

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2136/98
of 6 October 1998
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,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, 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 7 October 1998.

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

Done at Brussels, 6 October 1998.

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.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 6 October 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	052	91,5
	999	91,5
0709 90 70	052	93,0
	999	93,0
0805 30 10	052	66,0
	388	98,6
	524	78,4
	528	55,9
	999	74,7
0806 10 10	052	95,3
	064	50,8
	400	159,9
	999	102,0
	0808 10 20, 0808 10 50, 0808 10 90	060
064		37,6
388		35,2
400		65,9
442		43,2
999		44,5
0808 20 50		052
	064	55,6
	999	71,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 2137/98
of 5 October 1998
concerning the stopping of fishing for cod by vessels flying the flag of Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2635/97⁽²⁾, and in particular Article 21(3) thereof,

Whereas Council Regulation (EC) No 62/98 of 19 December 1997 laying down for 1998 certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the North West Atlantic Fisheries⁽³⁾, provides for cod quotas for 1998;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of NAFO zone 3M by vessels flying the flag of Portugal or registered in Portugal have reached the quota allocated for 1998;

whereas Portugal has prohibited fishing for this stock as from 4 September 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of NAFO zone 3M by vessels flying the flag of Portugal or registered in Portugal are deemed to have exhausted the quota allocated to Portugal for 1998.

Fishing for cod in the waters of NAFO zone 3M by vessels flying the flag of Portugal or registered in Portugal is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 4 September 1998.

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

Done at Brussels, 5 October 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 121.

COMMISSION REGULATION (EC) No 2138/98
of 6 October 1998
amending Regulation (EEC) No 3846/87 establishing an agricultural product
nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(14) thereof,

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 1353/98 ⁽⁴⁾, establishes an agricultural product nomenclature for export refunds based on the Combined Nomenclature; whereas the footnotes to Sector 9 of the Annex to that Regulation lay down rules to be followed when granting and calculating refunds on milk and milk products; whereas, under those rules, milk products containing permeate are not eligible for a refund; whereas it should be specified that that rule also applies to products consisting solely of permeate;

Whereas, to avoid problems in trade, the obligation to declare the actual content of added substances which are ineligible for the grant of a refund during customs formalities should be replaced by the obligation to declare a maximum content of such added substances;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

In Sector 9 of the Annex to Regulation (EEC) No 3846/87, footnotes 1, 2, 4, 8, 10, 13 and 14 are hereby replaced by the footnotes listed in the Annex to this Regulation.

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, 6 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 29.

ANNEX

Notes

- (1) Where the product falling within this subheading consists of permeate or where non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added to the product, no export refund is payable.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added to the product or if the product consists of permeate.

- (2) Where the product falling within this subheading contains added non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504, the added non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 must not to be taken into account in the calculation of the refund.

If the product falling within this subheading consists of permeate, no export refund is payable.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether the product contains permeate or whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinate and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:

- the maximum content by weight of non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

- (4) The refund per 100 kilograms of product falling within this subheading is equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kilograms of product.

However, where whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added to the product, the amount per kilogram shown is to be multiplied by the weight of the lactic matter other than whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of product;

- (b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether the lactic matter consists of permeate or whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:

- the maximum content by weight of whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 and of sucrose and/or other non-lactic matter added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

If the lactic matter in the product consists of permeate, no export refund is payable.

- (6) When completing customs formalities, the applicant must state on the declaration provided for that purpose:

- the skimmed-milk powder content by weight,
- whether or not whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:
 - the maximum content by weight of whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product, and in particular,
 - the lactose content of the added whey per 100 kilograms of finished product.

- (¹⁰) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products covered by CN code 3504, the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey (excluding whey butter covered by CN code 0405 10 50) and/or lactose and/or permeate and/or products covered by CN code 3504 will not be taken into account for the purpose of calculating the refund.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case, the maximum content by weight of the non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey (specifying, where applicable the whey butter content) and/or lactose and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product.

- (¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the refund.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.

- (¹⁴) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the refund.

The refund on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;
- (b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the maximum content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

COMMISSION REGULATION (EC) No 2139/98
of 6 October 1998

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protective designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 under protection of geographical indications and designations of origin for agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Regulation (EC) No 1068/97 ⁽²⁾, and in particular Article 7(5)(b) thereof,

Whereas, in accordance with Article 5 of Regulation (EEC) No 2081/92 France, has sent the Commission an application for registration of a name as a geographical indication;

Whereas it has been found, in accordance with Article 6(1) of the above Regulation, that the application meets all the Regulation's requirements, in particular that all the information required under Article 4 has been provided;

Whereas several declarations of opposition within the meaning of Article 7 of the above Regulation were sent to the Commission following publication of the name in the Annex to this Regulation in the *Official Journal of the European Communities* ⁽³⁾ but that only one of these declarations was considered justified and accordingly admissible; whereas the declarations of opposition deemed inadmissible either failed to show the grounds on which the opposition was based or did not relate to the comprehensive grounds for opposition laid down in paragraph 4 of that Article;

Whereas in accordance with Article 7(5) of that Regulation and in view of the fact that French producers submitted a declaration of opposition, the Commission invited the Member State concerned to seek agreement; whereas, however, no agreement was reached and the Commission must accordingly decide on registration of the name in question;

Whereas, with regard to a declaration of opposition from Danish producers, the Commission had to reconsider its position because of factors which had not come to light at the time the opposition was sent to the Commission; whereas that opposition should also be declared admissible;

Whereas, under Article 13(4) of Regulation (EEC) No 2081/92, as added by Council Regulation (EEC) No 535/97 ⁽⁴⁾, provision may be made for a transitional period of up to five years under Article 7(5)(b), where *inter alia* products exist (as in this case) which have been legally on the market for at least five years preceding the date of the publication provided for in Article 6(2) of Regulation (EEC) No 2081/92; whereas such transitional period may be provided for only where undertakings have legally marketed the products concerned using the names in question continuously for at least five years preceding the date of publication provided for in Article 6(2) of that Regulation; whereas the Member States in question state that these conditions have been fulfilled;

Whereas in view of the arguments put forward by the parties concerned, a transitional period of three years is appropriate; whereas this transitional period applies to the companies 'Salaisons du Pays d'Oc', 'Sør-Wi A/S', 'Sørwi A/S', 'Suhls Pålæg A/S', 'Steff-Houlberg', 'Vestjyske Slagterier A.m.b.a.' and 'Danish Crown'; whereas those companies fulfil the conditions laid down in Article 13(4) of Regulation (EEC) No 2081/92;

Whereas, as a result, this name should be entered in the 'Register of protected designations of origin and protected geographical indications' and should therefore enjoy Community protection as a geographic indication;

Whereas the Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 ⁽⁵⁾ as last amended by Regulation (EC) No 2008/98 ⁽⁶⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee for Geographical Indications and Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex hereto is hereby added to the Annex to Commission Regulation (EC) No 2400/96 and is entered in the 'Register of protected designations of

⁽¹⁾ OJ L 208, 24. 7. 1992, p. 1.

⁽²⁾ OJ L 156, 13. 6. 1997, p. 10.

⁽³⁾ OJ C 22, 22. 1. 1997, p. 3.

⁽⁴⁾ OJ L 83, 25. 3. 1997, p. 3.

⁽⁵⁾ OJ L 327, 18. 12. 1996, p. 11.

⁽⁶⁾ OJ L 266, 1. 10. 1998, p. 24.

origin and protected geographical indications' as a protected geographical indication (PGI) as provided for in Article 6(3) of Regulation (EEC) No 2081/92.

The companies 'Salaisons du Pays d'Oc', 'Sør-Wi A/S', 'Sørwi A/S', 'Suhls Pålæg A/S', 'Steff-Houlberg', 'Vestjyske Slagterier A.m.b.a.' and 'Danish Crown' may continue to market their product under the name 'Jambon de

Bayonne' for a period of three years from the date of entry into force of this Regulation. The label shall show clearly the true origin of the product.

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, 6 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

PRODUCTS LISTED IN ANNEX II TO THE EC TREATY INTENDED FOR HUMAN CONSUMPTION

Meat-based products:

FRANCE

— Jambon de Bayonne (PGI)

COMMISSION REGULATION (EC) No 2140/98
of 6 October 1998
amending Regulation (EEC) No 1014/90 laying down detailed implementing rules
on the definition, description and presentation of spirit drinks

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 1014/90 ⁽²⁾, as last amended by Regulation (EC) No 2523/97 ⁽³⁾, lays down detailed implementing rules on the definition, description and presentation of spirit drinks; whereas, to protect the traditional drink *Bierbrand* or *eau de vie de bière*, whether or not sweetened in accordance with national traditions, against unfair competition, and to maintain a high quality level for that drink, the use of that term should be restricted to the spirit drink defined in this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Implementation Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

Article 1

The following point 13 is added to the Annex to Regulation (EEC) No 1014/90:

- ‘13. *Bierbrand* or *eau de vie de bière*: a spirit drink:
- obtained exclusively by direct distillation of fresh beer with an alcoholic strength by volume of less than 86 % such that the distillate obtained has organoleptic characteristics resulting from the beer,
 - with a minimum alcoholic strength by volume of 38 %, for supply for human consumption in the Community.’

Article 2

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

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

Done at Brussels, 6 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 12. 6. 1989, p. 1.

⁽²⁾ OJ L 105, 25. 4. 1990, p. 9.

⁽³⁾ OJ L 346, 17. 12. 1997, p. 46.

COMMISSION REGULATION (EC) No 2141/98
of 6 October 1998
amending for the 16th time Regulation (EC) No 913/97 adopting exceptional
support measures for the pigmeat market in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Spain, the Commission adopted Regulation (EC) No 913/97 ⁽³⁾, as last amended by Regulation (EC) No 1809/98 ⁽⁴⁾, to introduce exceptional support measures for the pigmeat market in that Member State;

Whereas it is appropriate to introduce a calculation method for the piglets weighing between 6 and 13 kilograms, allowing a regular and automatic adaption of the aid to the fluctuations in the market price;

Whereas, the list of eligible areas laid down in Annex II to Regulation (EC) No 913/97 should be adjusted in line with the current veterinary and health situation;

Whereas because the new calculation method of the aid for piglets may lead to a reduction of the costs of this

measure, this Regulation should enter into force immediately;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 913/97 is hereby amended as follows:

1. in Article 4(4), the last subparagraph is replaced by the following text:

'For piglets weighing 6 kilograms or more but less than 13 kilograms on average per batch, the aid referred to in Article 1(4) is equal to 90 % of the aid fixed pursuant to the first subparagraph of this paragraph for piglets weighing 13 kilograms on average.'

2. Annex II 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, 6 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 131, 23. 5. 1997, p. 14.

⁽⁴⁾ OJ L 233, 20. 8. 1998, p. 10.

*ANNEX**ANNEX II***Part 1**

- In the province of Seville, the protection and surveillance zones as defined in Annexes I and II to the order of the *Junta de Andalucía* of 23 April 1998, published in the Official Journal of the *Junta* of 28 April 1998, page 4951.

Part 2

The veterinary districts (*comarcas*) of the provinces of Zaragoza and Seville listed in Annex I to Decision 98/339/EC.

COMMISSION REGULATION (EC) No 2142/98

of 6 October 1998

opening an individual invitation to tender for the sale for export of vinous alcohol

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1627/98 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as last amended by Regulation (EC) No 1448/97 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;

Whereas small quantities of *teste e code* alcohol in the form of by-products of the compulsory distillation of vinous alcohol provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 are stored in a large number of distilleries in Italy; whereas that alcohol should be disposed of quickly in view of the cost of storage and the characteristics of the alcohol which make long-term storage difficult; whereas, for logistical reasons, this *teste e code* alcohol should be included in a consignment of alcohol for export to certain Caribbean and Central American countries;

Whereas vinous alcohol stored in Greece should also be offered for sale in view of the cost of storage and, for logistical reasons, should be included in this invitation to tender;

Whereas a specific security should be provided for to ensure that the alcohol is physically exported from the customs territory of the Community and non-compliance with the date laid down for export should be progressively penalised; whereas this security must be independent of the performance guarantee ensuring that the alcohol is

removed from storage and the awarded alcohol is used for the purposes laid down;

Whereas Commission Regulation (EEC) No 2192/93 ⁽⁶⁾, concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93, specifies the agricultural conversion rates to be used to convert the payments and securities provided for in connection with individual invitations to tender into national currency;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

A sale by individual invitation to tender No 245/98 EC shall be held for a total quantity of 201 430,442 hectolitres of alcohol obtained from the distillation operations referred to in Article 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Greek and Italian intervention agencies.

Article 2

The alcohol offered for sale:

— shall be for export outside the European Community,
— must be imported into and dehydrated in one of the following third countries:

- Costa Rica,
- Guatemala,
- Honduras, including the Swan Islands,
- El Salvador,
- Nicaragua,
- St Kitts and Nevis,
- Bahamas,
- Dominican Republic,
- Antigua and Barbuda,
- Dominica,
- British Virgin Islands and Montserrat,
- Jamaica,

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 8.

