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

**COUNCIL DECISION  
of 28 December 1998**

**concerning the extension of Joint Action 98/375/CFSP with regard to the nomination of an EU Special Representative for the Federal Republic of Yugoslavia**

(98/741/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

Whereas on 8 June 1998 the Council adopted Joint Action 98/375/CFSP<sup>(1)</sup>;

Whereas the said Joint Action is due to expire on 31 December 1998 and should be extended,

HAS DECIDED AS FOLLOWS:

*Article 1*

Joint Action 98/375/CFSP shall be extended until 31 January 1999.

*Article 2*

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

*Article 3*

This Decision shall be published in the Official Journal.

Done at Brussels, 28 December 1998.

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

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<sup>(1)</sup> OJ L 165, 10. 6. 1998, p. 2.

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

**JOINT ACTION**  
**of 22 December 1998**  
**adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on corruption in the private sector**

(98/742/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles K.1(7) and K.3(2)(b) thereof,

Having regard to the report of the High-level Group on Organised Crime, which was approved by the European Council meeting in Amsterdam on 16 and 17 June 1997, and more particularly Recommendation No 6 of the Action Plan to combat organised crime of 28 April 1997 <sup>(1)</sup>, which provides for the development of a comprehensive policy against corruption,

Whereas the Member States attach particular importance to combating corruption in the private sector on an international level;

Having regard to the conclusions of the Conference on achieving a corruption free environment - the EU Contribution (Brussels, April 1998),

Having regard to the Council Resolution of 21 December 1998 on the prevention of organised crime with reference to the establishment of a comprehensive strategy for combating it <sup>(2)</sup>,

Whereas the Member States stress the fact that prevention is no less important than repression in an integrated approach to corruption in the private sector;

Having regard to the Protocol, adopted by the Council on 27 September 1996, to the Convention on the protection of the European Communities' financial interests <sup>(3)</sup>, to the Second Protocol, adopted by the Council on 19 June 1997, to the Convention on the protection of the European Communities' financial interests <sup>(4)</sup> and to the Convention on the fight against corruption involving officials of the European Communities or officials of

Member States of the European Union, adopted by the Council on 26 May 1997 <sup>(5)</sup>;

Whereas this Joint Action is not aimed at corruption already covered by the instruments referred to;

Having regard to the communication of 21 May 1997 from the Commission to the European Parliament and the Council on a Union policy against corruption,

Whereas corruption distorts fair competition and undermines the principles of openness and freedom of markets, and in particular the smooth functioning of the internal market, and also militates against transparency and openness in international trade;

Whereas, for the purpose of this Joint Action, it is of importance that the concept of 'breach of duties' is covered in a sufficiently broad way by national law of Member States;

Having examined the views of the European Parliament <sup>(6)</sup>, following consultation carried out by the Presidency in accordance with Article K.6 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

**Definitions**

For the purposes of this Joint Action:

- 'person' means any employee or other person when directing or working in any capacity for or on behalf of a natural or legal person operating in the private sector,
- 'legal person' means any entity having such status under the applicable national law, except for States or other public bodies acting in the exercise of State authority and for public international organisations,

<sup>(1)</sup> OJ C 251, 15. 8. 1997, p. 1.

<sup>(2)</sup> OJ C 408, 29. 12. 1998, p. 1.

<sup>(3)</sup> OJ C 313, 23. 10. 1996, p. 2.

<sup>(4)</sup> OJ C 221, 19. 7. 1997, p. 11.

<sup>(5)</sup> OJ C 195, 25. 6. 1997, p. 2.

<sup>(6)</sup> OJ C 371, 8. 12. 1997, p. 193.

— 'breach of duty' shall be understood in accordance with national law. The concept of breach of duty in national law should cover as a minimum any disloyal behaviour constituting a breach of a statutory duty, or, as the case may be, a breach of professional regulations or instructions, which apply within the business of a 'person' as defined in the first indent.

#### Article 2

##### Passive corruption in the private sector

1. For the purposes of this Joint Action, the deliberate action of a person who, in the course of his business activities, directly or through an intermediary, requests or receives an undue advantage of any kind whatsoever, or accepts the promise of such an advantage, for himself or for a third party, for him to perform or refrain from performing an act, in breach of his duties, shall constitute passive corruption in the private sector.

2. Subject to Article 4(2), each Member State shall take the necessary measures to ensure that conduct of the type referred to in paragraph 1 is made a criminal offence. These measures shall at least cover such conduct which involves, or could involve, the distortion of competition, as a minimum within the common market, and which results, or might result, in economic damage to others by the improper award or improper execution of a contract.

#### Article 3

##### Active corruption in the private sector

1. For the purposes of this Joint Action, the deliberate action of whosoever promises, offers or gives, directly or through an intermediary, an undue advantage of any kind whatsoever to a person, for himself or for a third party, in the course of the business activities of that person in order that the person should perform or refrain from performing an act, in breach of his duties, shall constitute active corruption in the private sector.

2. Subject to Article 4(2), each Member State shall take the necessary measures to ensure that conduct of the type referred to in paragraph 1 is made a criminal offence. These measures shall at least cover such conduct which involves, or could involve, the distortion of competition, as a minimum within the common market, and which results, or might result, in economic damage to others by the improper award or improper execution of a contract.

#### Article 4

##### Penalties

1. Each Member State shall take the necessary measures to ensure that the conduct referred to in Articles 2 and 3, and the acting as an accessory in or instigator of such conduct, are punishable by effective, proportionate and dissuasive criminal penalties, including, at least in serious cases, penalties involving deprivation of liberty which can give rise to extradition.

2. However, for minor cases of active or passive corruption, in the private sector, a Member State may provide for penalties of a different kind from those referred to in paragraph 1.

#### Article 5

##### Liability of legal persons

1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for active corruption of the type referred to in Article 3 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- a power of representation of the legal person, or
- an authority to take decisions on behalf of the legal person, or
- an authority to exercise control within the legal person,

as well as for involvement as accessories or instigators in the commission of such an offence.

2. Apart from the cases already provided for in paragraph 1, each Member State shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of an act of active corruption of the type referred to in Article 3 for the benefit of that legal person by a person under its authority.

3. Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are involved as perpetrators, instigators or accessories in the active corruption.

#### Article 6

##### Sanctions for legal persons

1. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 5(1) is punishable by effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions such as:

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision;
- (d) a judicial winding-up order.

2. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 5(2) is punishable by effective, proportionate and dissuasive sanctions or measures.

#### *Article 7*

#### **Jurisdiction**

1. Each Member State shall take the necessary measures to establish its jurisdiction with regard to the offences referred to in Articles 2 and 3 where the offence has been committed:

- (a) in whole or in part within its territory; or
- (b) by one of its nationals, provided that the law of that Member State may require the conduct to be punishable also in the country where it occurred; or
- (c) for the benefit of a legal person operating in the private sector that has its head office in the territory of that Member State.

2. Any Member State may decide that it will not apply, or will apply only in specific cases or circumstances, the jurisdiction rule set out in:

- paragraph 1(b),
- paragraph 1(c).

3. Member States shall inform the General Secretariat of the Council accordingly where they decide to apply paragraph 2, where appropriate with an indication of the

specific cases or circumstances in which the decision applies.

4. Any Member State which, under its law, does not extradite its own nationals shall take the necessary measures to establish its jurisdiction with regard to the offences referred to in Articles 2 and 3, when committed by its own nationals outside its territory.

#### *Article 8*

#### **Implementation of the Joint Action**

1. Each Member State shall, within two years after the entry into force of this Joint Action, bring forward appropriate proposals to implement this Joint Action for consideration by the competent authorities with a view to their adoption.

2. The Council will assess, on the basis of appropriate information, the fulfilment by Member States of their obligations under this Joint Action within three years after its entry into force.

#### *Article 9*

This Joint Action shall be published in the Official Journal.

#### *Article 10*

This Joint Action shall enter into force on the date of its publication in the Official Journal.

Done at Brussels, 22 December 1998.

*For the Council*

*The President*

C. EINEM

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2846/98**  
**of 17 December 1998**  
**amending Regulation (EEC) No 2847/93 establishing a control system applicable**  
**to the common fisheries policy**

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 <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>,

Whereas practice in fisheries and in the transport and marketing of fishery products has evolved; whereas monitoring measures should therefore be adapted accordingly; whereas various shortcomings in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(4)</sup> should therefore be remedied;

Whereas one of the basic requirements on masters of fishing vessels for control purposes is to record the amounts of different species held on board; whereas this requirement should be simplified; whereas specific characteristics of fisheries operations in the Mediterranean have to be taken into account; whereas, therefore, Article 6 of Regulation (EEC) No 2847/93 should be amended and Article 5 of Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities <sup>(5)</sup>, should be repealed;

Whereas it is appropriate that the existing exemptions of the provisions of Articles 6 and 8 of Regulation (EEC) No 2847/93 for fisheries operation in the Mediterranean Sea

be extended for one year to coincide with the entry into force of the amended logbook requirements;

Whereas Member States may adopt stricter measures in accordance with this Regulation, including for controlling landings; whereas to that end Member States may designate ports for landings;

Whereas controls on fishery products after landing should be reinforced; whereas the information about fishery products referred to in Article 9 of Regulation (EEC) No 2847/93 should be available from the moment of landing until the final marketing stage; whereas sales notes and take-over declarations should contain this information for the purposes of control;

Whereas transshipment operations and, in general, operations involving joint action by several vessels in Community waters have caused considerable control problems in some fisheries; whereas such operations should be subject to prior authorisation by Member States and made conditional on compliance with control procedures laid down;

Whereas application of the new provisions on transshipments and other joint fishing operations involving several fishing vessels should be postponed until the entry into force of the detailed implementing rules;

Whereas it should be ensured that the Commission has remote access to information contained in the relevant computer files in the databases updated by the Member States so that it can efficiently carry out the control tasks entrusted to it pursuant to Regulation (EEC) No 2847/93;

Whereas, according to the principles of Community law, any decision taken in accordance with the procedure laid down in Article 36 of Regulation (EEC) No 2847/93 will have to respect existing Community law, and in particular

<sup>(1)</sup> OJ C 201, 27. 6. 1998, p. 14.

<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> OJ L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 2635/97 (OJ L 356, 31. 12. 1997, p. 14).

<sup>(5)</sup> OJ L 207, 29. 7. 1987, p. 1. Regulation as last amended by Regulation (EEC) No 2847/93 (OJ L 261, 20. 10. 1993, p. 1).



rules on confidentiality, professional secrecy and data protection as laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup>;

Whereas the means for control of each Member State include interventions at sea, on landing as well as after landing, whilst taking into account the specificities of each Member State, the relative importance of the risk of different types of fraud, and, for control after landing, the control provisions prior to landing and on landing;

Whereas the monitoring, inspection and surveillance measures in Regulation (EEC) No 2847/93 applicable to fishing vessels flying the flag of a third country which carry out fishing activities in the Community fishery zone should be amplified; whereas, in particular such vessels exceeding a stipulated length operating in this zone should be subject to continuous satellite surveillance from the date on which the 'Vessel Monitoring System' (VMS) applies to all Community fishing vessels; whereas it is necessary to intensify the inspection and surveillance of landings by vessels flying the flag of a third country and particularly, following the steps taken by certain regional fisheries organisations to increase the effectiveness of measures for the conservation of fishery resources on the high seas, catches taken in the zones concerned;

Whereas, to enable the Commission to fulfil its role effectively, observation procedures should be introduced to allow inspectors acting for the Commission to verify the application of Regulation (EEC) No 2847/93; whereas to this end Community inspectors should have access to all relevant places and documentation in accordance with the rules of procedure of the national law and be accompanied by national inspectors;

Whereas, in order to strengthen and facilitate cooperation between all the authorities in the Community involved in the monitoring, inspection and surveillance of activities in the fisheries sector, a general framework should be set up under which all the authorities concerned can request mutual assistance and the exchange of relevant information, and specific monitoring programmes should be introduced; whereas it is appropriate to provide for the adoption of specific monitoring programmes in cases of serious and unforeseen upheaval;

Whereas Regulation (EEC) No 2847/93 should therefore be amended,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2847/93 is hereby amended as follows:

1. the heading of Title I shall be replaced by the following:

'TITLE I

**Monitoring, inspection and surveillance';**

2. Article 2 shall be replaced by the following:

*Article 2*

1. In order to ensure compliance with all the rules in force, each Member State within its territory and within maritime waters subject to its sovereignty or jurisdiction shall monitor, inspect and maintain surveillance of all activities in the fisheries sector, particularly fishing itself, transshipment, landing, marketing, transport and storage of fisheries products and the recording of landing and sales. The Member States shall take the necessary measures to ensure the best possible control within their territory and within maritime waters subject to their sovereignty or jurisdiction, taking into account their particular situation.

2. Each Member State shall ensure that the activities of its vessels outside the Community fishery zone are subject to proper monitoring and, where such Community obligations exist, to inspections and surveillance, in order to ensure compliance with Community rules applicable in those waters.;

3. the last sentence of Article 3(2) shall be deleted;

4. Article 5 shall be replaced by the following:

*Article 5*

Detailed rules for the application of this Title shall be adopted as necessary, without prejudice to the national competences, in accordance with the procedure laid down in Article 36, in particular as regards:

- (a) the identification of officially designated inspectors and inspection vessels, aircraft and such other means of inspection as may be used by a Member State;
- (b) the procedure for the inspection and surveillance of activities in the fisheries sector;
- (c) the marking and identification of fishing vessels and their gear;
- (d) the certification of the characteristics of fishing vessels which relate to fishing activities.;

<sup>(1)</sup> OJ L 281, 23. 11. 1995, p. 31.

5. Article 6(2) shall be replaced by the following:

'2. From 1 January 2000 any amount greater than 50 kg of live-weight equivalent of any species retained on board, must be recorded in the logbook in areas other than the Mediterranean. For the fisheries operations in the Mediterranean Sea any amount greater than 50 kg of live-weight equivalent retained on board of any species indicated on a list adopted under this Article must be recorded in the logbook.'

6. Article 6(8) shall be replaced by the following:

'8. Detailed rules for the implementation of this Article shall be adopted in accordance with the procedure laid down in Article 36, including:

- another geographical basis other than the ICES statistical rectangle, in certain specific cases, and
- recording of catches taken with small meshed gear and kept on board unsorted,
- the list referred to in paragraph 2.'

