

English edition

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2717/2000
of 13 December 2000
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 December 2000.

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

Done at Brussels, 13 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 13 December 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	101,4
	204	62,6
	999	82,0
0707 00 05	624	195,9
	628	152,5
	999	174,2
0709 90 70	052	84,5
	204	39,4
	628	109,0
	999	77,6
0805 10 10, 0805 10 30, 0805 10 50	052	45,1
	204	44,7
	388	32,2
	999	40,7
0805 20 10	052	93,5
	204	77,2
	999	85,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,4
	999	71,4
0805 30 10	052	73,4
	600	70,9
	999	72,2
	999	72,2
0808 10 20, 0808 10 50, 0808 10 90	060	37,5
	400	90,2
	404	85,4
	720	128,6
	999	85,4
	999	85,4
0808 20 50	052	73,7
	064	55,6
	400	91,7
	720	134,9
	999	89,0

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

**COMMISSION REGULATION (EC) No 2718/2000
of 13 December 2000**

**fixing the maximum export refund for white sugar for the 20th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1531/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (3) Following an examination of the tenders submitted in response to the 20th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 20th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 42,558 EUR/100 kg.

Article 2

This Regulation shall enter into force on 14 December 2000.

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

Done at Brussels, 13 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 175, 14.7.2000, p. 69.

**COMMISSION REGULATION (EC) No 2719/2000
of 13 December 2000**

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 December 2000.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 13 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

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

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,05	—	0
1703 90 00 ⁽¹⁾	10,25	—	0

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

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

COMMISSION REGULATION (EC) No 2720/2000
of 13 December 2000
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2671/2000 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 2671/2000 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2671/2000 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 December 2000.

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

Done at Brussels, 13 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 306, 7.12.2000, p. 16.

ANNEX

to the Commission Regulation of 13 December 2000 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	35,16 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	32,46 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	35,16 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	32,46 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3822
1701 99 10 9100	A00	EUR/100 kg	38,22
1701 99 10 9910	A00	EUR/100 kg	39,54
1701 99 10 9950	A00	EUR/100 kg	39,54
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3822

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

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

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

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

**COMMISSION REGULATION (EC) No 2721/2000
of 13 December 2000**

amending and correcting Regulation (EEC) No 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽¹⁾, as last amended by Regulation (EC) No 1593/2000 ⁽²⁾, and in particular Article 12 thereof,

Regulation (EEC) No 3887/92 is amended as follows:

Whereas:

1. Article 6(7) is amended as follows:

- (1) In relation to the determination of the area of agricultural parcels eligible for area payments, experience has shown that it is necessary to define the acceptable width of certain features of the fields, in particular hedges, ditches and walls. In view of specific environmental needs, it is appropriate to provide some flexibility within the limits taken into account when the regional yields were fixed in accordance with Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽³⁾, as last amended by Regulation (EC) No 1672/2000 ⁽⁴⁾.
- (2) The use of the computerised database in accordance with Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ⁽⁵⁾, is aimed at allowing in the framework of the integrated system in the sector of animal premia an extensively automated processing of steps of the administrative control and the reduction of the rate of controls on the spot. In order to ensure the correctness of the data in the database, false notifications due to reasons attributable to the applicant should be sanctioned immediately after being established.
- (3) Commission Regulation (EEC) No 3887/92 ⁽⁶⁾, as last amended by Regulation (EC) No 2801/1999 ⁽⁷⁾, should therefore be amended accordingly.
- (4) It is appropriate at the same time to correct errors in the German and French versions of Article 6(5) and in the English version of Article 9(2) of Regulation (EEC) No 3887/92.
- (5) The Committee of the European Agricultural Guidance and Guarantee Fund has not delivered an opinion within the time limit set by the chairman,

(a) in the first subparagraph, 'following subparagraph' is replaced by 'following subparagraphs';

(b) the following subparagraphs are added:

'In respect of those regions where certain features, in particular hedges, ditches and walls, are traditionally part of good agricultural cropping or utilisation practices, Member States may decide that the corresponding area is considered to be part of the fully utilised area on condition that it does not exceed a total width to be determined by the Member States. This width must correspond to a traditional width in the region in question and shall not exceed 2 metres.

A Member State may, after prior notification to the Commission, allow a width greater than 2 metres if those areas were taken into account for the fixation of the yields of the regions concerned.'

2. In the second paragraph of Article 10d, the second sentence is replaced by the following:

'Furthermore, in cases where bovine animals are incorrectly entered, with regard to the date of birth, sex, movements and death, in the farmer's register or the respective passports, Community aid shall be reduced in accordance with Article 10b only if such errors are due to reasons attributable to the applicant and established on at least two checks within a period of 24 months.'

Article 2

Regulation (EEC) No 3887/92 is corrected as follows:

1. The fourth subparagraph of Article 6(5) is replaced by the following:

Concerns only the German and French versions.

2. The first subparagraph of Article 9(2) is replaced by the following:

'2. If the area actually determined is found to be less than that declared in an "area" aid application, the area actually determined as a result of checks carried out shall be used for calculation of the aid. However, except in cases of *force majeure*, the area actually determined shall be reduced by twice the difference found if this is more than 3 % or two hectares but not more than 20 % of the determined area.'

⁽¹⁾ OJ L 355, 5.12.1992, p. 1.

⁽²⁾ OJ L 182, 21.7.2000, p. 4.

⁽³⁾ OJ L 160, 26.6.1999, p. 1.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 13.

⁽⁵⁾ OJ L 204, 11.8.2000, p. 1.

⁽⁶⁾ OJ L 391, 31.12.1992, p. 36.

⁽⁷⁾ OJ L 340, 31.12.1999, p. 29.

Article 3

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

Article 1(1) shall apply to aid applications lodged on or after 1 January 2001.

Article 1(2) shall apply to aid applications in respect of premium periods starting from 1 January 2001.

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

Done at Brussels, 13 December 2000.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 2722/2000
of 13 December 2000**

**establishing the conditions under which the Financial Instrument for Fisheries Guidance (FIFG)
may make a contribution towards the eradication of pathological risks in aquaculture**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector ⁽¹⁾, and in particular Article 15(4) thereof,

Whereas:

- (1) Article 15(3)(g) of Regulation (EC) No 2792/1999 explicitly permits Community assistance from the Financial Instrument for Fisheries Guidance (FIFG) for the eradication of pathological risks in aquaculture. It may therefore be possible to compensate producers for the slaughter of aquaculture animals.
- (2) Article 24 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽²⁾, as last amended by Regulation (EC) No 1258/1999 ⁽³⁾, lays down the rules governing a Community financial contribution towards programmes for the eradication and monitoring of animal diseases, in particular that the disease must be listed in the Annex to the Decision, the slaughter programme (including possible compensation for producers) must be approved by the Commission, and expenditure (including any compensation for producers) may be eligible for a Community financial contribution.
- (3) With the exception of campaigns to vaccinate aquaculture animals, a situation whereby the application of Article 15(3)(g) of Regulation (EC) No 2792/1999 leads to a different procedure and conditions from those laid down by Article 24 of Decision 90/424/EEC should be avoided.
- (4) Where the financial provisions of the said Article 24 are incompatible with the financial provisions laid down in Council Regulation (EC) No 1260/1999 of 21 June

1999 laying down general provisions on the Structural Funds ⁽⁴⁾, it should be stipulated that the Regulation will continue to apply to the FIFG.

- (5) The cumulation of Community aid for the same scheme to eradicate pathological risks in aquaculture must moreover be prohibited.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

1. Where, for the purposes of eradicating pathological risks in aquaculture, the competent authority of a Member State provides for a Community financial contribution from the FIFG under Article 15(3)(g) of Regulation (EC) No 2792/1999, the relevant provisions of Article 24 of Decision 90/424/EEC shall apply.
2. Paragraph 1 shall not apply in the case of campaigns to vaccinate aquaculture animals.
3. The financial provisions on the Structural Funds laid down in Title III of Regulation (EC) No 1260/1999 shall continue to apply.
4. The FIFG aid pertaining to an eradication project is not cumulable with another Community aid.

Article 2

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 January 2000.

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

Done at Brussels, 13 December 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 17.12.1999, p. 10.

⁽²⁾ OJ L 224, 18.8.1990, p. 19.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 161, 26.6.1999, p. 1.

COMMISSION REGULATION (EC) No 2723/2000
of 13 December 2000
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2702/1999 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take

account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 December 2000.

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

Done at Brussels, 13 December 2000.

