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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1696/2000
of 20 July 2000**

amending Regulation (EC) No 2742/1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 2742/1999 of 17 December 1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No 66/98 ⁽²⁾ establishes conditions to manage the exploitation rates of stocks of Community interest.
- (2) In accordance with the procedure provided for in the Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands of the other part ⁽³⁾ and in the Agreement on fisheries relations between the European Community and the Republic of Estonia ⁽⁴⁾ the Community has held consultations with the Home Government of the Faeroe Islands and the Republic of Estonia. The delegations agreed to recommend to their respective authorities to fix, for the year 2000, certain fishing opportunities in the form of quotas and licences for the vessels of the other Party. The necessary measures should be taken to implement the results of the consultations in Community legislation.

- (3) The areas where Norwegian vessels may fish for blue whiting should be precisely defined, in order to exclude certain zones north and west of Ireland, as specified in the Agreed Record of consultations between the European Community and the Kingdom of Norway on fishing rights for 2000 (Brussels, 2 December 1999).
- (4) Regulation (EC) No 2742/1999 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2742/1999 is hereby amended as follows:

1. the following entry shall be inserted in the table of Article 3(3):

'Estonia	EUR 216 695'
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2. the term 'Estonia' shall be inserted in Article 10 between 'Barbados' and 'Guyana' and in subparagraph (ii) of Article 11 before 'Latvia';
3. the entries in Annex I shall replace the corresponding entries in Annex I A;
4. the entries in Annex II shall be inserted in Annex I A;
5. the entries in Annex III shall replace the corresponding entries in Annex I D;
6. the entry in Annex IV shall be inserted in Annex VI;
7. the entry in Annex V shall be inserted in Annex VI bis.

Article 2

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

⁽¹⁾ OJ L 389, 31.12.1992, p. 1.

⁽²⁾ OJ L 341, 31.12.1999, p. 1. Regulation as last amended by Regulation (EC) No 1447/2000 (OJ L 163, 4.7.2000, p. 5).

⁽³⁾ OJ L 226, 29.8.1980, p. 12.

⁽⁴⁾ OJ L 332, 20.12.1996, p. 16.

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

Done at Brussels, 20 July 2000.

For the Council

The President

F. PARLY

ANNEX I

Species: Herring <i>Clupea harengus</i>		Zone: IIIbcd (EC waters), except Management Unit 3
Denmark	23 243	(¹) To be counted against the Estonian share of the IBSFC TAC.
Germany	70 486	(²) To be counted against the Latvian share of the IBSFC TAC.
Finland	26 350	(³) To be counted against the Lithuanian share of the IBSFC TAC.
Sweden	95 971	
EC	216 050	
Estonia	2 000 (¹)	
Latvia	1 000 (²)	
Lithuania	500 (³)	
Poland	4 000	
Russian Federation	2 500	
TAC	405 000	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	Estonian waters	Latvian waters	Lithuanian waters	Management Unit 3
EC	2 000	1 000	500	
Sweden				8 000

Species: Cod <i>Gadus morhua</i>		Zone: IIIbcd (EC waters)
Denmark	29 051	(¹) Of which 500 tonnes are allocated in Estonian waters but shall be fished in Community waters.
Germany	12 707	(²) To be counted against the Estonian share of the IBSFC TAC.
Finland	1 551	(³) To be counted against the Latvian share of the IBSFC TAC.
Sweden	21 453	(⁴) To be counted against the Lithuanian share of the IBSFC TAC.
EC	64 762 (¹)	(⁵) To be fished only with gillnets.
Estonia	600 (²)	
Latvia	2 100 (³)	
Lithuania	1 000 (⁴)	
Poland	350 (⁵)	
TAC	105 000	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	Estonian waters	Latvian waters	Lithuanian waters
EC	600	1 300	1 000

Species: Atlantic salmon <i>Salmo salar</i>		Zone: IIIbcd (EC waters) ⁽¹⁾
Denmark	94 105 ⁽²⁾	⁽¹⁾ Excluding Sub-division 32 of IBSFC. ⁽²⁾ Expressed by number of individual fish. ⁽³⁾ Of which 6 750 individuals are allocated in Estonian waters but shall be fished in Community waters. ⁽⁴⁾ To be counted against the Latvian share of the TAC. ⁽⁵⁾ To be counted against the Lithuanian share of the TAC.
Germany	10 469 ⁽²⁾	
Finland	116 595 ⁽²⁾	
Sweden	124 958 ⁽²⁾	
EC	346 127 ⁽²⁾ ⁽³⁾	
Latvia	1 000 ⁽²⁾ ⁽⁴⁾	
Lithuania	500 ⁽²⁾ ⁽⁵⁾	
TAC	450 000 ⁽²⁾	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	Latvian waters	Lithuanian waters
EC	3 000	500

Species: Sprat <i>Sprattus sprattus</i>		Zone: IIIbcd (EC waters)
Denmark	35 480	⁽¹⁾ To be counted against the Estonian share of the IBSFC TAC. ⁽²⁾ To be counted against the Latvian share of the IBSFC TAC. ⁽³⁾ To be counted against the Lithuanian share of the IBSFC TAC.
Germany	22 478	
Finland	18 573	
Sweden	81 589	
EC	158 120	
Estonia	2 000 ⁽¹⁾	
Latvia	8 000 ⁽²⁾	
Lithuania	4 000 ⁽³⁾	
Poland	4 000	
TAC	400 000	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	Estonian waters	Latvian waters	Lithuanian waters
EC	4 000	8 000	4 000

ANNEX II

Species: Herring <i>Clupea harengus</i>		Zone: III d (Estonian waters)
	2 000 ⁽¹⁾	⁽¹⁾ Available to Denmark, Germany, Finland and Sweden within the respective quotas for III bcd (EC waters). ⁽²⁾ This quota is to be counted against the Community share of the TAC for III bcd (EC waters).
EC	2 000 ⁽²⁾	
TAC	405 000	
Species: Cod <i>Gadus morhua</i>		Zone: III d (Estonian waters)
	600 ⁽¹⁾	⁽¹⁾ Available to Denmark, Germany, Finland and Sweden within the respective quotas for III bcd (EC waters). ⁽²⁾ To be counted against the Community share of the TAC for III bcd (EC waters).
EC	600 ⁽²⁾	
TAC	105 000	
Species: Sprat <i>Sprattus sprattus</i>		Zone: III d (Estonian waters)
	4 000 ⁽¹⁾	⁽¹⁾ Available to Denmark, Germany, Finland and Sweden within the respective quotas for III bcd (EC waters). ⁽²⁾ Of which 1 300 tonnes are to be counted against the Community share of the TAC for III bcd (EC waters).
EC	4 000 ⁽²⁾	
TAC	400 000	

ANNEX III

Species: Blue whiting <i>Micromesistius poutassou</i>		Zone: Vb (EC waters), VI, VII, XII and XIV
Denmark	3 370	⁽¹⁾ Excluding blue whiting taken within the quotas for mixtures of sandeel, Norway pout and sprat (see sandeels in the North Sea). ⁽²⁾ Fishing is prohibited in subarea VIa south of 56° 30' N and in subarea VII east of 12° W. ⁽³⁾ May be taken in IIa (EC waters). ⁽⁴⁾ Of which up to 9 000 t may consist of argentine (<i>Argentina</i> spp.). ⁽⁵⁾ Includes unavoidable by-catches of argentine (<i>Argentina</i> spp.). ⁽⁶⁾ Excluding 40 000 t that may be taken by Norway in IVa (EC waters). ⁽⁷⁾ Of which up to 40 000 t may be taken by Norway in IVa (EC waters).
Germany	13 040	
Spain	21 730	
France	18 150	
Ireland	26 080	
Netherlands	40 970	
Portugal	1 630	
United Kingdom	38 030	
EC	163 000	
Norway	222 000 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾	
Faroe Islands	62 000 ⁽¹⁾ ⁽²⁾ ⁽⁵⁾	
TAC	407 000 ⁽¹⁾ ⁽⁶⁾	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	VIIIa,b,d,e	IVa
Spain	5 000	
Norway		40 000

Species: Mackerel <i>Scomber scombrus</i>		Zone: IIa (non-EC waters), Vb (EC waters), VI, VII, VIIIabde, XII, XIV
Germany	21 080 ⁽¹⁾	⁽¹⁾ May not be fished in the waters under the sovereignty of the jurisdiction of Spain. ⁽²⁾ May be fished only in the waters under the sovereignty or within the jurisdiction of Spain or in the international waters of the zone concerned. ⁽³⁾ May be fished only in IIa, IVa, VIa (north of 56° 30' N), VIIId,e,f,h. ⁽⁴⁾ May be fished only in VIa (north of 56° 30' N), VIIe,f,h, except for 1 580 t that may be fished in IVa. Includes 4 360 t to be counted against the Faroese share of the TAC. ⁽⁵⁾ TAC agreed by the EC, Norway and Faroe Islands for the whole stock of western mackerel.
Spain	20 ⁽²⁾	
France	14 060 ⁽¹⁾	
Ireland	70 270 ⁽¹⁾	
The Netherlands	30 740 ⁽¹⁾	
United Kingdom	193 240 ⁽¹⁾	
EC	329 410 ⁽¹⁾	
Norway	13 460 ⁽³⁾	
Faroe Islands	9 600 ⁽⁴⁾	
TAC	560 000 ⁽⁵⁾	

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified, and only during the period 1 January to 15 February and 1 October to 31 December, except for the Faroe Islands, for which the periods applicable shall only be 1 October to 31 December in IVa (EC waters) and the whole year in VIa North of 56° 30' N:

	IVa (EC waters)	Vla North of 56° 30' N
Germany	6 720	
France	4 480	
Ireland	22 400	
The Netherlands	9 800	
United Kingdom	61 600	
Norway	13 460	
Faroe Islands	1 580	4 360

Species: Mackerel <i>Scomber scombrus</i>		Zone: Vb (Faroese waters)
Denmark	4 360 ⁽¹⁾	⁽¹⁾ May be fished in IVa (EC waters)
EC	4 360	
TAC	Not relevant	

ANNEX IV

Estonian waters	All fisheries	250	80
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ANNEX V

Estonia	Herring and sprat, IIIId	106	63
	Cod, IIIId	14	7

COMMISSION REGULATION (EC) No 1697/2000
of 31 July 2000
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 31 July 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	628	136,5
	999	136,5
	052	63,0
0709 90 70	528	65,2
	999	64,1
	388	46,5
0805 30 10	524	82,0
	528	60,7
	999	63,1
0806 10 10	052	93,8
	220	123,4
	400	143,6
	508	138,8
	512	53,1
	600	71,8
	624	158,0
	999	111,8
0808 10 20, 0808 10 50, 0808 10 90	388	85,1
	400	71,6
	508	77,5
	512	81,9
	528	84,6
	720	72,4
	804	94,7
	999	81,1
0808 20 50	052	101,1
	388	71,5
	512	55,7
	528	78,0
	720	118,7
	804	81,8
0809 20 95	999	84,5
	052	317,0
	400	210,3
	404	358,5
	616	255,0
	999	285,2
0809 40 05	052	24,3
	064	51,6
	624	189,9
	999	88,6

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

COMMISSION REGULATION (EC) No 1698/2000
of 31 July 2000
fixing the import duties in the cereals sector

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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 1510/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2519/98 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 174, 13.7.2000, p. 11.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	12,61	2,61
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	12,61	2,61
	medium quality	40,96	30,96
	low quality	63,99	53,99
1002 00 00	Rye	45,20	35,20
1003 00 10	Barley, seed	45,20	35,20
1003 00 90	Barley, other ⁽³⁾	45,20	35,20
1005 10 90	Maize seed other than hybrid	94,00	94,00
1005 90 00	Maize other than seed ⁽³⁾	94,00	94,00
1007 00 90	Grain sorghum other than hybrids for sowing	69,90	59,90

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 17 July 2000 to 28 July 2000)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	119,18	111,10	96,61	76,99	170,32 (**)	160,32 (**)	108,09 (**)
Gulf premium (EUR/t)	—	10,87	2,34	5,52	—	—	—
Great Lakes premium (EUR/t)	21,50	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Great Lakes.

2. Freight/cost: Gulf of Mexico — Rotterdam: 17,95 EUR/t; Great Lakes — Rotterdam: 27,60 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1699/2000**of 31 July 2000****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 2038/1999 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 21(3) of Regulation (EC) No 2038/1999 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry ⁽⁴⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽⁵⁾, to the products listed in the Annex to the last mentioned Regulation;
- (4) According to the terms of Article 21(1) of Regulation (EC) No 2038/1999, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said

Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

- (5) According to the terms of Article 21(4) of Regulation (EC) No 2038/1999, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 18 of Regulation (EC) No 2038/1999 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 2038/1999 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The refunds referred to above must be fixed every month; they may be altered in the intervening period.
- (8) Application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

⁽⁴⁾ OJ L 94, 9.4.1986, p. 9.