7. Article 7(1) shall be replaced by the following:

'1. The Master of a Community fishing vessel who wishes to utilise landing locations in a Member State other than the flag Member State shall comply with the requirements of any designated port scheme established by that Member State in accordance with Article 38, or if that Member State does not operate such a scheme, he must inform the competent authorities in that Member State at least four hours in advance of:

- the landing location(s) and estimated time of arrival there,
- the quantities of each species to be landed.'

8. in Article 9:

(a) paragraph 1 and 2 shall be replaced by the following:

'1. Auction centres or other bodies or persons authorised by Member States, which are responsible for the first marketing of fishery products landed in a Member State shall submit, upon the first sale, a sales note to the competent authorities of the Member State in whose territory the first marketing takes place. The submission of the sales notes listing all data required under this Article shall be the responsibility of the auction centres or other bodies or persons authorised by Member States.

2. Where the first marketing of fisheries products landed in a Member State is carried out in a manner different from that laid down in paragraph 1, the landed products shall not be collected until

one of the following documents has been submitted to the competent authorities or other authorised bodies of the Member States:

- a sales note, when the products have been sold or are offered for sale at the place of landing,
- a copy of one of the documents provided for in Article 13, when the products are offered for sale at a location other than the place of landing; a sales note must be appended to such copies at the time of actual sale,
- a take-over declaration, when the products are not offered for sale or are intended for sale at a later date.

The submission of the sales note listing all data required under this Article shall be the responsibility of the buyer.

The submission of the take-over declaration listing all data required under this Article shall be the responsibility of the holder of this declaration.'

(b) in paragraph 3 the following indents shall be inserted as first, third and last indent:

- '— the relevant name of each species and its geographical area of origin,
- where appropriate, the relevant minimum fish size,
- where possible, the reference number of the sales contract.'

(c) paragraph 4 shall be replaced by the following:

'4. Sales notes shall be submitted to the competent authorities responsible for monitoring the first marketing of fish in such a way that the following data shall be included:

- the external identification and name of the fishing vessel which has landed the products concerned,
- the name of the vessel's owner or master,
- the port and date of landing,
- where applicable, reference to one of the documents provided for in Article 13(1) and (4)(b).'

(d) the following paragraphs shall be inserted:

'4a. Where a sales note does not correspond to the invoice or to a document replacing it, as referred to in Article 22(3) of the sixth Council Directive 77/388/EEC <sup>(1)</sup>, the Member State shall adopt the necessary provisions to ensure that the information on the price excluding tax for deliveries of goods to the purchaser is identical to that indicated on the invoice.

4b. Take-over declarations as referred to in paragraph 2, drawn up by owners of landed fishery products or their agents, shall contain at least the following information:

- the relevant name of each species and its geographical area of origin,
- the weight of each species, broken down by type of product presentation,
- where appropriate, the relevant minimum fish size,
- identification of the fishing vessel that has landed the products,
- identification of the master of the vessel,
- the port and date of landing,
- the places where the products are stored,
- where applicable, reference to one of the documents provided for in Article 13(1) and (4)(b).

4c. Where the fisheries products landed are intended for sale at a later date, and where such products are to be placed on the market at a price provided for in a contract or at a fixed price set for a specified period, Member States shall carry out appropriate verifications to check the accuracy of the information in the take-over declarations and sales notes referred to in paragraph 2.

(<sup>1</sup>) Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment (OJ L 145, 13.6.1977, p. 1).<sup>2</sup>

(e) paragraph 5 shall be replaced by the following:

‘5. Sales notes, take-over declarations and a copy of the transport documents shall be submitted, within 48 hours following the first marketing or the landing, to the competent authority or other bodies authorised by the Member State, in accordance with the law of the Member State in whose territory the operations have been carried out. On request of a Member State, the Commission, in accordance with the procedure laid down in Article 36, may grant exceptions to this delay in specific situations.

In the event that the products are transported to a Member State other than the Member State of landing, the transporter shall transmit within 48 hours following the landing a copy of the transport document to the competent authorities of the Member State in whose territory the first marketing is declared to take place. The Member State of first marketing may require further information in this regard from the Member State of landing.’;

(f) in paragraph 6, the following subparagraph shall be added:

‘Where the first marketing of fisheries products does not take place in the Member State where the products have been landed, the Member State responsible for monitoring the first marketing shall ensure that a copy of the sales note is submitted to the authorities responsible for monitoring the landing of the products concerned as soon as possible.’;

(g) in paragraph 7 the following sentence shall be added at the end of the first subparagraph of Article 9(7):

‘or for quantities landed of fisheries products not exceeding 50 kg of live weight equivalent by species.’;

9. Article 10 shall be deleted;

10. Article 11 shall be replaced by the following:

#### *Article 11*

1. Transhipments and fishing operations involving joint action by two or more vessels taking place in maritime waters subject to the sovereignty or jurisdiction of a Member State, as well as transhipment taking place in a Member State’s ports may be authorised by this Member State. The Masters of the vessels concerned shall comply with the procedures laid down in accordance with paragraph 2, particularly as regards:

- the definition of authorised places,
- inspection and surveillance procedures,
- the terms and conditions for recording and notifying the transhipment operation and the quantities transhipped.

This provision shall not apply to pair trawling activities by Community vessels.

2. Detailed rules for the application of this Article shall be adopted, taking account of the comments of the Member States concerned, in accordance with the procedure laid down in Article 36.’;

11. Article 13 shall be amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. All fisheries products landed in or imported into the Community, either unprocessed or after having been processed on board, and for which neither a sales note nor a take-over declaration has been submitted in accordance with Article 9(1) and (2), and which are transported to a

place other than that of landing or import, shall be accompanied by a document drawn up by the transporter until the first sale has taken place. The submission of this transport document listing all data required under this Article shall be the responsibility of the transporter.;

(b) paragraph 2 shall be replaced by the following:

‘2. This document shall:

(a) indicate in respect of the consignment the name of the vessel of provenance and its external identification. In case of import other than by vessel, this document shall indicate the location where the consignment was imported;

(b) include the place of destination of the consignment(s) and the identification of the transport vehicle;

(c) indicate the quantities of fish (in kilograms processed weight) for each species transported, the names of the consignee and the place and the date of loading, as well as the relevant name for each species, its geographical area of origin and, where appropriate, the relevant minimum fish size.;

(c) the following paragraph shall be inserted:

‘5a. Where fishery products that have been declared as sold in accordance with Article 9 are transported to a location other than the place of landing or import, at all times transporters must be able to prove on the basis of a document that a sales transaction has taken place.;

(d) paragraph 6 shall be replaced by the following:

‘6. Each Member State shall carry out control by means of sampling on its territory in order to verify that the obligations established by this Article are being respected. The intensity of such controls may take account of the intensity of the controls in previous stages.;

(e) the following paragraph shall be added:

‘7a. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 36.;

12. in Article 18 the following paragraph shall be added:

‘4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 36.;

13. Article 19 shall be amended as follows:

(a) paragraph 3 shall be replaced by the following:

‘3. Each Member State shall adopt the necessary measures to ensure that the information referred to in paragraph 1 is entered in the database as soon as possible.

The information on regulated resources within the meaning of Article 8 of Regulation (EEC) No 3760/92 <sup>(1)</sup> as recorded in the logbook, the landing declaration, the sales note and the take-over certificate shall be entered in the database referred to in paragraph 2 within 15 working days of the date on which this information is received by the competent authorities. If more than 85 % of a quota has been fished, this period shall not exceed five working days.

<sup>(1)</sup> OJ L 389, 31.12.1992, p. 1.;

(b) paragraph 4 shall be deleted;

(c) paragraph 5 shall be replaced by the following:

‘5. Member States shall adopt the necessary measures to facilitate the collection, validation and cross-referencing of data. The Commission shall have remote access to duplicated computer files containing the relevant information on the basis of a specific request.;

14. Article 21 shall be amended as follows:

(a) in paragraph 3 the following sentence shall be added to the first subparagraph:

‘The Commission shall notify the Member States of this date without delay.;

(b) in paragraph 3 the last subparagraph shall be replaced by the following:

‘As from the date referred to in the first subparagraph, the flag Member State shall provisionally prohibit fishing for that stock or group of stocks by vessels flying its flag as well as the retention on board, transshipment and landing of fish taken after that date and shall decide on a date up to which transshipments and landings or final declarations of catches are permitted. The Commission shall be notified forthwith of this measure and shall then inform the other Member States.;

15. in Article 28 the following paragraph shall be inserted:

‘2a. Where a minimum size has been fixed for a given species pursuant to Article 4 of Regulation (EEC) No 3760/92, operators responsible for the selling, stocking or transporting of batches of fisheries products of that species smaller than the minimum size must be able to prove the geographical area of origin or the provenance from aquaculture of the products at all times. The Member States shall carry out the necessary controls in order to prevent the problems that might exist in their territory because of the transport or the marketing of under-sized fish.;

16. the following Title shall be inserted:

“TITLE VIa

**Monitoring the fishing activities of third-country vessels**

*Article 28a*

For the purposes of this Title “third-country fishing vessels” means:

- a vessel, whatever its dimensions, used primarily or secondarily to take fisheries products,
- a vessel that, even if not used to make catches by its own means, takes the fisheries products by transhipment from other vessels,
- a vessel aboard which fisheries products are subject to one or more of the following operations prior to packaging: filleting or slicing, skinning, mincing, freezing and/or processing

and flying the flag of, and registered in, a third country.

*Article 28b*

1. Third-country fishing vessels shall be authorised to catch, retain on board or process fishery products in the Community fishing zone only provided they have been issued with a fishing licence and a special fishing permit in accordance with Article 9 of Regulation (EC) No 1627/94<sup>(1)</sup>.

2. In addition, third-country fishing vessels may only tranship or process if they have prior authorisation from the Member State in whose waters the operation will take place. Third-country fishing vessels shall be permitted to carry out transhipments or fishing operations involving joint action by two or more vessels only if they have obtained a prior authorisation to tranship or to process from the Member State concerned and they fulfil the conditions set out in Article 11 of this Regulation.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 36.

*Article 28c*

All third-country fishing vessels operating in the Community fishing zone shall be subject to the following obligations:

- to record, in a logbook, the information referred to in Article 6,

- from 1 January 2000 at the latest, for vessels exceeding 20 metres between perpendiculars or 24 metres overall length, to be equipped with a VMS position monitoring system approved by the Commission,
- until the VMS system is introduced, to comply with a system for reporting movements,
- to comply with a system for reporting catches retained on board,
- to comply with the instructions of the authorities responsible for monitoring, particularly as regards the inspections prior to leaving the Community fishing zone,
- to comply with the rules on the marking and identification of fishing vessels and their gear.

*Article 28d*

The Commission shall determine the date from which catches of a stock or group of stocks subject to quota taken by third-country fishing vessels shall be deemed to have exhausted the quota. The Commission shall notify the third country and the Member States concerned of this date without delay.

As from this date, fishing for that stock or group of stocks by such vessels as well as the retention on board, the transhipment and the landing of fish taken after that date shall be provisionally prohibited. The Commission shall also determine the date up to which transhipments and landings or final catch declarations are permitted.

*Article 28e*

1. Masters of third-country fishing vessels or their representatives must notify the competent authorities of the Member State whose ports or landing facilities they wish to use, at least 72 hours before the estimated time of arrival at the port, of the following:

- their time of arrival at the port of landing,
- the catches retained on board,
- the zone or zones where the catch was made, whether in the Community fishing zone, in zones under the jurisdiction or sovereignty of a third country or on the high seas.

Landing operations may not commence until authorised by the competent authorities of that Member State.

2. Except in cases of *force majeure* or where a vessel is in distress, third-country fishing vessels may put in only at the ports designated by the Member State whose ports or landing facilities they wish to use.

3. The Commission, in accordance with the procedure laid down in Article 36, may grant an exemption for certain categories of third-country fishing vessels from the obligation stipulated in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account, *inter alia*, the distance between the fishing grounds, landing places and ports where the vessels in question are registered or listed.

4. Paragraphs 1 and 2 shall apply without prejudice to special provisions in fisheries agreements concluded between the Community and various third countries.

#### Article 28f

Masters of third-country fishing vessels or their representatives shall submit as soon as possible, but not later than within 48 hours after landing, to the authorities of the Member State whose ports or landing facilities they use a declaration indicating the quantity of fishery products by species landed and the date and place of each catch. Masters shall be responsible for the accuracy of such declarations.

Each Member State shall forward to the Commission, at its request, information on landings by third-country fishing vessels.

#### Article 28g

Where the master or his representative of a third-country fishing vessel declares that catches have been taken on the high seas, the competent authorities shall authorise landing only if it has been proved to their satisfaction by the master or his representative that:

- the species retained on board have been caught outside the regulatory areas of any competent international organisations of which the Community is a member, or
- the species retained on board have been caught in compliance with the conservation and management measures adopted by the competent regional organisation of which the Community is a member.

#### Article 28h

Detailed rules for the application of this Title, including the lists of designated ports, shall be adopted in accordance with the procedure laid down in Article 36 in concert with the Member States concerned.

(<sup>1</sup>) Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits (OJ L 171, 6.7.1994, p. 7).<sup>2</sup>

17. in Article 29 the following paragraph shall be inserted:

‘3a. Community inspectors may, in the context of verification without prior notice, conduct observations on the implementation of this Regulation.

During their observation visits, Community inspectors, accompanied by national inspectors and without prejudice to applicable Community law and complying with the rules of procedure provided for in the laws of the Member State concerned, shall have access to the relevant files and documents and to the public premises and places, vessels and private premises, land and means of transport where the activities covered by this Regulation take place, in order to collect data (not containing named references) necessary for the accomplishment of their task.

Following such verifications without prior notice, the Commission shall forward a report on the observations made to the Member State concerned without delay.’;

18. in Article 30 the second subparagraph shall be replaced by the following:

‘The Member States concerned shall inform the Commission of the results of the inquiry and forward a copy of the report drawn up not more than three months after the Commission’s request. This period may be extended by the Commission, on a duly motivated request from a Member State, for a reasonable delay.’;

19. in Article 31 the following paragraph shall be inserted:

‘2a. The Council, acting on the basis of Article 43 of the Treaty, may draw up a list of types of behaviour which seriously infringe the Community rules referred to in Article 1 and to which the Member States undertake to apply proportionate, dissuasive and effective sanctions.’;

20. the following Title and heading shall be inserted after Article 33:

‘TITLE VIIIa

**Cooperation among the authorities responsible for monitoring in the Member States and with the Commission’;**

21. Article 34 shall be replaced by the following Articles:

#### ‘Article 34

The terms and conditions on which the competent authorities responsible for monitoring the application of this Regulation in the Member States shall collaborate among themselves and with the Commission in order to ensure compliance with the rules of the common fisheries policy shall be as set out below.