For the Commission
 Franz FISCHLER
 Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 327, 21.12.1999, p. 7.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 13 December 2000 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

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

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION
of 23 November 2000

on the signing, on behalf of the European Community, of the Agreement in the form of an Exchange of Letters between the European Community and the People's Republic of China initialled in Beijing on 19 May 2000 amending the Agreement between them on trade in textile products and amending the Agreement between them initialled on 19 January 1995 on trade in textile products not covered by the MFA bilateral Agreement, and authorising its provisional application

(2000/787/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 133 thereof, in conjunction with Article 300, paragraph 2, first sentence thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement on trade in textile products with the People's Republic of China.
- (2) The Agreement was initialled on 19 May 2000.
- (3) The Agreement should be signed on behalf of the European Community.
- (4) It is necessary to apply this Agreement on a provisional basis pending the completion of the relevant procedures for its formal conclusion, subject to reciprocity,

HAS DECIDED AS FOLLOWS:

Article 1

Subject to the conclusion thereof, the Agreement in the form of an Exchange of Letters between the European Community and the People's Republic of China initialled in Beijing on 19 May 2000 amending the Agreement between them on trade in

textile products and amending the Agreement between them initialled on 19 January 1995 on trade in textile products not covered by the MFA bilateral Agreement, both as last amended by the Agreement in the form of an Exchange of Letters initialled on 6 December 1999, shall be signed on behalf of the European Community.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 3

The Agreement shall be applied on a provisional basis pending the completion of the procedures for its conclusion, subject to reciprocity ⁽¹⁾.

Done at Brussels, 23 November 2000.

For the Council

The President

C. TASCA

⁽¹⁾ The date of commencement of provisional application will be 24 November 2000.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the People's Republic of China initialled in Beijing on 19 May 2000 amending the Agreement between them on trade in textile products and amending the Agreement between them initialled on 19 January 1995 on trade in textile products not covered by the MFA bilateral Agreement

A. Letter from the Council of the European Union

Sir,

1. I have the honour to refer to the consultations held between our respective delegations for the purpose of amending and extending both the Agreement between the European Economic Community and the People's Republic of China on trade in textile products initialled on 9 December 1988, as last amended by an Agreement initialled on 6 December 1999 (hereinafter referred to as 'the MFA Agreement') and the Agreement between the European Community and the People's Republic of China initialled on 19 January 1995 on trade in textile products not covered by the MFA bilateral Agreement, as last amended by an Agreement initialled on 6 December 1999 (hereinafter referred to as 'the non-MFA Agreement').
2. As a result of the consultations, the Parties agreed to modify the MFA and non-MFA Agreements.
3. Should the People's Republic of China become a Member of the World Trade Organisation before the date of expiry of the MFA and non-MFA bilateral Agreements, the restrictions in force under those Agreements shall be phased out in the framework of the WTO Agreement on textiles and clothing and China's Protocol of Accession to the WTO.
4. Without prejudice to paragraph 3, and in particular without prejudice to safeguard provisions, the Parties recorded their mutual understanding on the following aspects concerning the notifications in respect of the restrictions under the MFA agreement to be made to the textiles monitoring body for the purposes of Article 2 of the Agreement on textiles and clothing:
 - (a) The European Union will notify to the textiles monitoring body the quantitative restrictions maintained under the MFA Agreement (save for those quantitative limits concerning products already included by the European Community in stages 1 or 2 of integration under the Agreement on textiles and clothing) at the levels agreed for the year during which China accedes to the WTO as being the restraint levels for the purposes of notification under Article 2(1) of the Agreement on textiles and clothing, detailing the quantitative limits contained in Annex III of the above agreement including the quantitative limits reserved for European industry within those amounts and the separate quantitative limits reserved for outward processing traffic and European fairs respectively.
 - (b) The European Union will notify to the textiles monitoring body the growth rates applicable to the restraint levels, and the relevant parts thereof, being those growth rates applied for the renewal of the MFA agreement for the year 2000.
 - (c) These growth rates will be increased by the growth on growth provisions of the Agreement on textiles and clothing for the second stage of integration beginning from 1 January of the year following accession, and, after 1 January 2002, by the growth on growth provisions for the third stage of integration.
 - (d) The European Union will notify the flexibility provisions contained in Article 5 of the MFA Agreement save for the cap on flexibilities contained in Article 5(5) as applying to the quantitative limits contained in Annex III of the above Agreement and to the limits set for European fairs.
5. Without prejudice to paragraph 3, and in particular without prejudice to safeguard provisions, the Parties recorded their mutual understanding on the following aspects concerning the notifications in respect of the restrictions under the non-MFA agreement to be made to the textiles monitoring body for the purposes of Article 3 of the Agreement on textiles and clothing:

- (a) The European Community will notify to the textiles monitoring body the quantitative restrictions maintained under the non-MFA Agreement at the levels specified for the year during which China accedes to the WTO as being the restraint levels for the purposes of Article 3 of the Agreement on textiles and clothing, detailing the quantitative limits contained in Annex II of the non-MFA Agreement and the separate quantitative limits reserved for outward processing traffic.
 - (b) The Parties agree that pending liberalisation of the above quantitative restrictions the growth rates applied to them, and to the relevant parts thereof, for the renewal of the non-MFA agreement for the year 2000 will apply pending liberalisation of those restrictions and be included in the notification pursuant to Article 3 of the Agreement on textiles and clothing.
 - (c) The European Union will include the flexibility provisions contained in Article 8 of the non-MFA Agreement in its notification pursuant to Article 3 of the Agreement on textiles and clothing.
 - (d) The Parties agree that the European Community will align its programme in accordance Article 3(2) of the ATC to phase out the quantitative restrictions progressively to follow Annex I to this Agreement.
6. The Parties agreed that following China's WTO accession they would, pursuant to Article 2(17) of the Agreement on textiles and clothing, jointly notify to the textiles monitoring body the administrative arrangements contained in Annex II to this Agreement. The Parties agreed that the administrative arrangements would apply in respect of both the MFA Agreement and the non-MFA Agreement.
 7. In the event that China accedes to the WTO after 31 December 2000 the Parties agree that both the MFA Agreement and the non-MFA Agreement will be automatically extended for a further period of one year to 31 December 2001, on the basis of the quantitative limits for the year 2000, together with all the relevant parts thereof including the quantities reserved for European industry, the quantities set for outward processing traffic and for European fairs, increased by the growth rates, if any, applied to the quantitative limits, and the relevant parts thereof, on the renewal of the MFA Agreement and the non-MFA Agreement for the year 2000.
 8. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally on conditions of reciprocity.

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

For the Council of the European Union

ANNEX I

Phase-out schedule for the quantitative restrictions notified pursuant to Article 3 of the Agreement on textiles and clothing

Category	Phasing of elimination of quota
ex 13	Following accession
ex 18	Progressively
ex 20	Progressively
ex 24	Following accession
ex 39	Following accession
115	Progressively
117	Progressively
118	Progressively
120	Progressively
122	Progressively
123	Following accession
124	Following accession
125 A	Following accession
125 B	Progressively
126	Progressively
127 A	Following accession
127 B	Following accession
136 A	Progressively
140	Following accession
145	Progressively
146 A	Progressively
146 B	Progressively
151 B	Following accession
156	Progressively
157	Progressively
159	Progressively
160	Progressively
161	Progressively

For those products that are to be phased out progressively in the above table the Parties agree that, dependent on progress in the removal by China of state trading in respect of silk products, the European Community will remove the restrictions on no less than 9 categories on 1 January 2002 and the restrictions on all remaining products no later than 1 January 2005. Either Party may at any time request consultations pursuant to the procedures provided for in the Administrative Arrangements agreed between the Parties concerning the application of the above provisions. In order to facilitate such consultations the competent authorities of the European Community will inform the Chinese authorities of any intention to make a notification in this regard to the textiles monitoring body.

ANNEX II

Administrative arrangements between the European Community and the People's Republic of China for notification to the textiles monitoring body under Article 2(17) of the Agreement on textiles and clothing*Article 1***Classification system**

The classification of the products covered by these administrative arrangements is based on the tariff and statistical nomenclature of the European Community (the 'Community') (hereinafter called the 'Combined Nomenclature', or in abbreviated form 'CN') and any amendments thereof.

*Article 2***Determination of origin of covered products**

1. The origin of the products covered by these administrative arrangements shall be determined in accordance with the rules in force in the Community and the procedures for control of the products set out in Protocol A.

2. If any amendment is made to the rules of origin, the Community shall, with the agreement of the People's Republic of China, take appropriate measures to avoid any possible consequent reduction of the People's Republic of China's ability to use the quantitative limits established under Article 2 of the Agreement on textiles and clothing (ATC).

*Article 3***Double-checking**

The People's Republic of China agrees to restrain its exports to the Community of the products described in the notifications of the Community to the textiles monitoring body (TMB) under Article 2(1) of the ATC to the limits set out therein as increased by the growth rates provided under Article 2 of the ATC and as may be modified by the flexibility provisions notified to the TMB under Article 2(1) of the ATC, until such time as these products are integrated into GATT 1994 under paragraphs 6, 8, or 9 of Article 2 of the ATC. Exports of restrained textile products shall be subject to a double-checking system specified in Protocol A.

*Article 4***Industry reserve**

1. Within the limits described in the notifications of the Community to the textiles monitoring body (TMB) under Article 2(1) of the Agreement on textiles and clothing (ATC) the People's Republic of China agrees to maintain a reserve open for Community industry for the quantities and for the periods specified in the footnotes to the notification.

2. To facilitate the implementation of these provisions the Community shall provide the competent Chinese authorities, before the end of each year, with a list of interested manufacturers and processors and, if possible, of the quantity of products requested for each firm. To this end, the firms concerned

are invited to make direct contact with the relevant Chinese bodies by 15 February of the following year, in order to make their purchasing intentions known.

