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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1562/2000 of 18 July 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 1563/2000 of 18 July 2000 amending Regulation (EC) No 440/2000 laying down for 2000 the quantities for which the annual allocations for newcomer operators are granted under the tariff quotas and for traditional ACP bananas	3
★ Commission Regulation (EC) No 1564/2000 of 18 July 2000 concerning the classification of certain goods in the combined nomenclature	5
★ Commission Regulation (EC) No 1565/2000 of 18 July 2000 laying down the measures necessary for the adoption of an evaluation programme in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council ⁽¹⁾	8
★ Commission Regulation (EC) No 1566/2000 of 18 July 2000 amending Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Council Regulation (EEC) No 2092/91	17
Commission Regulation (EC) No 1567/2000 of 18 July 2000 on the issue of system B export licences in the fruit and vegetables sector	19
Commission Regulation (EC) No 1568/2000 of 18 July 2000 amending representative prices and additional duties for the import of certain products in the sugar sector	20
★ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin	22

Price: EUR 19,50

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Council

2000/445/EC:

- ★ **Council Decision of 29 June 2000 concerning the conclusion of an Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 December 1999 to 2 December 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius** 27
- Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 December 1999 to 2 December 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius** 29
- Protocol defining, for the period 3 December 1999 to 2 December 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius** 30

2000/446/EC:

- ★ **Council Decision of 17 July 2000 authorising Italy to apply reductions in excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC** 39

Commission

2000/447/EC:

- ★ **Commission Decision of 13 June 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards prefabricated wood-based load-bearing stressed skin panels and self-supporting composite lightweight panels ⁽¹⁾ (notified under document number C(2000) 804)** 40

2000/448/EC:

- ★ **Commission Decision of 5 July 2000 amending Decision 1999/187/EC on the clearance of the accounts presented by the Member States in respect of the expenditure for 1995 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (notified under document number C(2000) 1813)** 46

2000/449/EC:

- ★ **Commission Decision of 5 July 2000 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (notified under document number C(2000) 1847)** 49

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1562/2000
of 18 July 2000
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 July 2000.

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

Done at Brussels, 18 July 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 18 July 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0709 90 70	052	56,1
	999	56,1
0805 30 10	388	46,0
	508	29,9
	524	45,7
	528	59,5
	999	45,3
0808 10 20, 0808 10 50, 0808 10 90	388	79,8
	400	69,1
	508	83,6
	512	75,9
	528	88,2
	720	79,3
	804	102,7
	999	82,7
	388	73,3
	512	64,5
0808 20 50	528	71,5
	720	134,3
	804	102,3
	999	89,2
	052	190,1
0809 10 00	064	113,1
	066	86,9
	999	130,0
	052	304,7
0809 20 95	061	285,0
	400	242,9
	616	230,1
	999	265,7
	064	58,9
0809 40 05	624	169,4
	999	114,2

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

COMMISSION REGULATION (EC) No 1563/2000**of 18 July 2000****amending Regulation (EC) No 440/2000 laying down for 2000 the quantities for which the annual allocations for newcomer operators are granted under the tariff quotas and for traditional ACP bananas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community ⁽³⁾, as amended by Regulation (EC) No 756/1999 ⁽⁴⁾, and in particular Article 9(3) thereof,

Whereas:

- (1) Article 9(3) of Regulation (EC) No 2362/98 lays down the method for calculating the annual allocation for each newcomer operator. In accordance with that method and a ranking of the individual applications in increasing order of the quantities applied for, the Commission calculates the quantities for which the annual allocations are to be granted.
- (2) The notifications received from the Member States concerning requests by newcomer operators for annual allocations in accordance with Article 2(5) of Regulation (EC) No 250/2000 ⁽⁵⁾ led the Commission to adopt Commission Regulation (EC) No 440/2000 ⁽⁶⁾ establishing the quantities for which the individual allocations

for the operators in question should be granted for 2000.

- (3) The verifications and checks by the competent national authorities in cooperation with the Commission result in corrections to the annual allocations for the newcomer operators. Regulation (EC) No 440/2000 should be amended accordingly.
- (4) The provisions of this Regulation do not prejudice measures which may need to be adopted at a later date so as to comply with the international commitments entered into by the Community with regard to the World Trade Organisation (WTO) and cannot be invoked by operators as justification for legitimate expectations with regard to the extension of the import arrangements.
- (5) This Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 440/2000 is replaced by the Annex hereto.

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, 18 July 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 293, 31.10.1998, p. 32.

⁽⁴⁾ OJ L 98, 13.4.1999, p. 10.

⁽⁵⁾ OJ L 26, 2.2.2000, p. 6.

⁽⁶⁾ OJ L 54, 26.2.2000, p. 27.

ANNEX

Application of Article 9(3) of Regulation (EC) No 2362/98

I	II
Classification of requests for an allocation (in ascending order of quantity): 1. requests relating to less than 215,752 tonnes, 2. requests relating to 215,752 tonnes or more.	Method for determining the allocation: — Allocation granted for quantity requested, — Allocation granted for 215,752 tonnes.

COMMISSION REGULATION (EC) No 1564/2000
of 18 July 2000
concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In order to ensure uniform application of the combined nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined nomenclature and which does

not conform to the provisions of this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by Council and European Parliament Regulation (EC) No 955/1999 ⁽⁴⁾, for a period of 60 days by the holder.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are classified within the combined nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of 60 days.

Article 3

This Regulation shall enter into force on the twentieth 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, 18 July 2000.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

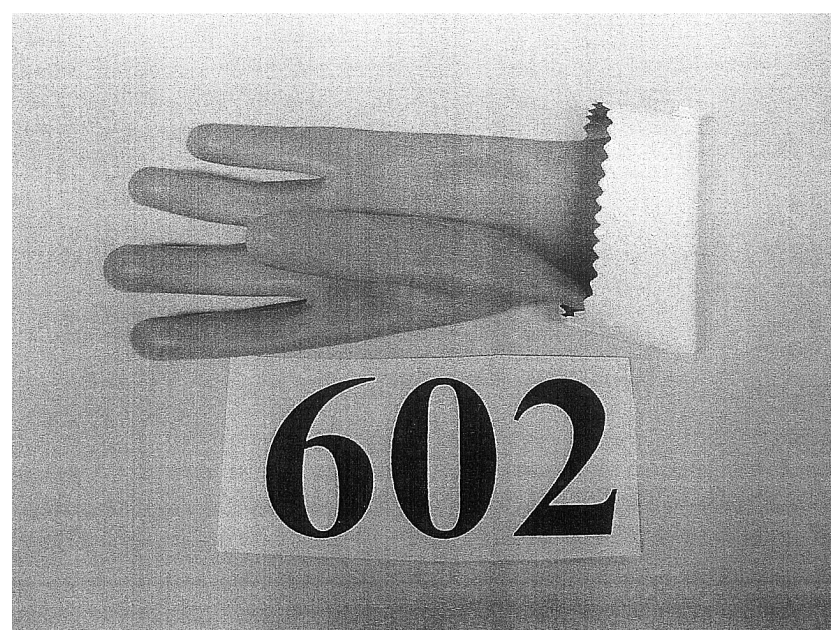
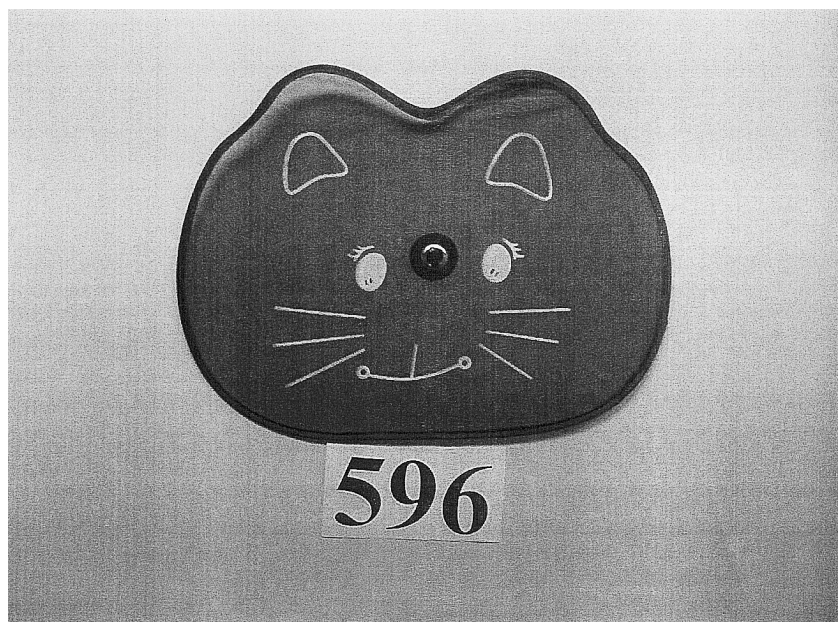
⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 144, 17.6.2000, p. 6.

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

ANNEX

Description	Classification CN code	Reason
(1)	(2)	(3)
<p>1. Glove of knitted cotton fabric, the outer surface of which is covered by dipping in natural rubber (latex).</p> <p>This glove is for domestic use.</p> <p>(See photograph No 602) (*)</p>	6116 10 20	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(a) to Chapter 40, Note 7 to Section XI, Note 4(a) to Chapter 59, Note 1 to Chapter 61 and the wording of CN codes 6116, 6116 10 and 6116 10 20.</p> <p>See also the HS Explanatory Notes to Headings 4015 and 6116.</p> <p>Taking into account that the weight of the coated fabric from which the glove is made does not exceed 1 500 g/m², this glove should be classified as a knitted glove under the heading 6116.</p>
<p>2. Made up textile article: sun shield in the shape of a stylised cat's head with rounded corners, measuring approximately 44 cm × 39 cm.</p> <p>The product is made up of transparent knitted closed weave fabric printed with a cat motif, stretched around and stitched into a flexible wire frame. In the middle of the fabric there is a plastic suction pad by means of which the shield can be attached to a windowpane.</p> <p>(Other made up articles)</p> <p>(See photograph No 596) (*)</p>	6307 90 10	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 7(e) to Section XI, Note 1 to Chapter 63 and the wording of CN codes 6307, 6307 90 and 6307 90 10.</p> <p>The product cannot be classified under heading No 8708, 'parts and accessories of motor vehicles', as its shape covers only one particular section of a window and it is therefore not suitable for use solely or principally with the articles of Chapters 86, 87 or 88.</p> <p>It does not fall within heading Nos 6303 and 6304 as it is neither an interior blind nor an interior fitting.</p>

(*) The photographs are purely for information.



COMMISSION REGULATION (EC) No 1565/2000**of 18 July 2000****laying down the measures necessary for the adoption of an evaluation programme in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

European Commission (SCF) and the Joint FAO/WHO Expert Committee on Food Additives (JECFA).

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs ⁽¹⁾ and in particular Article 4 thereof,

Whereas:

- (1) Commission Decision 1999/217/EC ⁽²⁾ adopted a register of flavouring substances used in or on foodstuffs drawn up in application of Regulation (EC) No 2232/96.
- (2) Regulation (EC) No 2232/96 lays down in its Annex the general criteria for the use of flavouring substances. It covers, in particular, that they present no risk to the health of the consumer and that their use does not mislead the consumer.
- (3) In order to check that the flavouring substances contained in the register comply with the general use criteria, Article 4(1) of Regulation (EC) No 2232/96 provides that a programme for the evaluation of these flavouring substances is to be carried out. According to Article 4(3) substances have to be deleted from the register, where, following evaluation, it is clear that they do not comply with the general use criteria.
- (4) As the first step of the evaluation programme the substances of the register should receive FL-numbers according to their chemical characteristics and should be distributed in groups of structurally related compounds which are expected to show some metabolic and biological behaviour in common.
- (5) In the light of the large number of flavouring substances in the register and the deadline set by the Regulation by which a list of authorised flavouring substances shall be adopted, the evaluation programme should not waste scientific resources and, therefore, make use of safety assessments already performed by the Committee of Experts on Flavouring Substances of the Council of Europe (CEFS), the Scientific Committee on Food of the
- (6) The Scientific Committee on Food has been consulted, addressing especially the question whether results of evaluations of other scientific committees can be accepted. In its conclusion expressed on 2 December 1999, the SCF was of the opinion that, subject to certain exceptions, flavourings considered acceptable at the current estimated intake by JECFA comply with the general use criteria and could be included in the list of authorised substances without undergoing a separate SCF evaluation for the time being. Likewise, the SCF concluded that flavourings previously evaluated by the SCF and CEFS as being safe, need not be re-evaluated as the criteria previously used are stringent enough to consider the substances to be safe in current use.
- (7) The Scientific Committee on Food further considered that for the remaining flavouring substances, unnecessary duplication of work could be avoided by dividing different groups of substances between JECFA and the SCF for evaluation.
- (8) Article 4(2) of Regulation (EC) No 2232/96 provides that the person responsible for placing the substances on the market shall forward the data necessary for the evaluation to the Commission. Information about the substances on purity, chemical specification, natural occurrence in food, total amount added to foods and results of toxicological and metabolic studies are considered to be essential for the evaluation. In order to enable a constant evaluation over the whole period the information should be presented as soon as possible and be available well in advance of the evaluation of a particular substance. The information should be updated as soon as new data are available.
- (9) If the data provided on chemical identity of a substance and the amount added to foods or the toxicological and metabolic studies on a substance or on closely related substances appear to be insufficient, further data may be requested. Following the initial exposure assessment which should be based on the total amounts added to foods more refined usage data might become necessary for the evaluation of certain substances.