*Article 34a*

1. The Member States shall provide each other with the mutual assistance needed to carry out the checks provided for in this Title.

2. Where an inspection or surveillance operation by the competent authorities of a Member State reveal that Community fishing vessels or vessels flying the flag of a third country and registered in a third country have carried out the fishing activities referred to in Article 2 in a way likely to infringe the Community rules, the Member State in question shall immediately notify all relevant information to the flag Member State of the vessel or vessels concerned, the other Member States concerned and the Commission. The other Member States concerned are the Member States in whose territory or waters the activities in question are being or are likely to be carried out.

The Member State in question may request the other Member States concerned to carry out special checks, giving specific reasons for their request.

The Member States shall keep each other informed, and shall inform the Commission, of the action they take in response to such requests, including, where applicable, the results of the checks and any proceedings relating to infringements.

3. The Member States shall inform each other of the national measures taken to that end, particularly those taken pursuant to Article 9(2) of Regulation (EEC) No 3760/92.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 36.

*Article 34b*

1. In the case of verifications with prior notice in a Member State, the Commission may arrange for its inspectors visiting a Member State to be accompanied by one or more fisheries inspectors from another Member State as observers, with the approval of the Member State to be visited. Upon request from the Commission the sending Member State can nominate at short notice the national fisheries inspectors selected as observers.

Member States may also draw up a list of national fisheries inspectors whom the Commission might invite to be present at such verifications. The Commission can invite national inspectors included in that list or those notified to the Commission upon request.

The Commission shall, where appropriate, place the list at the disposal of all the Member States.

2. Member States may also carry out, among themselves and on their initiative, monitoring, inspecting and surveillance programmes concerning the fisheries activities.

*Article 34c*

1. The Commission, in accordance with the procedure laid down in Article 36 and in concert with the Member States concerned, shall determine which fisheries involving two or more Member States shall be subject to specific monitoring programmes which may not last longer than two years, and the conditions governing such programmes. These programmes shall state their objectives and the expected results of the measures specified and the strategy required to ensure that the inspections are as effective and economical as possible.

2. The Member States concerned shall adopt the necessary measures to facilitate implementation of the specific monitoring programmes, particularly as regards the human and material resources required and the periods and zones where these are to be deployed.

3. The Commission shall evaluate the performance of each specific monitoring programme and communicate to the Council and the European Parliament the result of such evaluation.;

22. Article 35 shall be replaced by the following:

*Article 35*

1. Not later than 30 April each year, the Member States shall transmit to the Commission a report on the application of this Regulation during the previous calendar year.

2. On the basis of the reports submitted by the Member States and its own observations, the Commission shall draw up a factual report every year and an assessment report every three years to be submitted to the Council and the European Parliament. It shall publish this assessment report along with the Member States' replies and, where appropriate, measures and proposals to mitigate the shortcomings discovered.

3. Detailed rules for the provision of information to meet the requirements of this Article shall be adopted in accordance with the procedure laid down in Article 36, particularly the information concerning:

- the technical and human resources for fisheries monitoring, and the time effectively devoted thereto,
- the laws, regulations and administrative provisions that the Member States adopt to prevent and prosecute irregularities,

- the results of inspections or checks carried out pursuant to this Regulation, including the number and type of infringements discovered and the action taken, and in particular with respect to the types of behaviour referred to in Article 31(2a),
- the application measures and actions pursuant to Article 19, particularly with regard to the assessment of the reliability of the data;

23. Article 40 shall be replaced by the following:

*'Article 40*

Member States shall be exempted until 1 January 2000 from the obligation to apply the provisions of Articles 6 and 8, in so far as they concern fisheries operations in the Mediterranean Sea.'

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

Done at Brussels, 17 December 1998.

*Article 2*

Article 5 of Council Regulation (EEC) No 2241/87 shall be repealed, as from 1 January 2000.

*Article 3*

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

It shall apply from 1 July 1999. However, Article 11 and Article 28b(2) of Regulation (EEC) No 2847/93, as amended by this Regulation, shall apply from the date of entry into force of the detailed implementing rules referred to in Article 11(2) of Regulation (EEC) No 2847/93, as amended by this Regulation. Article 40 of Regulation (EEC) No 2847/93, as amended by this Regulation, shall apply from 1 January 1999 and Article 6 of Regulation (EEC) No 2847/93, as amended by this Regulation, shall apply from 1 January 2000.

*For the Council*

*The President*

W. MOLTERER

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**COUNCIL REGULATION (EC) No 2847/98**  
of 22 December 1998

**renewing for 1999 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 1416/95 of 19 June 1995 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products <sup>(1)</sup> opened tariff quotas for 1995 in favour of Switzerland and Norway in accordance with the conditions set out in Annexes I and II thereto;

Whereas Regulation (EC) No 1416/95 was renewed for 1996, 1997 and 1998, by Regulations (EC) No 102/96 <sup>(2)</sup>, (EC) No 306/97 <sup>(3)</sup> and (EC) No 560/98 <sup>(4)</sup> respectively;

Whereas Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(5)</sup> consolidated the arrangements for managing the tariff quotas to be used in chronological order of the date of acceptance of the declarations for release for free circulation;

Whereas it was not possible to conclude additional Protocols before 1 January 1999; whereas in the circumstances and pursuant to Articles 76, 102 and 128 of the Act of Accession, the Community must adopt the measures required to remedy the situation; whereas, therefore, it is necessary to renew the measures provided for in Regulation (EC) No 1416/95 for 1999,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The measures provided for in Article 1 of Regulation (EC) No 1416/95 shall be renewed to cover 1999.

Annexes I and II to Regulation (EC) No 1416/95 shall be replaced by Annexes I and II to this Regulation.

2. If Switzerland and Norway discontinue the application of the reciprocal measures in favour of the Community, the Commission may, in accordance with the procedure laid down in Article 16 of Council Regulation (EC) No 3448/93 <sup>(6)</sup>, suspend application of the measures provided for in paragraph 1.

*Article 2*

The tariff quotas referred to in Annexes I and II to Regulation (EC) No 1416/95 shall be administered in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

*Article 3*

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 with effect 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 Council*

*The President*

C. EINEM

<sup>(1)</sup> OJ L 141, 24. 6. 1995, p. 1.

<sup>(2)</sup> OJ L 19, 25. 1. 1996, p. 1.

<sup>(3)</sup> OJ L 51, 21. 2. 1997, p. 8.

<sup>(4)</sup> OJ L 76, 13. 3. 1998, p. 1.

<sup>(5)</sup> OJ L 253, 11. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 1677/98 (OJ L 212, 30. 7. 1998, p. 18.)

<sup>(6)</sup> OJ L 318, 20. 12. 1993, p. 18.

## ANNEX I

## Preferential tariff quotas opened for 1999

## SWITZERLAND

Order No	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0911	1302 20 10	Pectic substances, pectinates and pectates. Dry	550 tonnes	free
09.0912	2101 11 11	Extracts, essences and concentrates with a coffee-based dry matter content of 95 % or more by weight	1 700 tonnes	free
09.0913	2101 20 20	Extracts, essences and concentrates of tea or maté	120 tonnes	free
09.0914	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	850 tonnes	free

## ANNEX II

## Preferential tariff quotas opened for 1999

## NORWAY

Order No	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0765	1517 10 90	Margarine, excluding liquid margarine Other	2 470 tonnes	free
09.0766	2102 30 00	Prepared baking powder	150 tonnes	free
09.0767	2103 90 90 (taric code 90/11- 90/19-90/98-90/99)	Sauces and preparations therefor; mixed condiments and mixed seasonings of CN code 2103 90 90, other than mayonnaise	130 tonnes	free
09.0768	2104 10	Soups and broths and preparations therefor	390 tonnes	free
09.0769	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	510 tonnes	free
09.0770	2203 00	Beer made from malt	4 800 hectolitres	free
09.0771	2207 10 00 (taric code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher/other than those obtained from agricultural products listed in Annex II to the EC Treaty	134 000 hectolitres	free
09.0772	2207 20 00 (taric code 90)	Ethyl alcohol and other spirits, denatured, of any strength/other than those obtained from agricultural products listed in Annex II to the EC Treaty	3 340 hectolitres	free
09.0773	2208 90 57 (taric code 20)	Aquavit	300 hectolitres	free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	free

**COMMISSION REGULATION (EC) No 2848/98**

of 22 December 1998

**laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco <sup>(1)</sup>, as last amended by Regulation (EC) No 1636/98 <sup>(2)</sup>, and in particular Articles 7, 9(5), 11, 14a and 17(5) and 27 thereof,

Whereas Regulation (EC) No 1636/98 introduced a fundamental reform of the raw tobacco sector to improve its economic position; whereas this reform entailed a variation of Community aid in line with product quality, greater flexibility and simplicity in the quota system, stricter control procedures and improved observance of public health and environmental protection requirements;

Whereas, detailed implementing rules must be adopted following this reform; whereas, in order to simplify agricultural legislation, Commission Regulations (EEC) No 3478/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 1578/98 <sup>(4)</sup>, (EEC) No 84/93 <sup>(5)</sup>, as last amended by Regulation (EC) No 621/96 <sup>(6)</sup> and (EC) No 1066/95 <sup>(7)</sup>, as last amended by Regulation (EC) No 1578/98, should be replaced by a single Regulation;

Whereas, with regard to the conditions for recognition of producer groups, the minimum size should be fixed as a percentage, representing the relationship between the quantities in the quota statements and the Member State's guarantee threshold; whereas, for the purpose of recognising producer groups, Member States should be able to increase the percentage of quota statements in their territory and lay down minimum recognition conditions concerning the number of producers;

Whereas the requirements for the recognition of producer groups should be laid down in order that they may qualify for that specific aid;

Whereas, in order to respect market structures, it should be laid down that a producer may be a member of one group only; whereas, to facilitate the transition, producers who are members of more than one group should be given the opportunity of withdrawing from memberships by 31 January 1999;

Whereas, in line with the intentions of Article 12 of Regulation (EEC) No 2075/92 and in particular to prevent distortion of competition and monitoring difficulties, producer groups should be debarred from engaging in first processing;

Whereas to ensure uniformity of administrative procedures, rules should be laid down on applications for and the grant and withdrawal of recognition and the monitoring of the recognition requirements;

Whereas a mechanism should be introduced for the approval of processing undertakings authorised to sign cultivation contracts, such approval should be withdrawn where the rules are not observed and the special conditions governing the processing of tobacco in a Member State should be laid down;

Whereas the recognised production areas should be fixed for each group of varieties of tobacco on the basis of the traditional production areas for the purposes of granting the premium; whereas, in view of the relatively small area of French communes, those areas should be based on cantons rather than communes in France; whereas Member States should be permitted to limit production areas in order, in particular, to improve quality;

Whereas the main points which must be included in cultivation contracts must be specified; whereas contracts must be limited to one harvest so that account can be taken of future changes in the market; whereas sufficiently early final dates for the conclusion and registration of contracts should be fixed to enable them to guarantee, from the very beginning of the year of harvest, both stable outlets to producers for the coming harvest and regular supplies to processors;

<sup>(1)</sup> OJ L 215, 30. 7. 1992, p. 70.<sup>(2)</sup> OJ L 210, 20. 7. 1998, p. 23.<sup>(3)</sup> OJ L 351, 2. 12. 1992, p. 17.<sup>(4)</sup> OJ L 206, 23. 7. 1998, p. 19.<sup>(5)</sup> OJ L 12, 20. 1. 1993, p. 5.<sup>(6)</sup> OJ L 89, 10. 4. 1996, p. 8.<sup>(7)</sup> OJ L 108, 13. 5. 1995, p. 5.

Whereas, when a cultivation contract is concluded with a producer group, the essential details of each individual producer must also be notified to permit effective management and control;

Whereas an optional auction system for cultivation contracts should be established for use by the Member States so that contract prices can reflect market conditions;

Whereas raw tobacco eligible for the premium must be of sound and fair merchantable quality and free of certain characteristics which prevent normal marketing;

Whereas the premium comprises a fixed part, a variable part and a specific aid and the relation between the different parts of the premium may vary according to variety and producer Member State; whereas the fixed part must be paid for the quantity of leaf tobacco delivered by producers to first processors irrespective of variations in quality, provided that the minimum quality requirements are fulfilled; whereas, to encourage improvement of the quality and value of Community production, the variable part of the premium should be paid by the producer group to its members after comparing the market prices obtained for each batch delivered by individual members of the group; whereas, to ensure that this system is effective, a variable premium equal to zero should be attributed to batches sold for a price between the minimum price and the minimum price plus 50 % for each group of varieties;

Whereas the premium should be adjusted where the moisture content of tobacco delivered differs by up to 4 % from the moisture content fixed for each group of varieties on the basis of reasonable quality requirements and in order to simplify checks on delivery, sampling levels and frequency together with the method for calculating the adjusted weight for determining the moisture content should be fixed;

Whereas the period of delivery of the tobacco to processors should be limited (but vary as necessary by group of varieties) in order to prevent fraudulent carry-over from one harvest to another;

Whereas the conditions governing the payment of premiums and purchase prices should be laid down in order to prevent fraud; whereas, however, it is the responsibility of the Member States to determine further management and control arrangements pursuant to Article 17(1) of Regulation (EEC) No 2075/92;

Whereas premiums may be paid only after a check on deliveries, to guarantee that the operations concerned have actually been carried out and that the quota arrangements have been complied with; whereas, however, the

payment of advances to producers of 50 % of the premium due should be provided for on condition that an adequate security is lodged; whereas, to make it possible for advances to be paid to groups which cannot bear the costs of lodging securities, it should be permitted to use the specific aid to cover those costs;

Whereas Regulation (EEC) No 2075/92 provides for Member States to pay the premium direct to producers and that producers may carry over their surplus production to the next harvest, up to a maximum of 10 % of the quota allocated to them;

Whereas Article 9 of Regulation (EEC) No 2075/92 introduces a quota system for the different groups of varieties of tobacco; whereas the time limits for allocation of quotas must be fixed early enough to enable producers to take the greatest possible account thereof when producing tobacco;

