

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2504/2000 of 15 November 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 2505/2000 of 15 November 2000 fixing the maximum export refund for white sugar for the 16th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1531/2000	3
Commission Regulation (EC) No 2506/2000 of 15 November 2000 fixing the representative prices and the additional import duties for molasses in the sugar sector	4
Commission Regulation (EC) No 2507/2000 of 15 November 2000 altering the export refunds on white sugar and raw sugar exported in the natural state	6
★ Commission Regulation (EC) No 2508/2000 of 15 November 2000 laying down the detailed rules for the application of Council Regulation (EC) No 104/2000 as regards operational programmes in the fisheries sector	8
★ Commission Regulation (EC) No 2509/2000 of 15 November 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting financial compensation for withdrawals of certain fishery products	11
★ Commission Regulation (EC) No 2510/2000 of 15 November 2000 amending Regulation (EC) No 1406/97 laying down rules for the application of Council Regulation (EC) No 3066/95 as regards the management of a quota of cat and dog food put up for retail sale of CN code 2309 10 originating in Hungary	16
★ Commission Regulation (EC) No 2511/2000 of 15 November 2000 laying down detailed rules for the application of Council Regulation (EC) No 1727/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products originating in Hungary, and amending Regulation (EC) No 1218/96	18

★ Commission Regulation (EC) No 2512/2000 of 15 November 2000 amending Regulation (EC) No 1685/95 on arrangements for issuing export licences for wine sector products	21
Commission Regulation (EC) No 2513/2000 of 15 November 2000 amending the export refunds on syrups and certain other sugar sector products exported in the natural state	24
Commission Regulation (EC) No 2514/2000 of 15 November 2000 amending the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty	26
Commission Regulation (EC) No 2515/2000 of 15 November 2000 fixing the import duties in the cereals sector	27

II Acts whose publication is not obligatory

Council

2000/706/EC:

★ Council Decision of 7 November 2000 concerning the conclusion, on behalf of the Community, of the Convention for the Protection of the Rhine	30
Convention on the Protection of the Rhine	31

Commission

2000/707/EC:

★ Commission Decision of 6 November 2000 on financial assistance from the Community for storage in France, Italy and the United Kingdom of antigen for production of foot-and-mouth disease vaccine and amending Decision 2000/112/EC (notified under document number C(2000) 3175)	38
--	----

2000/708/EC:

★ Commission Decision of 6 November 2000 amending for the third time Decision 1999/507/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia ⁽¹⁾ (notified under document number C(2000) 3178)	41
--	----

2000/709/EC:

★ Commission Decision of 6 November 2000 on the minimum criteria to be taken into account by Member States when designating bodies in accordance with Article 3(4) of Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures ⁽¹⁾ (notified under document number C(2000) 3179)	42
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Notice to readers (see page 3 of the cover)

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2504/2000
of 15 November 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 16 November 2000.

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

Done at Brussels, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 15 November 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	104,9
	204	81,0
	999	93,0
0707 00 05	052	114,9
	628	146,0
	999	130,4
0709 90 70	052	83,4
	999	83,4
0805 20 10	204	79,7
	999	79,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	60,7
	999	60,7
	052	65,6
0805 30 10	528	28,7
	600	75,6
	999	56,6
	052	112,5
	400	284,5
0806 10 10	504	255,8
	508	410,1
	632	22,0
	999	217,0
	039	82,1
	052	87,5
	388	41,1
0808 10 20, 0808 10 50, 0808 10 90	400	70,9
	404	87,7
	999	73,9
	052	83,1
	064	55,6
0808 20 50	999	69,3

⁽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 2505/2000
of 15 November 2000**

**fixing the maximum export refund for white sugar for the 16th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1531/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (3) Following an examination of the tenders submitted in response to the 16th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 16th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 43,657 EUR/100 kg.

Article 2

This Regulation shall enter into force on 16 November 2000.

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

Done at Brussels, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 175, 14.7.2000, p. 69.

**COMMISSION REGULATION (EC) No 2506/2000
of 15 November 2000**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 November 2000.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 15 November 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

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

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,32	—	0
1703 90 00 ⁽¹⁾	10,36	—	0

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

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

COMMISSION REGULATION (EC) No 2507/2000
of 15 November 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 2459/2000 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 2459/2000 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 2459/2000 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 November 2000.

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

Done at Brussels, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 283, 9.11.2000, p. 6.

ANNEX

to the Commission Regulation of 15 November 2000 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	37,38 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	34,27 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	37,38 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	34,27 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4064
1701 99 10 9100	A00	EUR/100 kg	40,64
1701 99 10 9910	A00	EUR/100 kg	40,64
1701 99 10 9950	A00	EUR/100 kg	40,64
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4064

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

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

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

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

COMMISSION REGULATION (EC) No 2508/2000**of 15 November 2000****laying down the detailed rules for the application of Council Regulation (EC) No 104/2000 as regards operational programmes in the fisheries sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 9(5) and Article 10(4) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 requires producer organisations to submit an operational programme for planning supply and regulate in advance the deliveries from their members at the beginning of each fishing year.
- (2) The content of the operational programme needs to be defined for producer organisations to meet their obligations. It is therefore necessary to stipulate what is required in the marketing strategy, the catch plan, and the production plan for both fishing and aquaculture producer organisations.
- (3) Producer organisations need to ensure internal discipline in order to ensure that the operational programme can be enforced. The penalties must be in proportion to the infringement and must be made known to the members in advance.
- (4) The timetable for submission by the producer organisations and approval by the competent national authorities of the operational programmes should be established to ensure an effective operation of the arrangements.
- (5) An advance should be granted to producer organisations in order to cover some of the financial costs incurred in establishing operational programmes.
- (6) It is appropriate to provide for a report to be submitted on the implementation of the operational programme at the end of the fishing year to enable the producer organisation to assess the effectiveness of its programme and to enable the national authorities to establish whether the financial compensation should be granted.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

CHAPTER I**Marketing strategy and catch plan for fishing producer organisations***Article 1*

For the species in Annexes I and IV to Regulation (EC) No 104/2000, the marketing strategy referred to in Article 9(1)(a) of that Regulation shall include the following:

- (a) the number of registered members of the producer organisation on the first day of the fishing year as defined in Article 9(1) of this Regulation;
- (b) the number and type of fishing vessels that are members of the producer organisation on the first day of the fishing year;
- (c) the volume of production and intervention operations by species in the previous fishing year;
- (d) the aggregate turnover of the producer organisation in the previous fishing year;
- (e) the quota allocated to the producer organisation by species;
- (f) the percentage of fish sold through auctions or by other means in the previous fishing year;
- (g) the strategy to improve or maintain the quality of the products disposed of through the producer organisation or its members;
- (h) voluntary product labelling or other promotional activities;
- (i) proposed new outlets or other commercial opportunities.

Article 2

1. The species that represent a significant share of the landings of a producer organisation shall be taken as those species which contribute:

- (a) at least 5 % of the total production of the producer organisation during the previous fishing year by volume or by value for species which are covered by catch quotas as set in accordance with Article 8(4) of Council Regulation (EEC) No 3760/92 ⁽²⁾; or

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 389, 31.12.1992, p. 1.

(b) at least 10 % of the total production of the producer organisation during the previous fishing year by volume or by value for species not covered by catch quotas referred to in (a).

2. For the species referred to in Article 9(1)(b) of Regulation (EC) No 104/2000 that meet the requirements of paragraph 1 of this Article, the catch plan shall include an indicative supply schedule set out across the fishing year and based on seasonal trends (price, production and demand) in the market.

3. The catch plan may be simplified where there are no market difficulties, particularly withdrawals.

4. Where there are catch plans set up within a Member State at a different level to the producer organisations, the producer organisation may make reference to those plans.

However, the existence of such plans does not exonerate the producer organisation from setting out further measures to regulate the supply of its members, as indicated in Article 5.

CHAPTER II

Marketing strategy and production plan for aquaculture producer organisations

Article 3

For the species referred to in Annex V to Regulation (EC) No 104/2000, the marketing strategy referred to in Article 9(1)(a) of that Regulation shall include:

- (a) the number of registered members of the producer organisation on the first day of the fishing year, as defined in Article 9(1) of this Regulation;
- (b) the volume of species harvested in the previous fishing year;
- (c) the average sale price of the species concerned in the previous fishing year;
- (d) the aggregate turnover of the producer organisation in the previous fishing year;
- (e) the rearing method used;
- (f) the peak seasons for production and for sales;
- (g) the strategy to improve or maintain the quality of the products disposed of through the producer organisation or its members;
- (h) voluntary product labelling or other promotional activities;
- (i) market assessment including proposed new outlets or other commercial opportunities.

Article 4

The production plan referred to in the second indent of Article 9(1)(b) of Regulation (EC) No 104/2000 shall comprise an indicative supply schedule for the fishing year based on

seasonal production factors and anticipated trends in the market.

CHAPTER III

Measures applicable to species in Annexes I, IV and V to Regulation (EC) No 104/2000

Article 5

The operational programme referred to in Article 9(1) of Regulation (EC) No 104/2000 shall state the reasons for any habitual market difficulties experienced in recent fishing years and shall specify the anticipatory measures taken to adjust the supply.

