

English edition

Information and Notices

<u>Notice No</u>	Contents	Page
	Council	
	<i>Acts adopted under Title VI of the Treaty on European Union</i>	
1999/C 176/01	Initiative of the Federal Republic of Germany with a view to the adoption of a Council Decision on the improved exchange of information to combat counterfeit travel documents	1
<hr/>		
	I Information	
	Commission	
1999/C 176/02	Euro exchange rates	4
1999/C 176/03	List of documents forwarded by the Commission to the Council during the period 7.6. to 11.6.1999	5
1999/C 176/04	Notice of initiation of an examination procedure concerning an obstacle to trade, within the meaning of Regulation (EC) No 3286/94, consisting of trade practices maintained by Canada in relation to the imports of <i>Prosciutto di Parma</i>	6
1999/C 176/05	Prior notification of a concentration (Case No IV/M.1585 — DFDS/FLS Industries/DAN Transport) ⁽¹⁾	8
1999/C 176/06	Non-opposition to a notified concentration (Case No IV/M.1476 — Adecco/Delphi) ⁽¹⁾	9
1999/C 176/07	Non-opposition to a notified concentration (Case No IV/M.1474 — Maersk/Safmarine) ⁽¹⁾	9
1999/C 176/08	Non-opposition to a notified concentration (Case No IV/M.1450 — SMS/Mannesmann Demag) ⁽¹⁾	10

EN

1

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
1999/C 176/09	Non-opposition to a notified concentration (Case No IV/M.1500 — TPG/Techno-logistica) ⁽¹⁾	10
1999/C 176/10	Non-opposition to a notified concentration (Case No IV/M.1459 — Bertelsmann/Havas/BOL) ⁽¹⁾	11
1999/C 176/11	Non-opposition to a notified concentration (Case No IV/M.1506 — Singapore Airlines/Rolls-Royce) ⁽¹⁾	11
1999/C 176/12	Non-opposition to a notified concentration (Case No IV/M.1482 — Kingfisher/Gross-labor) ⁽¹⁾	12
1999/C 176/13	Non-opposition to a notified concentration (Case No IV/M.1434 — Schneider/Lexel) ⁽¹⁾	12
1999/C 176/14	Notice regarding request submitted by the Republic of Moldova to take advantage of the special incentive arrangements concerning labour rights	13
1999/C 176/15	Notice of the impending expiry of certain anti-dumping measures	14

II *Preparatory Acts*

Commission

1999/C 176/16	Proposal for a Council Decision concerning the approval, on behalf of the Commission, of the amendments to the Annexes to the Convention on the protection of the marine environment of the Baltic Sea area (Helsinki Convention) ⁽¹⁾	15
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III *Notices*

Commission

1999/C 176/17	Results of the invitation to tender (Community food aid)	21
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⁽¹⁾ Text with EEA relevance

COUNCIL

(Acts adopted under Title VI of the Treaty on European Union)

INITIATIVE

of the Federal Republic of Germany with a view to the adoption of a Council Decision on the improved exchange of information to combat counterfeit travel documents

(1999/C 176/01)

(Text submitted to the Council on 27 May 1999)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 34(2)(c) thereof,

Having regard to the initiative of the Federal Republic of Germany,

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

Whereas:

- (1) counterfeit travel documents have increased to an alarming extent;
- (2) a computerised image archiving and transmission system (FADO) has been set up by the Joint Action of the Council of 3 December 1998 ⁽²⁾;
- (3) the improved exchange of information on counterfeit travel documents will make it possible to limit the counterfeiting of documents and thus make an effective contribution to combating crime and the smuggling of human beings;
- (4) the use of standardised information collection will facilitate and speed up the conduct of criminal proceedings;
- (5) this Decision does not affect the competence of the Member States relating to the recognition of passports, travel documents, visas, or other identity documents;

HAS DECIDED AS FOLLOWS:

Article 1

1. In order to improve further the exchange between Member States of information on false documents, a reporting system for detecting counterfeit travel documents shall be used. Its purpose shall be to:

a) make it easier to detect counterfeit travel documents on inspection, and

b) increase the effectiveness of the search for stolen travel documents,

with particular attention being paid to the serial number of the travel document.

2. The exchange of information shall not include personal details.

Article 2

1. The standard form set out in Annex I shall be used for the purpose of transmitting information in accordance with Article 1.

2. The central unit of each Member State shall directly and without delay exchange information with the central unit of each other Member State. It shall also notify the General Secretariat of the Council.

Article 3

1. For the purposes of the uniform collection of information which may be required for subsequent criminal proceedings relating to counterfeit travel documents, Member States shall, as far as possible, use the questionnaire set out in Annex II.

2. Data required for criminal proceedings referred to in paragraph 1 shall be communicated to other Member States in accordance with national law and international conventions.

Article 4

This Decision shall enter into force three months after its publication in the *Official Journal of the European Communities*.

Done at Brussels, 27 May 1999.

For the Council

The President

O. SCHILY

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

⁽²⁾ OJ L 333, 9.12.1998, p. 4.

ANNEX I

EU Flag	<p>Ad-hoc information of Member States of the European Union on counterfeit travel documents</p>	Flag of the issuing Member State
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<p>1</p> <p>Nationality of the document <i>(ISO-Country Code)</i></p>	<p>2</p> <p>Type of document <i>(A, B, C, D, E, H, or I)</i></p>	<p>3</p> <p>Serial number of the false document <i>(for research purposes)</i></p>
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4.	CHARACTERISTICS OF THE FALSE DOCUMENT <small>(Please use the common system of reference codes)</small>	
4.1.		4.4.
4.2.		4.5.
4.3.		4.6.