⁽⁵⁾ OJ L 159, 3.6.1998, p. 38.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 2038/1999, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

ANNEX

to the Commission Regulation of 31 July 2000 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— EUR/100 kg dry matter —
1702 40 10 9100	39,20 ⁽²⁾
1702 60 10 9000	39,20 ⁽²⁾
1702 60 80 9100	74,48 ⁽⁴⁾
	— EUR/1 % sucrose × 100 kg —
1702 60 95 9000	0,3920 ⁽¹⁾
	— EUR/100 kg dry matter —
1702 90 30 9000	39,20 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
1702 90 60 9000	0,3920 ⁽¹⁾
1702 90 71 9000	0,3920 ⁽¹⁾
1702 90 99 9900	0,3920 ⁽¹⁾ ⁽³⁾
	— EUR/100 kg dry matter —
2106 90 30 9000	39,20 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
2106 90 59 9000	0,3920 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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

COMMISSION REGULATION (EC) No 1700/2000
of 31 July 2000
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1572/2000 ⁽³⁾, as amended by Regulation (EC) No 1646/2000 ⁽⁴⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1572/2000 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1572/2000 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 181, 20.7.2000, p. 6.

⁽⁴⁾ OJ L 189, 27.7.2000, p. 6.

ANNEX

to the Commission Regulation of 31 July 2000 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	36,06 ⁽¹⁾
1701 11 90 9910	32,25 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,06 ⁽¹⁾
1701 12 90 9910	32,25 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3920
	— EUR/100 kg —
1701 99 10 9100	39,20
1701 99 10 9910	39,20
1701 99 10 9950	39,20
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3920

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

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

COMMISSION REGULATION (EC) No 1701/2000**of 31 July 2000****opening an invitation to tender for the refund for the export of common wheat to all third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 ⁽¹⁾, as last amended by Regulation (EC) No 1510/2000 ⁽²⁾,

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 ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) In view of the current situation on the cereals market, an invitation should be opened, in respect of common wheat to tender for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.
- (2) The detailed procedural rules governing invitations to tender as regards the fixing of the export refund, are laid down in Regulation (EC) No 1501/95. The commitments on the part of the tenderer include an obligation to lodge an application for an export licence. Compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of EUR 12/t when they submit their tenders.
- (3) It is necessary to provide for a specific period of validity for licences issued under that invitation to tender. That period of validity must meet the needs of the world market for the 2000/2001 marketing year.
- (4) In order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical.
- (5) In order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Article 1

1. Tenders shall be invited for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.
2. The tendering procedure shall concern common wheat for export to all third countries.
3. The invitation shall remain open until 17 May 2001. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for the submission of tenders for the first partial invitation to tender shall be 3 August 2000.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 5(3a) of Regulation (EC) No 1501/95 shall be EUR 12/t.

Article 4

1. Notwithstanding Article 21(1) of Commission Regulation (EEC) No 3719/88 ⁽⁵⁾, laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, export licences issued under Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.
2. Export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 174, 13.7.2000, p. 11.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 331, 2.12.1988, p. 1.

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95,
- to make no award.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be

communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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, 31 July 2000.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

ANNEX I

Weekly tender for the refund for the export of common wheat to all third countries

[Regulation (EC) No 1701/2000]

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in EUR/t
1		
2		
3		
etc.		

ANNEX II

The only numbers to use to call Brussels (DG AGRI-C-1) are:

- telex 22037 AGREC B,
 22070 AGREC B (Greek characters),
 - fax 296 49 56,
 295 25 15.
-

COMMISSION REGULATION (EC) No 1702/2000
of 31 July 2000
prohibiting fishing for cod by vessels flying the flag of Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Council Regulation (EC) No 2742/1999 of 17 December 1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No 66/98 ⁽³⁾, as last amended by Regulation (EC) No 1447/2000 ⁽⁴⁾, lays down quotas for cod for 2000.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of cod in the waters of ICES divisions I and II (Norwegian waters) by vessels flying the flag of Spain

or registered in Spain have exhausted the quota allocated for 2000. Spain has prohibited fishing for this stock from 4 July 2000. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I and II (Norwegian waters) by vessels flying the flag of Spain or registered in Spain are hereby deemed to have exhausted the quota allocated to Spain for 2000.

Fishing for cod in the waters of ICES divisions I and II (Norwegian waters) by vessels flying the flag of Spain or registered in Spain is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 4 July 2000.

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

Done at Brussels, 31 July 2000.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 341, 31.12.1999, p. 1.

⁽⁴⁾ OJ L 163, 4.7.2000, p. 5.

COMMISSION REGULATION (EC) No 1703/2000
of 31 July 2000
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 1264/2000 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87 it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does not conform to the provisions of

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 955/1999 of the European Parliament and of the Council ⁽⁴⁾, for a period of three months by the holder.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 20th 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, 31 July 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 144, 17.6.2000, p. 6.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.
⁽⁴⁾ OJ L 119, 7.5.1999, p. 1.

ANNEX

Description	CN code	Grounds
(1)	(2)	(3)
<p>1. Mushrooms (Genus <i>Agaricus</i>) prepared, blanched, immersed in a liquid with the following specifications:</p> <ul style="list-style-type: none"> — free, volatile acid, expressed as acetic acid: 0,5 % by weight — sulphite: < 2 ppm — salt: 2,6 % by weight <p>This product, which contains other preserving agents, is suitable for immediate human consumption.</p>	2003 10 30	<p>Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, additional note 1 to Chapter 20 and by the wording of CN codes 2003, 2003 10 and 2003 10 30.</p> <p>Because of the salt content exceeding 2,5 % by weight, the product is excluded from CN code 2001 90 50 in accordance with additional note 1 to Chapter 20 of the Combined Nomenclature.</p>
<p>2. Synthetic material composed of styrene-ethylene/propylene-styrene or styrene-ethylene/butylene-styrene block copolymers with a low degree of unsaturation (iodine value of between 4 and 7).</p>	4002 99 90	<p>Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 4(a) to Chapter 40 and by the wording of CN codes 4002, 4002 99 and 4002 99 90.</p> <p>These block polymers meet all criteria of note 4(a) to Chapter 40 and are classified as synthetic rubbers of heading 4002.</p>

COMMISSION REGULATION (EC) No 1704/2000**of 31 July 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 1510/2000 ⁽²⁾, 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 ⁽³⁾, as last amended by Regulation (EC) No 1528/2000 ⁽⁴⁾, 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 1520/2000 of 13 July 2000 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 ⁽⁵⁾, 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 1520/2000, 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 ⁽⁶⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁷⁾, as last amended by Commission Regulation (EC) No 87/1999 ⁽⁸⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) 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 1520/2000 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.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 174, 13.7.2000, p. 11.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 175, 14.7.2000, p. 64.

⁽⁵⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁷⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁸⁾ OJ L 9, 15.1.1999, p. 8.

Article 2

Where a refund certificate issued before 14 July 2000 is used, and with regard to the goods listed in the Annex to Regulation (EEC) No 1722/1993, a reduced rate of refund which takes account of the amount of the production refund shall apply.

However, if, at the time the export declaration is accepted and, in support of his application for payment of the export refund, the operator provides proof that, with regard to the basic products used to manufacture the goods to be exported, the production refund provided for under Regulation (EEC) No 1722/93 has not been and will not be applied for, the rate of

refund which does not take account of the amount of the production refund shall apply.

The proof referred to in the previous paragraph shall consist of the presentation by the exporter of a declaration by the processor of the basic product in question which attests that, with regard to this product, the production refund provided for under Regulation (EEC) No 1722/93 has not been and will not be applied for. This declaration shall be verified in accordance with Article 16(1) of Regulation (EC) No 1520/2000.

Article 3

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 31 July 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

CN code	Description of products ⁽¹⁾	(EUR/100 kg) 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	— —	— —
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 Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where the first paragraph of Article 2 applies – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	0,554 — — — 0,853	0,554 — — — 0,853
1002 00 00	Rye	4,292	4,292
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	2,080	2,080
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where the first paragraph of Article 2 applies – – where goods falling within subheading 2208 ⁽³⁾ are exported – – 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 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where the first paragraph of Article 2 applies – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where the first paragraph of Article 2 applies – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	4,146 4,146 4,362 6,155 2,821 2,821 3,272 4,830 4,362 6,155 4,146 4,146 4,362 6,155	4,146 4,146 4,362 6,155 2,821 2,821 3,272 4,830 4,362 6,155 4,146 4,146 4,362 6,155

(EUR/100 kg)			
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	12,500	12,500
	– medium grain	12,500	12,500
	– long grain	12,500	12,500
1006 40 00	Broken rice	2,900	2,900
1007 00 90	Sorghum	—	—

⁽¹⁾ 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 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50, unless Article 2 applies.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ 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.

COMMISSION REGULATION (EC) No 1705/2000**of 31 July 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 1526/2000 ⁽²⁾, 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 1520/2000 of 13 July 2000 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 ⁽³⁾, 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 1520/2000, 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 1520/2000 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 ⁽⁴⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁵⁾, 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) 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

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 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 1 August 2000.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 175, 14.7.2000, p. 55.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁵⁾ OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 31 July 2000.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 31 July 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	58,50
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	67,07
	(b) On exportation of other goods	83,00
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	75,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00

COMMISSION REGULATION (EC) No 1706/2000**of 31 July 2000****fixing the rates of the refunds applicable to eggs and egg yolks 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 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of 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 ⁽³⁾, 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 (EEC) No 2771/75.
- (2) In accordance Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a

period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

- (3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (4) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

ANNEX

to the Commission Regulation of 31 July 2000 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	10,00
		03	12,50
		04	5,00
	b) On exportation of other goods	01	5,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	55,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	25,00
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	25,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	41,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	10,50

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 1707/2000**of 31 July 2000****fixing the rates of refunds applicable to certain products from the sugar sector 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 2038/1999 of 13 September 1999 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular Article 18(5)(a) and (15),

Whereas:

(1) Article 18(1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 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 ⁽³⁾ 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 I to Regulation (EC) No 2038/1999.

(2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 18(3) of Regulation (EC) No 2038/1999 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) 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 jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(6) Pursuant to Article 4(3) of Regulation (EC) No 1520/2000 a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 ⁽⁴⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽⁵⁾, 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 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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 2038/1999, exported in the form of goods listed in Annex I to Regulation (EC) No 2038/1999, are fixed as shown in the Annex hereto.

Article 2

Where a refund certificate issued before 15 July 2000 is used, and with regard to the goods listed in the Annex to Regulation (EEC) No 1010/86, a reduced rate of refund which takes account of the amount of the production refund shall apply.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 94, 9.4.1986, p. 9.

⁽⁵⁾ OJ L 265, 30.9.1998, p. 8.

However, if, at the time the export declaration is accepted and, in support of his application for payment of the export refund, the operator provides proof that, with regard to the basic products used to manufacture the goods to be exported, the production refund provided for under Regulation (EEC) No 1010/86 has not been and will not be applied for, the rate of refund which does not take account of the amount of the production refund shall apply.

The proof referred to in the previous paragraph shall consist of the presentation by the exporter of a declaration by the processor of the basic product in question which attests that, with regard to this product, the production refund provided for under Regulation (EEC) No 1010/86 has not been and will not be applied for. This declaration shall be verified in accordance with Article 16(1) of Regulation (EC) No 1520/2000.

Article 3

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 31 July 2000 amending the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— where the first paragraph of Article 2 applies	—	—
— in all other cases	39,20	39,20

COMMISSION REGULATION (EC) No 1708/2000**of 31 July 2000****fixing for the 1999/2000 marketing year the specific exchange rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1642/1999 ⁽²⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1(1) of Regulation (EEC) No 1713/93 specifies that the minimum sugarbeet prices referred to in Article 5 of Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the market in the sugar sector ⁽³⁾ as amended by Commission Regulation (EC) No 1527/2000 ⁽⁴⁾, and the production levy and additional levy referred to Articles 33 and 34 respectively of that Regulation are to be converted into national currency using a specific exchange rate equal to the average, calculated *pro rata temporis*, of the exchange rates applicable during the marketing year in question. That specific exchange rate must be fixed during the month following the end of the marketing year in question.
- (2) The system of specific agricultural conversion rates was amended from 1 January 1999 by Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁵⁾. As a result,

the fixing of conversion rates should be restricted to the specific exchange rates between the euro and the national currencies of those Member States which have not adopted the single currency.

