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*(Acts adopted pursuant to Title V of the Treaty on European Union)*

**COUNCIL JOINT ACTION**  
**of 16 June 2000**  
**supplementing Joint Action 1999/189/CFSP concerning a contribution by the European Union to**  
**the reestablishment of a viable police force in Albania**  
  
(2000/388/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) The Council decided in Joint Action 1999/189/CFSP <sup>(1)</sup> that the European Union should contribute to the reestablishment of a viable police force in Albania.
- (2) By Decision 1999/190/CFSP <sup>(2)</sup>, the Council requested the Western European Union (WEU) to implement this action.
- (3) It is appropriate to provide additional financing to continue the implementation of Joint Action 1999/189/CFSP until 31 December 2000,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

1. The financial reference amount to cover the operational expenditure to which the implementation of Joint Action 1999/189/CFSP gives rise shall be EUR 1,2 million for the year 2000.
2. This amount is additional to that provided for in Joint Action 1999/189/CFSP.

*Article 2*

This Joint Action shall be notified to the WEU in accordance with the conclusions adopted by the Council on 14 May 1996 on the transmission to the WEU of documents of the European Union.

*Article 3*

This Joint Action shall enter into force on the day of its adoption.

It shall apply until 31 December 2000.

*Article 4*

This Joint Action shall be published in the Official Journal.

Done at Luxembourg, 16 June 2000.

*For the Council*  
*The President*  
L. CAPOULAS SANTOS

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<sup>(1)</sup> OJ L 63, 12.3.1999, p. 1.

<sup>(2)</sup> OJ L 63, 12.3.1999, p. 3.

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1280/2000**  
**of 19 June 2000**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 20 June 2000.

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## ANNEX

to the Commission Regulation of 19 June 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	64,9
	999	64,9
0707 00 05	052	78,4
	628	130,8
	999	104,6
0709 90 70	052	64,4
	999	64,4
0805 30 10	388	55,7
	524	77,2
	528	74,6
	999	69,2
0808 10 20, 0808 10 50, 0808 10 90	388	85,7
	400	73,7
	404	89,8
	508	75,8
	512	85,1
	524	92,1
	528	88,2
	624	78,7
	720	62,5
	804	77,5
	999	80,9
	999	80,9
0809 10 00	052	264,2
	999	264,2
0809 20 95	052	285,7
	064	193,3
	068	115,9
	400	358,6
	999	238,4

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

**COMMISSION REGULATION (EC) No 1281/2000  
of 19 June 2000**

**definitively fixing the aid for unginne cotton from 1 September 1999 to 31 March 2000 for the  
1999/2000 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraph 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81 <sup>(2)</sup>, as last amended by Regulation (EC) No 1419/98 <sup>(3)</sup>, and in particular Article 5(1) thereof,

Whereas:

- (1) Under Article 3 of Regulation (EC) No 1554/95, the world market price for unginne cotton is fixed periodically during the marketing year.
- (2) Commission Regulation (EC) No 1287/2000 <sup>(4)</sup> fixes actual production of unginne cotton and the amount by which the guide price is to be reduced in each Member State for the 1999/2000 marketing year.
- (3) Article 5(1) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules implementing the system of aid for cotton <sup>(5)</sup>, as last amended by Regulation (EC) No 1624/1999 <sup>(6)</sup>, provides for the aid on unginne cotton applicable to each period for which a world market price has been determined to be fixed before 15 July.
- (4) The aid for the 1999/2000 marketing year should accordingly be fixed definitively at the levels indicated below,

HAS ADOPTED THIS REGULATION:

*Article 1*

The aid on unginne cotton corresponding to the world prices fixed in Commission Regulations (EC) No 1876/1999 <sup>(7)</sup>, (EC) No 1947/1999 <sup>(8)</sup>, (EC) No 2013/1999 <sup>(9)</sup>, (EC) No 2077/1999 <sup>(10)</sup>, (EC) No 2150/1999 <sup>(11)</sup>, (EC) No 2231/1999 <sup>(12)</sup>, (EC) No 2296/1999 <sup>(13)</sup>, (EC) No 2388/1999 <sup>(14)</sup>, (EC) No 2462/1999 <sup>(15)</sup>, (EC) No 2526/1999 <sup>(16)</sup>, (EC) No 2615/1999 <sup>(17)</sup>, (EC) No 2721/1999 <sup>(18)</sup>, (EC) No 2752/1999 <sup>(19)</sup>, (EC) No 54/2000 <sup>(20)</sup>, (EC) No 119/2000 <sup>(21)</sup>, (EC) No 125/2000 <sup>(22)</sup>, (EC) No 172/2000 <sup>(23)</sup>, (EC) No 246/2000 <sup>(24)</sup>, (EC) No 315/2000 <sup>(25)</sup>, (EC) No 387/2000 <sup>(26)</sup>, (EC) No 460/2000 <sup>(27)</sup>, (EC) No 512/2000 <sup>(28)</sup>, (EC) No 533/2000 <sup>(29)</sup> and (EC) No 602/2000 <sup>(30)</sup>, shall be as set out in the Annex hereto, which amount shall be fixed definitively from the entry into force of each of the Regulations concerned.

<sup>(1)</sup> OJ L 148, 30.6.1995, p. 45.

<sup>(2)</sup> OJ L 148, 30.6.1995, p. 48.

<sup>(3)</sup> OJ L 190, 4.7.1998, p. 4.

<sup>(4)</sup> See page 19 of this Official Journal.

<sup>(5)</sup> OJ L 123, 4.5.1989, p. 23.

<sup>(6)</sup> OJ L 192, 24.7.1999, p. 39.

<sup>(7)</sup> OJ L 231, 1.9.1999, p. 13.

<sup>(8)</sup> OJ L 241, 11.9.1999, p. 17.

<sup>(9)</sup> OJ L 248, 21.9.1999, p. 27.

<sup>(10)</sup> OJ L 256, 1.10.1999, p. 35.

<sup>(11)</sup> OJ L 263, 9.10.1999, p. 4.

<sup>(12)</sup> OJ L 271, 21.10.1999, p. 21.

<sup>(13)</sup> OJ L 280, 30.10.1999, p. 5.

<sup>(14)</sup> OJ L 288, 11.11.1999, p. 23.

<sup>(15)</sup> OJ L 299, 20.11.1999, p. 29.

<sup>(16)</sup> OJ L 306, 1.12.1999, p. 8.

<sup>(17)</sup> OJ L 318, 11.12.1999, p. 3.

<sup>(18)</sup> OJ L 327, 21.12.1999, p. 51.

<sup>(19)</sup> OJ L 331, 23.12.1999, p. 33.

<sup>(20)</sup> OJ L 6, 11.1.2000, p. 21.

<sup>(21)</sup> OJ L 14, 20.1.2000, p. 22.

<sup>(22)</sup> OJ L 16, 21.1.2000, p. 50.

<sup>(23)</sup> OJ L 21, 26.1.2000, p. 14.

<sup>(24)</sup> OJ L 25, 1.2.2000, p. 20.

<sup>(25)</sup> OJ L 36, 11.2.2000, p. 28.

<sup>(26)</sup> OJ L 47, 19.2.2000, p. 25.

<sup>(27)</sup> OJ L 56, 1.3.2000, p. 28.

<sup>(28)</sup> OJ L 63, 10.3.2000, p. 14.

<sup>(29)</sup> OJ L 64, 11.3.2000, p. 18.

<sup>(30)</sup> OJ L 72, 21.3.2000, p. 6.

*Article 2*

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

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## AID FOR UNGINNED COTTON

(EUR/100 kg)

Regulation (EC) No	Aid amount		
	Spain	Greece	Portugal
1876/1999	50,306	45,842	84,535
1947/1999	50,718	46,254	84,947
2013/1999	50,536	46,072	84,765
2077/1999	51,369	46,905	85,598
2150/1999	52,028	47,564	86,257
2231/1999	52,130	47,666	86,359
2296/1999 <sup>(1)</sup>	51,765	47,301	85,994
2388/1999	51,790	47,326	86,019
2462/1999	52,054	47,590	86,283
2526/1999	51,768	47,304	85,997
2615/1999	52,320	47,856	86,549
2721/1999	52,341	47,877	86,570
2752/1999	52,255	47,791	86,484
54/2000	52,397	47,933	86,626
119/2000	50,495	46,031	84,724
125/2000	49,846	45,382	84,075
172/2000	46,735	42,271	80,964
246/2000	45,606	41,142	79,835
315/2000	45,120	40,656	79,349
387/2000	44,108	39,644	78,337
460/2000	42,875	38,411	77,104
512/2000	39,884	35,420	74,113
533/2000	40,129	35,665	74,358
602/2000	39,702	35,238	73,931

<sup>(1)</sup> As corrected by Commission Regulation (EC) No 2349/1999 (OJ L 281, 4.11.1999, p. 68).