⁽¹⁾ OJ L 299, 23.11.1996, p. 1.

⁽²⁾ OJ L 84, 27.3.1999, p. 1.

- (10) In order to enable the completion of the evaluation programme within five years, deadlines for the submission of information have to be set as well as minimal numbers of substances to be evaluated within a given time period.
- (11) Where the necessary information is not provided, so that the evaluation of a flavouring substance cannot be undertaken, that substance may not be included in the definitive list of flavouring substances referred to in Article 5 of Regulation (EC) No 2232/96.
- (12) The register contains about 2 800 substances. Following the opinion of the SCF, it can be concluded that about 800 substances need not be re-evaluated for the time being. Based on the assumption that JECFA would evaluate a considerable number of substances during the next five years, about 1 000 to 1 250 remain for evaluation by the SCF. In order to make the evaluation process as efficient as possible a group-based approach should be followed, i.e. substances which are expected to show some metabolic and biological behaviour in common should be evaluated together.
- (13) By Commission Decision 94/652/EC ⁽¹⁾, as last amended by Decision 1999/634/EC ⁽²⁾, the task 1.1 on 'chemically defined flavouring substances' has been defined to be undertaken within the framework of scientific cooperation by Member States in the examination of questions relating to food (SCOOP). This task has built up the Flavis database which compiles information for the scientific evaluation of flavouring substances. The information provided by the person responsible for placing the substance on the market should be added to the database and be critically reviewed in order to establish if it is sufficiently complete for evaluation.
- (14) In accordance with the opinion of the SCF, the evaluation of the substances by the SCF should follow the procedure applied by JECFA, which is the most updated and systematic procedure presently applied. After approval by the SCF, results of future evaluations of flavouring substances of the register performed by JECFA should also be accepted.
- (15) The JECFA procedure is a stepwise approach that integrates information on intake from current uses, structure-activity relationships, metabolism and toxicity. In addition, information on purity and chemical specification is assessed. One of the key elements in the procedure is the subdivision of flavourings into three structural classes for which human exposure thresholds that

are not considered to present a safety concern have been specified. Toxicological and metabolic studies performed within a group of chemically related substances can be used to draw conclusions about possible toxicological effects of substances not studied or studied but not intensively.

- (16) A substance should be re-evaluated if, in the light of new data on toxicological effects or on human intake, doubt arises on the validity of the already performed and accepted evaluation.
- (17) By Commission Decision 1999/217/EC certain flavouring substances received first priority in the evaluation programme since concerns about the safety of the health of consumers were expressed by some Member States. The programme should then proceed group-wise giving priority to those groups of substances for which most information is available. However, higher priorities for certain substances may be requested in the future.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS REGULATION:

Article 1

The first step in the establishment of the evaluation programme shall be the attribution of FL-numbers, as defined in the Flavis database system, to each flavouring substance of the register and subdivision of all substances into groups of related substances according to the list of groups as laid down in Annex I to this Regulation. This stage shall be completed within three months of the adoption of this Regulation by the Member States participating in SCOOP task 1.1, established by Decision 94/652/EC.

Article 2

1. Substances that are contained in the register and have already been classified

- by the SCF in Category 1 (substances considered safe in use) ⁽³⁾, or
- by the CEFS in Category A (substances which may be used in foodstuffs) ⁽⁴⁾, or
- by JECFA so as to present no safety concern at current levels of intake with the exception of substances which have been accepted on the sole basis that their estimated intake is lower than the threshold of concern of 1,5 µg per person per day, as laid down in the reports of the 46th, 49th, 51st and 53rd JECFA meetings ⁽⁵⁾,

⁽³⁾ Annex 6 to the minutes of the 98th meeting of the Scientific Committee on Food, 21 and 22 September 1995.

⁽⁴⁾ *Flavouring substances and natural sources of flavourings*, Volume I, *Chemically-defined flavouring substances*, Fourth Edition. Council of Europe, *Partial agreement in the social and public health field*, Strasbourg, 1992, including its subsequent loose-leaf modifications until year 1999.

⁽⁵⁾ Evaluation of certain food additives and contaminants. 46th Report of the Joint FAO/WHO Expert Committee on Food Additives, WHO Technical report, series 868, Geneva 1997.

Evaluation of certain food additives and contaminants. 49th Report of the Joint FAO/WHO Expert Committee on Food Additives, WHO Technical Report, series 884, Geneva 1999.

51st Report of the Joint FAO/WHO Expert Committee on Food Additives, WHO Technical Report, series to be published.

53rd Report of the Joint FAO/WHO Expert Committee on Food Additives, WHO Technical Report series to be published.

⁽¹⁾ OJ L 253, 29.9.1994, p. 29.

⁽²⁾ OJ L 249, 22.9.1999, p. 32.

need not be re-evaluated within the present evaluation programme,

- if information on purity and chemical specification of the substance as outlined in Annex II is provided, and
- unless the SCF receives new information which might change the results of the evaluations.

2. Substances that are contained in the register and will be classified in the future

- by JECFA so as to present no safety concern at current levels of intake

will be considered by the SCF, who may then decide that no further evaluation is necessary.

3. In the event that the SCF decides that further evaluation of a substance referred to in paragraph 1 or 2 is necessary, the person responsible for placing a substance of the register on the market shall provide the information laid down in Article 3(1).

Article 3

1. The person responsible for placing on the market a substance contained in the register which is not covered by Article 2(1) has to provide the following information within 12 months of the adoption of this Regulation in order to enable the evaluation of a substance:

- purity and chemical specification of the substance as outlined in Annex II,
- natural occurrence in foodstuffs,
- total amount of the substance which is added to foods in the Community,
- normal and maximum use levels of the substance in food categories as outlined in Annex III, if available,
- all relevant toxicological and metabolic studies on the substance or on closely related substances.

This information has to be transmitted in a standardised format, as outlined in Annex IV.

2. If the information referred to in paragraph 1 does not become available for a particular substance within 12 months of the adoption of this Regulation, the person responsible for placing it on the market shall inform the Commission, within this period, of the date on which he can fulfil his obligation under paragraph 1 either for individual substances or for groups of substances as laid down in Annex I.

3. In the light of the information received according to paragraphs 1 and 2, the Commission may establish different deadlines from that proposed under paragraph 2, for individual substances or groups of substances as laid down in Annex I, in order to allow the smooth running of the evaluation process.

4. The Commission may request additional information considered to be relevant for the evaluation of a particular substance from the person responsible for placing it on the

market within deadlines which are consistent with the overall deadline of the programme. In particular, for certain substances it might become necessary to submit information on the normal and maximum use levels in food categories as outlined in Annex III.

5. Where the information specified in paragraph 1, or additional information specified in paragraph 4, is not provided, the substance may not be evaluated.

6. The information specified in paragraph 1 shall be updated, including for those substances already evaluated, by the person responsible for placing the respective substance(s) on the market as soon as new data become available.

7. Information which has already been provided shall be made available to Member States.

Article 4

1. At least 200 substances per year shall be evaluated provided that the information specified in Article 3(1), or additional information specified in Article 3(4), is supplied within the specified deadlines.

2. Within the SCOOP task 1.1, established by Decision 94/652/EC, participating Member States shall:

- incorporate the information of each substance given according to Article 3(1) and (4) into the Flavis database,
- check if the information is sufficiently complete for evaluation and inform the Commission if this is not the case,
- prepare data sheets which collate and summarise the information and which contain a pre-evaluation, and
- present these data sheets to the SCF.

The SCOOP task shall be organised so as to meet the requirement of paragraph 1.

3. On basis of the data sheets referred to in paragraph 2 the SCF will evaluate the substances for their compliance with the general use criteria. The SCF shall check the information for its completeness and shall inform the Commission if this is not the case. If necessary, measures to restrict the levels of use can be proposed. The evaluation procedure applied shall follow the procedure applied by JECFA, as far as considered appropriate by the SCF.

4. The Commission or a Member State may request the re-evaluation of a substance already accepted as complying with the general use criteria, if new data that may lead to a different result become available.

Article 5

1. Substances in the register that bear the remark '2' or '3' in the 'Comments' column of Decision 1999/217/EC, shall be evaluated first.

2. Without prejudice to paragraph 1, those groups of substances as laid down in Annex I, for which the information as referred to in Article 3(1) is most complete, shall receive priority for evaluation.
3. By way of derogation from paragraph 2, the Commission or a Member State may request priority for the evaluation of (a) particular substance(s) or (a) group(s) of substances.

Article 6

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, 18 July 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

CHEMICAL GROUPS FOR FLAVOURING SUBSTANCES ⁽¹⁾

1. Straight-chain primary aliphatic alcohols/aldehydes/acids, acetals and esters with esters containing saturated alcohols and acetals containing saturated aldehydes. No aromatic or heteroaromatic moiety as a component of an ester or acetal.
2. Branched-chain primary aliphatic alcohols/aldehydes/acids, acetal and esters with esters containing branched-chain alcohols and acetals containing branched-chain aldehydes. No aromatic or heteroaromatic moiety as a component of an ester or acetal.
3. α , β -unsaturated (alkene or alkyne) straight-chain and branched-chain aliphatic primary alcohols/aldehydes/acids, acetals and esters with esters containing α , β -unsaturated alcohol and acetal containing α , β -unsaturated alcohols or aldehydes. No aromatic or heteroaromatic moiety as a component of an ester or acetal.
4. Non-conjugated and accumulated unsaturated straight-chain and branched-chain aliphatic primary alcohols/aldehydes/acids, acetals and esters with esters containing unsaturated alcohols and acetals containing unsaturated alcohols or aldehydes. No aromatic or heteroaromatic moiety as a component of an ester or acetal.
5. Saturated and unsaturated aliphatic secondary alcohols/ketones/ketals/esters with esters containing secondary alcohols. No aromatic or heteroaromatic moiety as a component of an ester or ketal.
6. Aliphatic, alicyclic and aromatic saturated and unsaturated tertiary alcohols and esters with esters containing tertiary alcohols. Esters may contain any acid component.
7. Primary alicyclic saturated and unsaturated alcohols/aldehydes/acids/acetals/esters with esters containing alicyclic alcohols. Esters/acetals may contain aliphatic acyclic or alicyclic acids or alcohol component.
8. Secondary alicyclic saturated and unsaturated alcohols/ketones/ketals/esters with ketals containing alicyclic alcohols or ketones and esters containing secondary alicyclic alcohols. Esters may contain aliphatic acyclic or alicyclic acid component.
9. Primary aliphatic saturated or unsaturated alcohols/aldehydes/acids/acetals/esters with a second primary, secondary or tertiary oxygenated functional group including aliphatic lactones.
10. Secondary aliphatic saturated or unsaturated alcohols/ketones/ketals/esters with a second secondary or tertiary oxygenated functional group.
11. Alicyclic and aromatic lactones.
12. Maltol derivatives and ketodioxane derivatives.
13. Furanones and tetrahydrofurfuryl derivatives.
14. Furfuryl and furan derivatives with and without additional side-chain substituents and heteroatoms.
15. Phenyl ethyl alcohols, phenylacetic acids, related esters, phenoxyacetic acids and related esters.
16. Aliphatic and alicyclic ethers.
17. Propenylhydroxybenzenes.
18. Allylhydroxybenzenes.
19. Capsaicin related substances and related amides.
20. Aliphatic and aromatic mono- and di- thiols and mono-, di-, tri-, and polysulfides with or without additional oxygenated functional groups.
21. Aromatic ketones, secondary alcohols and related esters.
22. Aryl-substituted primary alcohol/aldehyde/acid/ester/acetal derivatives, including unsaturated ones.

⁽¹⁾ These chemically based groups are expected to show some metabolic and biological behaviours in common.

