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## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 190/2000****of 24 January 2000****amending Regulation (EC) No 2320/97, *inter alia*, imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Russia**

THE COUNCIL OF THE EUROPEAN UNION,

**B. INTERIM REVIEW**

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, and in particular Article 8(1) thereof,

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

Whereas:

**A. PREVIOUS PROCEDURE**

- (1) The Council, by Regulation (EC) No 2320/97 <sup>(2)</sup> (hereinafter referred to as 'the definitive Regulation') imposed definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Hungary, Poland, Russia, the Czech Republic, Romania and the Slovak Republic. Most exporting producers in the above countries offered undertakings. These undertakings were accepted by Commission Decision 97/790/EC <sup>(3)</sup>. Consequently, their exports are partially exempted from the anti-dumping duties.
- (2) In the case of Russia, the undertaking offered was not accepted by the Commission as it did not contain the necessary guarantees on the part of the Russian authorities to allow adequate monitoring and an *ad valorem* anti-dumping duty of 26,8 % was imposed.
- (3) Recital (87) of the definitive Regulation provided, however, for the anti-dumping measure in respect of Russia to be modified, if ever there were a change in circumstances such that the conditions for the acceptance of an undertaking were met.

- (4) The Russian authorities having subsequently stated that they would provide new guarantees, the Commission accordingly initiated an interim review <sup>(4)</sup> pursuant to Article 11(3) of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation'), limited in scope to the examination of the acceptability of an undertaking from the Russian exporting producers concerned.
- (5) The investigation carried out has revealed that the undertaking which is being offered jointly by the Russian authorities and the Russian exporting producers concerned is modelled on those offered, and accepted by the Commission, in the original investigation. In addition, the Russian Ministry of Trade has guaranteed to supervise and monitor the undertaking.
- (6) The elimination of the injury will be achieved by two means: first, a price undertaking up to an annual volume threshold exempted from anti-dumping duty, and then an *ad valorem* anti-dumping duty levied on any imports above this threshold.
- (7) The Russian Ministry of Trade has undertaken to control and authenticate production certificates for each invoiced shipment exported to the Community which falls within the agreed quantity exempted from anti-dumping duty. In order to ensure that the quantity of imports exempted from the anti-dumping duty does not exceed the quantity in respect of which the undertaking has been offered, the exemption will be conditional on the presentation to the Community's customs authorities of a valid production certificate, clearly identifying the producer, the product concerned, the customer for which the goods are destined and the details listed in the Annex to this Regulation. In cases of doubt, the Commission shall make a determination as to the certificate's validity, and take measures as appropriate, in accordance with Article 8(9) and (10) of the basic Regulation.

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

<sup>(2)</sup> OJ L 322, 25.11.1997, p. 1.

<sup>(3)</sup> OJ L 322, 25.11.1997, p. 63.

<sup>(4)</sup> OJ C 77, 20.3.1999, p. 6.

- (8) Having carefully examined the situation, the Commission accepted the undertaking by Commission Decision 2000/70/EC <sup>(1)</sup>.
- (9) Therefore, the definitive Regulation has to be amended so that imports made in accordance with the terms of the undertaking are not subject to the anti-dumping duty,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2320/97 is hereby amended as follows:

- (a) at Article 1(2), that part of the table referring to Russia shall be replaced by:

'Country	Product manufacturer	Rate of duty	TARIC additional code
Russia	Taganrog metallurgical works	26,8 %	A039
	Pervouralsky Novotrubny	26,8 %	A040
	Chelyabinsk tube-rolling plant	26,8 %	A041
	Others	26,8 %	A999'

- (b) the following shall be added to the table at Article 2(4):

'Country	Product manufacturer	TARIC additional code
Russia	Taganrog metallurgical works	A042
	Pervouralsky Novotrubny	A043
	Chelyabinsk tube-rolling plant	A044'

*Article 2*

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

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

Done at Brussels, 24 January 2000.

*For the Council*  
*The President*  
J. GAMA

<sup>(1)</sup> See page 78 of this Official Journal.

## ANNEX

**Main elements of the production certificate (\*)**

- (a) The number of the certificate.
- (b) Identification showing whether the certificate is an original or a copy.
- (c) The date of expiry of the certificate.
- (d) The following text:

'Production certificate authenticated by the Ministry of Trade of the Russian Federation for monitoring pursuant to Article 2(2) of Regulation (EC) No 2320/97 for export to the European Community within TARIC additional Code XXXX of certain seamless steel pipes and tubes.'
- (e) The name and full address of the relevant exporting producer, including telephone and fax numbers and possible identification number such as national registration number for incorporated companies.
- (f) The name and full address of the customer of the relevant exporting producer, including telephone and fax numbers, to whom the product has been sold and invoiced by this exporting producer.
- (g) The number of the commercial invoice to which the production certificate relates.
- (h) The exact description of the goods, including:
  - a product description sufficient to identify the product, which will be identical to the specifications on the invoice,
  - CN code,
  - quantity (in metric tonnes).
- (i) The following signed declaration by the exporting producer:

'I, the undersigned, certify that the sale for export to the European Community of the goods covered by this certificate is being made within the scope and under the terms of the undertaking by ... (the relevant exporting producer), and within the permitted volume for anti-dumping duty free imports into the European Community set out in the undertaking accepted by the Commission pursuant to Decision No 2000/70/EC. I declare that the information provided in this certificate is complete and correct.'
- (j) Space for stamp and signature of an authorised person of the Russian Ministry of Trade.
- (k) Space for use by the competent authorities of the Community.

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(\*) Each box on the certificate will be in two languages, Russian and English.

**COUNCIL REGULATION (EC) No 191/2000**  
**of 24 January 2000**  
**amending Regulation (EEC) No 1696/71 on the common organisation of the market in hops**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) The aid scheme for setting up producer groups no longer applies in the Member States producing hops, with the exception of the Republic of Austria, which is authorised under the 1994 Act of Accession to apply this scheme until 31 December 1999; therefore, for the sake of clarity, Articles 8 and 10 and Article 17(2) of Regulation (EEC) No 1696/71 <sup>(2)</sup>, should be repealed as from 1 January 2000;
- (2) The Council fixed a flat-rate aid to producers of EUR 480 per hectare per annum for a period of five years from the 1996 harvest, up to and including the 2000 harvest; it is therefore no longer necessary for the Commission to submit a report to the Council on the situation regarding the production and marketing of hops each year, since Article 18 of Regulation (EEC) No 1696/71 provides for the submission of a summary report after the expiry of the five-year period when the Council will have to decide on the amount of aid for the period starting from the 2001 harvest; Article 11 of the said Regulation may therefore be deleted, and Article 12

of that Regulation may be adapted to take account of such deletion,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1696/71 is hereby amended as follows:

1. Articles 8, 10, 11 and Article 17(2) shall be deleted;
2. Article 12(6) shall be replaced by the following:

‘6. Where the market situation shows that there is a risk of creating structural surpluses or disturbance in the supply structure of the Community hop market, the Council acting on a proposal from the Commission in accordance with the procedure laid down in Article 37(2) of the Treaty, may adjust the amount of the aid set in paragraph 5 either:

- (a) by granting the aid solely in respect of part of the area under hops registered for the year in question, adjusting the aid where the need arises; or
- (b) by declaring ineligible for aid those areas under hops which are in their first and/or second year of production.’

*Article 2*

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

It shall be applicable as from 1 January 2000.

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

Done at Brussels, 24 January 2000.

*For the Council*

*The President*

L. CAPOULAS SANTOS

<sup>(1)</sup> Opinion delivered on 17 December 1999 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 175, 4.8.1971, p. 1. Regulation as last amended by Regulation (EC) No 1257/99 (OJ L 160, 26.6.1999, p. 80).

**COMMISSION REGULATION (EC) No 192/2000**  
**of 27 January 2000**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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



## ANNEX

**to the Commission Regulation of 27 January 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	112,9
	204	73,7
	624	198,4
	999	128,3
0707 00 05	052	97,2
	628	146,0
	999	121,6
0709 10 00	220	186,7
	999	186,7
0709 90 70	052	125,5
	204	137,9
	628	160,7
	999	141,4
0805 10 10, 0805 10 30, 0805 10 50	052	48,9
	204	42,5
	212	40,8
	220	26,1
	600	38,1
	624	64,9
	999	43,6
0805 20 10	204	61,6
	999	61,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,2
	204	75,3
	624	89,0
	999	75,8
0805 30 10	052	50,0
	600	64,0
	624	92,3
	999	68,8
0808 10 20, 0808 10 50, 0808 10 90	039	87,9
	400	85,8
	404	69,2
	720	111,0
	728	68,8
	999	84,5
	064	69,2
0808 20 50	400	107,3
	720	89,0
	999	88,5

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

**COMMISSION REGULATION (EC) No 193/2000****of 27 January 2000****on the issue of import licences for rice against applications submitted during the first 10 working days of January 2000 pursuant to Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice <sup>(1)</sup>, as amended by Regulation (EC) No 648/98 <sup>(2)</sup>, and in particular Article 5(2) thereof,

Whereas:

- (1) pursuant to Article 5(2) of Regulation (EC) No 327/98, within 10 days of the closing date for notification by the Member States of licence applications, the Commission must decide to what extent the applications may be accepted and fix the quantities available under the following tranche;
- (2) examination of the quantities for which applications have been submitted for under the January 2000 tranche shows that licences should be issued for the quantities

applied for reduced, where appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licences for rice against applications submitted during the first 10 working days of January 2000 pursuant to Regulation (EC) No 327/98 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.
2. The quantities available under the following tranche shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 37, 11.2.1998, p. 5.

<sup>(2)</sup> OJ L 88, 24.3.1998, p. 3.

## ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for January 2000 and quantities available for the following tranche:

- (a) quantity referred to in Article 2: semi-milled and wholly-milled rice falling within CN code 1006 30

Origin	Reduction (%)	Quantity available for the additional tranche for April 2000 (in t)
United States of America	0 <sup>(1)</sup>	22 365
Thailand	0 <sup>(1)</sup>	9191,02
Australia	—	1 019
Other origins	—	1 805

<sup>(1)</sup> Issue for the quantity applied for.

- (b) quantity referred to in Article 2: husked rice falling within CN code 1006 20

Origin	Reduction (%)	Quantity available for the additional tranche for April 2000 (in t)
Australia	0 <sup>(1)</sup>	7 822
United States of America	0 <sup>(1)</sup>	4 221
Thailand	—	1 812
Other origins	—	117

<sup>(1)</sup> Issue for the quantity applied for.

- (c) quantity referred to in Article 2: broken rice falling within CN code 1006 40 00

Origin	Reduction (%)	Quantity available for the tranche for July 2000 (in t)
Thailand	0 <sup>(1)</sup>	16 548,83
Australia	0 <sup>(1)</sup>	6 457
Guyana	0 <sup>(1)</sup>	8 453
United States of Amerika	88,8889	3 641
Other origins	87,8749	4 852

<sup>(1)</sup> Issue for the quantity applied for.

**COMMISSION REGULATION (EC) No 194/2000****of 27 January 2000****amending Regulation (EC) No 1619/1999 adapting certain fish quotas for 1999 pursuant to Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup>, as last amended by Regulation (EC) No 2846/98 <sup>(2)</sup>, and in particular Article 23 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas <sup>(3)</sup> and in particular Article 4(2) thereof,

Whereas:

- (1) Following revision of landing data, some figures which constitute the basis for the Annex to Commission Regulation (EC) No 1619/1999 <sup>(4)</sup> appear as erroneous, and therefore this Annex should be amended;
- (2) In order to allow continuation of fishing activities, the amended quotas set out by this Regulation should apply as soon as possible;

- (3) 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*

Regulation (EC) No 1619/1999 is amended as follows:

1. the entries corresponding to cod in zone VIIb-k, VIII, IX, CECAF 37.1.1 (Community waters) and sprat in zone Skagerrak and Kattegat shall be removed from the Annex;
2. the entries of Annex I to this Regulation shall replace the corresponding entries in the Annex;
3. the entries of Annex II to this Regulation shall be inserted in the Annex.

*Article 2*

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

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 115, 9.5.1996, p. 3.

<sup>(4)</sup> OJ L 192, 24.7.1999, p. 14.

## ANNEX I

## Entries to replace the corresponding entries in the Annex to Regulation (EC) No 1619/1999

Species	Zone	Member State	Withheld quantities <sup>(1)</sup>	Catch in excess of permitted landings in 1998	Deductions <sup>(2)</sup>	Weighted deductions % quantity <sup>(3)</sup>	Additional deductions <sup>(4)</sup>	1999 quota <sup>(5)</sup>	Council Regulation (EC) No	Revised value of 1999 quota
Herring	Skagerrak and Kattegat	SW	n.a.	2 599	2 599	n.a.	n.a.	34 920	48/1999	32 321
Herring	North Sea north of 53° 30'	SW	n.a.	579	579	20 %, 695	17	2 696	48/1999	1 984
Herring	IIlbcd (Poland zone)	SW	n.a.	182	182	n.a.	n.a.	1 000	63/1999	818
Salmon	IIlbcd (*)	DK	n.a.	624	624	n.a.	n.a.	83 347	48/1999	82 723
Sprat	Ila (*), North Sea (*)	DK	n.a.	8 534	8 534	n.a.	n.a.	141 610	48/1999	133 076

## ANNEX II

## New entries to be inserted in the Annex to Regulation (EC) No 1619/1999

Species	Zone	Member State	Withheld quantities <sup>(1)</sup>	Catch in excess of permitted landings in 1998	Deductions <sup>(2)</sup>	Weighted deductions % quantity <sup>(3)</sup>	Additional deductions <sup>(4)</sup>	1999 quota <sup>(5)</sup>	Council Regulation (EC) No	Revised value of 1999 quota
Megrim	VI	IR	n.a.	29	29	n.a.	n.a.	630	48/1999	601
Anglerfish	VII	IR	n.a.	102	102	n.a.	n.a.	2 020	48/1999	1 918
Sole	VIIhjk	IR	n.a.	4	4	n.a.	n.a.	325	48/1999	321

**COMMISSION REGULATION (EC) No 195/2000****of 27 January 2000****amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2348/96 <sup>(2)</sup>, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2790/94 <sup>(3)</sup>, as last amended by Regulation (EC) No 1620/1999 <sup>(4)</sup>, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands.
- (2) Commission Regulation (EC) No 2993/94 <sup>(5)</sup>, as last amended by Regulation (EC) No 2659/1999 <sup>(6)</sup>, fixed the amount of aid for milk products.

- (3) Commission Regulation (EC) No 197/2000 of 27 January 2000 fixing the export refunds on milk and milk products <sup>(7)</sup>, fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 13.

<sup>(2)</sup> OJ L 320, 11.12.1996, p. 1.

<sup>(3)</sup> OJ L 296, 17.11.1994, p. 23.

<sup>(4)</sup> OJ L 192, 24.7.1999, p. 19.

<sup>(5)</sup> OJ L 316, 9.12.1994, p. 11.

<sup>(6)</sup> OJ L 325, 17.12.1999, p. 29.

<sup>(7)</sup> See page 27 of this Official Journal.