- (3) The application of these provisions results in the fixing, for the 1999/2000 marketing year, of the specific exchange rate for the minimum sugarbeet prices and the production levy and, where appropriate, the additional levy in the various national currencies, as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for the conversion of the minimum sugarbeet prices as referred to in Article 5 of Regulation (EC) No 2038/1999 and the production levy and, where appropriate, the additional levy referred to in Articles 33 and 34 respectively of that Regulation, into each of the national currencies of the Member States which have not adopted the single currency, shall be fixed, for the 1999/2000 marketing year, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2000.

It shall apply from 1 July 1999.

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

Done at Brussels, 31 July 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 159, 1.7.1993, p. 94.

⁽²⁾ OJ L 195, 28.7.1999, p. 3.

⁽³⁾ OJ L 252, 25.9.1999, p. 1.

⁽⁴⁾ OJ L 175, 14.7.2000, p. 59.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 1.

ANNEX

to Regulation (EC) No 1708/2000 fixing for the 1999/2000 marketing year the specific exchange rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency

Specific exchange rate		
EUR 1 =	7,44373	Danish kroner
	330,993	Greek drachmas
	8,53381	Swedish kronor
	0,628793	Pounds sterling

**COMMISSION REGULATION (EC) No 1709/2000
of 31 July 2000
on the issue of system B export licences in the fruit and vegetables sector**

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 ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1321/2000 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for lemons will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for lemons exported after 31 July 2000 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for lemons submitted pursuant to Article 1 of Regulation (EC) No 1321/2000, export declarations for which are accepted after 31 July 2000 and before 16 September 2000, are hereby rejected.

Article 2

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 149, 23.6.2000, p. 11.

**COMMISSION REGULATION (EC) No 1710/2000
of 31 July 2000
amending the corrective amount applicable to the refund on cereals**

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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 1510/2000 ⁽²⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1395/2000 ⁽³⁾, as amended by Regulation (EC) No 1441/2000 ⁽⁴⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 174, 13.7.2000, p. 11.

⁽³⁾ OJ L 158, 30.6.2000, p. 38.

⁽⁴⁾ OJ L 161, 1.7.2000, p. 74.

ANNEX

to the Commission Regulation of 31 July 2000 amending the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination ⁽¹⁾	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1002 00 00 9000	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	-1,00	-0,00	-1,00	-2,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0,00	0,00	-12,00	-12,00	—	—
1101 00 15 9130	01	0	0,00	0,00	-11,50	-11,50	—	—
1101 00 15 9150	01	0	0,00	0,00	-10,50	-10,50	—	—
1101 00 15 9170	01	0	0,00	0,00	-9,75	-9,75	—	—
1101 00 15 9180	01	0	0,00	0,00	-9,25	-9,25	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0,00	0,00	-42,75	-42,75	—	—
1102 10 00 9700	01	0	0,00	0,00	-33,75	-33,75	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	-1,50	-3,00	-4,50	-6,00	—	—
1103 11 10 9400	01	0	-1,34	-2,68	-4,02	-5,36	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	-1,37	-2,74	-4,11	-5,48	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(¹) The destinations are identified as follows:

01 all third countries,

02 other third countries,

03 Mauritania, Mali, Niger, Senegal, Burkina Faso, The Gambia, Guinea-Bissau, Guinea, Cape Verde, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Democratic Republic of the Congo, Rwanda, Burundi, Angola, Zambia, Malawi, Mozambique, Namibia, Botswana, Zimbabwe, Lesotho, Swaziland, Seychelles, The Comoros, Madagascar, Djibouti, Ethiopia, Eritrea and Mauritius.

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 1711/2000
of 31 July 2000
altering the corrective amount applicable to the refund 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 organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1510/2000 ⁽²⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on malt was fixed by Commission Regulation (EC) No 1057/2000 ⁽³⁾, as last amended by Regulation (EC) No 1443/2000 ⁽⁴⁾;
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market

into account, the corrective amount at present applicable to the refund on malt should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to is hereby altered to the amount set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2000.

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

Done at Brussels, 31 July 2000.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 174, 13.7.2000, p. 11.

⁽³⁾ OJ L 118, 19.5.2000, p. 38.

⁽⁴⁾ OJ L 161, 1.7.2000, p. 78.

ANNEX

to the Commission Regulation of 31 July 2000 amending the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1
1107 10 11 9000	0	0	0	0	0	0
1107 10 19 9000	0	-1,27	-2,54	-3,81	-5,08	-6,35
1107 10 91 9000	0	0	0	0	0	0
1107 10 99 9000	0	-1,27	-2,54	-3,81	-5,08	-6,35
1107 20 00 9000	0	-1,49	-2,98	-4,47	-5,96	-7,45

(EUR/t)

Product code	6th period 2	7th period 3	8th period 4	9th period 5	10th period 6	11th period 7
1107 10 11 9000	0	0	0	0	0	0
1107 10 19 9000	-7,62	-8,89	-10,16	-11,43	-12,70	-13,97
1107 10 91 9000	0	0	0	0	0	0
1107 10 99 9000	-7,62	-8,89	-10,16	-11,43	-12,70	-13,97
1107 20 00 9000	-8,94	-10,43	-11,92	-13,41	-14,90	-16,39

**DIRECTIVE 2000/34/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 22 June 2000**

**amending Council Directive 93/104/EC concerning certain aspects of the organisation of working
time to cover sectors and activities excluded from that Directive**

THE EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 3 April 2000,

Whereas:

- (1) Article 137 of the Treaty provides that the Community is to support and complement the activities of the Member States with a view to improving the working environment to protect workers' health and safety. Directives adopted on the basis of that Article 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.
- (2) Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time ⁽⁴⁾ lays down minimum safety and health requirements for the organisation of working time, in respect of periods of daily rest, breaks, weekly rest, maximum weekly working time, annual leave and aspects of night work, shift work and patterns of work. That Directive should be amended for the following reasons.
- (3) Road, air, sea and rail transport, inland waterways, sea fishing, other work at sea and the activities of doctors in training are excluded from the scope of Council Directive 93/104/EC.
- (4) The Commission, in its proposal of 20 September 1990, did not exclude any sectors and activities from Council Directive 93/104/EC, nor did the European Parliament in its Opinion of 20 February 1991 accept such exclusions.

- (5) The health and safety of workers should be protected at the workplace not because they work in a particular sector or carry out a particular activity, but because they are workers.
- (6) As regards sectoral legislation for mobile workers, a complementary and parallel approach is needed in the provisions on transport safety and the health and safety of the workers concerned.
- (7) Account needs to be taken of the specific nature of activities at sea and of doctors in training.
- (8) Protection of the health and safety of mobile workers in the excluded sectors and activities should also be guaranteed.
- (9) The existing provisions concerning annual leave and health assessments for night work and shift work should be extended to include mobile workers in the excluded sectors and activities.
- (10) The existing provisions on working time and rest need to be adapted for mobile workers in the excluded sectors and activities.
- (11) All workers should have adequate rest periods. The concept of 'rest' must be expressed in units of time, i.e. in days, hours and/or fractions thereof.
- (12) A European Agreement in respect of the working time of seafarers has been put into effect by means of a Council Directive ⁽⁵⁾, on a proposal from the Commission, in accordance with Article 139(2) of the Treaty. Accordingly, the provisions of this Directive should not apply to seafarers.
- (13) In the case of those 'share-fishermen' who are employees, it is for Member States to determine, pursuant to Article 7 of Council Directive 93/104/EC, the conditions for entitlement to, and granting of, annual leave, including the arrangements for payments.
- (14) Specific standards laid down in other Community instruments relating, for example, to rest periods, working time, annual leave and night work for certain categories of workers should take precedence over the provisions of Council Directive 93/104/EC as amended by this Directive.

⁽¹⁾ OJ C 43, 17.2.1999, p. 1.

⁽²⁾ OJ C 138, 18.5.1999, p. 33.

⁽³⁾ Opinion of the European Parliament of 14 April 1999 (OJ C 219, 30.7.1999, p. 231), Council Common Position of 12 July 1999 (OJ C 249, 1.9.1999, p. 17) and Decision of the European Parliament of 16 November 1999 (not yet published in the Official Journal). Decision of the European Parliament of 17 May 2000 and Council Decision of 18 May 2000.

⁽⁴⁾ OJ L 307, 13.12.1993, p. 18.

⁽⁵⁾ Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) (OJ L 167, 2.7.1999, p. 33).

- (15) In the light of the case law of the Court of Justice of the European Communities the provision relating to Sunday rest should be deleted.
- (16) In its judgment in Case C-84/94 United Kingdom v. Council⁽¹⁾ the Court of Justice ruled that Council Directive 93/104/EC accords with the principles of subsidiarity and proportionality set out in Article 5 of the Treaty. There is no reason to assume that that judgment is not applicable to comparable rules concerning a number of aspects of the organisation of working time in excluded sectors and activities,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 93/104/EC is hereby amended as follows:

1. Article 1(3) shall be replaced by the following:

‘3. This Directive shall apply to all sectors of activity, both public and private, within the meaning of Article 2 of Directive 89/391/EEC, without prejudice to Articles 14 and 17 of this Directive.

This Directive shall not apply to seafarers, as defined in Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers, concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) (*) without prejudice to Article 2(8) of this Directive.

(*) OJ L 167, 2.7.1999, p. 33.;

2. in Article 2, the following shall be added:

- ‘7. “mobile worker” shall mean any worker employed as a member of travelling or flying personnel by an undertaking which operates transport services for passengers or goods by road, air or inland waterway.
8. “offshore work” shall mean work performed mainly on or from offshore installations (including drilling rigs), directly or indirectly in connection with the exploration, extraction or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activities, whether performed from an offshore installation or a vessel.
9. “adequate rest” shall mean that workers have regular rest periods, the duration of which is expressed in units of time and which are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, they do not cause injury to themselves, to fellow workers or to others and that they do not damage their health, either in the short term or in the longer term.’;

3. In Article 5, the following subparagraph shall be deleted:

‘The minimum rest period referred to in the first subparagraph shall in principle include Sunday.’

4. Article 14 shall be replaced by the following:

‘Article 14

More specific Community provisions

This Directive shall not apply where other Community instruments contain more specific requirements relating to the organisation of working time for certain occupations or occupational activities.’

5. Article 17(2.1) shall be replaced by the following:

‘2.1. from Articles 3, 4, 5, 8 and 16:

- (a) in the case of activities where the worker's place of work and his place of residence are distant from one another, including offshore work, or where the worker's different places of work are distant from one another;
- (b) in the case of security and surveillance activities requiring a permanent presence in order to protect property and persons, particularly security guards and caretakers or security firms;
- (c) in the case of activities involving the need for continuity of service or production, particularly:
 - (i) services relating to the reception, treatment and/or care provided by hospitals or similar establishments, including the activities of doctors in training, residential institutions and prisons;
 - (ii) dock or airport workers;
 - (iii) press, radio, television, cinematographic production, postal and telecommunications services, ambulance, fire and civil protection services;
 - (iv) gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants;
 - (v) industries in which work cannot be interrupted on technical grounds;
 - (vi) research and development activities;
 - (vii) agriculture;
 - (viii) workers concerned with the carriage of passengers on regular urban transport services;
- (d) where there is a foreseeable surge of activity, particularly in:
 - (i) agriculture;
 - (ii) tourism;
 - (iii) postal services;

⁽¹⁾ ECR [1996] I — 5755.

(e) in the case of persons working in railway transport:

- (i) whose activities are intermittent;
- (ii) who spend their working time on board trains; or
- (iii) whose activities are linked to transport timetables and to ensuring the continuity and regularity of traffic.'

6. In Article 17(2) the following shall be added:

'2.4. from Articles 6 and 16(2) in the case of doctors in training:

- (a) with respect to Article 6, for a transitional period of five years from 1 August 2004.
 - (i) Member States may have up to two more years, if necessary, to take account of difficulties in meeting the working time provisions with respect to their responsibilities for the organisation and delivery of health services and medical care. At least six months before the end of the transitional period, the Member State concerned shall inform the Commission giving its reasons, so that the Commission can give an opinion, after appropriate consultations, within the three months following receipt of such information. If the Member State does not follow the opinion of the Commission, it will justify its decision. The notification and justification of the Member State and the opinion of the Commission shall be published in the *Official Journal of the European Communities* and forwarded to the European Parliament.
 - (ii) Member States may have an additional period of up to one year, if necessary, to take account of special difficulties in meeting the abovementioned responsibilities. They shall follow the procedure set out in paragraph (i).