Space reserved for the presentation of images
(A second sheet may be used but only if absolutely necessary)

<p>Name of the issuing Member State and ISO country code</p>	<p>Address, telephone and fax No of the competent ad hoc information service</p>	<p>Date and serial No of the information</p>
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ANNEX II

QUESTIONNAIRE

for the survey of false document users in connection with the *ad hoc* information of Member States of the European Union on counterfeit travel documents**1. Data relating to the document user**

(needed for further inquiries, subpoena, ect.):

Name, first name, other name/alias/nick name, date of birth, place of birth, sex, nationality, contact address.

2. Information concerning the itinerary and reason for the use of the false document.**3. Information concerning the forger/manufacturer/dealer/organisation**

3.1. When, where ⁽¹⁾ and from whom ⁽²⁾ was the fals document received?

3.2. When and where ⁽¹⁾ did the first contact take place?

3.3. What conditions did you have to fulfil, in order to receive the document?

(Passport pictures, signatures, deposit, etc.)

3.4. When, how and where ⁽¹⁾ was the false document handed over?

Was a meeting place arranged?

3.5. How much did the false document cost?

3.6. When, how and where ⁽¹⁾ was the money handed over?

3.7. To what extent did other persons take part? Who?

Are other persons known to have been involved? Intermediaries? ⁽²⁾

3.8. Who ⁽²⁾ the forger and where ⁽¹⁾ was the false document manufactured?

3.9. Could you have received other documents (falsifications)?

3.10. Who ⁽²⁾ else received a similar false document?

3.11. Where ⁽¹⁾ are your genuine documents?

(If handed over to other persons, for example the smuggler ⁽²⁾, exact passport data including passport number)

3.12. Can you give other pertinent information?

⁽¹⁾ If you specify a place please indicate:

Country, city, building, apartment, business, railway station, restaurant, other location, means of transport, exact designation and/or description.

⁽²⁾ Personal data, name, first name, other name/alias/nick name, date of birth, place of birth, sex, nationality and other important information, for example description of person, apparent age, size, weight, hair colour, special characteristics, language, addresses, telephone numbers, vehicles (make, colour, number plate, special characteristics).

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**21 June 1999**

(1999/C 176/02)

1 euro	=	7,4318	Danish krone
	=	324,6	Greek drachma
	=	8,7295	Swedish krona
	=	0,6506	Pound sterling
	=	1,0339	United States dollar
	=	1,5119	Canadian dollar
	=	126,3	Japanese yen
	=	1,5967	Swiss franc
	=	8,104	Norwegian krone
	=	77,26685	Icelandic króna ⁽²⁾
	=	1,5804	Australian dollar
	=	1,9515	New Zealand dollar
	=	6,22626	South African rand ⁽²⁾

⁽¹⁾ Source: reference exchange rate published by the ECB.

⁽²⁾ Source: Commission.

LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL DURING THE PERIOD 7.6. TO 11.6.1999

(1999/C 176/03)

Opinion of the Commission on the amendments proposed by the European Parliament to the Council on the back cover

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(1999) 283	CB-CO-99-284-EN-C	Opinion of the Commission pursuant to Article 251(2)(c) of the EC Treaty, on the European Parliament's amendments to the Council's common position regarding the proposal for a European Parliament and Council Directive on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres ⁽³⁾	4.6.1999	7.6.1999	33
COM(1999) 263	CB-CO-99-258-EN-C	Communication from the Commission to the European Parliament and the Council — single market and environment ⁽³⁾	8.6.1999	8.6.1999	29
COM(1999) 279	CB-CO-99-285-EN-C	Proposal for a Council Decision approving the conclusion by the Commission of two Cooperation Agreements between the European Atomic Energy Community and the Republic of Ukraine in the fields of nuclear safety and controlled nuclear fusion	9.6.1999	10.6.1999	28
COM(1999) 252	CB-CO-99-251-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EC) No 1255/96 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial and agricultural products	10.6.1999	11.6.1999	12
COM(1999) 281	CB-CO-99-287-EN-C	Report from the Commission on the operation in 1998 of the export earnings stabilisation system under the fourth ACP-EC Convention as revised by the Agreement signed in Mauritius	11.6.1999	11.6.1999	24
COM(1999) 286	CB-CO-99-289-EN-C	Report from the Commission to the Council and the European Parliament relating to the exceptional Community aid for the reconstruction of the areas stricken by the cyclone that hit Madeira in October 1993	11.6.1999	11.6.1999	13
COM(1999) 287	CB-CO-99-290-EN-C	Proposal for a Council Decision concluding the Agreement for scientific and technological cooperation between the European Community and the People's Republic of China	11.6.1999	11.6.1999	22
COM(1999) 289	CB-CO-99-293-EN-C	Proposal for a Council Regulation (EC) imposing a definitive anti-dumping duty on imports of magnesium oxide originating in the People's Republic of China	11.6.1999	11.6.1999	25

⁽¹⁾ This document contains an impact assessment on business, and in particular on SMEs.

⁽²⁾ This document will be published in the *Official Journal of the European Communities*.

⁽³⁾ Text with EEA relevance.

NB: COM documents are available by subscription, either for all editions or for specific subject areas, and by single copy, in which case the price is based pro rata on the number of pages.

Notice of initiation of an examination procedure concerning an obstacle to trade, within the meaning of Regulation (EC) No 3286/94, consisting of trade practices maintained by Canada in relation to the imports of Prosciutto di Parma

(1999/C 176/04)

On 3 May 1999, the Commission received a complaint, pursuant to Article 4 of Council Regulation (EC) No 3286/94 ⁽¹⁾ (hereinafter 'the Regulation').