23. Benzyl alcohols/aldehydes/acids/esters/acetals. Benzyl and benzoate esters included. May also contain aliphatic acyclic or alicyclic ester or acetal component.
 24. Pyrazine derivatives.
 25. Phenol derivatives containing ring-alkyl, ring-alkoxy, and side-chains with an oxygenated functional group.
 26. Aromatic ethers including anisole derivatives.
 27. Anthranilate derivatives.
 28. Pyridine, pyrrole, and quinoline derivatives.
 29. Thiazoles, thiophene, thiazoline and thienyl derivatives.
 30. Miscellaneous substances.
 31. Aliphatic and aromatic hydrocarbons.
 32. Epoxides.
 33. Aliphatic and aromatic amines.
 34. Amino acids.
-

ANNEX II

CHEMICAL SPECIFICATIONS TO BE PROVIDED FOR FLAVOURING SUBSTANCES

- chemical name as used in the register of Decision 1999/217/EC,
 - IUPAC name, if different from chemical name as used in the register,
 - synonyms,
 - CAS-, E-, EINECS-, FL-, CoE- and FEMA numbers, if available,
 - chemical and structural formula, molecular weight,
 - physical form/odour,
 - solubility,
 - solubility in ethanol,
 - identity test (infra red-, nuclear magnetic resonance- and/or mass spectrum),
 - minimum assay value,
 - impurities,
 - physical parameters related to purity (justification is required if information is not provided):
 - boiling point (for liquids),
 - melting point (for solids),
 - refractive index (for liquids),
 - specific gravity (for liquids),
 - stability and decomposition products, if relevant,
 - interaction with food components, if relevant,
 - any other relevant information.
-

ANNEX III

FOOD CATEGORIES

1. Dairy products, excluding products of category 2.
 2. Fats and oils, and fat emulsions (type water-in-oil).
 3. Edible ices, including sherbet and sorbet.
 4. Processed fruits and vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes), and nuts and seeds.
 - 4.1. Fruit.
 - 4.2. Vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes), and nuts and seeds.
 5. Confectionery.
 6. Cereals and cereal products, including flours and starches from roots and tubers, pulses and legumes, excluding bakery.
 7. Bakery wares.
 8. Meat and meat products, including poultry and game.
 9. Fish and fish products, including molluscs, crustaceans and echinoderms (MCE).
 10. Eggs and egg products.
 11. Sweeteners, including honey.
 12. Salts, spices, soups, sauces, salads, protein products, etc.
 13. Foodstuffs intended for particular nutritional uses.
 14. Beverages, excluding dairy products.
 - 14.1. Non-alcoholic ('soft') beverages.
 - 14.2. Alcoholic beverages, including alcohol-free and low-alcoholic counterparts.
 15. Ready-to-eat savouries.
 16. Composite foods (e.g. casseroles, meat pies, mincemeat), foods that could not be placed in categories 1 to 15.
-

ANNEX IV

FORMAT FOR THE TRANSMISSION OF INFORMATION ON FLAVOURING SUBSTANCES

1. The information as specified in Article 3(1) first to fourth indents as well as summaries of information requested by the fifth indent have to be provided in a standard electronic format, the 'Input form for the Flavis database' (IF-FL). The summaries of information requested by the fifth indent should contain the main findings of the referred study to allow conclusions on the metabolic and toxicological effects of the substances. The IF-FL can be downloaded from the following internet site or ordered from the coordinating institute of the SCOOP task 1.1 which address is given below.
<http://www.flavis.net>
2. The information has to be provided in English. To identify a substance the name in the column headed 'Name' of the English version of the register of Decision 1999/217/EC has to be used. If already available, the FL-number has to be given in addition.
3. (a) The completed IF-FL has to be sent to the coordinating institute of the SCOOP task 1.1
by e-mail to the address (input@flavis.net) given on the abovementioned internet site or
by post to the address below (recommended for substances in part 4 of the register);
(b) three separately bound copies of the information as specified in Article 3(1), fifth indent have to be provided in paper format. Each copy needs to be clearly identified with the English 'Name' of the substance and the chemical grouping (as listed in Annex I) to which it relates. If already available, the FL-number has to be given in addition. The copies have to be sent to the coordinating institute of SCOOP task 1.1:

Danish Veterinary and Food Administration
Institute of Food Safety and Toxicology
Flavis
Mørkhøj Bygade 19
DK-2860 Søborg

COMMISSION REGULATION (EC) No 1566/2000**of 18 July 2000****amending Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Council Regulation (EEC) No 2092/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1437/2000 ⁽²⁾, and in particular Article 11(1)(a) thereof,

Whereas:

- (1) Article 11(1) of Regulation (EEC) No 2092/91 stipulates that products which are imported from a third country may be marketed only where they originate in a third country appearing on a list drawn up in accordance with the criteria laid down in paragraph 2 of that Article. That list is given in the Annex to Commission Regulation (EEC) No 94/92 ⁽³⁾, as last amended by Regulation (EC) No 548/2000 ⁽⁴⁾.
- (2) The Australian authorities have asked the Commission to include a new inspection and certification body in accordance with Regulation (EEC) No 94/92.

- (3) The Australian authorities have provided the Commission with all the necessary guarantees and information to satisfy it that the new inspection and certification body meets the criteria laid down in Article 11(2) of Council Regulation (EEC) No 2092/91.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 94/92 is amended as shown in the Annex hereto.

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, 18 July 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

⁽²⁾ OJ L 161, 1.7.2000, p. 62.

⁽³⁾ OJ L 11, 17.1.1992, p. 14.

⁽⁴⁾ OJ L 67, 15.3.2000, p. 12.

ANNEX

Point 3 of the text referring to Australia is replaced by the following:

‘Inspection bodies:

- Australian Quarantine and Inspection Service (AQIS) (Department of Agriculture, Fisheries and Forestry)
 - Bio-dynamic Research Institute (BDRI)
 - Biological Farmers of Australia (BFA)
 - Organic Vignerons Association of Australia Inc. (OVAA)
 - Organic Herb Growers of Australia Inc. (OHGA)
 - Organic Food Chain Pty Ltd (OFC)
 - National Association of Sustainable Agriculture, Australia (NASAA)’
-

COMMISSION REGULATION (EC) No 1567/2000
of 18 July 2000
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

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

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

- (3) To avoid this situation, applications for system B licences for peaches and nectarines exported after 18 July 2000 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for peaches and nectarines submitted pursuant to Article 1 of Regulation (EC) No 1321/2000, export declarations for which are accepted after 18 July 2000 and before 16 September 2000, are hereby rejected.

Article 2

This Regulation shall enter into force on 19 July 2000.

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

Done at Brussels, 18 July 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 149, 23.6.2000, p. 11.

COMMISSION REGULATION (EC) No 1568/2000
of 18 July 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 ⁽¹⁾, as amended by Regulation (EC) No 1527/2000 ⁽²⁾,

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 ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, 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 ⁽⁵⁾, as last amended by Regulation (EC) No 1537/2000 ⁽⁶⁾.

- (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 19 July 2000.

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

Done at Brussels, 18 July 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 166, 1.7.1999, p. 77.

⁽⁶⁾ OJ L 175, 14.7.2000, p. 81.

ANNEX

to the Commission Regulation of 18 July 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 ⁽¹⁾	25,93	3,51
1701 11 90 ⁽¹⁾	25,93	8,57
1701 12 10 ⁽¹⁾	25,93	3,37
1701 12 90 ⁽¹⁾	25,93	8,14
1701 91 00 ⁽²⁾	26,38	12,04
1701 99 10 ⁽²⁾	26,38	7,52
1701 99 90 ⁽²⁾	26,38	7,52
1702 90 99 ⁽³⁾	0,26	0,39

⁽¹⁾ 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).

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

⁽³⁾ By 1 % sucrose content.

COUNCIL DIRECTIVE 2000/43/EC**of 29 June 2000****implementing the principle of equal treatment between persons irrespective of racial or ethnic origin**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 13 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

Whereas:

- (1) The Treaty on European Union marks a new stage in the process of creating an ever closer union among the peoples of Europe.
- (2) In accordance with Article 6 of the Treaty on European Union, the European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States, and should respect fundamental rights as guaranteed by the European Convention for the protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, as general principles of Community Law.
- (3) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination and the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which all Member States are signatories.
- (4) It is important to respect such fundamental rights and freedoms, including the right to freedom of association. It is also important, in the context of the access to and provision of goods and services, to respect the protec-

tion of private and family life and transactions carried out in this context.

- (5) The European Parliament has adopted a number of Resolutions on the fight against racism in the European Union.
- (6) The European Union rejects theories which attempt to determine the existence of separate human races. The use of the term 'racial origin' in this Directive does not imply an acceptance of such theories.
- (7) The European Council in Tampere, on 15 and 16 October 1999, invited the Commission to come forward as soon as possible with proposals implementing Article 13 of the EC Treaty as regards the fight against racism and xenophobia.
- (8) The Employment Guidelines 2000 agreed by the European Council in Helsinki, on 10 and 11 December 1999, stress the need to foster conditions for a socially inclusive labour market by formulating a coherent set of policies aimed at combating discrimination against groups such as ethnic minorities.
- (9) Discrimination based on racial or ethnic origin may undermine the achievement of the objectives of the EC Treaty, in particular the attainment of a high level of employment and of social protection, the raising of the standard of living and quality of life, economic and social cohesion and solidarity. It may also undermine the objective of developing the European Union as an area of freedom, security and justice.
- (10) The Commission presented a communication on racism, xenophobia and anti-Semitism in December 1995.
- (11) The Council adopted on 15 July 1996 Joint Action (96/443/JHA) concerning action to combat racism and xenophobia ⁽⁵⁾ under which the Member States undertake to ensure effective judicial cooperation in respect of offences based on racist or xenophobic behaviour.
- (12) To ensure the development of democratic and tolerant societies which allow the participation of all persons irrespective of racial or ethnic origin, specific action in the field of discrimination based on racial or ethnic origin should go beyond access to employed and self-employed activities and cover areas such as education, social protection including social security and health-care, social advantages and access to and supply of goods and services.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ Opinion delivered on 18.5.2000 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 12.4.2000 (not yet published in the Official Journal).

⁽⁴⁾ Opinion delivered on 31.5.2000 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 185, 24.7.1996, p. 5.

- (13) To this end, any direct or indirect discrimination based on racial or ethnic origin as regards the areas covered by this Directive should be prohibited throughout the Community. This prohibition of discrimination should also apply to nationals of third countries, but does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of third-country nationals and their access to employment and to occupation.
- (14) In implementing the principle of equal treatment irrespective of racial or ethnic origin, the Community should, in accordance with Article 3(2) of the EC Treaty, aim to eliminate inequalities, and to promote equality between men and women, especially since women are often the victims of multiple discrimination.
- (15) The appreciation of the facts from which it may be inferred that there has been direct or indirect discrimination is a matter for national judicial or other competent bodies, in accordance with rules of national law or practice. Such rules may provide in particular for indirect discrimination to be established by any means including on the basis of statistical evidence.
- (16) It is important to protect all natural persons against discrimination on grounds of racial or ethnic origin. Member States should also provide, where appropriate and in accordance with their national traditions and practice, protection for legal persons where they suffer discrimination on grounds of the racial or ethnic origin of their members.
- (17) The prohibition of discrimination should be without prejudice to the maintenance or adoption of measures intended to prevent or compensate for disadvantages suffered by a group of persons of a particular racial or ethnic origin, and such measures may permit organisations of persons of a particular racial or ethnic origin where their main object is the promotion of the special needs of those persons.
- (18) In very limited circumstances, a difference of treatment may be justified where a characteristic related to racial or ethnic origin constitutes a genuine and determining occupational requirement, when the objective is legitimate and the requirement is proportionate. Such circumstances should be included in the information provided by the Member States to the Commission.
- (19) Persons who have been subject to discrimination based on racial and ethnic origin should have adequate means of legal protection. To provide a more effective level of protection, associations or legal entities should also be empowered to engage, as the Member States so determine, either on behalf or in support of any victim, in proceedings, without prejudice to national rules of procedure concerning representation and defence before the courts.
- (20) The effective implementation of the principle of equality requires adequate judicial protection against victimisation.
- (21) The rules on the burden of proof must be adapted when there is a *prima facie* case of discrimination and, for the principle of equal treatment to be applied effectively, the burden of proof must shift back to the respondent when evidence of such discrimination is brought.
- (22) Member States need not apply the rules on the burden of proof to proceedings in which it is for the court or other competent body to investigate the facts of the case. The procedures thus referred to are those in which the plaintiff is not required to prove the facts, which it is for the court or competent body to investigate.
- (23) Member States should promote dialogue between the social partners and with non-governmental organisations to address different forms of discrimination and to combat them.
- (24) Protection against discrimination based on racial or ethnic origin would itself be strengthened by the existence of a body or bodies in each Member State, with competence to analyse the problems involved, to study possible solutions and to provide concrete assistance for the victims.
- (25) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions. The implementation of this Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.
- (26) Member States should provide for effective, proportionate and dissuasive sanctions in case of breaches of the obligations under this Directive.
- (27) The Member States may entrust management and labour, at their joint request, with the implementation of this Directive as regards provisions falling within the scope of collective agreements, provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results imposed by this Directive.
- (28) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the EC Treaty, the objective of this Directive, namely ensuring a common high level of protection against discrimination in all the Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and impact of the proposed action, be better achieved by the Community. This Directive does not go beyond what is necessary in order to achieve those objectives,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this Directive is to lay down a framework for combating discrimination on the grounds of racial or ethnic origin, with a view to putting into effect in the Member States the principle of equal treatment.

Article 2

Concept of discrimination

1. For the purposes of this Directive, the principle of equal treatment shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin.

2. For the purposes of paragraph 1:

(a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin;

(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

3. Harassment shall be deemed to be discrimination within the meaning of paragraph 1, when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.

4. An instruction to discriminate against persons on grounds of racial or ethnic origin shall be deemed to be discrimination within the meaning of paragraph 1.

Article 3

Scope

1. Within the limits of the powers conferred upon the Community, this Directive shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:

(a) conditions for access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;

(b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;

(c) employment and working conditions, including dismissals and pay;

(d) membership of and involvement in an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations;

(e) social protection, including social security and healthcare;

(f) social advantages;

(g) education;

(h) access to and supply of goods and services which are available to the public, including housing.