**COMMISSION REGULATION (EC) No 1282/2000**  
**of 19 June 2000**  
**on the supply of milk products as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security <sup>(1)</sup>, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of Decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid <sup>(2)</sup>. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Milk products shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

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

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 166, 5.7.1996, p. 1.

<sup>(2)</sup> OJ L 346, 17.12.1997, p. 23.

## ANNEX

## LOTS A, B, C, D and E

1. **Action Nos:** 155/99 (A); 156/99 (B); 157/99 (C); 158/99 (D); 159/99 (E)
2. **Beneficiary** <sup>(?)</sup>: UNRWA, Supply division, Amman Office, PO Box 140157, Amman — Jordan; telex 21170 UNRWA JO; tel. (962-6) 586 41 26; fax 586 41 27
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer  
A+E: PO Box 19149, Jerusalem, Israel [tel. (972-2) 589 05 55; telex 26194 UNRWA IL; fax 581 65 64]  
B: PO Box 947, Beirut, Libanon [tel. (961-1) 840 461-7; fax 60 36 83]  
C: PO Box 4313, Damascus, Syria [tel. (963-11) 613 30 35; telex 412006 UNRWA SY; fax 613 30 47]  
D: PO Box 484, Amman, Jordan [tel. (962-6) 474 19 14/477 22 26; telex 23402 UNRWAJFO JO; fax 474 63 61]
4. **Country of destination:** A, E: Israel (A: Gaza; E: West Bank); B: Lebanon; C: Syria; D: Jordan
5. **Product to be mobilised:** whole milk powder
6. **Total quantity (tonnes net):** 600
7. **Number of lots:** 5 (A: 204 tonnes; B: 108 tonnes; C: 84 tonnes; D: 120 tonnes; E: 84 tonnes)
8. **Characteristics and quality of the product** <sup>(?)</sup> <sup>(?)</sup> <sup>(?)</sup>: see OJ C 114, 29.4.1991, p. 1 (I.C(1))
9. **Packaging** <sup>(?)</sup>: see OJ C 267, 13.9.1996, p. 1 (6.1, A, B and C(2))
10. **Labelling or marking** <sup>(?)</sup>: see OJ C 114, 29.4.1991, p. 1 (I.C(3))  
— language to be used for the markings: English  
— supplementary markings: 'NOT FOR SALE'  
lot D: 'Expiry date...' (date of manufacture plus 12 months)
11. **Method of mobilisation of the product:** the Community market  
The whole milk powder must be manufactured after the award of the supply contract
12. **Specified delivery stage** <sup>(?)</sup>: A, C, E: free at port of landing — container terminal  
B, D: free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** A, E: Ashdod; C: Lattakia
16. **Place of destination:** UNRWA warehouse in: Beirut (B); Amman (D)  
— port or warehouse of transit: —  
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**  
— first deadline: A, B, C, E: 3.9.2000; D: 10.9.2000  
— second deadline: A, B, C, E: 17.9.2000; D: 24.9.2000
18. **Period or deadline of supply at the alternative stage:**  
— first deadline: 7-20.8.2000  
— second deadline: 21.8-3.9.2000
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**  
— first deadline: 4.7.2000  
— second deadline: 18.7.2000
20. **Amount of tendering guarantee:** EUR 20 per tonne
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** <sup>(?)</sup>: refund applicable on 24.5.2000, fixed by Commission Regulation (EC) No 926/2000 (OJ L 107, 4.5.2000, p. 15)

## Notes:

- (<sup>1</sup>) Supplementary information: André Debongnie (tel. (32-2) 295 14 65), Torben Vestergaard (tel. (32-2) 299 30 50).
- (<sup>2</sup>) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (<sup>4</sup>) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
- The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted to fax No (32-2) 296 20 05).
- (<sup>5</sup>) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation, the temperature and duration in the spray-drying-tower, the production date and the expiry date for consumption,
  - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing, that the standards applicable, relative to PCBs, have not been exceeded and that the product does not contain any mydiakcene.
- (<sup>6</sup>) Notwithstanding OJ C 114, 29.4.1991, point I(A)(3)(c) is replaced by the following: 'the words "European Community"'.
- (<sup>7</sup>) Shipment to take place in 20-foot containers: Lots A, C and D. The contracted shipping terms shall be considered full liner terms free port of landing container yard and is understood to cover 15 days — Saturdays, and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. *Bona fide* detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
- After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.
- Ashdod: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
- (<sup>8</sup>) Lot C: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
- (<sup>9</sup>) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
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**COMMISSION REGULATION (EC) No 1283/2000  
of 19 June 2000  
amending Regulation (EC) No 1185/2000 on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food aid policy and food aid management and special operations in support of food security <sup>(1)</sup>, and in particular Article 24(1)(b) thereof,

Whereas:

Commission Regulation (EC) No 1185/2000 <sup>(2)</sup> issued an invitation to tender for the supply, as food aid, of cereals. For lot B

some of the conditions specified in the Annex to that Regulation should be altered at the request of the beneficiary,

HAS ADOPTED THIS REGULATION:

*Article 1*

For lot B the Annex to Regulation (EC) No 1185/2000 is replaced by the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 166, 5.7.1996, p. 1.

<sup>(2)</sup> OJ L 133, 6.6.2000, p. 12.

## ANNEX

## LOT B

1. **Action Nos:** 341/98 (B1); 150/99 (B2)
2. **Beneficiary** <sup>(2)</sup>: EuronAid, PO Box 12, 2501 CA Den Haag, Nederland; tel: (31-70) 33 05 75 7; fax: 36 41 70 1; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** B1: Nicaragua; B2: Haiti
5. **Product to be mobilised:** milled rice (product code 1006 30 92 9900, 1006 30 94 9900, 1006 30 96 9900, 1006 30 98 9900)
6. **Total quantity (tonnes net):** 2 042
7. **Number of lots:** 1 in 2 parts (B1: 362 tonnes; B2: 1 680 tonnes)
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(5)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.A(1)(f))
9. **Packaging** <sup>(7)</sup> <sup>(8)</sup>: see OJ C 267, 13.9.1996, p. 1 (1.0, A(1.c and 2.c) and B(6))
10. **Labelling or marking** <sup>(6)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.A.(3))
  - language to be used for the markings: B1: Spanish; B2: French
  - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
  - port or warehouse of transit: —
  - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
  - first deadline: 10-30.7.2000
  - second deadline: 24.7-13.8.2000
18. **Period or deadline of supply at the alternative stage:**
  - first deadline: —
  - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
  - first deadline: 20.6.2000
  - second deadline: 4.7.2000
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** <sup>(4)</sup>: refund applicable on 16.6.2000, fixed by Commission Regulation (EC) No 1141/2000 (OJ L 127, 27.5.2000, p. 54)

*Notes*

- (<sup>1</sup>) Supplementary information: André Debongnie (tel. (32-2) 295 14 65), Torben Vestergaard (tel. (32-2) 299 30 50).
- (<sup>2</sup>) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (<sup>4</sup>) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex. The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted fax (32-2) 296 20 05.
- (<sup>5</sup>) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- phytosanitary certificate.
  - B1: the shipping documents must be authenticated by the diplomatic representative in the exporting country.
- (<sup>6</sup>) Notwithstanding OJ C 114, 29.4.1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.
- (<sup>7</sup>) Since, the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (<sup>8</sup>) Shipment to take place in 20-foot containers, condition FCL/FCL.

The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (ONESEAL, SYSKO Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.

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**COMMISSION REGULATION (EC) No 1284/2000****of 19 June 2000****amending Regulation (EC) No 966/2000 on the issuing of a standing invitation to tender for the resale on the internal market of common wheat held by the French intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 39/1999 <sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 966/2000 <sup>(5)</sup>, as amended by Regulation (EC) No 1120/2000 <sup>(6)</sup>, opened a standing invitation to tender for the resale on the internal market of 159 032 tonnes of common wheat held by the French intervention agency.

- (3) The last partial invitation to tender pursuant to Commission Regulation (EC) No 966/2000 should be postponed.

- (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*

Article 2(1) of Regulation (EC) No 966/2000 is replaced by the following:

‘1. The final date for the submission of tenders for the last partial invitation to tender shall expire on 30 June 2000.’

