

English edition

## Legislation

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<sup>(1)</sup> Text with EEA relevance

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**EN**

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Notice to readers (see page 3 of the cover)

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2799/98  
of 15 December 1998  
establishing agrimonetary arrangements for the euro**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Having regard to the opinion of the Monetary Committee <sup>(4)</sup>,

appreciable reductions in the agricultural conversion rates before 1 January 1997 <sup>(5)</sup>;

— Council Regulation (EC) No 724/97 of 22 April 1997 determining measures and compensation relating to appreciable revaluations that affect farm incomes <sup>(6)</sup>

essentially consist in a system of specific agricultural conversion rates different from the actual exchange rates of the currencies; whereas such a system is incompatible with the introduction of the euro; whereas agrimonetary arrangements adapted to the new situation should therefore be established and the Regulations laying down the former agrimonetary arrangements should be repealed;

(1) Whereas Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro <sup>(5)</sup> provides that from 1 January 1999 the currency of the Member States participating in economic and monetary union shall be the euro; whereas the agrimonetary arrangements provided for on the basis of:

— 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 <sup>(6)</sup>;

— Council Regulation (EC) No 1527/95 of 29 June 1995 regulating compensation for reductions in the agricultural conversion rates of certain national currencies <sup>(7)</sup>;

— Council Regulation (EC) No 2990/95 of 18 December 1995 regulating compensation for

(2) Whereas in the present monetary situation, where the gaps between exchange rates and agricultural conversion rates are moderate, it is possible to establish a simpler agrimonetary system closer to the actual monetary situation; whereas consequently the conversion into the national currency of the non-participating Member States prices and amounts fixed in euro in legal instruments relating to the common agricultural policy may be done with the exchange rate of the euro in those currencies; whereas such a provision has the further advantage of considerably simplifying the management of the common agricultural policy;

(3) Whereas the rate of exchange of the euro into national currency may vary in the course of the period during which an operation is carried out; whereas the rate applicable to the amounts concerned must be determined; whereas in general account must be taken of the event through which the economic objective of the operation is attained;

<sup>(1)</sup> OJ C 224, 17. 7. 1998, p. 15.

<sup>(2)</sup> OJ C 328, 26. 10. 1998.

<sup>(3)</sup> Opinion delivered on 9 September 1998 (not yet published in the Official Journal).

<sup>(4)</sup> Opinion delivered on 30 September 1998 (not yet published in the Official Journal).

<sup>(5)</sup> OJ L 139, 11. 5. 1998, p. 1.

<sup>(6)</sup> OJ L 387, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 150/95 (OJ L 22, 31. 1. 1995, p. 1).

<sup>(7)</sup> OJ L 148, 30. 6. 1995, p. 1.

<sup>(6)</sup> OJ L 312, 23. 12. 1995, p. 7. Regulation as amended by Regulation (EC) No 1451/96 (OJ L 187, 26. 7. 1996, p. 1).

<sup>(6)</sup> OJ L 108, 25. 4. 1997, p. 9. Regulation as amended by Regulation (EC) No 942/98 (OJ L 132, 6. 5. 1998, p. 1).

whereas the rate of exchange applied should be that of the date on which this event occurs; whereas it may be necessary to specify this operative event or to waive its application, observing certain criteria and in particular the rapidity with which currency movements are passed on;

- (4) Whereas, in cases of major currency revaluation with potential effects on prices and amounts other than direct aid, farm incomes may in certain conditions be reduced; whereas as a consequence provision could justifiably be made for temporary, degressive aid to offset the effects of revaluations, and keep pace with the development of agricultural prices in a manner compatible with the rules of the general economy;
- (5) Whereas specific rules adapted to the type of aid are required to offset the effects of major currency revaluations on the level of certain direct aids in national currency;
- (6) Whereas the arrangements for financing compensatory aid must provide for a financial contribution from the European Union and the Member State;
- (7) Whereas in the longer term the agricultural sector must adjust, like other sectors of the economy, to the monetary reality; whereas consequently a cut-off date should be set for the compensation arrangements; whereas the setting of such a cut-off date is part of the budgetary discipline;
- (8) Whereas reason dictates that special rules be laid down for dealing with exceptional situations arising either within the European Union or on the world market and requiring immediate action to ensure that the arrangements established under the common agricultural policy operate effectively;
- (9) Whereas a Member State that is not participating in economic and monetary union must have the option of making payments for expenditure resulting from legal instruments relating to the common agricultural policy in euro rather than in national currency; whereas steps should be taken to ensure that this option does not lead to any unjustified advantage for parties making or receiving payment;
- (10) Whereas provision should be made for the possibility of interim measures to facilitate the introduction of the new agrimonetary arrangements,

HAS ADOPTED THIS REGULATION:

### Article 1

For the purposes of this Regulation:

- (a) 'legal instruments relating to the common agricultural policy' means:
- legal instruments based directly or indirectly on Article 43 of the Treaty, with the exception of the Common Customs Tariff and other legal instruments of customs legislation applicable to both agricultural and industrial products,
  - legal instruments applicable to goods processed from agricultural products and subject to specific trade arrangements;
- (b) 'participating Member States' means: the Member States which have adopted the single currency in accordance with the Treaty;
- (c) 'non-participating Member States' means: the Member States which have not adopted the single currency;
- (d) 'national currencies' means: the national currencies of the non-participating Member States and of third countries;
- (e) 'exchange rate' means: the currency market exchange rate between the euro and national currency;
- (f) 'appreciable revaluation' means: a situation where the annual average exchange rate is below a threshold defined as the lowest average annual conversion rate applied during the preceding three years and the exchange rate of 1 January 1999;
- (g) 'appreciable part of a revaluation' means: the percentage by which the annual average falls short of the threshold referred to in point (f).

### Article 2

1. Prices and amounts fixed in legal instruments relating to the common agricultural policy shall be expressed in euro.
2. They shall be granted or collected in euro in the participating Member States. In the other Member States, they shall be converted into their national currency by means of an exchange rate, and, without prejudice to Article 8, granted or collected in national currency.
3. However, for amounts relating to imports and for export taxes, fixed in euro by a legal instrument relating to the common agricultural policy and applicable by the Member States in national currency, the conversion rate shall be specifically equal to the rate applicable pursuant to Article 18(1) of Regulation (EEC) No 2913/92<sup>(1)</sup>.

<sup>(1)</sup> OJ L 302, 19. 10. 1992, p. 1. Regulation as last amended by Regulation (EC) No 82/97 of the European Parliament and of the Council (OJ L 17, 21. 1. 1997, p. 1).

### Article 3

1. The operative event for the exchange rate shall be:
  - the completion of customs import or export formalities in the case of amounts collected or granted in trade with third countries,
  - the event whereby the economic objective of the operation is attained in all other cases.
2. Where the operative event as referred to in paragraph 1 has to be specified or cannot be taken into account for reasons peculiar to the market organisation or the amount in question, a specific operative event shall be determined in accordance with the procedure laid down in Article 9, taking account of the following criteria:
  - (a) actual applicability as soon as possible of adjustments to the exchange rate;
  - (b) similarity of the operative events for analogous operations carried out under different market organisations;
  - (c) coherence in the operative events for the various prices and amounts relating to a single market organisation;
  - (d) practicability and effectiveness of checks on the application of suitable exchange rates.

### Article 4

1. For prices and amounts other than those referred to in Article 5, the Member State may grant compensatory aid to farmers in cases of appreciable revaluation. The payments shall be made in three successive tranches lasting twelve months each, starting in March following the month of the appreciable revaluation.

These compensatory payments shall not take the form of aid linked to production, other than production during a stipulated, prior period. They shall not favour any particular type of production or be dependent on production subsequent to the period stipulated.

2. The maximum amount of the first tranche of compensatory aid shall be established, for the Member State concerned as a whole, in accordance with the procedure laid down in Article 9, by multiplying the appreciable part of the revaluation by the flat-rate income loss determined in accordance with points 1 to 3 of the Annex.
3. The maximum amount of the first tranche shall be reduced or cancelled where appropriate, taking account of the market situation observed during the year up to the time of the appreciable revaluation.
4. No aid shall be granted for the portion of the amount calculated in accordance with paragraph 2 that does not exceed appreciable revaluation of 2,6 %.
5. The amounts paid out under the second and third tranches shall each be reduced, *vis-à-vis* the level of the previous tranche, by at least a third of the amount paid out in the first tranche.

The amounts paid out under the second and third tranches shall be reduced or cancelled as a function of the effect on incomes of the development of exchange rates recorded until the beginning of the month preceding the first month of the relevant tranche, and taking account of the market situation observed over the same period.

6. The market situation shall be taken into account pursuant to paragraph 3 and the second subparagraph of paragraph 5 in accordance with the following criteria:

The amount of one or more tranches in one or more sectors may be reduced when it has been observed that:

- (a) over the year during which an appreciable revaluation occurs or over the period between the beginning of the preceding tranche and the beginning of the month preceding the first month of the tranche concerned, the market price for the Member State concerned was on average equal to or higher than the average market prices in the Member States whose currencies had not been appreciably revalued during the same period. Market prices shall be compared using an index of base 100 for market prices in national currency or in euro,
- or
- (b) the relation between the dates of operative events in the sector concerned and the date of the appreciable revaluation is such that there is no justification for concluding that the revaluation had an impact throughout the period considered.

In cases where point (b) is applied, the reduction of at least one third referred to in Article 4(5) shall be calculated on the basis of the amount of the first tranche that would have been granted if point (b) had not been applied.

These criteria may be amended, in the light of experience, in accordance with the procedure laid down in Article 9.

### Article 5

1. In cases where the exchange rate applicable on the date of the operative event for:

- flat-rate aid calculated per hectare or per livestock unit,
- or
- a compensatory premium per sheep or goat,
- or
- amounts of a structural or environmental nature

is below that applicable previously, the Member State concerned may make compensatory payments to farmers in three successive tranches lasting twelve months each, starting on the date of the operative event.

Compensatory aid must be granted in the form of an addition to the aid, premiums and amounts referred to in the first subparagraph.

2. The maximum amount of the first tranche of compensatory aid shall be established, for the Member State concerned as a whole, in accordance with the procedure laid down in Article 9, in accordance with point 4 of the Annex. However, the Member State may waive the grant of the compensatory aid when this amount corresponds to a reduction of less than 0,5 %.

3. The amounts paid out under the second and third tranches shall each be reduced, *vis-à-vis* the level of the previous tranche, by at least a third of the amount paid out in the first tranche.

4. The amounts referred to in paragraph 3 shall be reduced or cancelled if necessary as a function of the effect on income of the development of the exchange rates recorded on the first day of the second and third tranches.

5. This Article shall not apply to amounts to which a rate lower than the new rate was applicable during the twenty-four months immediately before the new rate took effect.

#### Article 6

1. The Community's contribution to financing shall be:

- 50 % of the amounts actually paid for the compensatory aid referred to in Article 4,
- 50 % of the amounts that may be granted for the compensatory aid referred to in Article 5. However, the Member State may withdraw from national participation in financing the aid.

2. For the purposes of the financing of the common agricultural policy, this contribution shall be deemed to be part of intervention intended to stabilise the agricultural markets.

#### Article 7

1. Where exceptional monetary practices concerning the national currency are liable to jeopardise the application of the legal instruments relating to the common agricultural policy, the Commission shall decide upon suitable safeguard measures, which may, where necessary, derogate from the existing legal instruments relating to the common agricultural policy.

The Council and the Member States shall be notified forthwith of the measures referred to in the first subparagraph.

Any Member State may refer the Commission's decision to the Council during the three working days following that on which they are notified of safeguard measures.

The Council, acting by a qualified majority, may take a different decision within one month of notification of the measures in question.

2. Where exceptional monetary practices concerning a national currency are liable to jeopardise the application of the legal instruments relating to the common agricultural policy, the Commission may, by virtue of the powers

conferred on it by these instruments in each individual case derogate from this Regulation, in particular in the following cases:

- where a country uses abnormal exchange techniques such as multiple exchange rates or operates barter agreements,
- where countries have currencies which are not quoted on official foreign exchange markets or where the trend in such currencies is likely to create distortion in trade.

#### Article 8

1. If a non-participating Member State decides to pay the expenditure resulting from legal instruments relating to the common agricultural policy in euro rather than in its national currency the Member State shall take such kind of measures that the use of the euro does not provide a systematic advantage compared with the use of national currency.

2. The Member State shall notify the Commission of the measures planned before they come into effect. The measures may not take effect until the Commission has notified its agreement thereto.

#### Article 9

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in:

- (a) Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>,  
or
- (b) the corresponding articles of the other regulations on the common organisation of the markets in agricultural or fishery products,  
or
- (c) the corresponding articles of other Community provisions introducing a similar procedure.

#### Article 10

1. Where transitional measures prove necessary to facilitate the initial application of this Regulation, such measures shall be adopted by the Commission in accordance with the procedure laid down in Article 9 and shall remain applicable for the period strictly necessary to facilitate the introduction of the new arrangements.

2. Regulations (EEC) No 3813/92, (EC) No 1527/95, (EC) No 2990/95 and (EC) No 724/97 are hereby repealed.

3. References to the agricultural conversion rate in legal instruments relating to the common agricultural policy

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Commission Regulation (EC) No 923/96 (OJ L 126, 24. 5. 1996, p. 37).

shall be taken from 1 January 1999 to refer to the conversion rate irrevocably fixed by the Council in accordance with Article 109(4) of the Treaty for national currency units, and the rate referred to in Article 2(2) and, where applicable, Article 2(3) of this Regulation for national currencies.

References to the representative market rate of the ecu in legal instruments relating to the common agricultural policy shall be taken from 1 January 1999 to refer to the rate of exchange of the euro.