1. Complainant

The complaint is lodged by the *Consorzio del Prosciutto di Parma* (the Consortium) on behalf of the members of the consortium (201 Prosciutto di Parma producers).

The Consortium was set up in 1963 and was recognised as a body responsible for protecting Prosciutto di Parma by Ministerial Decree of 3 July 1978 on the basis of Law No 506 of 4 July 1979. This recognition was confirmed by Inter-Ministerial Decree of 12 April 1994 on the basis of Law No 26 of 13 February 1990.

2. Product

The product in question is Prosciutto di Parma (raw ham) (CN code 0210 19 81 9100).

Prosciutto di Parma enjoys a protected geographical indication (denominazione di origine tutelata — DOT) under Italian law (Law No 26 of 13 February 1990) and under Community law (protected designation of origin — PDO) as laid down in Regulations (EEC) No 2081/92 and (EC) No 1107/96.

The examination which the Commission is initiating may also cover other products in respect of which interested parties, which make themselves known within the time limits mentioned below (see point 8), provide evidence that the alleged practices are applicable in relation to such products.

3. Subject

The complaint concerns trade barriers allegedly caused by Canadian practices and which adversely affect the Community exports to the Canadian market. According to the complainant, Canada:

— does not protect the geographical indication of Prosciutto di Parma,

— refuses to register the Prosciutto di Parma collective trade mark, and

— does not provide appropriate legal remedies to effectively repress the unfair competition generated by the use of the trade mark 'Parma' by Canadian national producers.

4. Allegation of obstacles to trade

In 1964 the relevant Canadian authority, the Federal Trade Marks Office, authorised the registration of the trade mark 'Parma' by the Canadian company Primo Foods, which was later taken over by the Principal Marques Meat Company and then by Maple Leaf Meats, which is the current owner of the trade mark.

The result of the registration of this trade mark is that Prosciutto di Parma cannot be imported under its geographical indication, as the use of the name would allegedly constitute an infringement of the Canadian 'Parma' trade mark. The Consortium was also refused registration of its own mark because of the earlier registration of the Canadian 'Parma' trade mark.

According to the complainant, by so acting, the Canadian authorities have denied protection to the geographical indication Prosciutto di Parma and infringed the protected geographical indication Prosciutto di Parma and infringed the protected geographical indication 'Parma' in that they legitimise calling cured pigmeat Prosciutto di Parma regardless of how and where it has been produced.

The complainant holds that it suffers discrimination compared with holders of other local or foreign geographic indications, which are protected in Canada.

In summary, the complainant claims that Canada:

— prevents the import of ham bearing the geographical indication Prosciutto di Parma and does not allow the complainant to use this geographical indication,

— gives legal protection to a trade mark, the effect of which is to deceive consumers as to the nature, the manufacturing process and the characteristics of the ham sold under the trade mark 'Parma',

— does not accord the Consortium the appropriate legal remedies to effectively repress the use of a similar mark.

⁽¹⁾ Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation (OJ No L 349, 31.12.1994, p. 71), as last amended by Council Regulation (EC) No 356/95 (OJ L 41, 23.2.1995, p. 3).

The Consortium contends that the abovementioned Canadian constitute obstacles to trade within the meaning of Article 2(1) of the Regulation.

In the complainant's opinion, the obstacles to trade result from the fact that these practices contravene several multi-lateral trade rules:

- Article 22 of the TRIPS by:
- Article 10bis and 10ter of the Paris Convention for the Protection of Industrial Property of 1883 (last amended in 1979). Article 2 of the TRIPS provides that, in respect to, *inter alia*, trade marks and geographical indications, Members shall comply with Articles 1 to 12, and Article 19, of the Paris Convention.
- Article XI.1 of the GATT

In conclusion, according to the *prima facie* evidence submitted by the complainant, it appears that Canada could be in breach of its obligations under the TRIPS Agreement. During the investigation, the Commission services will also take into consideration eventual possible violations of other WTO provisions.

5. Allegation of adverse trade effects

The complainant contends that the Prosciutto di Parma industry is suffering, and is threatened with further, adverse trade effects within the meaning of Article 2(4) of the Regulation.

Prosciutto di Parma is known all over the world as a very high quality product. The difference in price between Prosciutto di Parma and other hams is justifiable only if consumers are given assurance of this quality. The complainant contends that this assurance can only be given through use of the Prosciutto di Parma denomination. Without this it is practically impossible to build new markets for Prosciutto di Parma.

In Canada, sales of Prosciutto di Parma have remained at a very low level in comparison to the potential of the Canadian market and even dropped in 1998. According to the complainant, this anomaly is attributable to the fact that it is impossible to run normal advertising and promotional campaigns to launch the product using the Prosciutto di Parma geographical indication. Indeed, the fact that this denomination cannot be used puts a stop to any advertising activity designed to inform the public and enhance the value of the product.

Moreover, the complainant claims that, even if the importation into Canada under the Prosciutto di Parma geographical indication was authorised, the existence of a Canadian 'Parma' trade mark would cause confusion.

In 1998 the members of the Consortium produced 8 654 000 pieces of Prosciutto di Parma. About 15 % of them were exported and of this 15 %, only 0,6 % went to Canada, i.e. 8 000 hams. The complainant considers Canada to be a market that could absorb at least 40 000 to 50 000 a year, especially in view of its large Italian community. In the Consortium's view the inability to break into the Canadian market is mainly attributable to the non-use of its geographical indication.