Article 6

1. The producer organisation shall take all the necessary steps to try to remedy the situation where the market conditions change so that:

- (a) withdrawals as a percentage of the quantities put up for sale in any month increase by 5 percentage points compared to the average percentage of withdrawals of the previous three months; or
- (b) any other serious market difficulties arise.

Products withdrawn for carryover aid as referred to in Articles 23 and 24(4) of Regulation (EC) No 104/2000 shall not be taken into account as withdrawals for the purposes of this paragraph.

2. The producer organisation shall inform the competent authorities of the Member State of any steps taken in accordance with paragraph 1. A revision to the operational programme shall not be necessary unless so required by the competent authorities of the Member State.

Article 7

A list of the penalties referred to in Article 9(1)(d) of Regulation (EC) No 104/2000 shall be established by the producer organisation and shall be made available to all its members.

The penalties shall be proportionate to the infringement.

Article 8

The unforeseen circumstances referred to in the second subparagraph of Article 9(1) of Regulation (EC) No 104/2000 shall be events which are independent of the actions of the producer organisation and affect the market for the species concerned.

CHAPTER IV**Procedural aspects***Article 9*

1. The fishing year shall run for 12 months and shall normally start on 1 January, unless an alternative period or starting date is justified and is agreed with the competent authorities of the Member State.

2. The producer organisation shall submit its operational programme within seven weeks of the beginning of the fishing year. The producer organisation shall immediately implement the programme.

3. The Member State concerned shall approve the operational programme within 12 weeks of the beginning of the fishing year.

If the Member State has significant amendments for the producer organisation to make to the programme, the timetable for approval may be extended by a further two weeks.

Article 10

After the Member State concerned has approved the operational programme and at the latest four months after the fishing year has started, it may grant an advance of 50 % of the value of the compensation granted to the producer organisation under Article 10(1) of Regulation (EC) No 104/2000 on condition that the producers organisation has lodged a security of not less than 105 % of the amount of the advance.

Article 11

1. The number of vessels used to calculate the aid referred to in Article 10(2)(a) of Regulation (EC) No 104/2000 shall be the total number of member vessels in the producer organisation on the first day of the fishing year.

2. The representativeness of a producer organisation used to calculate the aid referred to in Article 10(2)(b) of Regulation (EC) No 104/2000 shall be established on the basis of data from the fishing year preceding the fishing year for which the operational programme is established.

3. The five-year period referred to in the second and third subparagraphs of Article 10(1) of Regulation (EC) No 104/2000 and in Annex VII thereto shall be equal to five of the fishing years defined in Article 9(1) of this Regulation.

Article 12

The producer organisation shall establish a report of its activities and shall send it to the competent authorities of the Member State within seven weeks of the end of the fishing year. The report shall include the following information:

- (a) a market report on the species covered by the operational programme, which shall focus on any marketing difficulties experienced during the year, the measures taken to react to those difficulties such as those required by Article 6, including penalties applied and, if appropriate, the reason for which the producer organisation has been unable to remedy those difficulties;
- (b) a copy of the producer organisation's rules in the first fishing year of implementation of the programme and thereafter any modification to those rules;
- (c) the list of penalties established by the producer organisation in accordance with Article 7.

Article 13

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

It shall apply from 1 January 2001.

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

Done at Brussels, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 2509/2000
of 15 November 2000**

**laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards
granting financial compensation for withdrawals of certain fishery products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 21(8) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000, which replaced Council Regulation (EEC) No 3759/92 ⁽²⁾, as last amended by Regulation (EC) No 2792/1999 ⁽³⁾, with effect from 1 January 2001, provides that Member States are to grant financial compensation to producer organisations which withdraw certain products from the market. That Regulation has adjusted the levels of financial compensation and has removed the special financial compensation for exceptional circumstances. It is now appropriate to fill out the framework laid down by Regulation (EC) No 104/2000 by enacting detailed rules and by repealing the implementing Regulation on this subject, namely Commission Regulation (EEC) No 3902/92 ⁽⁴⁾, as last amended by Regulation (EC) No 1338/95 ⁽⁵⁾.
- (2) Article 6(1) of Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products ⁽⁶⁾, as amended by Commission Regulation (EC) No 323/97 ⁽⁷⁾, establishes that products that are classified as category 'B' are ineligible for the financial assistance granted in respect of the intervention mechanisms of the common market organisation. Given that only 'Extra' and 'A' quality products are eligible for financial compensation for withdrawals set out in Article 21 of Regulation (EC) No 104/2000, the calculation of the quantities eligible for that financial compensation should be based on those categories of products.
- (3) In order to give maximum encouragement to action to stabilise the market, producer organisations not observing the Community withdrawal price throughout the fishing year should be debarred from receiving financial compensation.

- (4) It is necessary to specify requirements pertaining to the application of the margin of tolerance provided for in Article 21(1)(a) of Regulation (EC) No 104/2000 in order to guarantee normal conditions of competition between producer organisations. Use of the margin of tolerance must be adequately publicised in order to ensure market transparency.
- (5) Since demand may fluctuate within the duration of any selling operation, products should not be withdrawn from the market before being put up for sale. Financial compensation should only be granted on products that have been put up for sale in the normal way and have not found a buyer at the Community withdrawal price.
- (6) Financial compensation must be clearly disallowed on fish on which carryover aid provided for in Article 23 of Regulation (EC) No 104/2000 has been granted.
- (7) Systematic compliance with the common marketing standards referred to in Article 2 of Regulation (EC) No 104/2000 is a determining factor in price formation and a contributory element to stabilisation of the market. The granting of financial compensation on eligible quantities should therefore be made conditional on compliance with the standards for all quantities of the product in question put up for sale by the producer organisation or its members throughout the fishing year.
- (8) Financial compensation cannot be paid until the end of the fishing year. To facilitate the operation of producer organisations, it should be made possible for advances to be granted against lodging of security. Rules should be laid down for calculating advances on financial compensation and fixing the security amount required.
- (9) Commission Regulation (EC) No 1925/2000 of 11 September 2000 establishing the operative events for the exchange rates to be applied when calculating certain amounts provided for by the mechanisms of Council Regulation (EC) No 104/2000 on the common organisation of the market in fishery and aquaculture products ⁽⁸⁾ fixes the operative event for the exchange rate to be applied to the calculation of financial compensation. This exchange rate should also be reflected in the calculation of advances on financial compensation.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 388, 31.12.1992, p. 1.

⁽³⁾ OJ L 337, 30.12.1999, p. 10.

⁽⁴⁾ OJ L 392, 31.12.1992, p. 35.

⁽⁵⁾ OJ L 129, 14.6.1995, p. 7.

⁽⁶⁾ OJ L 334, 23.12.1996, p. 1.

⁽⁷⁾ OJ L 52, 22.2.1997, p. 8.

⁽⁸⁾ OJ L 230, 12.9.2000, p. 7.

- (10) The granting of financial compensation should extend to fish put up for sale and withdrawn by producer organisations or their members in other Member States. The authorities of the other Member State in which the fish was put up for sale and withdrawn or carried over should issue a certifying document and transmit a copy.
- (11) Identification of a fishing vessel is made easier and more accurate by a reference to the number of the boat in the fleet register rather than by the name of the boat. The certificate to be issued on landing in another Member State should be amended to require producer organisations to refer to the internal-fleet register.
- (12) Each Member State should introduce a control system for verifying that the figures given in applications for financial compensation correspond to the quantities actually put up for sale and withdrawn. The Commission should be informed of these control systems in order to ensure proper compliance with the legislation.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of products eligible for financial compensation under Article 21(3)(a) of Regulation (EC) No 104/2000 shall be calculated on the basis of quantities that are classified under the marketing standards set out in accordance with Article 2 of that Regulation as being of 'Extra' and 'A' quality only.

Article 2

1. Financial compensation shall be granted to producer organisations on the condition that they apply, and ensure that their members comply with, the Community withdrawal price throughout the fishing year when the products are first put up for sale, in accordance with the conditions laid down in Article 21(1)(a) and (c) of Regulation (EC) No 104/2000.

2. Should the use of the margin of tolerance provided for in Article 21(1)(a) of Regulation (EC) No 104/2000 lead to the fixing of different withdrawal price levels for the same product category by producer organisations established in a given area, each of these organisations may adopt the price level fixed by

another producer organisation in the same area with effect from the date it becomes applicable and for the relevant period.

3. The withdrawal price level fixed by a producer organisation using the margin of tolerance shall apply to all the quantities offered for sale by that organisation or its members, including those offered for sale outside its area of activity.

However, any producer organisation, or one of its members, selling its products in an area other than its own area of activity may apply either its own withdrawal price level which must not be lower than the price level in the zone concerned or one of those adopted, after eventual application of the margin of tolerance, by the producer organisations established in that area.

4. The withdrawal price shall not include expenses incurred after landing of the products with the exception of transport costs made necessary by auction or quayside sales.