2. This Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.

Article 4

Genuine and determining occupational requirements

Notwithstanding Article 2(1) and (2), Member States may provide that a difference of treatment which is based on a characteristic related to racial or ethnic origin shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

Article 5

Positive action

With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.

Article 6

Minimum requirements

1. Member States may introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment than those laid down in this Directive.

2. The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of protection against discrimination already afforded by Member States in the fields covered by this Directive.

CHAPTER II

REMEDIES AND ENFORCEMENT

Article 7

Defence of rights

1. Member States shall ensure that judicial and/or administrative procedures, including where they deem it appropriate conciliation procedures, for the enforcement of obligations under this Directive are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended.

2. Member States shall ensure that associations, organisations or other legal entities, which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive are complied with, may engage, either on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive.

3. Paragraphs 1 and 2 are without prejudice to national rules relating to time limits for bringing actions as regards the principle of equality of treatment.

Article 8

Burden of proof

1. Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.

2. Paragraph 1 shall not prevent Member States from introducing rules of evidence which are more favourable to plaintiffs.

3. Paragraph 1 shall not apply to criminal procedures.

4. Paragraphs 1, 2 and 3 shall also apply to any proceedings brought in accordance with Article 7(2).

5. Member States need not apply paragraph 1 to proceedings in which it is for the court or competent body to investigate the facts of the case.

Article 9

Victimisation

Member States shall introduce into their national legal systems such measures as are necessary to protect individuals from any adverse treatment or adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment.

Article 10

Dissemination of information

Member States shall take care that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force, are brought to the attention of the persons concerned by all appropriate means throughout their territory.

Article 11

Social dialogue

1. Member States shall, in accordance with national traditions and practice, take adequate measures to promote the social dialogue between the two sides of industry with a view to fostering equal treatment, including through the monitoring of workplace practices, collective agreements, codes of conduct, research or exchange of experiences and good practices.

2. Where consistent with national traditions and practice, Member States shall encourage the two sides of the industry without prejudice to their autonomy to conclude, at the appropriate level, agreements laying down anti-discrimination rules in the fields referred to in Article 3 which fall within the scope of collective bargaining. These agreements shall respect the minimum requirements laid down by this Directive and the relevant national implementing measures.

Article 12

Dialogue with non-governmental organisations

Member States shall encourage dialogue with appropriate non-governmental organisations which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of racial and ethnic origin with a view to promoting the principle of equal treatment.

CHAPTER III

BODIES FOR THE PROMOTION OF EQUAL TREATMENT

Article 13

1. Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights.

2. Member States shall ensure that the competences of these bodies include:

- without prejudice to the right of victims and of associations, organisations or other legal entities referred to in Article 7(2), providing independent assistance to victims of discrimination in pursuing their complaints about discrimination,
- conducting independent surveys concerning discrimination,
- publishing independent reports and making recommendations on any issue relating to such discrimination.

CHAPTER IV

FINAL PROVISIONS

Article 14

Compliance

Member States shall take the necessary measures to ensure that:

- (a) any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished;
- (b) any provisions contrary to the principle of equal treatment which are included in individual or collective contracts or agreements, internal rules of undertakings, rules governing profit-making or non-profit-making associations, and rules governing the independent professions and workers' and employers' organisations, are or may be declared, null and void or are amended.

Article 15

Sanctions

Member States shall lay down the rules on sanctions applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied. The sanctions, which may comprise the payment of compensation to the victim, must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 19 July 2003 at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 16

Implementation

Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by 19 July 2003 or may entrust management and labour, at their joint request, with the implementation of this Directive as regards provisions falling within the scope of collective agreements. In such cases, Member States shall ensure that by 19 July 2003, management and labour introduce the necessary measures by agreement, Member States being required to take any necessary measures to enable them at any time to be in a

position to guarantee the results imposed by this Directive. They shall forthwith inform the Commission thereof.

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

Article 17

Report

1. Member States shall communicate to the Commission by 19 July 2005, and every five years thereafter, all the information necessary for the Commission to draw up a report to the European Parliament and the Council on the application of this Directive.

2. The Commission's report shall take into account, as appropriate, the views of the European Monitoring Centre on Racism and Xenophobia, as well as the viewpoints of the social partners and relevant non-governmental organisations. In accordance with the principle of gender mainstreaming, this report shall, *inter alia*, provide an assessment of the impact of the measures taken on women and men. In the light of the information received, this report shall include, if necessary, proposals to revise and update this Directive.

Article 18

Entry into force

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

Article 19

Addressees

This Directive is addressed to the Member States.

Done at Luxembourg, 29 June 2000.

For the Council

The President

M. ARCANJO

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 June 2000

concerning the conclusion of an Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 December 1999 to 2 December 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius

(2000/445/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

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

Whereas:

- (1) The Community and Mauritius have held negotiations to determine the amendments or additions to be made to the Agreement between the European Community and the Government of Mauritius on fishing in Mauritian waters ⁽²⁾ at the end of the period of application of the Protocol defining, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial contribution provided for by the Agreement ⁽³⁾.
- (2) As a result of these negotiations, a new Protocol was initialled on 3 December 1999.
- (3) Under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of Mauritius for the period 3 December 1999 to 2 December 2002.
- (4) In order to resume the fishing activities by Community vessels, it is essential that the Protocol in question be approved at the earliest opportunity. Both Parties have therefore initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from the day of its signature. The Agreement in the form of an Exchange of Letters should be concluded, subject to a definitive decision under Article 37 of the Treaty.

- (5) The method for allocating the fishing opportunities among Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 December 1999 to 2 December 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius is hereby approved on behalf of the Community.

The texts of the Agreement and of the Protocol are attached to this Decision.

Article 2

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

- tuna seiners: France 20, Spain 20, Italy two, United Kingdom one,
- surface long-liners: Spain 19, France 13, Portugal eight,
- vessels fishing by line: France 25 grt/month on an annual average.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ L 159, 10.6.1989, p. 2.

⁽³⁾ OJ L 278, 11.10.1997, p. 3.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Luxembourg, 29 June 2000.

For the Council
The President
M. ARCANJO

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

on the provisional application of the Protocol defining, for the period 3 December 1999 to 2 December 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius

A. Letter from the Government of Mauritius

Sir,

With reference to the Protocol, initialled on 3 December 1999, defining the fishing opportunities and the financial contribution for the period 3 December 1999 to 2 December 2002, I have the honour to inform you that the Government of Mauritius is willing to apply the Protocol provisionally from 3 December 1999 pending its entry into force in accordance with Article 6 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 2 June 2000.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

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

For the Government of Mauritius

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'With reference to the Protocol, initialled on 3 December 1999, defining the fishing opportunities and the financial contribution for the period 3 December 1999 to 2 December 2002, I have the honour to inform you that the Government of Mauritius is willing to apply the Protocol provisionally from 3 December 1999 pending its entry into force in accordance with Article 6 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 2 June 2000.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

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

For the Council of the European Union

PROTOCOL

defining, for the period 3 December 1999 to 2 December 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius

Article 1

Pursuant to Article 2 of the Agreement, and for a period of three years from 3 December 1999, the following fishing possibilities shall be accorded:

- | | |
|----------------------------|---|
| — tuna seiners: | licences for 43 vessels, |
| — surface longliners: | licences for 40 vessels, |
| — vessels fishing by line: | licences for 25 grt/month on an annual average. |

Article 2

1. The financial compensation referred to in Article 6 of the Agreement for the abovementioned period is fixed at EUR 206 250 per year.
2. This compensation shall cover a catch weight in waters of Mauritius of 5 500 tonnes of catches per year. If the annual amount of catches by Community vessels in the waters of Mauritius exceeds this quantity, the abovementioned compensation shall be increased by EUR 50 for each additional tonne caught.
3. The use to which this compensation is put shall be the sole competence of Mauritius.
4. The financial compensation shall be paid into an account indicated by the Government of Mauritius, in the name of the public Treasury.

Article 3

During the period covered by the Protocol, the Community shall contribute an additional EUR 618 750 to financing the measures described below, allocated as follows:

1. EUR 543 750 for scientific and technical programmes to promote better understanding and management of fisheries and living resources in Mauritius fishing zone, and the implementation of an appropriate monitoring and control surveillance scheme, including an electronic fisheries management information system based on the vessel monitoring system;
2. EUR 75 000 for study grants and practical training courses in the various scientific, technical and economic fields linked to fishing. Of this amount, up to EUR 25 000 may be used, at the request of the Mauritian authority responsible for fisheries, to cover the costs of attending international meetings relating to fisheries.

The Mauritian Ministry responsible for fisheries shall transmit an annual report on the implementation of these measures and the results achieved to the Delegation of the European Commission in Mauritius, three months after the anniversary date of the Protocol. The Commission reserves the right to request additional information on these results from the Mauritian authority responsible for fisheries and to review the payments concerned in the light of the actual implementation of the measures.

All the amounts indicated shall be paid into an account indicated by the Government of Mauritius, in the name of the public Treasury.

Article 4

Should the Community fail to make any of the payments specified in Articles 2 and 3, the Agreement on fishing may be suspended.

Article 5

The Annex to the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius is hereby repealed and replaced by the Annex to this Protocol.

Article 6

This Protocol with its Annex shall enter into force on the date of its signature.

It shall apply from 3 December 1999.

Done at ...

*For the Government
of Mauritius*

*For the Council
of the European Union*

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE WATERS OF MAURITIUS**1. LICENCE APPLICATION AND ISSUING FORMALITIES**

The application procedure for, and issue of, the licences enabling Community vessels to fish in the waters of Mauritius shall be as follows:

- (a) the Commission of the European Communities shall present to the Mauritian authority via the representative of the Commission of the European Communities in Mauritius an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the forms provided for that purpose by Mauritius, a specimen of which is attached as Appendix 1;
- (b) every licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities the licence for a vessel may and, in cases of *force majeure*, shall be replaced by a licence for another Community vessel;
- (c) the licences shall be delivered by the authorities of Mauritius to the representative of the Commission of the European Communities in Mauritius;
- (d) the licence document must be held on board at all times. However, on receipt of the notification of the advance payment sent by the Commission of the European Communities to the Mauritian authority, the vessel will be included on a list, to be notified to the Mauritian fisheries control authorities. While awaiting receipt of the licence document, a fax copy of this licence document may be obtained and shall be kept on board, which will authorise the vessel to fish, pending delivery on board of the licence document;
- (e) the Mauritian authority shall communicate before the date of entry into force of the Protocol the arrangements for payments of the licence fees, and in particular the details of the bank account and the currency to be used.

2. VALIDITY OF LICENCES AND PAYMENT OF FEES**1. Advance payments**

For tuna seiners and surface longliners, licences shall be valid for a period of one year. They are renewable.

The fee shall be set at EUR 25 per tonne caught in the waters of Mauritius.

For tuna seiners, licences shall be issued on advance payment of an annual sum of EUR 1 750 per tuna seiner, equivalent to the fees for 70 tonnes of annual catches within the waters of Mauritius.

For surface longliners, licences shall be issued on advance payment to Mauritius of an annual sum of EUR 1 375 for a surface longliner of more than 150 grt and EUR 1 000 for surface longliners of 150 grt or less. These amounts correspond respectively to the fees due for 55 tonnes and for 40 tonnes of annual catches in Mauritian waters.

For vessels fishing by line, licences shall be valid for three, six or 12 months. The fee shall be fixed in relation to the grt as follows: EUR 80 per year per grt *pro rata temporis*.

2. Final statement

For tuna seiners and surface longliners, a final statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and confirmed by the scientific institutes competent for verifying catch statistics such as Orstom (Office of Overseas Scientific and Technical Research), IEO (Spanish Oceanographic Institute), Ipimar (Instituto Nacional das Pescas e do Mar) and any international fishing organisations in the Indian Ocean, as may be designated by the Mauritian authority. The statement shall simultaneously be notified to the Mauritian authority and the shipowners. The shipowners shall meet their financial obligations within 30 days of the receipt of the statement. If the amount of the sum due for actual fishing operations is less than the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.

3. DECLARATIONS OF CATCHES

Vessels authorised to fish in the waters of Mauritius under the Agreement shall notify their catch statistics to the Mauritian authority, with a copy for the delegation of the European Communities in Mauritius, in accordance with the following procedure.

Tuna seiners shall complete a fishing form corresponding to the specimen in Appendix 2. Surface longliners shall complete a fishing form corresponding to the specimen in Appendix 3. Vessels fishing by line shall complete a fishing form corresponding to the specimen in Appendix 4.

Forms must be completed legibly and be signed by the master of the vessel. In addition, they must be completed by all vessels which have obtained a licence, even if they have not fished.

The forms shall be forwarded to the Mauritian authority not later than 45 days after each fishing campaign.

4. OBSERVERS

All vessels above 50 grt shall, at the request of the authorities of Mauritius, take on board an observer designated by these authorities in order to check catches made in the waters of Mauritius. Observers shall have all facilities necessary for the performance of this duty including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. They shall be provided with suitable food and accommodation while on board. Should a vessel with a Mauritian observer on board leave the waters of Mauritius, every step will be taken to ensure that the observer returns to Mauritius as soon as possible, at the shipowner's expense.