The complainant stresses also the fact that the hams exported to Canada are produced exclusively for that market with the application, right from the pig-rearing and slaughtering stages, of a number of hygiene controls and special production techniques. Of course, compliance with all these manufacturing conditions leads to extra production costs (at least 20 % more) that cannot be recovered by selling the product on other Italian, Community or international markets.

The complainant also considers that the recent trade agreement between Canada and the European Community will greatly increase the potential of the Canadian market; consequently, the adverse trade effects suffered by Prosciutto di Parma producers will also be magnified.

Under such circumstances, there appears to be *prima facie* evidence of adverse trade effects as defined in Article 2(4) of the Regulation.

6. Community interest

The protection and enforcement of intellectual property rights, and in particular of geographical indications, is of great importance for the economy of several regions of the Community. It is essential to safeguard the access to third country markets of the Community top quality products, especially in the agricultural sector, to tackle in a continuous and consistent way attempts to protect national economic interests through WTO incompatible practices.

Thereupon, also in view of the significant adverse trade effect the measures appear to have on the Community, it is considered to be in the Community's interest to initiate an examination procedure.

7. Procedure

Having decided, after consultation of the Advisory Committee established by the Regulation, that there is sufficient evidence to justify initiating an examination procedure for the purpose of considering the legal and factual issues involved, and that this is in the interest of the Community, the Commission has commenced an examination in accordance with Article 8 of the Regulation.

Interested parties may make themselves known and make known their views in writing, in particular by addressing the specific issues raised by the complaint, and by providing supporting evidence.

Furthermore, the Commission will hear parties who so request in writing when making themselves known, provided that they are a party primarily concerned by the result of the procedure.

This notice is published in accordance with Article 8(1)(a) of the Regulation.

8. Time limit

Any information relating to the matter and any requests for hearing should be sent in writing to:

European Commission
Directorate General I (External Relations: Commercial Policy and Relations with North America, the Far East, Australia and New Zealand)
Mr Alistair Stewart, DG I/E/3
DM 24, 05/77
Rue de la Loi/Wetstraat 200
B-1049 Brussels,
Fax (32-2) 295 65 05.

Any such information or request for a hearing should reach the Commission not later than 30 days following the publication of this notice.

Prior notification of a concentration

(Case No IV/M.1585 — DFDS/FLS Industries/DAN Transport)

(1999/C 176/05)

(Text with EEA relevance)

1. On 11 June 1999, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking DFDS A/S (DFDS), controlled by the Lauritzen Group (Lauritzen), acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of DAN Transport Holding A/S (DAN Transport) from FLS Industries A/S (FLS Industries), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- DFDS: shipping and transport activities,
- Lauritzen: shipping, transport and industrial activities,
- DAN Transport: shipping and transport activities,
- FLS Industries: international engineering and manufacturing activities.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1585 — DFDS/FLS Industries/DAN Transport, to:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

Non-opposition to a notified concentration**(Case No IV/M.1476 — Adecco/Delphi)**

(1999/C 176/06)

(Text with EEA relevance)

On 26 March 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1476. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/4B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

Non-opposition to a notified concentration**(Case No IV/M.1474 — Maersk/Safmarine)**

(1999/C 176/07)

(Text with EEA relevance)

On 7 May 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1474. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

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2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

Non-opposition to a notified concentration
(Case No IV/M.1450 — SMS/Mannesmann Demag)

(1999/C 176/08)

(Text with EEA relevance)

On 8 April 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CDE' version of the CELEX database, under document number 399M1450. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

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Information, Marketing and Public Relations (OP/4B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

Non-opposition to a notified concentration
(Case No IV/M.1500 — TPG/Technologica)

(1999/C 176/09)

(Text with EEA relevance)

On 11 May 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1500. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

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Information, Marketing and Public Relations (OP/4B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

Non-opposition to a notified concentration**(Case No IV/M.1459 — Bertelsmann/Havas/BOL)**

(1999/C 176/10)

(Text with EEA relevance)

On 6 May 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1459. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/4B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

Non-opposition to a notified concentration**(Case No IV/M.1506 — Singapore Airlines/Rolls-Royce)**

(1999/C 176/11)

(Text with EEA relevance)

On 10 May 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1506. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/4B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

Non-opposition to a notified concentration**(Case No IV/M.1482 — Kingfisher/Grosslabor)**

(1999/C 176/12)

(Text with EEA relevance)

On 12 April 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1482. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

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2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

Non-opposition to a notified concentration**(Case No IV/M.1434 — Schneider/Lexel)**

(1999/C 176/13)

(Text with EEA relevance)

On 3 June 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1434. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,
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2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

Notice regarding request submitted by the Republic of Moldova to take advantage of the special incentive arrangements concerning labour rights

(1999/C 176/14)

The Commission has received a request from the Republic of Moldova under Article 3 of Council Regulation (EC) No 1154/98 ⁽¹⁾ to take advantage of the special incentive arrangements concerning labour rights.

The special incentive arrangements concerning labour rights offer additional preferential benefits in respect of certain industrial and agricultural products to countries which effectively implement the standards laid down by the ILO conventions relating to free trade unions and the right to collective bargaining, as well as the convention relating to minimum age for admission of employment.

The terms and conditions for the application of the special incentive arrangements provided for in Article 7 of Regulations (EC) No 3281/94 ⁽²⁾ and (EC) No 1256/96 ⁽³⁾ are laid down under Title I of Regulation (EC) No 1154/98.