3. The Chinese authorities undertake to operate the system in such a way as to ensure the maximum possible utilisation of the industry reserve by Community industry consistent with market forces. In order to do so China undertakes to operate the system in a prompt and non-discriminatory manner; to provide the names and addresses of the relevant foreign trade administrative bodies; to provide texts of the relevant regulations as soon as they are available; to ensure that export licences under this system are identified as 'industry reserve'; to supply separate statistical information concerning licences issued pursuant to these provisions; and, to cooperate with the European Community authorities to ensure that licences issued pursuant to these provisions are identified within the exchanges of information via the SIGL network established between the Community and China.

*Article 5***Amounts reserved for use at European fairs**

Within the limits described in the notifications of the Community to the textiles monitoring body (TMB) under Article 2(1) of the ATC the separate additional amounts specified for such purposes in the notification are reserved for use at trade fairs on the understanding that such amounts may be used exclusively at European Fairs. Such amounts may be modified by the flexibility provisions notified to the TMB under Article 2(1) of the ATC.

*Article 6***Re-imports after OPT**

The People's Republic of China and the Community recognise the special and differential character of re-imports of textile products into the Community after processing in the People's Republic of China. Such re-imports may be provided for outside the quantitative limits established under Article 2 of the ATC provided that they are effected in accordance with the regulations on economic outward processing in force in the Community.

*Article 7***Imports to EC for re-export after processing**

1. Exports to the Community of textile products covered by these administrative arrangements shall not be subject to quantitative limits established under Article 2 of the ATC, provided that they are declared to be for re-export outside the Community in the same state or after processing, within the

framework of the administrative system of control which exists within the Community. However, the release for home use within the Community of products imported under the conditions referred to above shall be subject to the production of an export licence issued by the People's Republic of China authorities and to proof of origin, in accordance with the provisions of Protocol A.

2. Where the competent authorities in the Community have evidence that products exported from the People's Republic of China and set off by the People's Republic of China against a quantitative limit established under Article 2 of the ATC have been subsequently re-exported outside the Community, the authorities concerned shall notify the People's Republic of China of the quantities involved. Upon receipt of such notification, the People's Republic of China may authorise exports for the current or the following year of identical quantities of products, within the same category, which shall not be set off against the quantitative limits established under Article 2 of the ATC.

Article 8

Cottage industry, handloom and folklore products

Cottage industry, handloom and folklore products fulfilling the definitions contained in Protocol B to the MFA Agreement shall be exempt from the quantitative restrictions established under Article 2 of the ATC provided they are accompanied by a certificate conforming to the model annexed to these administrative arrangements. In case of divergent opinions between China and the competent Community authorities at the point of entry into the Community as to the nature of such products consultations shall be held within one month with a view to resolving such difficulties. The Chinese authorities undertake not to issue certificates in respect of this exemption when exports of the products in question have exceeded 15 % of the quantitative limit for such a product established pursuant to Article 2 of the ATC.

Article 9

Operation of the SIGL system

The Parties agree that they will effect the management of licensing via the direct computer links established between the Community's SIGL system and the licensing computers of MOFTEC pursuant to the arrangements agreed between them.

Article 10

Statistical verification of carryover

The People's Republic of China shall provide the Community with export data showing the amounts of carryover available in any given year. The calculation of carry over will normally be effected pursuant to the information and data provided via the SIGL system. If substantial statistical differences exist between the export data from which the amount to be carried over is

calculated and the Community's data the Community may, within the first 120 days of the following year, request consultations in accordance with the procedures referred to in Article 15(1) of these administrative arrangements on the amounts involved. Any such request shall be accompanied by full particulars of the alleged statistical differences. Where such a request is made, the portions carried over shall not be used until the parties have completed consultations. If no such request is made within a 120-day period, the portion carried over shall be presumed to have been calculated correctly.

Article 11

Exchange of statistical information

1. The People's Republic of China undertakes to supply the Community with precise statistical information on all export licences issued by the People's Republic of China authorities for all categories of textile products subject to the quantitative limits established under Article 2 of the ATC. The People's Republic of China shall set out in its periodical statistical reports the maximum export levels for each category subject to a quantitative limit established under Article 2 of the ATC and the rate of utilisation of these levels.

2. The Community shall likewise transmit to the People's Republic of China authorities precise statistical information on import documents issued by the Community authorities in respect of export licences issued by the People's Republic of China. This information shall, for all categories of products, be transmitted before the end of the second month following the quarter to which the statistics relate.

3. The Community shall transmit to the People's Republic of China authorities import statistics for products covered by Article 7(1) of these administrative arrangements.

4. Should it be found on analysis of the information exchanged above that there are significant discrepancies between the returns for exports and those for imports, consultations may be initiated in accordance with the procedure specified in Article 15(1) of these administrative arrangements. Any such consultations shall be resolved on the basis of the agreed descriptions of the products set out in the notification under Article 2(1) of the ATC.

5. The Parties agree that to the maximum extent possible such exchange of information shall be made via the computer links established between the Community's SIGL system and the licensing computers of MOFTEC as referred to in Article 9.

6. In any event, the information provided for in paragraph 1 shall, for all categories of products, be forwarded before the end of the month following the month to which the statistics relate and the information referred to in paragraph 3 shall, for all categories of products, be transmitted before the end of the third month following the quarter to which the statistics relate, unless they have already been exchanged by electronic means.

*Article 12***Amendments to classification**

1. The authorities of the People's Republic of China shall be informed of any amendment to the Combined Nomenclature or any decision, made in accordance with the procedures in force in the Community, relating to the classification of products covered by these administrative arrangements. Any such amendment or any decision which results in a modification of the classification of products covered by these administrative arrangements shall not have the effect of reducing the People's Republic of China's ability to use the quantitative limits established under Article 2 of the ATC. The procedures for the application of this paragraph are set out in Protocol A.

2. In case of divergent opinions between the People's Republic of China and the competent Community authorities at the point of entry into the Community on the classification of products subject to quantitative limits established under Articles 2 of the ATC, consultations in accordance with Article 15(1) of these administrative arrangements shall be held with a view to reaching agreement on the appropriate classification of the products concerned and to resolving any difficulties arising therefrom. For this purpose, the authorities of the People's Republic of China shall be informed by the competent authorities of the Community as soon as a case of divergent opinions on the classification of products arises. Pending agreement on the appropriate classification and in order to avoid disruption to trade, the products in question shall be imported on the basis of the classification indicated by the competent Community authorities at the point of entry, in conformity with the provisions of these administrative arrangements.

*Article 13***Circumvention**

1. The People's Republic of China and the Community agree to cooperate fully in preventing the circumvention of these administrative arrangements by transshipment, re-routing or whatever other means in accordance with Article 5 of the ATC.

2. Deduction of the relevant quantitative limits, once established pursuant to Article 5 of the ATC, shall, as a general rule, be effected by debiting an amount equivalent to the agreed amounts from the corresponding quantitative limits for the year in which the circumvention took place or for subsequent years, the timing and apportioning of such debiting being decided in consultation with the Community, to ensure that any debiting may be satisfactorily implemented.

3. The People's Republic of China confirms that its export control system permits the prompt debiting of the amounts agreed for such purposes to the corresponding quantitative limits established under Article 2 of the ATC and the previous bilateral Agreement.

4. Following China's accession to the WTO cases of circumvention taking place before accession will also be dealt with according to the above paragraphs.

*Article 14***Regional concentration**

1. The quantitative limits established under Article 2 of the ATC on imports into the Community of textile products of the People's Republic of China origin will not be broken down by the Community into regional shares.

2. Notwithstanding the above, for imperative technical or administrative reasons or to find a solution to economic problems resulting from regional concentration of imports, or in order to combat circumvention and fraud of the provisions of these administrative arrangements, the Community will establish for a limited period of time a specific management system in conformity with the principles of the internal market. Should the Community have recourse to this provision, the textile products covered by the corresponding export licences can only be put into free circulation in the region(s) of the Community indicated in those licences. Similarly, the products covered by the import licences can only be put into free circulation in the region(s) of the Community indicated in those licences. This provision was invoked by the Community as from 1 January 1993.

3. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows resulting in regional concentration of direct imports into the Community.

4. The People's Republic of China shall monitor its exports of products under restraint into the Community. Should a sudden and prejudicial change in traditional trade flows arise, the Community will be entitled to request consultations in order to find a satisfactory solution to those problems. Such consultations shall be held in accordance with Article 15(1) of these administrative arrangements. The People's Republic of China, from the date of request for and pending the consultations, will not issue export licences that would further aggravate the problem.

5. However, if the Parties are unable to reach a satisfactory solution during the consultations, the People's Republic of China will, if so requested by the Community, respect temporary export limits for one or more regions of the Community. In such a case, these limits shall not preclude the importation into the region(s) concerned of products which were shipped from the People's Republic of China on the basis of export licences obtained before the date of formal notification to the People's Republic of China by the Community about the introduction of the above limits. The Community shall inform the People's Republic of China of the technical and administrative measures that need to be introduced by both Parties so that implementation is in conformity with principles of the Internal Market.

6. The People's Republic of China shall endeavour to ensure that exports of textile products subject to quantitative limits established under Article 2 of the ATC into the Community are spaced out as evenly as possible over the year due account being taken in particular of seasonal factors.