⁽³⁾ OJ L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ L 198, 25. 7. 1997, p. 4.

⁽⁶⁾ OJ L 196, 5. 8. 1993, p. 19.

- Saint Lucia,
- Saint Vincent, including the Northern Grenadines,
- Barbados,
- Trinidad and Tobago,
- Belize,
- Grenada, including the Southern Grenadines,
- Aruba,
- Netherlands Antilles (Curaçao, Bonaire, Saint Eustace, Saba and the southern part of Saint Martin),
- Guyana,
- United States Virgin Islands,
- Haiti,
- must be used only as motor fuel.

Article 3

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in Annex I hereto.

Article 4

The sales shall take place in accordance with Articles 13 to 18 and 30 to 38 of Regulation (EEC) No 377/93.

However, notwithstanding Article 15 of Regulation (EEC) No 377/93, the final date for the submission of tenders for the invitation to tender referred to in this Regulation, shall fall between the eighth and the 25th day following the date of publication of the individual invitations to tender.

Article 5

1. The tendering security referred to in Article 15 of Regulation (EEC) No 377/93 shall be ECU 3,622 per hectolitre of alcohol at 100 % volume and shall be lodged with the Italian and Greek intervention agencies respectively for the quantities of 183 948,80 hectolitres and 17 481,642 hectolitres. Maintenance of the tender after the time limit for submitting tenders and the lodging of a guarantee to ensure export and of a performance guarantee shall constitute the primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾ as regards the tendering security.

The tendering security lodged for the invitation to tender referred to in Article 1 shall be released if the tender is not accepted or if the successful tenderer had lodged the entire guarantee to ensure export and the entire performance guarantee for the invitation to tender in question.

2. The guarantee to ensure export shall be ECU 5 per hectolitre of alcohol at 100 % vol.

That guarantee shall be released by the intervention agency holding the alcohol only for each quantity of alcohol for which proof has been furnished that it has been exported within the time limit laid down in Article 6 of this Regulation. Notwithstanding Article 23 of Regulation (EEC) No 2220/85, and except in cases of *force majeure*, where the time limit referred to in Article 6 has not been complied with, the guarantee to ensure export of ECU 5 per hectolitre of alcohol at 100 % vol shall be forfeit as follows:

- (a) 15 % in all cases;
- (b) 0,33 % of the amount remaining after deduction of the 15 %, for each day the time limit in question is exceeded.

3. The performance guarantee shall be ECU 25 per hectolitre of alcohol at 100 % vol.

This guarantee shall be released in accordance with Article 34(3)(b) of Regulation (EEC) No 377/93.

4. Notwithstanding Article 17 of Regulation (EEC) No 377/93, the guarantees on export and performance shall be lodged simultaneously with the Italian and Greek intervention agencies respectively for the quantities of 183 948,80 hectolitres and 17 481,642 hectolitres not later than the day of issue of a removal order.

5. The agricultural conversion rate to be applied for the conversion into national currency shall be that in force on the final day for the submission of tenders in the case of the guarantee to ensure export, as expressed in ecus per hl at 100 % vol.

Article 6

1. The alcohol awarded under the invitation to tender referred to in Article 1 shall be exported by 30 June 1999 at the latest.

2. The alcohol awarded shall be used within two years from the date of first removal.

Article 7

To be valid, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination. The tender shall also include proof that the tenderer has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 2 who has undertaken to dehydrate the alcohol awarded in one of those countries and to export it for use solely as motor fuel.

⁽¹⁾ OJ L 205, 3. 8. 1985, p. 5.

Article 8

1. Before the awarded alcohol is removed, the intervention agency concerned and the successful tenderer shall take a reference sample and shall analyse that sample to verify the alcoholic strength expressed in % vol of the alcohol in question.

Where the final results of the analysis of the sample show a difference between the alcoholic strength by volume of the alcohol to be removed and the minimum alcoholic strength by volume stated in the notice of invitation to tender, the following provisions shall apply:

- (i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex II, as well as the storer and the successful tenderer;
- (ii) the successful tenderer may:
 - either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
 - or refuse to take over the lot in question.

In either case, the successful tenderer shall, the same day, inform the intervention agency and the Commission thereof in accordance with Annex III.

Once these formalities have been completed, if he has refused to take over the lot concerned, he shall be immediately released from all his obligations relating to that lot.

2. Where the successful tenderer refuses the merchandise, as provided for in paragraph 1, the intervention agency shall supply him with another quantity of alcohol of the requisite quality, at no extra charge, within eight days.

3. If physical removal of the alcohol is delayed by more than five working days in relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons attributable to the intervention agency, the

Member State shall be responsible for the payment of compensation.

Article 9

1. Where the *teste e code* alcohol is removed and processed separately, notwithstanding Article 34(2) of Regulation (EEC) No 377/93, it shall be considered to have been used for the purpose laid down where:

- proofs of arrival at destination and of the use of the processed alcohol as motor fuel are furnished,
- losses during processing of the *teste e code* alcohol are justified; such losses must be attested by the international surveillance firm designated in accordance with Article 38 of Regulation (EEC) No 377/93.

2. Where the *teste e code* alcohol is mixed with other alcohol, Article 34(2) of Regulation (EEC) No 377/93 shall apply for calculating losses of alcohol.

Article 10

Notwithstanding the first subparagraph of Article 36(2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitation to tender referred to in Article 1 of this Regulation may be substituted by alcohol of the same type by the intervention agencies holding the alcohol concerned in agreement with the Commission, or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 11

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, 6 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 245/98 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of alcohol at 100 % vol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Acquavite Srl		206,62	35	<i>teste e code</i>
	Aniello Esposito Srl — Pomigliano		86,47	36	<i>teste e code</i>
	Aniello Esposito Srl — Pomigliano		235,53	39	<i>teste e code</i>
	Bertolino SpA — Partinico-Platini		9 000,00	35	raw
	Bertolino SpA — Partinico-Platini		94,30	35	<i>teste e code</i>
	Bocchino & C. SpA — Calamandrana		146,36	35	<i>teste e code</i>
	Bonollo SpA — Paduni-Anagni		25 000,00	35	raw
	Bonollo SpA — Fontana-Anagni		38,13	35	<i>teste e code</i>
	Bonollo SpA — Paduni-Anagni		987,71	35	<i>teste e code</i>
	Bonollo SpA — Torrita di Siena		695,10	35	<i>teste e code</i>
	Bonollo SpA — Fontana-Anagni		43,00	36	<i>teste e code</i>
	Bonollo SpA — Paduni-Anagni		17,14	36	<i>teste e code</i>
	Bonollo SpA — Paduni-Anagni		324,21	39	<i>teste e code</i>
	Bonollo Umberto SpA — Conselve Padova 74		845,96	35	raw
	Bonollo Umberto SpA — Conselve Padova 74		1 000,00	39	raw
	Bonollo Umberto SpA — Conselve Padova 74		232,51	35	<i>teste e code</i>
	Camel SpA — Povoletto		161,20	39	raw
	Cantine Sociali Venete — Ponte di Piave		30,09	35	good taste
	Cantine Sociali Venete — Ponte di Piave		748,66	35	raw
	Cantine Sociali Venete — Ponte di Piave		128,46	35	<i>teste e code</i>
	Carlino Reg SnC — Via Milano 49		67,00	35	<i>teste e code</i>
	Caviro-Coop Srl — Faenza		22 000,00	35	raw
	Caviro-Coop Srl — Faenza		417,33	35	<i>teste e code</i>

Member State	Location	Reference number of vat	Volume in hectolitres of alcohol at 100 % vol	Reference to Regulation (EEC) No 822/87	Type of alcohol
	Caviro-Coop Srl — Faenza		31,95	36	<i>teste e code</i>
	CO.NA.FR.U.VIT.SOC.COOP. — Quistello		880,33	39	raw
	DCA SpA — Aprutina		289,32	35	<i>teste e code</i>
	DCA SpA — Aprutina		40,74	36	<i>teste e code</i>
	DCA SpA — Aprutina		17,14	39	<i>teste e code</i>
	D'Auria SpA — Caldari		6 000,00	35	raw
	D'Auria SpA — Caldari		245,44	35	<i>teste e code</i>
	D'Auria SpA — Caldari		366,41	36	<i>teste e code</i>
	D'Auria SpA — Caldari		612,99	39	<i>teste e code</i>
	De Luca Giacomo SAS — Via Trepuzzi 35		5 000,00	35	raw
	De Luca Giacomo SAS — Via Trepuzzi 35		65,80	35	<i>teste e code</i>
	Del Salento SpA — Taviano		4 768,43	35	neutral
	Del Salento SpA — Taviano		315,36	36	neutral
	Del Salento SpA — Castel S. Giorgio		512,22	35	<i>teste e code</i>
	Del Salento SpA — Taviano		320,92	35	<i>teste e code</i>
	Del Salento SpA — Castel S. Giorgio		70,57	36	<i>teste e code</i>
	Del Salento SpA — Taviano		891,72	36	<i>teste e code</i>
	Del Salento SpA — Castel S. Giorgio		624,16	39	<i>teste e code</i>
	Del Salento SpA — Gallipoli		16,03	39	<i>teste e code</i>
	Del Sud SpA — Rutigliano		927,05	35	<i>teste e code</i>
	Del Sud SpA — Rutigliano		287,61	36	<i>teste e code</i>
	Del Sud SpA — Rutigliano		401,57	39	<i>teste e code</i>
	DI.CO.VI.SA. Srl — Assemini		894,16	36	raw
	DI.CO.VI.SA. Srl — Assemini		28,41	35	<i>teste e code</i>
	DI.CO.VI.SA. Srl — Assemini		1,38	36	<i>teste e code</i>
	Dister — COOP.S.C.R.L. — Faenza		3 000,00	39	raw
	Dister — COOP.S.C.R.L. — Faenza		24,98	35	<i>teste e code</i>

Member State	Location	Reference number of vat	Volume in hectolitres of alcohol at 100 % vol	Reference to Regulation (EEC) No 822/87	Type of alcohol
	Dister — COOP.S.C.R.L. — Faenza		10,61	39	<i>teste e code</i>
	Enalco Srl — Savignano		399,58	39	<i>teste e code</i>
	Enodistil SpA — Alcamo 1 Scampati		8 000,00	35	raw
	F. Palma SpA — Palo Del Colle		8,09	35	raw
	F. Palma SpA — Palo Del Colle		682,23	36	raw
	F. Palma SpA — Sant'Antimo		137,47	35	<i>teste e code</i>
	F. Palma SpA — Sant'Antimo		28,11	36	<i>teste e code</i>
	F. Palma SpA — Sant'Antimo		45,77	39	<i>teste e code</i>
	F.lli Balice SnC — Valenzano		7 000,00	35	raw
	F.lli Balice SnC — Valenzano		4,54	35	<i>teste e code</i>
	F.lli Cipriani SpA — Chizzola di Ala		5 000,00	35	raw
	F.lli Cipriani SpA — Chizzola di Ala		336,20	35	<i>teste e code</i>
	F.lli Cipriani SpA — Chizzola di Ala		810,41	39	<i>teste e code</i>
	F.lli Russo — S. Venerina via Ducci		1 800,00	36	raw
	F.lli Russo — S. Venerina via Ducci		0,27	35	<i>teste e code</i>
	F.lli Russo — S. Venerina via Ducci		33,11	39	<i>teste e code</i>
	G. Di Lorenzo Srl — Ponte Valleceppi		7 000,00	35	raw
	G. Di Lorenzo Srl — Ponte Valleceppi		1,50	35	<i>teste e code</i>
	G. Di Lorenzo Srl — Torgiano		542,65	35	<i>teste e code</i>
	G. Di Lorenzo Srl — Torgiano		16,70	39	<i>teste e code</i>
	GE.DIS SpA — Marsala Bartolotta		7 000,00	35	raw
	I.C.V. SpA — Borgoricco		2 461,77	35	raw
	I.C.V. SpA — Borgoricco		1 000,00	39	raw
	Inga e C. Srl — via Garibaldi 10		230,35	35	raw
	Inga e C. Srl — via Garibaldi 10		422,32	39	raw
	Inga e C. Srl — via Garibaldi 10		42,41	35	<i>teste e code</i>
	Kronion SpA — Fid. Scunchipani		5 000,00	35	raw
	Kronion SpA — Fid. Scunchipani		119,46	35	<i>teste e code</i>
	Kronion SpA — Fid. Scunchipani		86,26	36	<i>teste e code</i>