According to Article 3 of Council Regulation (EC) No 1154/98 the request to take advantage of the special regime should give details of:

- the domestic legislation incorporating the substance of the standards laid down in ILO Conventions Nos 87 and 98 concerning application of the principles of the right to organise and to bargain collectively and Convention 138 concerning the minimum age of admission to employment; the full text of such legislation must be attached, together with an authentic translation into one of the Community languages,
- the measures taken to implement and monitor their legislation effectively, any sectoral limits on their application, any breaches observed and a breakdown of such breaches by production sector,
- a commitment by the government of the country in question to take full responsibility for monitoring the application of the special arrangements and the relevant administrative cooperation procedures.

On 11 February 1999, the authorities of the Republic of Moldova have submitted copies of their domestic legislation incorporating the aforementioned Conventions:

Principles of the right to organise:

- Moldovan Constitution;
- Moldovan Code of Labour of 23 May 1973;

- Decree N247 of 15 December 1992;
- Law N1298-XII of 24 February 1993;
- Law N1303 XII of 25 February 1993;
- Law N837-XII of 17 May 1996;
- National Decision N323 of 20 March 1998;

Principles of the right to bargain collectively:

- Moldovan Constitution;
- Moldovan Code of Labour;
- Law N1304-XII of 25 February 1993;
- Decree N75-II of 11 March 1997;
- National Decision N323 of 20 March 1998;

Minimum age of admission to employment:

- Moldovan Constitution;
- Article 181 of the Moldovan Code of Labour.

The Republic of Moldova informed the Commission of the measures taken to implement and monitor the legislation by correspondence of 1 July 1998 (No 2209-466), 17 March 1999 (No 070) and 4 May 1999 (No 143). No sectoral limitations on their application nor any breaches were communicated.

By letter of 1 July 1998 the Government of the Republic of Moldova committed itself to take full responsibility for monitoring the application of the special arrangements and the relevant administrative cooperation procedures.

Any observation concerning this request may be sent by any interested natural or legal person, within two months, as of the date of publication of this notice, to the following address:

European Commission,
Directorate-General IB 'External Relations' —
Unit IB.D.3,
Rue de la Loi/Wetstraat, 200,
Office CHAR 6/157,
B-1040 Brussels,
Fax (32-2) 299 10 47

⁽¹⁾ OJ L 160, 4.6.1998, p. 1.

⁽²⁾ OJ L 348, 31.12.1994, p. 1.

⁽³⁾ OJ L 10, 29.6.1996, p. 1.

Notice of the impending expiry of certain anti-dumping measures

(1999/C 176/15)

1. The Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below, as provided in Article 11(2) of Council Regulation (EC) No 384/96 of 22 December 1995 ⁽¹⁾ on protection against dumped imports from countries not members of the European Community, as last amended by Council Regulation (EC) No 905/98 ⁽²⁾.

2. Procedure

Community producers may lodge a written request for a review. This request must contain sufficient evidence that the removal of the measures would be likely to result in a continuation or recurrence of dumping and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Community producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

3. Time limit

Community producers may submit a written request for a review on the above basis, to reach the Commission of the European Communities, Directorate-General I — External Relations: Commercial Policy and Relations with North America, the Far East, Australia and New Zealand (Division I-C-2), rue de la Loi/Wetstraat 200, B-1049 Brussels ⁽³⁾ at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 384/96 of 22 December 1995.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry
Urea ammonium nitrate solution	Bulgaria Poland	Duty	Regulation (EC) No 3319/94 (OJ L 350, 31.12.1994)	1.1.2000
	Bulgaria	Untertaking	Decision 94/825/EC (OJ L 350, 31.12.1994)	

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ Telex COMEU B 21877; Telefax (32-2) 295 65 05.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Decision concerning the approval, on behalf of the Commission, of the amendments to the Annexes to the Convention on the protection of the marine environment of the Baltic Sea area (Helsinki Convention)

(1999/C 176/16)

(Text with EEA relevance)

COM(1999) 128 final — 1999/0077(CNS)

(Submitted by the Commission on 18 March 1999)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 130r, paragraph 4 in conjunction with Article 228, paragraph 2, first sentence and paragraph 3, first subparagraph,

Having regard to the proposal of the Commission,

Having regard to the opinion of the European Parliament,

(1) Whereas, by Council Decision 94/156/EC ⁽¹⁾, the European Community has approved the Convention on the protection of the marine environment of the Baltic Sea area 1974 (Helsinki Convention) and became party to the Convention on ...

(2) Whereas, by Council Decision 94/157/EC ⁽²⁾, the European Community has approved the Convention on the protection of the marine environment of the Baltic Sea area (Helsinki Convention as revised in 1992) and became party to the Convention on ...

(3) Whereas on 26 March 1998, the Helsinki Commission has adopted amendments to Annexes III and IV to the 1974 and the 1992 Helsinki Convention, has communicated the amendments to contracting parties and has recommended the contracting parties to accept such amendments.

(4) Whereas, according to Article 24(2) of the 1974 Helsinki Convention and Article 32(3) of the 1992 Helsinki Convention, any amendment shall be deemed to have been accepted at the end of a period determined by the Helsinki Commission unless within that period any one of the contracting parties has, by written notification to the depositary, objected to the amendment.

(5) Whereas amendments to Annexes III and IV to the 1974 and the 1992 Helsinki Conventions shall be deemed to have been accepted by 1 January 1999 unless within that period any one of the contracting parties has objected to the amendments.

HAS DECIDED AS FOLLOWS:

Article 1

The amendments to Annexes III and IV to the 1974 Helsinki Convention and to the 1992 Helsinki Convention that have been recommended for acceptance by the Helsinki Commission on 26 March 1998, are hereby accepted on behalf of the European Community.

The text of the amendment is attached to this Decision.