References to the compensatory aid provided for in Regulation (EEC) No 3813/92 and Regulation (EC) No 724/97 shall be deemed to be references to Articles 4, 5 and 6 of this Regulation.

References to the operative events provided for in Article 6 of Regulation (EEC) No 3813/92 shall be deemed to be references to Article 3 of this Regulation.

*Article 11*

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

It shall apply from 1 January 1999.

Articles 4, 5 and 6 shall only apply to appreciable revaluations having occurred before 1 January 2002.

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

Done at Brussels, 15 December 1998.

*For the Council*  
*The President*  
W. MOLTERER

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## ANNEX

1. The flat-rate income loss referred to in Article 4(2) of the Regulation is to be equal to:
  - (a) the sum of 1 %:
    - of final agricultural production of cereals including rice, sugar beet, milk and milk products and beef and veal, and
    - of the value of the quantities of products supplied under a contract imposing, in accordance with Community rules, a minimum price to the producer, for products not referred to in the first indent, and
    - of aid or premiums paid to farmers, with the exception of those referred to in Article 5 of the Regulation;
  - (b) after subtraction of:
    - 0,5 % of the value of intermediate consumption in the form of animal feed, and
    - the impact on tax of the reduction in gross value added at market prices resulting from the operations concerning point (a) and the preceding indent, and
    - a deduction corresponding to 1 % of forecast EAGGF expenditure on the following items:
      - the full amount of flat-rate per hectare aid,
      - half the amount of structural or environmental aid, and
      - 130 % of sheepmeat and goatmeat premiums.
2. The amounts referred to in the second and third indents of point 1(a) are not to be taken into account when their sum is less than 0,01 % of the final agricultural production of the relevant Member State in the product sector concerned.

For the purposes of this Regulation, the product sectors correspond to the statistical aggregates identified in the economic accounts for agriculture, drawn up by Eurostat, or to groups of those aggregates, as listed below:

  1. Cereals and rice
  2. Sugar beet
  3. Milk and milk products
  4. Beef/veal
  5. Oilseeds and olive oil
  6. Fresh fruit and vegetables
  7. Potatoes
  8. Wines and musts
  9. Flowers and nursery plants
  10. Pigmeat
  11. Sheepmeat and goatmeat
  12. Eggs and poultry
  13. Other.
3. The flat-rate income loss is to be determined on the basis of information relating to:
  - (a) the economic accounts for agriculture available from Eurostat for the last calendar year ending before the date of appreciable revaluation, for the first indent of point 1(a) and the first and second indents of point 1(b);



(b) the budget outturn, or, failing that, the budgets or draft budgets or preliminary draft budgets relating to:

- income for the year referred to in (a), for the second and third indents of point 1(a),
- the budget year beginning during the marketing year for cereals in which the appreciable revaluation occurred, for the third indent of point 1(b).

For the purposes of applying point 2 in marginal cases, consideration of the information referred to in point (a) above will take account of the relevant figures for the preceding two years also.

4. The aid referred to in Article 5(1) of the Regulation will be calculated as a function of the data referred to in the first indent of point 3(b) of this Annex.
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**COUNCIL REGULATION (EC) No 2800/98**  
of 15 December 1998

**on transitional measures to be applied under the common agricultural policy  
with a view to the introduction of the euro**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Having regard to the opinion of the Monetary Committee <sup>(4)</sup>,

Whereas Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(5)</sup> eliminates the possibility of fixing specific agricultural conversion rates that are different from the actual conversion rates for the currencies;

Whereas the agricultural conversion rates in force at 31 December 1998 pursuant 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 <sup>(6)</sup> could be different from the conversion rates fixed irrevocably by the Council for the currencies of the participating Member States in accordance with the first sentence of Article 109l(4) of the Treaty and from the actual exchange rates applying on 1 January 1999 for non-participating Member States;

Whereas the disappearance of the agricultural conversion rates on 1 January 1999 may have the same effects as an appreciable revaluation; whereas it may accordingly result in a reduction in agricultural income; whereas, as a consequence, provision could justifiably be made for temporary, digressive aid to be granted to keep pace with the development of agricultural prices in a way that is compatible with the rules of the general economy;

Whereas it must be made possible to offset the effect of the disappearance of the agricultural conversion rates on the level of certain types of direct aid in terms of national currency in accordance with specific rules adapted to such aid;

Whereas, provision should be made for a procedure introducing close cooperation between the Member States and

the Commission to facilitate the implementation of this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of this Regulation, notwithstanding Regulation (EC) No 2799/98:

(a) 'appreciable revaluation' means a reduction in the conversion rate applicable on 1 January 1999 which is greater in absolute value than the differences between that rate and the lowest levels of the conversion rates applicable:

- over the last 12 months, and
- at any time more than 12 months but not more than 24 months previously, and
- at any time more than 24 months but not more than 36 months previously.

Only two thirds and one third respectively of the differences covered by the second and third indents shall be taken into account;

(b) 'appreciable part' means the difference between, on the one hand, the threshold between appreciable and non-appreciable revaluations and, on the other hand, the conversion rate for the euro into national currency units or the exchange rate for the euro into national currency on 1 January 1999. This difference is expressed as a percentage of the said threshold.

*Article 2*

Where the conversion rate for the euro into national currency units of any Member State or the exchange rate for the euro into the national currency of any Member State at 1 January 1999 undergoes an appreciable revaluation against the agricultural conversion rate in force on 31 December 1998, Articles 4 and 6 of Regulation (EC) No 2799/98 shall apply to that appreciable revaluation and the appreciable part thereof shall be as specified in Article 1(b).

However, the maximum amount established in conformity with Article 4(2) of Regulation (EC) No 2799/98 shall be reduced or cancelled if necessary as a function of the effect on income of the development of the exchange rate recorded during the first nine months of 1999.

<sup>(1)</sup> OJ C 224, 17. 7. 1998, p. 22.

<sup>(2)</sup> OJ C 328, 26. 10. 1998.

<sup>(3)</sup> Opinion delivered on 9 September 1998 (not yet published in the Official Journal).

<sup>(4)</sup> Opinion delivered on 30 September 1998 (not yet published in the Official Journal).

<sup>(5)</sup> See page 1 of this Official Journal.

<sup>(6)</sup> OJ L 387, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 150/95 (OJ L 22, 31. 1. 1995, p. 1).

*Article 3*

1. Where the conversion rate for the euro into national currency units or the exchange rate for the euro into national currency applicable on the day of the operative event in 1999 to:

- flat-rate aid calculated per hectare or per livestock unit, or
- compensatory premiums per ewe or she-goat, or
- amounts of a structural or environmental nature is lower than the rate applied previously, compensatory aid shall be granted.

The aid shall be calculated in accordance with Article 5 of Regulation (EC) No 2799/98.

Notwithstanding the second indent of Article 6(1) of the said Regulation, the first year the Community contribution shall amount to 100 % of the aid.

2. In following years, the Council, acting by a qualified majority on a proposal from the Commission, may waive the provisions of paragraph 1, first and second subparagraph and provide for the compensation to fall digressively.

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

Done at Brussels, 15 December 1998.

*Article 4*

The Commission shall submit before 31 March 2001 a report to the Council on the execution of the transitional measures covered by this Regulation.

*Article 5*

Detailed rules for applying this Regulation shall be adopted in accordance with the procedure laid down in:

- (a) Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, or
- (b) the corresponding Articles of the other Regulations establishing a common organisation of the market in agricultural or fishery products, or
- (c) the corresponding Articles of other Community provisions introducing a similar procedure.

*Article 6*

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

It shall apply from 1 January 1999.

*For the Council*  
*The President*  
W. MOLTERER

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<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Commission Regulation (EC) No 923/96 (OJ L 126, 24. 5. 1996, p. 37).

**COUNCIL REGULATION (EC) No 2801/98**  
of 14 December 1998

**amending Regulation (EC) No 45/98 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture <sup>(1)</sup>, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 45/98 <sup>(2)</sup> fixes, for certain fish stocks and groups of fish stocks, the TACs for 1998 and certain conditions under which they may be fished;

Whereas, in accordance with the provisions laid down in Regulation (EC) No 847/96 <sup>(3)</sup>, precautionary TACs may be reviewed under conditions stipulated in Article 3(1) therein; whereas those conditions are satisfied for the stocks of nephrops in the Skagerrak, the Kattegat and ICES area IIIbcd;

Whereas, within the framework of the bilateral consultations on the reciprocal fishing rights between the Community and Poland for 1998, the Community shares for Baltic sprat and cod have been modified;

Whereas Regulation (EC) No 45/98 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to this Regulation replaces the corresponding elements of Annex I to Regulation (EC) No 45/98.

*Article 2*

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

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

Done at Brussels, 14 December 1998.

*For the Council*  
*The President*  
W. MOLTERER

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<sup>(1)</sup> OJ L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

<sup>(2)</sup> OJ L 12, 19. 1. 1998, p. 1. Regulation as last amended by Regulation (EC) No 2386/98 (OJ L 297, 6. 11. 1998, p.3).

<sup>(3)</sup> OJ L 115, 9. 5. 1996, p. 3.

## ANNEX

<b>Species:</b> Cod <i>Gadus morhua</i>	<b>Zone:</b> IIIbcd <sup>(1)</sup>
België/Belgique	<sup>(1)</sup> Community waters <sup>(2)</sup> Excluding an additional 60 t of flatfish as bycatch in waters of the Community as constituted in 1994 <sup>(3)</sup> Of which no more than 1 100 t may be fished in the Estonian zone, no more than 2 200 t in the Latvian zone, and no more than 1 350 tonnes in the Lithuanian zone
Danmark 38 524	
Deutschland 16 846	
Ελλάδα	
España	
France	
Ireland	
Italia	
Luxembourg	
Nederland	
Österreich	
Portugal	
Suomi/Finland 1 931	
Sverige 26 196 <sup>(2)</sup>	
United Kingdom	
EC 83 497 <sup>(3)</sup>	
TAC 136 950	
<b>Species:</b> Norway lobster <i>Nephrops norvegicus</i>	<b>Zone:</b> Skagerrak and Kattegat <sup>(1)</sup> , IIIbcd <sup>(1)</sup>
België/Belgique	<sup>(1)</sup> Community waters <sup>(2)</sup> No fishing of this quota may take place, in the Skagerrak, within 4 miles of the baselines of the Kingdom of Norway <sup>(3)</sup> No fishing of this quota may take place, in the Skagerrak, within 12 miles of the baselines of the Kingdom of Norway
Danmark 3 905 <sup>(2)</sup>	
Deutschland 10 <sup>(2)</sup>	
Ελλάδα	
España	
France	
Ireland	
Italia	
Luxembourg	
Nederland	
Österreich	
Portugal	
Suomi/Finland	
Sverige 1 395 <sup>(2)</sup>	
United Kingdom	
EC 5 310	
TAC 5 310	
<b>Species:</b> Sprat <i>Sprattus sprattus</i>	<b>Zone:</b> IIIbcd <sup>(1)</sup>
België/Belgique	<sup>(1)</sup> Community waters <sup>(2)</sup> Of which no more than 8 000 t may be fished in the Estonian zone, no more than 6 000 t in the Latvian zone, and no more than 4 000 t in the Lithuanian zone <sup>(3)</sup> Whenever consumption of this quota has reached a level of 89 310 tonnes, the remainder 20 000 tonnes may only be taken in waters under the sovereignty or jurisdiction of the Kingdom of Sweden
Danmark 48 780	
Deutschland 30 910	
Ελλάδα	
España	
France	
Ireland	
Italia	
Luxembourg	
Nederland	
Österreich	
Portugal	
Suomi/Finland 25 540	
Sverige 109 310 <sup>(3)</sup>	
United Kingdom	
EC 214 540 <sup>(2)</sup>	
TAC 219 540	

**COUNCIL REGULATION (EC) No 2802/98**  
of 17 December 1998

**on a programme to supply agricultural products to the Russian Federation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas the Community has agricultural products in stock as a result of intervention measures;

Whereas there are already considerable gaps in the supply of certain agricultural products to the Russian market, which are likely to become worse in the coming months;

Whereas the international community is already mobilised to deal with this situation and the Community must also assume its responsibilities;

Whereas agricultural products should therefore be made available to the Russian Federation (hereinafter 'Russia') in order to improve its food supply position, taking account of the diversity of local situations and without compromising the trend to a free market in food; whereas moreover as an exceptional measure intervention products should be sent in the first place to Russia either as they are or after processing; whereas it should finally also be possible to mobilise agricultural products on the Community market where no intervention stocks are available;

Whereas this operation will help to improve the precarious situation of the Russian population and at the same time help to regularise the agricultural markets;

Whereas requirements to ensure that the operation is properly carried out should be laid down and provision made for the supply to be staggered; whereas particulars of the actual organisation of the operation, including product destination, are to be set out in a memorandum to be concluded between the Community and Russia; whereas under the memorandum the Russian authorities are to be responsible for selling the products on local markets at prices that do not disturb them and for using the net receipts for social measures;

<sup>(1)</sup> Opinion delivered on 16 December 1998 (not yet published in the Official Journal).

Whereas the Commission should be authorised to negotiate and conclude this agreement; whereas to help achieve the ends of the operation the Commission should be authorised to take all necessary action, including deferral or suspension of supply according to the difficulties encountered, if the requirements set are no longer being met;

Whereas the Commission is calling on outside technical assistance for monitoring, auditing, control and evaluation of the proper conduct of the operation, including on the territory of the Russian Federation; whereas, for reasons of urgency, the Commission may use restricted procedures or private contracts, in particular for monitoring and control;

Whereas, despite all the precautions which have been and will be taken, the operation inevitably involves inherent risks;

Whereas rules applying to the execution of the operation should be adopted by the Commission through the procedures in force for common agricultural policy purposes;

Whereas in view of the need it is imperative that products reach their destination as soon as possible; whereas supply should begin immediately and its cost should be met by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Under the terms of this Regulation free supply shall be made to Russia of agricultural products as referred to in Article 3 that are either available following intervention or if not so available will be mobilised on the Community market.
2. The products shall be supplied to the neediest regions as identified by joint agreement between the Community and Russia.
3. Supply shall be staggered as determined in consultation with the Russian authorities.