Within the context of the transitional period:

- (iii) Member States shall ensure that in no case will the number of weekly working hours exceed an average of 58 during the first three years of the transitional period, an average of 56 for the following two years and an average of 52 for any remaining period.
- (iv) The employer shall consult the representatives of the employees in good time with a view to reaching an agreement, wherever possible, on the arrangements applying to the transitional period. Within the limits set

out in point (iii), such an agreement may cover:

- the average number of weekly hours of work during the transitional period; and
- the measures to be adopted to reduce weekly working hours to an average of 48 by the end of the transitional period;

(b) with respect to Article 16(2), provided that the reference period does not exceed 12 months, during the first part of the transitional period specified in paragraph (a) (iii), and six months thereafter.';

7. The following Articles shall be inserted:

'Article 17a

Mobile workers and offshore work

1. Articles 3, 4, 5 and 8 shall not apply to mobile workers.

2. Member States shall, however, take the necessary measures to ensure that such mobile workers are entitled to adequate rest, except in the circumstances laid down in Article 17(2.2).

3. Subject to compliance with the general principles relating to the protection of the safety and health of workers, and provided that there is consultation of representatives of the employer and employees concerned and efforts to encourage all relevant forms of social dialogue, including negotiation if the parties so wish, Member States may, for objective or technical reasons or reasons concerning the organisation of work, extend the reference period referred to in Article 16(2) to twelve months in respect of workers who mainly perform offshore work.

4. On 1 August 2005 the Commission shall, after consulting the Member States and management and labour at European level, review the operation of the provisions with regard to offshore workers from a health and safety perspective with a view to presenting, if need be, the appropriate modifications.

Article 17b

Workers on board sea-going fishing vessels

1. Articles 3, 4, 5, 6 and 8 shall not apply to any worker on board a sea-going fishing vessel flying the flag of a Member State.

2. Member States shall, however, take the necessary measures to ensure that any worker on board a sea-going fishing vessel flying the flag of a Member State is entitled to adequate rest and to limit the number of hours of work to 48 hours a week on average calculated over a reference period not exceeding 12 months.

3. Within the limits set out in paragraphs 2, 4 and 5 Member States shall take the necessary measures to ensure that, in keeping with the need to protect the safety and health of such workers,

- (a) the working hours are limited to a maximum number of hours which shall not be exceeded in a given period of time, or
- (b) a minimum number of hours of rest are provided within a given period of time.

The maximum number of hours of work or minimum number of hours of rest shall be specified by law, regulations, administrative provisions or by collective agreements or agreements between the two sides of the industry.

4. The limits on hours of work or rest shall be either:

- (a) maximum hours of work which shall not exceed:
 - (i) 14 hours in any 24-hour period, and
 - (ii) 72 hours in any seven-day period;

or

- (b) minimum hours of rest which shall not be less than:
 - (i) 10 hours in any 24-hour period, and
 - (ii) 77 hours in any seven-day period.

5. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

6. In accordance with the general principles of the protection of the health and safety of workers, and for objective or technical reasons or reasons concerning the organisation of work, Member States may allow exceptions, including the establishment of reference periods, to the limits laid down in paragraphs 2, 4 and 5. Such exceptions shall, as far as possible, comply with the standards laid down but may take account of more frequent or longer leave periods or the granting of compensatory leave for the workers. These exceptions may be laid down by means of

- (i) laws, regulations or administrative provisions provided there is consultation, where possible, of the representatives of the employers and workers concerned and efforts are made to encourage all relevant forms of social dialogue, or
- (ii) collective agreements or agreements between the two sides of industry.

7. The master of a sea-going fishing vessel shall have the right to require workers on board to perform any hours of work necessary for the immediate safety of the

vessel, persons on board or cargo, or for the purpose of giving assistance to other vessels or persons in distress at sea.

8. Members States may provide that workers on board sea-going fishing vessels for which national legislation or practice determines that these vessels are not allowed to operate in a specific period of the calendar year exceeding one month, shall take annual leave in accordance with Article 7 within the abovementioned period.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 1 August 2003, or shall ensure that, by that date at the latest, the two sides of industry have introduced the necessary measures by agreement, the Member States being required to take any necessary measure to enable them at any time to be in a position to guarantee the results imposed by this Directive. With regard to doctors in training that date shall be 1 August 2004. They shall forthwith inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, 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 a reference shall be laid down by the Member States.

3. Without prejudice to the right of Member States to develop, in the light of changing circumstances, different legislative, regulatory or contractual provisions in the field of working time, as long as the minimum requirements provided for in this Directive are complied with, implementation of this Directive shall not constitute valid grounds for reducing the general level of protection afforded to workers.

4. Member States shall communicate to the Commission the texts of the provisions of national law already adopted or being adopted in the field governed by this Directive.

Article 3

Not later than 1 August 2009 the Commission shall, after consulting the Member States and management and labour at European level, review the operation of the provisions with regard to workers on board sea-going fishing vessels, and, in particular examine whether these provisions remain appropriate, in particular, as far as health and safety are concerned with a view to proposing suitable amendments, if necessary.

Article 4

Not later than 1 August 2005 the Commission shall, after consulting the Member States and management and labour at European level, review the operation of the provisions with regard to workers concerned with the carriage of passengers on regular urban transport services, with a view to presenting, if need be, the appropriate modifications to ensure a coherent and suitable approach in the sector.

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Luxembourg, 22 June 2000.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

J. SÓCRATES

Commission statement regarding Sunday rest

The Commission states that it will report on the situation in the Member States with regard to legislation on Sunday rest in its forthcoming report on the implementation of the Working Time Directive (93/104/EC).

Commission statement regarding implementation of Article 1, paragraph 6

The Commission states that it intends, before giving its opinion, to consult management and labour at European level and representatives of the Member States with a view to delivering its opinion three months after the Commission receives the notification from the Member State.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2000 OF THE ACP-EC COUNCIL OF MINISTERS

of 27 July 2000

regarding transitional measures valid from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement

(2000/483/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the fourth ACP-EC Convention, signed in Lomé on 15 December 1989 and revised in Port Louis on 4 November 1995, hereinafter referred to as 'the Convention', and in particular Article 366(3) thereof,

Whereas:

- (1) Negotiations for a new ACP-EC Partnership Agreement, hereinafter referred to as 'the Agreement', were concluded in Brussels on 2 and 3 February 2000. The Agreement will not enter into force until the ratification processes in accordance with Article 93 thereof have been completed.
- (2) The ACP-EC Committee of Ambassadors took a decision on 28 February 2000 ⁽¹⁾ whereby transitional measures applicable until 1 August 2000 were adopted.
- (3) In accordance with the second subparagraph of Article 366(3) of the Convention, the Council of Ministers has to adopt transitional measures to cover the period between 2 August 2000 and the entry into force of the Agreement.
- (4) With the exception of provisions concerning the release and implementation of financial resources from the ninth European Development Fund (EDF), the Parties deem it appropriate to provide for an early application of the Agreement as from 2 August 2000.
- (5) Provisions which relate to the release and implementation of financial resources from the ninth EDF cannot take effect before the Financial Protocol attached to the Agreement enters into force. Financial cooperation

during the interim period will therefore be financed with resources remaining from previous EDFs.

- (6) In contrast, programming of resources available from the ninth EDF may begin before the entry into force of the Financial Protocol attached to the Agreement. Such programming may imply an indicative allocation but not a commitment of funds available under the ninth EDF,

HAS DECIDED AS FOLLOWS:

Article 1

Provisional application of the Agreement

1. As from 2 August 2000, the provisions of the Agreement shall be put into early application with the following exceptions:
 - (a) Annex I;
 - (b) Annex II, Chapter 1;
 - (c) Annex IV: Chapter 3, Articles 17, 18 and 19, and Chapters 4 to 6.
2. The applicable provisions of the Agreement shall supersede the provisions of the Convention in the equivalent fields.
3. The provisions to be put into early application under paragraph 1 shall, as from 2 August 2000, be valid for any signatory States of the Agreement that were not parties to the Convention.
4. The Agreement is contained in the Annex ⁽²⁾ to this Decision.

⁽¹⁾ OJ L 56, 1.3.2000, p. 47.

⁽²⁾ This Annex will be published as soon as possible.

*Article 2***Continued applicability of the Convention**

The following provisions of the Convention shall remain applicable for all or parts of the interim period:

- (a) Part 3, Title II, Chapter 1 shall, in accordance with Article 207 of the Convention, be extended until 31 December 2000 for transfer decisions for the 1998 and 1999 application years and for the reimbursement of the residual balances arising under the second Financial Protocol (Article 195, point (a));
- (b) Part 3, Title II, Chapter 3 shall be extended until 31 December 2000 for operations for which a request for aid was submitted before 1 August 2000. In accordance with Article 281 of the Convention, and subject to the provisions of the Agreement, the programming exercise shall take into account the needs of finalisation of requests submitted for aid prior to 1 August 2000, but for which decisions cannot be taken before 31 December 2000 due to necessary procedures for taking such decisions, and the indicated financial allocations shall to the extent possible be respected for the support to the identified development programmes;
- (c) Part 3, Title III, Chapter 3, Sections 3 and 4 shall remain applicable until the funds are exhausted. This shall include any increase in risk capital managed by the European Investment Bank decided by the ACP-EC Council of Ministers during the transitional period;
- (d) Part 3, Title III
 - (i) Chapter 5, Section 1, for ACP States which, due to exceptional circumstances, have not completed the programming exercise under the Convention;
 - (ii) Chapter 5, Sections 2 to 6;
 - (iii) Chapter 6

shall remain applicable until the entry into force of the Agreement;

- (e) the provisions relating to the power of the Council of Ministers to decide on the use of unallocated resources from the sixth, seventh and eighth EDFs in accordance with Articles 195(b), 219(2)(d), 245(2), 257 and 282(5).

*Article 3***Resources from the sixth, seventh and eighth EDFs**

1. Resources from the sixth, seventh and eighth EDFs which were allocated to an ACP State before 1 August 2000 in accordance with Article 245(1), Article 254 and Article 281 of the Convention, shall remain allocated to that State. The balances of these funds shall be used for programming consistent with the relevant provisions of the Agreement.

2. Resources from the sixth, seventh and eighth EDFs which were allocated to an ACP region before 1 August 2000 in accordance with Article 160 of the Convention shall remain allocated to that region. The balances of these funds shall be used for programming consistent with the relevant provisions of the Agreement.

3. Without prejudice to Article 2(d)(i), unallocated resources from previous EDFs shall be allocated to ACP States and regions and used for programming consistent with the relevant provisions of the Agreement. Unallocated resources in this context are:

- (a) resources from the sixth, seventh and eighth EDFs which have not previously been allocated for a specific ACP State or region in accordance with paragraphs 1 and 2; and
- (b) resources of the Stabex and Sysmin instruments which remain after the period defined in Article 2(a) and Article 2(b) of this Decision, save for a reserve which shall be established before 30 September 2000 in order to finance any decision referred to in Article 2(a) and Article 2(b) which shall be taken before 31 December 2000. The financial resources allocated to this reserve shall cover the rights flowing from application of the Stabex instrument. Upon entry into force of this Decision, funds available on the Stabex account shall gradually be transferred to the special EDF account. The remaining funds from the reserve available on 31 December 2000 on the special Stabex account shall be transferred to the special EDF account before 31 December 2001. Before 30 September 2000, the ACP-EC Committee of Ambassadors shall determine the methods for calculating this reserve and the final amount thereof and also the method for transferring any unexpended balance to the special EDF account.

*Article 4***Centre for Development of Enterprise**

1. All resources and activities of the Centre for the Development of Industry shall be transferred to the Centre for Development of Enterprise.
2. The Committee of Ambassadors shall appoint, as soon as possible before 1 December 2000, following a fair and transparent selection procedure, two deputy directors of the Centre for the Development of Enterprise, for the transitional period up to 31 August 2002.

*Article 5***Rules of Procedure**

1. Taking into account the provisional application of the Agreement and in accordance with Articles 15(5) and 16(3) thereof, the Council of Ministers and the Committee of Ambassadors shall adopt their rules of procedure within six months of the entry into force of this Decision.

2. Until the adoption of the rules of procedure referred to in paragraph 1, the rules of procedure of the Council of Ministers as adopted by the Decision of 22 May 1997 ⁽¹⁾ and of the Committee of Ambassadors as adopted by the Decision of 18 March 1997 ⁽²⁾ shall remain applicable.

Article 6

Implementation of this Decision

The ACP States, the Member States and the Community shall be required to take the steps appropriate to each of them with regard to the implementation of this Decision.

Article 7

Entry into force and validity of this Decision

This Decision shall enter into force on 2 August 2000. It shall apply until the Agreement enters into force but no longer than 1 June 2002. The Council of Ministers may decide to extend its application.

Done at Brussels, 27 July 2000.

*The President of the ACP-EC Committee of
Ambassadors
by delegation, for the ACP-EC Council of
Ministers*

Y. AZOR-CHARLES

⁽¹⁾ OJ L 220, 11.8.1997, p. 58.