## ANNEX

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	– – Other	0401 10 90 9000		2,327
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500		5,302
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500		5,302
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	– Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400		10,50
	– Exceeding 17 %	0401 30 19 9700		15,77
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 9100		38,32
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 9400		59,85
	– Exceeding 39 %	0401 30 31 9700		66,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 39	--- Other: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 %	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700		38,32 59,85 66,00
0401 30 91	-- Exceeding 45 %: --- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 91 9100 0401 30 91 9400 0401 30 91 9700		75,22 110,55 129,01
0401 30 99	--- Other: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 99 9100 0401 30 99 9400 0401 30 99 9700		75,22 110,55 129,01
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (7): -- Not containing added sugar or other sweetening matter:			
0402 10 11	--- In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000	(13)	76,00
0402 10 19	--- Other -- Other:	0402 10 19 9000	(13)	76,00
0402 10 91	--- In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000	(14)	0,7600
0402 10 99	--- Other - In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (7):	0402 10 99 9000	(14)	0,7600
0402 21	-- Not containing added sugar or other sweetening matter: --- Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	---- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	(13) (13) (13) (13)	76,00 96,20 101,40 109,00
0402 21 17	---- Other: ----- Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000	(13)	76,00
0402 21 19	----- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: - Not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 % --- Of a fat content, by weight, exceeding 27 %:	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	(13) (13) (13)	96,20 101,40 109,00



(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 21 91	----- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not 28 % - Exceeding 28 % but not exceeding 29 % - Exceeding 29 % but not exceeding 41 % - Exceeding 41 % but not exceeding 45 % - Exceeding 45 % but not exceeding 59 % - Exceeding 59 % but not exceeding 69 % - Exceeding 69 % but not exceeding 79 % - Exceeding 7 %	0402 21 91 9100 0402 21 91 9200 0402 21 91 9300 0402 21 91 9400 0402 21 91 9500 0402 21 91 9600 0402 21 91 9700 0402 21 91 9900	( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> )	109,80 110,50 111,90 119,60 122,30 132,50 138,50 145,30
0402 21 99	----- Other: - Of a fat content, by weight: - Not exceeding 28 % - Exceeding 28 % but not exceeding 29 % - Exceeding 29 % but not exceeding 41 % - Exceeding 41 % but not exceeding 45 % - Exceeding 45 % but not exceeding 59 % - Exceeding 59 % but not exceeding 69 % - Exceeding 69 % but not exceeding 79 % - Exceeding 79 %	0402 21 99 9100 0402 21 99 9200 0402 21 99 9300 0402 21 99 9400 0402 21 99 9500 0402 21 99 9600 0402 21 99 9700 0402 21 99 9900	( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> )	109,80 110,50 111,90 119,60 122,30 132,50 138,50 145,30
ex 0402 29	-- Other: --- Of a fat content, by weight, not exceeding 27 %: ----- Other:			
0402 29 15	----- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 29 15 9200 0402 29 15 9300 0402 29 15 9500 0402 29 15 9900	( <sup>14</sup> ) ( <sup>14</sup> ) ( <sup>14</sup> ) ( <sup>14</sup> )	0,7600 0,9620 1,0140 1,0900
0402 29 19	----- Other: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 29 19 9200 0402 29 19 9300 0402 29 19 9500 0402 29 19 9900	( <sup>14</sup> ) ( <sup>14</sup> ) ( <sup>14</sup> ) ( <sup>14</sup> )	0,7600 0,9620 1,0140 1,0900
0402 29 91	--- Of a fat content, by weight, exceeding 27 %: ----- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 41 % - Exceeding 41 %	0402 29 91 9100 0402 29 91 9500	( <sup>14</sup> ) ( <sup>14</sup> )	1,0980 1,1960
0402 29 99	----- Other: - Of a fat content, by weight: - Not exceeding 41 % - Exceeding 41 %	0402 29 99 9100 0402 29 99 9500	( <sup>14</sup> ) ( <sup>14</sup> )	1,0980 1,1960

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	– Other:			
0402 91	– – Not containing added sugar or other sweetening matter:			
	– – – Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9110	( <sup>13</sup> )	2,327
	– Exceeding 3 %	0402 91 11 9120	( <sup>13</sup> )	4,551
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9310	( <sup>13</sup> )	13,30
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 11 9350	( <sup>13</sup> )	16,29
	– Exceeding 7,4 %	0402 91 11 9370	( <sup>13</sup> )	19,81
0402 91 19	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9110	( <sup>13</sup> )	2,327
	– Exceeding 3 %	0402 91 19 9120	( <sup>13</sup> )	4,551
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9310	( <sup>13</sup> )	13,30
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 19 9350	( <sup>13</sup> )	16,29
	– Exceeding 7,4 %	0402 91 19 9370	( <sup>13</sup> )	19,81
	– – – Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:			
0402 91 31	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 31 9100	( <sup>13</sup> )	8,991
	– Of 15 % or more	0402 91 31 9300	( <sup>13</sup> )	23,42
0402 91 39	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 39 9100	( <sup>13</sup> )	8,991
	– Of 15 % or more	0402 91 39 9300	( <sup>13</sup> )	23,42
	– – – Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
0402 91 51	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 9000	( <sup>13</sup> )	10,50
0402 91 59	– – – – Other	0402 91 59 9000	( <sup>13</sup> )	10,50
	– – – Of a fat content, by weight, exceeding 45 %:			
0402 91 91	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 9000	( <sup>13</sup> )	75,22
0402 91 99	– – – – Other	0402 91 99 9000	( <sup>13</sup> )	75,22

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 99	-- Other:			
	--- Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	---- In immediate packings of a net content not exceeding 2,5 kg:			
	- Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:			
	- Not exceeding 3 %	0402 99 11 9110	( <sup>14</sup> )	0,0233
	- Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9130	( <sup>14</sup> )	0,0456
	- Exceeding 6,9 %	0402 99 11 9150	( <sup>14</sup> )	0,1269
	- Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:			
	- Not exceeding 3 %	0402 99 11 9310	( <sup>14</sup> )	0,2689
	- Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9330	( <sup>14</sup> )	0,3228
	- Exceeding 6,9 %	0402 99 11 9350	( <sup>14</sup> )	0,4291
0402 99 19	---- Other:			
	- Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:			
	- Not exceeding 3 %	0402 99 19 9110	( <sup>14</sup> )	0,0233
	- Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9130	( <sup>14</sup> )	0,0456
	- Exceeding 6,9 %	0402 99 19 9150	( <sup>14</sup> )	0,1269
	- Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:			
	- Not exceeding 3 %	0402 99 19 9310	( <sup>14</sup> )	0,2689
	- Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9330	( <sup>14</sup> )	0,3228
	- Exceeding 6,9 %	0402 99 19 9350	( <sup>14</sup> )	0,4291
	--- Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	---- In immediate packings not exceeding 2,5 kg:			
	- Of a fat content, by weight, not exceeding 21 %:			
	- Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 31 9110	( <sup>14</sup> )	0,0975
	- Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150	( <sup>14</sup> )	0,4467
	- Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300	( <sup>14</sup> )	0,3832
	- Of a fat content, by weight, exceeding 39 %	0402 99 31 9500	( <sup>14</sup> )	0,6600
0402 99 39	---- Other:			
	- Of a fat content, by weight, not exceeding 21 %:			
	- Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 39 9110	( <sup>14</sup> )	0,0975
	- Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150	( <sup>14</sup> )	0,4467
	- Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 39 9300	( <sup>14</sup> )	0,3832
	- Of a fat content, by weight, exceeding 39 %	0402 99 39 9500	( <sup>14</sup> )	0,6600

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	--- Of a fat content, by weight, exceeding 45 %:			
0402 99 91	---- In immediate packings not exceeding 2,5 kg	0402 99 91 9000	( <sup>14</sup> )	0,7522
0402 99 99	---- Other	0402 99 99 9000	( <sup>14</sup> )	0,7522
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	- Butter:			
	-- Of a fat content, by weight, not exceeding 85 %:			
	--- Natural butter:			
0405 10 11	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	----- Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	----- Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	--- Recombined butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	----- Of 82 % or more	0405 10 30 9300		180,50
	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 30 9500		176,10
	----- Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	--- Whey butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 50 9100		176,10
	----- Of 82 % or more	0405 10 50 9300		180,50
	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	----- Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	-- Other	0405 10 90 9000		187,10
ex 0405 20	- Dairy spreads:			
0405 20 90	-- Of a fat content by weight of more than 75 % but less than 80 %:			
	--- Of a fat content by weight:			
	---- Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	---- Of 78 % or more	0405 20 90 9700		171,69
0405 90	- Other:			
0405 90 10	-- Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	-- Other	0405 90 90 9000		180,50

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd <sup>(5)</sup> :					
ex 0406 30	— Processed cheese, not grated or powdered <sup>(6)</sup> :					
	— — Other:					
	— — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:					
ex 0406 30 31	— — — — Not exceeding 48 %:					
	— — — — — Of a dry matter content, by weight:					
	— — — — — — Of 40 % or more but less than 43 %, and of a fat content, by weight, in the dry matter:					
	— — — — — — — Of less than 20 %	60		0406 30 31 9710	<sup>(5)</sup>	17,88
	— — — — — — — Of 20 % or more	60	20	0406 30 31 9730	<sup>(5)</sup>	26,24
	— — — — — — — Of 43 % or more and with a fat content, by weight, in the dry matter:					
	— — — — — — — Of less than 20 %	57		0406 30 31 9910	<sup>(5)</sup>	17,88
	— — — — — — — Of 20 % or more but less than 40 %	57	20	0406 30 31 9930	<sup>(5)</sup>	26,24
	— — — — — — — Of 40 % or more	57	40	0406 30 31 9950	<sup>(5)</sup>	38,17
ex 0406 30 39	— — — — Exceeding 48 %:					
	— — — — — Of a dry matter, content, by weight:					
	— — — — — — Of 40 % or more but less than 43 %	60	48	0406 30 39 9500	<sup>(5)</sup>	26,24
	— — — — — — Of 43 % or more but less than 46 %	57	48	0406 30 39 9700	<sup>(5)</sup>	38,17
	— — — — — — — Of 46 % or more and with a fat content, by weight, in the dry matter:					
	— — — — — — — Of less than 55 %	54	48	0406 30 39 9930	<sup>(5)</sup>	38,17
	— — — — — — — Of 55 % or more	54	55	0406 30 39 9950	<sup>(5)</sup>	43,16
ex 0406 30 90	— — — Of a list content exceeding 36 %	54	79	0406 30 90 9000	<sup>(5)</sup>	45,28
ex 0406 90 23	— — — Edam	47	40	0406 90 23 9900	<sup>(5)</sup>	103,92
ex 0406 90 25	— — — Tilsit	47	45	0406 90 25 9900	<sup>(5)</sup>	102,80
ex 0406 90 27	— — — Butterkäse	52	45	0406 90 27 9900	<sup>(5)</sup>	93,10
ex 0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	— — — — — — Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	— — — — — — — Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	<sup>(5)</sup>	96,98
	— — — — — — — Of a dry matter content, by weight, of 56 % or more	46	55	0406 90 76 9400	<sup>(5)</sup>	108,62
	— — — — — — — Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	<sup>(5)</sup>	102,45

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	( <sup>5</sup> )	102,26
	----- Of a fat content by weight, in the dry matter of 48 % or more but less 55 %	45	48	0406 90 78 9300	( <sup>5</sup> )	105,98
	----- Other	45	55	0406 90 78 9500	( <sup>5</sup> )	104,35
ex 0406 90 79	----- Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	( <sup>5</sup> )	86,27
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	45	0406 90 81 9900	( <sup>5</sup> )	108,62
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	( <sup>5</sup> )	102,23
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	( <sup>5</sup> )	103,32
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	( <sup>5</sup> )	108,62
	----- Of 39 % or more	40	39	0406 90 86 9900	( <sup>5</sup> )	117,90
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	( <sup>5</sup> )	85,19
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	( <sup>5</sup> )	94,89
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	( <sup>5</sup> )	96,33
	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	( <sup>5</sup> )	106,68
	----- Maasdam	45	45	0406 90 87 9971	( <sup>5</sup> )	106,68
	----- Manouri	43	53	0406 90 87 9972	( <sup>5</sup> )	45,63
	----- Hushallsost	46	45	0406 90 87 9973	( <sup>5</sup> )	104,74
	----- Murukoloinen	41	50	0406 90 87 9974	( <sup>5</sup> )	113,19
	----- Other	47	40	0406 90 87 9979	( <sup>5</sup> )	103,92

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %: ----- cheeses produced from whey ----- Other: ----- Other: ----- Of a fat content, by weight, in the dry matter: ----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9100     0406 90 88 9300	     ( <sup>5</sup> )	—     83,50

(<sup>5</sup>) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(<sup>6</sup>) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 have been added and, if so, the maximum content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 per 100 kilograms of finished product.

(<sup>7</sup>) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

(<sup>13</sup>) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.

(<sup>14</sup>) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the aid.

The aid on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;

(b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the maximum content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

**COMMISSION REGULATION (EC) No 196/2000****of 27 January 2000****amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 562/98<sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1696/92<sup>(3)</sup>, as last amended by Regulation (EEC) No 2596/93<sup>(4)</sup>, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira.
- (2) Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply

balance<sup>(5)</sup>, as last amended by Regulation (EC) No 2658/1999<sup>(6)</sup>, fixes the aid for milk products.

- (3) Commission Regulation (EC) No 197/2000 of 27 January 2000 fixing the export refunds on milk and milk products<sup>(7)</sup>, fixes the refunds on those products; whereas Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 1.

<sup>(2)</sup> OJ L 76, 13.3.1998, p. 6.

<sup>(3)</sup> OJ L 179, 1.7.1992, p. 6.

<sup>(4)</sup> OJ L 238, 23.9.1993, p. 24.

<sup>(5)</sup> OJ L 218, 1.8.1992, p. 75.

<sup>(6)</sup> OJ L 325, 17.12.1999, p. 23.

<sup>(7)</sup> See page 27 of this Official Journal.