Member State	Location	Reference number of vat	Volume in hectolitres of alcohol at 100 % vol	Reference to Regulation (EEC) No 822/87	Type of alcohol
	Mazzari SpA — via Giardino 8/10		18 980,81	35	raw
	Mazzari SpA — via Giardino 8/10		299,55	35	<i>teste e code</i>
	Neri Srl — S. Silvestro		14 000,00	35	raw
	Neri Srl — S. Silvestro		240,64	35	<i>teste e code</i>
	RO.DI. San Severo Srl — Castel S. Giorgio		3,94	36	raw
	RO.DI. San Severo Srl — Fid. S. Severo		75,30	35	<i>teste e code</i>
	RO.DI. San Severo Srl — Castel S. Giorgio		167,47	36	<i>teste e code</i>
	RO.DI. San Severo Srl — Fid. S. Severo		898,48	36	<i>teste e code</i>
	RO.DI. San Severo Srl — Castel S. Giorgio		157,52	39	<i>teste e code</i>
	RO.DI. San Severo Srl — Fid. S. Severo		416,35	39	<i>teste e code</i>
	S.A.P.I.S SpA — Castel S. Giorgio		16,53	39	<i>teste e code</i>
	S.A.P.I.S SpA — S. Egidio M. Albino		18,26	39	<i>teste e code</i>
	S.A.S.R.I.V. SpA — Materdomini		0,88	36	raw
	S.A.S.R.I.V. SpA — Materdomini		20,79	35	<i>teste e code</i>
	S.V.A. SpA — Ortona		3 000,00	35	raw
	Villapana SpA — Villapana		6 000,00	35	raw
	Vinum SpA — Marsala — via Noto		2 200,00	35	raw
	Vinum SpA — Marsala — via Noto		83,00	36	<i>teste e code</i>
	TOTAL		183 948,80		
GREECE	UCA de Patras	A3	845,91	35 + 36	raw
	Anthias 38	A4	906,70	35 + 36	raw
	ANTHIA	A5	912,92	35	raw
		A6	691,04	35 + 36	raw
		A1	984,80	36	raw
		A2	965,97	36	raw
		A7	294,21	36	raw
		A7	420,65	35	raw
		A12	954,29	35	raw
		A13	961,77	35	raw
		A14	969,23	35	raw
		A15	961,48	35	raw
	Meligalas Industrial Estate	1	1 022,27	35 + 36	raw
	Elliniki Tartariki SA	2	1 008,46	35 + 36	raw
	Kalamata	3	842,57	35 + 36	raw
		4	988,27	35 + 36	raw
		5	1 008,69	35 + 36	raw
		7	994,62	35 + 36	raw
		8	992,48	35 + 36	raw

Member State	Location	Reference number of vat	Volume in hectolitres of alcohol at 100 % vol	Reference to Regulation (EEC) No 822/87	Type of alcohol
	P.A. Tzara Dokos (Chalkida) Eubae	4016 8 10	217,72 204,12 333,48	35 + 36 35 + 36 35 + 36	raw raw raw
	TOTAL		17 481,642		
	GRAND TOTAL		201 430,442		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Italian lire or Greek drachmae, obtain samples of the alcohol offered for sale taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the third countries listed in Annex II to Regulation (EEC) No 377/93 for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international surveillance firm and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

- Tenders should be submitted for a quantity of 201 430,442 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.
Any tender relating to a smaller quantity will not be considered.
- Tenders must:
 - be sent by registered post to the European Commission, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
 - be submitted at the reception of the Loi 130 building of the European Commission, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.
- Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 245/98 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.
- Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 October 1998.
- Tenders must state the name and address of the tenderer and must:
 - (a) include a reference to individual sale by tender No 245/98 EC;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
- Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agencies:
 - AIMA, via Palestro 81, I-00185 Roma (tel. 47 49 91; telex 62 03 31, 62 02 52, 61 30 03; fax 445 39 40, 495 39 40), for the quantity of 183 948,80 hectolitres.
 - Ministry of Agriculture, Didagep, 241, Acharnon Street, Athens (tel. 867 76 48; telex 221701; fax 867 11 11), for the quantity of 17 481,642 hectolitres.

That security must be 3,622 per hectolitre of alcohol at 100 % vol.

ANNEX II

The only telex and fax numbers in Brussels to be used are:
DG VI (E-2) (for the attention of Mr Chiappone/Mr Carnielli)

- telex: 22037 AGREC B,
22070 AGREC B (Greek characters),
— fax: (32 2) 295 92 52.

ANNEX III

**Communication of refusal or acceptance of lots under the individual invitation to tender for the
export of vinous alcohol opened by Regulation (EC) No 2142/98**

- Name of the successful tenderer:
— Date of award of contract:
— Date of refusal or acceptance of the lot by the successful tenderer:

Lot No	Quantity in hectolitres	Location of alcohol	Reason for refusal or acceptance to take over

COMMISSION REGULATION (EC) No 2143/98
of 6 October 1998
opening individual invitations to tender for the sale for export of vinous alcohol

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1627/98 ⁽²⁾,

Six sales by individual invitation to tender Nos 252/98 EC, 253/98 EC, 254/98 EC, 255/98 EC, 256/98 EC and 257/98 EC shall be held for a total quantity of 300 000 hectolitres of alcohol obtained from the distillation operations referred to in Articles 35 and 36 of Regulation (EEC) No 822/87 and held by the Spanish and French intervention agencies.

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Each of the individual invitations to tender Nos 252/98 EC, 253/98 EC, 254/98 EC, 255/98 EC, 256/98 EC and 257/98 EC shall cover a quantity of 50 000 hectolitres of alcohol at 100 % volume.

Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as last amended by Regulation (EC) No 1448/97 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;

Article 2

The alcohol offered for sale:

Whereas individual invitations to tender should be opened for the export of vinous alcohol to certain Caribbean and Central American countries so as to guarantee continuity of supplies to those countries and reduce the Community stock of vinous alcohol;

— shall be for export outside the European Community,
 — must be imported into and dehydrated in:

Whereas a specific security should be provided for to ensure that the alcohol is physically exported from the customs territory of the Community and non-compliance with the date laid down for export should be progressively penalised; whereas this security must be independent of the performance guarantee ensuring that the alcohol is removed from storage and the awarded alcohol is used for the purposes laid down;

— in the case of individual invitations to tender Nos 252/98 EC, 253/98 EC and 254/98 EC one of the following countries:

- Costa Rica,
- Guatemala,
- Honduras, including the Swan Islands,
- El Salvador,
- Nicaragua,

Whereas Commission Regulation (EEC) No 2192/93 ⁽⁶⁾, concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93, specifies the agricultural conversion rates to be used to convert the payments and securities provided for in connection with individual invitations to tender into national currency;

— in the case of individual invitations to tender Nos 255/98 EC, 256/98 EC and 257/98 EC one of the following third countries:

- St Kitts and Nevis,
- Bahamas,
- Dominican Republic,
- Antigua and Barbuda,
- Dominica,
- British Virgin Islands and Montserrat,
- Jamaica,
- Saint Lucia,
- Saint Vincent, including the Northern Grenadines,
- Barbados,
- Trinidad and Tobago,
- Belize,

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 8.

⁽³⁾ OJ L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ L 198, 25. 7. 1997, p. 4.

⁽⁶⁾ OJ L 196, 5. 8. 1993, p. 19.

- Grenada, including the Southern Grenadines,
 - Aruba,
 - Netherlands Antilles (Curaçao, Bonaire, Saint Eustace, Saba and the southern part of Saint Martin),
 - Guyana,
 - United States Virgin Islands,
 - Haiti,
- must be used only as motor fuel.

Article 3

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in Annex I hereto.

Article 4

The sales shall take place in accordance with Articles 13 to 18 and 30 to 38 of Regulation (EEC) No 377/93.

However, notwithstanding Article 15 of Regulation (EEC) No 377/93, the final date for the submission of tenders for the invitations to tender referred to in this Regulation, shall fall between the eighth and the 25th day following the date of publication of the individual invitations to tender.

Article 5

1. The tendering security referred to in Article 15 of Regulation (EEC) No 377/93 shall be ECU 3,622 per hectolitre of alcohol at 100 % volume and shall be lodged for the total quantity of alcohol offered for sale in each of the invitations to tender referred to in Article 1.

Maintenance of the tender after the time limit for submitting tenders and the lodging of a guarantee to ensure export and of a performance guarantee shall constitute the primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾ as regards the tendering security.

The tendering security lodged for each of the invitations to tender referred to in Article 1 shall be released immediately if the tender is not accepted or if the successful tenderer had lodged the entire guarantee to ensure export and the entire performance guarantee for the invitation to tender in question.

2. The guarantee to ensure export shall amount to ECU 5 per hectolitre of alcohol at 100 % volume and shall be lodged for each quantity of alcohol for which there is a

removal order under each of the invitations to tender referred to in Article 1 of this Regulation.

This guarantee shall be released only by the intervention agency holding the alcohol for each quantity of alcohol for which proof has been furnished that it has been exported within the time limit laid down in Article 6 of this Regulation. Notwithstanding Article 23 of Regulation (EEC) No 2220/85, and except in cases of *force majeure*, where the time limit referred to in Article 6 has not been complied with, the guarantee to ensure export of ECU 5 per hectolitre of alcohol at 100 % volume shall be forfeit as follows:

- (a) 15 % in all cases;
 - (b) 0,33 % of the amount remaining after deduction of the 15 %, for each day the time limit in question is exceeded.
3. The performance guarantee shall be ECU 25 per hectolitre of alcohol at 100 % volume.

This guarantee shall be released in accordance with Article 34(3)(b) of Regulation (EEC) No 377/93.

4. Notwithstanding Article 17 of Regulation (EEC) No 377/93, the guarantees on export and performance shall be lodged simultaneously with each intervention agency concerned, for each of the invitations to tender referred to in Article 1 of this Regulation not later than the day of issue of a removal order for the quantity of alcohol concerned.

5. The agricultural conversion rate to be applied for the conversion into national currency shall be that in force on the final day for the submission of tenders for the invitation in question in the case of the guarantee to ensure export, as expressed in ecus per hl at 100 % volume.

Article 6

1. The alcohol awarded under the invitations to tender referred to in Article 1 shall be exported by 31 May 1999 at the latest.

2. The alcohol awarded shall be used within two years from the date of first removal.

Article 7

To be valid, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. The tender shall also include proof that the tenderer has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 2 who has undertaken to dehydrate the alcohol awarded in one of those countries and to export it for use solely as motor fuel.

⁽¹⁾ OJ L 205, 3. 8. 1985, p. 5.

Article 8

1. Before the awarded alcohol is removed, the intervention agency and the successful tenderer shall take a reference sample and shall analyse that sample to verify the alcoholic strength expressed in % volume of the alcohol in question.

Where the final results of the analysis of the sample show a difference between the alcoholic strength by volume of the alcohol to be removed and the minimum alcoholic strength by volume stated in the notice of invitation to tender, the following provisions shall apply:

- (i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex II, as well as the storer and the successful tenderer;
- (ii) the successful tenderer may:
 - either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
 - or refuse to take over the lot in question.

In either case, the successful tenderer shall, the same day, inform the intervention agency and the Commission thereof in accordance with Annex III.

Once these formalities have been completed, if he has refused to take over the lot concerned, he shall be immediately released from all his obligations relating to that lot.

2. Where the successful tenderer refuses the merchandise, as provided for in paragraph 1, the intervention agency shall supply him with another quantity of alcohol of the requisite quality, at no extra charge, within a maximum of eight days.

3. If physical removal of the alcohol is delayed by more than five working days in relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons attributable to the intervention agency, the Member State shall be responsible for the payment of compensation.

Article 9

Notwithstanding the first subparagraph of Article 36(2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitation to tender referred to in Article 1 of this Regulation may be substituted by alcohol of the same type by the intervention agencies holding the alcohol concerned in agreement with the Commission, or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 10

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, 6 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 252/98 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Port-la-Nouvelle boîte postale 62, avenue Adolphe Turrel 11200 Port-la-Nouvelle	1	48 160	35	Raw alcohol + 92 %
		8	1 840	35	Raw alcohol + 92 %
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 252/98 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group 9,' which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19.10.98.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 252/98 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- SAV, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel.: (05) 57 55 20 00; telex: 572 025; fax: (05) 57 55 20 59).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 253/98 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Port-la-Nouvelle boîte postale 62, avenue Adolphe Turrel 11200 Port-la-Nouvelle	8	20 215	35	Raw alcohol + 92 %
		13	12 510	36	Raw alcohol + 92 %
		14	12 610	36	Raw alcohol + 92 %
		16	4 665	36	Raw alcohol + 92 %
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 253/98 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group 9,' which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19.10.98.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 253/98 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- SAV, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel.: (05) 57 55 20 00; telex: 572 025; fax: (05) 57 55 20 59).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 254/98 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tomelloso	5	25 380	35 + 36	Raw alcohol + 92 %
	Villarrobledo	2	24 380	35 + 36	Raw alcohol + 92 %
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

— be sent by registered post to the European Commission, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or

— be submitted at the reception of the Loi 130 building of the European Commission, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 254/98 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group 9,' which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19.10.98.