Article 3

1. Any producer organisation applying the margin of tolerance to the Community withdrawal price shall communicate to the competent authorities of the Member State in which it is recognised the level of the withdrawal price adopted for each category of products in all parts of its area of activity, at least two working days before it is to become applicable.

If a producer organisation intends to change the period of application of the margin of tolerance or the level of the withdrawal price, or make use of the option provided for in Article 2(2), it shall inform the competent authorities at least two working days before the date of application of its decision.

All decisions referred to in this paragraph shall apply for five working days at least.

2. The competent authorities of the Member State concerned shall ensure that all the information communicated pursuant to paragraph 1 is publicised without delay in accordance with regional ways and customs.

3. By way of derogation from Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾, and for the purposes of this Regulation, Saturdays, Sundays and public holidays shall be treated as working days provided putting up for sale is done in accordance with Article 4(1)(c).

Article 4

1. Quantities withdrawn from the market shall be considered to be quantities eligible for financial compensation only if:

- (a) they were caught by a member of a producer organisation;
- (b) they were put up for sale:
 - (i) through the producer organisation, or
 - (ii) by a member in accordance with common rules established by the producer organisation, as referred to in Article 5(1) of Regulation (EC) No 104/2000;

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

- (c) prior to withdrawal they were put up for a sale accessible to all interested parties in accordance with regional and local ways and customs, during which it was established that they did not find a buyer at the price fixed in accordance with Article 21(1)(a) of Regulation (EC) No 104/2000;
- (d) they have not been the subject of any request for the carryover aid referred to in Article 23 of Regulation (EC) No 104/2000 and have not benefited from such aid.

2. The grant of financial compensation for quantities eligible pursuant to paragraph 1 shall be subject to the condition that, for the product or group of products concerned, all the quantities put up for sale by the producer organisation or its members during the fishing year must have been classified previously in accordance with the marketing standards set out in accordance with Article 2 of Regulation (EC) No 104/2000.

Article 5

1. The financial compensation shall be paid to producer organisations, on application, after the end of each fishing year.
2. Applications for payment of the financial compensation shall be submitted by producer organisations to the competent authorities of the Member State four months after the end of the fishing year concerned at the latest.
3. The national authorities shall pay the financial compensation within eight months after the end of the fishing year concerned at the latest.

Each Member State shall communicate to the other Member States and the Commission the name and address of the body responsible for granting the financial compensation.

Article 6

On application by the producer organisation concerned, Member States shall grant each month an advance on the financial compensation on condition that the applicant has lodged a security equal to 105 % of the amount of the advance.

Advances shall be calculated in accordance with the method specified in Annex I.

Article 7

If a producer organisation or one of its members puts up for sale its products in a Member State other than that in which it is recognised, the competent authority of the first Member State shall issue, on application and without delay, to the organisation in question or its member, a certificate the contents of which shall be in accordance with the specimen set out in Annex II, and shall transmit at the same time, through official channels, a copy of this to the body responsible for granting the financial compensation in the other Member State.

Applications for the issue of the certificate shall be submitted to the competent authority concerned immediately after the products are put up for sale.

Article 8

1. Member States shall introduce a control system to verify that the information given in applications for payment corresponds to the quantities actually put up for sale and withdrawn from the market by the producer organisation concerned.
2. Member States shall inform the Commission of the measures taken pursuant to paragraph 1 as soon as they are adopted, and in any case by 31 January 2001.

Member States shall inform the Commission of existing measures in the field covered by paragraph 1 by 31 January 2001.

Article 9

Regulation (EEC) No 3902/92 is repealed.

Article 10

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

It shall apply from 1 January 2001.

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

Done at Brussels, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

CALCULATION OF ADVANCES ON FINANCIAL COMPENSATION ⁽¹⁾

Species:

Month:

- A. Quantity of freshness categories 'Extra' and 'A' offered for sale between 1 January and last day of month: kg
- B. Total cumulated withdrawals for freshness categories 'Extra' and 'A' over the same period: kg
- C. Average withdrawal percentage over the same period: % (B/A × 100)

First band: compensation level 85 %

Financial compensation = (withdrawal price × 0,85 — standard value)

D1. Total quantities withdrawn to be included in this band (up to and including 4 % of products put up for sale)

Month	Withdrawals by category and size (kg)	Amount to be reimbursed (EUR) ⁽¹⁾	Exchange rate on 22 of previous month	Amount to be reimbursed in national currency
Total				

⁽¹⁾ Amount by month in Euro: total amount to be reimbursed corresponding to each category and size multiplied by the withdrawn quantities of these categories and sizes.**Second band: compensation level 55 % ⁽²⁾**

Financial compensation = (withdrawal price × 0,55 — standard value)

D2. Total quantities withdrawn to be included in this block (from 4 % to and including 8 % ⁽³⁾ of products put up for sale)

Month	Withdrawals by category and size (kg)	Amount to be reimbursed (EUR) ⁽¹⁾	Exchange rate on 22 of previous month	Amount to be reimbursed in national currency
Total				

⁽¹⁾ Amount by month in Euro: total amount to be reimbursed corresponding to each category and size multiplied by the withdrawn quantities of these categories and sizes.**Third band: no compensation**

Monthly advance

The Advance for the month in question is equal to the sum of the advances in respect of each band

1	2	3
Total estimated advance (band 1 + band 2)	Cumulated advance received for previous months	Advance to be received for the month in question (1 – 2)

⁽¹⁾ If necessary, the calculation to be based on provisional data (to be finalised during the two months following the month in question).⁽²⁾ In 2001, this percentage shall be 75 % and in 2002, it shall be 65 %.⁽³⁾ This percentage shall be 10 % for all the pelagic species of Annex I to Regulation (EC) No 104/2000 (albacore or longfinned tuna of the species *Thunnus alalunga*, herring of the species *Clupea harengus*, sardines of the species *Sardina pilchardus*, mackerel of the species *Scomber scombrus* and *Scomber japonicus*, anchovy of the species *Engraulis* spp.).

ANNEX II

MEMBER STATE:

Certificate issued under Article 7

1. Applicant

(a) Producer organisation (name and address):

.....

(b) Member acting in name of that organisation (name):

.....

(c) Internal fleet register number:

.....

2. Quantities sold (by product and weight in kg)

3. Date:

4. Was the Community withdrawal price (see Article 20(1) of Regulation (EC) No 104/2000) applied to the quantities indicated at paragraph 2?

yes	no
-----	----

Was the regional withdrawal price (see Article 20(2) of the above Regulation) applied?

yes	no
-----	----

5. Of the quantities indicated at paragraph 2, the following volumes were withdrawn from the market so that financial compensation could be granted:

(a)	product	product category	quantity by product (kg)
.....
.....
.....

(b) the products withdrawn were, in line with Commission Regulation (EEC) No 1501/83 ⁽¹⁾ disposed of as follows:

product	quantities (kg)	option
.....
.....
.....

Original issued to producer organisation or to the member named at 1.

Copy to body responsible for granting compensation in Member State in which producer organisation at 1 is recognised.

.....

(applicant's signature) (signature/stamp of competent authority of Member State)

⁽¹⁾ OJ L 152, 10.6.1983, p.22.

**COMMISSION REGULATION (EC) No 2510/2000
of 15 November 2000**

amending Regulation (EC) No 1406/97 laying down rules for the application of Council Regulation (EC) No 3066/95 as regards the management of a quota of cat and dog food put up for retail sale of CN code 2309 10 originating in Hungary

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transition measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary ⁽¹⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 1727/2000 establishes new concessions for certain agricultural products originating in Hungary, especially as regards a tariff quota for cat and dog food put up for retail sale and falling within CN code 2309 10, as against the concessions granted by Commission Regulation (EC) No 1406/97 ⁽²⁾.
- (2) Under these new concessions, some customs duties applying to the products concerned are abolished and a fixed quantity is added to the size of the quota on 1 July each year.
- (3) Regulation (EC) No 1406/97 should therefore be amended with effect from 1 July 2000.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1406/97 is hereby amended as follows:

1. The following subparagraph is added to Article 1:

‘However, the customs duties applying in the Community to imports of the products falling within CN codes 2309 10 51 and 2309 10 90 shall be abolished from 1 July 2000.’

2. The Annex is replaced by the following:

‘ANNEX

The following annual quantities that may be imported from Hungary under the CN code indicated below are granted a reduction to 20 % of the import duty shown in the common customs tariff in force.

However, the customs duties on imports of products originating in Hungary that fall within CN codes 2309 10 51 and 2309 10 90 are hereby abolished.

⁽¹⁾ OJ L 198, 4.8.2000, p. 6.

⁽²⁾ OJ L 194, 23.7.1997, p. 10.