4. The terms of the operation shall be the subject of a memorandum between the Community and Russia negotiated and concluded by the Commission. They shall include, on the responsibility of the Russian authorities, sale of the products supplied on local markets at prices whereby the regional market will not be disturbed and also the principle of exclusive allocation of the net receipts of sales to social measures. Exceptionally the products supplied may be distributed free to the neediest people of the regions concerned.

The memorandum shall also cover assistance and cooperation by the Russian authorities in any monitoring, auditing, control and evaluation activities to be carried out within Russian territory, in particular by the Court of Auditors or by outside bodies delegated by the Commission for the purpose.

#### Article 2

1. The products shall be supplied unprocessed or after processing in the Community.

2. The measures may also relate to foodstuffs available or which may be obtained on the market by payment with products coming from intervention stocks and belonging to the same group of products.

3. Supply costs, including transport to ports or frontier points, unloading excluded, and where appropriate, processing in the Community, shall be determined by public tendering procedure or, for reasons of urgency or routing difficulty, by restricted tendering procedure.

4. Export refunds on agricultural products shall not be granted on products supplied under this Regulation.

#### Article 3

The maximum quantities for free supply shall be:

— common wheat of breadmaking quality:

1 000 000 tonnes,

— rye of breadmaking quality:

500 000 tonnes,

— milled rice:

50 000 tonnes,

— pigmeat:

100 000 tonnes carcase equivalent,

— beef:

150 000 tonnes carcase equivalent,

— skimmed milk powder:

50 000 tonnes.

#### Article 4

1. The Commission shall be responsible for execution of the operation under the terms of this Regulation.

The Commission shall defer execution of one or more instalments of the operation or suspend it if it is not ensured that the operation is being carried out satisfactorily, in particular if the provisions of the memorandum referred to in Article 1(4) are not being respected.

It shall take all necessary action to ensure that supply is effected at the stage planned.

The Commission shall, by means of open or restricted invitations to tender or private contracts, as provided for in the Financial Regulation, call on outside technical assistance for monitoring, auditing, control and evaluation of the proper conduct of the operation, including on Russian territory.

2. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92<sup>(1)</sup> or, as appropriate, the corresponding Articles of the other Regulations on the common organisation of markets.

#### Article 5

The book value of agricultural products from intervention shall be determined in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70<sup>(2)</sup>.

#### Article 6

Action under this Regulation shall be covered by Article 3 of Regulation (EEC) No 729/70, including the costs arising from the application of the last subparagraph of Article 4(1) of this Regulation.

#### Article 7

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

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Commission Regulation (EC) No 923/96 (OJ L 126, 24. 5. 1996, p. 37).

<sup>(2)</sup> OJ L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EC) No 1287/95 (OJ L 125, 8. 6. 1995, p. 1).

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

Done at Brussels, 17 December 1998.

*For the Council*  
*The President*  
W. MOLTERER

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**COMMISSION REGULATION (EC) No 2803/98**  
**of 23 December 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<sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, 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 Commission 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 24 December 1998.

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

Done at Brussels, 23 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ L 198, 15. 7. 1998, p. 4.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

## to the Commission Regulation of 23 December 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	125,5
	204	90,7
	220	242,0
	624	242,1
	999	175,1
0709 90 70	052	87,7
	204	79,4
	999	83,5
0805 10 10, 0805 10 30, 0805 10 50	052	24,8
	204	40,3
	999	32,5
0805 20 10	052	76,4
	204	64,0
	999	70,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,7
	464	171,5
	999	119,6
0805 30 10	052	61,6
	600	68,7
	999	65,1
30808 10 20, 0808 10 50, 0808 10 90	052	64,5
	400	63,9
	404	76,7
	728	88,7
	999	73,4
0808 20 50	052	145,3
	064	61,2
	400	91,0
	720	63,5
	999	90,3

<sup>(1)</sup> 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 2804/98**  
of 23 December 1998

**amending Regulation (EC) No 1760/98 increasing to 1 700 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as last amended by Regulation (EC) No 2193/96<sup>(4)</sup>, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 1760/98<sup>(5)</sup>, as last amended by Regulation (EC) No 2641/98<sup>(6)</sup>, opened a standing invitation to tender for the export of 1 400 000 tonnes of barley held by the French intervention agency; whereas, France informed the Commission of the intention of its intervention agency to increase by 300 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 700 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1760/98 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1760/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 1 700 000 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.

2. The regions in which the 1 700 000 tonnes of barley are stored are stated in Annex I to this Regulation.';

2. Annex I 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, 23 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ L 293, 16. 11. 1996, p. 1.

<sup>(5)</sup> OJ L 221, 8. 8. 1998, p. 13.

<sup>(6)</sup> OJ L 335, 10. 12. 1998, p. 10.

*ANNEX**ANNEX I**(tonnes)*

Place of storage	Quantity
Amiens	81 000
Châlons	133 000
Dijon	59 000
Lille	201 500
Nantes	37 000
Nancy	51 000
Orléans	340 000
Paris	114 000
Poitiers	185 000
Rouen	497 100
Toulouse	1 400'

## COMMISSION REGULATION (EC) No 2805/98

of 23 December 1998

## opening individual invitations 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1627/98 <sup>(2)</sup>,

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 <sup>(3)</sup>,

Whereas Commission Regulation (EEC) No 377/93 <sup>(4)</sup>, as last amended by Regulation (EC) No 1448/97 <sup>(5)</sup>, 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 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;

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 <sup>(6)</sup>, 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 Article 2 of Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro <sup>(7)</sup> provides that as from 1 January 1999, all references to the ecu in legal instruments are to be replaced by references to the euro at the rate of EUR 1 to ECU 1; whereas, for the sake of clarity, the denomination 'euro' should be used in this Regulation since it is to apply from 1 January 1999;

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*

Six sales by individual invitation to tender Nos 258/98 EC, 259/98 EC, 260/98 EC, 261/98 EC, 262/98 EC and 263/98 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, Italian and French intervention agencies.

Each of the individual invitations to tender Nos 258/98 EC, 259/98 EC, 260/98 EC, 261/98 EC, 262/98 EC and 263/98 EC shall cover a quantity of 50 000 hectolitres of alcohol at 100 % volume.

*Article 2*

The alcohol offered for sale:

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

— in the case of individual invitations to tender Nos 258/98EC, 259/98 EC and 260/98 EC one of the following countries:

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

<sup>(1)</sup> OJ L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 8.

<sup>(3)</sup> OJ L 346, 15. 12. 1988, p. 7.

<sup>(4)</sup> OJ L 43, 20. 2. 1993, p. 6.

<sup>(5)</sup> OJ L 198, 25. 7. 1997, p. 4.

<sup>(6)</sup> OJ L 196, 5. 8. 1993, p. 19.

<sup>(7)</sup> OJ L 162, 19. 6. 1997, p. 1.

- in the case of individual invitations to tender Nos 261/98 EC, 262/98 EC and 263/98 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,
  - 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 EUR 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<sup>(1)</sup> 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 EUR 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 EUR 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 EUR 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 euro per hl at 100 % volume.

<sup>(1)</sup> OJ L 205, 3. 8. 1985, p. 5.

*Article 6*

1. The alcohol awarded under the invitations to tender referred to in Article 1 shall be exported by 31 July 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.

*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,

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

Done at Brussels, 23 December 1998.

— 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*.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX I

## INDIVIDUAL INVITATION TO TENDER No 258/98 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
ITALY	Dist. Balice Snc, Valenzano (Ba)		9 000	35 + 36	Raw alcohol
	Dist. Bonollo SpA, Anagni (FR)		21 000	35 + 36	Raw alcohol
	Dist. DETA Srl, Barberino Val d'Elsa		1 000	35 + 36	Raw alcohol
	Dist. D'Auria SpA, Ortona (Ch)		6 000	35 + 36	Raw alcohol
	Dist. De Luca Sas, Novoli (Le)		5 000	35 + 36	Raw alcohol
	Dist. Di Lorenzo Srl, Ponte Valleceppi (Pg)		8 000	35 + 36	Raw alcohol
	Total			50 000	

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre or the equivalent thereof in Italian lire, 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 258/98 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.
4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 11 January 1999.
5. Tenders must state the name and address of the tenderer and must:
  - (a) include a reference to individual sale by tender No 258/98 EC;
  - (b) specify the price tendered, expressed in euro 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:
  - AIMA, via Palestro 81, I-00185 Roma (tel.: (6) 47 49 91; telex: 620331/620252/613003; fax: 445 39 40/495 39 40).

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

## INDIVIDUAL INVITATION TO TENDER No 259/98 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
ITALY	Dist. Caviro Srl, Deposito Fiscale Faenza		17 000	35 + 36	Raw alcohol
	Dist. F.lli Cipriani SpA, Chizzola di Ala (Tn)		3 000	35 + 36	Raw alcohol
	Dist. Mazzari SpA, S. Agata sul Santerno (Ra)		12 000	35 + 36	Raw alcohol
	Dist. Neri, Faenza		9 000	35 + 36	Raw alcohol
	Dist. Tamperi SpA, Faenza (Ra)		1 000	35 + 36	Raw alcohol
	Dist. Trentine, Mezzo- lombardo (Tn)		1 000	35 + 36	Raw alcohol
	Dist. Villapana SpA, Faenza (Ra)		7 000	35 + 36	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre or the equivalent thereof in Italian lire, 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 259/98 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.
4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 11 January 1999.
5. Tenders must state the name and address of the tenderer and must:
  - (a) include a reference to individual sale by tender No 259/98 EC;
  - (b) specify the price tendered, expressed in euro 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:
  - AIMA, via Palestro 81, I-00185 Roma (tel.: (6) 47 49 91; telex: 620331/620252/613003; fax: 445 39 40/495 39 40).

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

## INDIVIDUAL INVITATION TO TENDER No 260/98 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
ITALY	Dist. Bertolino SpA, Partinico (Tp)		14 500	35 + 36	Raw alcohol
	Dist. Enodistil SpA, Alcamo (TP)		11 500	35 + 36	Raw alcohol
	Dist. Mazzullo Galeano Snc, S. Venerina		1 300	35 + 36	Raw alcohol
	Dist. F.lli Russo Snc, S. Venerina		3 300	35 + 36	Raw alcohol
	Dist. Gedis SA, Marsala		8 800	35 + 36	Raw alcohol
	Dist. di Kronion Scrl, Sciacca		6 600	35 + 36	Raw alcohol
	Dist. Vinum SpA, Petrosino		4 000	35 + 36	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre or the equivalent thereof in Italian lire, 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 260/98 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.
4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 11 January 1999.
5. Tenders must state the name and address of the tenderer and must:
  - (a) include a reference to individual sale by tender No 260/98 EC;
  - (b) specify the price tendered, expressed in euro 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:
  - AIMA, via Palestro 81, I-00185 Roma (tel.: (6) 47 49 91; telex: 620331/620252/613003; fax: 445 39 40/495 39 40).

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

## INDIVIDUAL INVITATION TO TENDER No 261/98 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	3	47 725	35	Raw alcohol + 92 %
		12	2 275	36	Raw alcohol + 92 %
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 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 261/98 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.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 11 January 1999.

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

- (a) include a reference to individual sale by tender No 261/98 EC;
- (b) specify the price tendered, expressed in euro 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: 572025; fax: (05) 57 55 20 59).

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

## INDIVIDUAL INVITATION TO TENDER No 262/98 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	2	48 000	35	Raw alcohol + 92 %
		12	2 000	36	Raw alcohol + 92 %
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 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 262/98 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.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 11 January 1999.

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

- (a) include a reference to individual sale by tender No 262/98 EC;
- (b) specify the price tendered, expressed in euro 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: 572025; fax: (05) 57 55 20 59).

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

**INDIVIDUAL INVITATION TO TENDER No 263/98 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	B-7	24 525	35 + 36	Raw alcohol
	Tomelloso	1	25 475	35 + 36	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 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 263/98 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.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 11 January 1999.

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

- (a) include a reference to individual sale by tender No 263/98 EC;
- (b) specify the price tendered, expressed in euro 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 EUR 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 Innamorati):

- 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 2805/98**

- 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 2806/98**  
of 23 December 1998

**on the issuing of import licences for bananas under the tariff quotas and for traditional ACP bananas for the first quarter of 1999 and on the submission of new applications**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 1637/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community <sup>(3)</sup>, and in particular Articles 18 and 29 thereof,

Whereas Article 29 of Regulation (EC) No 2362/98 lays down that if the quantities covered by applications for licences in respect of the first quarter of 1999 covering imports from one or more of the origins listed in Annex I exceed 26 % of the quantities set out in that Annex, the Commission is to fix a percentage reduction to be applied to all applications in respect of the origin(s) concerned;

Whereas in the case of the quantities covered by licence applications that are either less than or equal to the ceiling laid down in Article 29 of Regulation (EC) No 2362/98, licences are issued for the quantities applied for; whereas, however, for certain origins, the quantities applied for exceed that ceiling; whereas, therefore, a reduction percentage should be set to be applied to each licence application for the origin(s) involved;

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

Done at Brussels, 23 December 1998.