5. Tenders must state the name and address of the tenderer and must:

(a) include a reference to individual sale by tender No 254/98 EC;

(b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;

(c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— FEAGA, Beneficencia 8, E-28004 Madrid (tel.: 913 47 65 00, telex: 23427 FEAGA, fax: 915 21 98 32).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 255/98 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Port-la-Nouvelle boîte postale 62, avenue Adolphe Turrel 11200 Port-la-Nouvelle	16	7 995	36	Raw alcohol + 92 %
		18	12 745	36	Raw alcohol + 92 %
		19	11 905	36	Raw alcohol + 92 %
		30	17 355	35	Raw alcohol + 92 %
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 255/98 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group 9,' which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19.10.98.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 255/98 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- SAV, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel.: (05) 57 55 20 00; telex: 572 025; fax: (05) 57 55 20 59).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 256/98 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Port-la-Nouvelle boîte postale 62, avenue Adolphe Turrel 11200 Port-la-Nouvelle	30	4 995	35	Raw alcohol + 92 %
		32	22 465	35	Raw alcohol + 92 %
		33	22 540	35	Raw alcohol + 92 %
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 256/98 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group 9,' which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19.10.98.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 256/98 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- SAV, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel.: (05) 57 55 20 00; telex: 572 025; fax: (05) 57 55 20 59).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 257/98 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tarancón	A-7	24 653	35 + 36	Raw alcohol + 92 %
	Tomelloso	5	25 347	35 + 36	Raw alcohol + 92 %
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 257/98 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group 9,' which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19.10.98.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 257/98 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- FEGA, Beneficencia 8, E-28004 Madrid (tel.: 913 47 65 00, telex: 23427 FEGA, fax: 915 21 98 32).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

ANNEX II

The only telex and fax numbers in Brussels to be used are:
DG VI (E-2) (for the attention of Mr Chiappone/Mr Carnielli):

- telex: 22037 AGREC B,
22070 AGREC B (Greek characters),
— fax: (32 2) 295 92 52.

ANNEX III

**Communication of refusal or acceptance of lots under the individual invitation to tender for the
export of vinous alcohol opened by Regulation (EC) No 2143/98**

- Name of the successful tenderer:
— Date of award of contract:
— Date of refusal or acceptance of the lot by the successful tenderer:

Lot No	Quantity in hectolitres	Location of alcohol	Reason for refusal or acceptance to take over

**COMMISSION REGULATION (EC) No 2144/98
of 6 October 1998**

on the sale, at prices fixed in advance, of beef held by certain intervention agencies, with a view to its processing in the Community and repealing Regulation (EC) No 884/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1633/98⁽²⁾, and in particular Article 7(3) thereof,

Whereas the introduction of intervention in beef has resulted in a build-up of stocks in several Member States; whereas, in order to prevent storage being prolonged excessively, part of these stocks should be sold for processing in the Community;

Whereas this sale should be subject to the rules laid down in Commission Regulations (EEC) No 2173/79⁽³⁾, as last amended by Regulation (EC) No 2417/95⁽⁴⁾, (EEC) No 3002/92⁽⁵⁾, as last amended by Regulation (EC) No 770/96⁽⁶⁾, and (EEC) No 2182/77⁽⁷⁾, as last amended by Regulation (EC) No 2417/95, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas, in order to ensure regular and continuous sales, Title I of Regulation (EEC) No 2173/79, in particular, should be applied;

Whereas, to ensure economic management of stocks, the intervention agencies should give priority to selling the meat which has been stored the longest;

Whereas provision should be made for derogations from the second subparagraph of Article 2(2) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of this rule is creating in certain Member States;

Whereas, to ensure optimum monitoring of the destination of beef from intervention stocks, control measures should be taken, in addition to the measures provided for

in Regulation (EEC) No 3002/92, based on physical inspection of quantities and qualities;

Whereas Regulation (EC) No 884/98⁽⁸⁾, as last amended by Regulation (EC) No 1825/98⁽⁹⁾, should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The sale shall take place, for processing in the Community, of products bought into intervention under Article 6 of Regulation (EEC) No 805/68 amounting to approximately:

- 90 tonnes of bone-in forequarters held by the Belgian intervention agency,
- 34 tonnes of bone-in forequarters held by the Dutch intervention agency,
- 400 tonnes of bone-in forequarters held by the Portuguese intervention agency,
- 2 000 tonnes of bone-in forequarters held by the German intervention agency,
- 1 000 tonnes of bone-in forequarters held by the Austrian intervention agency,
- 500 tonnes of bone-in forequarters held by the Danish intervention agency,
- 2 000 tonnes of bone-in forequarters held by the French intervention agency,
- 2 000 tonnes of bone-in forequarters held by the Italian intervention agency,
- 2 000 tonnes of bone-in forequarters held by the Spanish intervention agency,

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1997, p. 17.

⁽³⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽⁵⁾ OJ L 301, 17. 10. 1992, p. 17.

⁽⁶⁾ OJ L 104, 27. 4. 1996, p. 13.

⁽⁷⁾ OJ L 251, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ L 124, 24. 4. 1998, p. 42.

⁽⁹⁾ OJ L 236, 22. 8. 1998, p. 13.

- 380 tonnes of bone-in forequarters held by the Irish intervention agency,
- 420 tonnes of bone-in hindquarters held by the Irish intervention agency,
- 4 000 tonnes of deboned beef held by the Irish intervention agency,
- 87 tonnes of deboned beef held by the Spanish intervention agency,
- 3 500 tonnes of deboned beef held by the French intervention agency,
- 6 000 tonnes of deboned beef held by the United Kingdom intervention agency.

Detailed information concerning the products and their selling prices is given in Annex I.

2. Subject to the provisions of this Regulation the products referred to in paragraph 1 shall be sold in accordance with Regulations (EEC) No 2173/79, and in particular Titles I and III thereof, (EEC) No 2182/77 and (EEC) No 3002/92.
3. Particulars of the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II hereto.
4. For each product listed in Annex I hereto, the intervention agencies shall sell first the meat which has been stored the longest.
5. Notwithstanding the second subparagraph of Article 2(2) of Regulation (EEC) No 2173/79, purchase applications shall not indicate in which store or stores the meat is held.

Article 2

1. Purchase applications shall be valid only if presented by or on behalf of a natural or legal person who, for the 12 months prior to the entry into force of this Regulation, has been engaged in the processing of products containing beef and who is entered in a national VAT

register. In addition, applications must be presented by or on behalf of a processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC⁽¹⁾.

2. Notwithstanding Article 3(1) and (2) of Regulation (EEC) No 2182/77, applications shall be accompanied by:

- an indication of the product covered, as referred to in either Article 3(2) or Article 3(3),
- a written undertaking by the purchaser to process the meat into the product as specified above within the period referred to in Article 5(1) of Regulation (EEC) No 2182/77,
- precise details of the establishment or establishments where the meat purchased is to be processed.

3. The purchasers referred to in paragraph 1 may instruct an agent in writing to take delivery, on their behalf, of the products which they purchase. In this case agents shall submit the purchase application of the purchaser whom they represent together with the written instruction referred to above.

4. The purchasers and agents referred to in the preceding paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view in particular to ensuring that the quantities of products purchased and processed tally with each other.

Article 3

1. Meat purchased in accordance with this Regulation shall be processed into products which comply with the definitions for A products and B products set out in paragraphs 2 and 3 below.
2. An A product means a processed product falling within CN code 1602 10 00, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 %⁽²⁾ and containing by weight at least 20 %⁽³⁾ of lean meat excluding offal⁽⁴⁾ and fat, with meat and jelly accounting for at least 85 % of the total net weight.

The product must be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product, which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 85.

⁽²⁾ Determination of collagen content: the collagen content shall be taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content must be determined according to ISO method 3496-1978.

⁽³⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1. 8. 1986, p. 39).

⁽⁴⁾ Offal includes the following: heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus gland with pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

3. A 'B' product means a processed product containing beef, other than:

- one specified in Article 1(1)(a) of Regulation (EEC) No 805/68, or
- one referred to in paragraph 2.

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3,2 shall be considered to be a B product.

Article 4

1. Member States shall set up a system of physical and documentary supervision to ensure that all meat is processed in accordance with Articles 2 and 3.

The system must include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors must at any time be able to demonstrate the identity and use of the meat through appropriate production records.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's recipe, Member States shall undertake representative sampling and analysis of the product. The costs of such operations shall be borne by the processor concerned.

2. Member States may, at the request of the processor, authorise the deboning of bone-in quarters in an establishment other than that provided for in respect of processing provided the relevant operations take place in the same Member State under appropriate supervision.

3. Article 1 of Regulation (EEC) No 2182/77 shall not apply.

Article 5

1. The security provided for in Article 15(1) of Regulation (EEC) No 2173/79 shall be ECU 12 per 100 kilograms.

2. The security provided for in Article 4(1) of Regulation (EEC) No 2182/77 shall be:

- ECU 1 300 for bone-in forequarters processed into A products,
- ECU 1 150 for bone-in forequarters processed into B products or a mixture of A and B products,
- ECU 1 600 for bone-in hindquarters processed into A products,

- ECU 1 450 for bone-in hindquarters processed into B products or a mixture of A and B products,
- ECU 1 600 for deboned beef processed into A products,
- ECU 1 750 for deboned beef processed into B products or a mixture of A and B products.

3. Notwithstanding Article 5(3) of Regulation (EEC) No 2182/77, the processing of all beef purchased into finished products as indicated in the purchase application shall constitute a principal requirement.

Article 6

Notwithstanding Article 9 of Regulation (EEC) No 2182/77, in addition to the entries provided for in Regulation (EEC) No 3002/92:

- Section 104 of T5 control copies must be completed with one or more of the following:
 - Para transformación [Reglamentos (CEE) n° 2182/77 y (CE) n° 2144/98]
 - Til forarbejdning (forordning (EØF) nr. 2182/77 og (EF) nr. 2144/98)
 - Zur Verarbeitung bestimmt (Verordnungen (EWG) Nr. 2182/77 und (EG) Nr. 2144/98)
 - Για μεταποίηση [κανονισμοί (ΕΟΚ) αριθ. 2182/77 και (ΕΚ) αριθ. 2144/98]
 - For processing (Regulations (EEC) No 2182/77 and (EC) No 2144/98)
 - Destinés à la transformation [règlements (CEE) n° 2182/77 et (CE) n° 2144/98]
 - Destinate alla trasformazione [regolamenti (CEE) n. 2182/77 e (CE) n. 2144/98]
 - Bestemd om te worden verwerkt (Verordeningen (EEG) nr. 2182/77 en (EG) nr. 2144/98)
 - Para transformação [Regulamentos (CEE) n° 2182/77 e (CE) n° 2144/98]
 - Jalostettavaksi (Asetukset (ETY) N:o 2182/77 ja (EY) N:o 2144/98)
 - För bearbetning (Förordningarna (EEG) nr 2182/77 och (EG) nr 2144/98).
- Section 106 of T5 control copies must be completed with the date of conclusion of the contract of sale.

Article 7

Regulation (EC) No 884/98 is hereby repealed.