5. RADIO COMMUNICATION

Vessels above 50 grt shall communicate, when entering and leaving Mauritian waters, and, every three days, while fishing in Mauritian waters, to a radio station (the name, call sign and frequency of which shall be specified in the licence) or by fax (No 23 02 08 19 29) or by e-mail (fish@intnet.mu), their position and the volume of catches on board.

6. FISHING ZONES

Tuna seiners and surface longliners may fish in the waters of Mauritius except within a distance of 12 nautical miles measured from the baseline.

Vessels fishing by line are only authorised to fish in their traditional grounds, namely Soudan Bank and East Soudan Bank.

7. SUPPLY TO THE TUNA CANNING INDUSTRY

Community tuna vessels shall endeavour to sell part of their catch to the Mauritian tuna canning industry at a price to be fixed in common agreement between Community shipowners and the owners of the Mauritian tuna canning industry.

8. BOARDING

1. Transmission of information

The Mauritian authority responsible for fisheries shall inform the Delegation and the flag State, within 48 hours, of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement in Mauritius' fishing zone and shall transmit a brief report of the circumstances and reasons leading to such boarding. The Delegation and the flag State shall be kept informed of any proceedings initiated and penalties imposed.

2. Settlement of boarding

In accordance with the law on fisheries and the relevant regulations, infringements may be settled:

- (a) either by composition, in which case the amount of the fine shall be determined in accordance with the Mauritian legislation laying down minimum and maximum figures;
- (b) or by legal proceedings, if no composition is possible, in accordance with Mauritian law.

3. The vessel shall be released and its crew authorised to leave the port:

- (a) either as soon as the obligations imposed by the composition procedure have been completed on presentation of the receipt for the settlement, or
 - (b) on presentation of proof that a bank security has been lodged, pending completion of the legal proceedings.
-

Appendix 1

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant:

Address of applicant:

.....

Name and address of charterers of vessels if different from above:

.....

Name and address of agent in Mauritius (if any):

.....

Name of vessel:

Type of vessel:

Country of registry:

Port and registration No:

Fishing vessel external identification:

Radio call sign and frequency:

Fax No of vessel:

Length of vessel:

Width of vessel:

Engine type and power:

Gross registered tonnage of vessel:

Net registered tonnage of vessel:

Minimum crew complement:

Type of fishing practised:

Proposed species of fish:

.....

Period of validity requested:

I certify that the above particulars are correct.

Date: Signature:

Appendix 3

STATEMENT OF CATCH FOR SURFACE LONGLINERS

Name of vessel: _____ Skipper's name: _____

Date of setting: ____/____/____ Start of trip: ____/____/____ at: ____

Trip No: _____ Setting No: _____

Wind direction: _____ Force: _____ (Beaufort)

Sea conditions: _____ Swell: _____

Surface temperature: ____ °C Current: speed: _____ direction: _____

Moon: New moon+ _____ days Moon rises: _____

0 to 24

Moon sets: _____ hours

Setting details

Start time: _____ Finishing time: _____

Section	Position	Heading	Speed	Remarks
Depart: radio buoy No 1				
Radio buoy No 2				
Radio buoy No 3				
Radio buoy No 4				
Radio buoy No 5				
Radio buoy No 6				
Radio buoy No 7				

Number of hooks: _____

Length: buoy lines _____

branch lines: _____

Length of line: _____

Recorded depth of the line (sounder): _____

Bait: shrimp: _____ %

mackerel: _____ %

_____ : _____ %

Details of catch

	Time (0 to 24 h)		Latitude			Longitude		
Start of turn								
End of turn								

Species	Number	Estimated unit weight	Total weight	Number of fish eaten
Swordfish (*)				
Yellowfin (**)				
Bigeye (**)				
Marlin (**)				
Sailfish (*)				
Seabream				
Shark				
Other (give details)				
Total weight				

Total weight of catch landed (weighed)

(*) VDK

(**) with head, gilled

State the type of weight used (VAT, VDK, whole) if different from that specified.

COUNCIL DECISION

of 17 July 2000

authorising Italy to apply reductions in excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC

(2000/446/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions from, or reductions in, excise duties on mineral oils on grounds of specific policy considerations.
- (2) The Italian authorities have notified the Commission that they wish to apply a reduced rate for automotive diesel fuel for commercial vehicles from 1 January 1999.
- (3) The other Member States have been informed thereof.
- (4) The Commission regularly reviews reductions and exemptions to check that they are compatible with the operation of the internal market or with Community environmental protection policy.
- (5) The authorisation granted by this Decision is without prejudice to the application of the rules on state aid.

- (6) The Council will examine this Decision on the basis of a proposal from the Commission no later than 31 December 2000, when the authorisation granted by this Decision expires,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 8(4) of Directive 92/81/EEC Italy is hereby authorised to apply a reduced rate of excise duty on automotive diesel fuel used by road hauliers from 1 January 1999 to 31 December 2000 provided the rate applied complies with the obligations laid down in Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils ⁽²⁾, and in particular the minimum rates laid down in Article 5 thereof.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 17 July 2000.

For the Council

The President

L. FABIUS

⁽¹⁾ OJ L 316, 31.10.1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

⁽²⁾ OJ L 316, 31.10.1992, p. 19. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

COMMISSION

COMMISSION DECISION

of 13 June 2000

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards prefabricated wood-based load-bearing stressed skin panels and self-supporting composite lightweight panels

(notified under document number C(2000) 804)

(Text with EEA relevance)

(2000/447/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, as amended by Directive 93/68/EEC ⁽²⁾, and in particular Article 13(4) thereof,

Whereas:

- (1) The Commission is required to select, between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'. This means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required.
- (2) Article 13(4) requires that the procedure thus determined be indicated in the mandates and in the technical specifications. Therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications.
- (3) The two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC. It is necessary therefore to specify clearly the methods by which the two procedures should be implemented,

by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems.

- (4) The procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III. The procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annexes III.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production system ensuring that the product is in conformity with the relevant technical specifications.

Article 2

The products and families of products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.

⁽²⁾ OJ L 220, 30.8.1993, p. 1.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in the mandates for guidelines for European technical approval.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 13 June 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX I

Prefabricated wood-based load-bearing stressed skin panels:

For uses in buildings, except those contributing to the load-bearing capacity of the structure and/or those subject to reaction to fire regulations for products made of materials falling into classes A (*), B (*), C (*), A_{FL} (*), B_{FL} (*), C_{FL} (*).

Self-supporting composite lightweight panels:

For uses in buildings, except those subject to reaction to fire regulations for products made of materials falling into classes A (*), B (*), C (*).

ANNEX II

Prefabricated wood-based load-bearing stressed skin panels:

For uses contributing to the load-bearing capacity of the structure of buildings and/or subject to reaction to fire regulations for products made of materials falling into classes A (*), B (*), C (*), A_{FL} (*), B_{FL} (*), C_{FL} (*).

Self-supporting composite lightweight panels:

For uses in buildings subject to reaction to fire regulations for products made of materials falling into classes A (*), B (*), C (*).

(*) Materials for which the reaction to fire performance is susceptible to change during production; (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

ANNEX III

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

PRODUCT FAMILY

PREFABRICATED WOOD-BASED LOAD-BEARING STRESSED SKIN PANELS AND SELF-SUPPORTING COMPOSITE LIGHTWEIGHT PANELS (1/6)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant guidelines for European technical approval:

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Prefabricated wood-based load-bearing stressed skin panels	For uses contributing to the load-bearing capacity of the structure	—	1
Self-supporting composite lightweight panels	For uses contributing to stiffening the structure	—	3

System 1: see Directive 89/106/EEC, Annex III.2(i), without audit-testing of samples.

System 3: see Directive 89/106/EEC, Annex III.2(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases, the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

PREFABRICATED WOOD-BASED LOAD-BEARING STRESSED SKIN PANELS AND SELF-SUPPORTING COMPOSITE LIGHTWEIGHT PANELS (2/6)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant guidelines for European technical approval:

Product(s)	Intended use(s)	Level(s) or class(es) (fire resistance)	Attestation of conformity system(s)
Prefabricated wood-based load-bearing stressed skin panels Self-supporting composite lightweight panels	For uses subject to resistance to fire regulations (e.g. fire compartmentation)	any	3

System 3: see Directive 89/106/EEC, Annex III.2(ii), second possibility

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases, the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

PREFABRICATED WOOD-BASED LOAD-BEARING STRESSED SKIN PANELS AND SELF-SUPPORTING COMPOSITE LIGHTWEIGHT PANELS (3/6)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant guidelines for European technical approval:

Product(s)	Intended use(s)	Level(s) or class(es) (reaction to fire)	Attestation of conformity system(s)
Prefabricated wood-based load-bearing stressed skin panels	For uses subject to reaction to fire regulations	A (*), B (*), C (*) A _{FL} (*), B _{FL} (*), C _{FL} (*)	1
		A (**), B (**), C (**) A _{FL} (**), B _{FL} (**), C _{FL} (**)	3
		A (***), D, E, F A _{FL} (***), D _{FL} (*), E _{FL} (*), F _{FL} (*)	4
Self-supporting composite lightweight panels	For uses subject to reaction to fire regulations	A (*), B (*), C (*)	1
		A (**), B (**), C (**)	3
		A (***), D, E, F	4

System 1: see Directive 89/106/EEC, Annex III.2(i), without audit-testing of samples.

System 3: see Directive 89/106/EEC, Annex III.2(ii), second possibility.

System 4: see Directive 89/106/EEC, Annex III.2(ii), third possibility.

(*) Materials for which the reaction to fire performance is susceptible to change during production; (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

(**) Materials for which the reaction to fire performance is not susceptible to change during the production process.

(***) Materials of class A that according to Decision 96/603/EC does not require to be tested for reaction to fire.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases, the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

PREFABRICATED WOOD-BASED LOAD-BEARING STRESSED SKIN PANELS AND SELF-SUPPORTING COMPOSITE LIGHTWEIGHT PANELS (4/6)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant guidelines for European technical approval:

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Prefabricated wood-based load-bearing stressed skin panels Self-supporting composite lightweight panels	For uses subject to external fire performance regulations	Products requiring testing	3
		Products deemed to satisfy without testing (*)	4

System 3: see Directive 89/106/EEC, Annex III.2(ii), second possibility.

System 4: see Directive 89/106/EEC, Annex III.2(ii), third possibility.

(*) To be confirmed in discussions with the Fire Regulators Group.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases, the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

PREFABRICATED WOOD-BASED LOAD-BEARING STRESSED SKIN PANELS AND SELF-SUPPORTING COMPOSITE LIGHTWEIGHT PANELS (5/6)**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant guidelines for European technical approval:

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Prefabricated wood-based load-bearing stressed skin panels Self-supporting composite lightweight panels	For uses subject to regulations on dangerous substances (*)	—	3

System 3: see Directive 89/106/EEC, Annex III.2(ii), second possibility.

(*) In particular, those dangerous substances defined in Council Directive 76/769/EEC, as amended.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases, the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

PREFABRICATED WOOD-BASED LOAD-BEARING STRESSED SKIN PANELS AND SELF-SUPPORTING COMPOSITE LIGHTWEIGHT PANELS (6/6)**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant guidelines for European technical approval:

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Prefabricated wood-based load-bearing stressed skin panels Self-supporting composite lightweight panels	For uses other than those specified in families (1/6), (2/6), (3/6), (4/6) and (5/6)	—	4

System 4: see Directive 89/106/EEC, Annex III.2(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases, the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

COMMISSION DECISION

of 5 July 2000

amending Decision 1999/187/EC on the clearance of the accounts presented by the Member States in respect of the expenditure for 1995 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)

(notified under document number C(2000) 1813)

(Only the French and Dutch texts are authentic)

(2000/448/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

financial corrections concerned. As a result, the expenditure relating thereto should be cleared by this Decision.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 1287/95 ⁽²⁾, and in particular Article 5(2) thereof,

After consulting the Committee of the European Agricultural Guidance and Guarantee Fund,

Whereas:

- (2) Article 8 of Regulation (EEC) No 729/70 provides that the financial consequences arising from irregularities or negligence are not to be borne by the Community if they are the result of irregularities or negligence attributable to administrative authorities or other bodies of the Member States. Some of those financial consequences which cannot be borne by the Community budget should be included within the scope of this Decision.
- (3) This Decision is without prejudice to any financial consequences which may be determined in any subsequent clearance of accounts in respect of State aid or infringements for which the procedures initiated under Articles 88 and 226 of the Treaty are now in progress or were terminated after 15 May 2000.
- (4) This Decision is without prejudice to any financial consequences drawn by the Commission, during a subsequent accounts clearance procedure, from current investigations under way at the time of this Decision, from irregularities within the meaning of Article 8 of Regulation (EEC) No 729/70 or from judgments of the Court of Justice in cases pending on 15 May 2000 and relating to matters covered by this Decision,

- (1) Before the Commission determines a financial correction within the framework of a decision on the clearance of accounts, the Member State must be able, if it wishes, to seek recourse to the conciliation procedure established by Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section ⁽³⁾. In that case it is necessary that the Commission should examine, prior to its decision, the report drawn up by the conciliation body. The time limits laid down for that procedure had not expired, for all the eligible corrections, on the date of adoption of Commission Decision 2000/197/EC amending Decision 1999/187/EC on the clearance of the accounts presented by the Member States in respect of the expenditure for 1995 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽⁴⁾, which has amended Decision 1999/187/EC of 3 February 1999 on the clearance of the accounts presented by the Member States in respect of the expenditure for 1995 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽⁵⁾. Decisions 1999/596/EC and 2000/197/EC did not cover the corresponding amounts of expenditure declared by the Member States concerned in respect of 1995. The conciliation procedure has been completed for all of the

HAS ADOPTED THIS DECISION:

Article 1

The sections of the Annex to Decision 1999/187/EC relating to Belgium are replaced by the Annex to this Decision.