Whereas under Article 9(3) of Regulation (EEC) No 2075/92, production quotas are to be assigned to producers in proportion to the average quantity of tobacco delivered for processing over the three years preceding that of the most recent harvest and the quotas thus assigned are to be valid for three years; whereas allocation of a certain quantity, giving entitlement to the premium for a given harvest, does not imply acquisition of any right in subsequent years;

Whereas national quota reserves should be set up in each Member State in order to increase the flexibility of the quota allocation arrangements, to encourage producers to switch to other crops and to facilitate the restructuring of agricultural holdings in the Member States; whereas these national reserves should be made up of quotas released by a linear reduction in all the quotas allocated to producers and by Member States being able to apply a linear reduction to the quantities entered on production quota statements that have been transferred permanently, together with quotas that have not been covered by cultivation contracts concluded, including quantities entered on production quota statements that have been transferred temporarily;

Whereas a procedure should be laid down for calculating the quota for producers who have started growing tobacco or who have increased their quota;

Whereas provisions are needed to take account of cases where tobacco is processed in Member States other than the Member State in which it has been produced; whereas in such cases the quantity of raw tobacco in question should be taken over in the Member State where it was produced, for the benefit of producers in that Member State;

Whereas production quota statements should be issued to producers on the basis of their tobacco deliveries from the harvests in the reference years; whereas Member States must be able to increase the quantities to be taken into account for certain producers operating in special circumstances;

Whereas the threshold quantities applicable for a harvest may exceed those fixed for the previous harvest for certain groups of varieties while falling short of those fixed for others; whereas the additional quantities should be distributed among the parties concerned on the basis of objective criteria, taking account of certain priorities to be determined by the Member States in the light of their situation;

Whereas the transfer of production quotas within a single group of varieties, on either an annual or a permanent basis, should be permitted and a right of priority should be established between producers to encourage the transfer of quotas between producers who are members of the same producer group; whereas account should not be taken when calculating the quota of each producer of quantities delivered as part of an annual transfer;

Whereas account should be taken of the fact that a production unit can be jointly exploited by members of one family, particularly with regard to minimum quantities per production quota statement and fraud prevention;

Whereas voluntary exchanges of production quotas between producers can facilitate rationalisation of production;

Whereas provision should be made for any disputes to be resolved through joint committees;

Whereas a quota buy-back scheme should be set up with a corresponding reduction of the guarantee thresholds in order to facilitate the voluntary departure from the sector of individual producers; whereas the amounts to which producers whose quotas are bought back will be entitled should be fixed, without prejudice to future amendments; whereas, in order to maintain production as far as possible in the same production sector, a right of priority should be established between producers for the purchase of quotas offered under the buy-back scheme;

Whereas, for the purposes of sound management, transparency and verification, producers who are not members of a producer group must deliver all tobacco of a given group of varieties from the same harvest to a single

processor, payments to producer groups and payment of the purchase price to producers by first processors must be made solely by bank or postal transfer to a single account linked to payment of the individual producers, and the production quota allocated to each producer must be made public;

Whereas Article 4a(5) of Regulation (EEC) No 2075/92 provides for specific aid not exceeding 2 % of the total premium to be paid to producer groups and that maximum percentage should be maintained in order to ensure that producer groups correctly carry out the tasks entrusted to them, particularly the measures to improve respect for the environment;

Whereas, pursuant to Article 17(1) of Regulation (EEC) No 2075/92, Member States must decide on the measures needed to ensure compliance with the Community provisions on raw tobacco; whereas, however, the control measures must satisfy certain requirements to ensure that their application is broadly uniform in all Member States, based on 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>(1)</sup>, as last amended by Regulation (EC) No 820/97<sup>(2)</sup>, and 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>(3)</sup>, as last amended by Regulation (EC) No 1078/98<sup>(4)</sup>;

Whereas in several Member States checks are carried out at the place to which tobacco is delivered rather than that where it is processed; whereas such checks are considered to be inadequate; whereas the places to which tobacco must be delivered and the checks to be carried out should be specified;

Whereas compliance with the provisions on Community aid must be effectively monitored; whereas, in this connection, detailed criteria and technical rules should be laid down for carrying out administrative and on-the-spot checks; whereas, in the light of the experience gained in carrying out on-the-spot checks, the minimum inspection rates should be determined using risk analysis and the factors to be taken into consideration should be specified;

Whereas, in accordance with points (a) and (c) of Article 5 of Regulation (EEC) No 2075/92, the grant of the premium is subject to the condition that the leaf tobacco comes from a specified production area and is delivered on the basis of a cultivation contract; whereas these conditions may be easily circumvented if there is no check to verify that the area declared on the contract has actually been cultivated with the variety indicated; whereas a minimum number of checks by the Member States on cultivated areas and the consequences when irregularities are discovered both need to be established; whereas, while complying with the principle of proportionality, those consequences must be sufficiently dissuasive to prevent false declarations;

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

<sup>(2)</sup> OJ L 117, 7. 5. 1997, p. 1.

<sup>(3)</sup> OJ L 391, 31. 12. 1992, p. 36.

<sup>(4)</sup> OJ L 212, 30. 7. 1998, p. 23.

Whereas, with a view to the prevention of fraud, the leaf tobacco must be placed under supervision the moment the producer delivers it to the first-processing undertaking; whereas the tobacco must remain under supervision until processing and market preparation have taken place; whereas it is also necessary to check any leaf tobacco imported from third countries that undergoes first processing and market preparation in an undertaking also processing leaf tobacco of Community origin;

Whereas the data and documents of processors and producers must be accessible in a usable form for the checks to be carried out;

Whereas the consequences of any irregularities found should be determined; whereas such consequences must be sufficiently deterrent to prevent any illegal use of Community aid, while complying with the principle of proportionality;

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

HAS ADOPTED THIS REGULATION:

## TITLE I

### Definitions

#### *Article 1*

For the purposes of this Regulation:

- ‘delivery’ means any operation taking place on a given day which involves a producer handing over raw tobacco to a processing undertaking under a cultivation contract,
- ‘producer group’ means a producer group recognised in accordance with Article 4,
- ‘temporary transfer’ means the transfer of the quantities entered on production quota statements for a maximum period of one year which may not be renewed during the three-year quota allocation period,
- ‘permanent transfer’ means the transfer of the quantities entered on production quota statements for a period of more than one year during the three-year quota allocation period,
- ‘first purchaser’ means the undertaking responsible for first processing that first signs the cultivation contract,
- ‘batch’ means part or all of the tobacco of which a delivery has been made by a producer, divided to form one or more distinct parts by quality grade, whether in fact handed over separately or not, having a well-defined weight and moisture content and numbered to identify the purchase price paid and the individual producer,

- ‘control certificate’ means the document issued by the competent control body certifying that the quantity of tobacco concerned has been taken over by the first processor, that this quantity has been delivered under the quota statements allocated to the producers and that the operations have been carried out in accordance with the rules.

## TITLE II

### Producer groups

#### CHAPTER I

#### Recognition

##### *Article 2*

1. Member States shall recognise producer groups on application from them.
2. Producer groups may not carry out first processing of tobacco.
3. Tobacco producers may not belong to more than one group.

##### *Article 3*

1. Producer groups must satisfy the following requirements:
  - (a) they shall be set up on the initiative of their members;
  - (b) they shall be set up with the aim of adapting collectively the production of the producer members to meet the requirements of the market;
  - (c) they shall adopt, and shall ensure that their members apply, common rules for the production and the placing of their products on the market, in particular as regards product quality and the use of cultivation practices, and, where appropriate, shall purchase seed, fertilisers and other means of production;
  - (d) their operation shall be regulated by articles of association restricting their activities exclusively to raw tobacco. Under the articles of association, producer members shall be at least obliged:
    - to market the entire production intended for marketing through the group,
    - to comply with the common production rules;
  - (e) they must have quota statements relating to a quantity expressed in tonnes equal to or greater than the percentage specified in Annex I of the guarantee threshold for the Member State in which the group is established.

Member States may fix a higher percentage and lay down minimum conditions regarding the number of producers;

(f) their articles of association shall contain provisions to ensure that the members of the group who wish to withdraw from membership may do so:

— after they have been members of the group for a minimum of one year following its recognition,  
and

— on condition that they notify the group in writing by 31 October at the latest of their withdrawal with effect from the following harvest. These provisions shall apply without prejudice to national laws or regulations designed to protect the group or its creditors, in specified cases, against any financial consequences which might result from the withdrawal of a member or to preclude withdrawal of a member in the course of the financial year;

(g) both the form in which they are set up and the entire range of their activities shall preclude any discrimination which runs counter to the operation of the common market and the attainment of the general objectives of the Treaty and, in particular, any discrimination connected with the nationality or place of establishment:

— of producers or groups liable to become members of groups,

or

— of their economic partners;

(h) they shall have legal personality or sufficient legal capacity to exercise rights and be subject to obligations in accordance with national law;

(i) they shall keep accounts enabling the competent authority to make a full inspection of the use made by the group of the specific aid;

(j) they shall not hold a dominant position in the Community unless this is necessary for the pursuit of the objectives laid down in Article 38 of the Treaty;

(k) their articles of association shall in addition make it compulsory for their members to comply with the conditions laid down in subparagraphs (c) and (d) at the latest from the date:

— on which recognition takes effect

or

— on which they become members if this is later than the date of recognition.

2. Marketing through the group within the meaning of paragraph 1(d) shall cover at least the following operations:

— the conclusion by the group in its own name and on its behalf of cultivation contracts for the whole of the production of the members of the group,

— the supply of the whole of the production of the members of the group, prepared in accordance with common standards for delivery to the processors.

#### Article 4

1. The Member States shall be competent to recognise producer groups which have a registered headquarters on their territory.

2. The Member State concerned shall decide on applications for recognition within 60 days of the date of submission of an application on condition that the requirements of Article 3 are met.

3. The Member State shall determine the date on which recognition takes effect. This may not precede the date on which the group actually begins to operate.

#### Article 5

1. Each producer group shall update the information relevant to recognition annually before 15 November and shall notify the Member State of any change made since the previous period.

2. Producer groups meeting the conditions for recognition on 15 November may continue to be recognised in respect of the following year's harvest.

3. Producer groups which no longer meet the conditions for recognition on 15 November may, before the final date for the conclusion of cultivation contracts referred to in Article 10(1), apply for recognition in accordance with Article 4 in order to continue to be recognised in respect of that year's harvest.

## CHAPTER II

### Withdrawal of recognition

#### Article 6

1. Recognition of a producer group shall be withdrawn by the Member State concerned:

(a) if the specific aid is used for purposes other than those laid down in Article 40(2);

(b) if the conditions for recognition are no longer fulfilled;

(c) if recognition is based on erroneous information;

(d) if the group obtained recognition by improper means;



- (e) if the Commission decides that Article 85(1) of the Treaty applies to the agreements, decisions and concerted practices.
- (f) if the provisions of Article 51 are found to be applicable.

2. Recognition shall be withdrawn by the Member State with effect from the date on which the conditions for recognition are no longer met, without prejudice to Article 5(2) and (3).

Aid paid after that date shall be recovered, together with interest from the date of the payment of the aid to the date of its recovery. The interest rate to be applied shall be that in force for analogous recovery operations under national law.

3. In cases where recognition has been withdrawn because of serious infringements, the aid to be recovered shall be increased by 30 %.

In such cases, and in cases where Article 51 has been applied, recognition may not be restored within 12 months of the date of withdrawal.

4. After recognition has been withdrawn, the producer group must reapply for recognition.

### TITLE III

#### First processors

##### Article 7

1. The Member State in whose territory the first processor is based shall be responsible for approving first processors authorised to sign cultivation contracts.

2. The Member State concerned shall decide on the application for approval, in accordance with Article 6(2) of Regulation (EEC) No 2075/92 and other conditions which it has itself laid down, within 60 days of the date of submission of the application and shall fix the date from which approval takes effect if the application is accepted. Approval of a first processor may not predate the date of submission of the application.

3. Approval of a first processor shall be withdrawn by the Member State with effect from the following harvest from the date on which one or more of the terms of approval are no longer met, or in the case provided for in Article 53.

### TITLE IV

#### Premium scheme

##### CHAPTER I

#### Production areas

##### Article 8

For each group of varieties, the production areas referred to in Article 5(a) of Regulation (EEC) No 2075/92 shall be as laid down in Annex II hereto.

Member States may specify more restricted production areas, especially in the interests of quality. Restricted production areas may not exceed the area of the administrative unit or, in France, the canton.

### CHAPTER II

#### Cultivation contracts

##### Article 9

1. Cultivation contracts as referred to in Article 5(c) of Regulation (EEC) No 2075/92 shall be concluded between a first processor, on the one hand, and a producer group or individual producer who does not belong to a group, on the other.

2. Cultivation contracts shall be concluded by group of varieties. They shall commit the first processor to taking delivery of the quantity of leaf tobacco provided for in the contract and the individual producer who is not a member of a group or the producer group to deliver that quantity to the first processor, to the extent that their actual production so allows.

3. Cultivation contracts must include at least the following details:

- (a) the parties to the contract;
- (b) the reference to the quota statement of the producer;
- (c) the group of varieties of tobacco covered by the contract and, where appropriate, the variety of tobacco;
- (d) the maximum quantity to be delivered;
- (e) the exact location where the tobacco is produced (the production area as referred to in Article 1, province, municipality, identification of the parcel under the integrated control system referred to in Article 43);
- (f) the area of the parcel concerned, excluding service roads and enclosures;
- (g) the purchase price according to quality grade, excluding the premium, any service charges and taxes;
- (h) the minimum quality requirements agreed per quality grade, with a minimum of three grades, and an undertaking by the grower to deliver to the processor raw tobacco meeting at least these quality requirements;
- (i) a commitment by the first processor to pay the producer the purchase price according to quality grade;

- (j) the time limit for payment of the purchase price, which may not exceed 30 days from the date of delivery;
- (k) a clause providing for contracts to be auctioned if the Member State concerned decides to apply Article 12.

If the Member State has decided to pay premiums to producers through the first processors in accordance with the second indent of Article 6(4) of Regulation (EEC) No 2075/92, the cultivation contract must also include an undertaking by the processor to pay the producer, in addition to the price, an amount equal to the premium for the quantity covered by the contract and actually delivered.

4. Contracts shall be valid for one harvest only.

5. Under Article 10(2) of Regulation (EEC) No 2075/92, the parties to a cultivation contract may, by means of a written amendment, increase the quantities initially specified in the contract, where the following conditions are met:

- (a) the amendment specifies the producer's surplus production for each group of varieties at the places and from the harvest covered by the contract, up to a maximum of 10 % of the quota allocated to the producer for that harvest;
- (b) the amendment is submitted for registration to the competent authority not later than the tenth day following the date laid down in Article 16(1) of this Regulation.