⁽²⁾ OJ L 220, 11.8.1997, p. 62.

COMMISSION

COMMISSION DECISION

of 29 June 2000

relating to a proceeding pursuant to Article 81 of the EC Treaty (Cases IV/36.456/F3 — *Inntrepreneur* and IV/36.492/F3 — *Spring*)

(notified under document number C(2000) 1591)

(Only the English text is authentic)

(2000/484/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by Regulation (EC) No 1216/1999 ⁽²⁾, and in particular Article 2 thereof,

Having regard to the applications for negative clearance and the notifications for exemption submitted on 27 March 1997 by the *Inntrepreneur Pub Company Limited* and *The Inntrepreneur Beer Supply Company Limited* and on 29 April 1997 by *Spring Inns Limited* pursuant to Articles 2 and 4 of Regulation No 17,

Having published a summary of the application and notification pursuant to Article 19(3) of Regulation No 17 ⁽³⁾,

After consulting the Advisory Committee for Restrictive Practices and Dominant Positions,

Whereas:

I. THE FACTS

A. INTRODUCTION

- (1) On 27 March 1997, the *Inntrepreneur Pub Company Limited* (hereinafter 'IPCL') and *The Inntrepreneur Beer Supply Company Limited* (hereinafter 'TIBSCO') notified, pursuant to Article 4 of Regulation No 17, the standard

form tenancy agreements (hereinafter 'the Leases') used for the letting by IPCL and related companies of on-licensed premises ⁽⁴⁾ in the United Kingdom. The Leases are in the form used as from 1 January 1997, incorporating a Deed of Variation and Purchasing Agreement.

- (2) On 29 April 1997, *Spring Inns Limited* (hereinafter 'Spring') notified pursuant to Article 4 of Regulation No 17, the Leases used for letting by Spring and related companies of licensed premises in the United Kingdom. The Spring Leases are also in the form of the lease used by IPCL, that is, as used from 1 January 1997, incorporating a Deed of Variation and Purchasing Agreement.

- (3) By letter of 23 February 1998, the notifying parties added *The Grand Pub Company Ltd* (hereinafter 'GPC') as a party to both notifications and completed these notifications with information as to the operation of the Leases after 28 March 1998.

- (4) The notifying parties have requested negative clearance of the Leases, or confirmation that the agreements could benefit from the application of Commission Regulation (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive purchasing agreements ⁽⁵⁾, as last amended by Regulation (EC) No 1582/97 ⁽⁶⁾, or individual exemption pursuant to Article 81(3) of the Treaty. That Regulation contains in its Title II special provisions for beer-supply agreements.

⁽¹⁾ OJ 13, 21.2.1962, p. 204/62.

⁽²⁾ OJ L 148, 15.6.1999, p. 5.

⁽³⁾ OJ C 133, 30.4.1998, p. 23 for both cases for the situation after 28 March 1998.

⁽⁴⁾ On-licensed premises are those which are licensed to sell alcoholic beverages for consumption on and off the premises as opposed to off-licensed premises such as supermarkets which are licensed for off-premises consumption only.

⁽⁵⁾ OJ L 173, 30.6.1983, p. 5.

⁽⁶⁾ OJ L 214, 6.8.1997, p. 27.

- (5) For the period before 28 March 1998 two notices ⁽¹⁾ were published in the *Official Journal of the European Communities* pursuant to Article 19(3) of Regulation No 17. The parties, IPCL and Spring, have agreed to an exemption comfort letter by letter of 23 November 1999; that letter was issued on 24 January 2000. The Commission published an Article 19(3) notice pursuant to Regulation No 17 concerning the situation after 28 March 1998, when the beer supply structure changed. By letter of 23 November 1999, the notifying party informed the Commission that it requested a decision for the period after 28 March 1998. This Decision therefore only concerns the situation after 28 March 1998.

B. THE PARTIES

GPC

- (6) On 21 September 1997, GPC, a company set up by the Japanese investment bank Nomura, entered into an agreement to acquire the IPCL and Spring pub companies. Under that agreement, GPC acquired an option to call (and the vendors, an option to put) the share capital of IPCL and Spring. That option was exercised on 27 March 1998.
- (7) Following the exercise of the option, IPCL, Spring and the new nominated supplier under the Leases, Supply Line, are wholly-owned subsidiaries of GPC and as at 29 March 1998 GPC or its subsidiaries are the beneficial owner of the premises subject to the Leases.
- (8) On 27 March 1998, the IPCL estate comprised some 2 898 on-licensed premises or pubs. Of these 2 286 IPCL houses were let on long leases, principally of 20 years duration and 612 houses were let on shorter term agreements of less than three years or temporary agreements of even shorter duration.
- (9) On 28 March 1998, 851 Spring houses were let on long leases, principally of 20-year duration, and 555 houses were let on shorter term or on temporary agreements.
- (10) GPC entered into an agreement to sell 310 pubs to Scottish and Newcastle plc. Completion took place on 29 March 1998. Following this sale, the GPC estate numbered 3 996 pubs. On 1 November 1999, the GPC estate numbered around 1 000 pubs.
- (11) GPC notified its 'upstream' beer supply agreements with brewers for use after 28 March 1998 to the Commission on 9 February 1998 (Case IV/36.916/F3). This case was closed by the Commission after the issue of a negative clearance comfort letter to GPC on 11 March 1998. None of the then 15 notified brand supply agreements with individual brewers contained a restriction on GPC's sourcing policy such as exclusive purchasing obligations, minimum purchasing obligations, 'must stock' obligations or non-compete obligations. The lessees can buy any of the brands included in the GPC price list. On 1 November 1999, GPC had 18 beer supply agreements with brewers.

The lessees

- (12) The other parties to the actual agreements, that are based on the Leases, are individuals or their companies who, in general, have an interest in only one on-licensed establishment.

C. THE MARKET

- (13) The United Kingdom on-trade beer market has changed significantly over the last decade. The 1989 Monopolies and Mergers Commission's (hereinafter 'MMC') report on the supply of beer and the resulting legislation were important factors in these changes. The 1989 MMC report into the supply of beer led to a number of recommendations being made which were aimed at relaxing the traditional tie (exclusive purchasing obligation and non-competition obligation) between brewers and pubs. Most of the MMC's recommendations were implemented, mainly by the Supply of Beer (Tied Estate) Order 1989 and the Supply of Beer (Loan Ties, Licensed Premises and Wholesale Prices) Order 1989 (hereinafter 'the Orders'). The Tied Estate Order imposed the following changes on 'national brewers', that is, brewers with an estate of more than 2 000 on-licensed premises:
- their tenants/lessees would be free of tie for non-beer drinks and low-alcohol beers,
 - their tenants/lessees would have the right to buy one cask-conditioned ale (a beer with fermentation in the cask) ⁽²⁾ from a source other than the brewer/landlord, that is, the guest beer clause, and
 - they were only allowed to tie a certain number of pubs. This forced them to sell or free of tie about 11 000 of the then estimated 60 000 United Kingdom pubs.

Demand factors

- (14) Beer can be sold through the on-trade, for example, pubs, hotels and restaurants, or through the off-trade, for example, supermarkets and off-licences. In addition, imports brought into the United Kingdom by private individuals on which duty has been paid, mainly from

⁽¹⁾ OJ C 374, 10.12.1997, p. 11 for Case IV/36.456/F3 — Inntrepreneur; OJ C 61, 26.2.1998, p. 3 for Case IV/36.492/F3 — Spring.

⁽²⁾ The United Kingdom Government extended the scope by also allowing for one bottle-conditioned beer from 1 April 1998.

Calais, are estimated to have accounted for almost 5 % of total beer consumption in the United Kingdom in 1998. The proportion of sales volume accounted for by the on-trade was around 68 % in 1998. With the exception of Ireland, this remains the highest proportion in the Community.

- (15) Consumption of draught beer accounted in 1998 for 61 % of total consumption. This is also, with the exception of Ireland, the highest figure in the Community. United Kingdom pubs also offer a bigger choice of draught beers than elsewhere in the Community, with an average of 6,5 brands per pub.

Supply factors

Brewing

- (16) In 1998, the remaining four national brewers, Scottish & Newcastle, Bass, Carlsberg Tetley Brewing and Whitbread, commanded 78 % of the United Kingdom beer market in terms of supply. The Herfindahl-Hirschmann index (hereinafter 'HHI'), used to help describe market concentration, for the United Kingdom beer market stood, on the basis of the market shares of the national brewers, at 1 678 ⁽¹⁾ in 1996. With an HHI between 1 000 and 1 800, the market is described as 'moderately concentrated'. The increased price competition at the wholesale level, which can be associated with the emergence of pub companies (see recital 18), has led to the recent consolidation at brewing level, as regional brewing companies, in particular, have attempted to achieve necessary economies of scale. In 1999, there were five regional brewers ⁽²⁾.

Wholesaling

- (17) The Orders caused the sale of part of the national brewers' tied estates. This was expected to lead to an increase in the free trade and to a greater role for traditional wholesalers. However, in 1995/96 traditional wholesalers still only accounted for some 6 % of distribution, compared to 5 % in 1985. The national brewers still dominate the wholesale sector, with a share of distribution similar to their share of production. As regional brewers do not require the services of tradi-

tional wholesalers either, this, combined with the general decline in sales of beer and the increased efficiency of national brewer-wholesalers, has resulted in marginal growth in the traditional wholesale sector.

- (18) The pubs that were sold by the national brewers were purchased mainly by retail pub chains or by regional brewers. In general, pub chains either have their own wholesaling operations or are supplied directly by the brewers.

Retailing

- (19) In the United Kingdom, the retail sale of beer and other alcoholic drinks for consumption on the premises requires a justices' (local courts of law) licence. Three distinct classes of licences are currently in operation ⁽³⁾:

- full on-licences: premises where a person can buy an alcoholic drink, without being a resident or having a meal. There are approximately 83 100 full on-licences in issue, of which around 57 000 ⁽⁴⁾ are pubs. The remainder include hotels and wine bars,
- restricted on-licences: premises where it is a condition on buying a drink that the customer is either a resident or having a meal. Covers some 32 300 private hotels and restaurants,
- clubs: of which a person has to be a member before buying a drink. Covers some 31 500 outlets, mainly jointly owned by their members.

- (20) The following table indicates how beer was sold through the different retail channels in 1997: (a) the tied estate of the brewers, (b) the managed estate of the brewers, (c) the tied estate of non-brewing pub companies (including IPCL and Spring), (d) the managed estate of non-brewing pub companies, (e) loan-tied premises and (f) untied or free premises. The 1997 data are from the Brewers and Licensed Retailers Association (hereinafter 'BLRA'), including estimates for non-members.

Table 1: UK on-trade beer consumption

	(a)	(b)	(c)	(d)	(e)	(f)
1997	10,0 %	17,2 %	11,4 %	8,3 %	18,1 %	35,0 %

⁽¹⁾ The Commission does not have precise information on the market shares of the other United Kingdom brewers. Nevertheless, it does not estimate that the HHI for all brewers would reach the 1 800 mark as from which a market is considered to be 'highly concentrated'.

⁽²⁾ Defined in the MMC report as brewers which 'have a business which is mainly, but not necessarily wholly, concentrated in a single region of the United Kingdom'. The number of regionals is defined taking the number of owned pubs and production volume for the smallest regional in the MMC report as a benchmark.

⁽³⁾ The licensing system is slightly different in Scotland.

⁽⁴⁾ Other publications have estimated the number of pubs at 61 000.