Whereas the maximum quantity for which such licence applications may still be submitted should be set taking account of the available quantities resulting from the application of Article 29 of Regulation (EC) No 2362/98 and the applications accepted at the end of the application period;

Whereas this Regulation should apply immediately to permit licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences shall be issued under the arrangements for the importation of bananas, tariff quota arrangements and arrangements for traditional ACP bananas for the first quarter of 1999 for the quantity indicated in the licence application, multiplied by reduction coefficients of 0,5793, 0,6740 and 0,7080 for applications indicating the origins 'Colombia', 'Costa Rica' and 'Ecuador' respectively.

*Article 2*

The quantities for which licence applications may still be lodged in respect of the first quarter of 1999 are laid down in the Annex hereto.

*Article 3*

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

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 28.

<sup>(3)</sup> OJ L 293, 31. 10. 1998, p. 32.

## ANNEX

*(tonnes)*

	Quantities available for new applications
Panama	77 536,711
Others	41 473,846
Traditional ACP bananas	148 129,046

**COMMISSION REGULATION (EC) No 2807/98**  
**of 22 December 1998**

**amending Regulation (EC) No 661/97 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the system of quotas for processed tomato products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products<sup>(1)</sup>, as amended by Regulation (EC) No 2199/97<sup>(2)</sup>, and in particular Article 6(5) thereof,

Whereas Commission Regulation (EC) No 661/97<sup>(3)</sup> lays down rules for allocating quotas to undertakings producing processed tomato products; whereas, pursuant to the transitional arrangements provided for in Article 2(a) and (b) of that Regulation, quotas are allocated to undertakings that commenced operating less than three marketing years before that for which the allocation is made;

Whereas experience has shown that the arrangements currently in force for undertakings that commenced operating in the marketing year preceding, or the penultimate marketing year preceding that for which the allocation is made can give them a disproportionate advantage as regards the quota breakdown over long-established undertakings that commenced operating at least three marketing years preceding that for which the allocation is made;

Whereas the quantities allocated to such undertakings should be adjusted to take account, on the one hand, of the processed quantities for which the minimum price is paid and, on the other hand, of the length of time they have been operating; whereas the wording of Article 2(a) and (b) of Regulation (EC) No 661/97 should accordingly be replaced;

Whereas those amendments should apply solely to undertakings that commence operating from the 1999/2000 marketing year; whereas, in order to protect the established rights of undertakings that commenced operating before the entry into force of this Regulation, the provisions replaced should continue to apply to those undertakings;

Whereas, in order to clarify the conditions to be met by the new undertakings, it should be stipulated that the latter's plant and equipment must be in service when they notify the competent authorities of their processing capacity;

Whereas the application of the provisions of this Regulation to the new undertakings may not be in line with the specific processing conditions in certain Member States; whereas Member States whose quotas were not fully allocated at the beginning of the marketing year should be allowed some latitude and undertakings that commenced operating in the marketing year preceding, or the penultimate marketing year preceding that for which the allocation is made should qualify for the allocation of such unallocated quotas;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Processed Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 661/97 is hereby amended as follows:

1. points (a) and (b) of Article 2 are replaced by the following:
  - (a) the penultimate marketing year preceding that for which the allocation is made shall qualify for a quota equal to the quantities produced within the quota allocated to them pursuant to point (b), plus half the quantities produced outside that quota during the preceding marketing year and sold at least at the minimum price;
  - (b) the marketing year preceding that for which the allocation is made shall qualify for a quota equal to the quantities produced within the quota allocated to them pursuant to Article 3(1), plus one-third of the quantities produced outside that quota during the preceding marketing year and sold at least at the minimum price.;

<sup>(1)</sup> OJ L 297, 21. 11. 1996, p. 29.

<sup>(2)</sup> OJ L 303, 6. 11. 1997, p. 1.

<sup>(3)</sup> OJ L 100, 17. 4. 1997, p. 41.

2. the following subparagraph is added to Article 3(2):

‘The plant and equipment referred to in the first subparagraph must have come into service no later than 15 January preceding the marketing year during which the allocation is made. However, for the 1999/2000 marketing year, this date is 15 February.’;

3. the following paragraph is added to Article 5:

‘The Member States may also permit processing undertakings as referred to in the second paragraph of Article 2 and in Article 3 to qualify for the allocation provided for in the first paragraph.’

*Article 2*

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

Article 1(2) shall apply on its entry into force.

Article 1(1) and (3) shall apply from the 1999/2000 marketing year. However, the provisions replaced by Article 1(1) shall continue to apply to undertakings that commenced operating before the entry into force of this Regulation.

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

Done at Brussels, 22 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2808/98**  
**of 22 December 1998**

**laying down detailed rules for the application of the agrimonetary system for the euro in agriculture**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing the agrimonetary arrangements for the euro <sup>(1)</sup>, and in particular Article 9 thereof,

Whereas Regulation (EC) No 2799/98 establishes new agrimonetary arrangements following the introduction of the euro; whereas Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates <sup>(2)</sup>, as last amended by Regulation (EC) No 961/98 <sup>(3)</sup>, and Commission Regulation (EC) No 805/97 of 2 May 1997 laying down detailed rules for compensation relating to appreciable revaluations <sup>(4)</sup>, as amended by Regulation (EC) No 1425/98 <sup>(5)</sup>, must be radically amended to bring them into line with Regulation (EC) No 2799/98; whereas, in order to facilitate implementation of the new agrimonetary arrangements, the Regulations in question should be repealed and the relevant provisions should be included in a new Regulation;

Whereas it is necessary to establish the operative events for the exchange rates applicable, without prejudice to any specific definitions or exemptions provided for in the rules for the sectors concerned on the basis of the criteria mentioned in Article 3 of Regulation (EC) No 2799/98;

Whereas for all the prices or amounts involved in trading transactions the acceptance of the customs declaration represents a suitable operative event; whereas in the case of prices and amounts linked to those prices the commercial objective of buying or selling operations is attained when the product is paid for or taken over and, in the case of withdrawal operations by producer groups, on the first day of the month concerned; whereas, in the case of aid paid for a given quantity of product and in particular where the aid is granted subject to a specific use of that product such as its processing, preservation, packaging or consumption, the commercial objective is attained when the product is taken over by the relevant operator and, where applicable, when the particular use of that product

is guaranteed; whereas, in the case of private storage aid, products are no longer available on the market from the first day for which the aid is granted;

Whereas, in the case of aid granted per hectare, the commercial objective is attained when the product is harvested, usually at the beginning of the marketing year; whereas the operative event for structural aid should be established at 1 January;

Whereas, for amounts not linked to the market prices of agricultural products, the operative event can be established as a date to be determined on the basis of the period during which the operation occurs; whereas it should be stated that the operative event applicable for the recording of prices or offers on the market is to occur on the day on which the prices or offers themselves are applicable; whereas, in the case of advances and securities, the exchange rate must approximate to that applicable to the prices or amounts in question where this is known at the time the advances or securities are paid;

Whereas Regulation (EC) No 2799/98 allows Member States to grant compensation to farmers who have suffered the effects of an appreciable revaluation or an actual reduction in direct aid; whereas that Regulation lays down certain conditions for granting compensation and its phasing over time, and indicates the method for determining the maximum amount that may be allocated by a Member State; whereas the compensation concerned is partly financed by the Community budget;

Whereas it is necessary to define the operative event that determines the exchange rate used to convert amounts expressed in euros into the national currencies of the Member States; whereas, to facilitate financial management, the payment of more than one annual instalment of compensation in the same budget year should be avoided; whereas, to take account of the European Community's international commitments, and in the interests of administrative transparency, the procedures to be followed by Member States wishing to grant compensation should be laid down;

Whereas, in order to fulfil its purpose, the compensation must be granted directly to the beneficiaries, in principle farmers, within a fixed period and for amounts not

<sup>(1)</sup> See page 1 of this Official Journal.

<sup>(2)</sup> OJ L 108, 1. 5. 1993, p. 106.

<sup>(3)</sup> OJ L 135, 8. 5. 1998, p. 5.

<sup>(4)</sup> OJ L 115, 3. 5. 1997, p. 13.

<sup>(5)</sup> OJ L 190, 4. 7. 1998, p. 16.

exceeding the income losses concerned; whereas, however, to avoid administrative complications arising from the grant of small amounts to beneficiaries, simplified procedures may be used in certain cases;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

#### TITLE I

### Exchange rate and operative events

#### *Article 1*

The exchange rate to be used shall be the rate most recently fixed by the European Central Bank (ECB) prior to the operative event.

#### *Article 2*

The operative event for the exchange rate for prices and amounts fixed in euros in Community legislation and to be applied in trade with third countries shall be the acceptance of the customs declaration.

#### *Article 3*

1. For prices or, without prejudice to Article 1 and paragraph 2 of this Article, amounts linked to those prices,

— fixed in ecus in Community legislation,  
or

— fixed in euros by a tendering procedure,

the operative event for the exchange rate shall be:

— in the case of purchases or sales, the taking over by the purchaser of the batch of products concerned or the transfer of the first payment, whichever is earlier,

— in the case of withdrawals of products in the fruit and vegetable or fishery product sectors, the first day of the month in which the withdrawal takes place.

For the purposes of this Regulation, for purchases by intervention agencies, taking over shall be the commencement of physical delivery of the batch concerned or, where there is no physical movement, provisional acceptance of the seller's tender.

2. For aid granted by quantity of marketed product or by quantity of product to be used in a specific way, the operative event for the exchange rate shall be the first operation which:

— guarantees the appropriate use of the products in question and entails grant of the aid,  
and

— occurs on or after the date of taking over of the products by the operator concerned and, where appropriate, before the date of specific use.

3. For private storage aid the operative event for the exchange rate shall be the first day in respect of which the aid relating to a particular contract is granted.

#### *Article 4*

1. Notwithstanding paragraph 2, in the case of aid per hectare the operative event for the exchange rate shall be the commencement of the marketing year in respect of which the aid is granted.

2. In the case of amounts of a structural or environmental character, in particular those granted under environmental protection, early retirement or afforestation schemes, the operative event for the exchange rate shall be 1 January of the year during which the decision to grant the aid is taken.

However, in cases where, under Community rules, payment of the amounts referred to in the first subparagraph is staggered over several years, the annual instalments shall be converted using the exchange rate applicable on 1 January of the year for which the instalment in question is paid.

#### *Article 5*

1. For costs of transport, processing or, without prejudice to Article 3(3), storage and for amounts allocated to studies or promotional measures, determined under a tendering procedure, the operative event for the exchange rate shall be the final day for the submission of tenders.

2. For the recording of prices, amounts or tenders on the market, the operative event for the exchange rate shall be the day in respect of which the price, amount or tender is recorded.

3. For advances:

(a) the operative event for the exchange rate shall be:

— the event applicable to the price or amount to which the advance relates, where this event has occurred by the time the advance is paid,

or

— in other cases, the date of fixing in euros of the advance or, failing that, the date of payment of the advance;

(b) the operative event for the exchange rate shall be applied without prejudice to application to the entire price or amount in question of the operative event determined for that price or amount.

4. The operative event for the exchange rate for securities shall be, for each separate operation:

- for advances, that defined for the amount of the advance, where this event has occurred by the time the security is paid,
- for the submission of tenders, the day on which the tender is submitted,
- for the execution of tenders, the closing date of the invitation to tender,
- in other cases, the date on which the security takes effect.

## TITLE II

### Compensation for appreciable revaluations

#### Article 6

1. This Title lays down the detailed rules for granting the compensatory aid referred to in Article 4 of Regulation (EC) No 2799/98.

2. The maximum amounts of compensatory aid shall be determined in accordance with Article 4(2) of Regulation (EC) No 2799/98.

#### Article 7

1. Without prejudice to Article 9:

(a) Member States may grant compensatory aid only by means of payments to beneficiaries and without conditions relating to its use;

and

(b) compensatory aid may be granted only to agricultural holdings, the definition of an agricultural holding being established by the Member State concerned on the basis of objective criteria.

2. The maximum level of the aid shall be converted into national currency using the average exchange rate for the year in which the appreciable revaluation occurred.

#### Article 8

1. The amount of compensatory aid granted to the beneficiary shall be linked to the size of the holding during a period to be stipulated in each case, according to

the criteria laid down in the second subparagraph of Article 4(1) of Regulation (EC) No 2799/98.

In determining the size of the holding, account shall be taken only of the types of production referred to in point (1)(a) of the Annex to the said Regulation.

Member States may set minimum holding sizes only to the extent necessary to facilitate administration of the compensatory aid.

2. In all cases, the compensatory aid must be compatible with the international commitments of the Community.

#### Article 9

1. Where the amount of compensatory aid which is to be granted for any annual instalment divided by the estimated number of agricultural holdings concerned is below EUR 400, that amount may be granted for measures concerning the agricultural sector:

— which are collective and of general interest,

or

— for which Community provisions allow Member States to grant national aid, provided the intensities under the State aid policy are respected.

2. To be eligible for Community finance the measures shall be additional, either by their nature or in terms of aid intensity, to those which the Member State would have applied in the absence of the aid, and shall not benefit from other Community financing.

## TITLE III

### Compensation for reductions in the exchange rates applied to direct aid

#### Article 10

1. This Title lays down the detailed rules for granting the compensatory aid referred to in Article 5 of Regulation (EC) No 2799/98.

2. The maximum amounts of compensatory aid shall be determined in accordance with Article 5(2) of Regulation (EC) No 2799/98.

If, for the amounts mentioned in paragraph 3 of the present Article, an amount fixed in national currency is lower than the ceiling, a reduction of the ceiling which does not affect the fixed amount is not to be considered as a reduction.