The amendment referred to in the first subparagraph shall be registered by the competent authority once it has been verified that the producer did not carry over surpluses in the previous harvest.

#### Article 10

1. Cultivation contracts shall be concluded, except in cases of *force majeure*, by 30 May of the harvest year.
2. Except in cases of *force majeure*, cultivation contracts once concluded must be submitted for registration to the competent body no later than 10 days after the deadline laid down for concluding them.
3. If the period for the conclusion of contracts provided for in paragraph 1 or for the submission of cultivation contracts provided for in paragraph 2 is exceeded by a maximum of 15 days, the premium to be reimbursed shall be reduced by 20 %.
4. The competent body shall be that of the Member State in which processing is to take place. Where processing is to take place in a Member State other than that in which the tobacco was grown, the competent body

of the Member State in which processing is to take place shall immediately send a copy of the registered contract to the competent body of the producer Member State.

If that body does not itself carry out checks on the premium system, it shall send a copy of the registered contract to the control agency.

#### Article 11

Where a cultivation contract is concluded between a processor and a producer group, it shall be accompanied by a list containing the names of the producers concerned, their respective areas in accordance with Article 9(3)(e) and (f) and details of their quotas.

#### Article 12

1. The Member States shall decide, before 31 January of the year of harvest, whether to apply a cultivation contract auction scheme covering all such contracts signed in their territory.

2. The auction scheme for cultivation contracts shall require a clause to be included in contracts as referred to in Article 9(1) under which producers may replace the first purchaser with another first processor not later than 20 days before the date on which delivery of the tobacco commences.

Such replacement may occur where a first processor that has declared itself able to fully take over a contract makes one or more formal offers. The new prices, excluding the premium, any service charges and taxes, must be at least 10 % higher than the prices indicated in the contract.

3. Producers who have received formal offers shall inform the first purchaser by registered letter of the new prices, excluding the premium, any service charges and taxes.

4. First purchasers shall not be replaced in the contract where they inform the producer within seven days of receiving the registered letter referred to in paragraph 3 that they accept the new prices arising from the auction procedure. First buyers who do not accept the new prices or who fail to respond within the time limit laid down shall be replaced in the contract by the first processor that formally offered the highest price to the producer.

5. Producers shall inform the first purchaser and the Member State of this replacement before the date on which delivery of the tobacco is to commence by sending the latter an updated copy of the original contract countersigned by the parties concerned.

6. Where tobacco produced in a Member State is processed in another Member State, the cultivation contract auction scheme shall apply on the basis of the provisions adopted by the producer's Member State.

### CHAPTER III

#### Minimum quality requirements

##### Article 13

Tobacco delivered to processors must be of sound, fair and merchantable quality and free from any of the characteristics given in Annex III. The contracting parties may agree on stricter quality requirements.

##### Article 14

The Member States may provide that disputes concerning the quality of tobacco delivered to the first processor shall be submitted to an arbitration body. The Member States shall lay down the rules governing the membership and the decision-making procedures of such bodies; the latter must include one or more representatives of producers and processors, in equal numbers.

### CHAPTER IV

#### Payment of premiums and advances

##### Article 15

1. The detailed rules for breakdown of the premium referred to in Article 4a(1) of Regulation (EEC) No 2075/92, the minimum relation between the variable part and the premium and the method for calculating the variable part of the premium shall be as laid down in Annex V to this Regulation. The Member States may increase the relation between the variable part and the premium up to a maximum of 45 %.

2. The fixed part of the premium to be paid either to producer groups for distribution in full to each member of the group or to individual producers who are not members of a group and the quantity to be set off against the production quota statement of the party concerned shall be calculated on the basis of the weight of leaf tobacco of the group of varieties concerned corresponding to the minimum quality required and taken over by the first processor.

Where the moisture content differs from the level laid down in Annex IV for the variety concerned, the weight shall be adjusted for each percentage point of difference, up to a maximum of 4 % moisture.

3. The methods for determining moisture content, sampling levels and frequency and the method for calculating the adjusted weight shall be as set out in Annex VI.

4. The variable part of the premium to be paid to producer groups for redistribution in full to each member shall be calculated for each batch delivered on the basis of the purchase price paid for that batch by the first processor.

##### Article 16

1. Except in cases of *force majeure*, producers must deliver their entire production to the first processor by 30 April of the year following the year of harvest for the groups of varieties VI, VII and VIII and by 15 April of the year following the year of harvest for the other groups of varieties, failing which they shall lose their entitlement to the premium.

The delivery must be made either directly to the place where the tobacco will be processed or, if the Member State so authorises, to an approved purchasing centre. The competent control body shall approve such purchasing centres, which must have the appropriate facilities, weighing scales and premises.

2. Each producer shall notify the competent control body in writing by 10 May for the groups of varieties VI, VII and VIII and by 25 April for other groups of varieties of all quantities of leaf tobacco not delivered to a first processor by the dates specified in paragraph 1, indicating the place where the tobacco is stored. The competent body shall take the necessary steps to ensure that any tobacco not delivered to a first processor by the dates specified in paragraph 1 is not then declared as part of the subsequent harvest.

##### Article 17

Individual producers who are not members of a group may deliver tobacco from a given group of varieties from the same harvest to a single processor only.

##### Article 18

1. The Member State's competent body shall pay:

- the fixed part of the premium to the producer group or to the individual producer who is not a member of a group,
- the variable part of the premium and the specific aid to the producer group,

on the basis of a control certificate issued by the competent control body certifying that the tobacco has been delivered and proof that the purchase price referred to in Article 9(3)(i) has been paid.

2. Member States must pay the fixed part of the premium and the specific aid to producers within 30 days of the date of submission of the documents provided in paragraph 1.

The variable part of the premium must be paid to the producer group within 30 days following the date of submission of the documents referred to in paragraph 1 and of a declaration issued by the group concerned certifying that deliveries of each group of varieties have been completed.

3. Producer groups shall pay the fixed and variable parts of the premium to their members by bank or postal transfer within 30 days of the date on which they receive the amount in question.

4. Payment to producer groups of the amounts referred to in paragraphs 1 and 2, and payment of the purchase price to producers by processors may be made only by bank or postal transfer, to a single account, which in the case of a producer group must be linked to the payments to individual members of the group.

5. Notwithstanding paragraph 1, proof of payment of the purchase price referred to in Article 9(3)(i) shall not be required where it is proven that the first processor who signed the contract is the subject of bankruptcy or similar proceedings or has been legally declared bankrupt.

#### Article 19

1. Member States shall apply a system of advances on premiums for producers in accordance with paragraphs 2 to 8.

2. The advance referred to in paragraph 1 shall be paid, on application by the producer, on the basis of a statement of eligibility for the advance, prepared by the competent control body.

3. The following documents must accompany applications for an advance save where a Member State provides otherwise on the grounds that they are already in its possession:

- (a) a copy of the cultivation contract concluded by the producer issued in his name;
- (b) a copy of the quota statement issued to the producer and covered by the said cultivation contract;
- (c) a written declaration from the producer concerned specifying the quantities of tobacco he is in a position to deliver during the current harvest.

4. The statement referred to in paragraph 2 shall be issued by the control body once the documents referred to in paragraph 3 are verified and the written declaration supplied by the producer is substantiated.

5. Payment of the advance, the maximum amount of which shall be 50 % of the premium payable to the producer, shall be subject to the lodging of a security equal to the amount of the advance plus 15 %.

The advance shall be paid from 16 October of the year of the harvest and must be paid within 30 days of submission of the application referred to in paragraph 2 and of proof that the security has been lodged save where the application is submitted before 16 September, in which case the period shall be increased to 60 days.

6. Where the advance is granted to a producer group but has not been paid to the members entitled or reimbursed to the Member State within 30 days of receipt, interest shall be payable on the amount still available at a rate to be determined by the Member State. The interest shall be calculated from the date the advance was received and booked to the European Agricultural Guidance and Guarantee Fund (EAGGF).

7. The advance paid shall be deducted from the amount of the premium payable to the producer under Article 18(1), starting from the first delivery made.

The security lodged shall be released on presentation of the control certificate for the quantity of tobacco in question and of proof that the amount equal to the premium has been paid to the producers entitled thereto. Member States shall establish any further conditions, particularly the tobacco delivery periods or the minimum quantities for which a control certificate may be drawn up. Once 50 % of the premium due has been paid, 50 % of the security shall be released. The security lodged shall be released when the entire advance paid has been deducted from the premiums payable.

8. Where producers fail (except in cases of *force majeure*) to make the deliveries enabling full deduction of the advance paid from the premiums payable within the time limit laid down in Article 16(1), the security lodged by them shall be forfeited at a rate equal to the amount of the advance not recovered.

9. Member States shall determine any further conditions governing the grant of advances, and in particular the final date for lodging applications. Producers may not lodge an application for an advance once they have begun making deliveries.

*Article 20*

1. For the 1999 and 2000 harvests, Member States may pay the premium to producers through the first processors. In such cases, the Member State's competent body shall pay to processors:

- the fixed part of the premium for the producer groups and individual producers who are not members of a group,
- the variable part of the premium and the specific aid for the producer groups,

on the basis of the control certificate and proof that the purchase price referred to in Article 9(3)(i) has been paid.

2. The Member State shall pay the premium to the first processor within the following time limits:

- (a) the fixed part of the premium and the specific aid, within 30 days of the date of submission of the documents provided for in paragraph 1.
- (b) the variable part of the premium, within 30 days of the date of submission of a declaration issued by the producer group concerned and the documents provided for in paragraph 1.

3. The first processor shall pay the fixed part of the premium and, where applicable, the variable part of the premium and the specific aid, to the producer concerned within 10 days of the date on which they receive the amounts in question.

4. Payment of the amounts referred to in paragraph 1 may be made only by bank or postal transfer to a single account, which must, in the case of producer groups, be linked to the payment to individual members of the producer group.

*Article 21*

1. Premiums shall be paid or advanced by the Member State in which the tobacco was produced. They shall be paid to the producer in the currency of the Member State in which the tobacco was produced.

2. Where tobacco is processed in a Member State other than that in which it was produced, the processing Member State shall, after carrying out the necessary checks, provide the producer Member State with all the information needed to enable it to pay the premium or release the security.

**TITLE V****Production quotas**

## CHAPTER I

## Allocation of quotas

*Article 22*

1. Member States shall allocate production quotas for each group of varieties for three consecutive harvests, within the limit of the guarantee thresholds fixed under Article 9(2) of Regulation (EEC) No 2075/92, to individual producers who are not members of a producer group and to producer groups, in proportion to the average quantity of tobacco delivered for processing by each individual producer or each producer group over the three years preceding that of the most recent harvest.

2. Member States may either allocate the production quotas directly among individual producers who are not members of a producer group and producer groups, or require individual producers who are not members of a producer group and producer groups to submit applications for a production quota.

3. Member States shall issue quota statements to individual producers who are not members of a producer group and to producer groups not later than 31 January of the year of harvest.

*Article 23*

Allocation of a production quota shall not prejudice the allocation of quotas for subsequent years.

*Article 24*

1. The quotas for each producer shall be equal to the average quantity each produces as a percentage of the total of the average quantities calculated in accordance with Article 9 of Regulation (EEC) No 2075/92 and Articles 22 and 25 of this Regulation, such percentage being applied to the specific guarantee threshold of the Member State for the group of varieties in question.

2. In the case of producer groups, any members leaving a group shall maintain entitlement to their own quota as calculated under paragraph 1.

3. The production quotas of producers who have newly begun to grow tobacco or who have increased their quota under Article 29(3) must be calculated as follows:

- for the harvests following the allocation under Article 29(3), and until the next distribution of three-yearly production quotas, the amended quotas shall remain unchanged,
- when quotas are allocated, producers shall obtain a production quota in line with paragraph 1.

4. Producers who have increased their quota as the result of a temporary transfer shall, when quotas are allocated, obtain a production quota in proportion to the average quantity of tobacco delivered, excluding the production quotas affected by the transfer.

5. Producers who have increased their quota as the result of a permanent transfer shall, when quotas are distributed, obtain a production quota in proportion to the average quantity of tobacco delivered, including the production quotas affected by the transfer.

6. Producers' percentages shall be expressed to at least four decimal places. Quotas shall be fixed in kilograms.

#### *Article 25*

1. For the purposes of calculating the average quantities delivered for processing, all the tobacco from a harvest shall be deemed to be delivered during the calendar year of the harvest in question. However, the quantities of tobacco delivered for processing on the basis of Article 9(5) shall be deemed to be delivered during the year of the harvest in which they were entitled to the premium. Only tobacco actually delivered and giving rise to entitlement to the premium shall be taken into account.

2. Quantities of tobacco delivered by producers located outside the production areas recognised in accordance with Article 5(a) of Regulation (EEC) No 2075/92 shall not be taken into account in the calculation referred to in paragraph 1.

#### *Article 26*

1. Where tobacco produced in one Member State is processed in another, the quotas shall be allocated in accordance with paragraphs 2, 3 and 4.

2. The processing Member State shall notify the producer Member State, for each producer and group of varieties, of the quantities of raw tobacco from the producer Member State delivered for processing during the reference years to be used for calculating the production quotas under Article 9(3) of Regulation (EEC) No 2075/92.

3. This information shall be forwarded not later than 15 November of the year preceding the harvest in question.

4. The producer Member State shall allocate the corresponding quantity of its specific guarantee threshold quantity to producers who delivered tobacco to processors located in another Member State during the reference years referred to in paragraph 2.

When the production quotas are allocated, producers who delivered tobacco to processors located in another Member State during the reference years shall be treated in the same way as producers who delivered their production to a processor located in their Member State.

## CHAPTER II

### Quota statements

#### *Article 27*

1. Member States shall issue production quota statements for each group of varieties, within the limit of their guarantee thresholds, to producers located in a production area recognised in accordance with Article 5(a) of Regulation (EEC) No 2075/92.

The production quota statements shall indicate in particular the holder of the certificate, the group of varieties and the quantity of tobacco for which they are valid.

2. The Member States shall lay down the procedure for issuing production quota statements and shall adopt measures to prevent fraud in accordance with Article 17 of Regulation (EEC) No 2075/92.