- (21) The 10 % figure for sales going through the tied estates of the brewers in 1997 includes the tied purchases of the lessees and the cask-conditioned beer that the tenants and lessees of the national brewers purchase, at a discount, from their landlord-brewer ⁽¹⁾. The figure does not include purchases of guest beer from another supplier.
- (22) The 18,1 % figure for loan-tied premises' volume in 1997 includes the total volume that a loan-tied pub operator buys from the supplier with whom he has a loan tie. This volume may exceed the tied quantities foreseen in the loan agreement. It is, however, not known what part of the 18,1 % represents purchases in excess of the loan-tied quantity. The 18,1 % figure does not include 'free' purchases of a loan-tied pub operator from other suppliers.
- (23) While Table 1 gives an idea of the throughput in the on-trade by describing the ownership situation of the premises, it can also be noted that if one refers to the category of on-licensed premises, 70 % of beer is sold through the estimated 57 000 pubs, 20 % through clubs and 10 % through restaurants, hotels, wine bars and so forth with full or restricted on-licences (1995 data).
- (24) The Orders also reduced the restrictive scope of loan ties, by allowing their termination at any moment in time by the tenant on three months' notice. The Orders also introduced the guest beer right for publicans with trade loans from the national brewers. From information supplied by the BLRA (following a specific survey undertaken in 1996), it appears that the usual period of a loan is five or 10 years, and the average actual length is almost four years. Thirty-one brewers had some 37 000 loans outstanding at the end of the survey period (almost 35 000 at the start) with over the year almost 8 000 new loans entered into and over 5 000 repaid. The value of the loans repaid during the period exceeded the value of the new loans made (to existing or new customers); some 2 % of the outstanding capital was written off as bad debts. The average value of a loan is around GBP 30 000.
- (25) There appear to be two types of loans, relatively small ones (a value of almost GBP 5 000 at the start of the period, but only an average value of less than GBP 2 000 at the end of the survey period) which are often made available to small free-trade pubs; they appear to be very volatile. On the other hand, there are

much larger loans to large volume outlets such as clubs (average value around GBP 60 000) and these are usually non-exclusive. However, the purchasing obligations are usually for a specific quantity of beer. No estimate was made by the BLRA as to the volume split for small/big loans, the number of the non-exclusive (big) loans, the total on-trade volume-percentage accounted for by such non-exclusive loans, or the percentage of total throughput of the relevant premises accounted for by the quantity of beer stipulated in such loan ties. No information was given as to the proportion of loans which the publican pays back with money loaned to him by another brewer (in exchange for a new loan tie). Beer volumes sold through loan ties have reduced in the last couple of years and, for the years 1994 to 1997, the scale of loan repayments has exceeded the value of new loans.

Competition between brewers

- (26) At the wholesale level, the major brewers have some guaranteed sales through their tied and managed estates. The brewers have to compete to supply the remainder of the market, through individual agreements with free houses (with or without loan ties) and supply agreements with pub chains and other brewers (with or without 'ties' such as minimum purchasing obligations, non-compete and must-stock obligations). The competitive parameters are mainly price and brand strength, although the brewers also try to gain sales by offering other benefits such as promotional support.

Market entry at brewing level

- (27) The main hindrances to entry at this level are the need to secure outlets for supplies and to have access to a distribution system. A new entrant has to secure supplies to free houses, pub chains or to the brewer's estates as part of their portfolio of beers or (in the case of a national brewer) as a guest beer. Possession by competitors of well-known brands may hinder entry, or expansion of existing brewers. This may be more important in lagers, which are normally marketed nationally, and where economies of scale in advertising may make small-scale entry less viable. The difficulties involved in small-scale entry may be increasing as the advertising spend for the national lager brands has increased substantially over the last couple of years, even on a brand basis.

⁽¹⁾ This is also sometimes called a guest beer, although the legal definition of a guest beer refers to the purchase of a cask-conditioned beer from another supplier (see recital 13).

- (28) The need to secure outlets has been reduced since the implementation of the Orders, owing to the reduction of the proportion of the market subject to ties and to the emergence of pub companies. It is easier for a new entrant to enter supply agreements with a chain rather than with individual pubs. Whereas it is relatively easy to set up a distribution system limited to the supply of the wholesale depots of the other brewers and/or wholesalers, it is more difficult to reach the individual retail outlets.

- (29) Most foreign producers of beer (mostly lager) have chosen to enter the United Kingdom market by entering into exclusive licensing agreements with existing national brewers whereby the beer is brewed in the United Kingdom and sold as part of the national brewer's portfolio of brands. These foreign lagers have often been marketed as premium brands and supported by substantial advertising spending. However, there is one example where a brewer has come into the United Kingdom market directly. Anheuser Busch has recently become a brewer in the United Kingdom, taking over the former Courage brewery in Mortlake to produce the Budweiser lager.

Market entry at retail level

- (30) Pubs compete only with others in their locality. Broadly speaking, each area has a local price for a certain type of package, which comprises the total pub 'offer' (facilities, ambience) and not just the price of beer.
- (31) Entry barriers in the retail market are relatively low. The only one of any significance is the presence of licensing laws, which can prevent new pubs from being opened unless there is a need for them. This law is not applied strictly throughout the United Kingdom, but where it is, it can result in entry within that locality being difficult. Moreover, in some areas of the United Kingdom, licences are now being refused mainly on public order grounds. However, a particular pub company has succeeded in opening over 100 pubs on greenfield sites in recent years.

Changes in arrangements between pub tenants and their landlords

- (32) Historically, pubs were let by means of 'traditional' short-term pub tenancies. Brewers retained responsibility for the fabric of the building and its fixtures and fittings and tenants were responsible for selling beer supplied by the landlord plus other drink and food. Following the

MMC report, pub tenants in England and Wales were provided with security of tenure⁽¹⁾ by being brought within the Landlord and Tenant Act 1954. However, well before the MMC's recommendation, the first long full repair and maintenance leases, which provided some security of tenure and the ability to assign the lease, were offered.

D. THE AGREEMENTS

- (33) For leases granted after 28 March 1998, GPC use (a) the 'standard variable term lease', long fully repairing and insuring leases for terms between 10 and 30 years, and (b) the 'variable term agreement' for a term of between three and five years. Both incorporate a Purchasing Agreement and a Deed of Variation.
- (34) The Purchasing Agreement sets out the discount structure. The Deed of Variation (a) incorporates the Purchasing Agreement in the existing lease, (b) introduces a new beer tie but allows GPC to vary the tie so as to tie by brand, (c) removes the minimum purchasing obligation and the penalty for shortfall that were in the existing leases issued by IPCL and Spring before 1 February 1997, (d) allows the arrangements of the Purchasing Agreement to be considered for rent reviews after 31 March 1998, (e) introduces the opportunity for the lessees to have the rent review determined by an expert for a fixed fee, and (f) allows the lessees to call for a rent review if the Purchasing Agreement is terminated; such a review could be downwards, but not to a level below the rent prior to the time of entering into the Purchasing Agreement.
- (35) The Leases issued after 28 March 1998 do not contain a guest beer provision. However, they do contain a tie for cider, no-alcohol and low-alcohol beers.

Beer tie

- (36) The lessee agrees to purchase all specified beers that he requires for sale in the property only from the company or its nominees. 'Specified beers' means the following types of beer: light, pale ale or bitter, export or premium ale, mild ale, brown ale, strong ale (including barley wine), bitter stout or porter, sweet stout, lager, export or premium lager, strong lager, 'diet pils' (or premium low carbohydrate beer), low carbohydrate (or 'lite' beer).
- (37) The brands or denominations of the specified beers type are indicated on the company's price list. The company may as often as it wishes add, substitute or delete brands or denominations from a specified beers type on the price list.

⁽¹⁾ Except for a limited number of specified reasons, i.e. the owner of the pub wants to use the outlet for his own purposes as a managed house, in which case the lessee receives compensation fixed by law, the parties can negotiate a new agreement. In the absence of a new agreement, the United Kingdom courts will renew the agreement on similar terms to the existing agreement with the exception of the rent and the duration which cannot exceed 14 years.

- (38) Except for the guest beer provision, the lessee shall not sell or expose for sale in his pub any specified beer not supplied by the company or any unspecified beer unless (a) it is packaged in bottles, cans or other small containers; or (b) it is in draught form and the sale of that beer in draught form is customary or is necessary to satisfy a sufficient demand from the lessee's customers ⁽¹⁾.
- (39) The lessee must not advertise on the property goods which are not supplied by the company except in the same proportion that those goods bear to the total turnover of the lessee in the property.

II. LEGAL ASSESSMENT

ARTICLE 81(1)

1. The relevant market

1.1. The relevant product market

- (40) The relevant product market includes, in principle, all goods or services which are perceived by the consumer, on the grounds of their characteristics, price or intended purpose, as being reasonably interchangeable with each other ⁽²⁾. As the Court of Justice of the European Communities stated in the *Delimitis* judgment ⁽³⁾, 'the relevant market is primarily defined on the basis of the nature of the economic activity in question, in this case the sale of beer. Beer is sold through both retail channels and premises for the sale and consumption of drinks. From the consumer's point of view, the latter sector, comprising in particular public houses ⁽⁴⁾ and restaurants, may be distinguished from the retail sector on the grounds that the sale of beer in public houses does not solely consist of the purchase of a product but is also linked with the provision of services, and that beer consumption in public houses is not essentially dependent on economic considerations. The specific nature of the public house trade is borne out by the fact that the breweries organise specific distribution systems for this sector which require special installations, and that the prices charged in the sector are generally higher than retail prices.'
- (41) In view of the specific licensing system in the United Kingdom, it has to be clarified which sections of the three distinct classes of on-licences (see recital 19) form the relevant product market of 'public houses and restaurants'. In this respect, reference is made to para-

graph 43 of the Commission notice concerning Regulations (EEC) No 1983/83 and (EEC) No 1984/83 on the application of Article 85(3) of the Treaty to categories of exclusive distribution and exclusive purchasing agreements ⁽⁵⁾ where it is stated that 'the concept of "premises for the sale and consumption of drinks" covers any licensed premises used for this purpose. Private clubs are also included.' This is understandable as all these outlets, including also the restricted on-licences, have in common that the drinks are purchased for consumption on the premises and that there is an important service element provided for. The Commission recognises that beer price in clubs, being in December 1994 some 82 to 83 % of that prevailing in pubs, is lower than that charged in pubs ⁽⁶⁾. However, this reflects to a large extent the fact that these clubs operate on a non-profit base. It remains the case that, in view of the service element, the price in clubs is still in excess of the price of beer in supermarkets. Furthermore, the specific distribution system for the whole on-trade, including clubs, is the same: the special installations for draught dispense, the brewers' beer list prices, and the operation of loan ties.

- (42) It follows that the reference market is that for the distribution of beer in premises for the sale and consumption of drinks (the whole on-trade market). As stated in the *Delimitis* judgment at paragraph 17, that finding is not affected by the fact that there is a certain overlap between the on- and off-trade, namely inasmuch as retail sales allow new competitors to make their brands known and to use their reputation in order to gain access to the market constituted by premises for the sale and consumption of drinks.

1.2. The relevant geographic market

- (43) The objective competitive conditions of supply and demand for the supply of beer to the on-trade vary considerably in the different parts of the Community. As the Court of Justice noted in the *Delimitis* judgment at paragraph 18, most beer supply agreements are still entered into at a national level. It follows that, in applying the Community competition rules to the agreement, account is to be taken of the United Kingdom market for beer distribution in premises for the sale and consumption of drinks.

⁽¹⁾ Subject to some further formalities.

⁽²⁾ Case 27/76, *United Brands*, ECR [1978], 207, paragraph 12.

⁽³⁾ Case C-234/89, *Stergios Delimitis v Henninger Bräu*, ECR [1991] I-935, paragraph 16.

⁽⁴⁾ The German (procedural language) version of the judgment uses the term 'Schankwirtschaften'. In the French version, being the working language within the Court, the term 'cafés' is used.

⁽⁵⁾ OJ C 101, 13.4.1984, p. 2.

⁽⁶⁾ Extracts from Stats MR's survey of retail prices, submitted by a national brewer to the Office of Fair Trading.

- (44) The United Kingdom market is also distinct from beer markets in other Member States in view of the Orders (see recital 13), the high consumption of draught beer (see recital 15), the presence of pub management companies (see recital 18), the pub-licensing regulations (see recitals 19 and 31) and the variety in types of ale offered (see recital 36).

2. Agreement between undertakings

- (45) GPC, on the one hand, and the lessees, on the other, are undertakings within the meaning of Article 81(1).
- (46) The individual leases, in a form similar to the notified Leases, between the notifying companies and each of its lessees are agreements within the meaning of Article 81(1).

3. The beer tie's restrictive effect on competition

3.1. Description and nature of the beer tie

- (47) A beer supply agreement such as the Leases is generally qualified by referring to the exclusive purchasing obligation which is generally backed by a non-competition obligation ⁽¹⁾. These clauses are formulated in the lease as follows (see also recitals 36 to 38):
- the lessee agrees to purchase all specified beers that he requires for sale in the property only from the company or its nominees. The brands or denominations of the specified beers type are indicated on the company's price list. The company may as often as it wishes add, substitute or delete brands or denominations of a specified beers type on the price list (exclusive purchasing obligation),
 - except for the guest beer provision, the lessee shall not sell or expose for sale in his pub any specified beer not supplied by the company or any unspecified beer unless (a) it is packaged in bottles, cans or other small containers; or (b) it is in draught form and the sale of that beer in draught form is customary or is necessary to satisfy a sufficient demand from the lessee's customers (non-competition obligation).
- (48) It can be noted that, apart from the explicit non-competition obligation, the exclusive purchasing obligation is so formulated that it already includes implicitly a non-competition obligation by reference to the general wording 'all specified beers'.
- (49) Because of the exclusive purchasing obligation, the lessees are precluded from accepting offers of contract goods from other suppliers. Competition for the lessees between the company's nominated supplier and other

beer wholesalers who offer the same brands is precluded (restriction of intra-brand competition).