(tonnes)			
CN code	Description	Annual quantities	
2309 10	Cat and dog food put up for retail sale	From 1 July 1997 to 30 June 1998	12 430
		From 1 July 1998 to 30 June 1999	12 995
		From 1 July 1999 to 30 June 2000	13 560
		From 1 July 2000	14 125
		Annual increase from 1 July 2001	1 415'

Article 2

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

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

Done at Brussels, 15 November 2000.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 2511/2000
of 15 November 2000**

laying down detailed rules for the application of Council Regulation (EC) No 1727/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products originating in Hungary, and amending Regulation (EC) No 1218/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, certain agricultural concessions provided for in the Europe Agreement with Hungary⁽¹⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 1727/2000, the European Community has undertaken to establish for each marketing year from 1 July 2000 import tariff quotas at a zero rate of duty for 400 000 tonnes of medium or high quality wheat meeting the criteria laid down in Commission Regulation (EC) No 1249/96⁽²⁾, as last amended by Regulation (EC) No 2235/2000⁽³⁾, and of 2 500 tonnes of barley for brewing. These quantities will increase at the start of each marketing year by 40 000 and 250 tonnes respectively relative to the quantities laid down for the preceding year.
- (2) To ensure that imports of the cereal products covered by these tariff quotas are orderly and not speculative, they should be made subject to the issue of import licences. The licences will be issued, within the quantities set, at the request of the interested parties after a period of reflection and subject, where appropriate, to the fixing of a reduction coefficient in respect of the quantities applied for.
- (3) To ensure the proper management of these quotas, deadlines for lodging licence applications should be laid down and, notwithstanding Articles 8 and 19 of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the

application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, the information to be included in the applications and licences should be specified.

- (4) To take account of delivery conditions, the import licences should be valid from the day of their issue until the end of the month following that in which they are issued.
- (5) To ensure efficient management of the quota, the import licences should not be transferable and the import licence security should be fixed at a relatively high level, notwithstanding Article 10 of Commission Regulation (EC) No 1162/95⁽⁵⁾, as last amended by Regulation (EC) No 2110/2000⁽⁶⁾.
- (6) For the same reasons rapid two-way communication must be established between the Commission and the Member States regarding the quantities applied for and imported.
- (7) In accordance with the instructions laid down in Annex A(b) to Regulation (EC) No 1727/2000, wheat imported under this quota must be of medium or high quality as destined in Regulation (EC) No 1249/96. Provisions should accordingly be laid down, in particular the lodging of a specific security, to ensure that the quality of the imported product meets these conditions.
- (8) The import duties on high- or medium-quality wheat within the meaning of Regulation (EC) No 1249/96 originating in Hungary listed in point I of the Annex to Commission Regulation (EC) No 1218/96⁽⁷⁾, as last amended by Regulation (EC) No 32/98⁽⁸⁾, as worded before the entry into force of this Regulation and imported under licences applied for on or after 1 July 2000 are reimbursed in accordance with Articles 878 to 898 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁹⁾, as last amended by Regulation (EC) No 1602/2000⁽¹⁰⁾.
- (9) Commission Regulation (EC) No 1218/96 lays down detailed rules applying to the import of certain cereals originating in the Republic of Hungary under quotas opened by Council Regulation (EC) No 3066/95⁽¹¹⁾, as last amended by Regulation (EC) No 2435/98⁽¹²⁾. As these provisions are no longer necessary, Regulation (EC) No 1218/96 should be amended to delete them.

⁽¹⁾ OJ L 198, 4.8.2000, p. 6.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

⁽³⁾ OJ L 256, 10.10.2000, p. 13.

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁵⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁶⁾ OJ L 250, 5.10.2000, p. 23.

⁽⁷⁾ OJ L 161, 29.6.1996, p. 51.

⁽⁸⁾ OJ L 5, 9.1.1998, p. 4.

⁽⁹⁾ OJ L 253, 11.10.1993, p. 1.

⁽¹⁰⁾ OJ L 188, 26.7.2000, p. 1.

⁽¹¹⁾ OJ L 328, 30.12.1995, p. 31.

⁽¹²⁾ OJ L 303, 13.11.1998, p. 1.

- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of durum wheat falling within CN code ex 1001 10 00 or common wheat falling within CN code ex 1001 90 99 originating in Hungary and of medium or high quality in accordance with Annex I to Regulation (EC) No 1249/96 and benefiting from zero import duty in accordance with Regulation (EC) No 1727/2000 introducing a tariff quota for that product (serial number 09.4718), shall be subject to the presentation of an import licence issued in accordance with this Regulation.

2. Imports of barley falling within CN code ex 1003 00 90 originating in Hungary, intended for brewing and benefiting from zero import duty in accordance with Regulation (EC) No 1727/2000 introducing a tariff quota for that product (serial number 09.4762), shall be subject to the presentation of an import licence certificate issued in accordance with this Regulation.

3. The products referred to in this Article shall be released into free circulation upon presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 of the Europe Agreement concluded with that country, or alternatively an invoice declaration on the invoice provided by the exporter in accordance with that Protocol.

Article 2

1. Applications for import licences shall be lodged with the competent authorities of the Member States no later than 13.00 h Brussels time on the second Monday of each month. Each licence application must be for a quantity not exceeding the quantity available for the import of the relevant product in the marketing year concerned.

Applications for import licences for common or durum wheat shall be subject to the conditions laid down in Article 5 of Regulation (EC) No 1249/96, including the requirement to lodge a specific security on the day the declaration of release into free circulation is accepted.

2. No later than 18.00 h Brussels time on the same day, the competent authorities shall fax the Commission (number (0032) 2 295 25 15), in accordance with the model in the Annex hereto, the total quantity resulting from the sum of the quantities indicated on the import licence applications.

This information shall be notified separately from that relating to other applications for cereal import licences and must quote the number and title of this Regulation, in accordance with the model annexed hereto.

3. If the total of the quantities for each product concerned since the start of the marketing year and those applied for on a particular day exceeds the quota for the marketing year concerned, the Commission shall set, no later than the third working day after the applications were lodged, a single reduc-

tion coefficient to be applied to the quantities requested on the day in question.

4. Without prejudice to paragraph 3, licences shall be issued on the fifth working day following the day on which the application was lodged. No later than 6 p.m. Brussels time on the same day, the competent authorities shall fax the Commission (number (00-32) 2 295 25 15) the total quantity resulting from the sum of the quantities indicated on the import licence applications.

5. In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual date of issue.

Article 3

In the case of durum and common wheat, Article 6 of Regulation (EC) No 1249/96 shall apply for the purposes of releasing the specific security referred to in Article 2(1)(b) of this Regulation.

Article 4

Notwithstanding Article 6(1) of Regulation (EC) No 1162/95, import licences shall be valid until the end of the month following the month in which they were issued.

Article 5

Notwithstanding Article 9 of Regulation (EC) No 1291/2000, the rights resulting from the import licences shall not be transferable.

Article 6

Notwithstanding Article 8(4) of Regulation (EC) No 1291/2000, the quantity released into free circulation may not exceed that indicated in boxes 17 and 18 of the import licence. The figure '0' shall be entered to that effect in box 19 of the licence.

Article 7

The import licence application and the import licence shall contain the following information:

- (a) in box 8, the name of the country of origin; import from Hungary is compulsory under the terms of the licence;
- (b) in box 20, one of the following indications:
 - Regulamento (CE) n° 2511/2000
 - Forordning (EF) nr. 2511/2000
 - Verordnung (EG) Nr. 2511/2000
 - Κανονισμός (ΕΚ) αριθ. 2511/2000
 - Regulation (EC) No 2511/2000
 - Règlement (CE) n° 2511/2000
 - Regolamento (CE) n. 2511/2000
 - Verordening (EG) nr. 2511/2000
 - Regulamento (CE) n.º 2511/2000
 - Asetus (EY) N:o 2511/2000
 - Förordning (EG) nr 2511/2000;

- (c) in box 24, the applicable rate of import duty, i.e. 'zero duty'.

Article 8

Notwithstanding Article 10(a) and (b) of Regulation (EC) No 1162/95, the security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

Article 9

Regulation (EC) No 1218/96 is amended as follows:

1. The Title is replaced by the following:

'Commission Regulation (EC) No 1218/96 of 28 June 1996 on partial import duty exemption for certain cereals sector products as provided for in the Agreements between the European Community and the Republic of Poland, the

Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania'.

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

'Products as listed in the Annex to this Regulation that originate in the Republic of Poland, the Czech Republic, the Slovak Republic, the Republic of Bulgaria or Romania shall qualify for part-exemption from import duty for the quantity and at the rate of reduction or duty level specified therein.'

3. Point 1 of the Annex is deleted.

Article 10

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, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

MODEL OF THE NOTIFICATION REFERRED TO IN ARTICLE 2(2)

Import quotas for wheat and barley from the Republic of Hungary opened by Regulation (EC) No 1727/2000

Cereal	Serial number of the quota	Quantity applied for (tonnes)
Common wheat CN ex 1001 90 99	09.4718	
Durum wheat CN ex 1001 10 00	09.4718	
Barley CN ex 1003 90 00	09.4762	

COMMISSION REGULATION (EC) No 2512/2000
of 15 November 2000
amending Regulation (EC) No 1685/95 on arrangements for issuing export licences for wine sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as amended by Commission Regulation (EC) No 1622/2000 ⁽²⁾, and in particular Articles 63 and 64 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2425/2000 of 31 October 2000 amending Sector 15 of Annex I to Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds ⁽³⁾ adapts the nomenclature in question to the new situation in the wine sector since the entry into force of Regulation (EC) No 1493/1999. The main effect of this adaptation is the abolition of a number of codes for product descriptions. As a result of this it is also necessary to adapt Annexes I and Ia to Commission Regulation (EC) No 1685/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2739/1999 ⁽⁵⁾,

which groups the codes in product categories and groups.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1685/95 is amended as follows:

1. Annex I is replaced by Annex I to this Regulation.
2. Annex Ia is replaced by Annex II to this Regulation.

Article 2

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

It shall apply from 16 November 2000.