## ANNEX

## ANNEX II

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	– – Other	0401 10 90 9000		2,327
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500		5,302
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500		5,302
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	– Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400		10,50
	– Exceeding 17 %	0401 30 19 9700		15,77
	– – Exceeding 21 % but not exceeding 45 %:			

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 31	--- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 %	0401 30 31 9100 0401 30 31 9400 0401 30 31 9700		38,32 59,85 66,00
0401 30 39	--- Other: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 % -- Exceeding 45 %:	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700		38,32 59,85 66,00
0401 30 91	--- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 91 9100 0401 30 91 9400 0401 30 91 9700		75,22 110,55 129,01
0401 30 99	--- Other: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 99 9100 0401 30 99 9400 0401 30 99 9700		75,22 110,55 129,01
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 9000 0402 10 19 9000	( <sup>13</sup> )	76,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 9900 0402 21 19 9900	( <sup>13</sup> )	109,00
0402 21 11	---- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> )	76,00 96,20 101,40 109,00
0402 21 19	---- Other: ----- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: - Not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	( <sup>13</sup> ) ( <sup>13</sup> ) ( <sup>13</sup> )	96,20 101,40 109,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	– Butter:			
	– – Of a fat content, by weight, not exceeding 85 %:			
	– – – Natural butter:			
0405 10 11	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	– – – – – – Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	– – – – – – Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	– – – Recombined butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	– – – – – – Of 82 % or more	0405 10 30 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9500		176,10
	– – – – – – Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	– – – Whey butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9100		176,10
	– – – – – – Of 82 % or more	0405 10 50 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	– – – – – – Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	– – Other	0405 10 90 9000		187,10
ex 0405 20	– Dairy spreads:			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %:			
	– – – Of a fat content by weight:			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	– – – – Of 78 % or more	0405 20 90 9700		171,69
0405 90	– Other:			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	– – Other	0405 90 90 9000		180,50

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd <sup>(3)</sup> :					
ex 0406 90 23	--- Edam	47	40	0406 90 23 9900	<sup>(3)</sup>	103,92
ex 0406 90 25	--- Tilsit	47	45	0406 90 25 9900	<sup>(3)</sup>	102,80
ex 0406 90 76	----- Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe:					
	----- Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	----- Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	<sup>(3)</sup>	96,98
	----- Of a dry matter content, by weight, of 56 % or more	44	45	0406 90 76 9400	<sup>(3)</sup>	108,62
	----- Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	<sup>(3)</sup>	102,45
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	<sup>(3)</sup>	102,26
	----- Of a fat content by weight, in the dry matter of 48 % or more but less than 55 %	45	48	0406 90 78 9300	<sup>(3)</sup>	105,98
	----- Other	45	55	0406 90 78 9500	<sup>(3)</sup>	104,35
ex 0406 90 79	----- Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	<sup>(3)</sup>	86,27
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	44	0406 90 81 9900	<sup>(3)</sup>	108,62
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	<sup>(3)</sup>	102,23
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	<sup>(3)</sup>	103,32
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	<sup>(3)</sup>	108,62
	----- Of 39 % or more	40	39	0406 90 86 9900	<sup>(3)</sup>	117,90
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	<sup>(3)</sup>	85,19
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	<sup>(3)</sup>	94,89
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	<sup>(3)</sup>	96,33

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 87 (cont'd.)	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	( <sup>3</sup> )	106,68
	----- Maasdam	45	45	0406 90 87 9971	( <sup>3</sup> )	106,68
	----- Manouri	43	53	0406 90 87 9972	( <sup>3</sup> )	45,63
	----- Hushallsost	46	45	0406 90 87 9973	( <sup>3</sup> )	104,74
	----- Murukoloinen	41	50	0406 90 87 9974	( <sup>3</sup> )	113,19
	----- Other:	47	40	0406 90 87 9979	( <sup>3</sup> )	103,92
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %:					
	----- cheese produced from whey			0406 90 88 9100		—
	----- Other:					
	----- Other:					
	----- Of a fat content, by weight, in the dry matter:					
	----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	( <sup>3</sup> )	83,50

(<sup>3</sup>) In the case of cheese presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(<sup>13</sup>) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.'

**COMMISSION REGULATION (EC) No 197/2000**  
**of 27 January 2000**  
**fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that

when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products <sup>(2)</sup>, as amended by Regulation (EC) No 1596/1999 <sup>(3)</sup>; the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector <sup>(4)</sup>, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

<sup>(2)</sup> OJ L 20, 27.1.1999, p. 8.

<sup>(3)</sup> OJ L 188, 21.7.1999, p. 39.

<sup>(4)</sup> OJ L 252, 25.9.1999, p. 1.

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

- (7) Commission Regulation (EEC) No 896/84 <sup>(1)</sup>, as last amended by Regulation (EEC) No 222/88 <sup>(2)</sup>, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 021, 023, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 91, 1.4.1984, p. 71.

<sup>(2)</sup> OJ L 28, 1.2.1988, p. 1.

## ANNEX

## to the Commission Regulation of 27 January 2000 fixing the export refunds on milk and milk products

(in EUR/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 91 9900	+	145,30
	***	—	0402 21 99 9100	+	109,80
0401 10 90 9000	970	2,327	0402 21 99 9200	+	110,50
	***	—	0402 21 99 9300	+	111,90
0401 20 11 9100	970	2,327	0402 21 99 9400	+	119,60
	***	—	0402 21 99 9500	+	122,30
0401 20 11 9500	970	3,597	0402 21 99 9600	+	132,50
	***	—	0402 21 99 9700	+	138,50
0401 20 19 9100	970	2,327	0402 21 99 9900	+	145,30
	***	—	0402 29 15 9200	+	0,7600
0401 20 19 9500	970	3,597	0402 29 15 9300	+	0,9620
	***	—	0402 29 15 9500	+	1,0140
0401 20 91 9100	970	4,551	0402 29 15 9900	+	1,0900
	***	—	0402 29 19 9200	+	0,7600
0401 20 91 9500	+	—	0402 29 19 9300	+	0,9620
0401 20 99 9100	970	4,551	0402 29 19 9500	+	1,0140
	***	—	0402 29 19 9900	+	1,0900
0401 20 99 9500	+	—	0402 29 91 9100	+	1,0980
0401 30 11 9100	+	—	0402 29 91 9500	+	1,1960
0401 30 11 9400	970	10,50	0402 29 99 9100	+	1,0980
	***	—	0402 29 99 9500	+	1,1960
0401 30 11 9700	970	15,77	0402 91 11 9110	+	—
	***	—	0402 91 11 9120	+	—
0401 30 19 9100	+	—	0402 91 11 9310	+	11,31
0401 30 19 9400	+	—	0402 91 11 9350	+	13,85
0401 30 19 9700	970	15,77	0402 91 11 9370	+	16,84
	***	—	0402 91 19 9110	+	—
0401 30 31 9100	+	38,32	0402 91 19 9120	+	—
0401 30 31 9400	+	59,85	0402 91 19 9310	+	11,31
0401 30 31 9700	+	66,00	0402 91 19 9350	+	13,85
0401 30 39 9100	+	38,32	0402 91 19 9370	+	16,84
0401 30 39 9400	+	59,85	0402 91 31 9100	+	—
0401 30 39 9700	+	66,00	0402 91 31 9300	+	19,91
0401 30 91 9100	+	75,22	0402 91 39 9100	+	—
0401 30 91 9400	+	110,55	0402 91 39 9300	+	19,91
0401 30 91 9700	+	129,01	0402 91 51 9000	+	—
0401 30 99 9100	+	75,22	0402 91 59 9000	+	—
0401 30 99 9400	+	110,55	0402 91 91 9000	+	63,94
0401 30 99 9700	+	129,01	0402 91 99 9000	+	63,94
0402 10 11 9000	+	76,00	0402 99 11 9110	+	—
0402 10 19 9000	+	76,00	0402 99 11 9130	+	—
0402 10 91 9000	+	0,7600	0402 99 11 9150	+	—
0402 10 99 9000	+	0,7600	0402 99 11 9310	+	0,2689
0402 21 11 9200	+	76,00	0402 99 11 9330	+	0,3228
0402 21 11 9300	+	96,20	0402 99 11 9350	+	0,4291
0402 21 11 9500	+	101,40	0402 99 19 9110	+	—
0402 21 11 9900	+	109,00	0402 99 19 9130	+	—
0402 21 17 9000	+	76,00	0402 99 19 9150	+	—
0402 21 19 9300	+	96,20	0402 99 19 9310	+	0,2689
0402 21 19 9500	+	101,40	0402 99 19 9330	+	0,3228
0402 21 19 9900	+	109,00	0402 99 19 9350	+	0,4291
0402 21 91 9100	+	109,80	0402 99 31 9110	+	—
0402 21 91 9200	+	110,50	0402 99 31 9150	+	0,4467
0402 21 91 9300	+	111,90	0402 99 31 9300	+	0,3832
0402 21 91 9400	+	119,60	0402 99 31 9500	+	0,6600
0402 21 91 9500	+	122,30	0402 99 39 9110	+	—
0402 21 91 9600	+	132,50	0402 99 39 9150	+	0,4467
0402 21 91 9700	+	138,50	0402 99 39 9300	+	0,3832



Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600	0404 90 29 9160	+	138,50
0402 99 91 9000	+	0,7522	0404 90 29 9180	+	145,30
0402 99 99 9000	+	0,7522	0404 90 81 9100	+	0,7600
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	0,2689
0403 10 13 9800	+	—	0404 90 83 9110	+	0,7600
0403 10 19 9800	+	—	0404 90 83 9130	+	0,9620
0403 10 31 9400	+	—	0404 90 83 9150	+	1,0140
0403 10 31 9800	+	—	0404 90 83 9170	+	1,0900
0403 10 33 9800	+	—	0404 90 83 9911	+	—
0403 10 39 9800	+	—	0404 90 83 9913	+	—
0403 90 11 9000	+	74,70	0404 90 83 9915	+	—
0403 90 13 9200	+	74,70	0404 90 83 9917	+	—
0403 90 13 9300	+	95,30	0404 90 83 9919	+	—
0403 90 13 9500	+	100,40	0404 90 83 9931	+	0,2689
0403 90 13 9900	+	108,00	0404 90 83 9933	+	0,3228
0403 90 19 9000	+	108,80	0404 90 83 9935	+	0,4291
0403 90 31 9000	+	0,7470	0404 90 83 9937	+	0,4467
0403 90 33 9200	+	0,7470	0404 90 89 9130	+	1,0980
0403 90 33 9300	+	0,9530	0404 90 89 9150	+	1,1960
0403 90 33 9500	+	1,0040	0404 90 89 9930	+	0,4601
0403 90 33 9900	+	1,0800	0404 90 89 9950	+	0,6600
0403 90 39 9000	+	1,0880	0404 90 89 9990	+	0,7522
0403 90 51 9100	970	2,327	0405 10 11 9500	+	165,85
	***	—	0405 10 11 9700	+	170,00
0403 90 51 9300	+	—	0405 10 19 9500	+	165,85
0403 90 53 9000	+	—	0405 10 19 9700	+	170,00
0403 90 59 9110	+	—	0405 10 30 9100	+	165,85
0403 90 59 9140	+	—	0405 10 30 9300	+	170,00
0403 90 59 9170	970	15,77	0405 10 30 9500	+	165,85
	***	—	0405 10 30 9700	+	170,00
0403 90 59 9310	+	38,32	0405 10 50 9100	+	165,85
0403 90 59 9340	+	59,85	0405 10 50 9300	+	170,00
0403 90 59 9370	+	64,80	0405 10 50 9500	+	165,85
0403 90 59 9510	+	64,80	0405 10 50 9700	+	170,00
0403 90 59 9540	+	64,80	0405 10 90 9000	+	176,22
0403 90 59 9570	+	64,80	0405 20 90 9500	+	155,49
0403 90 61 9100	+	—	0405 20 90 9700	+	161,71
0403 90 61 9300	+	—	0405 90 10 9000	+	216,00
0403 90 63 9000	+	—	0405 90 90 9000	+	170,00
0403 90 69 9000	+	—	0406 10 20 9100	+	—
0404 90 21 9100	+	76,00	0406 10 20 9230	037	—
0404 90 21 9910	+	—		039	—
0404 90 21 9950	+	11,31		097	37,68
0404 90 23 9120	+	76,00		098	37,68
0404 90 23 9130	+	96,20		400	21,50
0404 90 23 9140	+	101,40		***	37,68
0404 90 23 9150	+	109,00	0406 10 20 9290	037	—
0404 90 23 9911	+	—		039	—
0404 90 23 9913	+	—		097	35,05
0404 90 23 9915	+	—		098	35,05
0404 90 23 9917	+	—		400	14,40
0404 90 23 9919	+	—		***	35,05
0404 90 23 9931	+	11,31	0406 10 20 9300	037	—
0404 90 23 9933	+	13,85		039	—
0404 90 23 9935	+	16,84		097	15,39
0404 90 23 9937	+	19,91		098	15,39
0404 90 23 9939	+	20,81		400	7,360
0404 90 29 9110	+	109,80		***	15,39
0404 90 29 9115	+	110,50			
0404 90 29 9120	+	111,90			
0404 90 29 9130	+	119,60			
0404 90 29 9135	+	122,30			
0404 90 29 9150	+	132,50			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	097	51,11		039	—
	098	51,11		097	17,88
	400	29,10		098	9,536
0406 10 20 9620	***	51,11		400	7,850
	037	—		***	17,88
	039	—	0406 30 31 9730	037	—
	097	51,83		039	—
	098	51,83		097	26,24
0406 10 20 9630	400	29,50		098	13,99
	***	51,83		400	11,50
	037	—		***	26,24
	039	—	0406 30 31 9910	037	—
	097	57,86		039	—
0406 10 20 9640	098	57,86		097	17,88
	400	33,00		098	9,536
	***	57,86		400	7,850
	037	—		***	17,88
	039	—	0406 30 31 9930	037	—
0406 10 20 9650	097	85,03		039	—
	098	85,03		097	26,24
	400	45,40		098	13,99
	***	85,03		400	11,50
	037	—		***	26,24
0406 10 20 9660	039	—	0406 30 31 9950	037	—
	097	70,86		039	—
	098	70,86		097	38,17
	400	23,90		098	20,36
	***	70,86		400	16,70
0406 10 20 9830	+	—		***	38,17
0406 10 20 9850	037	—	0406 30 39 9500	037	—
	039	—		039	—
	097	26,28		097	26,24
	098	26,28		098	13,99
	400	12,60		400	11,50
0406 10 20 9870	***	26,28		***	26,24
	037	—	0406 30 39 9700	037	—
	039	—		039	—
	097	31,87		097	38,17
	098	31,87		098	20,36
0406 10 20 9900	400	15,20		400	16,70
0406 20 90 9100	***	31,87		***	38,17
0406 20 90 9913	+	—	0406 30 39 9930	037	—
	037	—		039	—
	039	—		097	38,17
	097	58,77		098	20,36
	098	58,77		400	16,70
0406 20 90 9915	400	29,70		***	38,17
	***	58,77	0406 30 39 9950	037	—
	037	—		039	—
	039	—		097	43,16
	097	77,56		098	23,02
0406 20 90 9917	098	77,56		400	19,90
	400	39,60		***	43,16
	***	77,56	0406 30 90 9000	037	—
	037	—		039	—
	039	—		097	45,28
0406 20 90 9919	097	82,41		098	24,15
	098	82,41		400	19,90
	400	42,10		***	45,28
	***	82,41	0406 40 50 9000	037	—
	037	—		039	—
	039	—		097	90,00
	097	92,10		098	90,00
	098	92,10		400	31,00
	400	47,00		***	90,00
	***	92,10			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9951	037	—
	039	—		039	—
	097	92,42		097	78,66
	098	92,42		098	68,98
	400	31,00		400	18,80
	***	92,42		***	78,66
0406 90 13 9000	037	—	0406 90 35 9190	037	33,29
	039	—		039	33,29
	097	116,37		097	121,56
	098	101,62		098	105,71
	400	56,60		400	57,70
	***	116,37		***	121,56
0406 90 15 9100	037	—	0406 90 35 9990	037	—
	039	—		039	—
	097	120,25		097	121,56
	098	105,01		098	105,71
	400	58,40		400	37,80
	***	120,25		***	121,56
0406 90 17 9100	037	—	0406 90 37 9000	037	—
	039	—		039	—
	097	120,25		097	116,37
	098	105,01		098	101,62
	400	58,40		400	56,60
	***	120,25		***	116,37
0406 90 21 9900	037	—	0406 90 61 9000	037	47,01
	039	—		039	47,01
	097	117,54		097	129,64
	098	102,90		098	112,00
	400	41,90		400	53,80
	***	117,54		***	129,64
0406 90 23 9900	037	—	0406 90 63 9100	037	42,83
	039	—		039	42,83
	097	103,92		097	128,55
	098	90,36		098	111,41
	400	17,50		400	60,10
	***	103,92		***	128,55
0406 90 25 9900	037	—	0406 90 63 9900	037	34,22
	039	—		039	34,22
	097	102,80		097	124,18
	098	89,77		098	107,11
	400	19,90		400	46,00
	***	102,80		***	124,18
0406 90 27 9900	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	097	93,10		039	—
	098	81,30		097	124,18
	400	17,50		098	107,11
	***	93,10		400	46,00
0406 90 31 9119	037	—		***	124,18
	039	—	0406 90 73 9900	037	—
	097	85,71		039	—
	098	74,72		097	106,91
	400	24,00		098	93,28
	***	85,71		400	49,50
0406 90 33 9119	037	—		***	106,91
	039	—	0406 90 75 9900	037	—
	097	85,71		039	—
	098	74,72		097	108,07
	400	24,00		098	93,90
	***	85,71		400	20,90
0406 90 33 9919	037	—		***	108,07
	039	—	0406 90 76 9300	037	—
	097	78,60		039	—
	098	68,29		097	96,98
	400	19,10		098	84,68
	***	78,60		400	18,90
				***	96,98