7. The People's Republic of China shall endeavour not to deprive certain regions of the Community which have traditionally had relatively small shares of Community quotas of imports of products serving as inputs for their processing industry. The Community and the People's Republic of China shall hold consultations, should the need arise, in order to avert any problems which might occur in this respect.

Article 15

Consultations

1. Save where it is otherwise provided for in these administrative arrangements, the special consultation procedures referred to in these administrative arrangements shall be governed by the following rules:

- any request for consultations shall be notified in writing to the other Party, together with a statement setting out the reasons and circumstances which, in the opinion of the requesting Party, justify the submission of such a request;
- the Parties shall enter into consultations within one month at the latest of notification of the request, with a view to reaching agreement or a mutually acceptable conclusion within one further month at the latest.

2. If necessary, at the request of either of the Parties consultations shall be held on any problems arising from the application of these administrative arrangements. Any consultations held under this Article shall be approached by both Parties in a spirit of cooperation and with a desire to reconcile the differences between them.

Article 16

Quantitative limits notified under Article 3 of the ATC

The Parties agree that these administrative arrangements will apply *'mutatis mutandis'* to the quantitative limits notified by the European Community under Article 3 of the ATC.

PROTOCOL A

TITLE I

CLASSIFICATION

Article 1

1. The competent authorities of the Community undertake to inform the People's Republic of China of any changes in the Combined Nomenclature (CN) before the date of their entry into effect in the Community.

2. The competent authorities of the Community undertake to inform the People's Republic of China of any decisions relating to the classification of products subject to these administrative arrangements within one month of their adoption at the latest. Such communication shall include:

- (a) a description of the products concerned;
- (b) the relevant category and the related tariff and statistical references;
- (c) the reasons which have led to the decision.

3. Where a decision on classification results in a change of classification practice or a change of category of any product subject to these administrative arrangements, the competent authorities of the Community shall provide 30 days' notice, from the date of the Community's communication, before the decision is put into effect. Products shipped before the date of application of the decision shall remain subject to the earlier classification practice, provided that the goods in question are presented for importation into the Community within 60 days of that date.

4. Where a Community decision on classification resulting in a change of classification practice or a change of categorisation of any product subject to these administrative arrangements affects a category subject to restraint, the Community undertakes to enter into consultations without delay in accordance with the procedures described in paragraph 1 of Article 15 of these administrative arrangements with a view to agreeing necessary adjustments to the appropriate quantitative limits established under Article 2 of the ATC and mitigating any disruptive effects which might arise from such a Community decision.

TITLE II

ORIGIN

Article 2

1. Products originating in the People's Republic of China for export to the Community in accordance with the arrangements established by these administrative arrangements shall be accompanied by a certificate of the People's Republic of China origin conforming to the model annexed to this Protocol.

2. The certificate of the People's Republic of China origin shall be issued by the competent governmental authorities of the People's Republic of China if the products in question can be considered products originating in that country within the meaning of the relevant rules in force in the Community.

3. The certificates of the People's Republic of China origin referred to in paragraph 1 shall not be required for products of Group III of the Community's system of categories. These may be imported into the Community in accordance with the arrangements set out in these administrative arrangements on production of a declaration by the exporter on the invoice or other commercial document relating to the products to the effect that the products in question originated in China within the meaning of the relevant rules in force in the Community.

4. The certificate of the People's Republic of China origin referred to in paragraph 1 shall not be required for import of goods covered by a certificate of origin Form A completed in accordance with the relevant Community rules in order to qualify for generalised tariff preferences.

Article 3

The discovery of slight discrepancies between the statements made in the certificate of origin and those made in the documents produced to the customs office for the purpose of carrying out the formalities for importing the product shall not *ipso facto* cast doubt upon the statements in the certificate.

TITLE III

DOUBLE-CHECKING SYSTEM FOR CATEGORIES OF PRODUCTS WITH QUANTITATIVE LIMITS

Section I

Exportation

Article 4

The competent authorities of the People's Republic of China shall issue an export licence in respect of all consignments from the People's Republic of China of textile products subject to quantitative limits established under Article 2 of the ATC, up to the relevant quantitative limits as increased by the growth rates provided under Article 2 of the ATC and as may be modified by the flexibility provisions notified to the TMB under Article 2(1) of the ATC, until such time as these products are integrated into GATT 1994 under paragraphs 6, 8 or 9 of Article 2 of the ATC.

Article 5

1. The export licence shall conform to the model annexed to this Protocol and it shall be valid for exports throughout the customs territory to which the Treaty establishing the European Community is applied.

2. Each export licence shall only cover one of the categories of products.

3. These provisions are without prejudice to any subsequent arrangements the Parties may enter into concerning the electronic transmission of information to replace the grant of export licences in paper form.

Article 6

The competent Community authorities must be notified forthwith of the withdrawal or alteration of any export licence already issued.

Article 7

1. Exports shall be set off against the quantitative limits established under Article 2 of the ATC for the year in which shipment of the goods has been effected, even if the export licence is issued after such shipment.

2. For the purpose of applying paragraph 1, shipment of the goods is considered to have taken place on the date of their loading on to the exporting aircraft, vehicle or vessel.

Article 8

The presentation of an export licence, in application of Article 10 below, shall be effected not later than 31 March of the year following that in which the goods covered by the export licence have been shipped.

Section II

Importation*Article 9*

Importation into the Community of textile products subject to quantitative limits established under Article 2 of the ATC shall be subject to the presentation of an import authorisation or document.

Article 10

1. The competent Community authorities shall issue such import authorisation or document automatically within five working days of the presentation by the importer of the original of the corresponding export licence. The import authorisations shall be valid for six months from the date of their issue for imports throughout the customs territory to which the Treaty establishing the European Community is applied.

2. The competent Community authorities shall cancel the already issued import authorisation or document if the corresponding export licence has been withdrawn. However, if the competent Community authorities have not been notified of the withdrawal or cancellation of the export licence until after the products have been imported into the Community, the quantities involved shall be set off against the quantitative limit established under Article 2(1) of the ATC for the category and the quota year in question and the People's Republic of China shall be informed as soon as possible.

Article 11

1. If the competent Community authorities find that the total quantities covered by export licences issued by the People's Republic of China for a particular category in any given year exceed the quantitative limit established under Article 2 of the ATC for that category as increased by the

growth rates provided under Article 2 of the ATC and as may be modified by the flexibility provisions notified to the TMB under Article 2(1) of the ATC, until such time as these products are integrated into GATT 1994 under paragraphs 6, 8 or 9 of Article 2 of the ATC, the said authorities may suspend the further issue of import authorisations or documents. In this event, the competent Community authorities shall immediately inform the authorities of the People's Republic of China and the special consultation procedure set out in Article 12(1) of these administrative arrangements shall be initiated forthwith.

2. Exports of restrained textile products of the People's Republic of China origin not covered by the People's Republic of China export licences issued in accordance with the provisions of this Protocol may be refused the issue of import authorisations or documents by the competent Community authorities. However, if the import of such products is allowed into the Community by the competent Community authorities, the quantities involved shall not be set off against the appropriate quantitative limits established under Article 2 of the ATC, without the express agreement of the People's Republic of China.

TITLE IV

FORM AND PRODUCTION OF EXPORT CERTIFICATES AND CERTIFICATES OF ORIGIN, AND COMMON PROVISIONS*Article 12*

1. The export licence and the certificate of origin of the People's Republic of China may comprise additional copies duly indicated as such. They shall be made out in English or French. If they are completed by hand, entries must be in ink and in printed script. These documents shall measure 210 × 297 mm. The paper used must be writing paper weighing not less than 25 g/m². Only the original, clearly marked 'original' shall be accepted by the competent authorities of the Community as being valid for the purposes of export to the Community in accordance with the arrangements established by these administrative arrangements.

2. Each export licence and certificate of the People's Republic of China origin shall bear a serial number, whether or not printed, by which it can be identified. The number for the export licence shall be standardised and composed of the following elements:

- two letters identifying the People's Republic of China as follows: CN;
- two letters identifying the intended Member State of customs clearance as follows:

AT = Austria

BL = Benelux

DE = Germany

DK = Denmark

EL = Greece

ES = Spain

FI = Finland

FR = France
 GB = United Kingdom
 IE = Ireland
 IT = Italy
 PT = Portugal
 SE = Sweden;

- a one-digit number identifying quota year, corresponding to the last figure in year, e.g. 7 for 1987;
- two spaces identifying the particular issuing office concerned in the People's Republic of China;
- a five-digit number running consequently from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 13

The export licence and certificate of origin may be issued after the shipment of the products to which they relate. In such cases they shall bear either the endorsement 'délivré à posteriori' or the endorsement 'issued retrospectively'.

Article 14

1. In the event of theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicata'.

2. The duplicate must bear the date of the original export licence or certificate of origin.

TITLE V

ADMINISTRATIVE COOPERATION

Article 15

The Community and the People's Republic of China shall cooperate closely to implement the provisions of these administrative arrangements. To this end, contacts and exchanges of views (including on technical matters) shall be facilitated by both parties, in particular to establish the authenticity and accuracy of documentation required under the provisions of these administrative arrangements.