3. Member States may lay down minimum quantities for the issue of production quota statements. Those quantities may not exceed 500 kilograms.

4. Where producers can prove that, as a result of exceptional circumstances, one of their harvests in the reference period was abnormally low, the Member State shall, at the request of the party concerned, determine the quantity to be taken into account for that harvest when making out the quota statement; the quantity thus determined may not exceed the quantities entered in the quota statements allocated to the producer for the harvest in question.

## CHAPTER III

### Amendment of the guarantee threshold

#### *Article 28*

1. Where the guarantee threshold fixed for a group of varieties for a particular harvest and a particular Member State is higher than the guarantee threshold for the previous harvest, the quantity exceeding that guarantee threshold shall be distributed following objective and consistent criteria to be adopted and published by the Member State.

Member States may, in particular, stipulate that the additional quantities are to be allocated, as a priority, to producers:

- (a) for whom the quantity covered by their quota statement has been reduced in relation to the previous harvest for another group of varieties;
- (b) who can significantly rationalise their production of tobacco of the group of varieties in question if they receive the additional quantity.

2. Where the guarantee threshold fixed for a group of varieties for a harvest and a Member State is lower than the guarantee threshold applicable to the previous harvest, that reduction shall be shared among producers in proportion to the average quantity of tobacco delivered for processing by each individual producer over the three years preceding that of the most recent harvest, without prejudice to the introduction of a quota buy-back programme as provided for in Article 14 of Regulation (EEC) No 2075/92.

#### CHAPTER IV

##### National quota reserves

###### *Article 29*

1. In order to encourage producers to switch to other crops and to restructure their holdings, the Member States shall set up a national quota reserve for each group of varieties for each harvest.

2. This reserve shall be made up of quotas released by a linear reduction in all the quotas allocated to individual producers and producer groups to be set by the Member States at between 0,5 % and 2 % of the guarantee threshold fixed each year for the same group of varieties.

In addition, the Member States may make use of the following:

- a linear reduction to be set by each Member State at up to 2 % of the quantities entered on the statements of production quotas that have been transferred permanently, and/or
- production quotas that have not been covered by a cultivation contract by the closing date for conclusion of such contracts.

3. The national reserve shall be distributed, in accordance with Chapter I of this Title and the production areas recognised in accordance with Article 5(a) of Regulation (EEC) No 2075/92, among producers, or those who wish to become producers, on the basis of objective criteria determined by each Member State.

#### CHAPTER V

##### Transfer of quotas

###### *Article 30*

Quotas may be transferred temporarily or permanently.

###### *Article 31*

1. Where a tobacco-producing holding is transferred to a third party for any reason whatsoever, the new incumbent shall be entitled to the production quota statement

from the date of transfer for the entire reference period, unless a valid contract stipulates otherwise.

2. Where part only of a tobacco-producing holding is transferred to a third party, the new incumbent shall be entitled to the production quota statement in proportion to the agricultural area taken over. However, the parties concerned may agree that full entitlement should be held by the person formerly or newly entitled.

3. Without prejudice to paragraph 1, producers who lease the areas they farm shall maintain their entitlement to the quota when their lease terminates.

4. Several members of one family who jointly farm or have farmed a tobacco-producing holding must apply for a single production quota statement to be issued on the basis of the aggregate quantities to which they are entitled.

###### *Article 32*

1. Subject to authorisation by the Member State concerned, producers may exchange among themselves their rights to a production quota statement for a group of varieties against a statement for a different group of varieties.

2. Exchange of rights to a production quota statement in accordance with paragraph 1 shall be considered a permanent transfer between the producers concerned of the reference quantities on the basis of which the statement was established.

###### *Article 33*

1. Within a single Member State, individual producers may transfer between themselves, either temporarily or permanently, all or part of the quantities in the production quota statements allocated to them, provided the following conditions are met:

- (a) the quota statement concerned has not yet been covered by a cultivation contract;
- (b) the transferee already has a production quota for the group of varieties in question;
- (c) the transfer has been the subject of a written agreement between the parties concerned, referring to the statement relating to the production quota, all or part of which is to be transferred;

- (d) the agreement referred to at (c) has been submitted to the competent authority for registration within 30 days of the date referred to in Article 22(3);
- (e) the original of the production quota statement of which all or part of the quantities are to be transferred must be returned to the competent authority when the transfer agreement is submitted;
- (f) if the producer transferring a quota statement is a member of a producer group, the transfer must be authorised by the group where the transferee is not a member of the same producer group. Authorisation must be granted by the producer group where no member of the group has expressed interest in using the quantity covered by the transfer on the terms offered. Where the transfer takes place between producers who are members of the same producer group, the group must be notified of the transfer;
- (g) permanent transfer shall apply solely to producers furnishing proof that growing contracts have been concluded in the last three years for the quotas involved in the transfer.

2. The competent authority of the Member State shall register agreements as referred to in paragraph 1(c) within 20 days of their submission, after checking that the conditions referred to in paragraph 1(a), (b), (d), (e), (f) and (g) are met. On the same day, the competent authority of the Member State shall issue:

- to transferees, an additional production quota statement corresponding to the quantities of production quota that have been transferred,
- to producers who have transferred only part of the quantities covered by their quota statement, a replacement production quota statement corresponding to the quantities which have not been transferred.

3. Transfers of production quotas as referred to in paragraph 1 may not involve quantities of less than 100 kilograms.

## CHAPTER VI

### Buy-back of quotas

#### *Article 34*

1. Under Article 14(1) of Regulation (EEC) No 2075/92 and excluding sensitive production areas and/or groups of high-quality varieties as defined in paragraph 2, a quota buy-back programme with corresponding reduction of the

guarantee thresholds referred to in Article 8 of Regulation (EEC) No 2075/92 shall be introduced to facilitate the voluntary departure from the sector of individual producers.

2. The Commission shall determine, on the basis of proposals from the Member States, to be submitted by 30 May of each harvest year, which sensitive production areas and/or groups of high-quality varieties up to a maximum of 25 % of each Member State's guarantee threshold, are to be exempt from application of the previous paragraph.

3. Paragraph 1 shall apply solely to producers furnishing proof that growing contracts have been concluded in the last three years for the quotas involved in the buy-back programme.

#### *Article 35*

1. Producers who decide to leave the sector under Article 34 must inform the competent authority of the Member State and, in the case of individual producers who are members of a producer group, their group, in writing of their decision before 1 September of each harvest year.

2. From 1 September to 31 December, the Member State shall make public the intention to sell so that other producers may buy the quota before it is actually bought back.

Individual producers belonging to the same group as the producer who has decided to leave the sector and the group concerned shall have priority, in that order, over other producers if they wish to buy the quotas available under the buy-back programme.

3. Once the four-month period is over, any quotas which have not been bought by producers shall be permanently bought back.

4. From the harvest year following the date on which the producer notifies the decision to leave the sector, the guarantee threshold for the group of varieties concerned shall be reduced by the quantity bought back.

#### *Article 36*

Producers whose quotas have been bought back for the 1999 harvest shall be entitled, when the premiums for the 2000, 2001 and 2002 harvest years are paid, to receive the following amounts each year:



- Group I quotas EUR 0,67741/kg,
- Group II quotas EUR 0,54187/kg,
- Group III quotas EUR 0,54187/kg,
- Group IV quotas EUR 0,59591/kg,
- Group V quotas EUR 0,54187/kg,
- Group VI quotas EUR 0,93854/kg,
- Group VII quotas EUR 0,79635/kg,
- Group VIII quotas EUR 0,56904/kg.

## CHAPTER VII

### Other provisions

#### Article 37

The Member States may provide that disputes concerning the distribution or transfer of production quotas shall be submitted to an arbitration body. The Member States shall lay down the rules governing the membership and the decision-making procedures of such bodies.

#### Article 38

1. Member States shall establish a computerised database which shall contain, for each processor and each producer and producer group, information identifying their establishments or their holdings, the quotas or the quantities appearing on production quota statements allocated to them and any other information which may be useful for monitoring the quota system.

2. Member States shall ensure that:

- data in the computerised database are preserved,
- the database is used exclusively for the application described in paragraph 1,
- measures are applied to safeguard the data, in particular against theft and interference,
- persons covered by the scheme have access to the files relevant to themselves without excessive expense or delay,
- persons covered by the scheme are able to have information concerning them changed, where justified, and in particular to have data which is no longer of interest periodically deleted.

3. Processors and producers:

- must not hinder in any way the establishment of the computerised database by duly qualified officials,
- must provide these officials with all the information required pursuant to this Regulation.

4. Member States shall ensure that, subject to national laws on the protection of data of a personal nature, the quota of each individual producer used for the conclusion of cultivation contracts or, where applicable, the quota of each producer who is a member of a producer group, is made public in such a way as to be known to all producers concerned in a restricted production area as defined in Article 9 of this Regulation.

#### Article 39

Where a production quota covers a producer group which is itself a producer, the Member State shall ensure that the quantity in question is distributed fairly between all members of the group. Member States must also have at their disposal exact data on the production of all the individual producers so that the production quotas may be allocated to them if necessary.

In that case, Chapter I shall apply *mutatis mutandis* to distribution among the members of the group; however, with the agreement of all the members, the group may undertake a different distribution with a view to improved organisation of production.

## TITLE VI

### Specific aid

#### Article 40

1. The specific aid referred to in Article 4a(5) of Regulation (EC) No 2075/92 shall be 2 % of the premium.

2. The specific aid may be used by producer groups up to 30 June of the year following that of harvest in the case of groups of varieties VI, VII and VIII and up to 15 June of the year following that of harvest in the case of the other groups of varieties and for the following purposes only:

- the employment of technical staff to assist members in improving the quality of their production and respect for the environment,
- the supply to members of certified seeds and seedlings and of other means of production in order to improve product quality,
- environmental protection measures,
- the implementation of infrastructure measures for enhancing the value of products supplied by the members, in particular tobacco-grading facilities,
- the employment of administrative staff to administer the premium and ensure that the group complies with Community rules,
- the reimbursement of the costs incurred in lodging securities under Article 42.

3. The expenditure referred to in the first, second and third indents of paragraph 2 shall be equivalent to not less than 50 % of the total specific aid.

#### Article 41

If the specific aid is paid by a Member State other than that in which processing took place, the latter shall forward to the Member State responsible for the payment of the aid, at its request, the proofs and supporting documents referred to Article 18(1).

#### Article 42

1. On application, the Member State shall pay the producer group an advance on the specific aid. The size of the advance shall be established on the basis of the quantity of tobacco which the group has delivered to the processor at the time the application is submitted. The Member State shall lay down the additional conditions for payment of the advance.

2. Payment of the advance on the specific aid shall be subject to the lodging of a security which shall be at least equal to the advance, plus 15 %.

3. The security shall be released upon presentation of the proof relating to the specific aid, as referred to in Article 18(1) of this Regulation.

### TITLE VII

#### Checks and penalties

##### CHAPTER I

##### Checks

#### Article 43

For the purpose of checking compliance with this Regulation, the following Articles of Commission Regulation (EEC) No 3887/92 shall apply:

- Article 6(1) for effective verification of compliance with the conditions for granting aid,
- Article 11 for additional national penalties and cases of *force majeure*,

- Article 12 for the inspection report,
- Article 13 for the on-the-spot check,
- Article 15 for wrongly-made payments.

#### Article 44

1. The Member States shall set up inspection arrangements to ensure effective verification of compliance with this Regulation and with Regulation (EEC) No 2075/92 and shall adopt all the additional measures necessary for the application of those Regulations.

The arrangements shall comprise the following:

- (a) administrative checks;
- (b) on-the-spot checks;
- (c) checks on deliveries of leaf tobacco;
- (d) checks during first processing and market preparation of the tobacco.

2. Member States shall provide mutual assistance where necessary for the purposes of the checks provided for in this Regulation and where trade in leaf tobacco takes place between them.

#### Article 45

The administrative checks shall include cross-checks:

- (a) on declared tobacco parcels against the database provided for in Article 2 of Regulation (EEC) No 3508/92 to prevent aid being wrongly paid twice for the same harvest. All declared tobacco parcels must be checked;
- (b) to check compliance with Article 2(3) of this Regulation.

For the 1999 harvest, these cross-checks may be carried out on a sample.

#### Article 46

1. On-the-spot checks shall be carried out after risk analysis. Member States shall carry out unannounced on-the-spot checks to verify:

- (a) the information given in the cultivation contracts and in particular the area, the group of varieties cultivated and the quantities of tobacco in store referred to in Article 16(2).

The area shall be determined by any appropriate means prescribed by the competent authority and ensuring accuracy of measurement equivalent at least to that required for official measurements under national rules. The competent authority shall determine a level of tolerance, in the light in particular of the measurement method applied, the precision of the official documents available and the local situation (for example, the slope or shape of plots).

For each processing undertaking, the checks shall cover at least 5 % of the individual producers covered by the contracts registered for each group of varieties; the sample to be inspected must be selected by the competent authority on the basis, in particular, of a risk analysis and ensure representative coverage of the different volumes covered by contracts. Member States may decide that all or part of the sample shall be checked by remote sensing;

- (b) compliance with Articles 40(2) and (3) and 18(3) and (4) of this Regulation.

Such checks shall each year cover at least 30 % of producer groups in each Member State. In selecting the sample to be inspected, the competent authority must ensure, in particular, representative coverage of the different sizes of producer group.

2. The risk analysis shall take account of:
  - the quantities of raw tobacco covered by contracts in relation to the areas declared as under tobacco,
  - the results of the checks carried out in previous years,
  - other factors to be defined by the Member State.
3. Where on-the-spot checks disclose significant irregularities in a production zone or part of a production zone, the competent authorities shall carry out additional checks in the current year and increase the percentage of checks the following year in that production zone or part of a production zone.

#### Article 47

1. The competent control body must check all deliveries. Each delivery must be authorised by the competent control body, which must be informed in advance so that it can determine the date of delivery. During a check, the competent control body must verify that it has authorised the delivery in advance.

2. If delivery is being made to an approved purchasing centre as provided for in the second subparagraph of Article 16(1), unprocessed tobacco, once checked, may leave the purchasing centre solely for the purpose of being transferred to the processing plant. After the checks have been made, the tobacco must be assembled in distinct quantities. The transfer of these quantities to the processing plant must be authorised in writing by the competent control body, which must be informed in advance so that it can accurately identify the means of transport used, the route, the time of departure and arrival

and the quantities of tobacco transported in each separate instance.