⁽¹⁾ OJ L 73, 16.3.1994, p. 1.

⁽²⁾ OJ L 73, 16.3.1994, p. 19.

HELCOM RECOMMENDATION 19/6

Adopted on 26 March 1998, having regard to Article 13(b) of the Helsinki Convention

AMENDMENTS TO ANNEX III TO THE HELSINKI CONVENTION CONCERNING REGULATIONS ON PREVENTION OF POLLUTION FROM AGRICULTURE

THE COMMISSION,

RECALLING Article 2(1), (2), (6) and (7), Article 3(1), Article 5 and Article 6(1), (2), (6), (7) and (8) of the 1974 Helsinki Convention,

RECALLING ALSO Article 2(1), (2), (7) and (8), Article 3(1), (2), (3), (5) and (6), Article 5 and Article 6(1), (2) and (4) and Article 15 of the 1992 Helsinki Convention,

RECALLING FURTHER the Presidency Declaration of the Baltic Sea Summit, 1996, and the action programme for the Baltic Sea States cooperation calling for urgent elaboration and adoption of the agricultural Annex to the Helsinki Convention,

CONSCIOUS that agricultural activities within the Baltic Sea catchment are responsible, *inter alia*, for pollution of water and air by nitrogen, phosphorus and plant protection products, causing negative effects on the Baltic Sea ecosystem including eutrophication, oxygen depletion and reduced biological diversity,

TAKING INTO CONSIDERATION the amendment procedure for the Annexes of the Helsinki Convention as contained in Article 24 of the 1974 Helsinki Convention and Article 32 of the 1992 Helsinki Convention,

NOTING Article 19(2) of the 1992 Helsinki Convention according to which the Baltic Marine Environment Commission established pursuant to the 1974 Helsinki Convention is the Commission under the 1992 Helsinki Convention,

TAKING ALSO INTO CONSIDERATION Article 36(1) of the 1992 Helsinki Convention,

RESOLVES:

- (a) to adopt amendments to Annex III of the Helsinki Convention appearing in the attachment to this recommendation,
- (b) to ask the Depositary Government to communicate amendments to the contracting parties with the Commission's recommendation for acceptance,
- (c) to determine that amendments shall be deemed to have been accepted unless prior to 1 January 1999 any of the contracting parties has objected to the amendments, and
- (d) to determine that the accepted amendments shall enter into force on 1 January 2000,

RESOLVES also to amend accordingly Annex III to the Convention on the protection of the marine environment of the Baltic Sea area, 1992 at the date of entry into force of the accepted amendments, if this Convention entered into force prior to these amendments,

URGES that:

- (a) the Governments of Denmark, Finland, Germany and Sweden shall develop programmes for the implementation of measures referred to in part II of Annex III by 1 January 2000 and implement them by 1 January 2002,
- (b) the Governments of Estonia, Latvia, Lithuania, Poland and Russia shall develop programmes for the implementation of measures referred to in part II of Annex III and implement them as soon as possible but not later than 1 January 2002 and 1 January 2001, respectively,

REQUESTS the Governments of the contracting parties to report on the progress of implementation in accordance with the agreed deadlines.

ATTACHMENT TO HELCOM RECOMMENDATION 19/6 CONCERNING AMENDMENTS TO ANNEX III

After the general title of Annex III the words 'Part I: Prevention of pollution from industry and municipalities' are inserted.

After Part I new regulations are inserted as follows:

PART II: PREVENTION OF POLLUTION FROM AGRICULTURE

Regulation 1: General provisions

In accordance with the relevant parts of this Convention the contracting parties shall apply the measures described below and take into account best environment practice (BEP) and best available technology (BAT) to reduce the pollution from agricultural activities. The contracting parties shall elaborate guidelines containing elements specified below and report to the Commission.

Regulation 2: Plant nutrients

The contracting parties shall integrate the following basic principles into national legislation or guidelines and adapt to the prevailing conditions within the country to reduce the adverse environmental effects of agriculture. Specified requirement levels shall be considered to be a minimum base for national legislation.

1. *Animal density*

To ensure that manure is not produced in excess in comparison to the amount of arable land, there must be a balance between the amount of animals on the farm and the amount of land available for spreading manure, expressed as animal density. The maximum amount of animals should be precised with consideration taken to the amount of phosphorus and nitrogen in manure and the crop requirements of plant nutrients.

2. *Manure storage*

Manure storage must be of such a quality that prevents losses. The storage capacity shall be sufficiently large, to ensure that manure only will be spread when the plants can utilise nutrients. The minimum level to be required should be 5 months storage capacity. Urine and slurry stores should be covered or handled by a method that efficiently reduces ammonia emissions.

3. *Agricultural waste water and silage effluents*

Waste water from animal housings should either be stored in urine or slurry stores or else be treated in some suitable manner to prevent pollution. Effluents from the preparation and storage of silage should be collected and directed to storages for urine or liquid manure.

4. *Application of organic manures*

Organic manures (slurry, solid manure, urine, sewage sludge, composts, etc) shall be spread in a way that minimises the risk for loss of plant nutrients and should not be spread on soils that are frozen, water saturated or are covered with snow. Organic manures should be incorporated as soon as possible after application on bare soils. Periods shall be defined when no application is accepted.

5. *Application rates for nutrients*

Application rates for nutrients should not exceed the crop nutrient requirements. National guidelines should be developed with fertilizing recommendations and they should take reference to:

(a) soil conditions, soil nutrient content, soil type and slope; (b) climatic conditions and irrigation; (c) land use and agricultural practices, including crop rotation systems; (d) all external potential nutrient sources.