*Article 2*

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

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 5, 9.1.1999, p. 64.

<sup>(5)</sup> OJ L 111, 9.5.2000, p. 3.

<sup>(6)</sup> OJ L 127, 27.5.2000, p. 4.

**COMMISSION REGULATION (EC) No 1285/2000  
of 19 June 2000**

**fixing for the 2000/01 marketing year the minimum price to be paid to producers for Williams and Rocha pears and the amount of production aid for Williams and Rocha pears in syrup and/or natural fruit juice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, as last amended by Regulation (EC) No 2701/1999 <sup>(2)</sup>, and in particular Articles 3(3) and 4(9) thereof,

Whereas:

- (1) Article 2 of Commission Regulation (EC) No 504/97 of 19 March 1997 laying down detailed rules for the application of Regulation (EC) No 2201/96 as regards the system of production aid for products processed from fruit and vegetables <sup>(3)</sup>, as last amended by Regulation (EC) No 1607/1999 <sup>(4)</sup>, lays down the dates of the marketing years.
- (2) The minimum price and the amount of the production aid should be fixed for the 2000/01 marketing year for Williams and Rocha pears in syrup and/or natural fruit juice on the basis of the criteria laid down in Articles 3 and 4 of Regulation (EC) No 2201/96 respectively, taking account of the guarantee threshold introduced by Article 5 of that Regulation above which the aid is reduced.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2000/01 marketing year:

- (a) the minimum price referred to in Article 3 of Regulation (EC) No 2201/96 shall be EUR 35,552 per 100 kg net from the producer for Williams and Rocha pears intended for the production of pears in syrup and/or natural fruit juice;
- (b) the production aid referred to in Article 4 of that Regulation shall be EUR 11,348 per 100 kg net for pears in syrup and/or natural fruit juice.

*Article 2*

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

It shall apply from 15 July 2000.

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29.

<sup>(2)</sup> OJ L 327, 21.12.1999, p. 5.

<sup>(3)</sup> OJ L 78, 20.3.1997, p. 14.

<sup>(4)</sup> OJ L 190, 23.7.1999, p. 11.



## COMMISSION REGULATION (EC) No 1286/2000

of 19 June 2000

**amending Annexes I, II and III of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2758/1999 <sup>(2)</sup>, and in particular Articles 6, 7 and 8 thereof,

Whereas:

- (1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.
- (2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.
- (3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue).
- (4) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues.
- (5) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees,

maximum residue limits must also be established for eggs, milk or honey.

- (6) Phenoxymethylpenicillin should be inserted into Annex I to Regulation (EEC) No 2377/90.
- (7) Calcium aspartate, *rhei radix*, standardised extracts, preparations thereof, *matricaria recutita*, preparations thereof, zinc aspartate, sodium salicylate, sodium acetylsalicylate, salicylic acid, methyl salicylate, carbasalate calcium and bismuth subnitrate and aluminium salicylate, basic and Acetylsalicylic acid DL-lysine should be inserted into Annex II to Regulation (EEC) No 2377/90.
- (8) In order to allow for the completion of scientific studies, methylprednisolone and acetylisovaleryltylosin should be inserted into Annex III to Regulation (EEC) No 2377/90.
- (9) An adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC <sup>(3)</sup>, as last amended by Directive 93/40/EEC <sup>(4)</sup> to take account of the provisions of this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THE FOLLOWING REGULATION:

## Article 1

Annexes I, II and III of Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

## 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 the 60th day following its publication.

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

<sup>(2)</sup> OJ L 331, 23.12.1999, p. 49.

<sup>(3)</sup> OJ L 317, 6.11.1981, p. 1.

<sup>(4)</sup> OJ L 214, 24.8.1993, p. 31.

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

Done at Brussels, 19 June 2000.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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ANNEX

A. The following substance is inserted in Annex I to Regulation (EEC) No 2377/90 (List of pharmacologically active substances for which maximum residue limits have been fixed)

- 1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.1. Penicillins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Phenoxymethylpenicillin	Phenoxymethylpenicillin	Porcine	25 µg/kg 25 µg/kg 25 µg/kg	Muscle Liver Kidney	

B. The following substances are inserted in Annex II to Regulation (EEC) No 2377/90 (List of substances not subject to maximum residue limits)

- 2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
Aluminium salicylate, basic	All food producing species except fish For topical use only	
Bismuth subnitrate	Bovine	For intramammary use only
Calcium aspartate	All food producing species	
Methyl salicylate	All food producing species except fish	For topical use only
Salicylic acid	All food producing species except fish	For topical use only
Sodium salicylate	All food producing species except fish	For topical use only
Zinc aspartate	All food producing species	

## 6. Substances of vegetable origin

Pharmacologically active substance(s)	Animal species	Other provisions
' <i>Matricaria recutita</i> and preparations thereof	All food producing species	
<i>Rhei radix</i> , standardised extracts and preparations thereof	All food producing species'	

## C. The following substances are inserted in Annex III to Regulation (EEC) No 2377/90 (List of pharmacologically active substances used in veterinary medicinal products for which provisional maximum residue limits have been fixed)

1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.2. Macrolides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Acetylisovaleryltylosin	Sum of acetylisovaleryltylosin and 3-O-acetyltylosin	Porcine	100 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg	Muscle Skin and fat Liver Kidney	Provisional MRLs expire on 1.7.2001'

## 7. Corticoids

## 7.1. Glucocorticoids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Methylprednisolone	Methylprednisolone	Bovine	10 µg/kg 10 µg/kg 10 µg/kg 10 µg/kg	Muscle Fat Liver Kidney	Provisional MRLs expire on 1.7.2001. Not for use in animals from which milk is produced for human consumption'

**COMMISSION REGULATION (EC) No 1287/2000****of 19 June 2000****fixing, in respect of the 1999/2000 marketing year, the actual production of unginned cotton and the amount by which the guide price is to be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 <sup>(1)</sup>,

Having regard to Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece <sup>(2)</sup>, as last amended by Regulation (EC) No 1553/95, and in particular Article 2(3) thereof,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81 <sup>(3)</sup>, as amended by Council Regulation (EC) No 1419/98 <sup>(4)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1554/95 provides that actual production in each marketing year is to be determined before the end of June of that year, account being taken in particular of the quantities for which aid has been requested. Application of that criterion results in actual production in respect of the 1999/2000 marketing year being set at the level set out below.
- (2) Article 2(3) of Regulation (EEC) No 1964/87 stipulates that, if actual production in Spain and Greece exceeds the maximum guaranteed quantity, the guide price referred to in paragraph 8 of Protocol 4 is to be reduced in each Member State where production exceeds its guaranteed national quantity (GNQ). Such reduction is calculated differently depending on whether the GNQ is exceeded both in Greece and Spain or only in one of

those Member States. In the case under consideration there has been an overrun both in Greece and Spain, therefore. Under Article 6(a) of Regulation (EEC) No 1554/95, the amount by which actual production exceeds the GNQ in each Member State is to be calculated as a percentage of its GNQ and the guide price is to be reduced by a percentage equal to half the percentage excess.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Flax and Hemp,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. (a) For the 1999/2000 marketing year, actual production of unginned cotton is fixed at 1 760 195 tonnes, of which 1 350 677 tonnes for Greece and 409 518 tonnes for Spain.
- (b) For the 1999/2000 marketing year, actual production of unginned cotton is fixed at 73 tonnes for Portugal.
2. The amount by which the guide price is to be reduced for the 1999/2000 marketing year is fixed at:
  - EUR 38,693/100 kg for Greece,
  - EUR 34,229/100 kg for Spain.

*Article 2*

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

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 30.6.1995, p. 45.

<sup>(2)</sup> OJ L 184, 3.7.1987, p. 14.

<sup>(3)</sup> OJ L 148, 30.6.1995, p. 48.

<sup>(4)</sup> OJ L 190, 4.7.1998, p. 4.

**COMMISSION REGULATION (EC) No 1288/2000****of 19 June 2000****providing for a specific inspection of intervention stocks of cereals at the beginning of the 2000/2001 and 2001/2002 marketing years**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Council Regulation (EC) No 1253/1999 of 17 May 1999 amending Regulation (EEC) No 1766/92 provides for a 15 % reduction in the price of cereals in two equal steps from the 2000/2001 marketing year.
- (2) The prospect of such a price reduction may lead operators to place quantities of cereals including some of their working stock in intervention at the end of the 1999/2000 marketing year to avoid devaluation of their stock.
- (3) The risk that intervention stocks may be used unlawfully and subsequently replaced by cereals from the new harvest cannot be ruled out in this context.
- (4) To avoid any risk of fraudulent use of intervention stocks, on top of the inspections provided for in Commission Regulation (EC) No 2148/96 of 8 November 1996 laying down rules for evaluating and monitoring public intervention stocks of agricultural products <sup>(3)</sup>, amended by Regulation (EC) No 808/1999 <sup>(4)</sup>, provision should be made for a specific inspection

tion of intervention stocks to confirm the physical reality of such stocks during the critical period.