3. When the tobacco reaches the processing plant, the competent control body shall verify that the separate quantities checked in the purchasing centres are those actually delivered, in particular by weighing them.

The competent control body shall lay down any special conditions it deems necessary for checking the operations.

#### Article 48

1. Checks during first processing and market preparation of the tobacco shall be carried out after risk analysis. The Member States shall carry out unannounced checks to verify compliance with Article 7, with the time limit for payment of the purchase price provided for in Article 9(3)(j) and with the time limit for payment of the amount provided for in Article 20(3).

2. The checks carried out during first processing and market preparation must enable verification of the quantities of leaf tobacco in each undertaking being checked, either produced in the Community or originating in or coming from third countries, placed under supervision and ensure that the tobacco subjected to this supervision is not released therefrom before the first processing and market preparation operations are completed and that no tobacco is submitted more than once for checking. The checks shall include:

- (a) an unannounced check of the processing undertaking's stocks;
- (b) a check when the tobacco leaves the place in which it was under supervision, having undergone first processing and market preparation;
- (c) all additional control measures that Member States deem necessary, in particular to ensure that no premium is paid for raw tobacco originating in or coming from third countries.

3. Checks during first processing and market preparation shall cover at least 5 % of first processors; the sample to be inspected must be selected by the competent authority on the basis, in particular, of a risk analysis and ensure representative coverage of the different sizes of undertaking.

4. The risk analysis shall take account of:
- the results of the checks carried out in previous years,
  - change compared with the previous year,
  - other factors to be defined by the Member State.

The checks referred to in paragraph 2 must be undertaken in the place where the leaf tobacco is processed. Within a time limit to be determined by the Member State, the undertakings involved shall notify their competent bodies, in writing, of the places where processing will take place. Member States may stipulate, to that end, the information to be provided by the first-processing undertakings to the competent bodies.

## CHAPTER II

## Penalties

*Article 49*

The provisions of this chapter shall not apply in cases of *force majeure*.

*Article 50*

1. Where individual producers do not grow tobacco, they shall lose all entitlement to the premium for the current harvest and to a production quota for the following harvest.

2. If the area actually cultivated falls short of the area declared by more than 10 %, the premium to be paid to the producer in question for the current harvest and any quota to be allocated to that same producer for the subsequent harvest shall be reduced by double the discrepancy found.

3. Where the penalties referred to in paragraphs 1 and 2 are applied and the individual producer is a member of a producer group, the production quotas entered on the quota statement shall be reduced by the exact quantities covered by the penalty relating to the production quota of the producer to be penalised for the harvest in question, with no possibility of a different allocation between the members of the producer group.

4. If the checks cannot be carried out for reasons attributable to the producer, the area shall be considered uncultivated.

The penalties laid down in paragraphs 1 and 2 shall not apply to producers or processors who notify the competent bodies in writing of these discrepancies before the checks are undertaken or if farmers can show that their determination of the area of the parcel concerned, excluding service roads and enclosures, was accurately based on information recognised by the competent authority.

5. If the competent control body establishes the presence of tobacco not notified in accordance with Article 16(2), the quantity to be covered by the quota statement to which the producer is entitled for the following harvest shall be reduced by twice the quantity not declared.

*Article 51*

1. If the producer group has not complied with the rules for granting premiums as provided for in Annex V, it shall lose its entitlement to receive any specific aid for the current harvest. Producer groups found to be in

breach again after a second check shall have their recognition withdrawn.

Where clerical errors are found, the specific aid for the current harvest shall be reduced. Member States shall fix this reduction at between 1 % and 20 % according to the seriousness of the error. The producer group must rectify the consequences of any errors found.

2. If the producer group does not comply with the rules referred to in Article 40(2) and (3), the specific aid shall be reduced by 20 % to 50 %, according to the seriousness of the infringement. Producer groups found to be committing a further infringement shall have their recognition withdrawn.

If producer members of a producer group are not paid the full amount of the fixed part and the variable part of the premium within 30 days of the deadline referred to in Article 18(3), the specific aid shall be reduced by 20 %. The specific aid shall be reduced by an additional 20 % for each additional period of 30 days, up to a maximum of 150 days.

3. Producer group administrators responsible deliberately or by serious negligence for the withdrawal of recognition in accordance with paragraphs 1 and 2 may not administer another producer group or submit an application for recognition during the year of application of the penalty.

4. Recognition shall be withdrawn in accordance with Article 6.

*Article 52*

If the unprocessed tobacco has not been delivered to the places provided for in the second subparagraph of Article 16(1) or the transporter conveying distinct quantities of tobacco as referred to in Article 47(2) from the purchasing centre to the processing plant does not have authorisation to effect transport, the processing undertaking which received the tobacco concerned must pay the Member State a sum of money equal to the premiums for the quantity of tobacco in question. This amount shall be booked to the European Agricultural Guidance and Guarantee Fund (EAGGF).

*Article 53*

1. If the time limit for payment of the purchase price provided for in Article 9(3)(j) and the time limit for payment of the amount provided for in Article 20(3) are exceeded by 30 days, the first processor's approval shall be withdrawn for one year. Approval shall be withdrawn for a further year up to a maximum of three years for every additional period of 30 days.

2. Following a period of withdrawal, first processors must submit a new application for approval.
3. First processors' administrators responsible deliberately or by serious negligence for withdrawal of approval may not administer another approved first processor or submit an application for approval during the first year in which the penalty is applied.

#### TITLE VIII

##### Notifications to the Commission

###### *Article 54*

Each Member State concerned shall immediately notify the Commission of:

- (a) application of the second subparagraph of Article 3(1)(f);
- (b) refusal or withdrawal of recognition of a producer group, giving its reasons for refusing or withdrawing recognition;
- (c) the names and addresses of the bodies responsible for the registration of cultivation contracts and of the first-processing undertakings approved by each Member State. The Commission shall publish a list of those bodies and approved first-processing undertakings in the 'C' series of the *Official Journal of the European Communities*;
- (d) application of Article 12(1);
- (e) application of Article 20(1);
- (f) the decisions it intends to take under Article 27(4);
- (g) the measures taken under Article 28(1);
- (h) the rules for making up the national reserve and the objective criteria for distributing the national reserve adopted under Article 29(2) and (3);

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

Done at Brussels, 22 December 1998.

- (i) the quantities permanently transferred by group of varieties under Article 33;
- (j) the quantities which have been the subject of a quota buy-back application and the quantities bought back by group of varieties under Article 35;
- (k) the national measures taken to apply this Regulation;
- (l) other information needed by the Commission for proper administration of the arrangements.

The computer database established under the integrated administration and control system shall be used for notifying the information specified in this Article.

#### TITLE IX

##### Transitional and final provisions

###### *Article 55*

For the 1999 harvest, by derogation from the second indent of Article 3(1)(f), producers who are members of more than one producer group may notify a group in writing of their withdrawal from membership up to 31 January 1999.

###### *Article 56*

Regulations (EEC) No 3478/92, (EEC) No 84/93 and (EC) No 1066/95 are hereby repealed with effect from the date of entry into application of this Regulation.

###### *Article 57*

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

It shall apply with effect from the 1999 harvest.

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

## ANNEX I

**PERCENTAGES OF THE GUARANTEE THRESHOLD PER MEMBER STATE OR SPECIFIC REGIONS FOR THE RECOGNITION OF PRODUCER GROUPS**

Member State of specific region of establishment of the producer group	Percentage
Germany, Spain (except Castile-Leon, Navarre and the Campezo zone in the Basque Country), France (except Nord-Pas-de-Calais and Picardy), Italy, Portugal (except the Autonomous Region of the Azores), Belgium, Austria	2 %
Greece (except Epirus), Autonomous Region of the Azores (Portugal), Nord-Pas-de-Calais and Picardy (France)	1 %
Castile-Leon (Spain), Navarre (Spain), Campezo zone in the Basque Country (Spain), Epirus (Greece)	0,4 %

## ANNEX II

## RECOGNISED PRODUCTION AREAS

Group of varieties in accordance with the Annex to Regulation (EEC) No 2075/92	Member State	Production areas
I. Flue-cured	Germany	Schleswig-Holstein, Lower Saxony, Bavaria, Rheinland-Pfalz, Baden-Württemberg, Hessen, Saarland, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia
	Greece	Thrace, Eastern Macedonia, Central Macedonia, Western Macedonia, Thessaly, Epirus, Eastern Sterea Hellas, Western Sterea Hellas, Peloponnese
	France	Aquitaine, Midi-Pyrénées, Auvergne-Limousin, Champagne-Ardenne, Alsace-Lorraine, Rhône-Alpes, Franche-Comté, Provence-Alpes-Côte d'Azur, Loire Region, Centre, Poitou-Charente, Brittany, Languedoc-Roussillon, Normandy, Burgundy, Nord-Pas-de-Calais, Picardy, Île-de-France
	Italy	Friuli, Veneto, Lombardy, Piedmont, Tuscany, Marche, Umbria, Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Calabria
	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha
	Portugal	Beira Interior, Ribatejo Oeste, Alentejo, Autonomous Region of the Azores
	Austria	Burgenland, Lower Austria, Upper Austria, Styria
II. Light air-cured	Belgium	Flanders, Hainaut, Namur, Luxembourg
	Germany	Bavaria, Rheinland-Pfalz, Baden-Württemberg, Hessen, Saarland, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia
	Greece	Eastern Macedonia, Central Macedonia, Western Macedonia, Thessaly
	France	Aquitaine, Midi-Pyrénées, Auvergne-Limousin, Alsace-Lorraine, Rhône-Alpes, Franche-Comté, Loire Region, Centre, Poitou-Charente, Brittany, Burgundy, Languedoc-Roussillon, Champagne-Ardenne, Ile-de-France
	Italy	Veneto, Lombardy, Piedmont, Umbria, Emilia-Romagna, Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Sicily, Friuli, Tuscany, Marche
	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha
	Portugal	Beiras, Ribatejo Oeste, Entre Douro e Minho, Trás-os-Montes, Autonomous Region of the Azores
Austria	Burgenland, Lower Austria, Upper Austria, Styria	
III. Dark air-cured	Belgium	Flanders, Hainaut, Namur, Luxembourg
	Germany	Rheinland-Pfalz, Baden-Württemberg, Hessen, Saarland, Bavaria, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia

Group of varieties in accordance with the Annex to Regulation (EEC) No 2075/92	Member State	Production areas
	France	Aquitaine, Midi-Pyrénées, Languedoc-Roussillon, Auvergne-Limousin, Poitou-Charente, Brittany, Loire Region, Centre, Rhône-Alpes, Provence-Alpes-Côte d'Azur, Franche-Comté, Alsace-Lorraine, Champagne-Ardenne, Picardy, Nord-Pas-de-Calais, Normandy, Burgundy, Réunion
	Italy	Friuli, Trentino, Veneto, Tuscany, Lazio, Molise, Campania, Apulia, Sicily
	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha, Valencia (Autonomous Community), Navarre, Rioja, Catalonia, Madrid, Galicia, Asturias, Cantabria, area of Compezo in the Basque Country, La Palma (Canary Islands)
	Austria	Burgenland, Lower Austria, Upper Austria, Styria
IV. Fire-cured	Italy Spain	Veneto, Tuscany, Umbria, Lazio, Campania, Marche Extremadura, Andalusia
V. Sun-cured	Greece  Italy	Western Macedonia, Thessaly, Epirus, Eastern Sterea Hellas, Western Sterea Hellas, Peloponnese, Thrace and islands  Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Sicily
VI. Basmás	Greece	Thrace, Eastern Macedonia, Central Macedonia, Western Macedonia, Thessaly, Western Sterea Hellas
VII. Katerini and similar varieties	Greece	Eastern Macedonia, Central Macedonia, Western Macedonia, Thessaly, Epirus, Eastern Sterea Hellas, Western Sterea Hellas
VIII. Kaba Koulak classic, Ellassona, Myrodata de Agrinion, Zichnomyrodata	Greece	Eastern Macedonia, Central Macedonia, Western Macedonia, Thessaly, Epirus, Eastern Sterea Hellas, Western Sterea Hellas, Peloponnese and islands, Thrace



## ANNEX III

## Minimum quality requirements

Tobacco eligible for the premium referred to in Article 3 of Regulation (EEC) No 2075/92 must be of sound and fair merchantable quality having regard to the typical characteristics of the variety concerned and must not contain any of the following:

- (a) pieces of leaf;
- (b) leaf badly worn by hail;
- (c) leaf with serious damage on more than one third of the surface;
- (d) leaf diseased or attacked by insects on more than 25 % of the surface;
- (e) leaves marked by pesticides;
- (f) leaf which is unripe or distinctly green in colour;
- (g) leaf damaged by frost;
- (h) leaf attacked by mould or rot;
- (i) leaf with uncured veins, moist or attacked by rot or with pulpy or prominent stems;
- (j) leaf from suckers or side-shoots;
- (k) leaf having an unusual odour for the variety in question;
- (l) leaf with soil still adhering;
- (m) leaf with a moisture content exceeding by more than four points the moisture content laid down in Annex IV.

## ANNEX IV

## MOISTURE CONTENT REFERRED TO IN ARTICLE 15

Group of varieties	Moisture content (%)
I. Flue-cured	16
II. Light air-cured	
Germany, France, Belgium, Austria, Portugal — Autonomous Region of the Azores	22
Other Member States and other recognised production areas in Portugal	20
III. Dark air-cured	
Belgium, Germany, France, Austria	26
Other Member States	22
IV. Fire-cured	22
V. Sun-cured	16
VI. Basmás	16
VII. Katerini	16
VIII. Kaba Koulak classic, Elassona, Myrodata Agrinion, Zichnomyrodata	16

## ANNEX V

## A. Rules for breakdown of the premium

1. The premium comprises:

- specific aid = 2 % of the premium,
- variable part of the premium = percentage of the premium adjusted by group of varieties and Member State as shown at section B and in accordance with Article 15(1),
- fixed part of the premium = difference between the premium after deduction of the amount withheld for financing the Fund and the sum of the specific aid and the variable part of the premium.

2. The additional amount laid down in Article 3(2) of Regulation (EEC) 2075/92 is added to the fixed part of the premium.