Article 16

The People's Republic of China shall send to the Commission of the European Community the names and addresses of the governmental authorities competent for the issue and verification of export licences and certificates of origin together with specimens of the stamps used by these authorities. The People's Republic of China shall also notify the Commission of any change in this information.

Article 17

1. Verification of certificates of the People's Republic of China origin or export licences shall be carried out at random by the People's Republic of China authorities.

2. The competent Community authorities may request subsequent verification of certificates of the People's Republic of China origin or export licences at random or whenever they have reasonable doubt as to the authenticity of such certificates or licences or as to the accuracy of the information regarding the products in question. In such cases the competent authorities in the Community shall return the certificate of the People's Republic of China origin or export licence, or a copy thereof to the People's Republic of China authorities, giving, where appropriate, the reasons for an enquiry. If the invoice has been submitted, such invoice shall be attached to the certificate or licence or its copy. The authorities shall also forward any information that has been obtained suggesting that the particulars given on the said certificate or licence are inaccurate.

3. Should the results of the random verification referred to in paragraph 1 above reveal serious contravention of the provisions of these administrative arrangements, the People's Republic of China authorities shall notify the competent Community authorities of the results. Where the competent Community authorities have requested verification under paragraph 2 above, the results of such verification shall be communicated to the competent Community authorities within three months at the latest. The information communicated shall indicate whether the disputed certificate or licence applies to the goods actually exported and whether these goods are eligible for export in accordance with the arrangements established by these administrative arrangements. Where the competent Community authorities so request, the information communicated shall also include copies of such other available documentation as may facilitate the full determination of the facts and, in particular, the true origin of the goods.

4. For the purpose of subsequent verification of certificates of the People's Republic of China origin and export licences, copies of these together with relevant supporting documentation required to be lodged with the People's Republic of China authorities for the issue of such certificates or licences shall be kept for a period of at least two years by the People's Republic of China authorities.

Article 18

1. Where the verification procedure referred to in Article 17 above or where information available to the Community or to the People's Republic of China indicates or appears to indicate that the provisions of these administrative arrangements are being contravened, both parties shall cooperate closely and with appropriate urgency to prevent such contravention.

2. To this end, the People's Republic of China shall, on its own initiative or at the request of the Community, carry out appropriate enquiries or arrange for such enquiries to be carried out concerning operations which are or appear to be in contravention of these administrative arrangements. The People's Republic of China shall communicate the results of these enquiries to the Community together with such other available information as may facilitate the determination of the true origin of the goods.

3. By agreement between the Community and the People's Republic of China, officials designated by the Community may be present at the enquiries referred to in paragraph 2.

4. In pursuance of the cooperation referred to in paragraph 1, the People's Republic of China and the Community shall exchange any information considered by either party to be of use in preventing the contravention of the provisions of these administrative arrangements. These exchanges may include information on textile production in the People's Republic of China and on trade in textile products of a kind covered by these administrative arrangements between the People's Republic of China and other countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of the

People's Republic of China prior to their importation into the Community. This information shall include at the request of the Community copies of all relevant documentation. The People's Republic of China will provide such information as is available and in accordance with the People's Republic of China law.

5. The Community shall where appropriate at the request of the People's Republic of China cooperate jointly with the People's Republic of China in cases of circumvention which affect the People's Republic of China, in conformity with procedures in force in the Community.

6. Where it is established to the satisfaction of both parties that the provisions of these administrative arrangements have been contravened, the People's Republic of China and the Community agree to take all reasonable measures to prevent a recurrence of such contravention.

B. Letter from the Government of the People's Republic of China

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

1. I have the honour to refer to the consultations held between our respective delegations for the purpose of amending and extending both the Agreement between the European Economic Community and the People's Republic of China on trade in textile products initialled on 9 December 1988, as last amended by an Agreement initialled on 6 December 1999 (hereinafter referred to as "the MFA Agreement") and the Agreement between the European Community and the People's Republic of China initialled on 19 January 1995 on trade in textile products not covered by the MFA bilateral Agreement, as last amended by an Agreement initialled on 6 December 1999 (hereinafter referred to as "the non-MFA Agreement").
2. As a result of the consultations, the Parties agreed to modify the MFA and non-MFA Agreements.
3. Should the People's Republic of China become a Member of the World Trade Organisation before the date of expiry of the MFA and non-MFA bilateral Agreements, the restrictions in force under those Agreements shall be phased out in the framework of the WTO Agreement on textiles and clothing and China's Protocol of Accession to the WTO.
4. Without prejudice to paragraph 3, and in particular without prejudice to safeguard provisions, the Parties recorded their mutual understanding on the following aspects concerning the notifications in respect of the restrictions under the MFA agreement to be made to the textiles monitoring body for the purposes of Article 2 of the Agreement on textiles and clothing:
 - (a) The European Union will notify to the textiles monitoring body the quantitative restrictions maintained under the MFA Agreement (save for those quantitative limits concerning products already included by the European Community in stages 1 or 2 of integration under the Agreement on textiles and clothing) at the levels agreed for the year during which China accedes to the WTO as being the restraint levels for the purposes of notification under Article 2(1) of the Agreement on textiles and clothing, detailing the quantitative limits contained in Annex III of the above agreement including the quantitative limits reserved for European industry within those amounts and the separate quantitative limits reserved for outward processing traffic and European fairs respectively.
 - (b) The European Union will notify to the textiles monitoring body the growth rates applicable to the restraint levels, and the relevant parts thereof, being those growth rates applied for the renewal of the MFA agreement for the year 2000.
 - (c) These growth rates will be increased by the growth on growth provisions of the Agreement on textiles and clothing for the second stage of integration beginning from 1 January of the year following accession, and, after 1 January 2002, by the growth on growth provisions for the third stage of integration.
 - (d) The European Union will notify the flexibility provisions contained in Article 5 of the MFA Agreement save for the cap on flexibilities contained in Article 5(5) as applying to the quantitative limits contained in Annex III of the above Agreement and to the limits set for European fairs.
5. Without prejudice to paragraph 3, and in particular without prejudice to safeguard provisions, the Parties recorded their mutual understanding on the following aspects concerning the notifications in respect of the restrictions under the non-MFA agreement to be made to the textiles monitoring body for the purposes of Article 3 of the Agreement on textiles and clothing:
 - (a) The European Community will notify to the textiles monitoring body the quantitative restrictions maintained under the non-MFA Agreement at the levels specified for the year during which China accedes to the WTO as being the restraint levels for the purposes of Article 3 of the Agreement on textiles and clothing, detailing the quantitative limits contained in Annex II of the non-MFA Agreement and the separate quantitative limits reserved for outward processing traffic.

- (b) The Parties agree that pending liberalisation of the above quantitative restrictions the growth rates applied to them, and to the relevant parts thereof, for the renewal of the non-MFA agreement for the year 2000 will apply pending liberalisation of those restrictions and be included in the notification pursuant to Article 3 of the Agreement on textiles and clothing.
 - (c) The European Union will include the flexibility provisions contained in Article 8 of the non-MFA Agreement in its notification pursuant to Article 3 of the Agreement on textiles and clothing.
 - (d) The Parties agree that the European Community will align its programme in accordance Article 3(2) of the ATC to phase out the quantitative restrictions progressively to follow Annex I to this Agreement.
6. The Parties agreed that following China's WTO accession they would, pursuant to of Article 2(17) of the Agreement on textiles and clothing, jointly notify to the textiles monitoring body the administrative arrangements contained in Annex II to this Agreement. The Parties agreed that the administrative arrangements would apply in respect of both the MFA Agreement and the non-MFA Agreement.
7. In the event that China accedes to the WTO after 31 December 2000 the Parties agree that both the MFA Agreement and the non-MFA Agreement will be automatically extended for a further period of one year to 31 December 2001, on the basis of the quantitative limits for the year 2000, together with all the relevant parts thereof including the quantities reserved for European industry, the quantities set for outward processing traffic and for European fairs, increased by the growth rates, if any, applied to the quantitative limits, and the relevant parts thereof, on the renewal of the MFA Agreement and the non-MFA Agreement for the year 2000.
8. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally on conditions of reciprocity.'

I have the honour to confirm that my Government is in agreement with the contents of your letter and the annexes attached thereto.

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

For the Government of the People's Republic of China

COUNCIL DECISION

of 4 December 2000

amending Decision 2000/24/EC so as to establish a European Investment Bank special action programme in support of the consolidation and intensification of the EC-Turkey customs union

(2000/788/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

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

Whereas:

(1) The Council on 23 December 1963 adopted Decision 64/732/EEC on the establishment of an Association Agreement between the EEC and Turkey ⁽²⁾. The Additional Protocol effective since 1 January 1973 and annexed to the Association Agreement ⁽³⁾ set down the conditions, arrangements and timetables for the progressive establishment of the Customs Union within a period of 22 years.

(2) The Luxembourg European Council on 12 and 13 December 1997 called for a strategy to be drawn up to prepare Turkey for accession by bringing it closer to the European Union in every field. On 4 March 1998 the Commission submitted to the Council a communication entitled 'the European Strategy for Turkey', which put forward a work programme to consolidate and add substance to the Customs Union and step up cooperation in other areas significant for the further development of relations with Turkey.