Article 2

The additional amount of BEF 50 763 827 arising under point 3 of the Annex and chargeable by virtue of this Decision are to be taken into account as part of the expenditure referred to in Article 4(1) of Commission Regulation (EC) No 296/96 for the month of July 2000.

⁽¹⁾ OJ L 94, 28.4.1970, p. 13.

⁽²⁾ OJ L 125, 8.6.1995, p. 1.

⁽³⁾ OJ L 182, 16.7.1994, p. 45.

⁽⁴⁾ OJ L 61, 8.3.2000, p. 15.

⁽⁵⁾ OJ L 61, 10.3.1999, p. 37.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 5 July 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

BELGIUM

EAGGF Guarantee Section expenditure Financial year: 1995	(BEF)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	63 014 113 747
(b) Expenditure declared during the preceding year but excluded from that clearance	44 488 205
(c) Expenditure declared, excluded from the present clearance	0
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	63 058 601 952
(f) Expenditure disallowed	- 77 330 734
(g) Total expenditure recognised (e + f)	62 981 271 218
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	62 964 705 972
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	44 488 205
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a later financial year	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	63 009 194 177
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	27 922 959

COMMISSION DECISION

of 5 July 2000

excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)*(notified under document number C(2000) 1847)*

(2000/449/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 1287/95 ⁽²⁾, and in particular Article 5(2)(c) thereof,

After consulting the Fund Committee,

Whereas:

(1) Pursuant to Article 5(2)(c) of Regulation (EEC) No 729/70, the Commission, after consulting the Fund Committee must decide on the expenditure to be excluded from Community financing where it establishes that it has not been effected according to Community rules.

(2) Article 5(2)(c) of Regulation (EEC) No 729/70 and Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section ⁽³⁾, as last amended by Regulation (EC) No 2245/1999 ⁽⁴⁾, require the Commission to carry out the necessary inspections, notify its findings to the Member States, take note of their comments, initiate bilateral discussions in an effort to come to an agreement with the Member States concerned and formally communicate its findings to them, referring to Commission Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section ⁽⁵⁾.

(3) The Member States have had an opportunity to request conciliation and did so in a number of cases and the report delivered on completion of the conciliation procedure has been examined by the Commission.

(4) Under Articles 2 and 3 of Regulation (EEC) No 729/70, financing may be provided only for export refunds on products exported to third countries and action designed to stabilise the agricultural markets, granted or undertaken respectively in accordance with the Community rules on the common organisation of the agricultural markets.

(5) In the light of the inspections carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil these requirements and cannot be financed under the EAGGF Guarantee Section.

(6) The amounts found not to be chargeable to the EAGGF Guarantee Section are shown in the Annex to this Decision. They do not concern expenditure incurred prior to the 24-month period preceding the Commission's written notification to the Member States of the findings of the inspections.

(7) In the cases covered by this Decision, the evaluation of the amounts to be excluded from Community financing on grounds of non-compliance with the Community rules was communicated by the Commission to the Member States through a summary report.

(8) This Decision is without prejudice to any financial consequences drawn by the Commission from judgments of the Court of Justice in cases pending on the date of this Decision and relating to matters covered by this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure of the paying agencies accredited by the Member States declared under the EAGGF Guarantee Section, shown in the Annex hereto, is excluded by this Decision from Community financing, for failure to comply with the Community rules.

⁽¹⁾ OJ L 94, 28.4.1970, p. 13.

⁽²⁾ OJ L 125, 8.6.1995, p. 1.

⁽³⁾ OJ L 158, 8.7.1995, p. 6.

⁽⁴⁾ OJ L 273, 23.10.1999, p. 5.

⁽⁵⁾ OJ L 182, 16.7.1994, p. 45.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 July 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Total corrections

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (EUR)	Deductions already made (EUR)	Financial effects of this Decision (EUR)	Financial year
AU	LS premiums	2 1 2 2	Failure to apply legislative penalties	- 790 422,16	0,00	- 790 422,16	1997
			Total	- 790 422,16	0,00	- 790 422,16	
BE	Milk	2 0 4 9	Ineligibility for aid — butter for pastry products	- 1 602 256,45	0,00	- 1 602 256,45	1996
BE	Milk	2 0 4 9	Ineligibility for aid — butter for pastry products	- 31 883,22	0,00	- 31 883,22	1997
			Total	- 1 634 139,67	0,00	- 1 634 139,67	
DE	LS premiums	2 1 2 2	Deficient control system and non-application of penalties	- 3 470 710,64	0,00	- 3 470 710,64	1996
DE	LS premiums	2 1 2 2	Deficient control system and non-application of penalties	- 1 216 969,27	0,00	- 1 216 969,27	1997
DE	LS premiums	2 1 3 0	Control system not in conformity with rules	- 186 564,78	0,00	- 186 564,78	1997
DE	LS premiums	2 1 2 8	Control system not in conformity with rules	- 59 013,31	0,00	- 59 013,31	1998
DE	Other correct.	Various	Errors in the administration of the special beef premiums	- 1 452 098,60	- 1 844 285,03	392 186,44	1998
DE	Arable crops	Various	Errors in compensatory payments (1995 crops)	- 12 847 279,22	0,00	- 12 847 279,22	1996
			Total	- 19 232 635,82	11 844 285,03	- 17 388 350,79	
DK	Export Refunds	Various	Non-compliance of control obligations	- 29 077 013,50	0,00	- 29 077 013,50	1996-97
DK	LS premiums	2 1 2 0	Inadequate risk analysis and low level of on-farms insp.	- 318 318,06	0,00	- 318 318,06	1996
DK	LS premiums	2 1 2 2	Inadequate risk analysis and non-compliance Art.6(6)-3887/92	- 120 891,74	0,00	- 120 891,74	1997

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (EUR)	Deductions already made (EUR)	Financial effects of this Decision (EUR)	Financial year
DK	LS premiums	2 1 2 2	Inadequate risk analysis and non-compliance Art.6(6)-3887/92	- 138 637,98	0,00	- 138 637,98	1998
DK	LS premiums	2 1 2 8	Late payments (1357/96 and 2443/96)	- 12 962,80	- 12 962,80	0,00	1997
DK	LS premiums	2 1 2 8	Incorrect deduction of 20 % under Reg. No. 595/91	- 3 532,08	0,00	- 3 532,08	1997
DK	LS premiums	2 1 9 0	Late payments (2443/96)	- 4 501,88	- 4 501,88	0,00	1998
DK	Other correct.	Various	Debtors — errors made by the Danish administration	- 93 454,31	0,00	- 93 454,31	1998
DK	Other correct.	Various	Accounting errors	- 355 376,92	- 626 970,19	271 593,27	1998
			Total	- 30 124 689,27	- 644 434,87	- 29 480 254,40	
ES	Fruit & veg.	1 5 0 8	Compensatory aid unduly claimed for bananas	- 765 632,26	0,00	- 765 632,26	1996
ES	Fruit & veg.	1 5 0 8	Compensatory aid unduly claimed for bananas	- 1 812 063,78	0,00	- 1 812 063,78	1997
ES	Fruit & veg.	3 8 0 0	Poor management of apple promotion measures	- 251 707,76	0,00	- 251 707,76	1997
ES	Fruit & veg.	1 5 1 1	Reimbursement of correction paid twice — tomato processing	35 567,26	0,00	35 567,26	1993
ES	LS premiums	2 2 2 0	Advances not followed by final payments	- 256 151,36	0,00	- 256 151,36	1996
ES	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 546 632,69	0,00	- 546 632,69	1996
ES	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 782 636,09	0,00	- 782 636,09	1997
ES	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 494 887,94	0,00	- 494 887,94	1998
ES	Acc. measures	5 0 1 1	Poor quality of on-the-spot inspections — agricultural measures	- 341 727,93	0,00	- 341 727,93	1997
ES	Acc. measures	5 0 1 1	Poor quality of on-the-spot inspections — agricultural measures	- 381 672,49	0,00	- 381 672,49	1998

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (EUR)	Deductions already made (EUR)	Financial effects of this Decision (EUR)	Financial year
ES	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 1 561 437,75	0,00	- 1 561 437,75	1996
ES	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 3 121 513,56	0,00	- 3 121 513,56	1997
ES	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 695 768,74	0,00	- 695 768,74	1998
ES	Other correct.	3 1 0 0	Non-justification of expenditure on free distribution of food	- 38 893,67	- 163 990,12	125 096,45	1998
ES	Arable crops	1 0 4 0	Incorrect application Reg. 2836/93	- 4 378 055,02	0,00	- 4 378 055,02	1997
ES	Arable crops	1 0 6 0	Errors in non-food set-aside	- 1 008 786,58	0,00	- 1 008 786,58	1996
ES	Arable crops	1 0 6 0	Non-application Art. 6 Reg. 3887/92	- 349 831,63	0,00	- 349 831,63	1998
ES	SOA 1997	1 2 1 0	Incorrect classification of olive oil producers	- 410 885,90	0,00	- 410 885,90	1997
			Total	- 17 162 717,90	- 163 990,12	- 16 998 727,78	
FR	Export Refunds	2 1 0 0	Beef export refunds unduly paid	- 20 682 417,75	0,00	- 20 682 417,75	1988-90
FR	Fruit & veg.	1 5 0 8	Over-estimation of transport and other costs for bananas	- 601 973,91	0,00	- 601 973,91	1996
FR	Fruit & veg.	1 5 0 8	Over-estimation of transport and other costs for bananas	- 199 830,78	0,00	- 199 830,78	1997
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing peaches	- 875 521,94	0,00	- 875 521,94	1996
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing peaches	- 893 191,37	0,00	- 893 191,37	1997
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing peaches	- 802 078,83	0,00	- 802 078,83	1998
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing pears	- 1 452 361,40	0,00	- 1 452 361,40	1996
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing pears	- 1 727 801,76	0,00	- 1 727 801,76	1997

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (EUR)	Deductions already made (EUR)	Financial effects of this Decision (EUR)	Financial year
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing pears	- 1 043 426,22	0,00	- 1 043 426,22	1998
FR	Fruit & veg.	1 5 0 9	Failure to observe time-limit for programme implementation	- 7 466 379,05	0,00	- 7 466 379,05	1998
FR	LS premiums	2 1 2 0	Unsatisfactory check on suckler cow eligibility	- 11 616 181,09	0,00	- 11 616 181,09	1996
FR	LS premiums	2 1 2 0	Unsatisfactory check on suckler cow eligibility	- 8 418 065,97	0,00	- 8 418 065,97	1997
FR	LS premiums	2 1 2 0	Unsatisfactory check on suckler cow eligibility	- 10 773 932,29	0,00	- 10 773 932,29	1998
FR	LS premiums	2 1 2 1	Unsatisfactory check on suckler cow eligibility	- 26 399,60	0,00	- 26 399,60	1996
FR	LS premiums	2 1 2 1	Unsatisfactory check on suckler cow eligibility	- 34 526,35	0,00	- 34 526,35	1997
FR	LS premiums	2 1 2 1	Unsatisfactory check on suckler cow eligibility	- 33 255,53	0,00	- 33 255,53	1998
FR	LS premiums	3 8 0 4	Unsatisfactory check on suckler cow eligibility	- 1 155 907,32	0,00	- 1 155 907,32	1996
FR	Other correct.	2 1 0 0	Non-application of penalties under Art. 47 & 48 of Reg. 3665/87	- 194 743,25	- 194 743,25	0,00	1998
FR	Arable crops	Various	Non-compliance administrative checks	- 50 639 141,60	0,00	- 50 639 141,60	1996
FR	Arable crops	Various	Non-compliance administrative checks	- 5 073 662,03	0,00	- 5 073 662,03	1997
FR	Arable crops	Various	Non-compliance administrative checks	- 5 010 776,69	0,00	- 5 010 776,69	1998
			Total	- 128 721 574,71	- 194 743,25	- 128 526 831,46	
GB	Arable crops	Various	Inadequate supervision of on-the-spot checks	- 2 518 971,82	0,00	- 2 518 971,82	1996
GB	Arable crops	Various	Inadequate supervision of on-the-spot checks	- 2 520 203,64	0,00	- 2 520 203,64	1997
GB	Flax & hemp	1 4 0 0	Areas under flax sown with a non-approved seed variety	- 5 924 922,33	0,00	- 5 924 922,33	1996