Article 8

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

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

Done at Brussels, 6 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I

Estado miembro	Productos (1)	Cantidad aproximada (toneladas)	Precio de venta expresado en ecus por tonelada
Medlemsstat	Produkter (1)	Tilnærmet mængde (tons)	Salgspriser i ECU/ton
Mitgliedstaat	Erzeugnisse (1)	Ungefähre Mengen (Tonnen)	Verkaufspreise, ausgedrückt in ECU/Tonne
Κράτος μέλος	Προϊόντα (1)	Κατά προσέγγιση ποσότητα (τόνοι)	Τιμές πώλησης εκφραζόμενες σε Ecu ανά τόνο
Member State	Products (1)	Approximate quantity (tonnes)	Selling prices expressed in ecus per tonne
État membre	Produits (1)	Quantité approximative (tonnes)	Prix de vente exprimés en écus par tonne
Stato membro	Prodotti (1)	Quantità approssimativa (tonnellate)	Prezzi di vendita espressi in ecu per tonnellata
Lidstaat	Producten (1)	Hoeveelheid bij benadering (ton)	Verkoopprijzen uitgedrukt in ECU per ton
Estado-membro	Produtos (1)	Quantidade aproximada (toneladas)	Preço de venda expresso em ecus por tonelada
Jäsenvaltio	Tuotteet (1)	Arvioitu määrä (tonneina)	Myyntihinta ecuna tonnilta
Medlemsstat	Produkter (1)	Ungefärlig kvantitet (ton)	Försäljningspris i ecu per ton

a) Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben

			(a) (2)	(b) (3)
BELGIQUE/BELGIE	— Quartiers avant/Voorvoeten	90	650	800
DEUTSCHLAND	— Vorderviertel	2 000	650	800
DANMARK	— Forfjerdinger	500	650	800
ITALIA	— Quarti anteriori	2 000	650	800
IRELAND	— Forequarters	380	650	800
FRANCE	— Quartiers avant	2 000	650	800
ÖSTERREICH	— Vorderviertel	1 000	650	800
PORTUGAL	— Quartos dianteiros	400	650	800
ESPAÑA	— Cuartos delanteros	2 000	650	800
NEDERLAND	— Voorvoeten	34	650	800
IRELAND	— Hindquarters	420	900	1 050

b) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött

FRANCE	Jarret arrière d'intervention (INT 11)	150	800	950
	Flanchet d'intervention (INT 18)	1 000	700	850
	Jarret avant d'intervention (INT 21)	500	800	950
	Épaule d'intervention (INT 22)	600	1 100	1 250
	Poitrine d'intervention (INT 23)	250	800	950
	Avant d'intervention (INT 24)	1 000	1 100	1 250
	UNITED KINGDOM	Intervention shank (INT 11)	500	700
Intervention thick flank (INT 12)		500	1 200	1 350
Intervention silverside (INT 14)		1 000	1 400	1 550
Intervention flank (INT 18)		500	600	750
Intervention forerib (INT 19)		500	1 000	1 150
Intervention shin (INT 21)		500	700	850
Intervention shoulder (INT 22)		1 000	1 000	1 100
Intervention brisket (INT 23)		500	700	850
Intervention forequarter (INT 24)		1 000	1 000	1 150
IRELAND		Intervention shank (INT 11)	500	800
	Intervention flank (INT 18)	500	700	850
	Intervention shin (INT 21)	500	800	950
	Intervention shoulder (INT 22)	1 000	1 100	1 250
	Intervention brisket (INT 23)	500	800	950
ESPAÑA	Intervention forequarter (INT 24)	1 000	1 100	1 250
	Falda (INT 18)	77	700	850
	Morcillo (INT 21)	1	800	950
	Paleta (INT 22)	3	1 100	1 250
	Pecho (INT 23)	2	800	950
	Cuartos delanteros (INT 24)	4	1 100	1 250

- (¹) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4); Reglamento cuya última modificación la constituye el Reglamento (CE) n° 2602/97 (DO L 351 de 23.12.1997, p. 20).
- (¹) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4); forordningen er senest ændret ved forordning (EF) nr. 2602/97 (EFT L 351 af 23.12.1997, s. 20).
- (¹) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2602/97 (ABl. L 351 vom 23.12.1997, S. 20).
- (¹) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2602/97 (ΕΕ L 351 της 23.12.1997, σ. 20).
- (¹) See Annexes V and VII to Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2602/97 (OJ L 351, 23.12.1997, p. 20).
- (¹) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2602/97 (JO L 351 du 23. 12. 1997, p. 20).
- (¹) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2602/97 (GU L 351 del 23. 12. 1997, pag. 20).
- (¹) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2602/97 (PB L 351 van 23. 12. 1997, blz. 20).
- (¹) Ver anexos V e VII do Regulamento (CEE) n° 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n° 2602/97 (JO L 351 de 23.12.1997, p. 20).
- (¹) Katso asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2602/97 (EYVL L 351, 23.12.1997, s. 20), liitteet V ja VII.
- (¹) Se bilagorna V och VII i förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2602/97 (EGT L 351, 23.12.1997, s. 20).
- (²) Precio aplicable a la transformación exclusivamente en los productos "A" contemplados en el apartado 2 del artículo 3.
- (²) Pris udelukkende for forarbejdning til A-produkter som omhandlet i artikel 3, stk. 2.
- (²) Geltender Preis nur für die Verarbeitung zu A-Erzeugnissen gemäß Artikel 3 Absatz 2.
- (²) Τιμή που εφαρμόζεται για τη μεταποίηση, μόνο σε προϊόντα "Α" που αναφέρονται στο άρθρο 3 παράγραφος 2.
- (²) Price applying for processing solely into A products as referred to in Article 3(2).
- (²) Prix applicable uniquement pour la transformation en produits "A" visés à l'article 3, paragraphe 2.
- (²) Prezzo applicabile unicamente per la trasformazione in prodotti "A" di cui all'articolo 3, paragrafo 2.
- (²) Prijs uitsluitend voor verwerking tot de in artikel 3, lid 2, bedoelde A-producten.
- (²) Preço aplicável para a transformação apenas em produtos "A" referidos no n.º 2 do artigo 3.º
- (²) Hinta jota sovelletaan jalostettaessa ainoastaan 3 artiklan 2 kohdassa tarkoitetuiksi A-luokan tuotteiksi.
- (²) Pris för bearbetning endast till A-produkter i enlighet med artikel 3.2.
- (³) Precio aplicable a la transformación en los productos "B" contemplados en el apartado 3 del artículo 3, o en una mezcla de productos "A" y productos "B".
- (³) Pris for forarbejdning til B-produkter som omhandlet i artikel 3, stk. 3, eller en blanding af A- og B-produkter.
- (³) Geltender Preis für die Verarbeitung zu B-Erzeugnissen gemäß Artikel 3 Absatz 3 oder eine Mischung aus A- und B-Erzeugnissen.
- (³) Τιμή που εφαρμόζεται για τη μεταποίηση σε προϊόντα "Β" που αναφέρονται στο άρθρο 3 παράγραφος 3, ή σε μείγμα προϊόντων Α και προϊόντων Β.
- (³) Price applying for processing into B products as referred to in Article 3(3) or a mix of A products and B products.
- (³) Prix applicable pour la transformation en produits "B" visés à l'article 3, paragraphe 3, ou pour un mélange de produits "A" et de produits "B".
- (³) Prezzo applicabile per la trasformazione in prodotti "B" di cui all'articolo 3, paragrafo 3, o per un miscuglio di prodotti "A" e di prodotti "B".
- (³) Prijs voor verwerking tot de in artikel 3, lid 3, bedoelde B-producten of tot een mengeling van A-producten en B-producten.
- (³) Preço aplicável para a transformação em produtos "B" referidos no n.º 3 do artigo 3.º, ou uma mistura de produtos "A" e produtos "B".
- (³) Hinta, jota sovelletaan jalostettaessa 3 artiklan 3 kohdassa tarkoitetuiksi B-luokan tuotteiksi, tai A- ja B-luokan tuotteiden seokseksi.
- (³) Pris för bearbetning till B-produkter i enlighet med artikel 3.3 eller en blandning av A- och B-produkter.

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos
de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

BELGIQUE/BELGIË

Bureau d'intervention et de restitution belge
Rue de Trèves 82
B-1040 Bruxelles
Belgisch Interventie- en Restitutiebureau
Trierstraat 82
B-1040 Brussel
Tel. (32-2) 287 24 11; télex: BIRB. BRUB/24076-65567; télécopieur: (32-2) 230 2533/280 03 07

BUNDESREPUBLIK DEUTSCHLAND

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Postfach 180203, D-60083 Frankfurt am Main
Adickesallee 40
D-60322 Frankfurt am Main
Tel.: (49) 69 1564-704/7772; Telex: 411727; Telefax: (49) 69 15 64-790/791

DANMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
EU-direktoratet
Kampmannsgade 3
DK-1780 København V
Tlf. (45) 33 92 70 00; telex 151317 DK; fax (45) 33 92 69 48, (45) 33 92 69 23

ESPAÑA

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Tel.: (34) 913 47 65 00, 913 47 63 10; télex: FEGA 23427 E, FEGA 41818 E; fax: (34) 915 21 98 32,
915 22 43 87

FRANCE

OFIVAL
80, avenue des Terroirs-de-France
F-75607 Paris Cedex 12
Téléphone: (33 1) 44 68 50 00; télex: 215330; télécopieur: (33 1) 44 68 52 33

ITALIA

AIMA (Azienda di Stato per gli interventi nel mercato agricolo)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91; telex: 61 30 03; telefax: 445 39 40/445 19 58

IRELAND

Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
IRL-Dublin 2
Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 661 62 63, (01) 678 52 14 and (01) 662 01 98

NEDERLAND

Ministerie van Landbouw, Natuurbeheer en Visserij, Voedselvoorzienings- en verkoopbureau
p/a LASER, Zuidoost
Slachthuisstraat 71
Postbus 965
6040 AZ Roermond
Tel. (31-475) 35 54 44; telex 56396 VIBNL; fax (31-475) 31 89 39

ÖSTERREICH

AMA-Agrarmarkt Austria
Dresdner Straße 70
A-1201 Wien
Tel.: (431) 33 15 12 20; Telefax: (431) 33 15 1297

PORTUGAL

Instituto Nacional de Intervenção e Garantia Agrícola
Rua Fernando Curado Ribeiro, nº 4-G
P-1600 Lisboa
Tel.: (351-1) 751 85 00; telefax: (351-1) 751 86 15

UNITED KINGDOM

Intervention Board Executive Agency
Kings House
33 Kings Road
Reading RG1 3BU
Berkshire
Tel. (01189) 58 36 26
Fax (01189) 56 67 50

COMMISSION REGULATION (EC) No 2145/98
of 6 October 1998

**on the sale, by means of the procedure laid down in Regulation (EEC) No 2539/84,
of beef held by certain intervention agencies and intended for export**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1633/98⁽²⁾, and in particular Article 7(3) thereof,

Whereas the application of intervention measures in respect of beef has resulted in a build-up of stocks in several Member States; whereas outlets for these products exist in certain third countries; whereas, in order to prevent storage being prolonged excessively, part of these stocks should be sold by tendering procedure for export to those countries; whereas to permit the sale of meat of uniform quality, beef that was purchased under Article 6 of Regulation (EEC) No 805/68 should be sold;

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as last amended by Regulation (EC) No 2417/95⁽⁴⁾, provides for the possibility of a two-stage procedure for the sale of beef from intervention;

Whereas the sale should be conducted in accordance with Regulation (EEC) No 2539/84 and Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁵⁾, as last amended by Regulation (EC) No 770/96⁽⁶⁾;

Whereas, in order to ensure that the tendering procedure is consistent and uniform, measures should be adopted in addition to those provided for in Article 8(1) of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies⁽⁷⁾, as last amended by Regulation (EC) No 2417/95;

Whereas provision should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79 in view of

the administrative difficulties which the application of this point is creating in the Member States concerned;

Whereas, for administrative reasons, a minimum quantity should be set for tenders, taking into consideration normal commercial practice;

Whereas, for practical reasons, export refunds will not be granted for beef sold under this Regulation; whereas, however, buyers will be required to apply for export licences for the quantity allocated, in accordance with Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector⁽⁸⁾, as last amended by Regulation (EC) No 759/98⁽⁹⁾; whereas the deadline for taking over laid down in Article 6 of Regulation (EEC) No 2539/84 should accordingly be adjusted;

Whereas, in order to ensure that the beef sold is exported to the eligible third countries, provision should be made for a security to be lodged before the goods are taken over and the primary requirements should be determined;

Whereas products from intervention stocks may in certain cases have undergone several handling operations; whereas, in order to contribute to their satisfactory presentation and marketing, it is appropriate to authorise the repackaging of the products in certain specified circumstances;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The sale shall take place of intervention products bought in under Article 6 of Regulation (EEC) No 805/68, of approximately:

(a) — 2 000 tonnes of bone-in beef held by the Spanish intervention agency,

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽⁵⁾ OJ L 301, 17. 10. 1992, p. 17.

⁽⁶⁾ OJ L 104, 27. 4. 1996, p. 13.

⁽⁷⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁸⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁹⁾ OJ L 105, 4. 4. 1998, p. 7.

- 2 000 tonnes of bone-in beef held by the German intervention agency,
 - 2 000 tonnes of bone-in beef held by the Austrian intervention agency,
 - 500 tonnes of bone-in beef held by the Danish intervention agency,
 - 250 tonnes of bone-in beef held by the Belgian intervention agency,
 - 2 000 tonnes of bone-in beef held by the French intervention agency,
 - 2 000 tonnes of bone-in beef held by the Italian intervention agency,
 - 250 tonnes of bone-in beef held by the Dutch intervention agency,
- (b) — 4 000 tonnes of boneless beef held by the Irish intervention agency,
- 1 700 tonnes of boneless beef held by the French intervention agency.
2. The beef shall be exported to the zone 03 destinations referred to in Annex II to Commission Regulation (EC) No 1560/98⁽¹⁾.
3. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulations (EEC) No 2539/84 and (EEC) No 3002/92.