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

Done at Brussels, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 194, 31.7.2000, p. 1.

⁽³⁾ OJ L 279, 1.11.2000, p. 14.

⁽⁴⁾ OJ L 161, 12.7.1995, p. 2.

⁽⁵⁾ OJ L 328, 22.12.1999, p. 60.

ANNEX I

ANNEX I

Code	Category
2009 60 11 9100 2009 60 19 9100 2009 60 51 9100 2009 60 71 9100 2204 30 92 9100 2204 30 96 9100	1
2204 30 94 9100 2204 30 98 9100	2
2204 21 79 9910 2204 29 62 9910 2204 29 64 9910 2204 29 65 9910	3
2204 21 79 9100 2204 29 62 9100 2204 29 64 9100 2204 29 65 9100	4.1
2204 21 80 9100 2204 29 71 9100 2204 29 72 9100 2204 29 75 9100	4.2
2204 21 79 9200 2204 29 62 9200 2204 29 64 9200 2204 29 65 9200	5.1
2204 21 80 9200 2204 29 71 9200 2204 29 72 9200 2204 29 75 9200	5.2
2204 21 83 9100 2204 29 83 9100	6.1
2204 21 84 9100 2204 29 84 9100	6.2
2204 21 94 9910 2204 21 98 9910 2204 29 94 9910 2204 29 98 9910	7
2204 21 94 9100 2204 21 98 9100 2204 29 94 9100 2204 29 98 9100	8

ANNEX II

'ANNEX Ia

Product groups referred to in the second indent of the first subparagraph of Article 4(2) of Regulation (EC) No 800/1999

Agricultural product nomenclature code for export refunds	Group
2009 60 11 9100 2009 60 19 9100 2009 60 51 9100 2009 60 71 9100	A
2204 30 92 9100 2204 30 96 9100	B
2204 30 94 9100 2204 30 98 9100	C
2204 21 79 9100 2204 21 79 9200 2204 21 79 9910 2204 21 83 9100	D
2204 21 80 9100 2204 21 80 9200 2204 21 84 9100	E
2204 29 62 9100 2204 29 62 9200 2204 29 62 9910 2204 29 64 9100 2204 29 64 9200 2204 29 64 9910 2204 29 65 9100 2204 29 65 9200 2204 29 65 9910 2204 29 83 9100	F
2204 29 71 9100 2204 29 71 9200 2204 29 72 9100 2204 29 72 9200 2204 29 75 9100 2204 29 75 9200 2204 29 84 9100	G
2204 21 94 9910 2204 21 98 9910	H
2204 29 94 9910 2204 29 98 9910	I
2204 21 94 9100 2204 21 98 9100	J
2204 29 94 9100 2204 29 98 9100	K

COMMISSION REGULATION (EC) No 2513/2000
of 15 November 2000
amending the export refunds on syrups and certain other sugar sector 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 organization of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular the third indent of Article 18(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 2422/2000 ⁽³⁾;
- (2) It follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 2422/2000 to the information at present available to the Commis-

sion that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EC) No 2038/1999, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2422/2000 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 November 2000.

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

Done at Brussels, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 279, 1.11.2000, p. 8.

ANNEX

to the Commission Regulation of 15 November 2000 amending the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	40,64 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	40,64 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	77,22 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4064 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	40,64 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4064 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4064 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4064 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	40,64 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4064 ⁽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 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

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

**COMMISSION REGULATION (EC) No 2514/2000
of 15 November 2000**

**amending the rates of the 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 markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular Article 18(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 November 2000 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 2431/2000 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 2431/2000 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2431/2000 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 November 2000.

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

Done at Brussels, 15 November 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

**to the Commission Regulation of 15 November 2000 altering 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:	40,64	40,64

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 279, 1.11.2000, p. 28.

COMMISSION REGULATION (EC) No 2515/2000
of 15 November 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 Regulation (EC) No 1666/2000 ⁽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 2235/2000 ⁽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 16 November 2000.

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

Done at Brussels, 15 November 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

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	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	10,54	0,54
	low quality	40,06	30,06
1002 00 00	Rye	35,68	25,68
1003 00 10	Barley, seed	35,68	25,68
1003 00 90	Barley, other ⁽³⁾	35,68	25,68
1005 10 90	Maize seed other than hybrid	58,45	48,45
1005 90 00	Maize other than seed ⁽³⁾	58,45	48,45
1007 00 90	Grain sorghum other than hybrids for sowing	35,68	25,68

⁽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 24 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 1 November 2000 to 14 november 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)	137,35	133,10	110,78	96,94	191,18 (**)	181,18 (**)	115,01 (**)
Gulf premium (EUR/t)	—	17,50	10,30	5,75	—	—	—
Great Lakes premium (EUR/t)	28,53	—	—	—	—	—	—

(*) 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: 21,30 EUR/t; Great Lakes — Rotterdam: 31,75 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).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 November 2000

concerning the conclusion, on behalf of the Community, of the Convention for the Protection of the Rhine

(2000/706/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) and the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3),

Having regard to the proposal from the Commission,

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

Whereas:

- (1) By Decision 77/586/EEC ⁽²⁾, the Community concluded the Convention for the Protection of the Rhine against chemical pollution and the Additional Agreement to the Agreement, signed in Berne on 29 April 1963, concerning the International Commission for the Protection of the Rhine against Pollution.
- (2) At the 25th meeting of the Coordinating Group of the International Commission for the Protection of the Rhine, the riparian States considered it necessary to provide for a new Convention for the Protection of the Rhine and to open negotiations to that end.
- (3) The European Commission, acting on behalf of the Community, took part in these negotiations in accordance with the negotiating directives given by the Council and these negotiations were completed in January 1998.
- (4) In the light of the outcome of these negotiations, the Council decided in March 1999 that the Community would sign the new Convention for the Protection of the

Rhine, subject to its subsequent conclusion, and authorised this signing on behalf of the Community. The new Convention for the Protection of the Rhine was signed on 12 April 1999 in Berne (Switzerland),

HAS DECIDED AS FOLLOWS:

Article 1

The Convention for the Protection of the Rhine is hereby approved on behalf of the Community.

The text of the Convention is attached to this Decision.

Article 2

The President of the Council is authorised to designate the person or persons empowered to deposit the instrument of approval with the Government of the Swiss Confederation in accordance with Article 17 of the Convention.

Done at Brussels, 7 November 2000.

For the Council

The President

D. VOYNET

⁽¹⁾ Opinion delivered on 17 May 2000 (not yet published in the Official Journal).

⁽²⁾ OJ L 240, 19.9.1977, p. 35.

TRANSLATION

CONVENTION ON THE PROTECTION OF THE RHINE

THE GOVERNMENTS OF

THE FEDERAL REPUBLIC OF GERMANY,

THE FRENCH REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE SWISS CONFEDERATION,

and THE EUROPEAN COMMUNITY,

Desiring to work towards the sustainable development of the Rhine ecosystem on the basis of a comprehensive approach, taking into consideration the natural wealth of the river, its banks and alluvial areas,

Desiring to step up their cooperation on conserving and improving the Rhine ecosystem,

Referring to the Convention of 17 March 1992 on the protection and use of transboundary watercourses and international lakes and the Convention of 22 September 1992 on the protection of the marine environment of the north-east Atlantic,

Taking into account the work carried out under the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution and the Additional Agreement of 3 December 1976,

Considering that efforts must be made to further the improvement in water quality achieved under the Convention of 3 December 1976 for the protection of the Rhine against chemical pollution and under the Rhine Action Programme of 30 September 1987,

Aware that the restoration of the Rhine is also necessary to conserve and improve the ecosystem of the North Sea,

Aware of the importance of the Rhine as a European waterway and of its various uses,

HAVE AGREED AS FOLLOWS:

*Article 1***Definitions**

For the purposes of this Convention:

- (a) 'Rhine' means the Rhine from the outlet of Lake Untersee and, in the Netherlands, the branches Bovenrijn, Bijlands Kanaal, Pannerdensch Kanaal, IJssel, Nederrijn, Lek, Waal, Boven-Merwede, Beneden-Merwede, Noord, Oude Maas, Nieuwe Maas and Scheur and the Nieuwe Waterweg as far as the base line as specified in Article 5 in connection with Article 11 of the United Nations Convention on the Law of the Sea, the Ketelmeer and the IJsselmeer;
- (b) 'Commission' means the International Commission for the Protection of the Rhine (ICPR).