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 76 9400	037	—	0406 90 85 9999	+	—
	039	—	0406 90 86 9100	+	—
	097	108,62	0406 90 86 9200	037	—
	098	94,85		039	—
	400	21,80		097	102,23
	***	108,62		098	86,17
0406 90 76 9500	037	—		400	26,00
	039	—		***	102,23
	097	102,45	0406 90 86 9300	037	—
	098	90,24		039	—
	400	21,80		097	103,32
	***	102,45		098	87,41
0406 90 78 9100	037	—		400	28,50
	039	—		***	103,32
	097	102,26	0406 90 86 9400	037	—
	098	87,50		039	—
	400	17,10		097	108,62
	***	102,26		098	92,87
0406 90 78 9300	037	—		400	32,20
	039	—		***	108,62
	097	105,98	0406 90 86 9900	037	—
	098	92,78		039	—
	400	18,90		097	117,90
	***	105,98		098	102,43
0406 90 78 9500	037	—		400	37,80
	039	—		***	117,90
	097	104,35	0406 90 87 9100	+	—
	098	91,91	0406 90 87 9200	037	—
	400	21,80		039	—
	***	104,35		097	85,19
0406 90 79 9900	037	—		098	71,81
	039	—		400	23,30
	097	86,27		***	85,19
	098	75,02	0406 90 87 9300	037	—
	400	18,10		039	—
	***	86,27		097	94,89
0406 90 81 9900	037	—		098	80,27
	039	—		400	26,30
	097	108,62		***	94,89
	098	94,85	0406 90 87 9400	037	—
	400	44,80		039	—
	***	108,62		097	96,33
0406 90 85 9910	037	33,32		098	82,36
	039	33,32		400	28,80
	097	117,90		***	96,33
	098	102,43	0406 90 87 9951	037	—
	400	55,70		039	—
	***	117,90		097	106,68
0406 90 85 9991	037	—		098	93,15
	039	—		400	39,70
	097	117,90		***	106,68
	098	102,43	0406 90 87 9971	037	—
	400	37,80		039	—
	***	117,90		097	106,68
0406 90 85 9995	037	—		098	93,15
	039	—		400	32,30
	097	108,07		***	106,68
	098	93,90	0406 90 87 9972	097	45,63
	400	19,90		098	39,68
	***	108,07		400	12,80
				***	45,63

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9973	037	—	2309 10 19 9100	+	—
	039	—	2309 10 19 9200	+	—
	097	104,74	2309 10 19 9300	+	—
	098	91,46	2309 10 19 9400	+	—
	400	22,60	2309 10 19 9500	+	—
	***	104,74	2309 10 19 9600	+	—
0406 90 87 9974	037	—	2309 10 19 9700	+	—
	039	—	2309 10 19 9800	+	—
	097	113,19	2309 10 70 9010	+	—
	098	99,26	2309 10 70 9100	+	13,85
	400	22,60	2309 10 70 9200	+	18,47
	***	113,19	2309 10 70 9300	+	23,09
0406 90 87 9975	037	—	2309 10 70 9500	+	27,70
	039	—	2309 10 70 9600	+	32,32
	097	114,45	2309 10 70 9700	+	36,94
	098	101,25	2309 10 70 9800	+	40,63
	400	30,00	2309 90 35 9010	+	—
	***	114,45	2309 90 35 9100	+	—
0406 90 87 9979	037	—	2309 90 35 9200	+	—
	039	—	2309 90 35 9300	+	—
	097	103,92	2309 90 35 9400	+	—
	098	90,36	2309 90 35 9500	+	—
	400	22,60	2309 90 35 9700	+	—
	***	103,92	2309 90 39 9010	+	—
0406 90 88 9100	+	—	2309 90 39 9100	+	—
0406 90 88 9300	037	—	2309 90 39 9200	+	—
	039	—	2309 90 39 9300	+	—
	097	83,50	2309 90 39 9400	+	—
	098	70,90	2309 90 39 9500	+	—
	400	28,50	2309 90 39 9600	+	—
	***	83,50	2309 90 39 9700	+	—
2309 10 15 9010	+	—	2309 90 39 9800	+	—
2309 10 15 9100	+	—	2309 90 70 9010	+	—
2309 10 15 9200	+	—	2309 90 70 9100	+	13,85
2309 10 15 9300	+	—	2309 90 70 9200	+	18,47
2309 10 15 9400	+	—	2309 90 70 9300	+	23,09
2309 10 15 9500	+	—	2309 90 70 9500	+	27,70
2309 10 15 9700	+	—	2309 90 70 9600	+	32,32
2309 10 19 9010	+	—	2309 90 70 9700	+	36,94
			2309 90 70 9800	+	40,63

(\*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

However:

— '097' covers all destination codes from 072 to 083 inclusive,

— '098' covers all destination codes from 053 to 070 inclusive and from 091 to 096 inclusive,

— '970' covers the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EEC) No 800/1999 (OJ L 107, 17.4.1999, p. 11).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by \*\*\*.

Where no destination (+) is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1(2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

**COMMISSION REGULATION (EC) No 198/2000****of 27 January 2000****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2010/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) an invitation to tender for the refund and/or the tax for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2010/1999 <sup>(5)</sup>;
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria

referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 21 to 27 January 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2010/1999, the maximum refund on exportation of common wheat shall be EUR 36,50/t.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 248, 21.9.1999, p. 19.

**COMMISSION REGULATION (EC) No 199/2000****of 27 January 2000****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1707/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999<sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1707/1999<sup>(5)</sup>, as amended by Regulation (EC) No 2011/1999<sup>(6)</sup>;
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 21 to 27 January 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1707/1999, the maximum refund on exportation of common wheat shall be EUR 33,48/t.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 201, 31.7.1999, p. 55.

<sup>(6)</sup> OJ L 248, 21.9.1999, p. 23.

**COMMISSION REGULATION (EC) No 200/2000****of 27 January 2000****fixing the maximum export refund on rye in connection with the invitation to tender issued in Regulation (EC) No 1758/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1758/1999 <sup>(5)</sup>;
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria

referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 21 to 27 January 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1758/1999, the maximum refund on exportation of rye shall be EUR 66,95/t.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 210, 10.8.1999, p. 3.



**COMMISSION REGULATION (EC) No 201/2000**  
**of 27 January 2000**  
**fixing the maximum export refund on barley in connection with the invitation to tender issued in**  
**Regulation (EC) No 1701/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999<sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1701/1999<sup>(5)</sup>, as amended by Regulation (EC) No 2322/1999<sup>(6)</sup>;
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 21 to 27 January 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1701/1999, the maximum refund on exportation of barley shall be EUR 26,99/t.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 201, 31.7.1999, p. 27.

<sup>(6)</sup> OJ L 280, 30.10.1999, p. 77.

**COMMISSION REGULATION (EC) No 202/2000****of 27 January 2000****fixing the maximum reduction in the duty on sorghum imported in connection with the invitation to tender issued in Regulation (EC) No 2774/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1253/1999<sup>(2)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) an invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2774/1999<sup>(3)</sup>;
- (2) pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as amended by Regulation (EC) No 1963/95<sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract

is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

- (3) the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;
- (4) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 21 to 27 January 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2774/1999, the maximum reduction in the duty on sorghum imported shall be EUR/t 49,90 and be valid for a total maximum quantity of 10 000 t.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 334, 28.12.1999, p. 5.

<sup>(4)</sup> OJ L 177, 28.7.1995, p. 4.

<sup>(5)</sup> OJ L 189, 10.7.1995, p. 22.

**COMMISSION REGULATION (EC) No 203/2000****of 27 January 2000****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2776/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999<sup>(2)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) an invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2776/1999<sup>(3)</sup>;
- (2) pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as amended by Regulation (EC) No 1963/95<sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract

is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

- (3) the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;
- (4) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 21 to 27 January 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2776/1999, the maximum reduction in the duty on maize imported shall be EUR 59,69/t and be valid for a total maximum quantity of 17 500 t.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 334, 28.12.1999, p. 8.

<sup>(4)</sup> OJ L 177, 28.7.1995, p. 4.

<sup>(5)</sup> OJ L 189, 10.8.1995, p. 22.

**COMMISSION REGULATION (EC) No 204/2000****of 27 January 2000****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999<sup>(2)</sup>, and in particular Article 13 (2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;
- (2) the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98<sup>(4)</sup>;
- (3) as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

- (4) the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (5) the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (6) it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;
- (7) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

## ANNEX

**to the Commission Regulation of 27 January 2000 fixing the export refunds on cereals and on wheat or rye  
flour, groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination <sup>(1)</sup>	Amount of refund	Product code	Destination <sup>(1)</sup>	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	46,00
1001 90 91 9000	—	—	1101 00 15 9130	01	42,75
1001 90 99 9000	03	23,50	1101 00 15 9150	01	39,50
	02	0	1101 00 15 9170	01	36,50
1002 00 00 9000	03	57,00	1101 00 15 9180	01	34,25
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	17,00	1102 10 00 9500	01	87,00
	02	0	1102 10 00 9700	01	68,50
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	7,50 <sup>(2)</sup>
1005 10 90 9000	—	—	1103 11 10 9400	01	6,75 <sup>(2)</sup>
1005 90 00 9000	03	26,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	7,50 <sup>(2)</sup>
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

<sup>(1)</sup> The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

<sup>(2)</sup> No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

**COMMISSION REGULATION (EC) No 205/2000**  
**of 27 January 2000**  
**fixing the export refunds on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular the third subparagraph of Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;
- (2) the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>;
- (3) the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question;

whereas the said quantities are laid down in Regulation (EC) No 1501/95;

- (4) the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (5) the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (6) in follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;
- (7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1(1)(c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

## ANNEX

to the Commission Regulation of 27 January 2000 fixing the export refunds on malt

(EUR/t)

Product code	Refund
1107 10 19 9000	42,50
1107 10 99 9000	32,50
1107 20 00 9000	38,00

**COMMISSION REGULATION (EC) No 206/2000**  
**of 27 January 2000**  
**on issuing A2 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1303/1999 <sup>(2)</sup>, and in particulars Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2782/1999 <sup>(3)</sup>, amended by Commission Regulations (EC) Nos 41/2000 <sup>(4)</sup> and 67/2000 <sup>(5)</sup> set the indicative refund rates and the indicative quantities for A2 export licences, other than those applied for in the context of food aid;
- (2) for lemons and apples, in view of the economic situation in the various destination groups indicated in the Annex to Regulations (EC) No 2782/1999 and 67/2000 and taking account of information received by operators via their applications for A2 licences, the definitive refund rates should be set at a different rate from the indicative rates; whereas the percentages for the issuing of licences for the quantities applied for should also be set; whereas the definitive rates may not be more than 50 % more than the indicative rates;

- (3) pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications for rates in excess of the corresponding definitive rates shall be considered null and void,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For A2 export licences for which applications have been submitted pursuant to Article 1 of Regulation (EC) No 2782/1999 and Article 1 of Regulation (EC) No 67/2000, the actual date of application referred to in the second subparagraph of Article 3(1) of Regulation (EC) No 2190/96 is hereby set at 28 January 2000.
2. The licences referred to in the first paragraph shall be issued at the definitive refund rates and at the percentages for the quantities applied for as indicated in the Annex to this Regulation.
3. Pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications referred to in the first paragraph for rates in excess of the corresponding definitive rates set out in the Annex shall be considered null and void.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 292, 15.11.1996, p. 12.

<sup>(2)</sup> OJ L 155, 22.6.1999, p. 29.

<sup>(3)</sup> OJ L 334, 28.12.1999, p. 26.

<sup>(4)</sup> OJ L 5, 8.1.2000, p. 43.

<sup>(5)</sup> OJ L 9, 13.1.2000, p. 11.



## ANNEX

Product	Destination or group of destinations <sup>(1)</sup>	Definitive refund rates (EUR/tonne net)	Percentages for the issuing of licences
Tomatoes	A00	20	100 %
Oranges	A00	50	100 %
Lemons	A00	50	100 %
Apples	F01	35	72 %
	F02	29	91 %

<sup>(1)</sup> The destination codes are defined as follows:

A00: All destinations.

F01: Norway, Iceland, Greenland, Faeroes, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta.

F02: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87, as amended.

**COMMISSION REGULATION (EC) No 207/2000****of 27 January 2000****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(3)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(4)</sup>, and in particular Article 13(3) thereof,

(1) Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

(2) Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

(3) Whereas Article 4 of Commission Regulation (EC) No 1518/95 <sup>(5)</sup>, as amended by Regulation (EC) No 2993/95 <sup>(6)</sup>, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

(4) Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

(5) Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

(6) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

(7) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

(8) Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

(9) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

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

<sup>(4)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(5)</sup> OJ L 147, 30.6.1995, p. 55.

<sup>(6)</sup> OJ L 312, 23.12.1995, p. 25.

## Article 2

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

**to the Commission Regulation of 27 January 2000 fixing the export refunds on products processed from cereals and rice**

(EUR/tonne)		(EUR/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 9200 <sup>(1)</sup>	51,39	1104 23 10 9100	55,07
1102 20 10 9400 <sup>(1)</sup>	44,05	1104 23 10 9300	42,22
1102 20 90 9200 <sup>(1)</sup>	44,05	1104 29 11 9000	32,68
1102 90 10 9100	41,75	1104 29 51 9000	32,04
1102 90 10 9900	28,39	1104 29 55 9000	32,04
1102 90 30 9100	86,65	1104 30 10 9000	8,01
1103 12 00 9100	86,65	1104 30 90 9000	9,18
1103 13 10 9100 <sup>(1)</sup>	66,08	1107 10 11 9000	57,03
1103 13 10 9300 <sup>(1)</sup>	51,39	1107 10 91 9000	49,54
1103 13 10 9500 <sup>(1)</sup>	44,05	1108 11 00 9200	64,08
1103 13 90 9100 <sup>(1)</sup>	44,05	1108 11 00 9300	64,08
1103 19 10 9000	42,99	1108 12 00 9200	58,74
1103 19 30 9100	43,14	1108 12 00 9300	58,74
1103 21 00 9000	32,68	1108 13 00 9200	58,74
1103 29 20 9000	28,39	1108 13 00 9300	58,74
1104 11 90 9100	41,75	1108 19 10 9200	50,16
1104 12 90 9100	96,28	1108 19 10 9300	50,16
1104 12 90 9300	77,02	1109 00 00 9100	0,00
1104 19 10 9000	32,68	1702 30 51 9000 <sup>(2)</sup>	74,28
1104 19 50 9110	58,74	1702 30 59 9000 <sup>(2)</sup>	56,87
1104 19 50 9130	47,72	1702 30 91 9000	74,28
1104 21 10 9100	41,75	1702 30 99 9000	56,87
1104 21 30 9100	41,75	1702 40 90 9000	56,87
1104 21 50 9100	55,66	1702 90 50 9100	74,28
1104 21 50 9300	44,53	1702 90 50 9900	56,87
1104 22 20 9100	77,02	1702 90 75 9000	77,84
1104 22 30 9100	81,84	1702 90 79 9000	54,02
		2106 90 55 9000	56,87

<sup>(1)</sup> No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

<sup>(2)</sup> Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 208/2000**  
**of 27 January 2000**  
**fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999<sup>(2)</sup>, and in particular Article 13(3) thereof,

- (1) Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;
- (2) Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice<sup>(3)</sup> in Article 2 lays down general rules for fixing the amount of such refunds;
- (3) Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

- (4) Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;
- (5) Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;
- (6) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 51.