3. For the purposes of Article 5 of Regulation (EC) No 2799/98, amounts of a structural or environmental character that are not:

- flat-rate aid fixed per hectare or per livestock unit, or
- a compensatory premium per ewe or she-goat,

shall be those financed from the EAGGF Guidance Section or the Financial Instrument for Fisheries Guidance (FIFG), those referred to in Council Regulation (EEC) No 1992/93<sup>(1)</sup> or those fixed in Council Regulations (EEC) No 2078/92<sup>(2)</sup>, (EEC) No 2079/92<sup>(3)</sup> or (EEC) No 2080/92<sup>(4)</sup>.

4. The compensatory aid shall be granted for the 12-month period preceding the respective application of the reduced exchange rate.

5. Member States may grant compensatory aid only by means of additional payments to beneficiaries of aid as referred to in Article 5 of Regulation (EC) No 2799/98. They may not impose conditions as to the use of such payments.

6. The maximum level of aid shall be converted using the exchange rate which gave rise to that amount.

#### TITLE IV

#### General provisions

##### *Article 11*

1. The application for authorisation to grant compensatory aid as referred to in Titles II and III shall be submitted to the Commission by the Member State concerned before the end of the third month following that in which the appreciable revaluation or the reduction concerned occurred. The application must include sufficient information for the Commission to check the compatibility of the measure with the rules as provided in paragraph 2.

2. In accordance with the procedure laid down in Article 93(3) of the Treaty and with this Regulation, the Commission shall check the compatibility of the aid applications with the rules in force concerning compensation for appreciable revaluations and for reductions.

3. The total amount of compensatory aid granted must be proportionate to the loss affecting each sector in the Member State concerned. How the aid is distributed within a given sector must not alter the conditions of competition to an extent detrimental to the common interest.

<sup>(1)</sup> OJ L 182, 24. 7. 1993, p. 12.

<sup>(2)</sup> OJ L 215, 30. 7. 1992, p. 85.

<sup>(3)</sup> OJ L 215, 30. 7. 1992, p. 91.

<sup>(4)</sup> OJ L 215, 30. 7. 1992, p. 96.

4. The Commission may take up to two months from the date of receipt of the full application referred to in paragraph 1 to approve the compensatory aid. If the Commission has not delivered an opinion within that period, the measures planned may be implemented provided that the Member State gives the Commission prior notification of its intention.

5. Any Member State intending to grant compensatory aid shall adopt the necessary national measures within three months of the date of the Commission decision or the prior notification by the Member State provided for in paragraph 4.

##### *Article 12*

1. Payment to the same beneficiary of an amount of the same compensatory aid instalment may not be made during the same budget year as payment of the corresponding amount of another instalment.

2. Payment of the amount of the first instalment of compensatory aid as referred to in:

— Title II shall be made within one year following the date of the appreciable revaluation which gave entitlement to the aid concerned,

— Title III shall be made within a period beginning on the date of the operative event and ending:

— 18 months later in the case of recipients of a cattle premium,

— 12 months later in the case of recipients of amounts of a structural or environmental character, or

— nine months later in the case of recipients of other direct aid as referred to in Article 5(1) of Regulation (EC) No 2799/98.

3. The time limits referred to in Article 11(1) and (5) and in paragraph 2 of this Article may be amended by the Commission at the duly justified request of Member States.

4. The Commission shall have two months in which to approve the measures referred to in Article 8 of Regulation (EC) No 2799/98 from the date of receipt of such measures envisaged by a non-participating Member State. If the Commission fails to deliver an opinion within that time the measures may be implemented provided that the Commission has been notified in advance by the Member State.

##### *Article 13*

Every year the Member State concerned shall submit to the Commission a report on the implementation of the compensatory aid measures, giving details of the amounts paid out. The first of these reports shall be submitted not later than 18 months after the decision or the notification by the Member State referred to in Article 11(4).

*Article 14*

Amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy shall, with the exception of amounts the Community contribution to which is financed from the EAGGF Guidance Section, be expressed in euros.

*Article 15*

1. The percentage of appreciability of an appreciable revaluation and the reduction in the exchange rate shall be expressed to three decimal places, the third decimal being rounded off. The average annual exchange rate shall be established to six significant figures, the sixth figure being rounded off.

2. For the purposes of this Regulation 'significant figures' means:

- all figures, in the case of a number whose absolute value is greater than or equal to 1,

or

- all decimal places starting from the first one which is not zero, in other cases.

The roundings-off referred to in this Article shall be effected by increasing the figure concerned by one unit in cases where the following figure is greater than or equal to five and by leaving it unchanged in other cases.

*Article 16*

Regulations (EEC) No 1068/93 and (EC) No 805/97 are hereby repealed

*Article 17*

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

It shall apply from 1 January 1999.

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

Done at Brussels, 22 December 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2809/98**  
of 22 December 1998

**laying down detailed rules for the application in the cereals sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 thereof,

Whereas pursuant to Article 12 of Regulation (EC) No 1706/98 certain products in the cereals sector originating in ACP countries are to be imported into the Community with total or partial exemption from common customs tariff duties within the limit of certain annual ceilings;

Whereas detailed rules for the application of those arrangements should be laid down;

Whereas the detailed rules should be either in addition to or replace the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(2)</sup>, as last amended by Regulation (EC) No 1044/98<sup>(3)</sup>, or the provisions of Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice<sup>(4)</sup>, as last amended by Regulation (EC) No 444/98<sup>(5)</sup>;

Whereas it should be laid down that import licences for the products in question within the quantities set are to be issued after a period for reflection and subject, where applicable, to the fixing of a single percentage reduction in the quantities applied for; whereas where a single percentage reduction is applied, operators may withdraw their applications;

Whereas the details to be included in applications and licences notwithstanding Articles 8 and 21 of Regulation (EEC) No 3719/88 should be specified;

Whereas to ensure effective management of the arrangements, the security relating to import licences, notwithstanding Article 10 of Regulation (EC) No 1162/95 should be ECU 25 per tonne; whereas, in order to avoid speculation, rights arising from import licences should not be transferable;

Whereas it should be pointed out that the partial reimbursement of import duties resulting from the reduction in duties applicable from 1 January 1996 is to be in accordance with Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(6)</sup>, as last amended by Regulation (EC) No 82/97<sup>(7)</sup>, and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/93 establishing the Community Customs Code<sup>(8)</sup>, as last amended by Regulation (EC) No 1677/98<sup>(9)</sup>;

Whereas Commission Regulation (EEC) No 865/90 of 4 April 1990 laying down detailed rules for the application of the special arrangements for imports of grain sorghum and millet originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)<sup>(10)</sup>, as last amended by Regulation (EC) No 1575/98<sup>(11)</sup>, should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Imports into the Community of the products referred to in Article 12 of Regulation (EC) No 1706/98 shall be subject, where appropriate within quantitative limits, to reductions in or exemptions from the customs duties fixed in that Article, as set out in the Annex hereto, on presentation of an import licence issued in accordance with the conditions laid down in this Regulation.

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(3)</sup> OJ L 149, 20. 5. 1998, p. 11.

<sup>(4)</sup> OJ L 117, 24. 5. 1995, p. 2.

<sup>(5)</sup> OJ L 56, 26. 2. 1998, p. 12.

<sup>(6)</sup> OJ L 302, 19. 10. 1992, p. 1.

<sup>(7)</sup> OJ L 17, 21. 1. 1997, p. 1.

<sup>(8)</sup> OJ L 253, 11. 10. 1993, p. 1.

<sup>(9)</sup> OJ L 212, 30. 7. 1998, p. 18.

<sup>(10)</sup> OJ L 90, 5. 4. 1990, p. 16.

<sup>(11)</sup> OJ L 206, 23. 7. 1998, p. 13.

2. Such products shall qualify for reductions or exemptions on presentation, at the time they are put into free circulation, of the EUR 1 certificate issued by the competent authorities of the exporting country in accordance with Protocol 1 to the ACP-EC Convention.

#### Article 2

1. Import licence applications shall be lodged with the competent authorities in any Member State on the second Monday of each month not later than 1 p.m. (Brussels time).

For products subject to quantitative restrictions, licence applications may not relate to a quantity exceeding the quantity available for import of the product in question for the calendar year concerned. All applications exceeding such quantity shall be inadmissible.

2. Member States shall forward import licence applications to the Commission by telex or by fax not later than 6 p.m. (Brussels time) on the day they are submitted.

That information must be communicated separately from that regarding other import licence applications for cereals.

3. If import licence applications exceed the quantities set in the Annex for the product concerned, the Commission shall fix a single reduction coefficient applicable to each application not later than the third working day following the date of submission of the applications.

The licence application may be withdrawn within one working day of the date on which the reduction coefficient is fixed.

4. Licences shall be issued on the fifth working day following the date of submission of the application.

5. Notwithstanding Article 21(1) of Regulation (EEC) No 3719/88, the period of validity of the licence shall be calculated from its actual date of issue.

#### Article 3

Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights arising from import licences shall not be transferable.

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

Done at Brussels, 22 December 1998.

#### Article 4

Import licence applications shall contain the following details:

- (a) in box 8, the name of the country of origin of the product;
- (b) in box 20, one of the following entries:
  - Reglamento (CE) n° 2809/98
  - Forordning (EF) nr. 2809/98
  - Verordnung (EG) Nr. 2809/98
  - Κανονισμός (ΕΚ) αριθ. 2809/98
  - Regulation (EC) No 2809/98
  - Règlement (CE) n° 2809/98
  - Regolamento (CE) n. 2809/98
  - Verordening (EG) nr. 2809/98
  - Regulamento (CE) n° 2809/98
  - Asetus (EY) N:o 2809/98
  - Förordning (EG) nr 2809/98.

Licences shall entail an obligation to import from the said country.

Import licences shall also contain, in box 24, the rate of reduction in the import duty applicable or, where appropriate, the amount of reduction applicable to the import duty.

#### Article 5

Notwithstanding Article 10(a) and (b) of Regulation (EC) No 1162/95, the security relating to import licences provided for in this Regulation shall be ECU 25 per tonne.

#### Article 6

Regulation (EEC) No 865/90 is hereby repealed.

#### Article 7

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

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

Serial No	CN code	Description	Annual quantity (tonnes)	Rate of reduction applicable to import duty (%)	Amount of reduction applicable to the import duty (ECU/t)
	0709 90 60 0712 90 19 1005 10 90 1005 90 00	} Sweet corn Maize seed Other maize	Unlimited	—	1,81
09.3904	1007 00	Grain sorghum	100 000	60	—
09.3905	1008 20 00	Millet	60 000	Exemption	—
	1101 00 1102 10 00 1103 11 1103 21 00	Wheat or meslin flour Rye flour Groats and meal (wheat) Pellets (wheat)	Unlimited	16	—
09.4098	1001 10 00	Durum wheat	15 000	50	—
09.4098	1001 90 91	Common wheat and meslin seed			
09.4098	1001 90 99	Other wheat			
09.4098	1002 00 00	Rye			
09.4098	1003 00	Barley			
09.4098	1004 00 00	Oats			
09.4098	1008	Buckwheat, millet and canary seed; other cereals			

For products falling within CN codes 1001, 1002, 1003, 1005 and 1007 the reduction applies to the import duty obtained by applying Regulation (EC) No 1249/96.

**COMMISSION REGULATION (EC) No 2810/98**  
**of 22 December 1998**  
**introducing transitional measures relating to agricultural conversion rates fixed**  
**in advance before 1 January 1999**

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 (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(1)</sup>, and in particular Article 10 thereof,

Whereas Regulation (EC) No 2799/98 repeals Council Regulation (EEC) No 3813/92 <sup>(2)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(3)</sup>, Article 6(2a) of which stipulates that the agricultural conversion rate may be fixed in advance;

Whereas the possibility of fixing the agricultural conversion rate in advance expires on 31 December 1998; whereas, however, the term of validity of agricultural conversion rates fixed in advance is equal to that of the advance fixing of the amount concerned or that of the award;

Whereas it should be specified that the agricultural conversion rate fixed in advance during the last reference period of 1998 is the same as that resulting from the quotations of the representative rate for that period;

Whereas the conversion rate for participating Member States and the exchange rate for non-participating Member States may diverge from the agricultural conversion rate fixed in advance; whereas too large a gap may distort competition; whereas, therefore, the agricultural conversion rate fixed in advance must be adjusted where it diverges by more than 4 % from the above conversion rate or the above exchange rate which would have been applied had the rate not been fixed in advance;

Whereas the validity of the certificates is not restricted to the territory of a single Member State; whereas it is, therefore, advisable to lay down appropriate measures to avoid speculation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

1. In the event that the absolute value of the gap between the agricultural conversion rate fixed in advance for a certain currency, where necessary adjusted in accordance with Article 15(1) of Regulation (EEC) No 1068/93, and the conversion rate or the exchange rate in force at the time of the operative event referred to in Article 3(1) of Regulation (EC) No 2799/98 exceeds four points, the agricultural conversion rate fixed in advance shall be adjusted to bring it closer to the rate in force until it reaches the level of a four-point gap with that rate.

The agricultural conversion rate fixed in advance during the last reference period of 1998 shall be the same as that resulting from the quotations of the representative rate for that period.

2. During the term of validity of advance fixing of the agricultural conversion rate, and in order to qualify for the rate fixed in advance, certificates must be used in the Member State specified by the applicant at the time the application for advance fixing of the agricultural conversion rate was submitted.

Where certificates are used in a Member State other than that specified on the certificate by the applicant, the agricultural conversion rate to be applied shall be:

- the lowest rate applied in the Member State of utilisation of the certificate from the date of advance fixing until the date of utilisation of the certificate, less 5 %, where an amount to be granted to the operator is concerned,
- the highest rate applied in the Member State of utilisation of the certificate from the date of advance fixing until the date of utilisation of the certificate, plus 5 %, where an amount to be paid by the operator is concerned.

*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 from 1 January 1999.

<sup>(1)</sup> See page 1 of this Official Journal.