- (5) 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. Without prejudice to the inspections provided for in Regulation (EC) No 2148/96, intervention agencies shall draw up, between 15 May and 15 June 2000 and 2001 in Spain, Greece, Italy and Portugal, and between 15 June and 15 July 2000 and 2001 in the other Member States, a detailed list verifying the quantities of cereals in approved stores in accordance with the physical inspection procedure laid down in point III(A)(2) of Annex III to Regulation (EC) No 2148/96.

2. The inspection, carried out without prior notification, must cover at least 50 % of stores chosen at random on the basis of a high risk of use in breach of the rules. A volume assessment must be carried out only where discrepancies are found.

*Article 2*

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

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 12.

<sup>(2)</sup> OJ L 160, 26.7.1999, p. 18.

<sup>(3)</sup> OJ L 288, 9.11.1996, p. 6.

<sup>(4)</sup> OJ L 102, 17.4.1999, p. 70.

## COMMISSION REGULATION (EC) No 1289/2000

of 19 June 2000

**determining, for the 2000 marketing year, the estimated loss of income and the estimated level of premium payable per ewe and per female goat and fixing the first advance payment for this premium and an advance payment of the specific aid for sheep and goat farming in certain less favoured areas of the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2467/98 of 3 November 1998 on the common organisation of the market in sheepmeat and goatmeat <sup>(1)</sup>, and in particular Article 5(6) thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products <sup>(2)</sup>, as last amended by Regulation (EC) No 1257/1999 <sup>(3)</sup>, and in particular Article 13 thereof,

Whereas:

- (1) Article 5(1) and (5) of Regulation (EC) No 2467/98 provides for the grant of a premium to compensate for any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat. Those areas are defined in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Commission Regulation (EC) No 2738/1999 of 21 December 1999 determining the mountain areas in which the premium for goatmeat is granted <sup>(4)</sup>.
- (2) Pursuant to Article 5(6) of Regulation (EC) No 2467/98 and to enable an advance payment to be made to sheepmeat and goatmeat producers, the foreseeable loss of income should be estimated in the light of the foreseeable trend in market prices.
- (3) Pursuant to Article 5(2) of Regulation (EC) No 2467/98, the amount of the premium per ewe for producers of heavy lambs is obtained by multiplying the loss of income referred to in the second subparagraph of paragraph 1 of that Article by a coefficient expressing the annual average production of heavy lamb meat per ewe producing these lambs expressed by 100 kg of carcass weight. The coefficient for 2000 has not yet been fixed in view of the lack of full Community statistics. Pending the fixing of that coefficient, a provisional coefficient should be used. Article 5(3) of that Regulation also fixes the amount per ewe for producers of light lambs and per female of the caprine species and at 80 % of the premium per ewe for producers of heavy lambs.

- (4) Pursuant to Article 13 of Regulation (EC) No 2467/98, the premium must be reduced by the impact on the basic price of the coefficient provided for in paragraph 2 of that Article. That coefficient is fixed by Article 13(4) at 7 %.
- (5) In accordance with Article 5(6) of Regulation (EC) No 2467/98, the half-yearly advance payment is fixed at 30 % of the expected premium. In accordance with Article 4(3) of Commission Regulation (EEC) No 2700/93 <sup>(5)</sup>, as last amended by Regulation (EC) No 1410/1999 <sup>(6)</sup>, the advance payment is to be paid only if it is equal to or greater than EUR 1.
- (6) Under Council Regulation (EEC) No 1323/90 <sup>(7)</sup>, as last amended by Regulation (EC) No 193/98 <sup>(8)</sup>, the Council instituted specific aid for sheep and goat farming in certain less-favoured areas of the Community. It lays down that the aid is to be granted under the same conditions as those for the grant of the premium for producers of sheepmeat and goatmeat. In view of the present uncertainty of the market situation in certain Member States, the Member States should be authorised, for the 2000 marketing year, to pay immediately an amount equal to 90 % of the aid.
- (7) Regulation (EEC) No 1601/92 provides for the application of specific measures relating to agricultural production in the Canary Islands. Those measures entail the grant of a supplement to the ewe premium to producers of light lambs and she-goats on the same conditions as those governing the grant of the premium referred to in Article 5 of Regulation (EC) No 2467/98. Those conditions provide that Spain is authorised to pay an advance on the said supplementary premium.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

*Article 1*

The difference, which is hereby estimated between the basic price, reduced by the impact of the coefficient laid down in Article 13(2) of Regulation (EC) No 2467/98, and the foreseeable market price for 2000, is EUR 113,785 per 100 kg.

<sup>(1)</sup> OJ L 312, 20.11.1998, p. 1.

<sup>(2)</sup> OJ L 173, 27.6.1992, p. 13.

<sup>(3)</sup> OJ L 160, 26.6.1999, p. 80.

<sup>(4)</sup> OJ L 328, 22.12.1999, p. 59.

<sup>(5)</sup> OJ L 245, 1.10.1993, p. 99.

<sup>(6)</sup> OJ L 164, 30.6.1999, p. 53.

<sup>(7)</sup> OJ L 132, 23.5.1990, p. 17.

<sup>(8)</sup> OJ L 20, 27.1.1998, p. 18.

*Article 2*

1. The estimated amount of the premium payable per ewe is as follows:

- producers of heavy lambs: EUR 17,853,
- producers of light lambs: EUR 14,282.

2. Pursuant to Article 5(6) of Regulation (EC) No 2467/98, the first advance that the Member States are authorised to pay to producers shall be as follows:

- producers of heavy lambs: EUR 5,356 per ewe,
- producers of light lambs: EUR 4,285 per ewe.

*Article 3*

1. The estimated amount of the premium payable per female of the caprine species in the areas designated in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Regulation (EC) No 2738/1999 is EUR 14,282.

2. Pursuant to Article 5(6) of Regulation (EC) No 2467/98, the first advance which the Member States are authorised to pay to goatmeat producers located in the areas designated in paragraph 1 shall be EUR 4,285 per female of the caprine species.

*Article 4*

The advance of the specific aid which the Member States are authorised to pay to producers of sheepmeat and goatmeat in less-favoured areas pursuant to Article 1(1) of Regulation (EEC)

No 1323/90, within the meaning of Regulation (EC) No 1257/1999, shall be as follows:

- EUR 5,977 per ewe in the case of the producers referred to in Article 5(2) and (4) of Regulation (EC) No 2467/98,
- EUR 5,379 per ewe in the case of the producers referred to in Article 5(3) of the said Regulation,
- EUR 5,379 per she-goat in the case of the producers referred to in Article 5(5) of the said Regulation.

*Article 5*

Pursuant to Article 13(3) of Regulation (EEC) No 1601/92, the first advance on the supplementary premium for the 2000 marketing year for producers of light lambs and she-goats in the Canary Islands within the limits provided for in Article 1(1) of Council Regulation (EEC) No 3493/90 <sup>(1)</sup> shall be as follows:

- EUR 1,669 per ewe in the case of producers referred to in Article 5(3) of Regulation (EC) No 2467/98, and
- EUR 1,669 per she-goat in the case of producers referred to in Article 5(5) of that Regulation.

*Article 6*

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, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 4.12.1990, p. 7.



**COMMISSION REGULATION (EC) No 1290/2000**  
**of 19 June 2000**  
**amending representative prices and additional duties for the import of certain products 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 markets in the sugar sector <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(2)</sup>, as last amended by Regulation (EC) No 624/98 <sup>(3)</sup>, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1441/1999 <sup>(4)</sup>, as last amended by Regulation (EC) No 1245/2000 <sup>(5)</sup>.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 June 2000.

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

Done at Brussels, 19 June 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 16.

<sup>(3)</sup> OJ L 85, 20.3.1998, p. 5.

<sup>(4)</sup> OJ L 166, 1.7.1999, p. 77.

<sup>(5)</sup> OJ L 141, 15.6.2000, p. 38.