## ANNEX

**to the Commission Regulation of 27 January 2000 fixing the export refunds on cereal-based compound feedingsuffs**

Product code benefiting from export refund <sup>(1)</sup>:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,  
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,  
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,  
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(EUR/t)

Cereal products <sup>(2)</sup>	Amount of refund <sup>(2)</sup>
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	36,71
Cereal products <sup>(2)</sup> excluding maize and maize products	29,94

<sup>(1)</sup> The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

<sup>(2)</sup> For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (unprocessed and not reconstituted excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product. No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

**COMMISSION REGULATION (EC) No 209/2000**  
**of 27 January 2000**  
**fixing production refunds on cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(3)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(4)</sup>, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors <sup>(5)</sup>, as last amended by Regulation (EC) No 87/1999 <sup>(6)</sup>, and in particular Article 3 thereof,

- (1) Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated

must be fixed once a month and may be altered if the price of maize and/or wheat changes significantly;

- (2) Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;
- (3) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 26,45 EUR/t.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

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

<sup>(4)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(5)</sup> OJ L 159, 1.7.1993, p. 112.

<sup>(6)</sup> OJ L 9, 15.1.1999, p. 8.

**COMMISSION REGULATION (EC) No 210/2000****of 27 January 2000****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 (1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds <sup>(2)</sup>, as last amended by Regulation (EC) No 1702/1999 <sup>(3)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11 (1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(4)</sup>, as last amended by Regulation (EC) No 494/1999 <sup>(5)</sup>, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(7) Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

<sup>(2)</sup> OJ L 136, 31.5.1994, p. 5.

<sup>(3)</sup> OJ L 201, 31.7.1999, p. 30.

<sup>(4)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(5)</sup> OJ L 59, 6.3.1999, p. 17.

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

Done at Brussels, 27 January 2000.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

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ANNEX

**to the Commission Regulation of 27 January 2000 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	72,58
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	75,06
	(b) On exportation of other goods	104,10
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	67,35
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	169,60
	(c) On exportation of other goods	162,35



**COMMISSION REGULATION (EC) No 211/2000****of 27 January 2000****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(3)</sup>, as amended by Regulation (EC) No 2072/98 <sup>(4)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(5)</sup>, as last amended by Regulation (EC) No 1702/1999 <sup>(6)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term

contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC <sup>(7)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Article 4(5)(b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4(5)(a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 <sup>(8)</sup>, as last amended by Regulation (EC) No 87/1999 <sup>(9)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 28 January 2000.

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

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

<sup>(4)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(5)</sup> OJ L 136, 31.5.1994, p. 5.

<sup>(6)</sup> OJ L 201, 31.7.1999, p. 30.

<sup>(7)</sup> OJ L 275, 29.9.1987, p. 36.

<sup>(8)</sup> OJ L 159, 1.7.1993, p. 112.

<sup>(9)</sup> OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 27 January 2000.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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## ANNEX

**to the Commission Regulation of 27 January 2000 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	0,310 0,478	0,310 0,478
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> – – in other cases	1,989 0,979 3,060	1,989 0,979 3,060
1002 00 00	Rye	4,106	4,106
1003 00 90	Barley	2,658	2,658
1004 00 00	Oats	4,597	4,597
1005 90 00	Maize (corn) used in the form of: – starch: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 <sup>(3)</sup> : – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> – – in other cases – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> – in other cases	0,905 3,506 0,794 3,394 3,506 0,905 3,506	0,905 3,506 0,794 3,394 3,506 0,905 3,506
ex 1006 30	Wholly-milled rice: – round grain – medium grain – long grain	13,561 13,561 13,561	13,561 13,561 13,561
1006 40 00	Broken rice	3,152	3,152
1007 00 90	Sorghum	2,658	2,658

<sup>(1)</sup> As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31.5.1994, p. 5).

<sup>(2)</sup> The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1.7.1993, p. 112).

<sup>(3)</sup> For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

**DIRECTIVE 1999/92/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 16 December 1999**

**on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137 thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>, submitted after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work and the Safety and Health Commission for the Mining and Other Extractive Industries,

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

After consulting the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty, in the light of the joint text approved by the Conciliation Committee on 21 October 1999<sup>(3)</sup>,

Whereas:

- (1) Article 137 of the Treaty provides that the Council may adopt, by means of Directives, minimum requirements for encouraging improvements, especially in the working environment, to guarantee a better level of protection of the health and safety of workers;
- (2) Under the terms of that Article, those Directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;
- (3) The improvement of occupational safety, hygiene and health is an objective which should not be subordinated to purely economic considerations;
- (4) Compliance with the minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres is essential if workers' safety and health protection is to be ensured;
- (5) This Directive is an individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health

of workers at work<sup>(4)</sup>; therefore, the provisions of the said Directive, in particular those relating to worker information, to the consultation and participation of workers and to the training of workers, are also fully applicable to cases in which workers are potentially at risk from explosive atmospheres, without prejudice to more restrictive or specific provisions contained in this Directive;

- (6) This Directive constitutes a practical step towards the achievement of the social dimension of the internal market;
- (7) Directive 94/9/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres<sup>(5)</sup> states that it is intended to prepare an additional Directive based on Article 137 of the Treaty covering, in particular, explosion hazards which derive from a given use and/or types and methods of installation of equipment;
- (8) Explosion protection is of particular importance to safety; whereas explosions endanger the lives and health of workers as a result of the uncontrolled effects of flame and pressure, the presence of noxious reaction products and consumption of the oxygen in the ambient air which workers need to breathe;
- (9) The establishment of a coherent strategy for the prevention of explosions requires that organisational measures complement the technical measures taken at the workplace; Directive 89/391/EEC requires the employer to be in possession of an assessment of the risks to workers' health and safety at work; this requirement is to be regarded as being specified by this Directive in that it provides that the employer is to draw up an explosion protection document, or set of documents, which satisfies the minimum requirements laid down in this Directive and is to keep it up to date; the explosion protection document includes the identification of the hazards, the evaluation of risks and the definition of the specific measures to be taken to safeguard the health and safety of workers at risk from explosive atmospheres, in accordance with Article 9 of Directive 89/391/EEC; the explosion protection document may be part of the assessment of the risks to health and safety at work required by Article 9 of Directive 89/391/EEC;

<sup>(1)</sup> OJ C 332, 9.12.1995, p. 10 and OJ C 184, 17.6.1997, p. 1.

<sup>(2)</sup> OJ C 153, 28.5.1996, p. 35.

<sup>(3)</sup> Opinion of the European Parliament of 20 June 1996 (OJ C 198, 8.7.1996, p. 160) confirmed on 4 May 1999 (OJ C 279, 1.10.1999, p. 55), Council Common Position of 22 December 1998 (OJ C 55, 25.2.1999, p. 45), Decision of the European Parliament of 6 May 1999 (OJ C 279, 1.10.1999, p. 386). Decision of the European Parliament of 2 December 1999 and Council Decision of 6 December 1999.

<sup>(4)</sup> OJ L 183, 29.6.1989, p. 1.

<sup>(5)</sup> OJ L 100, 19.4.1994, p. 1.

- (10) An assessment of explosion risks may be required under other Community acts; whereas, in order to avoid unnecessary duplication of work, the employer should be allowed, in accordance with national practice, to combine documents, parts of documents or other equivalent reports produced under other Community acts to form a single 'safety report';
- (11) The prevention of the formation of explosive atmospheres also includes the application of the substitution principle;
- (12) Coordination should take place when workers from several undertakings are present at the same workplace;
- (13) Preventive measures must be supplemented if necessary by additional measures which become effective when ignition has taken place; maximum safety can be achieved by combining preventive measures with other additional measures limiting the detrimental effects of explosions on workers;
- (14) Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC<sup>(1)</sup>) is fully applicable, in particular to places immediately contiguous to hazardous areas, where smoking, crosscutting, welding and other activities introducing flames or sparks may interact with the hazardous area;
- (15) Directive 94/9/EC divides the equipment and protective systems which it covers into equipment groups and categories; this Directive provides for a classification by the employer of the places where explosive atmospheres may occur in terms of zones and determines which equipment and protective systems groups and categories should be used in each zone,

HAVE ADOPTED THIS DIRECTIVE:

## SECTION I

### GENERAL PROVISIONS

#### Article 1

#### Object and scope

1. This Directive, which is the 15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC, lays down minimum requirements for the safety and health

protection of workers potentially at risk from explosive atmospheres as defined in Article 2.

2. This Directive shall not apply to:

- (a) areas used directly for and during the medical treatment of patients;
- (b) the use of appliances burning gaseous fuels in accordance with Directive 90/396/EEC<sup>(2)</sup>;
- (c) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances;
- (d) mineral-extracting industries covered by Directive 92/91/EEC<sup>(3)</sup> or Directive 92/104/EEC<sup>(4)</sup>;
- (e) the use of means of transport by land, water and air, to which the pertinent provisions of the international agreements (e.g. ADN, ADR, ICAO, IMO, RID), and the Community Directives giving effect to those agreements, apply. Means of transport intended for use in a potentially explosive atmosphere shall not be excluded.

3. The provisions of Directive 89/391/EEC and the relevant individual Directives are fully applicable to the domain referred to in paragraph 1, without prejudice to more restrictive and/or specific provisions contained in this Directive.

#### Article 2

#### Definition

For the purposes of this Directive, 'explosive atmosphere' means a mixture with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture.

## SECTION II

### OBLIGATIONS OF THE EMPLOYER

#### Article 3

#### Prevention of and protection against explosions

With a view to preventing, within the meaning of Article 6(2) of Directive 89/391/EEC, and providing protection against explosions, the employer shall take technical and/or organisational measures appropriate to the nature of the operation, in order of priority and in accordance with the following basic principles:

- the prevention of the formation of explosive atmospheres, or where the nature of the activity does not allow that,
- the avoidance of the ignition of explosive atmospheres, and
- the mitigation of the detrimental effects of an explosion so as to ensure the health and safety of workers.

These measures shall where necessary be combined and/or supplemented with measures against the propagation of explosions and shall be reviewed regularly and, in any event, whenever significant changes occur.

<sup>(2)</sup> OJ L 196, 26.7.1990, p. 15. Directive as amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

<sup>(3)</sup> OJ L 348, 28.11.1992, p. 9.

<sup>(4)</sup> OJ L 404, 31.12.1992, p. 10.

<sup>(1)</sup> OJ L 245, 26.8.1992, p. 23.

*Article 4***Assessment of explosion risks**

1. In carrying out the obligations laid down in Articles 6(3) and 9(1) of Directive 89/391/EEC the employer shall assess the specific risks arising from explosive atmospheres, taking account at least of:

- the likelihood that explosive atmospheres will occur and their persistence,
- the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective,
- the installations, substances used, processes, and their possible interactions,
- the scale of the anticipated effects.

Explosion risks shall be assessed overall.

2. Places which are or can be connected via openings to places in which explosive atmospheres may occur shall be taken into account in assessing explosion risks.

*Article 5***General obligations**

To ensure the safety and health of workers, and in accordance with the basic principles of risk assessment and those laid down in Article 3, the employer shall take the necessary measures so that:

- where explosive atmospheres may arise in such quantities as to endanger the health and safety of workers or others, the working environment is such that work can be performed safely,
- in working environments where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers, appropriate supervision during the presence of workers is ensured in accordance with the risk assessment by the use of appropriate technical means.

*Article 6***Duty of coordination**

Where workers from several undertakings are present at the same workplace, each employer shall be responsible for all matters coming under his control.

Without prejudice to the individual responsibility of each employer as provided for in Directive 89/391/EEC, the employer responsible for the workplace in accordance with national law and/or practice shall coordinate the implementation of all the measures concerning workers' health and safety and shall state, in the explosion protection document referred

to in Article 8, the aim of that coordination and the measures and procedures for implementing it.

*Article 7***Places where explosive atmospheres may occur**

1. The employer shall classify places where explosive atmospheres may occur into zones in accordance with Annex I.

2. The employer shall ensure that the minimum requirements laid down in Annex II are applied to places covered by paragraph 1.

3. Where necessary, places where explosive atmospheres may occur in such quantities as to endanger the health and safety of workers shall be marked with signs at their points of entry in accordance with Annex III.

*Article 8***Explosion protection document**

In carrying out the obligations laid down in Article 4, the employer shall ensure that a document, hereinafter referred to as the 'explosion protection document', is drawn up and kept up to date.

The explosion protection document shall demonstrate in particular:

- that the explosion risks have been determined and assessed,
- that adequate measures will be taken to attain the aims of this Directive,
- those places which have been classified into zones in accordance with Annex I,
- those places where the minimum requirements set out in Annex II will apply,
- that the workplace and work equipment, including warning devices, are designed, operated and maintained with due regard for safety,
- that in accordance with Council Directive 89/655/EEC<sup>(1)</sup>, arrangements have been made for the safe use of work equipment.

The explosion protection document shall be drawn up prior to the commencement of work and be revised when the workplace, work equipment or organisation of the work undergoes significant changes, extensions or conversions.

The employer may combine existing explosion risk assessments, documents or other equivalent reports produced under other Community acts.

*Article 9***Special requirements for work equipment and workplaces**

1. Work equipment for use in places where explosive atmospheres may occur which is already in use or is made available in the undertaking or establishment for the first time before 30 June 2003 shall comply from that date with the minimum requirements laid down in Annex II, Part A, if no other Community Directive is applicable or is so only partially.

<sup>(1)</sup> OJ L 393, 30.12.1989, p. 13. Directive as amended by Directive 95/63/EC (OJ L 335, 30.12.1995, p. 28).

2. Work equipment for use in places where explosive atmospheres may occur which is made available in the undertaking or establishment for the first time after 30 June 2003 shall comply with the minimum requirements laid down in Annex II, Parts A and B.

3. Workplaces which contain places where explosive atmospheres may occur and which are used for the first time after 30 June 2003 shall comply with minimum requirements set out in this Directive.

4. Where workplaces which contain places where explosive atmospheres may occur are already in use before 30 June 2003, they shall comply with the minimum requirements set out in this Directive no later than three years after that date.

5. If, after 30 June 2003, any modification, extension or restructuring is undertaken in workplaces containing places where explosive atmospheres may occur, the employer shall take the necessary steps to ensure that these comply with the minimum requirements set out in this Directive.