<sup>(2)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ L 22, 31. 1. 1995, p. 1.

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

Done at Brussels, 22 December 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2811/98****of 22 December 1998****fixing the definitive aid for oranges for the 1997/98 marketing year**

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

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits<sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1169/97 of 26 June 1997 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits<sup>(2)</sup>, as last amended by Regulation (EC) No 1145/98<sup>(3)</sup>, and in particular Article 22(1) thereof,

Whereas Article 5(1) of Regulation (EC) No 2202/96 establishes a processing threshold of 1 189 000 tonnes for oranges; whereas Article 5(2) of that Regulation provides that, for each marketing year, overrunning of the processing thresholds is to be assessed on the basis of the average quantity processed with benefit of the aid during the last three marketing years, including the current marketing year; whereas Article 5(3) stipulates that, where an overrun has been established, the aid fixed for the current marketing year in the Annex to that Regulation is to be reduced by 1 % per 11 890 tonnes of overrun;

Whereas, under Article 22(1)(b) of Regulation (EC) No 1169/97, the Member States have notified the Commission of the quantities of oranges delivered for processing in respect of the 1997/98 marketing year under Regula-

tion (EC) No 2202/96; whereas, on the basis of those figures and of the quantities processed with benefit of the aid in the 1995/96 and 1996/97 marketing years, an overrun in the processing threshold of 501 294 tonnes has been established; whereas the aid for oranges fixed in the Annex to Regulation (EC) No 2202/96 for the 1997/98 marketing year should accordingly be reduced by 42 %;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1997/98 marketing year, the aid for oranges fixed in the tables in the Annex to Regulation (EC) No 2202/96 shall be reduced by 42 %.

When the aid is paid, account shall be taken of advances paid in accordance with Article 15 of Regulation (EC) No 1169/97.

*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, 22 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21. 11. 1996, p. 49.

<sup>(2)</sup> OJ L 169, 27. 6. 1997, p. 15.

<sup>(3)</sup> OJ L 159, 3. 6. 1998, p. 29.



**COMMISSION REGULATION (EC) No 2812/98**  
of 22 December 1998

**amending Regulation (EC) No 2304/98 derogating from and amending Regulation (EEC) No 2456/93 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards public intervention**

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<sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98<sup>(2)</sup>, and in particular Article 6(7) thereof,

Whereas Commission Regulation (EC) No 2304/98<sup>(3)</sup> provides for certain derogations from Commission Regulation (EEC) No 2456/93<sup>(4)</sup> in the case of tendering procedures opened for the period up to the end of 1998; whereas these derogations must be maintained on a temporary basis for tendering procedures opened in January, February and March 1999;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The second paragraph of Article 3 of Regulation (EC) No 2304/98 is replaced by the following:

‘Article 1 shall apply to the second tendering procedure in October and to the tendering procedures opened in November and December 1998 and in the first quarter of 1999.’

*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, 22 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 17.

<sup>(3)</sup> OJ L 288, 27. 10. 1998, p. 3.

<sup>(4)</sup> OJ L 225, 4. 9. 1993, p. 4.

**COMMISSION REGULATION (EC) No 2813/98  
of 22 December 1998**

**laying down detailed rules for applying the transitional measures for the introduction of the euro to the common agricultural policy**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

TITLE I

**Compensation for appreciable revaluations**

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(1)</sup>, and in particular Article 10 thereof,

*Article 1*

1. This Title lays down the detailed rules for granting the compensatory aid referred to in Article 2 of Regulation (EC) No 2800/98.

Having regard to Council Regulation (EC) No 2800/98 of 15 December 1998 on the transitional measures for the introduction of the euro to the common agricultural policy <sup>(2)</sup>, and in particular Article 4 thereof,

2. The maximum amounts of compensatory aid shall be determined in accordance with Article 4(2) of Regulation (EC) No 2799/98.

Whereas Regulation (EC) No 2800/98 allows Member States to grant compensation to farmers who have suffered the effects of an appreciable revaluation; whereas part of that compensation is specifically to offset certain actual reductions in direct aid; whereas that Regulation lays down certain conditions for granting compensation and its phasing over time, and indicates the method for determining the maximum amount that may be allocated by a Member State; whereas the compensation concerned is financed entirely or in part by the Community budget;

*Article 2*

The maximum level of the aid shall be converted, in the case of the Member States participating in the euro, into national currency units using the conversion rates irrevocably fixed by the Council in accordance with the first sentence of Article 109l(4) of the Treaty and, in the case of Member States not participating in the euro, into the national currency using the exchange rate at 1 January 1999.

Whereas it is necessary to define the operative event that determines the exchange rate used to convert amounts expressed in euros; whereas, to facilitate financial management, the payment of more than one annual instalment of compensation in the same budget year should be avoided; whereas, to take account of the European Community's international commitments, and in the interests of administrative transparency, the procedures to be followed by Member States wishing to grant compensation should be laid down;

*Article 3*

The provisions on the grant of compensatory aid in Articles 7(1), and Articles 8 and 9 of Commission Regulation (EC) No 2808/98 <sup>(3)</sup> shall apply to compensatory aid under this Title.

Whereas, in order to fulfil its purpose, the compensation must be granted directly to the beneficiaries, in principle farmers, within a fixed period and for amounts not exceeding the income losses concerned; whereas, however, to avoid administrative complications arising from the grant of small amounts to beneficiaries, simplified procedures may be used in certain cases;

TITLE II

**Compensation for reductions in the rates applied to direct aid**

*Article 4*

1. This Title lays down the detailed rules for granting the compensatory aid referred to in Article 3 of Regulation (EC) No 2800/98.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the management committees concerned,

2. The maximum amounts of compensatory aid shall be determined in accordance with Article 5(2) of Regulation (EC) No 2799/98.

<sup>(1)</sup> See page 1 of this Official Journal.

<sup>(2)</sup> See page 8 of this Official Journal.

<sup>(3)</sup> See page 36 of this Official Journal.

*Article 5*

The maximum level of the aid shall be converted, in the case of the Member States participating in the euro, into national currency units using the conversion rates irrevocably fixed by the Council in accordance with the first sentence of Article 109(4) of the Treaty and, in the case of Member States not participating in the euro, into the national currency using the exchange rate on the date of the operative event.

*Article 6*

The maximum amount of the compensatory aid referred to in Article 4(2) resulting from a reduction in the agricultural conversion rate frozen until 1 January 1999 shall be increased by the inverse of the relation between the rate referred to in Article 5 and the agricultural conversion rate referred to above.

*Article 7*

Article 10(2), (3), (4) and (5) of Regulation (EC) No 2808/98 shall apply to compensatory aid under this Title.

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

Done at Brussels, 22 December 1998.

## TITLE III

**General and transitional provisions***Article 8*

The general provisions in Articles 11, 12, 13 and 15 of Regulation (EC) No 2808/98 shall apply to compensatory aid under Titles I and II of this Regulation.

*Article 9*

Notwithstanding Article 1 of Regulation (EC) No 2808/98, the exchange rate to be used for operations whose operative event date falls between 1 January 1999 and 4 January 1999 shall be that of 4 January 1999.

*Article 10*

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

It shall apply from 1 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2814/98**  
**of 22 December 1998**  
**amending Regulation (EEC) No 1164/89 laying down detailed rules concerning**  
**the aid for fibre flax and hemp**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in flax and hemp <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Article 4(5) thereof,

Having regard to Council Regulation (EEC) No 619/71 of 22 March 1971 laying down general rules for granting aid for flax and hemp <sup>(3)</sup>, as last amended by Regulation (EC) No 1420/98 <sup>(4)</sup>, and in particular Article 5(2) thereof,

Whereas in order to strengthen the administration and control of the aid scheme and avoid the risk of aid being paid twice for the same area, certain provisions of the integrated administration and control system provided for in Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes <sup>(5)</sup>, as last amended by Regulation (EC) No 820/97 <sup>(6)</sup>, should be made applicable to this scheme; whereas the detailed rules for submission of declarations of areas sown should be harmonised with the rules of the integrated administration and control system; whereas, therefore, provision should be made for Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes <sup>(7)</sup>, as last amended by Regulation (EC) No 1678/98 <sup>(8)</sup>, to apply to declarations of areas sown;

Whereas, in some cases, some of the information and Annexes provided for in the declaration of areas referred to in Article 5 of Commission Regulation (EEC) No 1164/89 <sup>(9)</sup>, as last amended by Regulation (EC) No 2021/98 <sup>(10)</sup>, cannot be included in the area declarations under the integrated system; whereas, therefore, provision should be made for this information and these Annexes

to be supplied in a cultivation declaration specific to the aid scheme for fibre flax and hemp;

Whereas Article 8 of Regulation (EEC) No 3887/92 lays down the penalties to be applied for late submission of area declarations under the integrated system; whereas the penalties to be applied for late submission of cultivation declarations and/or aid applications as referred to in Articles 5 and 8 of Regulation (EEC) No 1164/89, respectively, should be aligned on Article 8 of Regulation (EEC) No 3887/92; whereas the penalties to be applied where a discrepancy is found between the area ascertained during a check and that declared in the cultivation declaration and/or aid application should also be aligned on Regulation (EEC) No 3887/92; whereas, in the interests of clarity, reference should be made to the provisions of Regulation (EEC) No 1164/89 likely to affect the area on the basis of which the amount of aid is calculated;

Whereas, for the purposes of granting aid for hemp, Regulation (EEC) No 619/71 provides for producers and primary processors to conclude a contract, except in specific cases, and for primary processors to make an undertaking to process and to have approval; whereas, therefore, detailed rules should be laid down regarding the undertaking and the conditions in which approval may be granted should be specified; whereas detailed rules should be laid down for verifying the performance of contracts and compliance with undertakings to process and conditions of approval and procedures should be specified in cases where cooperation is required between Member States; whereas approval should be withdrawn where the conditions for approval are no longer met or where irregularities are found; whereas the relevant provisions for flax are to be found in Articles 5a and 5b of Regulation (EEC) No 1164/89; whereas those provisions should be applied, *mutatis mutandis*, to hemp; whereas, however, the checks on compliance with the undertaking to process and conditions for approval during the first two marketing years of application should be strengthened in order to ensure that the scheme operates properly;

Whereas, in order to prevent any possible abuse, provision should also be made for approval to be withdrawn where it is found that the flax or hemp have not been processed for commercial purposes; whereas the concept of processing should be defined;

<sup>(1)</sup> OJ L 146, 4. 7. 1970, p. 1.

<sup>(2)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ L 72, 26. 3. 1971, p. 2.

<sup>(4)</sup> OJ L 190, 4. 7. 1998, p. 7.

<sup>(5)</sup> OJ L 355, 5. 12. 1992, p. 1.

<sup>(6)</sup> OJ L 117, 7. 5. 1997, p. 1.

<sup>(7)</sup> OJ L 391, 31. 12. 1992, p. 36.

<sup>(8)</sup> OJ L 212, 30. 7. 1998, p. 23.

<sup>(9)</sup> OJ L 121, 29. 4. 1989, p. 4.

<sup>(10)</sup> OJ L 261, 24. 9. 1998, p. 8.

Whereas Article 3(1) of Regulation (EEC) No 619/71 lays down the maximum average tetrahydrocannabinol (THC) content for determining from which varieties seeds may be accepted; whereas, in order to strengthen the measures ensuring that production aid cannot be granted for areas used for illicit cultivation, provision should be made for the THC content to be determined also for a sufficient percentage of cultivated areas; whereas provision should be made for the Member States to forward a report on their findings to the Commission once every marketing year;

Whereas the method for determining the THC content of hemp is described in Annex C to Regulation (EEC) No 1164/89; whereas more modern methods have been developed; whereas, pending amendment of the above Annex, the Member States should be allowed to use these new methods provided they provide equivalent assurances;

Whereas, in order to avoid any abuse, provision must be made for the Member States to fix the minimum sowing rate compatible with good hemp-growing practice; whereas, in order to improve the monitoring of compliance with the conditions laid down in the third subparagraph of Article 3(1) of Regulation (EEC) No 619/71, it should also be laid down that in general no document may replace the official labels made out pursuant to Council Directive 69/208/EEC<sup>(1)</sup> as last amended by Directive 96/72/EC<sup>(2)</sup>, for the hemp seed used;

Whereas Article 4 of Regulation (EEC) No 619/71 provides for the introduction of an administration and control arrangement including, where the Member State deems it appropriate, a system of prior authorisation to sow areas for which production aid for hemp is to be granted; whereas provision should be made for the Member States to inform the Commission of the arrangements they introduce;

Whereas, if there is no contract between the producer and the primary processor, it is necessary to ensure that the hemp straw is actually processed without delaying payment of the aid to the producer; whereas provision should be made for a security to be lodged by the producer undertaking to process hemp straw or to have it processed on his behalf;

Whereas, in the interests of simple management, a final date should be laid down for lodging the performance security; whereas there must be a reasonable period between the deadline for lodging the security and that for payment of the aid;

<sup>(1)</sup> OJ L 169, 10. 7. 1969, p. 3.

<sup>(2)</sup> OJ L 304, 22. 11. 1996, p. 10.

Whereas Commission Regulation (EC) No 1614/98 of 24 July 1998 introducing transitional measures relating to the aid scheme for hemp for the 1998/99 marketing year<sup>(3)</sup> provides that the first and second subparagraphs of Article 3(1) of Regulation (EEC) No 619/71 should not apply to the aid scheme for hemp for the 1998/99 marketing year;

Whereas the Management Committee for Flax and Hemp has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EEC) No 1164/89 is hereby amended as follows:

1. Article 2 is amended as follows:
  - (a) in the second paragraph, 'the declaration of areas sown' is replaced by 'the cultivation declaration';
  - (b) the fourth paragraph is deleted;
2. Article 3 is amended as follows:
  - (a) paragraph 2 is replaced by the following:

'2. For the purposes of monitoring compliance with the conditions laid down in the third subparagraph of Article 3(1) of Regulation (EEC) No 619/71, the cultivation declaration for hemp referred to in Article 5(1) shall be accompanied by the official labels made out pursuant to Council Directive 69/208/EEC<sup>(\*)</sup>, and in particular Article 10 thereof, or under provisions adopted on the basis thereof, for the seeds used.