## ANNEX

**to the Commission Regulation of 19 June 2000 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99**

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	21,02	5,79
1701 11 90 <sup>(1)</sup>	21,02	11,23
1701 12 10 <sup>(1)</sup>	21,02	5,60
1701 12 90 <sup>(1)</sup>	21,02	10,71
1701 91 00 <sup>(2)</sup>	23,49	13,96
1701 99 10 <sup>(2)</sup>	23,49	8,97
1701 99 90 <sup>(2)</sup>	23,49	8,97
1702 90 99 <sup>(3)</sup>	0,23	0,41

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

<sup>(2)</sup> For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

**COMMISSION DIRECTIVE 2000/41/EC**  
**of 19 June 2000**  
**postponing for a second time the date after which animal tests are prohibited for ingredients or**  
**combinations of ingredients of cosmetic products**  
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products <sup>(1)</sup>, as last amended by Commission Directive 2000/11/EC <sup>(2)</sup>, and in particular Article 4(1)(i) thereof,

After consulting the Scientific Committee on cosmetic products and non-food products intended for consumers,

Whereas:

- (1) The main objective of Directive 76/768/EEC is to protect public health. To this end it is indispensable to carry out certain toxicological tests to evaluate the safety for human health of ingredients and combinations of ingredients used in cosmetic products.
- (2) Pursuant to Article 4(1)(i) of Directive 76/768/EEC Member States should prohibit the marketing of cosmetic products containing ingredients or combinations of ingredients tested on animals after 30 June 2000 in order to meet the requirements of the Directive.
- (3) The second subparagraph of this provision also provides that the Commission should submit draft measures to postpone the date of implementation of this provision if there has been insufficient progress in developing satisfactory methods to replace animal testing, and in particular in those cases where alternative methods of testing, despite all reasonable endeavours, have not been scientifically validated as offering an equivalent level of protection for the consumer, taking into account OECD toxicity test guidelines.
- (4) In the absence of any scientifically validated alternative methods to animal experiments and any pertinent toxicity test guidelines in the field of alternative methods adopted by the OECD, it was necessary to postpone the date provided for in Article 4(1)(i) of Directive 76/768/EEC for the first time by Commission Directive

97/18/EC in compliance with the second subparagraph of this provision.

- (5) Three alternative methods have been validated in Europe to date. It is unlikely that the scientific state of the art will change significantly before 30 June 2000. Therefore, the date provided for in Article 4(1)(i) of Directive 76/768/EEC should be postponed for a second time in compliance with the second subparagraph of this provision and Article 2 of Directive 97/18/EC.
- (6) These three methods are being incorporated into Community law through their entry onto Annex V to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances <sup>(3)</sup>, as last amended by Commission Directive 2000/33/EC <sup>(4)</sup>.
- (7) Council Directive 86/609/EEC <sup>(5)</sup> of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes <sup>(6)</sup> provides that an animal test shall not be carried out if an alternative method is available.
- (8) These methods are therefore mandatory for use in all sectors including that of cosmetics.
- (9) The Commission has proposed a Directive amending for the seventh time Directive 76/768/EEC in order to solve definitively the issue of experiments on animals in the cosmetic products sector. Such a proposal should be adopted by co-decision procedure involving the European Parliament and the Council.
- (10) Taking into account that it can be expected that validated alternative methods will become available for other tests in the next two years and that the proposed Directive shall be adopted by that point of time, it is appropriate to postpone for the last time the date to 30 June 2002.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Committee on the adaptation to technical progress of the Directives on the removal of technical barriers to trade in the cosmetic products sector,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The date of '30 June 2000' shall be replaced by '30 June 2002' in the first sentence of Article 4(1)(i) of Directive 76/768/EEC.

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 169.

<sup>(2)</sup> OJ L 65, 14.3.2000, p. 22.

<sup>(3)</sup> OJ L 114, 1.5.1997, p. 43.

<sup>(4)</sup> OJ L 196, 16.8.1967, p. 1.

<sup>(5)</sup> OJ L 136, 8.6.2000, p. 90.

<sup>(6)</sup> OJ L 358, 18.12.1986, p. 1.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 29 June 2000 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 19 June 2000.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 22 December 1999

**on aid scheme C 39/99 (ex E 2/97) United Kingdom, English Partnerships (EP) under the partnerships investment programme (PIP), hereinafter, 'EP/PIP' scheme**

*(notified under document number C(1999) 5208)*

**(Only the English text is authentic)**

**(Text with EEA relevance)**

(2000/389/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments <sup>(1)</sup>, pursuant to the provision cited above and having regard to their comments,

Whereas:

for the development of certain economic areas. In its decision the Commission stated that a number of measures included in the SRB were not caught by Article 87(1) of the EC Treaty. 'Urban regeneration (EP activities)' was mentioned as one of those measures.

(3) The UK authorities have operated the scheme on the basis of the perception that no EP programme concerning funding of regeneration projects involves State aid within the meaning of Article 87(1).

(4) Following the approval of the SRB, the Commission's attention was drawn to certain cases where the beneficiaries of EP assistance were also enterprises competing in intra-Community trade.

## I. PROCEDURE

(1) By letter of 9 January 1995 the United Kingdom notified to the Commission, in accordance with Article 88(3) of the EC Treaty, the programme of assistance offered under the Single regeneration budget (SRB) (N 31/95). This notification covered a number of schemes, including English partnerships (EP) under the partnerships investment programme (PIP) (the EP/PIP scheme), a regional development scheme, relating to the public financing of regeneration projects in England.

(2) By letter to the United Kingdom of 4 May 1995 (SG(95) D/5602), the Commission approved the SRB on the basis of Article 87(3)(c) of the EC Treaty concerning aid

(5) In a meeting of January 1996 the Commission asked the UK authorities to provide clarification on the actual functioning of the scheme.

(6) Different aspects of the issue have been further discussed and analysed in meetings and correspondence between January 1996 and February 1998. The Commission first announced its intention to propose appropriate measures on the basis of Article 88(1) of the EC Treaty at a meeting with the UK authorities in September 1997. A visit to the EP headquarters in London took place in October 1997 for further research and discussions concerning a sample of cases, in order to determine more precisely the appropriate measures to be proposed.

<sup>(1)</sup> OJ C 245, 28.8.1999, p. 9.

- (7) Finally, by letter of July 1998 (SG(98) D/06108) the Commission proposed to the UK authorities, on the basis of Article 88(1) of the EC Treaty, appropriate measures concerning one of EP investment programmes, namely the EP/PIP scheme.
- (8) The UK authorities were requested to give their consent to the measures proposed within 20 working days. In April 1999 the UK authorities sent their formal response to the appropriate measures proposed. In that response the authorities did not give their full consent to the measures proposed by the Commission.
- (9) As a consequence, in May 1999 the Commission decided to initiate the procedure under Article 88(2) of the EC Treaty in relation to the EP/PIP scheme. The official response of the UK authorities was sent by letter of 29 July 1999. Notice of the Commission's decision was published in the Official Journal on 28 August 1999 <sup>(2)</sup>. Eleven interested parties submitted comments within the prescribed period of one month following that publication. The Commission also received comments from many other interested parties after the prescribed period.

## II. DESCRIPTION OF THE EP/PIP SCHEME

### Status/history of EP

- (10) EP was established on 10 November 1993 under powers provided by Part III of the Leasehold Reform, Housing and Urban Development Act 1993. It became fully operational on 1 April 1994.

EP (referred to in the statute as the 'Urban Regeneration Agency') is a permanent, non-departmental public body responsible to the Secretary of State for the Environment. Funding towards EP forms an allocation within the SRB. Its resources comprise grant in aid from the Department of Environment as well as the receipts it generates from its activities, including the sale of assets (primarily the property portfolio it took over from English Estates an agency which it succeeded).

### Overall objective of EP <sup>(3)</sup>

- (11) 'The overall aim of the agency is to secure the regeneration of areas of need through the reclamation, development or redevelopment of land and buildings. Whilst concentrating on the regeneration of land it will, wherever possible, operate within a broader regeneration framework working with local and regional partners,

aiming to tackle the problems of an area in the round. Its programme will address the need for land for a variety of purposes, including housing, industrial and commercial premises, the attraction of inward investment, infrastructure, leisure, recreation and environmental improvements.'

### Areas covered by EP's funding

- (12) EP identifies its own priority areas by drawing up regional strategy documents each year based on an assessment of relevant data and consultation with regional partners. Among other indicators that analysis takes into consideration are prevailing unemployment rates, the outcomes of the most recent national Derelict Land Survey and so forth.