(3) The Cardiff European Council on 15 and 16 June 1998 welcomed the European Strategy for Turkey as a platform for developing relations between the European Union and Turkey on a sound and evolutionary basis. Recalling the need for financial support for the European Strategy, the European Council noted the Commission's intention to reflect on ways and means of underpinning the implementation of the strategy, and to table appropriate proposals to this effect.

(4) The Helsinki European Council of 10 and 11 December 1999 decided that Turkey was a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states.

(5) In line with the European Strategy for Turkey and the new status of Turkey as candidate state following the Helsinki European Council, this Decision should establish an EIB special action programme supporting the consolidation and intensification of the EC-Turkey Customs Union. It should facilitate progress in areas that still merit attention as regards the implementation and effective application of certain legislation of relevance for the Customs Union as identified by the regular reports by the Commission on Turkey's progress towards accession and in relevant areas identified by the European Strategy for Turkey.

(6) This Decision, together with Turkey's expected eligibility under the EIB's Pre-Accession Facility, fully delivers the Union commitment on special EIB lending in Turkey in the context of the Customs Union.

(7) The EIB's intervention under this Decision should be coherent with the other EIB facilities available in Turkey and support investments assisting the competitiveness of industry in Turkey, in particular the SME sector; investments in infrastructure, covering transport, energy and telecom improving the links between the EU and Turkish infrastructure, investments supporting direct investment activities by Community companies in Turkey; and where EIB loan finance is an appropriate instrument, investments for technical installations facilitating the functioning of the Customs Union.

(8) Decision 2000/24/EC ⁽⁴⁾ grants the EIB a Community guarantee against losses under loans for projects outside the Community (Central and Eastern Europe, Mediterranean countries, Latin America and Asia and the Republic of South Africa).

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

⁽²⁾ OJ 217, 29.12.1964, p. 3685/64.

⁽³⁾ OJ L 293, 29.12.1972, p. 4.

⁽⁴⁾ OJ L 9, 13.1.2000, p. 24. Decision as amended by Decision 2000/688/EC (OJ L 285, 7.11.2000, p. 20).

- (9) The said Decision grants recourse to the guarantee fund for external actions established by Regulation (EC, Euratom) No 2728/94 ⁽¹⁾.
- (10) The Community guarantee covering the general EIB external lending mandate laid down in Decision 2000/24/EC should be extended to cover an EIB special action programme supporting the consolidation and intensification of the EC-Turkey Customs Union. The said Decision should therefore be amended accordingly.
- (11) The provisions of this Decision are linked to respect for democratic principles, the rule of law, human rights and fundamental freedoms and respect for international law, which underpin the policies of the European Community and its Member States. The Community attaches great importance to the need for Turkey to improve and promote its democratic practices and respect for fundamental human rights, and more closely involve civil society in that process.
- (12) The Treaty provides for no powers other than those under Article 308 thereof, for the adoption of this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

The second sentence of the second subparagraph of the first paragraph of Article 1 of Decision 2000/24/EC is hereby amended as follows:

- (a) in the introductory part, 'EUR 18 660 million' shall be replaced by 'EUR 19 110 million';
- (b) after the fourth indent, the following indent shall be added:
'— Special action supporting the consolidation and intensification of the EC-Turkey Customs Union:
EUR 450 million,'.

Article 2

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 4 December 2000.

For the Council
The President
H. VÉDRINE

⁽¹⁾ OJ L 293, 12.11.1994, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1149/1999 (OJ L 139, 2.6.1999, p. 1).

COMMISSION

COMMISSION RECOMMENDATION

of 29 November 2000

setting out guidelines for the authorisation of warehousekeepers under Council Directive 92/12/EEC in relation to products subject to excise duty

(notified under document number C(2000) 3355)

(2000/789/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas:

(1) Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ⁽¹⁾, as last amended by Directive 2000/47/EC ⁽²⁾, requires warehouses and warehousekeepers handling manufactured tobacco, alcohol, alcoholic beverages and mineral oils to be authorised by the Member States.

(2) The report of the High Level Group on fraud in the tobacco and alcohol sectors, which was endorsed by the Directors-General of Customs and of Indirect Taxation on 24 April 1998, contains recommendations on tackling fraud.

(3) The Commission, in its communication to the Council on efforts to tackle fraud in the field of excise duties, fully endorses the High Level Group's analysis of the causes of the problem and agrees with the recommendations of the Group ⁽³⁾.

(4) The Ecofin Council endorsed the management summary of the High Level Group's report on 19 May 1998 and gave a political commitment to tackle fraud.

(5) The Group's work showed that Member States used differing criteria for granting or withdrawing authorisation as warehousekeeper.

(6) According to point (a) of Article 13 of Directive 92/12/EEC, national authorities must obtain a guarantee

from the authorised warehousekeeper to cover the risk inherent in the intra-Community movement of goods.

(7) According to point (a) of Article 13 of Directive 92/12/EEC, national authorities may require authorised warehousekeepers to provide a guarantee to cover the risk inherent in the production, processing and holding of goods.

(8) According to point (a) of the second subparagraph of Article 16(2) of Directive 92/12/EEC, national authorities must obtain a guarantee from registered traders.

(9) Member States should be free to determine how guarantees are provided.

(10) According to Article 15a(1) of Directive 92/12/EEC, Member States have to maintain an electronic database of authorised warehousekeepers or traders registered for excise purposes, and premises authorised as tax warehouses.

(11) The High Level Group recommended that the Commission and the Member States should consider common principles for the authorisation of warehouses and warehousekeepers.

(12) A Fiscalis seminar was held in Luxembourg at the beginning of October 1998 to establish a guide for granting and withdrawing warehousekeepers' authorisations and for controlling goods in warehouses.

(13) Discussions have taken place at the meetings of the Excise Committee, and Member States have been invited to make proposals concerning the content of provisions.

(14) In order to ensure more uniform procedures for granting and withdrawing authorisation, the representatives of the Member States in the Excise Committee have unanimously agreed on the provisions contained in this Recommendation,

⁽¹⁾ OJ L 76, 23.3.1992, p. 1.

⁽²⁾ OJ L 197, 29.7.2000, p. 73.

⁽³⁾ SEC(1998) 732 final, 29.4.1998.

HEREBY RECOMMENDS:

SCOPE

Article 1

1. Member States are invited to apply the provisions of this Recommendation when authorising a natural or legal person keeping a warehouse:

- (a) to produce, process, hold, receive and dispatch products subject to excise duty in the course of his business, excise duty being suspended;
- (b) to receive, hold and dispatch products subject to excise duty under suspension of the duty.

2. This Recommendation should also be broadly applicable when authorising a registered trader, namely a natural or legal person without authorised-warehousekeeper status, to receive, in the course of his business, products subject to excise duty from another Member State under duty suspension arrangements.

CRITERIA FOR GRANTING AUTHORISATION

Article 2

1. Although Member States are invited to apply strict criteria when granting authorisation to the persons specified in Article 1, a balance should be achieved between facilitating trade and exercising effective control.

2. For the purposes of reaching an informed decision and evaluating the potential risk to revenue of granting authorisation, the following information should be obtained from the applicant, prior to authorisation:

- the applicant's name and address,
- the type of activity,
- a plan of the premises and their location and a description of the activity and the plant,
- a written application supported by commercial records and company register information,
- the VAT number,
- an extract of the registration in the commercial register or an equivalent database, where such registration is required by the Member State concerned,
- the names of the company's officers, their position and their powers in the company,
- details of the company's accounting system, internal control measures and methods of audit,

- details of the company's financial position, its revenue history and its compliance with other fiscal obligations (customs, VAT, direct taxation),
- the level of storage, estimate of goods to be produced, held or moved in a given period,
- details of past and present warehousekeeping authorisations held by the applicant in other Member States.

That information may be obtained by means of a special application form.

3. Member States may request intending warehousekeepers to provide a list of the Member States to which they plan to dispatch excise goods under excise duty suspension arrangements. This list may be freely transmitted to the Member States of destination concerned.

Article 3

1. In order to form a clear view of the existence and structure of the premises and the warehouse, Member States may carry out a pre-authorisation visit. Member States should obtain, where possible, a detailed plan of the proposed warehouse for facilitating checks and audits, especially in the case of larger premises, and for defining clearly the boundaries of the duty-suspended area.

2. Adequate stock control measures by both the authorised persons and national administrations should be an important element of any warehousing system. It is also important to check the origin of excise products and the entire production process from the receipt of raw materials up to the dispatch of the finished product. This may involve coding and marking products.

INFORMATION TO BE PROVIDED TO THOSE APPLYING FOR AUTHORISATION

Article 4

1. Member States are invited to inform the applicant warehousekeepers and registered traders about national obligations in the matter of bookkeeping in order to provide a clear audit trail of all products received, manufactured, processed, held and dispatched.

2. Applicant warehousekeepers should be informed of the need to reveal in their bookkeeping all information necessary for the correct operation and control of the tax warehouse. Depending on the legislation of the Member States, these include in particular:

- raw material stock sheets,
- manufacturing register,
- stock sheets for all products,
- sheets for received and dispatched goods.