*Article 2***Scope**

This Convention applies to:

- (a) the Rhine;
- (b) groundwater interacting with the Rhine;
- (c) aquatic and terrestrial ecosystems which interact or could again interact with the Rhine;

- (d) the Rhine catchment area, insofar as its pollution by noxious substances adversely affects the Rhine;

- (e) the Rhine catchment area, insofar as it is of importance for flood prevention and protection along the Rhine.

*Article 3***Aims**

The Contracting Parties shall pursue the following aims through this Convention:

- 1. sustainable development of the Rhine ecosystem, in particular through:

- (a) maintaining and improving the quality of the Rhine's waters, including the quality of suspended matter, sediments and groundwater, notably by
 - preventing, reducing or eliminating as far as possible pollution caused by noxious substances and by nutrients from point sources (e.g. industry and municipalities) and diffuse sources (e.g. agriculture and traffic) — including that from groundwater — and pollution from shipping,
 - ensuring and improving the safety of installations and preventing incidents and accidents;

- (b) protecting populations of organisms and species diversity and reducing contamination by noxious substances in organisms;
 - (c) maintaining, improving and restoring the natural function of the waters; ensuring that flow management takes account of the natural flow of solid matter and promotes interactions between river, groundwater and alluvial areas; conserving, protecting and reactivating alluvial areas as natural floodplains;
 - (d) conserving, improving and restoring the most natural habitats possible for wild fauna and flora in the water, on the river bed and banks and in adjacent areas, and improving living conditions for fish and restoring their free migration;
 - (e) ensuring environmentally sound and rational management of water resources;
 - (f) taking ecological requirements into account when implementing technical measures to develop the waterway, e.g. for flood protection, shipping or the use of hydroelectric power;
- 2. the production of drinking water from the waters of the Rhine;
 - 3. improvement of sediment quality in order that dredged material may be deposited or spread without adversely affecting the environment;
 - 4. general flood prevention and protection, taking account of ecological requirements;
 - 5. to help restore the North Sea in conjunction with the other actions taken to protect it.

Article 4

Principles

To this end, the Contracting Parties shall be guided by the following principles:

- (a) precautionary principle;
- (b) principle of preventive action;
- (c) principle of rectification, as a priority at source;
- (d) polluter pays principle;
- (e) principle of not increasing damage;
- (f) principle of compensation in the event of major technical measures;
- (g) principle of sustainable development;
- (h) application and development of the state of the art and best environmental practice;
- (i) principle of not transferring environmental pollution from one environment to another.

Article 5

Undertakings by the Contracting Parties

To achieve the aims set out in Article 3, and in the light of the principles set out in Article 4, the Contracting Parties undertake:

- 1. to step up their cooperation and to inform one another, particularly regarding actions taken in their territory to protect the Rhine;
- 2. to implement in their territory the international measuring programmes and the studies of the Rhine ecosystem agreed upon by the Commission and to inform the Commission of the results;
- 3. to carry out analyses with a view to identifying the causes of and parties responsible for pollution;
- 4. to initiate the autonomous actions they deem necessary in their territory, and in any event ensure that
 - (a) discharging of waste water liable to affect water quality is subject to prior authorisation or to general rules laying down emission limits;
 - (b) discharges of hazardous substances are gradually reduced with a view to complete elimination;
 - (c) compliance with authorisations and general rules is monitored, as are discharges;
 - (d) authorisations and general rules are periodically examined and adjusted where substantial improvements in the state of the art so permit or where the state of the receiving medium so necessitates;
 - (e) the risk of pollution from incidents or accidents is reduced as far as possible by regulations, and the requisite measures are taken in the event of an emergency;
 - (f) technical measures liable to have a serious effect on the ecosystem are subject to prior authorisation, along with the necessary conditions, or to general regulations;
- 5. to initiate the necessary actions in their territory to implement decisions taken by the Commission in accordance with Article 11;
- 6. in the event of incidents or accidents that might threaten the quality of the water of the Rhine or in the event of imminent flooding, immediately to inform the Commission and the Contracting Parties liable to be affected, in accordance with the warning and alert plans coordinated by the Commission.

Article 6

Commission

- 1. To implement this Convention, the Contracting Parties shall pursue their cooperation within the Commission.
- 2. The Commission shall have legal personality. In the territory of the Contracting Parties it shall, in particular, enjoy the legal capacity conferred on legal persons by domestic law. It shall be represented by its Chairman.

3. Questions of labour legislation and social matters shall be governed by the law of the country in which the Commission has its seat.

Article 7

Organisation of the Commission

1. The Commission shall consist of the delegations of the Contracting Parties. Each Contracting Party shall appoint its delegates, one of whom shall be head of delegation.

2. The delegations may enlist the services of experts.

3. The Commission shall be chaired for three years by each delegation in turn in the order of Contracting Parties listed in the preamble. The delegation chairing the Commission shall appoint the Chairman. The Chairman shall not act as spokesman for his delegation.

Should a Contracting Party waive its right to chair the Commission, the next Contracting Party shall take the Chair.

4. The Commission shall draft its rules of procedure and financial regulations.

5. The Commission shall decide on matters of international organisation, the working structure it deems necessary and the annual operating budget.

Article 8

Tasks of the Commission

1. To achieve the aims set out in Article 3 the Commission shall accomplish the following tasks:

- (a) prepare international measuring programmes and studies of the Rhine ecosystem and make use of their results, in cooperation with scientific institutions if necessary;
- (b) make proposals for individual measures and programmes of measures, where appropriate including economic instruments and taking into account the expected costs;
- (c) coordinate the Contracting States' warning and alert plans for the Rhine;
- (d) evaluate the effectiveness of the actions decided upon, notably on the basis of the reports of the Contracting Parties and the results of the measuring programmes and studies of the Rhine ecosystem;
- (e) carry out any other tasks entrusted to it by the Contracting Parties.

2. To this end, the Commission shall take decisions in accordance with Articles 10 and 11.

3. The Commission shall submit an annual activity report to the Contracting Parties.

4. The Commission shall inform the public as to the state of the Rhine and the results of its work. It may draft and publish reports.

Article 9

Plenary sessions of the Commission

1. At the invitation of the Chairman, the Commission shall meet for one plenary session per year.

2. Extraordinary plenary sessions may be called by the Chairman, upon his initiative or at the request of at least two delegations.

3. The Chairman shall propose the agenda. Each delegation shall have the right to have items included on the agenda that it wishes to have discussed.

Article 10

Decision-making in the Commission

1. Decisions of the Commission shall be taken unanimously.

2. Each delegation shall have one vote.

3. If measures to be carried out by the Contracting Parties in accordance with Article 8(1)(b) fall within the competence of the European Community, the latter shall vote with the number of votes corresponding to the number of its Member States which are Contracting Parties to this Convention, notwithstanding paragraph 2 above. The European Community shall not vote in cases where its Member States vote and vice versa.

4. Abstention of only one delegation shall not constitute an impediment to unanimity. This shall not apply to the delegation of the European Community. Absence of a delegation shall be considered as abstention.

5. The rules of procedure may provide for a written procedure.

Article 11

Implementation of Commission decisions

1. The Commission shall communicate to the Contracting Parties, in the form of recommendations, its decisions on the measures referred to in Article 8(1)(b), which shall be implemented in accordance with the national law of the Contracting Parties.

2. The Commission may stipulate that these decisions:

- (a) shall be applied by the Contracting Parties on the basis of a timetable;
- (b) shall be implemented in a coordinated manner.

3. The Contracting Parties shall report regularly to the Commission on:

- (a) the legislative, regulatory and other measures they have taken with a view to implementing the provisions of this Convention and on the basis of the Commission's decisions;
- (b) the results of the measures implemented in accordance with subparagraph (a);
- (c) problems arising in the implementation of the measures referred to in subparagraph (a).

4. If a Contracting Party cannot implement the Commission's decisions, in full or in part, it shall report this within a specific time limit set by the Commission on a case-by-case basis and shall give its reasons. Each delegation may submit a request for consultation, to which a response must be given within two months.

On the basis of the reports from the Contracting Parties or of consultations, the Commission may decide that measures will be taken to assist the implementation of the decisions.

5. The Commission shall keep a list of its decisions addressed to the Contracting Parties. The Contracting Parties shall add to the list annually with updates on the progress made in implementing the Commission's decisions, at the latest two months before the plenary session of the Commission.

Article 12

Secretariat of the Commission

1. The Commission shall have a permanent secretariat, which shall carry out the tasks entrusted to it by the Commission and be headed by an executive secretary.

2. The Contracting Parties shall decide on the headquarters of the secretariat.

3. The Commission shall appoint the executive secretary.

Article 13

Distribution of costs

1. Each Contracting Party shall bear the costs of its representation in the Commission and its working structure, and each Contracting State shall bear the costs of the studies and actions it carries out within its territory.

2. The distribution of costs relating to the annual operating budget between the Contracting Parties shall be laid down in the Commission's rules of procedure and financial regulations.

Article 14

Cooperation with the other States, other organisations and external experts

1. The Commission shall cooperate with other intergovernmental organisations and may address recommendations to them.

2. The Commission may recognise as observers:

- (a) States that have an interest in the work of the Commission;
- (b) intergovernmental organisations whose work is related to the Convention;
- (c) non-governmental organisations, insofar as their field of interest or activities are relevant.