The areas in question are the following:

- (a) European Objective 1 and 2 areas;
- (b) coalfield closure areas (an important target of EP's activities, not necessarily situated in assisted areas. Owing to the small size and often the geographical isolation of these areas with respect to the travel-to-work-areas (the building-block unit of the UK regional aid map in force up to 31 December 1999), it has been alleged by the UK authorities that it was difficult to incorporate them in the map);
- (c) City challenge and other inner city areas;
- (d) rural areas of severe economic need, chiefly European Objective 5b areas;
- (e) other assisted areas.

As mentioned in the notification of 9 January 1995, 'the above list is not in order of priority and EP has the flexibility to respond to urgent needs outside these areas and to structural shifts in local economy' and therefore, in principle EP is able to fund activities anywhere in England.

### Means of action under the EP/PIP scheme in particular

- (13) EP acts under different investment programmes. The above information concerning the objective of EP and the geographic areas concerned apply to all EP programmes in general.
- (14) However, the present Decision is concerned only with the PIP whereby EP acts in partnership with developers mainly from the private sector.

<sup>(2)</sup> See footnote 1.

<sup>(3)</sup> Annual Report referring to the year ending 31 May 1997 (Foreward to the financial statements).

- (15) Funding under EP/PIP is addressed to developers with a strong economic link to the land to be developed, notably property. The UK authorities have stressed that the land ideally addressed by the scheme, is in private hands. That is the main reason why no public tender procedure can be organised for the allocation of the public funding for development. The economic link between the developer and the land is therefore the basis for the way the EP/PIP scheme functions: applicants present their own regeneration proposal to EP and negotiate with EP the sharing of risks, costs and rewards. That negotiation must result in practice in an agreement on the amount of financing of the development costs, the 'gap funding' (see recital 19).
- (16) In practice the assistance may take different forms, including in particular professional and technical advice, rent guarantees to developers, grants and other forms of partnership investment with developers, joint ventures with developers, loans and loan guarantees to developers.

#### Method and level of assistance under the EP/PIP

- (17) According to the UK authorities, it is mainly the PIP model of development which allows EP to obtain real value for money. Candidate projects are strictly vetted (from the point of view of additionality, practicality, probity and private sector leverage) in order to ensure that EP's objectives will be achieved with the minimum public costs.
- (18) The UK authorities have emphasised their firm commitment to maintaining such a partnership approach with the private sector. The PIP model is necessary owing to the alleged particularity of the English property market, where much of the underused or derelict land is privately owned. The application of the direct investment Programme, which is the existing alternative to the PIP, would involve EP purchasing private land in every case and taking on the full role of developer. The UK authorities are committed to reducing recourse to the direct investment programme since it involves, they say, a significant increase in the level of public expenditure.

#### The main features of the EP/PIP scheme

##### *Gap funding*

- (19) EP's funding is aimed strictly at covering the gap between estimated development costs and estimated final value of the site. This position is based on the assumption that, owing to the nature of projects undertaken, the estimated final value of the completed site is by definition lower than the estimated development

costs and that there will always be a necessity for gap funding.

##### *Reasonable margin of profit (profit allowance) for the developer*

- (20) A 'reasonable' margin of profit for the developer is built into the estimated development costs and, therefore, it is financed by EP, as part of the gap funding. The estimate of 'reasonable' profit is appraised by EP on the basis of the level of project risk and any feasible market comparisons. Specifically, the allowed profit is the minimum the developer would accept in order to go ahead with the project. The figure is reached after negotiation between EP and the developer and reflects a professional judgement by EP's internal valuers about the market profit rates for similar types of projects in similar locations.

##### *Claw-back*

- (21) A claw-back clause is set to recover excess profit (usually at least 50 % of the excess amount), whereas losses (costs overruns) are to be entirely borne by the developer. In this way, most risk is carried by the developer, including any subsequent failure to achieve estimated final value.

##### *Appraisal of costs and values*

- (22) All costs and values are appraised to ensure that they reflect prevailing market conditions. Again EP applies its own market analysis. The UK authorities consider that EP's comments on the structure of the English property market are not out of line with analyses produced by independent chartered surveyors or the professional bodies representing valuers and surveyors of property in England.

According to the UK authorities the system guarantees that end users receive no State aid because they pay purchase and rent prices at market rates. In order to determine the gap funding these prices are naturally included in the final value and for this purpose they are estimated by EP's internal valuers.

It should also be stressed that in the way the EP/PIP scheme functions, the combination of interests between the different actors involved (land owners, developers, end users) should be considered the rule, in view of EP's declared preference to assist 'a developer with a permanent interest in the site as initial owner or end-user'. This particular condition raises for the Commission a problem of transparency as regards the identification of the real beneficiary of EP's assistance as well as the quantification of the amount of aid it actually receives.

### III. APPROPRIATE MEASURES PROPOSED BY THE COMMISSION PURSUANT TO ARTICLE 88(1) OF THE EC TREATY

- (23) For the sake of completeness a brief reference will be made to the measures proposed by the Commission in July 1998 pursuant to Article 88(1) EC procedure in order to help the UK authorities to bring the scheme in line with the rules on State aid.

#### Working concepts

- (24) In the spirit of collaboration between the national authorities and the Commission in the context of the procedure pursuant to Article 88(1) of the EC Treaty and having studied the way the scheme is operated, the Commission identified two working concepts in order mainly to identify the circumstances under which aid within the meaning of Article 87(1) of the EC Treaty may be granted under the EP/PIP:

- (a) bespoke development: in cases where the development was designed to suit the needs of an end user known at the moment the development works were undertaken;
- (b) speculative development: where the site was to be developed in order to be open to different uses not established at the time when the decision to develop was taken.

- (25) The reason which prompted the Commission to propose those concepts is that the current way of applying the scheme does not make it possible always to identify with certainty the actual beneficiary of the aid. The Commission has assumed the end user to be the aid beneficiary of bespoke development and the land owner/developer to be the aid beneficiary of speculative development, given the strong economic link between developer and land.
- (26) The UK authorities have not contested those working concepts and assumptions, which formed the basis of all further discussions.

#### The 'site abnormalities' concept

- (27) In the advanced stages of discussions, the UK authorities put special emphasis on the fact that the EP/PIP scheme addresses principally sites with serious environmental damage incurred by polluters who are not known. The UK authorities provide a generic definition of 'site

abnormals' citing the environmental and infrastructure problems which make the specific site unmarketable. The funding required in order to repair 'site abnormalities' cannot be considered State aid, according to the UK authorities, because it is limited to the amount necessary in order to bring the site up to a marketable level.

- (28) The Commission proposed a number of appropriate measures.

- (29) The UK authorities were asked to operate the EP/PIP scheme as a regional aid scheme in conformity with the relevant State aid rules, notably, the Guidelines on national regional aid<sup>(4)</sup> and the UK map of assisted areas. Thus, it was suggested that the EP/PIP scheme would allow the UK authorities to grant regional State aid, corresponding to the amount of gap funding. In the case of bespoke development it was suggested that the aid be granted to the end user directly whereas in the case of speculative development it was suggested that the aid be granted to the developer/land owner.

- (30) The Commission suggested that all valuations including costs, estimate final values, the sales/rent prices to end users estimated as part of the gap funding, and the calculation of potential claw-back be carried out by independent chartered surveyors.

- (31) The scheme confers no State aid, within the meaning of Article 87(1) of the EC Treaty, according to the Commission, in case the investor (landowner or end user) carries out on the site activities which are not relevant for intra-Community trade.

- (32) The Commission suggests that cases where the landowner, the developer or the end user are companies active in sectors subject to special Community State aid rules will necessitate an individual notification.

- (33) The possibilities offered by the Community framework on State aid for environmental protection could be exploited the Commission suggested, notably in order to bring under the State aid rules the public financing of correcting 'site abnormalities'.

- (34) In their response to the appropriate measures, the UK authorities accepted that their own restricted definition of bespoke development should be subject to the regional aid rules.

- (35) As regards speculative development, the UK authorities maintained that no State aid is involved in EP funding since the product in question (derelict land in England) is not traded between Member States.

<sup>(4)</sup> OJ C 74, 10.3.1998, p. 4.



- (36) At that stage the Commission considered that the arguments put forward by the UK authorities did not allay its doubts as to the existence of State aid in the EP/PIP scheme and as to its compatibility with the common market. The Commission therefore decided to initiate the procedure under Article 88(2) of the EC Treaty.

#### IV. COMMENTS FROM THE UK AUTHORITIES

- (37) By their letter of 29 July 1999, the UK authorities responded to the Commission's letter opening the procedure under Article 88(2) of the EC Treaty. In that letter, the UK authorities modify certain points of the position expressed in their letter responding to the proposal of appropriate measures.

The overall position of the UK authorities can now be summarised as follows.