6. *Winter crop cover*

In relevant regions the cultivated area should be sufficiently covered by crops in winter and autumn to effectively reduce the loss of plant nutrients

7. *Water protection measures and nutrient reduction areas*

(a) Surface water: buffer zones, riparian zones or sedimentation ponds should be established, if necessary.

(b) Ground water: ground water protection zones should be established if necessary. Appropriate measures such as reduced fertilisation rates, zones where manure spreading is prohibited and permanent grass land areas should be established.

- (c) Nutrient reduction areas: wetland areas should be retained and where possible restored, to be able to reduce plant nutrient losses and to retain biological diversity.

Regulation 3: Plant protection products

Plant protection products shall only be handled and used according to a national risk reduction strategy which shall be based on best environmental practice (BEP). The strategy should be based on an inventory of the existing problems and designated suitable goals. It shall include measures such as:

1. Registration and approval

Plant protection products shall not be sold, imported or applied until registration and approval for such purposes has been granted by the national authorities.

2. Storage and handling

Storage and handling of plant protection products shall be carried out so that the risks of spillage or leakage are prevented. Some crucial areas are transportation and firing and clearing of equipment. Other dispersal of plant protection products outside the treated agricultural land area shall be prevented. Waste of plant protection products shall be disposed of according to national legislation.

3. Licence

A licence shall be required for commercial use of plant protection products. To obtain a licence suitable education and training on how to handle plant protection products with a minimum of impact on health and the environment shall be required. The users' knowledge regarding the handling and usage of plant protection products shall be updated regularly.

4. Application technology

Application technology and practice should be designed to prevent unintentional drift or run-off of plant protection products. Establishment of protection zones along surface waters should be encouraged. Application by aircraft shall be forbidden; exceptional cases require authorisation.

5. Testing of spraying equipment

Testing of spraying equipment at regular intervals shall be promoted to ensure a reliable result when spraying with plant protection products.

6. Alternative methods of control

Development of alternative methods for plant protection control should be encouraged.

Regulation 4: Environmental permits

Farms with livestock production above certain size should require approval with regard to environmental aspects and impacts of the farms.

Regulation 5: Environmental monitoring

The contracting parties shall develop projects to assess the effects of measures and the impacts of the agricultural sector on the environment.

Regulation 6: Education, information and extension service

The contracting parties shall promote systems for education, information and extension (advisory service) on environmental issues in the agricultural sector.

HELCOM RECOMMENDATION 19/7

Adopted 26 March 1998 pursuant to Article 13(c) of the Helsinki Convention

AMENDMENTS TO ANNEX IV OF THE HELSINKI CONVENTION

THE COMMISSION,

RECALLING the goals of the Baltic strategy for port reception facilities for ship-generated wastes and associated issues,

RECALLING ALSO HELCOM Recommendation 17/11 concerning reception facilities which calls for the development and application of harmonised, mandatory rules for fishing vessels, working vessels and pleasure craft which are not covered by the existing regulations in respect to toilet retention systems and holding tanks for sewage,

RECALLING FURTHER that HELCOM Recommendation 17/11 concerning reception facilities stipulates the need for the development of mandatory regulations for ships to deliver all garbage to a port reception facility before leaving port, taking into account special arrangements for e.g. passenger ferries and ships engaged in short voyages,

BEING AWARE, that the implementation of the strategy is one of the prerequisites for substantial decrease in the number of operational and illegal discharges and thus for the protection of the marine environment of the Baltic Sea area from pollution by ships,

NOTING, that Annex IV of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) only covers those small vessels which are certified to carry more than 10 persons on board,

BEARING IN MIND Regulations 5 and 7 of Annex V of MARPOL 73/78 and Regulation 7 of Annex IV to the 1974 Helsinki Convention and Regulation 5 of Annex IV to the 1992 Helsinki Convention, in which the contracting parties undertake to ensure the provision of facilities at their ports and terminals of the Baltic Sea area for the reception of garbage and sewage, without causing undue delay to ships, adequate to meet the needs of ships using them,

NOTING ALSO Article 19(2) of the 1992 Helsinki Convention according to which the Baltic Marine Environment Protection

Commission, established pursuant to the 1974 Helsinki Convention, is the Commission under the 1992 Helsinki Convention,

TAKING INTO CONSIDERATION the amendment procedure for the Annexes of the Helsinki Convention as contained in Article 24 of the Convention,

RESOLVES:

- (a) to adopt new Regulations 7a and 8a to Annex IV to the Convention on the protection of the marine environment of the Baltic Sea area, 1974, appearing in the Attachment to this Recommendation,
- (b) to ask the Depositary Government to communicate amendments to the contracting parties with the Commission's Recommendation for acceptance;
- (c) to determine that amendments shall be deemed to have been accepted unless prior to 1 January 1999 any of the contracting parties has objected to the amendments; and
- (d) to determine that accepted amendments shall enter into force on 1 January 2000,

RESOLVES ALSO to amend accordingly Annex IV of the Convention on the protection of the marine environment of the Baltic Sea area, 1992, at the date of entry into force of the accepted amendments, if this Convention entered into force prior to these amendments,

REQUESTS the Governments of those contracting parties being Member States of the European Union to strive for corresponding regulations as part of a European Council Directive on port reception facilities for waste and residues from ships,

REQUESTS FURTHER the Governments of the contracting parties to report on the implementation of this recommendation in accordance with the reporting format on the implementation of the Baltic strategy for port reception facilities for ship-generated wastes and associated issues.