The Member State may lay down that if one and the same label refers to seed used which is covered by more than one cultivation declaration, the label is to accompany one of the declarations in question and bear a reference to the other declarations. The other declarations shall be accompanied by a certified photocopy of the label in question. All the declarations concerned shall be accompanied by a description of the case in question.

<sup>(\*)</sup> OJ L 169, 10.7.1969, p. 3.;

- (b) paragraph 3 is replaced by the following:
  - '3. The competent authorities in the Member State shall determine the average tetrahydrocannabinol (THC) content of the variety cultivated on

<sup>(3)</sup> OJ L 209, 25. 7. 1998, p. 27.

a plot selected from a cultivation declaration in respect of not less than 5 % of the cultivation declarations referred to in Article 5, taking into account the geographical distribution of the areas concerned.

The determination of the THC content referred to in the third subparagraph of Article 3(1) of Regulation (EEC) No 619/71 and in the first subparagraph of this paragraph, and sampling for the purpose of determining such content, shall be carried out in accordance with the method described in Annex C. However, for areas to be harvested during the 1999/2000 marketing year, Member States may use another method, provided they inform the Commission thereof in advance and provided this method offers at least equivalent assurances, in particular with respect to precision and repeatability. Where there is any doubt, credence shall be given to the results obtained using the method described in Annex C.

Where the average THC content for a plot exceeds the limit laid down in the third subparagraph of Article 3(1) of Regulation (EEC) No 619/71, a thorough on-the-spot check shall be made on the holding to which the cultivation declaration applies of all the conditions conferring entitlement to the aid.

The Member States shall send the Commission, before 1 February of the marketing year, a report on the findings for the THC content. The report shall indicate, for each variety:

- the number of tests carried out,
- the results in terms of THC content, shown separately for each 0,1 %,
- the measures taken at the national level.;

(c) the following second subparagraph is added to paragraph 4:

‘The Member States shall establish the minimum sowing rate compatible with good growing practice and communicate this information to the Commission’;

3. Article 4 is amended as follows:

(a) point (b) is replaced by the following:

‘(b) for which a declaration of areas sown and a cultivation declaration as provided for in Articles 4a and 5 have been made.’;

(b) point (c) is replaced by the following:

‘(c) which are covered by a contract and/or an undertaking to process in accordance with Article 3(1) and (2) of Regulation (EEC) No 619/71.’;

4. the following Article 4a is added:

*Article 4a*

1. Producers of fibre flax and/or hemp shall submit each year a declaration of areas of fibre flax and hemp using the “area” aid application form provided for in Council Regulation (EEC) No 3508/92 (\*) under the integrated administration and control system, by the deadline set by the Member State.

However, growers as defined in Article 3a(b) of Regulation (EEC) No 619/71 shall not be required to submit the area declaration referred to in the above subparagraph.

The Member State may set a specific deadline for the introduction of changes to the declaration of areas under fibre flax and hemp, which may be no later than 15 June.

2. Without prejudice to this Regulation, Articles 3, 4, 5a, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 18 of Commission Regulation (EEC) No 3887/92 (\*\*) shall apply to the area declarations referred to in paragraph 1.

The reduction in the aid referred to in Article 8 of Regulation (EEC) No 3887/92 and determination of the area to be taken into account for calculation of the aid under Article 9 of that Regulation shall be applied having regard to Article 12 of this Regulation.

(\*) OJ L 355, 5.12.1992, p. 1.

(\*\*) OJ L 391, 31.12.1992, p. 36.’;

5. Article 5 is amended as follows:

(a) in the first subparagraph of paragraph 1, ‘declaration of the areas sown’ is replaced by ‘cultivation declaration’;

(b) in paragraph 1, the second subparagraph is deleted;

(c) the following paragraph is added:

‘1a. Without prejudice to this Regulation, Articles 3, 5a, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 18(1) of Regulation (EEC) No 3887/92 shall apply *mutatis mutandis* to the cultivation declarations referred to in paragraph 1.

The reduction in the aid referred to in Article 8 of Regulation (EEC) No 3887/92 and determination of the area to be taken into account for calculation of the aid under Article 9 of that Regulation shall be applied having regard to Article 12 of this Regulation.';

(d) in the first subparagraph of paragraph 3:

— the first indent is replaced by the following:

‘— the surname, the first name(s) and address of the person making the declaration and their identification in the integrated administration and control system,’

— in the second indent, ‘variety sown’ is replaced by ‘variety or varieties sown’,

— the third indent is replaced by the following:

‘— where more than one variety is cultivated, an indication of the location of the areas concerned’, and

— in the sixth indent, ‘their cadastral reference or’ is deleted;

(e) the following third subparagraph is added to paragraph 3:

‘Where the person making the declaration is a grower within the meaning of Article 3a(b) of Regulation (EEC) No 619/71, a copy of the area declaration submitted by the owner or farm operator under Article 4a must be attached to the declaration. However, the Member State may lay down that such copy may be replaced by indication of the identification number of the owner or farm operator in the integrated administrative and control system.’;

6. Article 5a is amended as follows:

(a) in paragraph 1, point (b) ‘These must be yielded by the process of separating the fibre and the woody parts of the stalk. If the stalk is submitted to a process which renders necessary any additional treatment to lead to the separation, this process shall not count as processing for the purposes of this Regulation.’ is deleted;

(b) the following paragraph 3a is added:

‘3a. To be regarded as having been obtained from the processing of flax straw or of hemp straw for the purposes of this Regulation, the products concerned must meet the following criteria:

— they must be of sound and fair marketable quality, and

— they must be the result of at least partial separation of the fibre and the woody parts of the stalk. If the stalk is subjected to a second process to separate the fibre and the woody parts of the stalk further, only the later operation shall be regarded as processing for the purposes of this Regulation.

However, in the case of hemp, directly obtaining a product of a nature different from straw by operations other than the separation of fibre from the woody parts of the stalk may be regarded as processing for the purposes of this Regulation if the processor proves to the satisfaction of the Member State that the said product is of sound and fair merchantable quality and subject to commercial or industrial use.’;

(c) paragraph 3 is replaced by the following:

‘3. The approval procedure referred to in paragraphs 1 and 2 shall apply *mutatis mutandis*:

(a) to processors of hemp straw;

(b) to growers as defined in Article 3a(a) or (b) of Regulation (EEC) No 619/71 who undertake to process their own flax straw or hemp straw;

(c) to primary processors who process flax straw on a grower’s behalf under Article 3(2)(b) or (d) of Regulation (EEC) No 619/71;

(d) to primary processors who process hemp straw on a grower’s behalf under the second subparagraph of Article 3(1) of Regulation (EEC) No 619/71.’;

(d) in paragraph 4, point (c) is replaced by the following:

‘(c) estimated processing losses’;

7. Article 5b is amended as follows:

(a) the first paragraph is amended as follows:

— ‘In cases covered by the first subparagraph of Article 3(2)’ is replaced by ‘In cases covered by the first subparagraph of Article 3(1) and the first subparagraph of Article 3(2)’;

— ‘or hemp straw’ is inserted after ‘flax straw’;

- (b) the following paragraph is inserted after the fourth paragraph:

'In cases covered by the second subparagraph of Article 3(1) of that Regulation, the undertaking to process must be made out by the grower and include a commitment by the grower either to process his own flax straw from the areas for which aid is requested or to have it processed on his behalf.'

8. Article 6 is amended as follows:

- (a) paragraph 1 is deleted;
- (b) in paragraph 1a, the following is inserted after the first subparagraph:
- 'However, for the 1999/2000 and 2000/01 marketing years, all approved primary processors of hemp straw shall be checked at least once each marketing year.'
- (c) in the first and third subparagraphs of paragraph 1b, 'and hemp straw' is inserted after 'flax straw';
- (d) in paragraph 2, the following second subparagraph is inserted:

'In the case of hemp, the Member States shall inform the Commission of the administrative control arrangements provided for in Article 4 of Regulation (EEC) No 619/71 and, where applicable, of the system of prior authorisation of sowing of the areas covered by production aid.'

9. Article 7 is amended as follows:

- (a) paragraph 1 is deleted;
- (b) in paragraph 2, the following subparagraph is added after the third subparagraph:

'If, during an inspection, the Member State finds:

- that a significant part of the flax straw or hemp straw is not processed within at most 12 months of the end of the marketing year, or
- that a significant part of the processed products is not of sound and fair marketable quality,

approval shall be withdrawn with effect from the beginning of the marketing year following the date of inspection and the primary processor or grower in question shall not be granted fresh approval before the second marketing year following the date of inspection.'

10. Article 8 is amended as follows:

- (a) in paragraph 1, the second subparagraph is deleted;
- (b) the following paragraph 1a is added:

'1a. Without prejudice to this Regulation, Articles 3, 5a, 6(1), the second subparagraph of 6(3), 6(4), (5), (7) and (8) and Articles 7, 8, 9, 11, 12, 13, 14, 15 and 18(1) of Regulation (EEC) No 3887/92 shall apply *mutatis mutandis* to the aid applications referred to in paragraph 1.

All the checks referred to in Article 6 of Regulation (EEC) No 3887/92 shall be carried out on at least 5 % of those applications.

The reduction in the aid referred to in Article 8 of Regulation (EEC) No 3887/92 and determination of the area to be taken into account for calculation of the aid under Article 9 of that Regulation shall be applied having regard to Article 12 of this Regulation. The distinction between the part under retted non-deseeded flax and the part under flax other than retted non-deseeded flax shall not be taken into account for the determination of the area referred to in Article 9 of Regulation (EEC) No 3887/92.'

- (c) paragraph 2 is amended as follows:

- In the second indent, 'the cadastral register number of those areas' is replaced by 'their identification under the Integrated Administration and Control System',
- the fourth indent is replaced by the following:
  - '— the date of gathering,'
- the fifth indent is replaced by the following:
  - '— the quantity of straw harvested/gathered,'
- the sixth indent is replaced by the following:
  - '— the storage location of the product concerned, where applicable separately for flax and hemp seed, or, if the product has been sold and delivered, the surname, the first name(s) and address of the buyer.'

- (d) in the first subparagraph of paragraph 3, 'Articles 3(2)' is replaced by 'Article 3(1) and (2)';

- (e) in the second subparagraph of paragraph 3, 'the date of 30 November referred to in paragraph 1' is replaced by 'the dates of 30 November in the case of flax and 31 December in the case of hemp referred to in paragraph 1';



- (f) paragraph 4 is deleted;
- (g) paragraph 5 is amended as follows:
  - ‘the checks provided for in Article 5 of Regulation (EEC) No 619/71’ is replaced by ‘the checks provided for in Article 6 of Regulation (EEC) No 3887/92’;
  - point (a) is deleted;

11. Article 12 is replaced by the following:

*Article 12*

1. The amount of aid shall be calculated on the basis of the smallest of the following areas:

- the area indicated in the declaration of areas referred to in Article 4a, where applicable reduced pursuant to Article 9 of Regulation (EEC) No 3887/92,
- the area on which seedlings have emerged as indicated in the cultivation declaration referred to in Article 5(3), where applicable reduced pursuant to Article 9 of Regulation (EEC) No 3887/92,
- the area indicated in the aid application referred to in Article 8(2), where applicable reduced pursuant to Article 4 of this Regulation and Article 9 of Regulation (EEC) No 3887/92.

However, the amount of the aid shall, where appropriate, be subject to the reductions provided for under the following provisions:

- Article 8 of Regulation (EEC) No 3887/92, in the case of late submission of area declarations,
- Article 5(1a), in the case of late submission of cultivation declarations,
- Article 8(1a), in the case of late submission of aid applications.

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

Done at Brussels, 22 December 1998.

Any reduction in the area under flax eligible for aid shall first be applied to areas under flax other than non-deseeded retted flax.

2. If a false declaration was made deliberately, the person making the declaration in question shall be excluded from the aid scheme for fibre flax and hemp for the following marketing year for an area equal to that for which his declaration was rejected.

3. Once all the checks provided for have been carried out, Member States shall pay the aid for flax and hemp before 16 October following the end of the marketing year.

However, in cases where Article 12a(4) is applied this time limit shall apply only to the quarter of the aid to be paid to growers who concluded a contract as referred to in the first subparagraph of Article 3(2) of Regulation (EEC) No 619/71.’;

12. Article 12a is amended as follows:

- (a) ‘Not later than the last day of the marketing year’ is inserted at the beginning of paragraph 1;
- (b) ‘Not later than the last day of the marketing year’ is inserted at the beginning of paragraph 2;
- (c) the following paragraph 6 is added:
  - ‘6. Paragraphs 2, 3, 4 and 5 shall apply *mutatis mutandis* to hemp straw.’