- (50) The explicit and implicit non-competition obligation for beer, that is, the prohibition on the lessees to purchase other brands of specified types from other producers of beer, restricts interbrand competition. The contractual provisions on the purchase of non-specified types impose certain administrative constraints on the lessees but do not in effect restrict their ability to offer such non-specified types on their premises. These clauses therefore lack a restrictive effect on competition.

3.2. The *Delimitis* tests

- (51) The Court held in paragraph 27 of the *Delimitis* judgment that 'a beer supply agreement is prohibited by Article 85(1) of the EEC Treaty, if two cumulative conditions are met. The first is that, having regard to the economic and legal context of the agreement at issue, it is difficult for competitors who could enter or increase their market share to gain access to the national market for the distribution of beer in premises for the sale and consumption of drinks'. That is, the first test concerns whether the United Kingdom on-trade beer market is foreclosed.
- (52) Even if any foreclosure exists on the United Kingdom on-trade beer market, for the notifying parties' tied leases to fall within the scope of Article 81, it is necessary to consider, as the Court went on to do in paragraph 27 of the *Delimitis* judgment, that 'the agreement in issue must make a significant contribution to the sealing-off effect brought about by the totality of those agreements in their economic and legal context. The extent of the contribution made by the individual agreement depends on the position of the Contracting Parties in the relevant market and on the duration of the agreement'.
- (53) The Court clarified this further in paragraphs 25 and 26 of that judgment, 'That position is not determined solely by the market share held by the brewery and any group to which it may belong, but also by the number of outlets tied to it or to its group, in relation to the total number of premises for the sale and consumption of drinks found in the relevant market'. As to the duration, the Court indicated that 'if the duration is manifestly excessive in relation to the average duration of beer supply agreements generally entered into on the relevant market, the individual contract falls under the prohibition under Article 85(1). A brewery with a relatively small market share which ties its sales outlets for many years may make as significant a contribution to a sealing-off of the market as a brewery in a relatively strong market position which regularly releases sales outlets at shorter intervals'.

⁽¹⁾ *Delimitis*, loc. cit.; paragraph 10 of the judgment.

- (54) In the German ice-cream cases, the Court of First Instance, in assessing the significant contribution of the companies in question, referred to 'the strong position occupied by the [company concerned] in the relevant market, and, in particular, its market share' ⁽¹⁾. The Court thus based itself primarily on the broader concept of the overall market share.
- (55) In applying this test to the notifying party, their tied leases must also be looked at in their 'economic and legal context'.
- (56) The assessment of the agreements concerning the purchase of beer from brewers (the 'upstream' beer supply agreements) has to be differentiated from the assessment of the property and loan-tie agreements (the 'downstream' agreements).
- (57) Where the former category of agreements, the 'upstream' beer-supply contract, contains a sort of tie (minimum purchasing obligation, non-compete obligation, must-stock obligation) it is to be considered as part of the tied network of the supplying brewer. This contract can thus fall within the scope of Article 81(1) if the supplying brewer contributes significantly to the foreclosure on the market. The agreements can, however, be exempted if they fulfil the criteria of Article 81(3).
- (58) In this respect, it should be noted that whereas the restrictive links between the brewers, which are in effect national players, and the other wholesale players are limited, access to the 'downstream' tied network of the wholesale players is possible for other, United Kingdom or foreign, brewers. Furthermore, it is easier for these other brewers to conclude an agreement with one wholesale player and thereby obtain access to all the outlets tied to such a player, than to conclude agreements with each individual retail outlet. The existence of an open beer-supply structure should therefore not have an impact on the assessment of the tied network of the 'wholesaler'. The tied network of the 'wholesaler' cannot simply 'be attributed to the (brewery) which makes an appreciable contribution (to the foreclosure)' ⁽²⁾.
- (59) In contrast to the *Delimitis* case, which concerns a brewer, the notifying party is a free-standing pub company, which is not vertically integrated with any United Kingdom brewer. The relationship between the notifying party and its tenants, on the one hand, and the brewers, on the other, is therefore economically different from that of a brewer which wishes to see its beer sold through its network of agreements.
- (60) Since 29 March 1998, the supply of beer to the GPC estate has been characterised by multi-sourcing and periodic tendering. Brands are sourced on the basis of a diversified portfolio from national and regional brewers. The duration of contracts with supplying brewers (typically two to five years) is structured so that a proportion of the business can be re-tendered at frequent intervals. Over the period 1998 to 2003, approximately 98 % of the beer throughput will provide an opportunity for third party brewers to tender. The notifying parties do not have a single volume commitment to any of the current 18 brewers whose brand(s) are currently listed on their price list. The notifying parties thereby offer a gateway for the already substantial number of brewers, and, theoretically ⁽³⁾ for all other national or foreign brewers, to the UK on-trade market. Furthermore, it is easier for another brewer, and in particular a newcomer on the UK market, to conclude an agreement with one wholesale player and thereby obtain access to all the outlets tied to such a player, than to conclude agreements with each individual retail outlet.
- (61) The effect of the leases is therefore to mitigate rather than reinforce any network effect of brewers' agreements in the United Kingdom on-trade beer market. The role of such an independent distribution structure in reducing foreclosure was recognised by the Court in paragraph 21 of the *Delimitis* judgment, 'the presence of beer wholesalers not tied to producers who are active on the market is also a factor capable of facilitating a new producer's access to that market since he can make use of those wholesalers' sales networks to distribute his own beer'.
- (62) It can therefore be concluded that rather than significantly contributing to the foreclosure, the tied leases of a 'non-tied' pub company are more likely to enhance the competitive structure of the market ⁽⁴⁾. In those circumstances, the importance of a pub company's tied estate (in terms of number of outlets tied and the beer throughput of those outlets) is not currently relevant to an assessment of the contribution to market foreclosure.

⁽¹⁾ Cases T-7 & 9/93 *Langnese-Iglo* and *Schöller*, [1995] ECR II-1539 and II-1611, paragraphs 112 and 87 respectively.

⁽²⁾ *Delimitis*, loc. cit.; paragraph 24 of the judgment.

⁽³⁾ The Commission recognises that there are practical limits as to the number of 'product lines' (not necessarily equal to brands as one brand might be stocked in different container sizes) that a pub company can stock and distribute efficiently to its tied outlets.

⁽⁴⁾ In the case of a non-brewing pub company, given the current market structure at the retail level, the duration of the IPCL and Spring standard leases is irrelevant for the assessment of whether they contribute significantly to foreclosure, when the 'upstream' beer supply structure is open.

3.3. Conclusion on the Delimitis tests

- (63) GPC does not operate a network of 'restrictive' agreements, including its standard lease agreements, that contribute significantly to the foreclosure of the United Kingdom on-trade beer market; nor can their standard lease agreements be considered, in view of the beer-supply agreements with brewers, to form part of such a 'supplying' brewer's tied network.

4. Conclusion

- (64) The exclusive purchasing and non-competition obligations contained in the notified Leases after 28 March 1998 fall outside the scope of Article 81(1).

5. Restrictive effect on competition of the advertising clause

- (65) The notified leases contain a clause which states that the lessee should avoid advertising goods supplied by other undertakings in a higher proportion than the share of those goods in the total turnover realised in the premises (hereinafter 'the advertising clause').
- (66) Whether or not the advertising clause falls within the scope of Article 81(1) of the Treaty is only relevant to the market for the distribution of beer. With regard to all other neighbouring markets for the supply of goods to on-licensed premises in the United Kingdom, such as non-beer drinks, crisps and amusement machines, the clause is not restrictive. The Leases, in the absence of an exclusive purchasing obligation and a non-competition obligation for the supply of such products, do not restrict competition on such markets, if such were considered to exist, to an appreciable extent by the mere imposition of an advertising clause.
- (67) With regard to the supply of beer, the advertising clause has the object of limiting the lessee's ability to advertise the beer supplied by particular undertakings. The only beer that a GPC lessee is entitled, pursuant to his Lease, to buy from undertakings other than the nominated suppliers is the guest beer and beer of non-specified types. In particular, brands of beer of non-specified types may not be well known to the United Kingdom consumer and therefore would require specific on-the-spot advertising. The letter of the clause would make advertising for these new products impossible, as the clause requires the advertising to be proportionate to the

turnover of these goods, which by definition, is virtually zero as the goods are new.

- (68) The exclusive purchase obligation contained in the beer tie allows GPC to exclude any third-party beer from being offered by the lessee merely by adding it to the price list as a specified beer (see recital 47). As demonstrated at recital 64, this beer tie falls outside the scope of Article 81(1) of the Treaty. It follows that an advertising clause which can make advertising for such third-party beer impossible cannot be caught by Article 81(1) of the Treaty either.
- (69) In any event, the Commission possesses no information to the effect that the advertising clause has been applied. On the contrary, GPC confirmed in a letter dated 29 June 1999 that, 'IPCL/Spring did not enforce the clause in the lease allowing for advertising of product' and further in a letter of 15 March 2000, whereby GPC also confirms that it has no intention of enforcing this clause in the future, 'this is apparent from the fact that lessees have the freedom to advertise, promote and market according to the marketing mix of their choice of brewers' products as appropriate to their business plan'.
- (70) It follows that the advertising clause falls outside the scope of Article 81(1) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the facts in its possession, the Commission has no grounds for action under Article 81(1) of the Treaty in respect of the notified agreements for the period after 28 March 1998.

Article 2

This Decision is addressed to The Grand Pub Company Ltd, c/o Mill House, Aylesbury Road, Thame, Oxfordshire OX9 3AT, United Kingdom.

Done at Brussels, 29 June 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 18 July 2000
amending Decision 2000/350/EC on epidemiological surveillance of Bluetongue in Greece and
certain measures to prevent the spread of the disease

(notified under document number C(2000) 2008)

(Only the Greek text is authentic)

(Text with EEA relevance)

(2000/485/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽³⁾, as last amended by Decision 94/370/EC ⁽⁴⁾, and in particular Article 6 thereof,

Whereas:

- (1) In the light of the results of the epidemiological surveillance system set up in accordance with Article 2 of Decision 2000/350/EC of 2 May 2000 on the epidemiological surveillance of Bluetongue in Greece and certain measures to prevent the spread of the disease ⁽⁵⁾, restrictions on movements of animals of susceptible species from certain parts of the Greek territory are in place in accordance with Article 3 of the abovementioned Decision.
- (2) Animal movement restrictions in certain regions result in disruption of seasonal movements to summer pastures outside the restricted zones.

- (3) Consideration must be given to the extra cost borne by farmers facing these restrictions.

- (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

In Article 8 of Decision 2000/350/EC, the following indent is added:

- ‘— 50 % of the costs incurred by Greece in compensating the farmers for the purchase of fodder when they are not in the situation to move, as they are used to do, their animals to summer pastures because of the restrictions on movements provided in Article 3.’

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 18 July 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 224, 18.8.1990, p. 19.

⁽⁴⁾ OJ L 168, 2.7.1994, p. 31.

⁽⁵⁾ OJ L 124, 25.5.2000, p. 58.

COMMISSION DECISION
of 31 July 2000
concerning certain protection measures with regard to foot-and-mouth disease in Greece

(notified under document number C(2000) 2461)

(Text with EEA relevance)

(2000/486/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Whereas:

- (1) On 11 July 2000 outbreaks of foot-and-mouth disease were declared in Greece which were detected in the framework of the surveillance programme established by Commission Decision 2000/71/EC of 20 December 1999 concerning a specific financial contribution by the Community relating to epidemiological surveillance of certain animal diseases in areas at risk in Greece ⁽⁴⁾.
- (2) The foot-and-mouth disease situation in certain parts of Greece is liable to endanger the herds of other Member States and of the disease-free parts of Greece in view of the trade in live biungulate animals and certain of their products.
- (3) Greece has taken measures in the framework of Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽⁵⁾, as last amended by Commission Decision 92/380/EEC ⁽⁶⁾, and furthermore has introduced further measures within the affected areas.
- (4) Movement of and trade in biungulates other than porcine animals from the territory of Greece to other Member States and within Greece is subject to restric-

tions imposed within the framework of Commission Decision 2000/350/EC of 2 May 2000 on epidemiological surveillance of bluetongue in Greece and certain measures to prevent the spread of the disease ⁽⁷⁾.