3. The Commission shall exchange information with non-governmental organisations insofar as their fields of interest or activities are relevant. The Commission shall in particular consult such organisations before discussing decisions liable to have an important impact on them and shall inform them as soon as such decisions have been taken.

4. Observers may submit to the Commission any information or reports relevant to the aims of the Convention. They

may be invited to participate in Commission meetings without having the right to vote.

5. The Commission may decide to consult specialists representing the recognised non-governmental organisations or other experts and invite them to its meetings.

6. The conditions for cooperation and those for eligibility and participation shall be laid down in the rules of procedure and financial regulations.

Article 15

Working languages

The working languages of the Commission shall be German, French and Dutch. Detailed arrangements shall be laid down in the rules of procedure and financial regulations.

Article 16

Settlement of disputes

1. If a dispute arises between Contracting Parties regarding the interpretation or application of this Convention, the Parties concerned shall seek a solution through negotiation or any form of dispute settlement acceptable to them.

2. If the dispute cannot be settled in this manner, it shall, unless the Parties to the dispute decide otherwise, be submitted, at the request of one of them, to arbitration in accordance with the provisions of the Annex to this Convention, which shall form an integral part thereof.

Article 17

Entry into force

Each Contracting Party will notify the Government of the Swiss Confederation once it has completed the procedures necessary to bring this Convention into force. The Government of the Swiss Confederation will confirm the receipt of notifications and also inform the other Contracting Parties. The Convention will enter into force on the first day of the second month following receipt of the last notification.

Article 18

Withdrawal

1. Three years after its entry into force, any of the Contracting Parties may at any time withdraw from this Convention by means of a written declaration to the Government of the Swiss Confederation.

2. Withdrawal from the Convention shall take effect only at the end of the following year.

Article 19

Repeal and continued application of current law

1. With the entry into force of this Convention and notwithstanding paragraphs 2 and 3 of this Article, the following shall be repealed:

- (a) Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution,

(b) Additional Agreement of 3 December 1976 to the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution,

(c) Convention of 3 December 1976 for the protection of the Rhine against chemical pollution.

2. Decisions, recommendations, limit values and any other arrangements adopted on the basis of the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution, the Addition Agreement of 3 December 1976 and the Convention of 3 December 1976 for the protection of the Rhine against chemical pollution shall remain applicable without any change to their legal nature, provided the Commission does not explicitly repeal them.

3. The distribution of costs relating to the annual operating budget defined in Article 12 of the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution as amended by the Additional Agreement of 3 December 1976 shall remain in force until the Commission has established a distribution in its rules of procedure and financial regulations.

Article 20

Original and deposit

This Convention, drafted in the Dutch, French and German languages, each of the three texts being equally authentic, is deposited with the Government of the Swiss Confederation, which will transmit a certified copy to each of the Contracting Parties.

Done at Berne, 12 April 1999.

For the Governments of

the Federal Republic of Germany:

the Kingdom of the Netherlands:

the French Republic:

the Swiss Confederation:

the Grand Duchy of Luxembourg:

For the European Community:

ANNEX

ARBITRATION

1. Unless the parties to the dispute decide otherwise, the arbitration procedure shall be conducted in accordance with the provisions of this Annex.
 2. The arbitral tribunal shall consist of three members. The claimant and the defendant shall appoint one arbitrator each; the two arbitrators so appointed shall by common consent designate a third who shall chair the tribunal.

If the chair of the arbitral tribunal has not been appointed within two months of the appointment of the second arbitrator, the President of the International Court of Justice shall appoint an arbitrator within two further months at the request of the first party to act.
 3. If one of the parties to the dispute has not appointed a member of the tribunal within two months of receipt of the request provided for in Article 16 of the Convention, the other party may submit the matter to the President of the International Court of Justice who shall appoint the chair of the arbitral tribunal within a further two months. Once appointed, the chair shall request the party which has not yet appointed an arbitrator to do so within two months. Upon expiry of this time limit he or she shall submit the matter to the President of the International Court of Justice who shall make this appointment within a further two months.
 4. If, in one of the cases referred to above, the President of the International Court of Justice is prevented from acting or is a national of one of the parties to the dispute, the Vice-President of the Court or the most senior member of the Court who is not prevented from acting and is not a national of one of the parties to the dispute shall appoint the chair of the arbitral tribunal or an arbitrator.
 5. These provisions shall apply, *mutatis mutandis*, to the filling of posts which have become vacant.
 6. The arbitral tribunal shall decide on the basis of the rules of international law and in particular on the basis of the provisions of this Convention.
 7. As regards both procedural and substantive matters, the arbitral tribunal shall decide by a majority of its members' votes; the absence or abstention of one of the members of the tribunal appointed by the parties shall not prevent the tribunal from reaching a decision. In the event of parity of votes, the chairman shall have the casting vote. The decisions of the Tribunal shall be binding on the parties. Each party shall bear the costs of the arbitrator appointed by it and shall share the other costs equally. For other matters, the arbitral tribunal shall establish its own rules of procedure.
 8. In the case of a dispute between two Contracting Parties, only one of which is a Member State of the European Community, which is itself a Contracting Party, the other Party shall simultaneously transmit its request to that Member State and to the Community, which shall jointly notify the party within two months following receipt of the request whether the Member State, the Community or the Member State and the Community together are parties to the dispute. If such notification is not given within the appointed time, both the Member State and the Community shall be regarded as constituting one and the same party to the dispute for the purposes of applying this Annex. The same shall obtain when the Member State and the Community are jointly a party to the dispute.
-

PROTOCOL OF SIGNATURE

In signing the Convention for the Protection of the Rhine, the heads of delegation in the ICPR agree upon the following points.

1. The following shall remain unaffected by the Convention:
 - (a) the Convention of 3 December 1976 for the protection of the Rhine against Pollution by Chlorides;
 - (b) the Exchange of letters of 29 April/13 May 1983 on the abovementioned Convention, which exchange entered into force on 5 July 1985;
 - (c) the Declaration of 11 December 1986 of the heads of delegation of the Governments Party to the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution;
 - (d) the Additional Protocol of 25 September 1991 on the Convention of 3 December 1976 for the protection of the Rhine against Pollution by Chlorides;
 - (e) the Declaration of 25 September 1991 of the heads of delegation of the Governments Party to the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution.
2. 'State of the art' and 'best available techniques' are synonymous expressions and, like the expression 'best environmental practice', must be understood as defined in the Convention of 17 March 1992 on the protection and use of transboundary watercourses and international lakes (Annexes I and II) and the Convention of 22 September 1992 for the protection of the marine environment of the north-east Atlantic (Appendix I).
3. The Commission shall continue to have its seat in Koblenz.
4. In cases of settlements of disputes between Member States of the European Community which do not concern any other State, Article 219 of the Treaty establishing the European Community shall apply.

Done at Berne, 12 April 1999.

For the Governments of:

the Federal Republic of Germany:

the Kingdom of the Netherlands:

the French Republic:

the Swiss Confederation:

the Grand Duchy of Luxembourg:

For the European Community:

COMMISSION

COMMISSION DECISION

of 6 November 2000

on financial assistance from the Community for storage in France, Italy and the United Kingdom of antigen for production of foot-and-mouth disease vaccine and amending Decision 2000/112/EC

(notified under document number C(2000) 3175)

(2000/707/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

concluded between the Commission and Merial SAS, in accordance with this Decision.

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽²⁾, and in particular Article 14 thereof,

Whereas:

(1) By virtue of Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines ⁽³⁾, as last amended by Decision 1999/762/EC ⁽⁴⁾, establishment of antigen banks is part of the Community's action to create Community reserves of foot-and-mouth disease vaccine.

(2) Article 3 of that Decision designates the Laboratoire de pathologie bovine du Centre national d'études vétérinaires et alimentaires at Lyon in France and the Istituto Zooprofilattico Sperimentale di Brescia in Italy as antigen banks holding Community reserves and provides for procedures to designate other establishments as antigen bank by Commission Decision.

(3) By Decision 2000/111/EC ⁽⁵⁾ the Commission designated Merial SAS, Pirbright, United Kingdom, as a third antigen bank and made provisions for the transfer of antigen from a bank no longer designated. The Community financial contribution for the year 2000 is subject of the contract on transfer and storage of antigen

(4) Commission Decision 2000/112/EC detailing the distribution between antigen banks of antigen reserves established within the framework of the Community action concerning reserves of foot-and-mouth disease vaccines and amending Decisions 93/590/EC and 97/348/EC ⁽⁶⁾ with regard to the storage site of certain quantities and strains of antigen applies since 1 February 2000. However the transfer of antigen from Pirbright Institute for Animal Health to Merial SAS, Pirbright was delayed for technical reasons and thereby Pirbright Institute for Animal Health, continued to provide to the Community the services of an antigen bank until the transfer was completed on 28 June 2000.