*Article 2*

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

It shall apply from the 1999/2000 marketing year and in respect of areas to be harvested in that year.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION REGULATION (EC) No 2815/98**  
**of 22 December 1998**  
**concerning marketing standards for olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1638/98 <sup>(2)</sup>, and in particular Article 35a thereof,

Whereas as a result of agricultural traditions and local extraction and blending practices directly marketable edible virgin olive oils may be of quite different taste and quality depending on their geographical origin; whereas this may result in price differences within the same category as defined in the Annex to Regulation No 136/66/EEC which disturb the market; whereas there are no substantial differences linked to origin in other categories of edible olive oil; whereas, for those categories, indication on immediate packagings of the designation of origin may lead consumers to believe that quality differences do exist; whereas it is therefore necessary, so as not to distort the market in edible olive oils, to establish Community marketing standards which provide for a designation of origin restricted to extra virgin and virgin olive oils which satisfy precise conditions;

Whereas the marketing standards relating to origin must take account of the results of the current negotiations on the harmonisation of the rules of origin in non-preferential trade with third countries; whereas a system involving the compulsory designation of origin requires a system for tracing and checking all quantities of olive oil in circulation; whereas such a movement tracing system will be examined at the same time as the classification of the oils to which it applies as part of the work on olive oil quality strategy which must be carried out by 31 October 2001; whereas an optional and provisional system for the designation of origin should therefore be set up within the European Community;

Whereas, in the case of imported olive oils, the provisions on non-preferential origin contained in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing

the Community Customs Code <sup>(3)</sup>, as last amended by Regulation (EC) No 82/97 <sup>(4)</sup>, must be complied with;

Whereas the designation of a regional origin may be the subject of a protected designation of origin (PDO) or a protected geographical indication (PGI) pursuant to Council Regulation (EEC) No 2081/92 <sup>(5)</sup>, as last amended by Commission Regulation (EC) No 1068/97 <sup>(6)</sup>; whereas designations of a regional origin should be reserved for PDOs or PGIs so as to avoid confusion among consumers and therefore market disturbances;

Whereas when the origin of a virgin olive oil relates to the European Community or to a geographical area covering the entire territory of a Member State there can be no confusion in practice with PDOs or PGIs; whereas extraction practices and techniques, particularly in the olive oil production sector, influence the quality and taste of virgin oils; whereas transfers of olives from one country to another are extremely limited, mainly because of the substantial reduction in the quality of the oil obtained which they entail; whereas extraction of the oil should therefore be regarded as conferring origin, which will also take account of the difficulties as regards control and changing the class of product which are involved for international trade;

Whereas in the European Community and the Member States a major proportion of the virgin olive oil marketed is composed of blends of olive oils so as to guarantee constant quality and the typical organoleptic characteristics expected by the market; whereas the typical characteristics of the virgin olive oil in the areas in question are guaranteed despite, or sometimes because of, the addition of a small proportion of olive oil originating in another area; whereas, therefore, in order to permit regular market supplies in accordance with traditional trade flows and taking account of the fluctuations in production volumes specific to olive-growing, the designation of origin for such an area should be maintained when the product is a blend containing a small proportion of olive oil from other areas; whereas in that case consumers must be informed that the product does not originate in its entirety in the zone which is the subject of the designation of origin;

<sup>(1)</sup> OJ L 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 32.

<sup>(3)</sup> OJ L 302, 19. 10. 1992, p. 1.

<sup>(4)</sup> OJ L 17, 21. 1. 1997, p. 1.

<sup>(5)</sup> OJ L 208, 24. 7. 1992, p. 1.

<sup>(6)</sup> OJ L 156, 13. 6. 1997, p. 10.

Whereas designations of origin must comply with Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer<sup>(1)</sup>, as last amended by Directive 97/4/EC<sup>(2)</sup>; whereas it is necessary to ensure that the information on labels does not confuse consumers as to origin; whereas, however, existing trade marks may continue to be used if they have been officially registered in the past in accordance with First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks<sup>(3)</sup>, as amended by Decision 92/10/EEC<sup>(4)</sup>;

Whereas, in order to ensure checking of designations of origin, provision should be made for the packaging plants wishing to indicate a designation of origin on the virgin olive oil they market to be subject to approval;

Whereas to allow a period for adjustment to the new standards and the creation of the means needed to apply them, and so as not to disturb commercial transactions, application of this Regulation should be deferred and provision should be made for the disposal of oil packaged before the Regulation is applicable;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The designation of the origin of extra virgin and virgin olive oil as defined in points 1(a) and (b) of the Annex to Regulation No 136/66/EEC on packagings intended for consumers in the Member States or on labels attached to those packagings shall be optional. If that option is taken up by an operator designation of the origin shall be authorised solely in accordance with the provisions of this Regulation.

The designation of the origin of other olive oils and olive-residue oils as referred to in the Annex to the above Regulation on packagings intended for consumers in the Member States or on labels attached to those packagings shall not be authorised.

#### *Article 2*

1. The designation of origin shall relate to a geographical area and may mention only:

<sup>(1)</sup> OJ L 33, 8. 2. 1979, p. 1.  
<sup>(2)</sup> OJ L 43, 14. 2. 1997, p. 21.  
<sup>(3)</sup> OJ L 40, 11. 2. 1989, p. 1.  
<sup>(4)</sup> OJ L 6, 11. 1. 1992, p. 35.

(a) a geographical area whose name has been registered as a protected designation of origin or protected geographical indication in accordance with Regulation (EEC) No 2081/92;

and/or

(b) for the purposes of this Regulation:

- a Member State,
- the European Community,
- a third country.

2. Without prejudice to the national rules adopted pursuant to Directive 79/112/EEC, the labelling and presentation of the designation of origin for the final consumer shall be in accordance with this paragraph.

The designation of origin shall be indicated on the packaging or the label attached to the packaging within the meaning of Article 1(3) of Directive 79/112/EEC in such a way that it can be easily understood by the final consumer.

Any reference to a geographical area on the packaging or the label attached to the packaging shall be regarded as a designation of origin bound by the provisions of this Regulation, with the exception of:

- the names of brands or firms whose registration was applied for before 1 January 1999 in accordance with Directive 89/104/EEC,
- designations granted pursuant to Regulation (EEC) No 2081/92.

#### *Article 3*

1. In the case of oils benefiting from a protected designation of origin or from a protected geographical indication, the designation of origin shall be in accordance with the provisions laid down pursuant to Regulation (EEC) No 2081/92.

2. The designation of origin, where this indicates the European Community or a Member State, in cases other than those referred to in paragraph 1, shall correspond to the geographical area in which the 'extra virgin olive oil' or 'virgin olive oil' was obtained.

However, in the case of blends of 'extra virgin olive oils' or 'virgin olive oils' in which more than 75 % originates in the same Member State or in the Community, the main origin may be designated provided that it is followed by the indication 'selection of (extra) virgin olive oils more than (75) % of which was obtained in ... (designation of origin)'.

An extra virgin or virgin olive oil shall be deemed to have been obtained in a geographical area for the purposes of this paragraph only if that oil has been extracted from olives in a mill located within that area.

3. In the case of an extra virgin or virgin olive oil imported from a third country, the designation of origin shall be determined in accordance with the provisions regarding non-preferential origin contained in Articles 22 to 26 of Regulation (EEC) No 2913/92.

#### *Article 4*

1. The 'extra virgin olive oil' and 'virgin olive oil' whose origin is designated in accordance with Article 3(2) shall be packaged in an establishment approved for that purpose. Approval shall be granted by the Member State concerned in whose territory the packaging facilities are situated.

2. Approval shall be granted and alphanumeric identification allocated to any establishment so requesting which:

- possesses packaging facilities,
- undertakes to keep documentary records and separate storage facilities permitting, to the satisfaction of the Member State concerned, checks on the provenance of the oils whose origin is designated and, where necessary, of the constituents of the olive oil blends whose origin is designated,
- agrees to the checks laid down in application of this Regulation.

3. The packaging or label attached to the packaging shall bear the alphanumeric identification of the approved packaging plant.

#### *Article 5*

1. Member States shall carry out designation of origin checks in the packaging plants concerned so as to verify correspondence between the designations of origin of the virgin olive oils leaving the plants and the designations of origin of the quantities of virgin olive oils used.

2. Member States shall adopt the necessary measures, in particular by establishing a system of financial penalties, to guarantee compliance with this Regulation. They shall notify the Commission of the measures adopted to that end.

#### *Article 6*

The packaging requirements of this Regulation shall not apply to products that have been lawfully manufactured and labelled in the Community or lawfully imported into the Community and placed in free circulation before the date when this Regulation begins to be applied.

#### *Article 7*

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

It shall be applicable from the first day of the fourth month following its entry into force until 31 October 2001.

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

Done at Brussels, 22 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2816/98**  
**of 23 December 1998**  
**fixing the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector <sup>(3)</sup>, as last amended by Regulation (EC) No 1403/97 <sup>(4)</sup>, and in particular Article 4(1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation;

Whereas Article 2 of Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro <sup>(5)</sup> provides that, as from 1 January 1999, all references to the ecu in legal instruments are to be replaced by references to the euro at the rate of EUR 1 to ECU 1,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 24 December 1998.

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

Done at Brussels, 23 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ L 265, 30. 9. 1998, p. 4.

<sup>(3)</sup> OJ L 189, 30. 7. 1996, p. 71.

<sup>(4)</sup> OJ L 194, 23. 7. 1997, p. 2.

<sup>(5)</sup> OJ L 162, 19. 6. 1997, p. 1.

## ANNEX I

## Import duties on rice and broken rice

(ECU/tonne)

CN code	Duties (°)				
	Third countries (except ACP and Bangladesh) (°) (°)	ACP (°) (°) (°)	Bangladesh (°)	Basmati India and Pakistan (°)	Egypt (°)
1006 10 21	(°)	83,41	121,01		188,03
1006 10 23	(°)	83,41	121,01		188,03
1006 10 25	(°)	83,41	121,01		188,03
1006 10 27	(°)	83,41	121,01		188,03
1006 10 92	(°)	83,41	121,01		188,03
1006 10 94	(°)	83,41	121,01		188,03
1006 10 96	(°)	83,41	121,01		188,03
1006 10 98	(°)	83,41	121,01		188,03
1006 20 11	251,13	83,56	121,23		188,35
1006 20 13	251,13	83,56	121,23		188,35
1006 20 15	251,13	83,56	121,23		188,35
1006 20 17	258,47	86,12	124,90	8,47	193,85
1006 20 92	251,13	83,56	121,23		188,35
1006 20 94	251,13	83,56	121,23		188,35
1006 20 96	251,13	83,56	121,23		188,35
1006 20 98	258,47	86,12	124,90	8,47	193,85
1006 30 21	458,38	148,04	214,28		343,79
1006 30 23	458,38	148,04	214,28		343,79
1006 30 25	458,38	148,04	214,28		343,79
1006 30 27	(°)	160,51	232,09		370,50
1006 30 42	458,38	148,04	214,28		343,79
1006 30 44	458,38	148,04	214,28		343,79
1006 30 46	458,38	148,04	214,28		343,79
1006 30 48	(°)	160,51	232,09		370,50
1006 30 61	458,38	148,04	214,28		343,79
1006 30 63	458,38	148,04	214,28		343,79
1006 30 65	458,38	148,04	214,28		343,79
1006 30 67	(°)	160,51	232,09		370,50
1006 30 92	458,38	148,04	214,28		343,79
1006 30 94	458,38	148,04	214,28		343,79
1006 30 96	458,38	148,04	214,28		343,79
1006 30 98	(°)	160,51	232,09		370,50
1006 40 00	(°)	49,58	(°)		114,00

(°) The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

(°) In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(°) The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

(°) The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

(°) No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

(°) For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4a of amended Regulation (EC) No 1503/96).

(°) Duties fixed in the Common Customs Tariff.

(°) The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

## ANNEX II

## Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	( <sup>1</sup> )	258,47	494,00	251,13	458,38	( <sup>1</sup> )
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	310,15	281,38	342,76	385,07	—
(b) fob price (ECU/tonne)	—	—	—	317,37	359,68	—
(c) Sea freight (ECU/tonne)	—	—	—	25,39	25,39	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 2817/98**  
**of 23 December 1998**  
**amending the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector<sup>(3)</sup>, as last amended by Regulation (EC) No 2519/98<sup>(4)</sup>, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2710/98<sup>(5)</sup>, as last amended by Regulation (EC) No 2741/98<sup>(6)</sup>;

Whereas Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2710/98,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 2710/98 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 24 December 1998.

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

Done at Brussels, 23 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 161, 29. 6. 1996, p. 125.

<sup>(4)</sup> OJ L 315, 25. 11. 1998, p. 7.

<sup>(5)</sup> OJ L 340, 16. 12. 1998, p. 27.

<sup>(6)</sup> OJ L 343, 18. 12. 1998, p. 29.



## ANNEX I

## Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports (²) (ECU/tonne)
1001 10 00	Durum wheat high quality	52,10	42,10
	medium quality (¹)	62,10	52,10
1001 90 91	Common wheat seed	46,97	36,97
1001 90 99	Common high quality wheat other than for sowing (³)	46,97	36,97
	medium quality	76,87	66,87
	low quality	97,04	87,04
1002 00 00	Rye	101,20	91,20
1003 00 10	Barley, seed	101,20	91,20
1003 00 90	Barley, other (³)	101,20	91,20
1005 10 90	Maize seed other than hybrid	103,88	93,88
1005 90 00	Maize other than seed (³)	103,88	93,88
1007 00 90	Grain sorghum other than hybrids for sowing	101,20	91,20

(¹) In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

(²) For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

(³) The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

## ANNEX II

## Factors for calculating duties

(period from 15 December 1998 to 22 December 1998)

## 1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (**)	US barley 2
Quotation (ECU/tonne)	110,98	99,68	88,40	74,67	129,81 (*)	119,81 (*)	75,52 (*)
Gulf premium (ECU/tonne)	24,00	10,41	1,52	8,40	—	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—	—

(\*) Fob Duluth.

(\*\*) A discount of ECU 10 per tonne (Article 4(1) of Regulation (EC) No 1249/96).

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 10,81 per tonne; Great Lakes — Rotterdam: ECU 21,03 per tonne.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne (HRW2)  
ECU 0,00 per tonne (SRW2).

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