Article 2

1. The qualities and the minimum prices referred to in Article 3(1) of Regulation (EEC) No 2539/84 are set out in Annex I hereto.
2. For each product mentioned in Annex I, the intervention agencies shall first sell the meat which has been stored the longest.
- Particulars of the quantities and places where the products are stored shall be made available to interested parties at the addresses given in Annex II.
3. Only those tenders which reach the intervention agencies concerned no later than 12 noon on 12 October 1998 shall be taken into consideration.
4. A tender or purchase application shall be valid only if it relates to a minimum of 15 tonnes.
5. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, a tender must be submitted to the intervention agency concerned in a sealed envelope bearing a reference to the Regulation concerned. The sealed envelope must not be opened by the intervention agency before the tender deadline referred to in paragraph 3.
6. Notwithstanding Article 8(2)(b) of Regulation (EEC) No 2173/79, tenders shall not indicate which store the products are held in.

7. The security provided for in Article 5(1) of Regulation (EEC) No 2539/84 shall be ECU 12 per 100 kilograms.

Applications for export licences as referred to in Article 3(2) below shall constitute a primary requirement in addition to those laid down in Article 5(2) of the abovementioned Regulation.

Article 3

1. The intervention agency shall notify each operator concerned by fax of the outcome of tenders or purchase applications.
2. The operator shall apply within five working days of the date of notification as referred to in paragraph 1 for one or more export licences as referred to in the first indent of Article 8(2) of Regulation (EC) No 1445/95 to cover the quantity awarded. Applications shall be accompanied by the fax referred to in paragraph 1 and shall contain in box 7 the name of one of the eligible countries referred to in Article 1(2). In addition, box 20 of the applications shall contain the following:

- Productos de intervención sin restitución [Reglamento (CE) n° 2145/98]
- Interventionsvarer uden restitution (forordning (EF) nr. 2145/98)
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 2145/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 2145/98]
- Intervention products without refund [Regulation (EC) No 2145/98]
- Produits d'intervention sans restitution [règlement (CE) n° 2145/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 2145/98]
- Producten uit interventievoorraden zonder restitutie (Verordening (EG) nr. 2145/98)
- Produtos de intervenção sem restituição [Reglamento (CE) n° 2145/98]
- Interventiotuotteita – ei vientitukea (Asetus (EY) N:o 2145/98)
- Interventionsprodukt utan exportbidrag (Förordning (EG) nr 2145/98).

Article 4

1. A security to guarantee exports to the third countries referred to in Article 1(2) shall be provided by the buyer before the goods are taken over. Importation into one of those countries shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽²⁾.

⁽¹⁾ OJ L 202, 18. 7. 1998, p. 58.

⁽²⁾ OJ L 205, 3. 8. 1985, p. 5.

2. The security referred to in paragraph 1 shall be per tonne:

- ECU 1 700 for bone-in hindquarters,
- ECU 1 000 for bone-in forequarters,
- ECU 2 000 for boneless meat coming under codes INT.12 to INT.17, and code INT.19,
- ECU 1 300 for other boneless meat.

Article 5

Notwithstanding Article 6 of Regulation (EEC) No 2539/84, taking over must be completed within 45 days.

Article 6

The competent authorities may permit products from intervention whose packaging is torn or soiled to be put up, under their supervision and before being presented for dispatch at the customs office of departure, in new packaging of the same type.

Article 7

No export refund shall be granted in respect of meat sold under this Regulation.

The removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where appropriate, the control copy T5 shall contain one of the following entries:

- Productos de intervención sin restitución [Reglamento (CE) n° 2145/98]
- Interventionsvarer uden restitution (forordning (EF) nr. 2145/98)
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 2145/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 2145/98]
- Intervention products without refund [Regulation (EC) No 2145/98]
- Produits d'intervention sans restitution [règlement (CE) n° 2145/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 2145/98]
- Producten uit interventievoorraden zonder restitutie (Verordening (EG) nr. 2145/98)
- Produtos de intervenção sem restituição [Reglamento (CE) n° 2145/98]
- Interventiotuotteita — ei vientitukea (Asetus (EY) N:o 2145/98)
- Interventionsprodukt utan exportbidrag (Förordning (EG) nr 2145/98).

Article 8

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

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

Done at Brussels, 6 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I —
ANEXO I — LIITE I — BILAGA I

Estado miembro	Productos	Cantidad aproximada (toneladas)	Precio mínimo expresado en ecus por tonelada (1)
Medlemsstat	Produkter	Tilnærmet mængde (tons)	Mindstepriser i ECU/ton (1)
Mitgliedstaat	Erzeugnisse	Ungefähre Mengen (Tonnen)	Mindestpreise, ausgedrückt in ECU/Tonne (1)
Κράτος μέλος	Προϊόντα	Κατά προσέγγιση ποσότητα (τόνοι)	Ελάχιστες τιμές πώλησης εκφραζόμενες σε Ecu ανά τόνο (1)
Member State	Products	Approximate quantity (tonnes)	Minimum prices expressed in ECU per tonne (1)
État membre	Produits	Quantité approximative (tonnes)	Prix minimaux exprimés en écus par tonne (1)
Stato membro	Prodotti	Quantità approssimativa (tonnellate)	Prezzi minimi espressi in ecu per tonnellata (1)
Lidstaat	Producten	Hoeveelheid bij benadering (ton)	Minimumprijzen uitgedrukt in ECU per ton (1)
Estado-membro	Produtos	Quantidade aproximada (toneladas)	Preço mínimo expresso em ecus por tonelada (1)
Jäsenvaltio	Tuotteet	Arvioitu määrä (tonneina)	Alimmat hinnat ecuna tonnilta (1)
Medlemsstat	Produkter	Ungefärlig kvantitet (ton)	Lägsta priser i ecu per ton (1)

a) Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben

DEUTSCHLAND	— Vorderviertel	1 000	800
	— Hinterviertel	1 000	1 000
DANMARK	— Forfjerdinger	250	800
	— Bagfjerdinger	250	1 000
ITALIA	— Quarti anteriori	1 000	800
	— Quarti posteriori	1 000	1 000
FRANCE	— Quartiers avant	1 000	800
	— Quartiers arrière	1 000	1 000
BELGIQUE	— Quartiers arrière/Achtervoeten	250	1 000
ÖSTERREICH	— Vorderviertel	1 000	800
	— Hinterviertel	1 000	1 000
NEDERLAND	— Achtervoeten	250	1 000
ESPAÑA	— Cuartos delanteros	1 000	800
	— Cuartos traseros	1 000	1 000

b) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött

IRELAND	— shank (code INT 11)	400	900	
	— thick flank (code INT 12)	400	1 450	
	— topside (code INT 13)	200	1 500	
	— silverside (code INT 14)	200	1 350	
	— rump (code INT 16)	200	1 350	
	— striploin (code INT 17)	200	2 000	
	— flank (code INT 18)	400	800	
	— fore rib (code INT 19)	400	1 200	
	— shin (code INT 21)	400	900	
	— shoulder (code INT 22)	400	1 200	
	— brisket (code INT 23)	400	800	
	— forequarter (code INT 24)	400	1 200	
	FRANCE	— Semelle (code INT 14)	200	1 350
		— Flanchet (code INT 18)	900	800
— Entrecôte (code INT 19)		100	1 200	
— Épaule (code INT 22)		400	1 200	
— Quartier avant (code INT 24)		100	1 200	

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- (¹) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4); Reglamento cuya última modificación la constituye el Reglamento (CE) n° 2602/97 (DO L 351 de 23.12.1997, p. 20).
- (¹) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4); forordningen er senest ændret ved forordning (EF) nr. 2602/97 (EFT L 351 af 23.12.1997, s. 20).
- (¹) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2602/97 (ABl. L 351 vom 23.12.1997, S. 20).
- (¹) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4. 9. 1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2602/97 (ΕΕ L 351 της 23. 12. 1997, σ. 20).
- (¹) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2602/97 (OJ L 351, 23.12.1997, p. 20).
- (¹) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4. 9. 1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2602/97 (JO L 351 du 23. 12. 1997, p. 20).
- (¹) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2602/97 (GU L 351 del 23. 12. 1997, pag. 20).
- (¹) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4. 9. 1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2602/97 (PB L 351 van 23. 12. 1997, blz. 20).
- (¹) Ver anexos V e VII do Regulamento (CEE) n° 2456/93 da Comissão (JO L 225 de 4. 9. 1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n° 2602/97 (JO L 351 de 23.12.1997, p. 20).
- (¹) Katso asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2602/97 (EYVL L 351, 23.12.1997, s. 20), liitteet V ja VII.
- (¹) Se bilagorna V och VII i förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2602/97 (EGT L 351, 23.12.1997, s. 20).
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*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionssteller — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos
de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

BELGIQUE/BELGIË

Bureau d'intervention et de restitution belge
Rue de Trèves 82
B-1040 Bruxelles
Belgisch Interventie- en Restitutiebureau
Trierstraat 82
B-1040 Brussel
Tel. (32-2) 287 24 11; télex: BIRB. BRUB/24076-65567; télécopieur: (32-2) 230 2533/280 03 07

BUNDESREPUBLIK DEUTSCHLAND

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Postfach 180203, D-60083 Frankfurt am Main
Adickesallee 40
D-60322 Frankfurt am Main
Tel.: (49) 69 1564-704/7772; Telex: 411727; Telefax: (49) 69 15 64-790/791

DANMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
EU-direktoratet
Kampmannsgade 3
DK-1780 København V
Tlf. (45) 33 92 70 00; telex 151317 DK; fax (45) 33 92 69 48, (45) 33 92 69 23

ESPAÑA

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Tel.: (34) 913 47 65 00, 913 47 63 10; télex: FEGA 23427 E, FEGA 41818 E; fax: (34) 915 21 98 32,
915 22 43 87

FRANCE

OFIVAL
80, avenue des Terroirs-de-France
F-75607 Paris Cedex 12
Téléphone: (33 1) 44 68 50 00; télex: 215330; télécopieur: (33 1) 44 68 52 33

ITALIA

AIMA (Azienda di Stato per gli interventi nel mercato agricolo)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91; telex: 61 30 03; telefax: 445 39 40/445 19 58

IRELAND

Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
IRL-Dublin 2
Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 661 62 63, (01) 678 52 14 and (01) 662 01 98

NEDERLAND

Ministerie van Landbouw, Natuurbeheer en Visserij, Voedselvoorzieningsin- en verkoopbureau
p/a LASER, Zuidoost
Slachthuisstraat 71
Postbus 965
6040 AZ Roermond
Tel. (31-475) 35 54 44; telex 56396 VIBNL; fax (31-475) 31 89 39

ÖSTERREICH

AMA-Agrarmarkt Austria
Dresdner Straße 70
A-1201 Wien
Tel.: (431) 33 15 12 20; Telefax: (431) 33 15 1297

COMMISSION REGULATION (EC) No 2146/98
of 6 October 1998

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton⁽⁴⁾, as last amended by Regulation (EC) No 1664/98⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers and quotations;

whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3a), first sentence, of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1844/98⁽⁶⁾ determined estimated production for the 1998/99 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 26,737 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3a), first sentence, of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 43,846 per 100 kilograms in Spain,
- ECU 42,783 per 100 kilograms in Greece,
- ECU 79,563 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 7 October 1998.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 190, 4. 7. 1998, p. 4.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 211, 29. 7. 1998, p. 9.

⁽⁶⁾ OJ L 240, 28. 8. 1998, p. 3.

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

Done at Brussels, 6 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL RECOMMENDATION

of 24 September 1998

on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity

(98/560/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130 thereof,

Having regard to the Commission's proposal,

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

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

(1) Whereas the Commission adopted the Green Paper on the protection of minors and human dignity in audiovisual and information services on 16 October 1996 and the Council received it favourably at its meeting on 16 December 1996;

(2) Whereas the European Parliament ⁽³⁾, the Economic and Social Committee ⁽⁴⁾ and the Committee of the Regions ⁽⁵⁾ have all adopted opinions on the Green Paper;

(3) Whereas the conclusions of the consultation process were submitted by the Commission to the Council at its meeting of 30 June 1997 and unanimously welcomed;

(4) Whereas on 16 October 1996, the Commission adopted the communication on illegal and harmful content on the Internet; whereas on 17 February 1997 the Council and the representatives of the Governments of the Member States, meeting within the Council, adopted the resolution on illegal and harmful content on the Internet ⁽⁶⁾; whereas on 24 April 1997 the European Parliament adopted an opinion on the Commission communication on illegal and harmful content on the Internet; whereas this work is continuing in a manner complementary to the present recommendation since it deals with all forms of illegal and harmful content specifically on the Internet;

(5) Whereas the present recommendation addresses, in particular, issues of protection of minors and of human dignity in relation to audiovisual and information services made available to the public, whatever the means of conveyance (such as broadcasting, proprietary on-line services or services on the Internet);

(6) Whereas, in order to promote the competitiveness of the audiovisual and information services industry and its adaptation to technological development and structural changes, the provision of information, the raising of awareness and the education of users are essential; whereas this is also a condition

⁽¹⁾ Opinion delivered on 13 May 1998 (not yet published in the Official Journal).

⁽²⁾ OJ C 214, 10. 7. 1998, p. 25.