### SECTION III

#### MISCELLANEOUS PROVISIONS

##### Article 10

#### Adjustments to the annexes

Purely technical adjustments to the annexes made necessary by:

- the adoption of Directives on technical harmonisation and standardisation in the field of explosion protection, and/or
- technical progress, changes in international regulations or specifications, and new findings on the prevention of and protection against explosions,

shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

##### Article 11

#### Guide of good practice

The Commission shall draw up practical guidelines in a guide of good practice of a non-binding nature. This guide shall address the topics referred to in Articles 3, 4, 5, 6, 7 and 8, Annex I and Annex II, Part A.

The Commission shall first consult the Advisory Committee on Safety, Hygiene and Health Protection at Work in accordance with Council Decision 74/325/EEC<sup>(1)</sup>.

In the context of the application of this Directive, Member States shall take the greatest possible account of the above-

mentioned guide in drawing up their national policies for the protection of the health and safety of workers

##### Article 12

#### Information to undertakings

Member States shall, on request, endeavour to make relevant information available to employers in accordance with Article 11, with particular reference to the guide of good practice

##### Article 13

#### Final provisions

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 June 2003. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the provisions of domestic law which they have already adopted or adopt in the field governed by this Directive.

3. Member States shall report to the Commission every five years on the practical implementation of the provisions of this Directive, indicating the points of view of employers and workers. The Commission shall inform thereof the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

##### Article 14

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

##### Article 15

This Directive is addressed to the Member States.

Done at Brussels, 16 December 1999.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

K. KEMILÄ

<sup>(1)</sup> OJ L 185, 9.7.1974, p. 15. Decision as last amended by the 1994 Act of Accession.

## ANNEX I

**CLASSIFICATION OF PLACES WHERE EXPLOSIVE ATMOSPHERES MAY OCCUR****Preliminary note**

The following system of classification must be applied to places where precautions in accordance with Articles 3, 4, 7 and 8 are taken.

**1. Places where explosive atmospheres may occur**

A place in which an explosive atmosphere may occur in such quantities as to require special precautions to protect the health and safety of the workers concerned is deemed to be hazardous within the meaning of this Directive.

A place in which an explosive atmosphere is not expected to occur in such quantities as to require special precautions is deemed to be non-hazardous within the meaning of this Directive.

Flammable and/or combustible substances are considered as materials which may form an explosive atmosphere unless an investigation of their properties has shown that in mixtures with air they are incapable of independently propagating an explosion.

**2. Classification of hazardous places**

Hazardous places are classified in terms of zones on the basis of the frequency and duration of the occurrence of an explosive atmosphere.

The extent of the measures to be taken in accordance with Annex II, Part A, is determined by this classification.

*Zone 0*

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is present continuously or for long periods or frequently.

*Zone 1*

A place in which an explosive atmosphere consisting of a mixture with air or flammable substances in the form of gas, vapour or mist is likely to occur in normal operation occasionally.

*Zone 2*

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is not likely to occur in normal operation but, if it does occur, will persist for a short period only.

*Zone 20*

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is present continuously, or for long periods or frequently.

*Zone 21*

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is likely to occur in normal operation occasionally.

*Zone 22*

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is not likely to occur in normal operation but, if it does occur, will persist for a short period only.

*Notes:*

1. Layers, deposits and heaps of combustible dust must be considered as any other source which can form an explosive atmosphere.
  2. 'Normal operation' means the situation when installations are used within their design parameters.
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## ANNEX II

## A. MINIMUM REQUIREMENTS FOR IMPROVING THE SAFETY AND HEALTH PROTECTION OF WORKERS POTENTIALLY AT RISK FROM EXPLOSIVE ATMOSPHERES

**Preliminary note**

The obligations laid down in this Annex apply to:

- places classified as hazardous in accordance with Annex I whenever required by the features of workplaces, workstations, the equipment or substances used or the danger caused by the activity related to the risks from explosive atmospheres,
- equipment in non-hazardous places which is required for, or helps to ensure, the safe operation of equipment located in hazardous places.

**1. Organisational measures****1.1. Training of workers**

The employer must provide those working in places where explosive atmospheres may occur with sufficient and appropriate training with regard to explosion protection.

**1.2. Written instructions and permits to work**

Where required by the explosion protection document:

- work in hazardous places must be carried out in accordance with written instructions issued by the employer,
- a system of permits to work must be applied for carrying out both hazardous activities and activities which may interact with other work to cause hazards.

Permits to work must be issued by a person with responsibility for this function prior to the commencement of work.

**2. Explosion protection measures**

- 2.1. Any escape and/or release, whether or not intentional, of flammable gases, vapours, mists or combustible dusts which may give rise to explosion hazards must be suitably diverted or removed to a safe place or, if that is not practicable, safely contained or rendered safe by some other suitable method.
- 2.2. If an explosive atmosphere contains several types of flammable and/or combustible gases, vapours, mists or dusts, protective measures shall be appropriate to the greatest potential risk.
- 2.3. Prevention of ignition hazards in accordance with Article 3 must also take account of electrostatic discharges, where workers or the working environment act as charge carrier or charge producer. Workers must be provided with appropriate working clothes consisting of materials which do not give rise to electrostatic discharges that can ignite explosive atmospheres.
- 2.4. Plant, equipment, protective systems and any associated connecting devices must only be brought into service if the explosion protection document indicates that they can be safely used in an explosive atmosphere. This applies also to work equipment and associated connecting devices which are not regarded as equipment or protective systems within the meaning of Directive 94/9/EC if their incorporation into an installation can in itself give rise to an ignition hazard. Necessary measures must be taken to prevent confusion between connecting devices.
- 2.5. All necessary measures must be taken to ensure that the workplace, work equipment and any associated connecting device made available to workers have been designed, constructed, assembled and installed, and are maintained and operated, in such a way as to minimise the risks of an explosion and, if an explosion does occur, to control or minimise its propagation within that workplace and/or work equipment. For such workplaces appropriate measures must be taken to minimise the risks to workers from the physical effects of an explosion.
- 2.6. Where necessary, workers must be given optical and/or acoustic warnings and withdrawn before the explosion conditions are reached.
- 2.7. Where required by the explosion protection document, escape facilities must be provided and maintained to ensure that, in the event of danger, workers can leave endangered places promptly and safely.
- 2.8. Before a workplace containing places where explosive atmospheres may occur is used for the first time, its overall explosion safety must be verified. Any conditions necessary for ensuring explosion protection must be maintained.

Such verification must be carried out by persons competent in the field of explosion protection as a result of their experience and/or professional training.

2.9. Where the risk assessment shows it is necessary:

- it must be possible, where power failure can give rise to the spread of additional risks, to maintain equipment and protective systems in a safe state of operation independently of the rest of the installation in the event of power failure,
- manual override must be possible in order to shut down the equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions, provided that this does not compromise safety. Only workers competent to do so may take such action,
- on operation of the emergency shutdown, accumulated energy must be dissipated as quickly and as safely as possible or isolated so that it no longer constitutes a hazard.

#### B. CRITERIA FOR THE SELECTION OF EQUIPMENT AND PROTECTIVE SYSTEMS

If the explosion protection document based on a risk assessment does not state otherwise, equipment and protective systems for all places in which explosive atmospheres may occur must be selected on the basis of the categories set out in Directive 94/9/EC.

In particular, the following categories of equipment must be used in the zones indicated, provided they are suitable for gases, vapours or mists and/or dusts as appropriate:

- in zone 0 or zone 20, category 1 equipment,
  - in zone 1 or zone 21, category 1 or 2 equipment,
  - in zone 2 or zone 22, category 1, 2 or 3 equipment.
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## ANNEX III

Warning sign for places where explosive atmospheres may occur, pursuant to Article 7(3):



Place where explosive atmospheres may occur

Distinctive features:

- triangular shape,
- black letters on a yellow background with black edging (the yellow part to take up at least 50 % of the area of the sign).

Member States may add other explanatory data if they wish.

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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

**of 28 October 1998**

**on aid which Italy plans to grant to the steel company Acciaierie di Bolzano SpA**

*(notified under document number C(1998) 3439)*

*(Only the Italian text is authentic)*

**(Text with EEA relevance)**

(2000/66/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

**Aid for research and development**

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2496/96/ECSC establishing Community rules for State aid to the steel industry <sup>(1)</sup>, and in particular Article 6(5) thereof,

Having given interested parties notice to submit their comments, and having regard to those comments <sup>(2)</sup>,

Whereas:

## I

By letter of 23 July 1998 the Commission informed the Italian authorities of its decision to initiate the procedure under Article 6(5) of Commission Decision No 2496/96/ECSC (hereinafter referred to as the 'Steel Aid Code') in respect of part of the environmental aid and research and development aid which the autonomous province of Bolzano planned to grant to the steel undertaking Acciaierie di Bolzano SpA (hereinafter referred to as 'ACB').

From the information available to the Commission, which was based essentially on the letters sent by the Italian authorities, the Commission draws the following conclusions.

Article 2 of the Steel Aid Code provides that aid granted to defray expenditure by steel undertakings on research and development projects may be deemed compatible with the common market if it is in compliance with the rules laid down in the Community framework for State aid for research and development <sup>(3)</sup>.

The framework's provisions which are relevant to this Decision lay down that:

- aid may be authorised for industrial research provided that it involves the acquisition of new knowledge, the objective being the development of new products, processes or services;
- pre-competitive research and development projects are eligible provided they cannot be converted to or used for industrial applications or easily exploited from a commercial point of view.

It appeared to the Commission that, through the projects notified, ACB essentially intended to extend its range of products in order to penetrate new and more profitable markets. The products already existed and were already in production. It also appeared that a significant proportion of the investments would in fact be in the modernisation of the plant intended for the new products. Thus, rather than consisting of the development of new products in special steels, the project was aimed at the modernisation of ACB's products and the plant required to manufacture them.

<sup>(1)</sup> OJ L 338, 28.12.1996, p. 42.

<sup>(2)</sup> OJ C 269, 28.8.1998, p. 5.

<sup>(3)</sup> OJ C 45, 17.2.1996, p. 5.

The Commission noted further that the costs concerning plant, machinery and equipment which, it was claimed, were used for R & D, did not appear to be eligible because they were decided by the company independently, as part of the reconversion of the Bolzano plant: thus the aid in question did not apparently serve as an incentive for the investments.

### Aid for protection of the environment

The compatibility of the environmental aid must be assessed under Article 3 of the Steel Aid Code, which provides that aid for environmental protection may be deemed compatible with the common market if it is in compliance with the rules laid down in the Community guidelines on State aid for environmental protection<sup>(1)</sup>, in conformity with the application criteria outlined in the Annex to that Code.

In assessing this particular case, the Commission noted that the guidelines on environmental aid provide that aid that allows significantly higher levels of environmental protection to be attained than those required by mandatory standards may be authorised up to a maximum of 30 % gross of the eligible costs. Furthermore, the Annex to the Steel Aid Code provides that any advantage in terms of lower production costs as a result of the investment will in any case be deducted from the environmental aid.

The Annex also states that the higher aid level resulting from a significant improvement in environmental protection will apply only to the part of the investment aimed at additional environmental protection.

In view of the foregoing, it must be concluded that the investment is aimed solely at environmental protection, which means that it is not necessary to deduct any production costs, except for those relating to the investment in renovation of the company's head office and investment in new ecological plant for chemical pickling of steel coil and recovery of the liquid waste (which cannot be released into the environment because of the presence of toxic acids), which could be related to the steelmaking process. It is also clear from information in the Commission's possession that the proposed ecological investments would enable ACB to achieve a far higher level of environmental protection than the statutory minimum.

The independent experts' reports forwarded by the Italian authorities indicated that, as a result of the notified measures, concerning the adaptation of relatively recent plant, ACB would reduce concentration of primary and secondary dusts in the scrubbed fumes to 1 mg/Nm<sup>3</sup>, the statutory threshold in Italy being 10 mg/Nm<sup>3</sup> (Presidential Decree No 203/88 and the Ministerial Decree of 12 July 1990). Nor would the fumes contain any CO or benzofurans (PCDD + PCDF), although

Italian law does not impose any standards. The measures would also help to reduce noise levels to below 50 dBA, compared with a legal threshold of 70 dBA. Sulphur dioxide, with a statutory limit of 1 700 mg/m<sup>3</sup>, would be completely eliminated as a result of the measures by means of a non-polluting methane heating system. Lastly, the reduction and filtering of fumes and dust, for which the statutory limit is 150 mg/Nm<sup>3</sup>, could be cut to under 25 mg/Nm<sup>3</sup>, and would be totally eliminated from the workplace.

The considerable extra expense involved in environmental investment in addition to that required to bring the plant into line with minimum standards would be justified, in this case, given the location of the steelworks in the middle of the city of Bolzano, which in the past has led people living near the works to form associations to protest about environmental conditions. For this reason ACB decided to invest on a far larger scale than would have been necessary to meet environmental standards, even opting to replace plant which, though by no means obsolete, would not achieve the higher level of environmental protection which the company desired.

This applies to the new ecological plant for chemical pickling and the recover of used acids. The experts' report sent by the Italian authorities indicated that the old plant, built in the mid-1970s, could have been used for another ten years, i. e. at least until 2008. This means that at present, just as ACB decides to replace it, the plant still has a significant residual lifespan, of over 25 %. The same goes for the new waste-water treatment system, which was installed in 1975 and could continue to be used until 2006.

The Commission thus had grounds for concluding that ACB planned to guarantee a significantly higher level of environmental protection than that required by law. Furthermore, it was clear from the notification that the increase in aid for the abovementioned ecological investments was not calculated on the basis of total investments (ITL 49,5 billion) but solely on the additional investment aimed at achieving a higher standard of protection (ITL 31,3 billion).

As regards the replacement of the roofs on the buildings which house the head office and the plant proper, for which the investments were to total some ITL 6,5 billion, the Commission concluded from the experts' reports that the state of dilapidation was such that the project was essential. It seemed likely, therefore, that the work would have been carried out in any case, since the state of the roof made it absolutely essential. In accordance with the Steel Aid Code, the Commission concluded that, since the ecological investments concerned projects which could not in any case be delayed, they could not be regarded as eligible for environmental aid.

<sup>(1)</sup> OJ C 72, 10.3.1994, p. 3.

Lastly, it seemed that the new ecological chemical pickling plant, for which the investment was to total ITL 13 billion, would have a significant effect on the production process; accordingly, the Commission informed the Italian authorities of its reservations concerning the acceptability of the investment, which, in order to qualify for aid, should have been confined solely to environmental protection. In reply, the Italian authorities submitted new figures on the eligible investments and the relevant aid and outlined the economic benefits derived by ACB, in particular those connected with the recycling of some of the pickled acids. This benefit, calculated at some ITL 100 million per year (total of ITL 1 billion over ten years) was therefore deducted, and the original figure for eligible investment was reduced from ITL 13 billion to 12 billion.

Therefore, with the exception of the investments for the re-roofing of the 'Sede' and 'Erre' buildings, housing respectively the company's head office and the plant proper, the Commission's assessment of all the other plans to grant environmental aid was favourable.

In view of the foregoing, it was difficult for the Commission to determine whether the aid for research and development and the aid for re-roofing the buildings housing the company's head office and plant proper were compatible with the common market. It was therefore necessary to initiate the procedure under Article 6(5) of Decision No 2496/96/ECSC in respect of the aid.

The Commission did not raise any objections to the planned aid for the other notified investments aimed at environmental protection. For this aid, therefore, in respect of which the Commission did not have any reservations, publication in the *Official Journal of the European Communities* of the decision to initiate the procedure simply constituted a formal invitation to the Member States to submit their comments to the Commission in accordance with the Annex to the Steel Aid Code.