##### Bespoke development

- (38) The UK authorities agree to operate such developments in conformity with the guidelines issued by the Commission and within the current and future maps of assisted areas. The authorities include in the concept of bespoke development all industrial and most office uses. The beneficiary of aid in respect of bespoke projects will be the end user on the site.

Where the end user in a bespoke project is a company active in sectors subject to special Community State aid rules, an individual notification will be made to the Commission.

Forms of aid other than grants under the EP/PIP scheme will be explained in order to allow the Commission to measure the aid element in them.

Special rules on State aid to enterprises in difficulty, to SMEs, for environmental protection, and to sensitive sectors will be respected. The sectors of transport, agriculture and fisheries are not concerned by the scheme.

- (39) The UK authorities have also proposed to change the valuation process, currently carried out internally by one of EP's professional valuers. They propose that in future each valuation undertaken by EP will be recorded and signed off in the same way as an independent valuation, in accordance with standard industry procedures (as laid down by the professional body, the Royal Institute of Chartered Surveyors) making the professional surveyors

personally and professionally responsible for the way they have conducted their valuation. For schemes where it is estimated that the value of the completed development will be above GBP 5 million, a second independent valuation will be required.

- (40) In addition it will be a requirement in the future that the developer (not just for bespoke classification projects) must award all 'works' contracts by competitive tender. If the price in the best-value-for-money tender is lower than the costs included in the project appraisal calculation, EP will substitute the tender price, recalculate the funding requirement and amend the development agreement accordingly.

##### Speculative development

- (41) The authorities maintain their position that no State aid is involved. The Commission is obliged according to the judgment of the Court of Justice of the European Communities, *Joined Cases 296 and 318/82 Netherlands and Leeuwarder Papierwarenfabriek v Commission* <sup>(5)</sup>, to set out the circumstances in which intra-Community trade is affected in the case of financing of speculative development projects. In order to do that, the Commission must, according to the UK authorities, examine the relevant market, the place of the production in question on that market, and the pattern of trade between Member States in the product in question. In the present case, the authorities are of the view that the Commission will be unable to reach the standard imposed upon it by the Court of Justice, because of the negligible intra-Community property development market.

##### Potential application of environmental aid guidelines

- (42) The UK authorities stated their wish to explore whether some aspects of the EP/PIP programme fall under the Community Guidelines on State aid for environmental protection <sup>(6)</sup> with the purpose of covering financing of 'site abnormalities' in both bespoke and speculative developments.

#### V. COMMENTS FROM INTERESTED PARTIES

- (43) The following interested parties submitted comments before the deadline of 28 September 1999: English Partnerships, North West Development Agency, Durham County Council, Newcastle City Council, Derwentside District Council, City of Sunderland, One NorthEast, Local Government Association, Advantage West Midlands, Association of North East Councils, East of England Development Agency. Many other parties submitted comments after that deadline. It is noted at the outset that all those who submitted comments are interested public authorities and local or regional development agencies and that their comments largely coincide with the comments of the UK Government.

<sup>(5)</sup> [1985] ECR 809.

<sup>(6)</sup> OJ C 72, 10.3.1994, p. 3.

The main comments received are summarised as follows

- (44) The EP/PIP scheme has been a very successful regeneration programme. It has proved very efficient, compared with the Direct Investment Programme, and has delivered value for money. Without the partnership with the private sector, and EP's agreement to provide the agreed gap funding, many projects would not have taken place. The regional aid rules are not suitable for regeneration purposes, since they would subject EP financing to the regional aid intensity ceilings and to the assisted regions, and therefore would limit substantially the relating amounts and the areas of action. The parties fear that certain brownfield areas which can now be developed through EP financing may not be included in the regional aid map due to the rules in force concerning the methodology for drafting the regional aid map.
- (45) The gap-funding mechanism is meant to correct a market failure and bring non-marketable assets up to a marketable level. It is not conceived as an aid to individual enterprises but is concerned with 'project assistance'. Furthermore, the amount of gap funding represents the minimum necessary in order to have the project carried out. In order to calculate the gap funding, EP appraises the project as a whole and its future marketability and ensures that the applicant is left with the 'normal profit he would expect to get elsewhere'.
- (46) The EP/PIP scheme does not restrict competition but enhances it. It is a funding programme open to all types of applicants.
- (47) One interested party emphasised that the Commission's proposed measures are not clear on the types of beneficiaries (developers, investors, landowners, end users) and on the classes of land to be developed. The application of those proposals, as they stand, would be problematic for 'mixed-use' projects including infrastructure, speculative and bespoke development.
- (48) Most interested parties ask for the granting of a transitional period for projects now in phase of assessment and realisation.

## VI. ASSESSMENT OF THE AID

### Existence of aid

- (49) It must be stated at the outset that the following circumstances, invoked by the UK Government or by the interested parties or both, do not automatically exclude the existence of State aid within the meaning of Article 87(1) of the EC Treaty and thus do not preclude reflection

on the existence of State aid pursuant to that Article:

- (a) the fact that the partnership between the public and private sectors is cost-efficient, in the sense that the operation of the programme in that form reduces the burden on the public purse in comparison with the Direct investment programme. It is noted furthermore, that in the way the scheme is operated there are theoretically no real limits as to the amount of the funding which may be granted in each individual case, or, in other words, as to the gap funding in relation to the investment costs;
  - (b) the fact that the funding is granted in order to correct a market failure: addressing a market failure through public funding to individual enterprises does not preclude the possibility that enterprises competing in intra-Community trade may receive aid within the meaning of Article 87(1) of the EC Treaty;
  - (c) the funding is the minimum necessary for the project to proceed. This allegation does not take account of the fact that under certain circumstances (for instance, large enterprises in non-assisted areas) no State aid within the meaning of Article 87(1) of the EC Treaty is possible.
- (50) Therefore, the Commission must still examine, taking into consideration the arguments submitted by the UK Government and the interested parties in the course of the procedure, whether the conditions for the application of Article 87(1) of the EC Treaty are fulfilled. The following analysis applies to both categories of bespoke and speculative development unless otherwise specified.
- (51) 'Aid': the funding offered by EP provides a quantifiable financial incentive to a developer in order to enable him to carry out development works on a site which, according to EP's words, has 'a problem in its condition or location which does not encourage private investors'. This is emphasised at several points in the papers submitted by the UK authorities:
- investors are given incentives to choose EP's priority sites,
  - little would have been invested in these areas without the Agency's involvement,
  - EP's assistance serves to liberate the private investor from an unmarketable asset.
- (52) The amount which corresponds to the gap funding is initially proposed by the developer himself and finally determined following EP's internal vetting procedure. This amount is eventually considered to address the developer's funding needs (covering part of the project

costs and including a 'reasonable' profit for the developer) in order to undertake the proposed project. The Commission therefore considers that the whole amount aimed at gap funding constitutes the incentive necessary for the project to proceed, i.e. the aid in question.

(53) As regards end users, the assurance given by the authorities that end users pay market prices may exclude the possibility of aid only if such prices are determined by objective valuers and according to objective criteria.

(54) 'Aid granted by a Member State or through State resources': EP is a public body, funded by the Department for the Environment and pursuing public interest and public policy objectives. The fact that certain principles defined as being market-oriented, such as seeking best value for money, are integrated into EP's operating philosophy has no effect on its public status. The public status of EP implies that it may be prone to finance a development proposal which is risky, non-lucrative, or non attractive to private investors, on the basis of the fact that the project meets public interest/policy objectives. Private financing institutions operating under normal market conditions are not expected to incorporate public interest or public policy objectives into the rationale of their decisions.

(55) 'In any form whatsoever': EP's funding is channelled through 'a broad range of mechanisms' including mainly grants, but also rent guarantees, joint ventures with developers which may take the form of an equity stake in a limited company, loans and loan guarantees to developers. The Commission considers that whatever the form of this aid, it is within the scope of Article 87(1) of the EC Treaty.

(56) 'The aid favours certain undertakings': selectivity criterion: EP grants its assistance selectively to certain developers following examination of a large number of projects submitted. The developer is currently the direct recipient of its assistance and is perfectly identifiable since the proposal for the development comes from him. The selectivity criterion is also satisfied by the fact that EP's assistance is preferably granted to developers who own the land in question in certain priority areas.

(57) In these circumstances the Commission considers that the EP/PIP scheme is liable to place certain undertakings in a more favourable situation than others and thus to fall within the scope of Article 87(1) of the EC Treaty (7).