3. In particular, the information contained in the warehousekeeper's books should include a description of the goods, their tax category, a reference to the accompanying administrative document (AAD) as described in Regulation (EEC) No 2719/92 ⁽¹⁾ (national number of the AAD, the date of departure of the goods and a note of the date on which the third copy is received by the consignor for discharge).

4. Stock records, profit and loss accounts, balance sheets and audit reports should be available to the competent authorities.

5. Occasional checks to follow up the activity of the company should be carried out by the competent authorities of the Member States.

Article 5

The Member States are invited to inform warehousekeepers of their obligations concerning the application of national excise legislation, and especially:

- the obligation to provide the competent authorities with the information necessary for the operation of the excise early-warning system,
- the obligation to use an AAD for all intra-Community and export consignments and to complete that document accurately before goods are dispatched,
- the obligation to use the national numbering system for the AAD,
- the obligation to specify the time intended for the journey and, if required, details of a reasonable route.

GUARANTEES

Article 6

1. The amount of the guarantee should reflect the risk inherent in the activities of the warehousekeeper or the registered trader.

2. The amount of the guarantee should be regularly reviewed to reflect any changes in the volume of trade, the activities of the warehousekeeper or the rates of excise duties applicable in the Member States.

CANCELLATION OR WITHDRAWAL OF AN AUTHORISATION

Article 7

1. An authorisation should in principle only be cancelled or withdrawn on serious grounds, and after a Member State's competent authorities have carefully examined the warehousekeeper's situation.

2. An authorisation may, for instance, be cancelled or withdrawn in the following cases:

- non-fulfilment of the obligations inherent in the authorisation,
- insufficient cover for the requisite guarantee,
- repeated non-compliance with the legal provisions in force,
- involvement in criminal activities,
- tax evasion or fraud.

MISCELLANEOUS

Article 8

1. The regular updates of the electronic database (SEED: system for exchange of excise data), provided in Article 15a(1) of Directive 92/12/EEC should include any new authorisations granted or modifications in the data contained, such as an expansion in activities, change of address or withdrawal of the authorisation.

2. If national legislation so permits, information on applicants who already have a trading history in one Member State may be disclosed at the request of another.

3. The Member States are invited to take appropriate measures to control the production, processing, holding, receipt and dispatch of goods at warehouses and movements of excisable goods under the excise-duty suspension arrangements. If necessary, Member States may assist each other in performing these tasks in accordance with the provisions on administrative cooperation and mutual assistance.

FINAL PROVISIONS

Article 9

Member States are invited to communicate to the Commission by 31 December 2001 the texts of the main laws, regulations and administrative provisions adopted pursuant to this Recommendation, and to notify the Commission of any subsequent changes thereto.

Article 10

This Recommendation is addressed to the Member States.

Done at Brussels, 29 November 2000.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 276, 19.9.1992, p. 1.

COMMISSION DECISION**of 30 November 2000****amending for the second time Decision 2000/284/EC establishing the list of approved semen collection centres for imports of equine semen from third countries***(notified under document number C(2000) 3605)**(2000/790/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992, laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subjected to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽¹⁾, as last amended by Commission Decision 95/176/EC ⁽²⁾, and in particular Article 17(3)(b) thereof,

Whereas:

- (1) Commission Decision 2000/284/EC of 31 March 2000 established the list of approved semen collection centres for imports of equine semen from third countries ⁽³⁾, as last amended by Decision 2000/444/EC ⁽⁴⁾.
- (2) The competent authorities of the United States of America officially informed the Commission of the approval in accordance with the provisions of Directive 92/65/EEC of respectively 13 additional equine semen collection centres. In addition the authorities of the United States of America corrected certain details of the one collection centre included in the Annex to Decision 2000/284/EC.

- (3) It is appropriate to amend the list in the light of new information received from the third country concerned, and to highlight the amendments in the Annex for clarity.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2000/284/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2000.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 268, 14.9.1992, p. 54.⁽²⁾ OJ L 117, 24.5.1995, p. 23.⁽³⁾ OJ L 94, 14.4.2000, p. 35.⁽⁴⁾ OJ L 179, 18.7.2000, p. 15.

- 1 Versión — Udgave — Fassung vom — Έκδοση — Version — Version — Versione — Versie — Versão — Tilanne — Version
- 2 Código ISO — ISO-kode — ISO-Code — Κωδικός ISO — ISO-code — Code ISO — Codice ISO — ISO-code — Código ISO — ISO-koodi — ISO-kod
- 3 Tercer país — Tredjeland — Drittland — Τρίτη χώρα — Third country — Pays tiers — Paese terzo — Derde land — País terceiro — Kolmas maa — Tredje land
- 4 Nombre del centro autorizado — Den godkendte tyrestations navn — Name der zugelassenen Besamungsstation — Όνομα του εγκεκριμένου κέντρου — Name of approved centre — Nom du centre agréé — Nome del centro riconosciuto — Naam van het erkende centrum — Nome aprovado — Hyväksytyn aseman nimi — Tjurstationens namn
- 5 Dirección del centro autorizado — Den godkendte tyrestations adresse — Anschrift der zugelassenen Besamungsstation — Διεύθυνση του εγκεκριμένου κέντρου — Address of approved centre — Adresse du centre agréé — Indirizzo del centro riconosciuto — Adres van het erkende centrum — Endereço aprovado — Hyväksytyn aseman osoite — Tjurstationens adress
- 6 Autoridad competente en materia de autorización — Godkendelsesmyndighed — Zulassungsbehörde — Εγκρίνουσα αρχή — Approving authority — Autorité d'agrément — Autorità che rilascia il riconoscimento — Autoriteit die de erkenning heeft verleend — Autoridade de aprovação — Hyväksyntäviranomainen — Godkännandemyndighet
- 7 Número de autorización — Godkendelsesnummer — Registriernummer — Αριθμός έγκρισης — Approval number — Numéro d'agrément — Numero di riconoscimento — Registratienummer — Número de aprovação — Hyväksyntänumero — Godkännandenummer
- 8 Fecha de la autorización — Godkendelsesdato — Zulassungsdatum — Ημερομηνία έγκρισης — Approval date — Date d'agrément — Data di approvazione — Datum van erkenning — Data da aprovação — Hyväksyntäpäivä — Datum för godkännandet

1: 8.11.2000

2	3	4	5	6	7	8
AR	ARGENTINA	Haras El Atalaya	91 Cuartel 17 Arrecifes	SENASA	I-E14 (Integral-Equino)	27.3.1998
AU	AUSTRALIA	Belcam Stud Artificial Breeding Centre	Armstrong Road Biddaddaba, Qld 4275	AQIS	Qld-AB-01	25.3.1998
AU		Alabar Bloodstock Corporation	Koyuga (Near Echuca) Victoria 3622			
AU		Beef Breeding Services, Qld DPI	Grindle Rd, Wacol Qld 4076			
AU		Kinnordy Stud Mr H. Schmorl.	MS 465, Cambooya Qld 4358			

1: 8.11.2000

2	3	4	5	6	7	8
BG	BULGARIA					
BR	BRAZIL					
BY	BELARUS					
BZH	BOSNIA-HERZEGOVINA					
CA	CANADA	Glengate Farms	PO Box 220, 8343 Walker's Line Campbellville, ON, L0P 1B0	CFIA	5-AI-43	31.1.1995
CA		Gencor The Genetic Corporation	R.R.#5 Guelph ON, N1H 612	CFIA	5-EQ-71	01/1997
CA		Amstrong Brothers	14709 Hurontario Street Inglewood, ON, L0N 1K0	CFIA	5-EQ-01	02/1997
CA		Rideau Field Farm	756 Heritage Drive, R.R.4 Merrickville, ON	CFIA	TOTA-EQ-02	05/1998
CA		Zorgwijk Stables Ltd	508 Mt. Pleasant Road, R.R.2 Brantford, ON, N3T 5L5	CFIA	5-EQ-02	6.4.1999
CA		Tara Hills Stud	13700 Mast Road, R.R.4 Pott Perry, ON, L9L 1B5	CFIA	5-EQ-03	26.1.2000
CA		Taylorlane Farm	R.R.#2 Orion, ON, L0N 1N0	CFIA	5-EQ-04	13.1.2000
CA		Earl Lennox	R.R.2 Orion, ON, L0N 1N0	CFIA	5-EQ-05	15.3.2000
CA		Ferme Canaco	89 Rang St.-André St.-Bernard de Lacolle Co. St.-Jean, QUB J0J 1V0	CFIA	QUE-EQU-01	23.2.2000
CH	SWITZERLAND	Eidgenössisches Gestüt/Haras fédéral/Istituto Federale dell'allevamento equino Avenches	CH-1580 Avenches	Bundesamt für Veterinärwesen	CH-AI-4E	13.2.1997

1: 8.11.2000

2	3	4	5	6	7	8
CL	CHILE					
CU	CUBA					
CY	CYPRUS					
CZ	CZECH REPUBLIC					
DZ	ALGERIA					
EE	ESTONIA					
GL	GREENLAND					
HR	CROATIA					
HU	HUNGARY					
IL	ISRAEL					
IS	ICELAND	Gunnarsholt	Saedingastod Gunnarsholti 851 Hella	Iceland Veterinary Services	H001	20.12.1999
LI	LITHUANIA					
LV	LATVIA					
MA	MOROCCO					
MK	FORMER YUGOSLAV REPUBLIC OF MACEDONIA					
MT	MALTA					
MU	MAURITIUS					
MX	MEXICO					
NZ	NEW ZEALAND					
PL	POLAND					