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (EUR)	Deductions already made (EUR)	Financial effects of this Decision (EUR)	Financial year
GB	Flax & hemp	1 4 0 0	Areas under flax sown with a non-approved seed variety	- 8 050 201,93	0,00	- 8 050 201,93	1997
GB	Flax & hemp	1 4 0 2	Areas under flax sown with a non-approved seed variety	- 129 611,67	0,00	- 129 611,67	1996
GB	Flax & hemp	1 4 0 2	Areas under hemp harvested before the regulation stage	- 218 950,64	0,00	- 218 950,64	1997
GB	Flax & hemp	1 4 0 2	Areas under hemp harvested before the regulation stage	- 98 646,88	0,00	- 98 646,88	1998
			Total	- 19 461 508,91	0,00	- 19 461 508,91	
GR	LS premiums	2 1 2 0	2 % deduction from premium amounts by producers' associations	- 364 481,48	0,00	- 364 481,48	1996
GR	LS premiums	2 1 2 0	2 % deduction from premium amounts by producers' associations	- 409 631,32	0,00	- 409 631,32	1997
GR	LS premiums	3 8 0 4	2 % deduction from premium amounts by producers' associations	- 6 911,82	0,00	- 6 911,82	1996
GR	LS premiums	2 1 2 0	Non-implementation / completion of IACS	- 2 114 119,12	- 2 100 748,69	- 13 370,43	1998
GR	LS premiums	2 1 2 2	2 % deduction from premium amounts by producers' associations	- 291 888,24	0,00	- 291 888,24	1996
GR	LS premiums	2 1 2 2	2 % deduction from premium amounts by producers' associations	- 307 042,44	0,00	- 307 042,44	1997
GR	LS premiums	2 1 2 2	Non-implementation / completion of IACS	- 2 046 115,78	- 2 015 352,09	- 30 763,70	1998
GR	LS premiums	2 1 2 5	2 % deduction from premium amounts by producers' associations	- 135 179,05	0,00	- 135 179,05	1996
GR	LS premiums	2 1 2 5	2 % deduction from premium amounts by producers' associations	- 150 929,78	0,00	- 150 929,78	1997

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (EUR)	Deductions already made (EUR)	Financial effects of this Decision (EUR)	Financial year
GR	LS premiums	2 1 2 5	Non-implementation / completion of IACS	- 1 141 632,00	- 1 124 548,71	- 17 083,29	1998
GR	LS premiums	2 1 2 8	Late payments (1357/96)	- 705 230,23	- 705 230,23	0,00	1997
GR	LS premiums	2 1 2 8	Amounts paid after deadline (1357/96)	- 1 041 047,00	0,00	- 1 041 047,00	1997
GR	Financial audit	Various	Amounts paid after deadline	- 421 378,31	- 421 378,31	0,00	1998
GR	Other correct.	1 8 5	Public storage — Non-compliance with tolerance for rice stock level	0,00	- 1 001 934,35	- 1 001 934,35	1998
GR	Arable crops	Verschiedene	IACS shortcomings	- 78 771 159,41	- 8 268 887,57	- 70 502 271,85	96-98
GR	Arable crops	5 0 1 0	Poor quality of checks and supervision	- 400 867,88	0,00	- 400 867,88	1996
			Total	- 88 307 613,86	- 15 638 079,94	- 72 669 533,92	
IE	Acc. measures	5 0 1 2	Afforestation aid not eligible	- 2 871 261,26	0,00	- 2 871 261,26	1997
IE	Acc. measures	5 0 1 2	Afforestation aid not eligible	- 1 973 084,09	0,00	- 1 973 084,09	1998
IE	Arable crops	Various	Insufficient number and quality of on-the-spot checks	- 4 668 009,28	0,00	- 4 668 009,28	1997
IE	Arable crops	Various	Insufficient number and quality of on-the-spot checks	- 2 398 473,64	0,00	- 2 398 473,64	1998
IE	Arable crops	5 0 1 0	Insufficient number of on-the-spot checks	- 768 587,70	0,00	- 768 587,70	1996
IE	Arable crops	5 0 1 0	Insufficient number of on-the-spot checks	- 738 771,71	0,00	- 738 771,71	1997
			Total	- 13 418 187,66	0,00	- 13 418 187,66	
IT	LS premiums	2 1 2 0	Non-compliance min. inspection rate (m.year 1993/94)	- 14 863,11	0,00	- 14 863,11	1997
IT	LS premiums	2 1 2 1	Non-compliance min. inspection rate (m.year 1993/94)	- 681,21	0,00	- 681,21	1997

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (EUR)	Deductions already made (EUR)	Financial effects of this Decision (EUR)	Financial year
IT	LS premiums	2 1 2 2	Non-compliance min. inspection rate (m.year 1993/94)	- 15 507,65	0,00	- 15 507,65	1997
IT	LS premiums	2 1 2 5	Non-compliance min. inspection rate (m.year 1993/94)	- 10 269,23	0,00	- 10 269,23	1997
IT	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 7 254 715,34	0,00	- 7 254 715,34	1997
IT	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 755 627,99	0,00	- 755 627,99	1998
IT	Acc. measures	5 0 1 1	Poor quality of on-the-spot checks — agricultural measures	- 965 580,29	0,00	- 965 580,29	1996
IT	Acc. measures	5 0 1 1	Poor quality of on-the-spot checks — agricultural measures	- 1 367 589,89	0,00	- 1 367 589,89	1997
IT	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 202 646,66	0,00	- 202 646,66	1997
IT	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 925 601,58	0,00	- 925 601,58	1998
IT	Financial audit	Various	Failure to observe payment time-limits	- 8 283 846,06	- 8 284 878,98	1 032,91	1998
IT	Arable crops	1 0 6 0	Inadequate checks on non-food set-aside	- 1 532 513,19	0,00	- 1 532 513,19	1996
IT	Arable crops	1 0 6 0	Inadequate checks on non-food set-aside	- 805 794,87	0,00	- 805 794,87	1997
IT	SOA 1997	1 2 1 0	Over-estimate of olive oil production	- 8 371,63	0,00	- 8 371,63	1997
			Total	- 22 143 608,71	- 8 284 878,98	- 13 858 729,73	
NL	Milk	2 0 2 4	Non-compliance with Reg. 2921/90 and Council Directive 83/417	- 847 818,45	0,00	- 847 818,45	1996
NL	LS premiums	2 1 2 0	Control system not in conformity with rules	- 465 958,82	0,00	- 465 958,82	1998
NL	LS premiums	2 1 2 0	Control system not in conformity with rules	- 197 409,12	0,00	- 197 409,12	1999
NL	LS premiums	2 1 2 0	Insufficient number of on-the-spot checks	- 567 131,12	0,00	- 567 131,12	1998

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (EUR)	Deductions already made (EUR)	Financial effects of this Decision (EUR)	Financial year
NL	LS premiums	2 1 2 0	Insufficient number of on-the-spot checks	- 558 478,78	0,00	- 558 478,78	1999
			Total	- 2 636 796,30	0,00	- 2 636 796,30	
PT	Acc. measures	5 0 1 1	No cross-check with IACS — agricultural measures	- 304 800,36	0,00	- 304 800,36	1997
PT	Acc. measures	5 0 1 1	No cross-check with IACS — agricultural measures	- 424 805,48	0,00	- 424 805,48	1998
PT	LS premiums	2 1 2 0	Non implementation / completion of IACS	- 983 888,83	0,00	- 983 888,83	1997
PT	LS premiums	2 1 2 0	Non implementation / completion of IACS	- 2 103 834,76	- 2 100 574,10	- 3 260,66	1998
PT	LS premiums	2 1 2 1	Non implementation / completion of IACS	- 325 046,64	- 324 635,83	- 410,81	1998
PT	LS premiums	2 1 2 2	Deficient control regime and non application of sanctions	- 987 749,52	0,00	- 987 749,52	1997
PT	LS premiums	2 1 2 2	Deficient control regime and non application of sanctions	- 1 065 063,20	- 1 063 110,87	- 1 952,32	1998
PT	LS premiums	2 1 2 5	Non implementation / completion of IACS	- 168 553,79	0,00	- 168 553,79	1997
PT	LS premiums	2 1 2 5	Non implementation / completion of IACS	- 598 926,59	- 716 661,89	117 735,31	1998
PT	LS premiums	2 1 2 5	Deficient control regime and non-application of sanctions	- 98 996,42	0,00	- 98 996,42	1997
PT	LS premiums	2 1 2 5	Deficient control regime and non-application of sanctions	- 119 162,82	0,00	- 119 162,82	1998
			Total	- 7 180 828,39	- 4 204 982,69	- 2 975 845,70	

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Deductions already made (national currency)	Financial effects of this Decision (national currency)	Financial year
AU	LS premiums	2 1 2 2	Failure to apply legislative penalties	- 10 876 446,00	0,00	- 10 876 446,00	1997
			Total	- 10 876 446,00	0,00	- 10 876 446,00	
BE	Milk	2 0 4 9	Ineligibility for aid — butter for pastry products	- 64 634 865,00	0,00	- 64 634 865,00	1996
BE	Milk	2 0 4 9	Ineligibility for aid — butter for pastry products	- 1 286 166,00	0,00	- 1 286 166,00	1997
			Total	- 65 921 031,00	0,00	- 65 921 031,00	
DE	LS premiums	2 1 2 2	Deficient control system and non-application of penalties	- 6 788 120,00	0,00	- 6 788 120,00	1996
DE	LS premiums	2 1 2 2	Deficient control system and non-application of penalties	- 2 380 185,00	0,00	- 2 380 185,00	1997
DE	LS premiums	2 1 3 0	Control system not in conformity with rules	- 364 889,00	0,00	- 364 889,00	1997
DE	LS premiums	2 1 2 8	Control system not in conformity with rules	- 115 420,00	0,00	- 115 420,00	1998
DE	Other correct.	Various	Errors in the administration of the special beef premiums	- 2 840 058,00	- 3 607 108,00	767 050,00	1998
DE	Arable crops	Various	Errors in compensatory payments (1995 crops)	- 25 127 094,12	0,00	- 25 127 094,12	1996
			Total	- 37 615 766,12	- 3 607 108,00	- 34 008 658,12	
DK	Export Refunds	Various	Non-compliance of control obligations	- 216 772 043,34	0,00	- 216 772 043,34	1996-97
DK	LS premiums	2 1 2 0	Inadequate risk analysis and low level of on-farms insp.	- 2 373 093,00	0,00	- 2 373 093,00	1996
DK	LS premiums	2 1 2 2	Inadequate risk analysis and non-compliance Art.6(6)-3887/92	- 901 260,00	0,00	- 901 260,00	1997

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Deductions already made (national currency)	Financial effects of this Decision (national currency)	Financial year
DK	LS premiums	2 1 2 2	Inadequate risk analysis and non-compliance Art.6(6)-3887/92	- 1 033 560,00	0,00	- 1 033 560,00	1998
DK	LS premiums	2 1 2 8	Late payments (1357/96 and 2443/96)	- 96 638,94	- 96 638,94	0,00	1997
DK	LS premiums	2 1 2 8	Incorrect deduction of 20 % under Reg. No. 595/91	- 26 332,00	0,00	- 26 332,00	1997
DK	LS premiums	2 1 9 0	Late payments (2443/96)	- 33 562,00	- 33 562,00	0,00	1998
DK	Other correct.	Various	Debtors — errors made by the Danish administration	- 696 711,26	0,00	- 696 711,26	1998
DK	Other correct.	Various	Accounting errors	- 2 649 370,44	- 4 674 125,43	2 024 754,99	1998
			Total	- 224 582 570,98	- 4 804 326,37	- 219 778 244,61	
ES	Fruit & veg.	1 5 0 8	Compensatory aid unduly claimed for bananas	- 127 390 490,00	0,00	- 127 390 490,00	1996
ES	Fruit & veg.	1 5 0 8	Compensatory aid unduly claimed for bananas	- 301 502 044,00	0,00	- 301 502 044,00	1997
ES	Fruit & veg.	3 8 0 0	Poor management of apple promotion measures	- 41 880 647,00	0,00	- 41 880 647,00	1997
ES	Fruit & veg.	1 5 1 1	Reimbursement of correction paid twice — tomato processing	5 917 894,00	0,00	5 917 894,00	1993
ES	LS premiums	2 2 2 0	Advances not followed by final payments	- 42 620 000,00	0,00	- 42 620 000,00	1996
ES	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 90 952 027,00	0,00	- 90 952 027,00	1996
ES	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 130 219 688,00	0,00	- 130 219 688,00	1997
ES	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 82 342 425,00	0,00	- 82 342 425,00	1998
ES	Acc. measures	5 0 1 1	Poor quality of on-the-spot inspections — agricultural measures	- 56 858 744,00	0,00	- 56 858 744,00	1997
ES	Acc. measures	5 0 1 1	Poor quality of on-the-spot inspections — agricultural measures	- 63 504 959,00	0,00	- 63 504 959,00	1998