## II

The Commission called on the Italian Government to submit its comments; the other Member States and interested third parties were informed by way of the publication of the Decision to initiate the procedure.

By fax of 28 September 1998 the company *Wirtschaftsvereinigung Stahl* sent the Commission its comments, which were later forwarded to the Italian authorities. It agreed with the Commission's decision to initiate the procedure with respect to research and development aid and to part of the environmental aid concerning re-roofing.

On 12 October 1998 the Commission had received no other comments from Member States or interested third parties.

## III

In response to the initiation of the procedure and the comments submitted by the interested third party, the Italian Government took some account of the Commission's position and announced its decision to cancel some of the disputed aid, thereby reducing environmental aid from ITL 12 447 million to ITL 11 672 million and research and development aid from ITL 1 600 million to ITL 1 234 million. The Italian Government also asked for authorisation to grant the aid not disputed in the decision to initiate the procedure.

## IV

ACB is a company which manufactures products listed in Annex I to the ECSC Treaty; it is covered by the rules governing State aid laid down in that Treaty.

Article 4(c) of the ECSC Treaty provides that subsidies or aids granted by States, or special charges imposed by States, in any form whatsoever, are recognised as incompatible with the common market for coal and steel and should accordingly be abolished and prohibited with the Community. The Steel Aid Code specifically and exhaustively lists exceptions to the general ban on aid. Under certain conditions, it allows authorisation for aid for research and development (Article 2), for environmental protection (Article 3) and for closures (Article 4).

As was stated in Section I, aid granted for investment in R & D may be deemed compatible with the common market if it is in compliance with the rules laid down in the Community framework for State aid for research and development.

Following the reservations expressed by the Commission when it initiated the procedure, in particular those concerning the fact that part of the R & D aid was intended for new plant and machinery as part of the partial reconversion of the Bolzano plant, Italy reduced the eligible investment by ITL 1,8 billion, namely from ITL 7,8 billion to ITL 6 billion, thus planning a new aid figure of ITL 1,234 billion.

While noting the Italian authorities' irrevocable decision to reduce the level of R & D aid by the amount indicated, the Commission considers that ITL 2,823 billion of the remaining investment regarded by Italy as eligible for aid is still intended to support ACB's commercial ambition to extend its range of products in order to penetrate new and more profitable markets. The products already exist and are being produced by ACB's competitors; thus, rather than consisting in the development of new products in special steels, the project is aimed at the modernisation of ACB's products and the plant required to manufacture them.

However the documentation shows that, of the remaining R & D investment, ITL 3,177 billion will be used for the 'triplex' process, which allows methane to be injected at high pressure in order to cut argon consumption. This innovative process has not so far been used industrially by any other European firm in the industry. If it is viable, it should eventually produce savings in energy and decarburisation costs of some 20 % compared with conventional technologies.

Furthermore, the Commission has no doubt that the aid in question will stimulate that part of the research and development programme concerned with the new production process. The aid appears to have been decisive in the company's decision to undertake new engineering research, in addition to its day-to-day research work, to develop the triplex process. To that end, the Commission has analysed the difference between the company's past and present research expenditure, set to rise from 0,5 % to 1,5 % according to forecasts for 1998. At the same time, its full time staff would rise from 9 to 16.

Lastly, the amount earmarked for R & D in 1998 in connection with the notified project is appreciably higher than the average for the sector, which ranges from 0,9 % to 1 %.

Thus the variation in the amount allocated to research (which doubles from 0,5 % to 1 % of turnover), the number of persons assigned to the research programme (which almost doubles from 9 to 16) and the investments in research and development expressed as a percentage of turnover (1,5 % of turnover against an industry average of around 1 %) appear to indicate that, in this case, the condition that aid must serve as an incentive has been satisfied.

A large proportion of the investments in question, to the tune of ITL 2,823 billion, do not appear to be covered by the Community framework for State aid for research and development as they are not aimed at the acquisition of new knowledge for use in developing new products and/or production processes, and, moreover, can be converted or used for industrial applications or easily exploited from a commercial point of view; however, the investments in the triplex process, amounting to a total of ITL 3,177 billion, may be regarded as compatible with the common market.

Italy has notified the Commission of its intention to grant aid of around 25 % of the investments in question. The aid which may be authorised for research and development concerning the triplex process is therefore ITL 794 million.

compatibility of the aid concerning investments for the re-roofing of the 'Sede' and 'Erre' buildings. Although re-roofing will remove the dangers linked with asbestos, nevertheless this type of work, in this case replacement of the roofing material, was necessary in any case, in view of the totally dilapidated state of the roofs. There is every indication, therefore, that the work would have had to be carried out in any case, even if there had been no asbestos involved, since the state of disrepair of the roofs made it absolutely essential and urgent, as is established by the experts' reports sent to the Commission.

In accordance with the Steel Aid Code, and in particular the Annex thereto, the Commission concludes that ecological investments in projects which cannot in any event be delayed are not eligible for environmental aid.

This means that the notified aid concerning investments amounting to ITL 6,5 billion intended for the re-roofing of the 'Sede' and 'Erre' buildings cannot be authorised.

The State aid planned for the roofing of the two buildings cannot therefore be authorised. The overall aid for the investments in environmental protection which amount to ITL 43 billion (ITL 49,5 billion notified, less the 6,5 billion for the roofing), cannot therefore exceed the total sum of ITL 11,145 billion, i.e. ITL 9,390 billion, which is 30 % of ITL 31,3 billion of investments, plus ITL 1,755 billion of aid, equivalent to 15 % of the remaining ITL 11,7 billion of investments.

Lastly, the Commission notes that it is not possible to authorise an increase in the aid intensity such as would be allowed for environmental protection investments carried out by an SME, because ACB, which is part of the Valbruna di Vicenza steel group, employs well over 250 people.

HAS ADOPTED THIS DECISION:

#### *Article 1*

The State aid which Italy plans to grant to Acciaierie di Bolzano SpA to finance investment in environmental protection, up to a maximum gross amount of ITL 11,145 billion, is compatible with the common market for coal and steel.

#### *Article 2*

The State aid which Italy plans to grant to Acciaierie di Bolzano SpA to finance investment in research and development, up to a gross maximum amount of ITL 794 million, is compatible with the common market for coal and steel.

With regard to environmental aid, the Commission notes that the information provided by the Italian authorities is not sufficient to alter the substance of its original assessment of the

*Article 3*

Within two months of the date of notification of this Decision, Italy shall inform the Commission of the amount of aid granted to Acciaerie di Bolzano SpA, to enable the Commission to verify that the amounts laid down in Articles 1 and 2 have not been exceeded.

*Article 4*

This Decision is addressed to the Italian Republic.

Done at Brussels, 28 October 1998.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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**COMMISSION DECISION**  
**of 21 December 1999**  
**on financial aid from the Community towards the eradication of African swine fever in Portugal in 1999**

(notified under document number C(1999) 4779)

(Only the Portuguese text is authentic)

(Text with EEA relevance)

(2000/67/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(1)</sup>, as last amended by Commission Decision 94/370/EC <sup>(2)</sup>, and in particular Article 3 thereof,

Whereas:

- (1) an outbreak of African swine fever occurred in Portugal in November 1999; this disease represents a serious danger to Community pig stocks; with a view to contributing towards the speedy eradication of the disease the Community is able to contribute to expenditure incurred by the Member States for losses suffered;
- (2) the Portuguese authorities have reported that they took the requisite steps, including the measures listed in Article 3(2) of Decision 90/424/EEC, as soon as the outbreak of African swine fever was officially confirmed;
- (3) the Community financial contribution should be paid upon confirmation that the measures have been implemented and the authorities have supplied all the information requested within the time limits laid down;
- (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*

Portugal may receive financial assistance from the Community relating to the outbreak of African swine fever which was confirmed on 15 November 1999.

Subject to checks, the Community's financial contribution shall be:

- 50 % of the costs incurred by Portugal in compensating owners for the slaughter and the destruction of pigs and for the destruction of products obtained from pork

- 50 % of the costs incurred by Portugal in the cleaning, disinfestation and disinfection of holdings and equipment
- 50 % of the costs incurred by Portugal in compensating owners for the destruction of contaminated feedingstuffs and equipment.

*Article 2*

1. Subject to the checks to be carried out, the Community contribution shall be granted after the supporting documents have been submitted.
2. The documents referred to in paragraph 1 shall be:
  - (a) an epidemiological report on each holding on which pigs have been slaughtered. The report shall contain information on:
    - (i) infected holding:
      - location and address
      - date on which the disease was suspected and the date on which it was confirmed
      - number of pigs slaughtered and destroyed, with date
      - method of slaughter and destruction
      - type and number of samples collected and tested when the disease was suspected; results of the tests
      - type and number of samples taken and tested during the depopulation of the infected holding; results of the tests
      - presumed origin of the infection following complete epidemiological analysis
    - (ii) holdings in contact with the infected holding:
      - as in (i), first, third, fourth and sixth indents
      - infected holding (outbreak) with which contact has been confirmed or suspected; nature of the contact
  - (b) a financial report including the list of beneficiaries and their addresses, the number of animals slaughtered, the date of slaughter and the amount paid out (excluding VAT and other taxes).

*Article 3*

The application for payment, together with the supporting documents referred to in Article 2, shall be submitted to the Commission before 1 May 2000.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19.

<sup>(2)</sup> OJ L 168, 2.7.1994, p. 31.

*Article 4*

1. The Commission, in collaboration with the competent national authorities, may carry out on-the-spot checks to ensure that the measures and assisted expenditure have been carried out.

The Commission shall inform the Member States of the outcome of the checks.

2. Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy <sup>(1)</sup>, as last amended by Regulation (EC) No 1287/95 <sup>(2)</sup>, shall apply *mutatis mutandis*.

*Article 5*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 21 December 1999.

*For the Commission*

David BYRNE

*Member of the Commission*

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<sup>(1)</sup> OJ L 94, 28.4.1970, p. 13.

<sup>(2)</sup> OJ L 125, 8.6.1995, p. 1.

**COMMISSION DECISION**  
**of 22 December 1999**  
**amending Commission Decision 93/623/EEC and establishing the identification of equidae for**  
**breeding and production**

(notified under document number C(1999) 5004)

(Text with EEA relevance)

(2000/68/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/427/EEC of 26 June 1990 on zootechnical and genealogical conditions governing intra-Community trade in equidae <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8(1) thereof,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae <sup>(2)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 4(4)(ii) thereof,

Whereas:

- (1) by Decision 93/623/EEC <sup>(3)</sup> the Commission established the identification document (passport) accompanying registered equidae;
- (2) in order to safeguard the continued identity of the animal it is necessary to amend Decision 93/623/EEC by introducing a life-number;
- (3) in accordance with Article 4(4)(ii) of Directive 90/426/EEC, equidae for breeding and production must be identified during their movement by a method to be established by the Commission;
- (4) certain parts of the information provided for by Decision 93/623/EEC can be used for the identification of equidae for breeding and production;
- (5) equidae for breeding and production as well as registered equidae, may become equidae for slaughter for human consumption as defined in Article 2(d) of Directive 90/426/EEC at a certain stage of their life;
- (6) the administration of veterinary medicinal products to equidae is subject to the provisions of Council Directive 81/851/EEC of 25 September 1981 on the approx-

imation of laws of the Member States relating to veterinary medicinal products <sup>(4)</sup>, as last amended by Directive 93/40/EEC <sup>(5)</sup>;

- (7) according to Article 14 of Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin <sup>(6)</sup>, as last amended by Regulation (EC) No 1308/99 <sup>(7)</sup>, with effect from 1 January 2000 the administration to food-producing animals of veterinary medicinal products containing pharmacologically active substances which are not mentioned in Annexes I, II or III to that Regulation shall be prohibited within the Community without exemption. Consequently, equidae can only receive medical treatment with medicinal products containing pharmacologically active substances mentioned in Annexes I, II or III to that Regulation;
- (8) the Commission considers modifying Article 1 of Directive 81/851/EEC in order to introduce a definition of food-producing animals and to allow exemptions of certain groups of these species, if the animals included in such groups are sufficiently identified and controlled. Equidae clearly identified and specifically marked in their identification document as not intended for slaughter or intended for slaughter under controlled conditions in accordance with Community law qualify for such exemptions;
- (9) as its meeting of 9 to 11 November 1999 the Scientific Committee for Veterinary Medicinal products considered the Commission's request to indicate an appropriate general withdrawal period for substances not included in the annexes to Regulation (EEC) No 2377/90 and recommended that this withdrawal period shall be at least six months.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 55.

<sup>(2)</sup> OJ L 224, 18.8.1990, p. 42.

<sup>(3)</sup> OJ L 298, 3.12.1993, p. 45.

<sup>(4)</sup> OJ L 317, 6.11.1981, p. 1.

<sup>(5)</sup> OJ L 214, 24.8.1993, p. 31.

<sup>(6)</sup> OJ L 224, 18.8.1990, p. 1.

<sup>(7)</sup> OJ L 156, 23.6.1999, p. 1.

- (10) the provisions of Council Directive 64/433/EEC of 26 June 1964 on conditions for the production and marketing of fresh meat <sup>(1)</sup>, as last amended by Directive 95/23/EC <sup>(2)</sup>, apply to meat from solipeds. In accordance with that Directive animals for slaughter must be identified so as to enable the competent authorities to determine their origin. Article 7(3) of Directive 90/426/EEC requires the official veterinarian at the slaughterhouse to record the identification number or identification document number of the slaughtered equidae;
- (11) in accordance with Directive 64/433/EEC the official veterinarian must, during the ante-mortem health inspection, pay attention to any signs that the animals have had substances with pharmacological effects administered to them or have consumed any other substances which may make their meat harmful to human health. The check of the medication record in the identification document shall therefore be part of this assessment;
- (12) the conditions for imports of equidae should be those laid down in Directive 90/426/EEC and in particular in Commission Decisions 93/196/EEC <sup>(3)</sup> and 93/197/EEC <sup>(4)</sup>;
- (13) it is necessary to modify the identification document of registered equidae accordingly;
- (14) it is furthermore necessary to establish the identification document for equidae for breeding and production based on the identification document for registered equidae;
- (15) in order to allow the Member States time for the implementation of the proposed measures a transitional period should be provided for;
- (16) the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Zootechnics and the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

#### Article 1

The Annex to Decision 93/623/EEC is amended as follows:

- 1. In part II(A) of the General Instructions for the passport the following words are inserted in the appropriate number order:

'6. Section IX:

Medicinal Treatment

Part I and Part II or Part III of this Section must be duly completed in accordance with the instructions provided for in this Section.'

- 2. A new section is added in accordance with the Annex to the present Decision.

#### Article 2

1. The identification number mentioned in Section II(1) of the identification document laid down by Decision 93/623/EEC shall be the life-number of the animal, which must be maintained or a reference to which must be established whenever the competent authorities modify registration details of the animal in question.

2. The identification number referred to in paragraph 1 shall be the identification number referred to in Article 7(3) of Directive 90/426/EEC.

#### Article 3

The identification document accompanying equidae for breeding and production during their movement must contain at least the information provided for in Sections I, II, III, IV and IX of the identification document laid down by Decision 93/623/EEC.