1: 8.11.2000

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PY	PARAGUAY					
RO	ROMANIA					
RU	RUSSIA					
SI	SLOVENIA					
SK	SLOVAK REPUBLIC					
TN	TUNISIA					
UA	UKRAINE					
US	USA	The Old Place	PO Box 90 Mt. Holly, AR 71758	APHIS	00AR001-EQS	19.7.2000
US		Specifically Equine Veterinary Service	910 W. Hwy 246 Buellton, CA	APHIS	97CA001-EQS	20.5.1997
US		Kellog Arabian Horse Center	3801 W. Temple Ave. Pomona, CA	APHIS	97CA002-EQS	22.5.1997
US		Mariana Farm	Valley Center, CA	APHIS	98CA001-EQS	14.11.1997
US		Advanced Equine Reproduction	1145 Arroyo Mesa Rd Solvang, CA	APHIS	98CA002-EQS	12.8.1997
US		Pacific International Genetics	14300 Jackson Rd Sloughhouse, CA	APHIS	98CA003-EQS	23.1.1998
US		Alamo Pintado Equine Clinic	2501 Santa Barbara Ave Los Olivos, CA	APHIS	98CA004-EQS	23.2.1998
US		Anaheim Hills Saddle Club	6352 E. Nohl Ranch Rd Anaheim, CA	APHIS	98CA005-EQS	23.3.1998
US		Valley Oak Ranch	10940 26 Mile Road Oakdale, CA	APHIS	99CA006-EQS	2.4.1999
US		Jeff Oswood Stallion Station	21860 Ave. 160 Porterville, CA	APHIS	99CA007-EQS	8.4.1999

1: 8.11.2000

2	3	4	5	6	7	8
US		Magness Racing Ventures	4050 Casey Ave. Santa Ynez, CA 93460	APHIS	00CA008-EQS	10.12.1999
US		Honor Bright Farms	9049 E. Shaw Ave. Clovis, CA 93611	APHIS	00CA009-EQS	16.12.1999
US		Crawford Stallion Services	34520 DePortola Temecula, CA 92592	APHIS	00CA010-EQS	20.1.2000
US		Exclusively Equine Reproduction	28753 Valley Center Rd. Temecula, CA 92082	APHIS	00CA011-EQS	2.3.2000
US		Candlewood Equine	2 Beaver Pond Lane Bridgewater, CT 06752	APHIS	00CT001-EQS	1.3.2000
US		Peterson & Smith Reproduction Center	15107 S.E. 47 th Ave Summerfield, FL 34491	APHIS	00FL001-EQS	10.1.2000
US		Silver Maple Farm	6621 Daniel Road, Naples, FL 34109	APHIS	00FL002-EQS	26.1.2000
US		Burchett Training Center	826 Knox Chapel Road Social Circle, GA	APHIS	98GA002-EQS	23.4.1998
US		Double L Quarter Horse	1881 E. Berry Road Cedar Rapids, IA	APHIS	96IA001-EQS	2.1.1996
US		Jim Dudley Quarter Horses	Rt. 1, Box 137 Latimer, IA	APHIS	98IA002-EQS	26.5.1998
US		Grandview Farms	123 West 200 South Huntington, IN	APHIS	99IN001-EQS	16.12.1999
US		Ed Mudlick	4333 Straightline Pike Richmond, IN 47374	APHIS	00IN002-EQS	13.3.2000
US		Gumz Farms Quarter Horses	7491 S 100 W North Judson, IN 46366	APHIS	00IN003-EQS	3.7.2000
US		Kentuckiana Farm	PO Box 11743 Lexington, KY	APHIS	97KY001-EQS	16.10.1997

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2	3	4	5	6	7	8
US		Castleton Farm	2469 Iron Works Pike PO Box 11889 Lexington, KY 40511	APHIS	98KY002-EQS	13.8.1998
US		Hamilton Farm	66 Woodland Mead PO Box 2639 South Hamilton, MA 01982	APHIS	98MA001-EQS	30.3.1998
US		Select Breeders Service, Inc.	1088 Nesbitt Road Colora Maryland	APHIS	98MD001-EQS	
US		Imperial Egyptian Stud	2642 Mt. Carmel Road, Parkton, MD 21120	APHIS	00MD002-EQS	18.7.2000
US		Harris Paints	27720 Possum Hill Road, Federalsburg, MD 21632	APHIS	00MD003-EQS	25.9.2000
US		Midwest Station II	16917 70 th St. NE, Elk River, MN 55330	APHIS	00MN001-EQS	16.5.2000
US		Schemel Stables Collection Facility	986 PCR, Co. Rd 810 Perryville, MO	APHIS	99MO001-EQS	15.12.1999
US		Equine Reproduction Facility	137 Speaks Road Advance, NC	APHIS	97NC001-EQS	21.8.1997
US		Walnridge Farm, Inc.	Hornertown-Arneytown Road Cream Ridge, NJ	APHIS	96NJ003-EQS	14.8.1996
US		Cedar Lane Farm	40 Lambertville Headquarters Rd Lambertville, NJ	APHIS	96NJ004-EQS	4.9.1996
US		Peretti's Farm	Route 526, Box 410 Cream Ridge, NJ	APHIS	97NJ005-EQS	17.3.1997
US		Kentuckiana Farm of NJ	18 Archertown Road New Egypt, NJ	APHIS	99NJ006-EQS	30.7.1999
US		Southwind Farm	29 Burd Road, Pennington, NJ 08534	APHIS	00NJ007-EQS	13.7.2000
US		Blue Chip Farm	807 Hogagerburgh Road, Wallkill, NY 12859	APHIS	00NY001-EQS	31.8.2000

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US		Sunny Gables Farm	282 Rt. 416 Montgomery, NY 12549	APHIS	00NY002-EQS	24.7.2000
US		Autumn Lane Farm	7901 Panhandle Road Newark, OH	APHIS	99OH001-EQS	19.5.1999
US		Paws UP Quarter Horses	Route 1 Box 43-1 Purcell, OK 73080	APHIS	00OK002-EQS	11.4.2000
US		Bryant Ranch	11777 NW Oak Ridge Rd Yamhill, OR	APHIS	98OR001-EQS	19.2.1998
US		Honahlee Equine Semen Collection Facility	14005 SW Tooze Road, Sherwood, OR 97140	APHIS	99OR001-EQS	26.10.2000
US		Kosmos Horse Breeders	372 Littlestown Road Littlestown, PA 17340	APHIS	97PA001-EQS	19.3.1997
US		Hanover Shoe Farm	Route 194 South PO Box 339 Hanover, PA 17331	APHIS	97PA002-EQS	28.3.1997
US		Nandi Veterinary Associates	3244 West Sieling Road New Freedom, PA	APHIS	97PA003-EQS	22.9.1997
US		Babcock Ranch Semen Collection Center	Rt. 2, Box 357 Gainsville, TX	APHIS	97TX001-EQS	2.6.1997
US		Select Breeders	Rt. 3, Box 196 Aubrey, TX	APHIS	97TX002-EQS	1.2.1997
US		Floyd Moore Ranch	Route 2, Box 293 Huntsville, TX	APHIS	98TX003-EQS	12.5.1998
US		Carol Rose Quarter Horse Ranch	Rt. 2, Box 136-1 Gainesville, TX	APHIS	99TX005-EQS	15.3.1999
US		Riverside Ranch	4150 FM 113 North Weatherford, TX	APHIS	99TX006-EQS	16.4.1999
US		Bluebonnet Farm	746 FM 529 Bellville, TX 77418	APHIS	00TX007-EQS	25.1.2000

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2	3	4	5	6	7	8
US		Alpha Equine Breeding Center	2301 Boyd Road Granbury, TX 76049	APHIS	00TX008-EQS	28.2.2000
US		Thistlewood Farm	P.O. Box 52, Kerrville, TX 78029	APHIS	00TX009-EQS	23.3.2000
US		Joe Landers Breeding Facility	4322 Tintop Road Weatherford, TX 76087	APHIS	00TX010-EQS	11.4.2000
US		Willow Tree Farm	10334 Strittmatter, Pilot Point, TX 76258	APHIS	00TX011-EQS	28.4.2000
US		Green Valley Farm	3952 PR 2718, Aubrey, TX 76227	APHIS	00TX012-EQS	28.4.2000
US		Roanoke AI Labs, Inc.	8535 Martin Creek Road Roanoke, VA	APHIS	96VA001-EQS	14.11.1996
US		Commonwealth Equine Reproduction Center	16078 Rockets Mill Road, Doswell, VA 23047	APHIS	00VA002-EQS	9.8.2000
US		Tylord Farm	Route 22A Benson, VT	APHIS	97VT001-EQS	25.3.1997
US		Hass Quarter Horses	W9821 Hwy 29 Shawano, WI	APHIS	97WI001-EQS	29.5.1997
UY	URUGUAY					
ZA	SOUTH AFRICA					