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Deductions already made (national currency)	Financial effects of this Decision (national currency)	Financial year
ES	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 259 801 381,00	0,00	- 259 801 381,00	1996
ES	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 519 376 155,00	0,00	- 519 376 155,00	1997
ES	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 115 766 178,00	0,00	- 115 766 178,00	1998
ES	Other correct.	3 1 0 0	Non-justification of expenditure on free distribution of food	- 6 471 362,00	- 27 285 660,00	20 814 298,00	1998
ES	Arable crops	1 0 4 0	Incorrect application Reg. 2836/93	- 728 447 063,00	0,00	- 728 447 063,00	1997
ES	Arable crops	1 0 6 0	Errors in non-food set-aside	- 167 847 964,00	0,00	- 167 847 964,00	1996
ES	Arable crops	1 0 6 0	Non-application Art. 6 Reg. 3887/92	- 58 207 086,00	0,00	- 58 207 086,00	1998
ES	SOA 1997	1 2 1 0	Incorrect classification of olive oil producers	- 68 365 662,00	0,00	- 68 365 662,00	1997
			Total	- 2 855 635 981,00	- 27 285 660,00	- 2 828 350 321,00	
FR	Export Refunds	2 1 0 0	Beef export refunds unduly paid	- 135 667 767,00	0,00	- 135 667 767,00	1988-90
FR	Fruit & veg.	1 5 0 8	Over-estimation of transport and other costs for bananas	- 3 948 690,00	0,00	- 3 948 690,00	1996
FR	Fruit & veg.	1 5 0 8	Over-estimation of transport and other costs for bananas	- 1 310 804,00	0,00	- 1 310 804,00	1997
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing peaches	- 5 743 047,46	0,00	- 5 743 047,46	1996
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing peaches	- 5 858 951,32	0,00	- 5 858 951,32	1997
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing peaches	- 5 261 292,20	0,00	- 5 261 292,20	1998
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing pears	- 9 526 866,26	0,00	- 9 526 866,26	1996

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Deductions already made (national currency)	Financial effects of this Decision (national currency)	Financial year
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing pears	- 11 333 636,56	0,00	- 11 333 636,56	1997
FR	Fruit & veg.	1 5 1 2	Non-compliance Regulation on processing pears	- 6 844 427,30	0,00	- 6 844 427,30	1998
FR	Fruit & veg.	1 5 0 9	Failure to observe time-limit for programme implementation	- 48 976 236,00	0,00	- 48 976 236,00	1998
FR	LS premiums	2 1 2 0	Unsatisfactory check on suckler cow eligibility	- 76 197 153,00	0,00	- 76 197 153,00	1996
FR	LS premiums	2 1 2 0	Unsatisfactory check on suckler cow eligibility	- 55 218 893,00	0,00	- 55 218 893,00	1997
FR	LS premiums	2 1 2 0	Unsatisfactory check on suckler cow eligibility	- 70 672 363,00	0,00	- 70 672 363,00	1998
FR	LS premiums	2 1 2 1	Unsatisfactory check on suckler cow eligibility	- 173 170,00	0,00	- 173 170,00	1996
FR	LS premiums	2 1 2 1	Unsatisfactory check on suckler cow eligibility	- 226 478,00	0,00	- 226 478,00	1997
FR	LS premiums	2 1 2 1	Unsatisfactory check on suckler cow eligibility	- 218 142,00	0,00	- 218 142,00	1998
FR	LS premiums	3 8 0 4	Unsatisfactory check on suckler cow eligibility	- 7 582 255,00	0,00	- 7 582 255,00	1996
FR	Other correct.	2 1 0 0	Non-application of penalties under Art. 47 & 48 of Reg. 3665/87	- 1 277 432,00	- 1 277 432,00	0,00	1998
FR	Arable crops	Various	Non-compliance administrative checks	- 332 170 994,04	0,00	- 332 170 994,04	1996
FR	Arable crops	Various	Non-compliance administrative checks	- 33 281 041,25	0,00	- 33 281 041,25	1997
FR	Arable crops	Various	Non-compliance administrative checks	- 32 868 540,46	0,00	- 32 868 540,46	1998
			Total	- 844 358 179,85	- 1 277 432,00	- 843 080 747,85	
GfB	Arable crops	Various	Inadequate supervision of on-the-spot checks	- 1 459 492,27	0,00	- 1 459 492,27	1996

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Deductions already made (national currency)	Financial effects of this Decision (national currency)	Financial year
GB	Arable crops	Various	Inadequate supervision of on-the-spot checks	- 1 460 205,99	0,00	- 1 460 205,99	1997
GB	Flax & hemp	1 4 0 0	Areas under flax sown with a non-approved seed variety	- 3 432 900,00	0,00	- 3 432 900,00	1996
GB	Flax & hemp	1 4 0 0	Areas under flax sown with a non-approved seed variety	- 4 664 287,00	0,00	- 4 664 287,00	1997
GB	Flax & hemp	1 4 0 2	Areas under flax sown with a non-approved seed variety	- 75 097,00	0,00	- 75 097,00	1996
GB	Flax & hemp	1 4 0 2	Areas under hemp harvested before the regulation stage	- 126 860,00	0,00	- 126 860,00	1997
GB	Flax & hemp	1 4 0 2	Areas under hemp harvested before the regulation stage	- 57 156,00	0,00	- 57 156,00	1998
			Total	- 11 275 998,26	0,00	- 11 275 998,26	
GR	LS premiums	2 1 2 0	2 % deduction from premium amounts by producers' associations	- 122 538 672,00	0,00	- 122 538 672,00	1996
GR	LS premiums	2 1 2 0	2 % deduction from premium amounts by producers' associations	- 137 718 050,00	0,00	- 137 718 050,00	1997
GR	LS premiums	3 8 0 4	2 % deduction from premium amounts by producers' associations	- 2 323 755,00	0,00	- 2 323 755,00	1996
GR	LS premiums	2 1 2 0	Non-implementation / completion of IACS	- 710 766 847,00	- 706 271 709,00	- 4 495 138,00	1998
GR	LS premiums	2 1 2 2	2 % deduction from premium amounts by producers' associations	- 98 132 825,00	0,00	- 98 132 825,00	1996
GR	LS premiums	2 1 2 2	2 % deduction from premium amounts by producers' associations	- 103 227 670,00	0,00	- 103 227 670,00	1997
GR	LS premiums	2 1 2 2	Non-implementation / completion of IACS	- 687 904 126,00	- 677 561 371,00	- 10 342 755,00	1998
GR	LS premiums	2 1 2 5	2 % deduction from premium amounts by producers' associations	- 45 447 197,00	0,00	- 45 447 197,00	1996

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Deductions already made (national currency)	Financial effects of this Decision (national currency)	Financial year
GR	LS premiums	2 1 2 5	2 % deduction from premium amounts by producers' associations	- 50 742 593,00	0,00	- 50 742 593,00	1997
GR	LS premiums	2 1 2 5	Non-implementation / completion of IACS	- 383 816 678,00	- 378 073 276,00	- 5 743 402,00	1998
GR	LS premiums	2 1 2 8	Late payments (1357/96)	- 237 098 402,00	- 237 098 402,00	0,00	1997
GR	LS premiums	2 1 2 8	Amounts paid after deadline (1357/96)	- 350 000 000,00	0,00	- 350 000 000,00	1997
GR	Financial audit	Various	Amounts paid after deadline	- 141 667 389,00	- 141 667 389,00	0,00	1998
GR	Other correct.	1 8 5	Public storage — Non-compliance with tolerance for rice stock level	0,00	- 336 850 330,00	- 336 850 330,00	1998
GR	Arable crops	Various	IACS shortcomings	- 26 482 863 795,00	- 2 780 000 000,00	- 23 702 863 795,00	96-98
GR	Arable crops	5 0 1 0	Poor quality of checks and supervision	- 134 771 782,00	0,00	- 134 771 782,00	1996
			Total	- 29 689 019 781,00	- 5 257 522 477,00	- 24 431 497 304,00	
IE	Acc. measures	5 0 1 2	Afforestation aid not eligible	- 2 261 302,00	0,00	- 2 261 302,00	1997
IE	Acc. measures	5 0 1 2	Afforestation aid not eligible	- 1 553 930,00	0,00	- 1 553 930,00	1998
IE	Arable crops	Various	Insufficient number and quality of on-the-spot checks	- 3 676 356,06	0,00	- 3 676 356,06	1997
IE	Arable crops	Various	Insufficient number and quality of on-the-spot checks	- 1 888 951,49	0,00	- 1 888 951,49	1998
IE	Arable crops	5 0 1 0	Insufficient number of on-the-spot checks	- 605 312,00	0,00	- 605 312,00	1996
IE	Arable crops	5 0 1 0	Insufficient number of on-the-spot checks	- 581 830,00	0,00	- 581 830,00	1997
			Total	- 10 567 681,55	0,00	- 10 567 681,55	
IT	LS premiums	2 1 2 0	Non-compliance min. inspection rate (m.year 1993/94)	- 28 779 000,00	0,00	- 28 779 000,00	1997

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Deductions already made (national currency)	Financial effects of this Decision (national currency)	Financial year
IT	LS premiums	2 1 2 1	Non-compliance min. inspection rate (m.year 1993/94)	- 1 319 000,00	0,00	- 1 319 000,00	1997
IT	LS premiums	2 1 2 2	Non-compliance min. inspection rate (m.year 1993/94)	- 30 027 000,00	0,00	- 30 027 000,00	1997
IT	LS premiums	2 1 2 5	Non-compliance min. inspection rate (m.year 1993/94)	- 19 884 000,00	0,00	- 19 884 000,00	1997
IT	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 14 047 087 681,00	0,00	- 14 047 087 681,00	1997
IT	Acc. measures	5 0 1 1	Poor IACS application — agricultural measures	- 1 463 099 816,00	0,00	- 1 463 099 816,00	1998
IT	Acc. measures	5 0 1 1	Poor quality of on-the-spot checks — agricultural measures	- 1 869 624 141,00	0,00	- 1 869 624 141,00	1996
IT	Acc. measures	5 0 1 1	Poor quality of on-the-spot checks — agricultural measures	- 2 648 023 278,00	0,00	- 2 648 023 278,00	1997
IT	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 392 378 641,00	0,00	- 392 378 641,00	1997
IT	Acc. measures	5 0 1 2	Poor IACS application — forestry measures	- 1 792 214 580,00	0,00	- 1 792 214 580,00	1998
IT	Financial audit	Various	Failure to observe payment time-limits	- 16 039 762 616,00	- 16 041 762 616,00	2 000 000,00	1998
IT	Arable crops	1 0 6 0	Inadequate checks on non-food set-aside	- 2 967 359 313,00	0,00	- 2 967 359 313,00	1996
IT	Arable crops	1 0 6 0	Inadequate checks on non-food set-aside	- 1 560 236 430,00	0,00	- 1 560 236 430,00	1997
IT	SOA 1997	1 2 1 0	Over-estimate of olive oil production	- 16 209 740,00	0,00	- 16 209 740,00	1997
			Total	- 42 876 005 236,00	- 16 041 762 616,00	- 26 834 242 620,00	
NL	Milk	2 0 2 4	Non-compliance with Reg. 2921/90 and Council Directive 83/417	- 1 868 346,00	0,00	- 1 868 346,00	1996
NL	LS premiums	2 1 2 0	Control system not in conformity with rules	- 1 026 838,11	0,00	- 1 026 838,11	1998

Member State	Sector	Budget heading	Reason	Expenditure to be excluded from financing (national currency)	Deductions already made (national currency)	Financial effects of this Decision (national currency)	Financial year
NL	LS premiums	2 1 2 0	Control system not in conformity with rules	- 435 032,46	0,00	- 435 032,46	1999
NL	LS premiums	2 1 2 0	Insufficient number of on-the-spot checks	- 1 249 792,53	0,00	- 1 249 792,53	1998
NL	LS premiums	2 1 2 0	Insufficient number of on-the-spot checks	- 1 230 725,28	0,00	- 1 230 725,28	1999
			Total	- 5 810 734,38	0,00	- 5 810 734,38	
PT	Acc. measures	5 0 1 1	No cross-check with IACS — agricultural measures	- 61 106 985,00	0,00	- 61 106 985,00	1997
PT	Acc. measures	5 0 1 1	No cross-check with IACS — agricultural measures	- 85 165 852,00	0,00	- 85 165 852,00	1998
PT	LS premiums	2 1 2 0	Non implementation / completion of IACS	- 197 252 000,00	0,00	- 197 252 000,00	1997
PT	LS premiums	2 1 2 0	Non implementation / completion of IACS	- 421 781 000,00	- 421 127 296,00	- 653 704,00	1998
PT	LS premiums	2 1 2 1	Non implementation / completion of IACS	- 65 166 000,00	- 65 083 640,00	- 82 360,00	1998
PT	LS premiums	2 1 2 2	Deficient control regime and non application of sanctions	- 198 026 000,00	0,00	- 198 026 000,00	1997
PT	LS premiums	2 1 2 2	Deficient control regime and non application of sanctions	- 213 526 000,00	- 213 134 594,00	- 391 406,00	1998
PT	LS premiums	2 1 2 5	Non implementation / completion of IACS	- 33 792 000,00	0,00	- 33 792 000,00	1997
PT	LS premiums	2 1 2 5	Non implementation / completion of IACS	- 120 074 000,00	- 143 677 810,00	23 603 810,00	1998
PT	LS premiums	2 1 2 5	Deficient control regime and non-application of sanctions	- 19 847 000,00	0,00	- 19 847 000,00	1997
PT	LS premiums	2 1 2 5	Deficient control regime and non-application of sanctions	- 23 890 000,00	0,00	- 23 890 000,00	1998
			Total	- 1 439 626 837,00	- 843 023 340,00	- 596 603 497,00	