⁽³⁾ OJ C 339, 10. 11. 1997, p. 420.

⁽⁴⁾ OJ C 287, 22. 9. 1997, p. 11.

⁽⁵⁾ OJ C 215, 16. 7. 1997, p. 37.

⁽⁶⁾ OJ C 70, 6. 3. 1997, p. 1.

of the European citizen's full participation in the information society; whereas, therefore, in addition to measures to protect minors and to combat illegal content offensive to human dignity, legal and responsible use of information and communication services should be encouraged, through the exercise, *inter alia*, of parental control measures;

- (7) Whereas Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities ⁽¹⁾, and in particular Articles 22, 22a and 22b of Directive 89/552/EEC, lays down a full range of measures aimed at the protection of minors with regard to television broadcasting for the purposes of ensuring the free movement of television broadcasts;
- (8) Whereas the development of audiovisual and information services is of vital importance for Europe in view of their significant potential in the fields of education, access to information and culture, economic development and job creation;
- (9) Whereas full achievement of this potential requires the existence of a successful and innovative industry in the Community; whereas it is in the first instance incumbent on businesses to ensure and improve their competitiveness with the support of public authorities where appropriate;
- (10) Whereas the establishment of the climate of confidence needed to achieve the potential of the audiovisual and information services industry by removing obstacles to the development and full competitiveness of the said industry is promoted by the protection of certain important general interests, in particular the protection of minors and of human dignity;
- (11) Whereas the general competitiveness of the European audiovisual and information services industry will improve through the development of an environment that favours cooperation between the enterprises in the sector on matters concerning the protection of minors and human dignity;
- (12) Whereas the existence of certain technological conditions enables a high level of protection of the abovementioned important general interests, in particular the protection of minors and human dignity, and, consequently, the acceptance by all users of these services;
- (13) Whereas it is important therefore to encourage enterprises to develop a national self-regulatory framework through cooperation between them and the other parties concerned; whereas self-regulation could provide enterprises with the means to adapt themselves rapidly to the quickening technical progress and to market globalisation;
- (14) Whereas the protection of general interests sought in this manner must be seen in the context of the fundamental principles of respect for privacy and freedom of expression, as enshrined in Articles 8 and 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and as recognised by Article F(2) of the Treaty on European Union and by the case-law of the Court of Justice as general principles of Community law;
- (15) Whereas any restriction of these rights and freedoms must be non-discriminatory, necessary to achieving the desired objective and strictly proportional with regard to the limitations it imposes;
- (16) Whereas the global nature of communications networks necessitates an international approach to the question of the protection of minors and human dignity in audiovisual and information services; whereas, in this context, the development of a common indicative framework at European level makes it possible both to promote European values and make a decisive contribution to the international debate;
- (17) Whereas it is vital to distinguish between questions relating to illegal content which is offensive to human dignity and those relating to content that is legal, but liable to harm minors by impairing their physical, mental or moral development; whereas these two types of problem may require a different approach and different solutions;
- (18) Whereas the national laws in which Member States have laid down rules and principles on the protection of minors and human dignity reflect cultural diversity and national and local sensitivities; whereas, in this regard, particular attention must be paid to the application of the principle of subsidiarity;
- (19) Whereas, in view of the transnational nature of communications networks, the effectiveness of national measures would be strengthened, at Community level, by coordination of national initiatives, and of the bodies responsible for their implementation, in accordance with the respective responsibilities and functions of the parties concerned and by the development of cooperation and the sharing of good practices in relevant areas;

⁽¹⁾ OJ L 202, 30. 7. 1997, p. 60.

- (20) Whereas, as a supplementary measure, and with full respect for the relevant regulatory frameworks at national and Community level, greater self-regulation by operators should contribute to the rapid implementation of concrete solutions to the problems of the protection of minors and human dignity, while maintaining the flexibility needed to take account of the rapid development of audiovisual and information services;
- (21) Whereas the contribution of the Community, the aim of which will be to supplement Member States' measures to protect minors and human dignity in audiovisual and information services, should be based on the maximum use of existing instruments;
- (22) Whereas there should be close coordination of the various relevant initiatives conducted in parallel with the follow-up to the Green Paper, particularly the work on the follow-up to the communication on 'Illegal and Harmful Content on the Internet', including the resolution adopted by the Council and the representatives of the Governments of the Member States meeting within the Council on 17 February 1997, the 1997 European Parliament resolution and the two working party reports submitted to the Council on 28 November 1996 and 27 June 1997, work carried out according to the provisions of Article 22b of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities⁽¹⁾ and the work on cooperation on justice and home affairs;
- (23) Whereas the implementation of this recommendation will be closely coordinated with that of any possible new measure resulting from the work on the follow-up to the Commission communication on illegal and harmful content on the Internet,
- I. HEREBY RECOMMENDS that the Member States foster a climate of confidence which will promote the development of the audiovisual and information services industry by:
- (1) promoting, as a supplement to the regulatory framework, the establishment on a voluntary basis of national frameworks for the protection of minors and human dignity in audiovisual and information services through:
- the encouragement, in accordance with national traditions and practices, of the participation of relevant parties (such as users, consumers, businesses and public authorities) in the definition, implementation and evaluation of national measures in the fields covered by this recommendation,
 - the establishment of a national framework for self-regulation by operators of on-line services, taking into account the indicative principles and methodology described in the Annex,
 - cooperation at Community level in developing comparable assessment methodologies;
- (2) encouraging broadcasters in their jurisdiction to carry out research and to experiment, on a voluntary basis, with new means of protecting minors and informing viewers, as a supplement to the national and Community regulatory frameworks governing broadcasting;
- (3) taking effective measures, where appropriate and feasible, to reduce potential obstacles to the development of the on-line services industry while sustaining the fight against illegal content offensive to human dignity, through:
- the handling of complaints and the transmission of the necessary information about alleged illegal content to the relevant authorities at national level,
 - transnational cooperation between the complaints-handling structures, in order to strengthen the effectiveness of national measures;
- (4) promoting, in order to encourage the take-up of technological developments and in addition to and consistent with existing legal and other measures regarding broadcasting services, and in close cooperation with the parties concerned:
- action to enable minors to make responsible use of on-line audiovisual and information services, notably by improving the level of awareness among parents, educators and teachers of the potential of the new services and of the means whereby they may be made safe for minors,
 - action to facilitate, where appropriate and necessary, identification of, and access to, quality content and services for minors, including through the provision of means of access in educational establishments and public places.

⁽¹⁾ OJ L 298, 17. 10. 1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30. 7. 1997, p. 60).

II. RECOMMENDS that the industries and parties concerned:

- (1) cooperate, in accordance with national traditions and practices, with the relevant authorities in setting up structures representing all the parties concerned at national level, in order *inter alia* to facilitate participation in coordination at European and international level in the fields covered by this recommendation;
- (2) cooperate in the drawing up of codes of conduct for the protection of minors and human dignity applying to the provision of on-line services, *inter alia* to create an environment favourable to the development of new services, taking into account the principles and the methodology described in the Annex;
- (3) develop and experiment, as regards broadcasting services, on a voluntary basis, with new means of protecting minors and informing viewers in order to encourage innovation while improving such protection;
- (4) develop positive measures for the benefit of minors, including initiatives to facilitate their wider access to audiovisual and information services, while avoiding potentially harmful content;
- (5) collaborate in the regular follow-up and evaluation of initiatives carried out at national level in application of this recommendation.

III. INVITES the Commission to:

- (1) facilitate, where appropriate through existing Community financial instruments, the networking of the bodies responsible for the definition and implementation of national self-regulation frameworks and the sharing of experience and good practices, in particular in relation to innovative approaches, at Community level, between the

Member States and parties concerned in the various fields covered by this recommendation;

- (2) encourage cooperation and the sharing of experience and good practices between the self-regulation structures and complaints-handling structures, with a view to fostering a climate of confidence by combating the circulation of illegal content offensive to human dignity in on-line audiovisual and information services;
- (3) promote, with the Member States, international cooperation in the various fields covered by this recommendation, particularly through the sharing of experience and good practices between operators and other concerned parties in the Community and their partners in other regions of the world;
- (4) develop, in cooperation with the competent national authorities, a methodology for evaluating the measures taken in pursuance of this recommendation, with particular attention to the evaluation of the added value of the cooperation process at Community level, and present, two years after the adoption of this recommendation, an evaluation report on its effect to the European Parliament and the Council.

Done at Brussels, 24 September 1998.

For the Council
The President
J. FARNLEITNER

*ANNEX***INDICATIVE GUIDELINES FOR THE IMPLEMENTATION, AT NATIONAL LEVEL, OF A SELF-REGULATION FRAMEWORK FOR THE PROTECTION OF MINORS AND HUMAN DIGNITY IN ON-LINE AUDIOVISUAL AND INFORMATION SERVICES****Objective**

The purpose of these guidelines is to foster a climate of confidence in the on-line audiovisual and information services industry by ensuring broad consistency, at Community level, in the development, by the businesses and other parties concerned, of national self-regulation frameworks for the protection of minors and human dignity. The services covered by these guidelines are those provided at a distance, by electronic means. They do not include broadcasting services covered by Council Directive 89/552/EEC or radio broadcasting. The contents concerned are those which are made available to the public, rather than private correspondence.

This consistency will enhance the effectiveness of the self-regulation process and provide a basis for the necessary transnational cooperation between the parties concerned.

While taking into account the voluntary nature of the self-regulation process (the primary purpose of which is to supplement existing legislation) and respecting the differences in approach and varying sensitivities in the Member States of the Community, these guidelines relate to four key components of a national self-regulation framework:

- consultation and representativeness of the parties concerned,
- code(s) of conduct,
- national bodies facilitating cooperation at Community level,
- national evaluation of self-regulation frameworks.

1. CONSULTATION AND REPRESENTATIVENESS OF THE PARTIES CONCERNED

The objective is to ensure that the definition, implementation and evaluation of a national self-regulation framework benefits from the full participation of the parties concerned, such as the public authorities, the users, consumers and the businesses which are directly or indirectly involved in the audiovisual and on-line information services industries. The respective responsibilities and functions of the parties concerned, both public and private, should be set out clearly.

The voluntary nature of self-regulation means that the acceptance and effectiveness of a national self-regulation framework depends on the extent to which the parties concerned actively cooperate in its definition, application and evaluation.

All the parties concerned should also help with longer-term tasks such as the development of common tools or concepts (for example, on labelling of content) or the planning of ancillary measures (for example, on information, awareness and education).

2. CODE(S) OF CONDUCT**2.1. General**

The objective is the production, within the national self-regulation framework, of basic rules which are strictly proportionate to the aims pursued; these rules should be incorporated into a code (or codes) of conduct covering at least the categories set out at 2.2, to be adopted and implemented voluntarily by the operators (i.e. primarily the businesses) concerned.

In drawing up these rules, the following should be taken into account:

- the diversity of services and functions performed by the various categories of operator (providers of network, access, service, content, etc.) and their respective responsibilities,
- the diversity of environments and applications in on-line services (open and closed networks, applications of varying levels of interactivity).

In view of the above, operators may need one or more codes of conduct.

Given such diversity, the proportionality of the rules drawn up should be assessed in the light of:

- the principles of freedom of expression, protection of privacy and free movement of services,
- the principle of technical and economic feasibility, given that the overall objective is to develop the information society in Europe.

2.2. The content of the code(s) of conduct

The code (or codes) of conduct should cover the following:

2.2.1. Protection of minors

Objective: to enable minors to make responsible use of on-line services and to avoid them gaining access, without the consent of their parents or teachers, to legal content which may impair their physical, mental or moral development. Besides coordinated measures to educate minors and to improve their awareness, this should cover the establishment of certain standards in the following fields:

(a) Information to users

Objective: within the framework of encouraging responsible use of networks, on-line service providers should inform users, where possible, of any risks from the content of certain on-line services and of such appropriate means of protection as are available.

The codes of conduct should address, for example, the issue of basic rules on the nature of the information to be made available to users, its timing and the form in which it is communicated. The most appropriate occasions should be chosen to communicate the information (sale of technical equipment, conclusion of contracts with user, web sites, etc.).

(b) Presentation of legal contents which may harm minors

Objective: where possible, legal content which may harm minors or affect their physical, mental or moral development should be presented in such a way as to provide users with basic information on its potentially harmful effect on minors.

The codes of conduct should therefore address, for example, the issue of basic rules for the businesses providing on-line services concerned and for users and suppliers of content; the rules should set out the conditions under which the supply and distribution of content likely to harm minors should be subject, where possible, to protection measures such as:

- a warning page, visual signal or sound signal,
- descriptive labelling and/or classification of contents,
- systems to check the age of users.

Priority should be given, in this regard, to protection systems applied at the presentation stage to legal content which is clearly likely to be harmful to minors, such as pornography or violence.