#### Article 4

Member States shall ensure that as from 1 July 2000 at the latest registered equidae and equidae for breeding and production are accompanied by the identification document referred to in Articles 1 and 3 respectively, except, where compulsory entries into the Section referred to in Article 1 require issuing of that Section without delay before this date.

#### Article 5

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1999.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 243, 11.10.1995, p. 7.

<sup>(2)</sup> OJ L 243, 11.10.1995, p. 7.

<sup>(3)</sup> OJ L 86, 6.4.1993, p. 7.

<sup>(4)</sup> OJ L 86, 6.4.1993, p. 16.

ANNEX

SECTION IX

Medicinal Treatment

IDENTIFICATION NUMBER OF ANIMAL <sup>(1)</sup> <sup>(9)</sup>;

.....

Part I

Date and Place of issue of this section: ..... <sup>(9)</sup>

Competent authority issuing this section of the identification document: ..... <sup>(9)</sup>

Part II (excludes the animal definitively from slaughter for human consumption, must be reconfirmed when the animal changes ownership)

I, the undersigned owner <sup>(2)</sup> /representative of the owner <sup>(2)</sup> declare that the animal described in this identification document is not intended for slaughter for human consumption <sup>(3)</sup>	
Date and Place	Name in capitals and signature of the owner of the animal or his/her representative
	Name in capitals and signature of representative of competent authorities

Part III—A (only valid in connection with information in Part III—B)

I, the undersigned owner <sup>(2)</sup> /representative of the owner <sup>(2)</sup> declare that the animal described in this identification document is intended for slaughter for human consumption <sup>(4)</sup>	
Date and Place	Name in capitals and signature of the owner of the animal or his/her representative
	Name in capitals and signature of representative of competent authorities

Part III—B (informations compulsory for equidae identified in accordance with Part III — A)

MEDICATION RECORD			
Date of last treatment with a medicinal product containing substances not included in Annex I, II, III or IV of Regulation (EEC) No 2377/90  [dd/mm/yyyy]	Place — Country Code — Postcode — Place	Substance(s) incorporated in the medicinal product which is/are not included in Annex I, II, III or IV of Regulation (EEC) No 2377/90 <sup>(1)</sup> <sup>(2)</sup>	Veterinary surgeon applying and/or prescribing medicinal treatment
			Name: ..... <sup>(7)</sup> Address: ..... <sup>(7)</sup> Postcode: ..... <sup>(7)</sup> Place: ..... <sup>(7)</sup> Tel: ..... <sup>(8)</sup>

<sup>(1)</sup> Identification number as indicated in Section II(1) of the identification document.  
<sup>(2)</sup> Delete what is not applicable.  
<sup>(3)</sup> The animal may be treated with medicinal products containing substances listed in Annex I, II, III or IV to Regulation (EEC) No 2377/90 and other substances. Recording of medicinal treatment in Part III — B is optional. The animal shall never be slaughtered for human consumption.  
<sup>(4)</sup> The animal may be treated with medicinal products containing substances listed in Annex I, II or III to Regulation (EEC) No 2377/90 and other substances excluding those listed in Annex IV to that Regulation. The animal can only be slaughtered for human consumption after the completion of the general withdrawal period of six months following the date of the last treatment, certified obligatory in Part III — B, with medicinal products containing substances other than those listed in Annex I, II or III to Regulation (EEC) No 2377/90.  
<sup>(5)</sup> Verify through published Annexes to Regulation (EEC) No 2377/90.  
<sup>(6)</sup> This information is optional. However, this information may allow the reduction of the withdrawal period, if the specified substance is included in Annex I, II or III to Regulation (EEC) No 2377/90 after it was administered. The minimum withdrawal times would then be those established in Article 4(4) of Directive 81/851/EEC.  
<sup>(7)</sup> Name, address, postcode and place in printed letters.  
<sup>(8)</sup> Telephone number including country code and regional code.  
<sup>(9)</sup> Not required where this Section is issued together with the identification document.

## COMMISSION DECISION

of 22 December 1999

**amending Decisions 1999/466/EC and 1999/467/EC establishing respectively the officially brucellosis-free and tuberculosis-free status of bovine herds of certain Member States or regions of Member States**

(notified under document number C(1999) 5007)

(Text with EEA relevance)

(2000/69/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine<sup>(1)</sup>, as last amended by Council Directive 98/99/EC<sup>(2)</sup>, and in particular Annex A I(4) and A II(7) thereof,

Whereas:

- (1) Commission Decision 1999/466/EC of 15 July 1999 establishing the officially brucellosis-free status of bovine herds of certain Member States or regions of Member States and repealing Decision 97/175/EC<sup>(3)</sup>, granted this status to certain Member States and regions thereof until 31 December 1999;
- (2) Commission Decision 1999/467/EC of 15 July 1999 establishing the officially tuberculosis-free status of bovine herds of certain Member States or regions of Member States and repealing Decision 97/76/EC<sup>(4)</sup>, granted this status to certain Member States and regions thereof until 31 December 1999;
- (3) in accordance with Annexes A I(4)(b) and A II(7)(b) of Directive 64/432/EEC an identification system allowing the identification of herds of origin and transit for each bovine animals in accordance with Council Regulation (EC) No 820/97<sup>(5)</sup> is a prerequisite for granting the officially free status for bovine tuberculosis and brucellosis respectively;
- (4) the temporary limitations of the officially-free status with regard to bovine tuberculosis and brucellosis foreseen in the above Decisions was introduced due to incoherence of dates in different pieces of legislation, in particular that certain elements of the identification system had to be fully operational by 31 December 1999 in accordance with the above Regulation;
- (5) Taking into consideration that the set-up of a computerised database for the identification and registration of bovine animals constitutes an essential element of the

system foreseen by Council Regulation (EC) No 820/97, the Commission has recognised the operational character of the databases established in Austria by Decision 1999/571/EC<sup>(6)</sup>, in Denmark by Decision 1999/376/EC<sup>(7)</sup>, in Finland by Decision 1999/317/EC<sup>(8)</sup>, in Luxembourg by Decision 1999/375/EC<sup>(9)</sup>, in the Netherlands by Decision 1999/546/EC<sup>(10)</sup> and in Sweden by Decision 1999/693/EC<sup>(11)</sup>;

- (6) as far as Germany is concerned the Commission received sufficient information to allow consideration of the database as operational, but this evaluation may be reviewed in the light of the results of a forthcoming on-the-spot visit;
- (7) as far as Italy and the United Kingdom are concerned, an additional 6 months period is required to complete the set-up of the aforementioned database and therefore the officially-free status of bovine herds in the regions Bolzano and Trento with regard to bovine tuberculosis and in the regions Bolzano and Great Britain with regard to bovine brucellosis should be granted until 30 June 2000, subject to review prior to this date;
- (8) therefore it is necessary to adapt Decisions 1999/466/EC and 1999/467/EC to the legal situation in force as from 1 January 2000;
- (9) the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

1. Decision 1999/466/EC is amended as follows:

- (a) In the title of Annex I the words 'until 31 December 1999' are deleted.
- (b) In the title of Annex II the words 'until 31 December 1999' are replaced by the words 'until 30 June 2000'.

<sup>(1)</sup> OJ L 121, 29.7.1964, p. 1977/64.

<sup>(2)</sup> OJ L 358, 31.12.1998, p. 107.

<sup>(3)</sup> OJ L 181, 16.7.1999, p. 34.

<sup>(4)</sup> OJ L 181, 16.7.1999, p. 36.

<sup>(5)</sup> OJ L 173, 7.5.1997, p. 1.

<sup>(6)</sup> OJ L 217, 17.8.1999, p. 62.

<sup>(7)</sup> OJ L 144, 9.6.1999, p. 35.

<sup>(8)</sup> OJ L 122, 12.5.1999, p. 40.

<sup>(9)</sup> OJ L 144, 9.6.1999, p. 34.

<sup>(10)</sup> OJ L 209, 7.8.1999, p. 32.

<sup>(11)</sup> OJ L 273, 23.10.1999, p. 14.

2. Decision 1999/467/EC is amended as follows:

- (a) In the title of Annex I the words 'until 31 December 1999' are deleted.
- (b) In the title of Annex II the words 'until 31 December 1999' are replaced by the words 'until 30 June 2000'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1999.

*For the Commission*

David BYRNE

*Member of the Commission*

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## COMMISSION DECISION

of 22 December 1999

**accepting an undertaking offered in connection with the interim review of the anti-dumping duty applicable to imports of certain seamless pipes and tubes of iron or non alloy steel originating, *inter alia*, in Russia**

(2000/70/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, as last amended by Regulation (EC) No 905/98 <sup>(2)</sup>, and in particular Article 8(1) thereof,

After consulting the Advisory Committee,

Whereas:

discussed in the framework of the original investigation, and the Russian exporting producers requested that the Commission accept such an undertaking.

- (5) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an interim review, the Commission initiated such a review pursuant to Article 11(3) of Regulation (EC) 384/96 (hereinafter referred to as the 'basic Regulation'), limited in scope to the examination of the acceptability of an undertaking from the Russian exporting producers concerned. The notice of initiation of the interim review was published in the *Official Journal of the European Communities* <sup>(4)</sup>.

## A. PROCEDURE

## 1. Previous investigation

- (1) By Regulation (EC) No 2320/97 <sup>(3)</sup> (hereinafter referred to as the 'definitive Regulation'), the Council imposed definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Hungary, Poland, Russia, the Czech Republic, Romania and the Slovak Republic. Undertakings were offered by most exporting producers in the countries subject to the above measures, and were accepted by the Commission in all but one case.
- (2) The undertaking offered by the Russian exporting producers was not accepted by the Commission as it did not contain the necessary guarantees on the part of the Russian authorities to allow adequate monitoring. The definitive Regulation therefore imposed an *ad valorem* anti-dumping duty at the level definitively established for imports originating in Russia, i.e. 26,8 %.
- (3) Recital 87 of the definitive Regulation provided for the type of anti-dumping measure in respect of Russia to be modified, if ever there was a change in circumstances such that the conditions for the acceptance of an undertaking were met.

## 2. Review investigation

- (4) The Russian authorities subsequently provided the Commission with guarantees which appeared to be sufficient for the adequate monitoring of an undertaking, as

## B. UNDERTAKING

## 1. Nature of the undertaking

- (6) All interested parties were invited to make their views known and provide supporting evidence within the deadline set in the notice of initiation.
- (7) The undertaking which is being offered jointly by the Russian authorities and the Russian exporting producers concerned is modelled on those offered, and accepted by the Commission, in the original investigation by Commission Decision 97/790/EC <sup>(5)</sup>. In addition, the Russian Ministry of Trade has guaranteed to supervise and monitor the undertaking.
- (8) The exporting producers have undertaken to sell to or for export to the Community up to a certain quantity of the product concerned at revised prices so that the injurious effects of the dumping found in the original investigation are eliminated. In addition, they have offered to ensure that their prices per product group fall into line with the price structure prevailing on the Community market.
- (9) Having carefully examined the proposal for an undertaking, the Commission is satisfied that, in case of acceptance, the elimination of the injury will be achieved by two means: first a price undertaking up to an annual volume threshold, and then an *ad valorem* anti-dumping duty levied on any imports above this threshold.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 128, 30.4.1998, p. 18.

<sup>(3)</sup> OJ L 322, 25.11.1997, p. 1.

<sup>(4)</sup> OJ C 77, 20.3.1999, p. 6.

<sup>(5)</sup> OJ L 322, 25.11.1997, p. 63.

The Russian Ministry of Trade has undertaken to control and authenticate production certificates for each invoiced shipment exported to the Community which falls within the agreed threshold quantity free of anti-dumping duty. In order to ensure that the quantity of imports exempted from the *ad valorem* anti-dumping duty does not exceed the threshold quantity in respect of which the undertaking has been offered, the exemption will be conditional on the presentation to the Community's customs authorities of a valid original production certificate. This certificate shall be issued in conformity with the specifications set out in the Council Regulation amending the anti-dumping measures applicable to imports of certain seamless pipes and tubes originating, *inter alia*, in Russia <sup>(1)</sup>.

## 2. Monitoring of the undertaking

- (10) The monitoring of this joint undertaking will be three-fold: firstly, the Russian Ministry of Trade has agreed to provide the Commission with a quarterly report listing all production certificates which have been issued, specifying the producer, the quantity exported, the importer and the first independent customer in the Community; secondly, the exporting producers, which are also parties to the undertaking, have agreed to provide the Commission with a quarterly report giving information on their sales for export to the Community, and to keep records available for subsequent verification; thirdly, the Commission will monitor the imports into the Community and may verify the records kept at the premises of the exporting producers concerned.

## 3. Breach of the undertaking

- (11) The undertaking will be underpinned by a definitive anti-dumping duty (the duty rate applicable to Russia is 26,8 %) which may be imposed in the event of a breach in accordance with Article 8(9) of the basic Regulation.
- (12) Moreover, if the Commission has reasons to believe that the undertaking is being breached, a provisional duty may be imposed pursuant to Article 8(10) of the basic Regulation.

## C. COMMENTS OF THE COMMUNITY INDUSTRY

- (13) Having been informed of the main facts and considerations on the basis of which the Commission intended to accept the undertaking, the Community industry expressed its opposition to the acceptance of an undertaking from the Russian exporting producers concerned, as the situation of the Community industry was wors-

ening due to the decrease in demand in the Community and a decrease in the Community industry's exports. The industry argued that allowing the Russian exporting producers concerned to export each year to the Community a set quantity of the product concerned free of anti-dumping duty (albeit at revised prices), would worsen the situation of the Community producers even further, resulting in additional job losses and reduced market share.

- (14) The Commission recalls that the undertaking submitted in the framework of this review, which consists in a pricing commitment within the limits of a threshold quantity, is similar to those already accepted from other exporting producers in the countries concerned by the previous investigation, and to which the Community industry did not raise any objections at the time. Furthermore, since the entry into force of these undertakings, the Commission has not received any information which would demonstrate that they do not have their intended effect of removing injurious dumping.
- (15) It should also be borne in mind that, should the Community industry receive information that absorption practices by the exporting producers are taking place, the Commission will examine whether an investigation pursuant to Article 12 should be opened.
- (16) In addition, it is emphasised that the threshold quantity for the price undertaking offered in this investigation has been fixed at a level substantially below the volume imported during the investigation period established in the previous investigation.
- (17) The Commission therefore considers that the acceptance of the undertaking submitted by the Russian authorities jointly with the exporting producers concerned will not have the negative consequences feared by the Community industry. The undertaking will be closely monitored and, in the event of any breach, the Commission will take the necessary steps to reimpose measures forthwith,

HAS ADOPTED THIS DECISION:

## Article 1

The undertaking offered jointly by the Russian authorities and by the exporting producers mentioned below, in the framework of the interim review of the anti-dumping measures applicable to imports of certain seamless pipes and tubes of iron or non-alloy steel originating, *inter alia*, in Russia is hereby accepted.

<sup>(1)</sup> See page I of this Official Journal.

Country	Product manufacturer	Taric additional code
Russia	Taganrog Metallurgical Works	A042
	Pervouralsky Novotrubny	A043
	Chelyabinsk Tube-Rolling Plant	A044

*Article 2*

The investigation in connection with the interim review of the anti-dumping measures applicable to imports of certain seamless pipes and tubes of iron or non-alloy steel originating, *inter alia*, in Russia is hereby terminated.

*Article 3*

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

Done at Brussels, 22 December 1999.

*For the Commission*

Pascal LAMY

*Member of the Commission*

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