(58) The aid distorts competition 'in so far as it affects trade between Member States'. According to the Court of Justice, whether or not State aid affects trade between Member States does not depend on the purposes for which the aid is granted, but on the effects it has (8).

(59) The analysis of the Commission proceeds along the lines of the European Court of Justice judgment in Case 248/84 *Germany v Commission* (9) which concerns an aid scheme, like the EP/PIP scheme and not an individual case, in which the Court stated:

'In the case of an *aid programme* the Commission *may confine* itself to examining the characteristics of the programme in question in order to determine whether, by reasons of the high amounts or percentages of aid, the nature of investments for which aid is granted or other terms of the programme, it gives an appreciable advantage to recipients in relation to their competitors and is likely to benefit undertakings engaged in trade between Member States.'

(60) The EP/PIP scheme is an aid programme meant to address land regeneration and development and is open to all sectors with the exception of companies operating in the transport, agriculture and fisheries sectors. Furthermore, in the case of bespoke development, there have in practice been cases where the recipients of EP funding were companies active in trade between Member States. The scheme also finances speculative development undertaken by any company without sectoral restrictions except those mentioned above for bespoke development. The Commission believes that those affected by EP's discretionary funding are companies which conceive and carry out property developments, an activity which can be very mobile across Member States, and not just companies active in the trade in derelict land in England. Having regard to the general characteristics of the programme the Commission can see grounds for the possibility of the scheme benefiting undertakings engaged in trade between Member States both in cases of bespoke and speculative development.

(61) It follows from the foregoing that all the conditions for the application of Article 87(1) EC, concerning the existence of State aid within the meaning of that Article, are met for both bespoke and speculative development.

(7) Case C-241/94 *France v Commission* [1996] ECR I-4551, paragraphs 22, 23 and 24.

(8) Case 1731/73 *Italy v Commission* [1974] ECR 709, paragraph 13.  
(9) [1987] ECR 4013.

- (62) As regards the aid beneficiary, with the exception of cases where one of the parties is active in a sector subject to special Community State aid rules, the Commission considers that, at least in the case of the regional aid rules, it may not be essential to identify which of the parties, end user or land owner/developer, is the aid beneficiary. In either case, the regional aid rules will have to be respected. In those circumstances and for the purposes of applying this scheme, the Commission considers that the aid beneficiary may be presumed to be the end user in the case of bespoke development (a proposition with which the United Kingdom agrees) and the land owner/developer in the case of speculative development. In doubtful cases where the determination of the aid beneficiary has further consequences under the State aid rules, individual notification may be made. Where one of the parties is active in a sector subject to special Community State aid rules, the Commission requires separate notification under Article 88(3) of the EC Treaty and reserves its analysis as to the identity of the aid beneficiary or beneficiaries.
- (65) As regards bespoke development, the UK authorities have agreed to subject the EP/PIP scheme to the rules on regional aid and to other relevant State aid rules. To this extent aid for bespoke development under the EP/PIP scheme becomes compatible with the common market.
- (66) However, the UK authorities have not accepted the Commission's proposal for notification in the case one of the actors, (other than the end user), involved in the project (land owner or developer) is active in the sectors subject to the special Community State aid rules.
- (67) As regards speculative development, the EP/PIP scheme is being applied as if it did not involve State aid. It is therefore incompatible with the common market because no account of the State aid rules is being taken in its implementation,

HAS ADOPTED THIS DECISION:

### Compatibility of the aid

#### Article 1

- (63) Having established that the EP/PIP scheme involves State aid within the meaning of Article 87(1) of the EC Treaty, the only way to render this scheme compatible with the common market is to apply it in a way that complies with the derogations provided under Article 87(3)(a) and (c) of the EC Treaty.

The EP/PIP scheme, as modified by the partial acceptance of the appropriate measures (as referred to in recital 65) is compatible with the common market provided that:

- the part of the scheme on speculative development is brought under the State aid rules (referred to in recital 64),
- the UK authorities notify on the basis of Article 88(3) of the EC Treaty, both in cases of bespoke and speculative development, all cases where one of the actors involved is active in the sensitive sectors (referred to at the end of recital 64).

- (64) For this purpose, the scheme, both in cases of bespoke and speculative development should apply in accordance with the relevant State aid rules, notably the Guidelines on national regional aid <sup>(10)</sup>, the multisectoral framework on regional aid for large investment projects <sup>(11)</sup>, the Commission communication on State aid elements in public land sales <sup>(12)</sup>, the Community Guidelines on State aid for environmental protection <sup>(13)</sup>, the Community Guidelines on State aid for rescuing and restructuring firms in difficulty <sup>(14)</sup>, the Community Guidelines on State aid to SMEs <sup>(15)</sup>, the Guidelines on State aid for undertakings in deprived urban areas <sup>(16)</sup>, the rules on State aid to particular industries in the sensitive sectors (synthetic fibres, motor vehicle industry, shipbuilding, steel, coal, transport, fisheries, agriculture).

#### Article 2

This Decision terminates the Commission's authorisation of the EP/PIP scheme under the scheme N 31/95 (Single Regeneration Budget) as communicated to the United Kingdom by letter of 4 May 1995. Projects for which at least a formal application has been submitted before the date of adoption of this Decision will be processed as normally under the N 31/95 scheme.

#### Article 3

The United Kingdom shall communicate to the Commission, within one month after the date of adoption of this Decision, the measures taken in order to comply with this Decision.

<sup>(10)</sup> OJ C 74, 10.3.1998, p. 4.

<sup>(11)</sup> OJ C 107, 7.4.1998, p. 1.

<sup>(12)</sup> OJ C 209, 10.7.1997, p. 3.

<sup>(13)</sup> OJ C 72, 10.3.1994, p. 3.

<sup>(14)</sup> OJ C 288, 9.10.1999, p. 2.

<sup>(15)</sup> OJ C 213, 23.7.1996, p. 4.

<sup>(16)</sup> OJ C 146, 14.5.1997, p. 6.

*Article 4*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 22 December 1999.

*For the Commission*

Mario MONTI

*Member of the Commission*

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## COMMISSION DECISION

of 7 June 2000

**recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of EXP60707B (acetamiprid) in Annex I to Council Directive 91/414/EEC concerning the placing of plant-protection products on the market**

(notified under document number C(2000) 1562)

(2000/390/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market <sup>(1)</sup>, as last amended by Commission Directive 1999/80/EC <sup>(2)</sup>, and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC (hereinafter 'the Directive') has provided for the development of a Community list of active substances authorised for incorporation in plant protection products.
- (2) Nisso Chemical Europe GmbH submitted a dossier on the active substance EXP60707B (acetamiprid) to the Greek authorities on 22 October 1999.
- (3) The said authorities informed the Commission of the results of an initial examination of the dossier to ensure that it provides all the information laid down in Annex II and, for at least one plant-protection product containing the active substance concerned, in Annex III to the Directive. Subsequently, in accordance with Article 6(2), the applicant submitted the dossier to the Commission and other Member States.
- (4) The dossier for EXP60707B (acetamiprid) was referred to the Standing Committee on Plant Health on 22 February 2000.
- (5) Article 6(3) of the Directive requires official confirmation at Community level that each dossier fulfils the requirements on information laid down in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III to the Directive.
- (6) Such confirmation is necessary to permit a detailed examination of the dossier and to allow Member States to grant provisional authorisation for plant-protection products containing the active substance concerned while complying with the conditions laid down in Article 8(1) of the Directive and, in particular, the condition relating to the detailed assessment of the active substance and the plant-protection product in the light of the requirements laid down by the Directive.
- (7) Such decision does not prejudice that further data or information may be requested from the applicant in order to clarify certain points in the dossier. The request

by the rapporteur Member State for the submission of further data necessary to clarify the dossier shall not affect the time limit for the submission of the report referred to under recital 9.

- (8) The Member States and the Commission agree that Greece will carry out a detailed examination of the dossier EXP60707B (acetamiprid).
- (9) Greece will report the conclusions of its examination accompanied by any recommendations on the inclusion or non-inclusion and any conditions related thereto as soon as possible and at the latest within a period of one year from the date of publication of the Decision.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

## Article 1

The following dossier satisfies, in principle, the data and information requirements provided for in Annex II and, for at least one plant-protection product containing the active substance concerned, in Annex III to the Directive, taking into account the uses proposed:

the dossier submitted by Nisso Chemical Europe GmbH to the Commission and the Member States with a view to the inclusion of EXP60707B (acetamiprid) as an active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 22 February 2000.

## Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 June 2000.

For the Commission

David BYRNE

Member of the Commission

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

<sup>(2)</sup> OJ L 210, 10.8.1999, p. 13.