(c) Support for parental control

Objective: where possible, parents, teachers and others exercising control in this area should be assisted by easy-to-use and flexible tools in order to enable, without the former's educational choices being compromised, minors under their charge to have access to services, even when unsupervised.

The codes of conduct should address, for example, the issue of basic rules on the conditions under which, wherever possible, additional tools or services are supplied to users to facilitate parental control, including:

- filter software installed and activated by the user,
- filter options activated, at the end-user's request, by service operators at a higher level (for example, limiting access to predefined sites or offering general access to services).

(d) Handling of complaints ('hotlines')

Objective: to promote the effective management of complaints about content which does not comply with the rules on the protection of minors and/or violates the code of conduct.

The codes of conduct should address, for example, the issue of basic rules on the management of complaints and encourage operators to provide the management tools and structures needed so that complaints can be sent and received without difficulties (telephone, e-mail, fax) and to introduce procedures for dealing with complaints (informing content providers, exchanging information between operators, responding to complaints, etc.).

2.2.2. *Protection of human dignity*

Objective: to support effective measures in the fight against illegal content offensive to human dignity.

(a) Information for users

Objective: where possible, users should be clearly informed of the risks inherent in the use of on-line services as content providers so as to encourage legal and responsible use of networks.

Codes of conduct should address, for example, the issue of basic rules on the nature of information to be made available, its timing and the form in which it is to be communicated.

(b) Handling of complaints ('hotlines')

Objective: to promote the effective handling of complaints about illegal content offensive to human dignity circulating in audiovisual and on-line services, in accordance with the respective responsibilities and functions of the parties concerned, so as to reduce illegal content and misuse of the networks.

The codes of conduct should address, for example, the issue of basic rules on the management of complaints and encourage operators to provide the management tools and structures needed so that complaints can be sent and received without difficulties (telephone, e-mail, fax) and to introduce procedures for dealing with complaints (informing content providers, exchanging information between operators, responding to complaints, etc.).

(c) Cooperation of operators with judicial and police authorities

Objective: to ensure, in accordance with the responsibilities and functions of the parties concerned effective cooperation between operators and the judicial and police authorities within Member States in combating the production and circulation of illegal content offensive to human dignity in audiovisual and on-line information services.

The codes of conduct should address, for example, the issue of basic rules on cooperation procedures between operators and the competent public authorities, while respecting the principles of proportionality and freedom of expression as well as relevant national legal provisions.

2.2.3. *Violations of the codes of conduct*

Objective: to strengthen the credibility of the code (or codes) of conduct, taking account of its voluntary nature, by providing for dissuasive measures which are proportionate to the nature of the violations. In this connection, provision should be made, where appropriate, for appeal and mediation procedures.

Appropriate rules to govern this area should be included in the code of conduct.

3. NATIONAL BODIES FACILITATING COOPERATION AT COMMUNITY LEVEL

Objective: to facilitate cooperation at Community level (sharing of experience and good practices; working together) through the networking of the appropriate structures within Member States, consistent with their national functions and responsibilities. Such structures could also allow international cooperation to be extended.

Cooperation at European level means:

— cooperation between the parties concerned:

all the parties involved in the drawing up of the national self-regulation framework are asked to set up a representative body at national level to facilitate the sharing of experience and good practices and to work together at Community and international level,

— cooperation between national complaints-handling structures:

to facilitate and develop cooperation at European and international level, the parties involved in an effective complaint management system are asked to set up a national contact point to strengthen cooperation in the fight against illegal content, facilitate the sharing of experience and good practices, and improve legal and responsible use of the networks.

4. EVALUATION OF SELF-REGULATION FRAMEWORKS

The objective is to provide for regular evaluations of the self-regulation framework at national level, to assess its effectiveness in protecting the general interests in question, to measure its success in achieving its objectives and to adapt it gradually to changes in the market, technology and types of use.

The parties concerned are asked to set up an evaluation system at national level so that they can monitor the progress made in implementing the self-regulation framework. This should take into account appropriate European-level cooperation, *inter alia* on the development of comparable assessment methodologies.

COUNCIL RECOMMENDATION

of 24 September 1998

on European cooperation in quality assurance in higher education

(98/561/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 126 and 127 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189c of the Treaty ⁽³⁾,

(1) Whereas a high quality of education and training is an objective for all Member States; whereas the Community is called on to contribute to their ongoing efforts by promoting cooperation between Member States and, if necessary, by supporting and supplementing their action while fully respecting their responsibility for the content of teaching and the organisation of education and training systems and their cultural and linguistic diversity;

(2) Whereas in its conclusions of 25 November 1991 ⁽⁴⁾ the Council stated that improving the quality of higher education was a concern shared by each Member State and by every institution of higher education within the European Community; whereas, in view of the diversity of methods used at national level, national experience could be complemented by European experience acquired, in particular, through pilot projects aimed at establishing cooperation in this area or at strengthening existing cooperation;

(3) Whereas the replies to the Commission memorandum on higher education stress *inter alia* that quality should be guaranteed at all levels and in all sectors, with differences between institutions only in terms of objectives, methods and educational demand; whereas there is general support for the

introduction of efficient and acceptable methods of quality assurance which take into account European and international experience and the possibility of cooperation;

(4) Whereas a Commission study on the state of quality assurance in the Member States revealed that the new quality assurance systems had certain points in common; whereas the two pilot projects conducted subsequently were based on these core elements of existing national systems; whereas they tested a common method successfully and showed that the players in the field are all eager to pursue exchanges of experience which demonstrate the diversity of national evaluation cultures as well as the importance of quality assurance in general;

(5) Whereas, in view of the great diversity of education systems in the Community, the definition of the term 'higher education institution' to which the recommendation refers includes all the types of institutions which confer qualifications or degrees at this level irrespective of how they are described in the Member States; whereas this definition is used in the decision establishing the Socrates programme;

(6) Whereas higher education institutions have to meet the new educational and social requirements of a world-wide 'knowledge society' and the resulting developments; whereas they will, therefore, endeavour to improve the required attributes of the services they provide by developing, where appropriate, new initiatives (individually or on a collaborative basis within higher education associations), aimed at increasing the quality of teaching and learning;

(7) Whereas the technological and economic changes and their consequences for the labour market pose new challenges for higher education institutions and whereas, in view of the challenges of global competition as well as the ever increasing influx of students into higher education institutions, Member States face the task of organising their higher education systems and their relationships *vis-à-vis* State and society in ways which

⁽¹⁾ OJ C 19, 21. 1. 1998, p. 39.

⁽²⁾ OJ C 64, 27. 2. 1998, p. 63.

⁽³⁾ Opinion of the European Parliament of 18 November 1997 (OJ C 371, 8. 12. 1997, p. 33), Council common position of 26 February 1998 (not yet published in the Official Journal) and Decision of the European Parliament of 28 May 1998 (not yet published in the Official Journal).

⁽⁴⁾ OJ C 321, 12. 12. 1991, p. 2.

respect existing academic standards, training objectives, quality standards, the autonomy and/or the independence — in terms of the relevant structures in each Member State — of higher education institutions, and the need to be accountable to and inform the public;

- (8) Whereas discussion of the Commission communication of 13 February 1994 has demonstrated that quality assurance systems could contribute towards mutual recognition of academic or professional qualifications at Community level;
- (9) Whereas the Commission White Paper on 'Growth, Competitiveness and Employment', the White Paper on 'Teaching and Learning: towards the Learning Society' and the Green Paper on 'Education — Training — Research. The obstacles to transnational mobility' indicate how important high-quality education is for employment and growth within the Community and for its competitiveness at world level; whereas these documents highlight the link that exists between the social and cultural functions of education and training, on the one hand, and their economic functions, on the other hand, and therefore the many aspects of the concept of quality; whereas it is clear that transparent educational systems are required for transnational mobility;
- (10) Whereas encouraging mobility is one of the aims of Community cooperation in the fields of education and training; whereas the Commission Green Paper on 'Education — Training — Research. The obstacles to transnational mobility' examines the principal legal, administrative and practical obstacles encountered by students wishing to study in another Member State, proposes measures to improve mobility and stresses that this type of mobility is beneficial to an education of high quality which can enable individuals to compete internationally and to take advantage of freedom of movement within the Community;
- (11) Whereas the size, structure and funding of higher education systems differ from Member State to Member State and the objectives of these systems will continue to evolve; whereas in certain Member States the higher education system includes universities and other higher education institutions, often pursuing vocational aims; whereas the concept, scope and methods of quality assurance will be defined by each Member State and will remain flexible and adaptable to changing circumstances and/or structures;
- (12) In view of Member States' exclusive responsibilities for the organisation and structure of their higher education systems and of their budgetary constraints, and in view of the autonomy and/or

independence of higher education institutions, in terms of the relevant structures in each Member State,

I. HEREBY RECOMMENDS that Member States:

- A. support and, where necessary, establish transparent quality assurance systems with the following aims:
- to safeguard the quality of higher education within the specific economic, social and cultural context of their countries while taking due account of the European dimension and of a rapidly changing world,
 - to encourage and help higher education institutions to use appropriate measures, particularly quality assurance, as a means of improving the quality of teaching and learning and also training for research, another important part of their task,
 - to stimulate mutual exchanges of information on quality and quality assurance at Community and world level and to encourage cooperation between higher education institutions in this area;
- B. base systems of quality assurance on the following features, as explained in the Annex:
- autonomy and/or independence in terms of the relevant structures in each Member State for the bodies responsible for quality assurance in their choice of procedures and methods,
 - adaptation of quality assurance procedures and methods to the profile and aims of higher education institutions, while respecting their autonomy and/or independence in terms of the relevant structures in each Member State,
 - targeted utilisation of internal and/or external aspects of quality assurance adapted to the procedures and methods used,
 - involvement of the different parties concerned according to the purpose of the quality assurance,
 - publication of quality assurance results in a form which is appropriate to each Member State;
- C. where necessary, encourage higher education institutions, in cooperation with the competent structures of the Member States, to take appropriate follow-up measures;

- D. call upon the competent authorities and higher education institutions to attach special importance to the exchange of experience and cooperation regarding quality assurance with other Member States, as well as with international organisations and associations active in the field of higher education;
- E. promote cooperation between the authorities responsible for quality assessment or quality assurance in higher education and promote networking.

This cooperation could cover some or all of the following areas:

- (a) encouraging and developing the exchange of information and experience, in particular on methodological developments and examples of good practice;
- (b) fulfilling the requests for expertise and advice from the authorities concerned in the Member States;
- (c) supporting higher education institutions which wish to cooperate in the field of quality assurance on a transnational basis;
- (d) promoting contacts with international experts.

In pursuing these objectives the developing links between quality assurance and other existing Community activities in particular in the framework of the Socrates and Leonardo da Vinci programmes should be taken into account, as should the 'acquis communautaire' in the field of

recognition of qualifications for professional purposes.

II. HEREBY RECOMMENDS:

that the Commission, in close cooperation with the Member States and on the basis of existing programmes and subject to their objectives and normal open and transparent procedures, encourage the cooperation referred to in point I.E between the authorities responsible for quality assessment and quality assurance in higher education, also involving organisations and associations of higher education institutions with a European remit and the necessary experience in quality assessment and quality assurance.

III. HEREBY REQUESTS:

the Commission to present triennial reports to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on progress in the development of quality assurance systems in the various Member States and on cooperation activities at European level including the progress achieved with respect to the objectives referred to above.

Done at Brussels, 24 September 1998.

For the Council
The President
J. FARNLEITNER

*ANNEX***Indicative features of quality assurance**

The features referred to below are common to existing European quality assurance systems. The European pilot projects assessing the quality of higher education have demonstrated that all parties involved in this area can benefit from observing these features.

The autonomy and/or independence, in terms of the relevant structures in each Member State, of the body responsible for quality assurance (as regards procedures and methods) is likely to contribute to the effectiveness of quality assurance procedures and the acceptance of their results.

Quality assurance criteria are closely linked to the aims assigned to each institution in relation to the needs of society and of the labour market; the different quality assurance procedures must therefore include allowance for the specific nature of the institution. Knowledge of the institution's objectives, be it at the level of the whole institution, at the level of a department or at the level of a single unit, is essential in this respect.

Quality assurance procedures should generally consist of an internal, self-examination component and an external component based on appraisal by external experts.

The internal element of self-examination should aim to involve all the relevant players, especially teaching staff and, where appropriate, administrators in charge of academic and professional guidance, as well as students. The external element should be a process of cooperation, consultation and advice between independent experts from outside and players from within the institution.

In the light of the objectives and criteria used in the quality assurance procedure and with reference to the structures of higher education in the Member States, professional associations, social partners and alumni could be included in the expert groups.

The participation of foreign experts in the procedures would be desirable in order to encourage exchange of experience acquired in other countries.

Reports on quality assurance procedures and their outcome should be published in a form appropriate to each Member State and should provide a source of good reference material for partners and for the general public.