ANNEX

A new Regulation 7a in Annex IV of the Helsinki Convention is inserted:

Regulation 7a: Discharge of sewage by other ships*A. Compliance*

All other ships including pleasure craft not referred to in paragraph B of Regulation 7 fitted with toilets shall comply with the provisions of paragraphs A, C and D of Regulation 7 as follows:

(a) on 1 January 2005 for ships built before 1 January 2000, and (b) upon the entry into force of this Regulation for ships built on or after 1 January 2000.

B. Toilet retention systems

Ships referred to in paragraph A shall be fitted with toilet retention systems for sewage in accordance with guidelines approved by the Helsinki Commission.

C. Reception facilities

1. Paragraph E 1 of Regulation 7 shall apply, as appropriate, to ships referred to in paragraph A.
2. To enable pipes of reception facilities to be connected with the discharge pipeline of ships referred to in paragraph A, both lines shall be fitted with a standard discharge connection in accordance with guidelines approved by the Helsinki Commission.

A new Regulation 8a in Annex IV of the Helsinki Convention is inserted:

Regulation 8a: Mandatory discharge of all wastes to a port reception facility*A. Definitions*

For the purpose of this Regulation:

1. 'Ship-generated wastes' means all residues generated during the service of the ship, including oily residues from engine room spaces, sewage, and garbage as defined in Annex V to Marpol 73/78, cargo associated waste including but not limited to loading/unloading excess and spillage, dunnage, shoring, pellets, rining and packing material, plywood, paper, cardboard, wire and steel strapping;
2. 'Cargo residues' means the remnants of any cargo material on board in cargo holds which remain for disposal after unloading procedures are completed.

B. Discharge of wastes to a port reception facility

Before leaving port ships shall discharge all ship-generated wastes, which are not allowed to be discharged into the sea in the Baltic Sea area in accordance with Marpol 73/78 and this Convention, to a port reception facility. Before leaving port all cargo residues shall be discharged to a port reception facility in accordance with the requirements of Marpol 73/78.

C. Exemptions

1. Exemptions may be granted by the administration from mandatory discharge of all wastes to a port reception facility taking into account the need for special arrangements for, e.g., passenger ferries engaged in short voyages. The administration shall inform the Helsinki Commission on the issued exemptions.
 2. In case of inadequate reception facilities ships shall have the right to properly stow and keep wastes on board for delivery to next adequate port reception facility. The port authority or the operator shall provide a ship with a document informing on inadequacy of reception facilities.
 3. A ship should be allowed to keep on board minor amounts of wastes which are unreasonable to discharge to port reception facilities.
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III

(Notices)

COMMISSION

Results of the invitation to tender (Community food aid)

(1999/C 176/17)

as provided for in Article 9(7) of Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid

(Official Journal of the European Communities L 346, 17.12.1997, p. 23)

15 June 1999

Regulation (EC) No/ Decision of	Lot	Action No	Recipient	Product	Quantity (tonnes)	Delivery	Successful tenderer	Awarded price (EUR/t)
1145/1999	A	247/97	EuronAid/Soudan	BISC	90	EMB	n. a.	(¹)
1146/1999	A	154/98	UNRWA/Israël	LENP	216	DEB	n. a.	(²)
	B	155/98	UNRWA/Liban	LENP	96	DEST	n. a.	(²)
	C	156/98	UNRWA/Syrie	LENP	70	DEB	n. a.	(²)
	D	157/98	UNRWA/Jordanie	LENP	108	DEST	n. a.	(²)
	E	158/98	UNRWA/Israël	LENP	84	DEB	n. a.	(²)
1147/1999	A	780/96; 447-449/97; 615/97	EuronAid/. . .	CBL	661,8	EMB	MAICERIAS ESPANOLAS SA — ALMASSERA (E)	369,00 (*)

n. a. No contract was awarded.

(*) In pursuance of Reg. (EC) No 2519/97, Art. 9.2.

(¹) Regulation amended, second deadline for the submission of tenders: 6.7.1999.(²) Second deadline for the submission of tenders: 29.6.1999.

BLT: Common wheat
 FBLL: Common wheat flour
 CBL: Long grain milled rice
 CBM: Medium grain milled rice
 CBR: Round grain milled rice
 BRI: Broken rice
 FHAF: Oat flakes
 FROF: Processed cheese
 WSB: Wheat soya blend
 SUB: Sugar
 ORG: Barley
 SOR: Sorghum
 DUR: Durum wheat
 GDUR: Durum wheat groats
 MAI: Maize
 FMAI: Maize flour

B: Butter
 GMAI: Maize groats
 SMAI: Maize meal
 LEP: Whole milk powder
 LDEP: Semi-skimmed milk powder
 LEP: Skimmed-milk powder
 LEPv: Vitaminized skimmed-milk powder
 CT: Tomato concentrate
 CM: Tinmeat mackerel
 BISC: High protein biscuits
 BO: Butteroil
 HOLI: Olive oil
 HCOLZ: Refined rape or colza oil
 HPALM: Semi-refined palm oil
 HSOJA: Refined soya-bean oil
 HTOUR: Refined sunflower oil

BPJ: Beef in its own juice
 CB: Corned beef
 COR: Currants
 BABYF: Babyfood
 LHE: High-energy milk
 Lsub1: Infant milk
 Lsub2: Follow-on milk
 PAL: Pasta
 PISUM: Split peas
 FEQ: Horse beans (*Vicia faba equina*)
 FABA: Broad beans (*Vicia faba major*)
 SAR: Sardines
 DEB: Free at port of landing, landed
 DEN: Free at port of landing — ex ship
 EMB: Free at port of shipment
 DEST: Free at destination
 EXW: Ex works