- (5) The disease situation in certain parts of Greece requires reinforcing the control measures for foot-and-mouth disease taken by Greece by adopting additional Community protective measures.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to the measures taken by Greece within the framework of Commission Decision 2000/350/EC, Greece shall ensure that:

1. no live animals of the bovine, ovine, caprine and porcine species and other biungulates move between those parts of its territory listed in Annex I and Annex II;
2. no live animals of the bovine, ovine, caprine and porcine species and other biungulates are sent from or through those parts of its territory listed in Annex I and Annex II to other parts of the Community;
3. the health certificates provided for in Council Directive 64/432/EEC ⁽⁸⁾, as last amended by Directive 2000/20/EC ⁽⁹⁾, accompanying live bovine and porcine animals and in Council Directive 91/68/EEC ⁽¹⁰⁾, as last amended by Commission Decision 94/953/EC ⁽¹¹⁾, accompanying live ovine and caprine animals consigned from parts of the territory of Greece not listed in Annex I and Annex II to other Member States shall bear the following words:

‘Animals conforming to Commission Decision 2000/486/EC of 31 July 2000 on certain protective measures with regard to foot-and-mouth disease in Greece’

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 24, 29.1.2000, p. 53.

⁽⁵⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁶⁾ OJ L 198, 17.7.1992, p. 54.

⁽⁷⁾ OJ L 124, 25.5.2000, p. 58.

⁽⁸⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽⁹⁾ OJ L 163, 4.7.2000, p. 35.

⁽¹⁰⁾ OJ L 46, 19.2.1991, p. 19.

⁽¹¹⁾ OJ L 371, 31.12.1994, p. 14.

4. the health certificates accompanying biungulates, other than those covered by the certificates mentioned in paragraph 2, consigned from parts of the territory of Greece not listed in Annex I and Annex II to other Member States shall bear the following words:

'Live biungulates confirming to Commission Decision 2000/486/EC of 31 July 2000 on certain protection measures with regard to foot-and-mouth disease in Greece';

5. the movement to other Member States of animals referred to in paragraphs 3 and 4 shall only be allowed following three days advance notification dispatched by the local veterinary authority to the central and local veterinary authorities in the Member State of destination.

Article 2

1. Greece shall not send fresh meat of the bovine, ovine, caprine and porcine species and other biungulates coming from those parts of its territory listed in Annex I or obtained from animals originating in those parts of Greece to other parts of the Community.

2. The prohibitions provided for in paragraph 1 shall not apply to:

- (a) fresh meat obtained before 1 June 2000 provided that the meat is clearly identified, and since this date has been transported and stored separately from meat which is not destined for parts of the Community outside the areas mentioned in Annex I;
- (b) fresh meat obtained from animals reared outside the areas listed in Annex I and Annex II and transported in derogation to Article 1(1) directly and under official control in sealed means of transport to a slaughterhouse situated in the area listed in Annex I outside the protection zone for immediate slaughter. Such meat shall only be placed on the market in Greece;
- (c) fresh meat obtained from cutting plants under the following conditions:
 - only fresh meat as described in subparagraphs (a) and (b) or fresh meat obtained from animals reared and slaughtered outside the area listed in Annex I will be processed in this establishment,
 - all such fresh meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC⁽¹⁾ on animal health problems affecting intra-Community trade in fresh meat,
 - the plant will be operated under strict veterinary control,

- the fresh meat must be clearly identified, and transported and stored separately from meat which is not destined for parts of the Community outside the areas mentioned in Annex I,

- the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to the other Member States and the Commission a list of those establishments which they have approved in application of these provisions.

3. Meat consigned from Greece to other Member States shall be accompanied by a certificate from an official veterinarian. The certificate shall bear the following words:

'Meat conforming to Commission Decision 2000/486/EC of 31 July 2000 concerning certain protection measures with regard to foot-and-mouth disease in Greece'.

Article 3

1. Greece shall not send meat products of animals of the bovine, ovine, caprine and porcine species and other biungulates coming from those parts of Greece listed in Annex I or prepared using meat obtained from animals originating in those parts of Greece to other parts of the Community.

2. The restrictions described in paragraph 1 shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC⁽²⁾, as last amended by Directive 91/687/EEC⁽³⁾, or to meat products as defined in Council Directive 77/99/EEC⁽⁴⁾, as last amended by Directive 97/76/EC⁽⁵⁾, on animal health problems affecting intra-Community trade in meat products which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.

3. The prohibitions described in paragraph 1 shall not apply to:

- (a) meat products prepared before 1 June 2000 provided that the meat products are clearly identified, and since this date have been transported and stored separately from meat products which are not destined for parts of the Community outside the areas mentioned in Annex I;
- (b) meat products prepared in establishment under the following conditions:
 - all fresh meat used in the establishment must conform to the conditions of Article 2(2),
 - all meat products used in the final product will conform to the conditions of paragraph (a) or be made from fresh meat obtained from animals reared and slaughtered outside the area listed in Annex I,

⁽²⁾ OJ L 47, 21.2.1980, p. 4.

⁽³⁾ OJ L 377, 31.12.1991, p. 16.

⁽⁴⁾ OJ L 26, 31.1.1977, p. 85. Directive updated by Directive 92/5/EEC (OJ L 57, 2.3.1992, p. 1) and last amended by Directive 92/45/EEC (OJ L 268, 14.9.1992, p. 35).

⁽⁵⁾ OJ L 10, 16.1.1998, p. 25.

⁽¹⁾ OJ 121, 29.7.1964, p. 2012/64. Directive updated by Directive 91/497/EEC (OJ L 268, 24.9.1991, p. 69) and last amended by Directive 95/23/EC (OJ L 243, 11.10.1995, p. 7).

- all meat products must bear the health mark in accordance with Chapter VII of Annex A to Directive 77/99/EEC,
 - the establishment will be operated under strict veterinary control,
 - the meat products must be clearly identified and transported and stored separately from meat and meat products which are not destined for parts of the Community outside the areas mentioned in Annex I,
 - the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions;
- (c) meat products prepared in the parts of the territory which are not included in Annex I using meat obtained before 1 June 2000 from parts of the territory included in Annex I provided that the meat and meat products are clearly identified and transported and stored separately from meat and meat products which are not destined for parts of the Community outside the areas mentioned in Annex I.
4. Meat products consigned from Greece to other Member States shall be accompanied by a certificate from an official veterinarian. The certificate shall bear the following words:
- ‘Meat products conforming to Commission Decision 2000/486/EC of 31 July 2000 concerning certain protection measures with regard to foot-and-mouth disease in Greece’.
- (b) the established will be operated under strict veterinary control,
 - (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for parts of the Community outside the areas mentioned in Annex I,
 - (d) transport of raw milk from holdings situated outside the areas mentioned in Annex I to the establishments referred to above is carried out in vehicles which were cleaned and disinfected prior to operation and had no subsequent contact with holdings in the areas mentioned in Annex I keeping animals of species susceptible to foot-and-mouth disease,
 - (e) the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions.
4. Milk consigned from Greece to other Member States shall be accompanied by a certificate from an official veterinarian. The certificate shall bear the following words:
- ‘Milk conforming to Commission Decision 2000/486/EC of 31 July 2000 concerning certain protection measures with regard to foot-and-mouth disease in Greece’.

Article 5

Article 4

1. Greece shall not send milk from those parts of its territory listed in Annex I to other parts of the Community.
2. The prohibitions described in paragraph 1 shall not apply to milk which has been subjected to:
- (a) an initial pasteurisation in accordance with the norms defined in Council Directive 92/46/EEC ⁽¹⁾, as last amended by Directive 96/23/EC ⁽²⁾, followed by a second heat treatment by high temperature pasteurisation, UHT, sterilisation or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or
 - (b) an initial pasteurisation in accordance with the norms defined in Directive 92/46/EEC, combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.
3. The prohibitions described in paragraph 1 shall not apply to milk prepared in establishments under the following conditions:
- (a) all milk used in the establishment must either conform to the conditions of paragraph 2 or be obtained from animals outside the area listed in Annex I,
- (1) OJ L 268, 14.9.1992, p. 1.
 (2) OJ L 125, 23.5.1996, p. 10.
- 1. Greece shall not send milk products from those parts of its territory listed in Annex I to other parts of the Community.
 - 2. The prohibitions described in paragraph 1 shall not apply to:
 - (a) milk products produced before 1 June 2000;
 - (b) milk products subjected to heat treatment at a temperature of at least 71,7 °C for 15 seconds or an equivalent treatment;
 - (c) milk products prepared from milk which has been subjected to the provisions described in Article 4(2) or (3).
 - 3. The prohibitions described in paragraph 1 shall not apply to:
 - (a) milk products prepared in establishments under the following conditions:
 - all milk used in the establishment will either conform to the conditions of Article 4(2) or be obtained from animals outside the area listed in Annex I,
 - all milk products used in the final product will either conform to the conditions of paragraph 2 or be made from milk obtained from animals outside the area listed in Annex I,

- the establishment will be operated under strict veterinary control,
 - the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for parts of the Community outside the areas mentioned in Annex I,
 - the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions;
- (b) milk products prepared in the parts of the territory outside the areas mentioned in Annex I using milk obtained before 1 June 2000 from parts of the territory mentioned in Annex I provided that the milk products are clearly identified and transported and stored separately from milk products which are not destined for parts of the Community outside the areas mentioned in Annex I.
4. Milk products consigned from Greece to other Member States shall be accompanied by a certificate from an official veterinarian. The certificate shall bear the following words:

'Milk products conforming to Commission Decision 2000/486/EC of 31 July 2000 concerning certain protection measures with regard to foot-and-mouth disease in Greece'.

Article 6

1. Greece shall not send semen, ova and embryos of the bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in Annex I to other parts of Greece.
2. Greece shall not send semen, ova and embryos of the bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in Annex I and Annex II to other parts of the Community.
3. This prohibition shall not apply to frozen bovine semen, ova and embryos produced before 1 June 2000.
4. The health certificate provided for in Council Directive 88/407/EEC ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and accompanying frozen bovine semen consigned from Greece to other Member States shall bear the following words:

'Frozen bovine semen conforming to Commission Decision 2000/486/EC of 31 July 2000 on certain protective measures with regard to foot-and-mouth disease in Greece'.

⁽¹⁾ OJ L 194, 22.7.1988, p. 10.

5. The health certificate provided for in Council Directive 89/556/EEC ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and accompanying bovine embryos consigned from Greece to other Member States shall bear the following words:

'Bovine embryos conforming to Commission Decision 2000/486/EC of 31 July 2000 on certain protective measures with regard to foot-and-mouth disease in Greece'.

Article 7

1. Greece shall not send hides and skins of bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in Annex I to other parts of the Community.
2. This prohibition shall not apply to hides and skins which were produced before 1 June 2000 or which conform to the requirements of paragraph 1(A), second to fifth indents or paragraph 1(B), third and fourth indents of Chapter 3 of Annex 1 to Directive 92/118/EEC. Care must be taken to separate effectively treated hides from untreated hides.
3. Greece shall ensure that hides and skins of bovine, ovine, caprine and porcine species and other biungulates to be sent to other Member States shall be accompanied by a certificate which bears the following words:

'Hides and skins conforming to Commission Decision 2000/486/EC of 31 July 2000 on certain protective measures with regard to foot-and-mouth disease in Greece'.

Article 8

Greece shall ensure that vehicles which have been used for the transport of live animals are cleaned and disinfected after each operation, and shall furnish proof of such disinfection.

Article 9

1. Greece shall not send animal products of the bovine, ovine, caprine and porcine species and other biungulates not mentioned in Articles 2, 3, 4, 5, 6 and 7 from those parts of its territory listed in Annex I to other parts of the Community.
2. The prohibitions mentioned in paragraph 1 shall not apply to:
 - (a) animal products referred to in paragraph 1 which have been subjected to:
 - heat treatment in a hermetically sealed container with a Fo value of 3,00 or more, or
 - heat treatment in which the centre temperature is raised to at least 70 °C;
 - (b) unprocessed sheep wool and ruminant hair which is securely enclosed in packaging and dry.

⁽²⁾ OJ L 302, 19.10.1989, p. 1.

3. Greece shall ensure that the animal products mentioned in paragraph 2 to be sent to other Member States shall be accompanied by a health certificate which bears the following words:

‘Animal products conforming to Commission Decision 2000/486/EC of 31 July 2000 on certain protective measures with regard to foot-and-mouth disease in Greece’.

Article 10

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 11

This Decision shall be re-examined before 31 October 2000.

Article 12

This Decision is addressed to the Member States.

Done at Brussels, 31 July 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

The province(s) of:

EVROS

ANNEX II

The province(s) of:

RODOPI

XANTHI

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1679/2000 of 28 July 2000 amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold pursuant to Regulations (EEC) No 3143/85 and (EC) No 2571/97

(Official Journal of the European Communities L 193 of 28 July 2000)

On page 30, in Article 1, last two lines:

for: '... 1 July 2000.'

read: '... 1 July 1999.'