(5) The functions and duties of these antigen banks are specified in Article 4 of Decision 91/666/EEC and community assistance must be conditional on accomplishment of these.

(6) Community financial assistance should be granted to the banks providing services to the Community to enable them to carry out during 2000 the said functions and duties.

(7) For budgetary reasons the Community assistance should be granted for a period of one year.

(8) For financial control purposes Articles 8 and 9 of Regulation (EC) No 1258/1999 should apply.

(9) Commission Decision 2000/112/EC should be amended in order to take account of the delayed transfer of antigen from Pirbright Institute For Animal Health to Merial SAS, Pirbright, United Kingdom.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

⁽³⁾ OJ L 368, 31.12.1991, p. 21.

⁽⁴⁾ OJ L 301, 24.11.1999, p. 6.

⁽⁵⁾ OJ L 33, 8.2.2000, p. 19.

⁽⁶⁾ OJ L 33, 8.2.2000, p. 21.

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Community shall grant France financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.
2. The Laboratoire de pathologie bovine du Centre national d'études vétérinaires et alimentaires at Lyon in France shall hold the stock of antigen to which paragraph 1 relates. The provisions of Article 4 of Decision 91/666/EEC shall apply.
3. The Community's financial assistance shall be up to a maximum of EUR 30 000 for the period 1 January to 31 December 2000.

Article 2

1. The Community shall grant Italy financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.
2. The Istituto Zooprofilattico Sperimentale di Brescia in Italy shall hold the stock of antigen to which paragraph 1 relates. The provisions of Article 4 of Decision 91/666/EEC shall apply.
3. The Community's financial assistance shall be up to a maximum of EUR 30 000 for the period 1 January to 31 December 2000.

Article 3

1. The Community shall grant the United Kingdom financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.
2. The Institute for Animal Health at Pirbright in the United Kingdom shall hold the stock of antigen to which paragraph 1 relates. The provisions of Article 4 of Decision 91/666/EEC shall apply.

3. The Community's financial assistance shall be up to a maximum of EUR 15 000 for the period 1 January to 30 June 2000.

Article 4

1. The Community's financial assistance referred to in Article 1(3), Article 2(3) and Article 3(3) shall be paid following presentation, by the Member State concerned, of supporting documents, which demonstrate the effective completion of the tasks.
2. The supporting documents referred to in paragraph 1 must be presented to the Commission before 1 March 2001 and they should include:
 - (a) technical information on:
 - the amount and type of antigen stored (storage records),
 - storage equipment used (type, number and capacity of tanks),
 - security system in place (temperature control, anti-theft measures),
 - insurance arrangements (fire, accidents);
 - (b) financial information (completion of table as show in the Annex).

Article 5

Articles 8 and 9 of Regulation (EC) No 1258/1999 shall apply *mutatis mutandis*.

Article 6

In Article 3 of Decision 2000/112/EC the date of '1 February 2000' is changed to '1 July 2000'.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX

FINANCIAL INFORMATION RELATED TO THE STORAGE OF ANTIGEN FOR PRODUCTION OF
FOOT-AND-MOUTH DISEASE VACCINE

Statement of costs

Reporting period from: to:

Reference No of Commission Decision providing financial assistance:

Name and address of beneficiary:

Category of costs	Amount for the period (National currency) ⁽¹⁾
1. Staff	
2. Capital equipment	
3. Consumables	
4. Insurance	
5. Rental of premises	
Total	

⁽¹⁾ All costs must be expressed in national currency.

Certificate by the beneficiary

We certify that:

- the above costs were incurred in connection with the tasks defined in the Decision and were essential to the sound performance of those tasks,
- they are genuine costs falling within the definition of reimbursable costs,
- all the documents supporting the costs are available for audit purposes.

Date:

Name of technical director:

Signature:

Date:

Person financially responsible:

Signature:

COMMISSION DECISION

of 6 November 2000

amending for the third time Decision 1999/507/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia

(notified under document number C(2000) 3178)

(Text with EEA relevance)

(2000/708/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18(7) thereof,

Whereas:

- (1) By Decision 1999/507/EC ⁽³⁾, as last amended by Decision 2000/6/EC ⁽⁴⁾, of the Commission has adopted protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia, with regard to Nipah respective Hendra disease, including among others laboratory tests for dogs and cats destined for imports into the Community.
- (2) Hendra disease, being a notifiable disease in accordance with Australian law, has not been reported in Australia since the adoption of Decision 1999/507/EC. Therefore, the provisions of this Decision relating to Australia should be adapted to the disease situation in the country concerned, and in particular the requirement for laboratory testing for cats imported from Australia should be withdrawn.

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

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 1999/507/EC is amended as follows:

1. The second indent of paragraph 2 is deleted.
2. A third paragraph is added as follows:
'3. The prohibition referred to in paragraph 1 shall not apply to cats in transit, provided they remain within the perimeter of an international airport.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2000.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 268, 24.9.1991, p. 56.⁽²⁾ OJ L 162, 1.7.1996, p. 1.⁽³⁾ OJ L 194, 27.7.1999, p. 66.⁽⁴⁾ OJ L 3, 6.1.2000, p. 29.

COMMISSION DECISION

of 6 November 2000

on the minimum criteria to be taken into account by Member States when designating bodies in accordance with Article 3(4) of Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures

(notified under document number C(2000) 3179)

(Text with EEA relevance)

(2000/709/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures⁽¹⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) On 13 December 1999, the European Parliament and the Council adopted the Directive 1999/93/EC on a Community framework for electronic signatures.
- (2) Annex III to Directive 1999/93/EC contains the requirements for secure signature-creation-devices. According to Article 3(4) of the Directive, the conformity of secure signature-creation-devices with the requirements laid down in Annex III shall be determined by appropriate public or private bodies designated by Member States and the Commission shall establish criteria for Member States to determine whether a body should be designated for performing such conformity assessments.
- (3) The establishment of the above criteria by the Commission has to be made after consultation of the 'Electronic Signature Committee' set up under Article 9(1) of Directive 1999/93/EC.
- (4) The measures provided for in this Decision are in accordance with the opinion of the 'Electronic Signature Committee',

HAS ADOPTED THIS DECISION:

Article 1

The purpose of this Decision is to establish the criteria for Member States to determine whether a national body should be designated as responsible for the conformity assessments of secure signature-creation-devices.

Article 2

Where a designated body is part of an organisation involved in activities other than conformance assessment of secure signature-creation-devices with the requirements laid down in

Annex III to Directive 1999/93/EC it must be identifiable within that organisation. Different activities must be clearly distinguished.

Article 3

The body and its staff must not engage in any activities that may conflict with their independence of judgement and integrity in relation to their task. In particular, the body must be independent of the parties involved. Therefore, the body, its executive officer and the staff responsible for carrying out the conformance assessment tasks must not be a designer, manufacturer, supplier or installer of secure signature-creation-devices, or a certification service provider issuing certificates to the public, nor the authorised representative of any of such parties.

In addition, they must be financially independent and not become directly involved in the design, construction, marketing or maintenance of secure signature-creation-devices, nor represent the parties engaged in these activities. This does not preclude the possibility of exchange of technical information between the manufacturer and the designated body.

Article 4

The body and its personnel must be able to determine the conformity of secure signature-creation-devices with the requirements laid down in Annex III to Directive 1999/93/EC with a high degree of professional integrity, reliability and sufficient technical competence.

Article 5

The body shall be transparent in its conformity assessment practices and shall record all relevant information concerning these practices. All interested parties must have access to the services of the body. The procedures under which the body operates must be administered in a non-discriminatory manner.

Article 6

The body must have at its disposal the necessary staff and facilities to enable it to perform properly and swiftly the technical and administrative work associated with the task for which it has been designated.

⁽¹⁾ OJ L 13, 19.1.2000, p. 12.

Article 7

The personnel responsible for conformity assessment must have:

- sound technical and vocational training, particularly in the field of electronic signature technologies and the related IT security aspects,
- satisfactory knowledge of the requirements of the conformity assessments they carry out and adequate experience to carry out such assessments.

Article 8

The impartiality of staff shall be guaranteed. Their remuneration shall not depend on the number of conformity assessments carried out nor on the results of such conformity assessments.

Article 9

The body must have adequate arrangements to cover liabilities arising from its activities, for example, by obtaining appropriate insurance.

Article 10

The body must have adequate arrangements to ensure the confidentiality of the information obtained in carrying out its tasks under Directive 1999/93/EC or any provision of national

law giving effect thereto, except vis-a-vis the competent authorities of the designating Member State.

Article 11

Where a designated body arranges for the carrying out of a part of the conformity assessments by another party, it must ensure and be able to demonstrate that this party is competent to perform the service in question. The designated body must take full responsibility for the work carried out under those arrangements. The final decision remains with the designated body.

Article 12

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

NOTICE TO READERS

Owing to a technical problem occurring between the publication of Regulation (EC) No 2119/2000 (OJ L 252, 6.10.2000, p. 11) and that of Regulation (EC) No 2220/2000 (OJ L 253, 7.10.2000, p. 1), document Nos 2120/2000 to 2219/2000 have not been assigned.