4)</sup> OJ L 289, 22.10.1997, p. 1.

## ANNEX

to the Commission Regulation of 11 December 2000 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 13 December to 26 December 2000

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	13,19	11,94	40,32	18,10
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	11,83	9,84	14,40	12,22
Morocco	18,56	16,47	—	27,74
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

## COMMISSION REGULATION (EC) No 2709/2000

of 11 December 2000

**suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip <sup>(1)</sup>, as last amended by Regulation (EC) No 1300/97 <sup>(2)</sup>, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 1981/94 <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 563/2000 <sup>(4)</sup>, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip.

(3) Commission Regulation (EC) No 2708/2000 <sup>(5)</sup> fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 <sup>(6)</sup>, as last amended by Regulation (EC) No 2062/97 <sup>(7)</sup>, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel. The Common Customs Tariff duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 1999; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of multiflorous (spray) carnations (CN code ex 0603 10 20) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

*Article 2*

This Regulation shall enter into force on 13 December 2000.

<sup>(1)</sup> OJ L 382, 31.12.1987, p. 22.

<sup>(2)</sup> OJ L 177, 5.7.1997, p. 1.

<sup>(3)</sup> OJ L 199, 2.8.1994, p. 1.

<sup>(4)</sup> OJ L 68, 16.3.2000, p. 46.

<sup>(5)</sup> See page 43 of this Official Journal.

<sup>(6)</sup> OJ L 72, 18.3.1988, p. 16.

<sup>(7)</sup> OJ L 289, 22.10.1997, p. 71.

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

Done at Brussels, 11 December 2000.

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

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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 4 December 2000

**recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of UBH 820;UR 50601 (beflubutamid) in Annex I to Council Directive 91/414/EEC concerning the placing of plant-protection products on the market**

(notified under document number C(2000) 3648)

(Text with EEA relevance)

(2000/784/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 <sup>(1)</sup>, as last amended by Commission Directive 2000/68/EC <sup>(2)</sup>, and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC (hereinafter 'the Directive') provides for the development of a Community list of active substances authorised for incorporation in plant protection products.
- (2) A dossier for the active substance UBH 820;UR 50601 (beflubutamid) was submitted by UBE Europe GmbH to the authorities of Germany on 27 June 2000 with a view to obtaining its inclusion in Annex I to the Directive.
- (3) The authorities of Germany have indicated to the Commission that, on preliminary examination, the dossier appears to satisfy the data and information requirements of Annex II to the Directive. Further, they believe that the dossier contains the data and information required by Annex III to the Directive in respect of one plant protection product containing that active substance. Subsequently, in accordance with the provi-

sions of Article 6(2), the dossier was forwarded by the applicant to the Commission and other Member States.

- (4) The dossier was referred to the Standing Committee on Plant Health on 18 October 2000.
- (5) Article 6(3) of the Directive requires formal confirmation at Community level that each dossier is considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements of Annex III to the Directive.
- (6) Such confirmation is necessary in order to permit the detailed examination of the dossier as well as to allow Member States the possibility of granting provisional authorisation for plant protection products containing this active substance in accordance with Article 8(1) of the Directive.
- (7) This Decision does not prejudice the right of the Commission to request the applicant to submit further data or information to the Rapporteur Member State in order to clarify certain points in the dossier. The request for the submission of further data necessary to clarify the dossier shall not affect the time limit for the submission of the report referred to under recital 9.
- (8) The Member States and the Commission agree that Germany will pursue the detailed examination for the dossier for UBH 820;UR 50601 (beflubutamid).

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 276, 28.10.2000, p. 41.

- (9) Germany will report the conclusions of the examinations accompanied by any recommendations on the inclusion or non-inclusion and any conditions related thereto to the Commission as soon as possible and at the latest within a period of one year from the date of publication of this Decision.
- (10) 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*

The dossier submitted by UBE Europe GmbH to the Commission and the Member States with a view to the inclusion of UBH 820;UR 50601 (beflubutamid) as an active substance in Annex I to Directive 91/414/EEC, which was referred to the

Standing Committee on Plant Health on 18 October 2000, satisfies in principle the data and information requirements provided for in Annex II to the Directive. The dossier satisfies the data and information requirements set out in Annex III to the Directive in respect of one plant protection product containing UBH 820;UR 50601 (beflubutamid), taking into account the uses proposed.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 4 December 2000.

*For the Commission*

David BYRNE

*Member of the Commission*

## COMMISSION DECISION

of 6 December 2000

**amending Decision 2000/721/EC on introducing vaccination to supplement the measures to control avian influenza in Italy and on specific movement control measures**

(notified under document number C(2000) 3679)

(Text with EEA relevance)

(2000/785/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 <sup>(1)</sup>, as last amended by Directive 92/118/EEC <sup>(2)</sup>, and, in particular, Article 10(4) thereof,

Having regard to 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 <sup>(3)</sup>, as last amended by Directive 92/118/EEC, and in particular, Article 9(4) thereof,

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza <sup>(4)</sup>, and in particular Article 16 thereof,

Whereas:

- (1) The Commission adopted Decision 2000/721/EC <sup>(5)</sup> on 7 November 2000 on introducing vaccination to supplement the measures to control avian influenza in Italy and on specific movement control measures.
- (2) In Decision 2000/721/EC a review of the vaccination programme was foreseen before 1 November 2000.
- (3) The vaccination programme was reviewed on 30 October 2000 at the subgroup meeting of the Standing Veterinary Committee with Member State's representatives.
- (4) Certain amendments to movement restrictions laid down in the vaccination programme and applicable to intra-Community trade shall be taken into consideration by amending Decision 2000/721/EC accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2000/721/EC is amended as follows:

1. In Article 3 the following paragraph shall be added:

'3. In derogation from paragraph 1 hatching eggs and day-old chicks may be dispatched from Italy if they come and/or originate from the provinces of Belluno, Treviso and Venezia of the region of Veneto described in Annex II and if no contacts or other epidemiological links in relation to avian influenza can be established with a holding or a hatchery situated in the area described in Annex I. When such a derogation is granted the provision of Article 7 shall also apply.'

2. In Article 5 the existing paragraph shall become paragraph 1 and the following paragraph shall be added:

'2. No table eggs coming from and/or originating from the area described in Annex I shall be dispatched from Italy.'

*Article 2*

The Member States shall amend the measures, which they apply to trade so as to bring them into compliance with this Decision. They shall immediately 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*

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(3)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(4)</sup> OJ L 167, 22.6.1992, p. 1.

<sup>(5)</sup> OJ L 291, 18.11.2000, p. 33.

**CORRIGENDA****Corrigendum to Directive 1999/103/EC of the European Parliament and of the Council of 24 January 2000 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement**

*(Official Journal of the European Communities L 34 of 9 February 2000)*

On page 18, in Article 1(3)(a)

The symbols 't', 't = T - T<sub>o</sub>', 'T', 'T<sub>o</sub>' and 'T<sub>o</sub>' should be italicised.

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