## B. Relation between the variable part and the premium

1999

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Other		
						VI Basmás	VII Katerini	VIII K. Koulak
Italy	20 %	20 %	20 %	20 %	25 %			
Greece	20 %	20 %			25 %	15 %	15 %	15 %
Spain	20 %	20 %	20 %	20 %				
Portugal	20 %	20 %						
France	20 %	20 %	20 %					
Germany	20 %	20 %	20 %					
Belgium		20 %	20 %					
Austria	20 %	20 %	20 %					

2000

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Other		
						VI Basmás	VII Katerini	VIII K. Koulak
Italy	25 %	25 %	25 %	25 %	35 %			
Greece	25 %	25 %			35 %	20 %	20 %	20 %
Spain	25 %	25 %	25 %	25 %				
Portugal	25 %	25 %						
France	25 %	25 %	25 %					
Germany	25 %	25 %	25 %					
Belgium		25 %	25 %					
Austria	25 %	25 %	25 %					

## 2001 and subsequent harvests

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Other		
						VI Basmás	VII Katerini	VIII K. Koulak
Italy	35 %	35 %	40 %	32 %	45 %			
Greece	35 %	35 %			45 %	30 %	30 %	30 %
Spain	35 %	35 %	40 %	32 %				
Portugal	35 %	35 %						
France	35 %	35 %	40 %					
Germany	35 %	35 %	40 %					
Belgium		35 %	40 %					
Austria	35 %	35 %	40 %					

## C. Variable part of the premium

The variable part of the premium is equal to:

$$[A/\text{sum} (QL \times PP)] \times (QL \times PP).$$

Where A is the total amount of the variable premium available to a producer group for a group of varieties, QL is the quantity delivered by batch and PP is the purchase price for each batch of the producer group member for the group concerned.

For each group of varieties, the producer group must divide the total available amount of the variable premium for the group of varieties concerned by the sum of the quantities delivered by batch, multiplied by the purchase price for each lot. The result of this division must be multiplied by the product of the quantity of each batch multiplied by its purchase price. A variable premium equal to zero should be attributed to batches sold for a price between the minimum price and the minimum price plus 40 % for each group of varieties grown by the producer group.

## ANNEX VI

## COMMUNITY METHODS FOR THE DETERMINATION OF THE MOISTURE CONTENT OF RAW TOBACCO

## I. METHODS TO BE USED

A. *Beaudesson method*

## 1. Apparatus

## Beaudesson EM10 drying oven

A warm air electric dryer in which the air is passed over the sample to be dried by forced convection by means of a special ventilation fan. The moisture content is determined by weighing before and after drying, the balance being calibrated in such a way that the reading given by the 10 g quantity used corresponds directly to the moisture content value in %.

## 2. Procedure

A 10 g quantity is weighted out in a pan with a perforated base and then put into the drying column, where it is supported by a spiral ring. The oven is turned on for five minutes, during which time the warm air causes the sample to dry at a temperature of about 100 °C. At the end of five minutes, an automatic timer stops the process. The temperature of the air at the end of the drying process is recorded from a built-in thermometer. The sample is weighed and its moisture content is read directly and corrected if necessary by the addition or subtraction of 10 of a % according to the temperature reading, using the scale provided with the apparatus.

B. *Brabender method*

## 1. Apparatus

## Brabender oven

An electric dryer consisting of a thermostated cylindrical chamber, ventilated by forced convection, into which are simultaneously placed 10 metal pans, each containing 10 g of tobacco. These pans are put onto a table, which can be rotated by means of a central handwheel into 10 different positions, allowing each of the pans, after drying, to be placed in a position where it can be weighed within the apparatus: a system of levers allows each of the pans in turn to be placed on the arm of a built-in balance, without having to remove the samples from the chamber. The balance has an optical read-out scale, and gives a direct reading for the moisture content. A second balance is attached to the apparatus, being used only to weigh out the initial quantities.

## 2. Procedure

The thermostat is set at 110 °C.

The chamber is set to preheat: minimum period 15 minutes.

10 quantities of 10 g are weighed out.

The oven is filled.

The samples are dried for 50 minutes.

Weights for determination of the gross moisture content are read.

C. *Other methods*

Member States may use other methods of measurement, based in particular on the determination of the electrical resistance or dielectric properties of the batch concerned, on condition that the results are calibrated on the basis of an examination of a representative sample using one of the methods referred to in A and B.

## II. SAMPLING

The following is the procedure to be followed for the sampling of leaf tobacco for determination of its moisture content using one of the methods referred to in IA and B:

### 1. Selection of samples

Select from each bale a number of leaves proportional to its weight. The number of leaves selected should be sufficient to be properly representative of the bale as a whole.

The sample must include equal quantities of leaf from the outside of the bale, leaf from the centre and leaf from a position intermediate to these.

### 2. Homogenisation

All the leaves selected are mixed together in a plastic bag and several kilograms of them are chopped up (cutting width 0,4 to 2 mm).

### 3. Sub-sampling

After chopping, mix the chopped leaves thoroughly and withdraw a representative sample.

### 4. Measurement

Measurement must be carried out on the whole of this reduced sample and precautions should be taken to ensure that:

- no variations in moisture content occur (air- and water-tight bag or container),
- the homogeneity of the sample is not affected by settling of waste.

## III. SAMPLING LEVELS AND FREQUENCY AND THE METHOD FOR CALCULATING THE ADJUSTED WEIGHT

- the number of samples to be taken to determine the moisture content of the raw tobacco must be equal to at least three per producer per delivery for each group of varieties. Producers and first processors may request on delivery for the number of samples taken to be increased,
  - the weight of the tobacco delivered per group of varieties in the course of the same day is to be adjusted according to the average moisture content measured. If the average moisture content is less than one point higher or lower than the reference moisture content, the weight of the tobacco eligible for the premium is not to be adjusted,
  - the adjusted weight is: the total net weight of the tobacco delivered per group of varieties in the course of the same day x  $(100 - \text{average moisture content}) / (100 - \text{reference moisture content for the variety in question})$ . The average moisture content must be a whole number given by rounding down for decimals between 0,01 and 0,49 and rounding up for decimals between 0,50 and 0,99.
-

**COMMISSION REGULATION (EC) No 2849/98**  
**of 30 December 1998**  
**opening an invitation to tender for the reduction in the duty on maize imported**  
**into Spain from third countries**

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 12(1) thereof,

Whereas, pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Spain;

Whereas Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal<sup>(3)</sup>, as amended by Regulation (EC) No 1963/95<sup>(4)</sup>, lays down the rules governing the administration of those special arrangements; whereas this Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market;

Whereas in the light of current market needs in Spain, an invitation to tender for the reduction in the duty on imports of maize should be opened in the framework of these special arrangements for imports;

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. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Spain.
2. The invitation to tender shall be open until 25 February 1999. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

*Article 2*

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued, within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

*Article 3*

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, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*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 177, 28. 7. 1995, p. 4.

<sup>(4)</sup> OJ L 189, 10. 8. 1995, p. 22.

**COMMISSION REGULATION (EC) No 2850/98**  
**of 30 December 1998**

**opening an invitation to tender for the reduction in the duty on maize imported  
into Portugal from third countries**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 12(1) thereof,

Whereas, pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Portugal;

Whereas Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal<sup>(3)</sup>, as amended by Regulation (EC) No 1963/95<sup>(4)</sup>, lays down the rules governing the administration of those special arrangements; whereas this Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Portuguese market;

Whereas in the light of current market needs in Portugal, an invitation to tender for the reduction in the duty on imports of maize should be opened in the framework of these special arrangements for imports;

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. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Portugal.
2. The invitation to tender shall be open until 29 April 1999. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

*Article 2*

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued, within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

*Article 3*

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, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*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 177, 28. 7. 1995, p. 4.

<sup>(4)</sup> OJ L 189, 10. 8. 1995, p. 22.

**COMMISSION REGULATION (EC) No 2851/98**  
**of 30 December 1998**

**establishing, for 1999, the list of vessels exceeding eight metres length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds nine metres**

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

Having regard to Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources<sup>(1)</sup>, as amended by Regulation (EC) No 1239/98<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 3554/90 of 10 December 1990 adopting provisions for the establishment of the list of vessels exceeding eight metres length overall which are permitted to fish for sole within certain areas of the Community using beam trawls of an aggregate length exceeding nine metres<sup>(3)</sup>, as amended by Regulation (EC) No 3407/93<sup>(4)</sup>, and in particular Article 1(1) thereof,

Whereas Article 10(3)(c) of Regulation (EC) No 894/97 provides for the establishment of an annual list of vessels exceeding eight metres length overall authorised to fish for sole in the areas mentioned in Article 10(3)(a) using beam trawls of which the aggregate beam length exceeds nine metres;

Whereas inclusion in the list is without prejudice to the application of other measures for the conservation of fishery resources defined in Regulation (EC) No 894/97

or Council Regulation (EEC) No 3760/92 of 20 December 1992<sup>(5)</sup>, as amended by Regulation (EC) No 1181/98<sup>(6)</sup>, or adopted in accordance with them;

Whereas it is necessary to establish this list according to the detailed rules set out in Regulation (EEC) No 3554/90,

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of vessels for 1999 authorised by virtue of Article 10(3)(c) of Regulation (EC) No 894/97 to use beam trawls whose aggregate length exceeds nine metres inside the areas mentioned in Article 10(3)(a) is given in the Annex.

*Article 2*

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

It shall apply with effect from 1 January 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

<sup>(1)</sup> OJ L 132, 23. 5. 1997, p. 1.

<sup>(2)</sup> OJ L 171, 17. 6. 1998, p. 1.

<sup>(3)</sup> OJ L 346, 11. 12. 1990, p. 11.

<sup>(4)</sup> OJ L 310, 14. 12. 1993, p. 19.

<sup>(5)</sup> OJ L 389, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ L 164, 9. 6. 1998, p. 1.



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

Matrícula y folio	Nombre del barco	Indicativo de llamada de radio	Puerto de registro	Potencia del motor (kW)
Havnekendingsbogstaver og -nummer	Fartøjets navn	Radio-kaldesignal	Registreringshavn	Maskineffekt (kW)
Äußere Identifizierungskennbuchstaben und -nummern	Name des Schiffes	Rufzeichen	Registrierhafen	Motorstärke (kW)
Εξωτερικά αναγνωριστικά στοιχεία Γράμματα και αριθμοί	Όνομα του σκάφους	Αριθμός κλήσεως (μέσω ασύρματου)	Λιμένας νηολόγησης	Ισχύς μηχανών (kW)
External identification letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
Numéro d'immatriculation lettres + chiffres	Nom du bateau	Indicatif d'appel radio	Port d'attache	Puissance motrice (kW)
Identificazione esterna lettere + numeri	Nome del peschereccio	Indicativo di chiamata	Porto di immatricolazione	Potenza motrice (kW)
Op de romp aangebrachte identificatieletters en -cijfers	Naam van het vaartuig	Roepletters	Haven van registratie	Motorvermogen (kW)
Identificação externa letras + números	Nome do navio	Indicativo de chamada	Porto de registo	Potência motriz (kW)
Rekisteröintinnumero kirjaimet + numerot	Aluksen nimi	Radioliikenteen tunnus	Kotisatama	Konetehto (kW)
Registreringsnummer bokstaver + nummer	Fartygets namn	Anropsnummer	Fartygets hemort	Motoreffekt (kW)
1	2	3	4	5

BÉLGICA / BELGIEN / BELGIEN / БЕЛГІО / BELGIUM / BELGIQUE / BELGIO / BELGIË / BÉLGICA / BELGIA / BELGIEN

BOU	7	De Enige Zoon	OPAG	Boekhoute	218
BOU	24	Beatrix	OPAX	Boekhoute	202
N	64	Black Jack	OPCL	Nieuwpoort	143
N	86	Surcouf	OPDH	Nieuwpoort	144
N	88	Nova Cura	OPDJ	Nieuwpoort	104

	1	2	3	4	5
O	2	Nancy	OPAB	Oostende	213
O	20	Goewind	OPAT	Oostende	110
O	62	Dini	OPCJ	Oostende	221
O	82	Nautilus	OPDD	Oostende	221
O	100	Emilie	OPDV	Oostende	176
O	101	Benny	OPDW	Oostende	184
O	110	Jeaninne Margaret	OPEF	Oostende	192
O	211	Zeester	OPIC	Oostende	216
O	533	Virtus	OPVC	Oostende	147
O	700	Bi-Si-Ti	OQBV	Oostende	176
O	782	Nancy	OQFD	Oostende	110
Z	8	Aquarius	OPAH	Zeebrugge	220
Z	582	Asannat	OPWZ	Zeebrugge	221

DINAMARCA / DANMARK / DÄNEMARK / ΔANIA / DENMARK / DANEMARK / DANIMARCA /  
DENEMARKEN / DINAMARCA / TANSKA / DANMARK

E	4	Ho Bugt	OU7149	Esbjerg	213
E	35	Karen Lund	OUIB	Esbjerg	200
E	45	Jette Susanne	OXDU	Esbjerg	201
E	61	Di-Je	OWFZ	Esbjerg	125
E	64	Albatros	OU5578	Esbjerg	221
E	129	Lissy Krarup	OWGC	Esbjerg	147
E	223	Maibrit Thygesen	OU3102	Esbjerg	128
E	385	Bianca	OXRV	Esbjerg	125
E	562	Helle Nymann	OWCU	Esbjerg	220
E	641	Rune Egholm	OXAO	Esbjerg	214
E	708	Elkana	OXYB	Esbjerg	176
HV	2	Heidi	5PVZ	Havneby	94
HV	3	Vinnie Runge	OVIT	Havneby	165
HV	6	Hansine	XP2750	Havneby	148
HV	35	Svend Åge	OZNX	Havneby	169
HV	41	Havsand	XP3685	Haderslev	147
HV	42	Janni	OU7573	Havneby	165
HV	58	Komet	XP2918	Haderslev	197
HV	67	Juvredyb	XP3614	Haderslev	104
HV	73	Roem	OXTW	Haderslev	165
HV	80	Nordlyset	XP4787	Haderslev	144
L	157	Arkona	OXOO	Oddesund	220
L	425	Klazina Vera	OXMN	Thyborøn	220
L	476	Sara-Christina	OWAC	Thyborøn	210
RI	320	Laisiry	OYCI	Hvide Sande	127
RI	75	Connie Vinther	OYFH	Hvide Sande	220
RI	78	Lasse Stensberg	XP5820	Hvide Sande	196
RI	426	Mette Janni	OYCG	Hvide Sande	125
RI	450	Perkredes	OXUL	Hvide Sande	213

ALEMANIA / TYSKLAND / DEUTSCHLAND / ΓΕΡΜΑΝΙΑ / GERMANY / ALLEMAGNE / GERMANIA /  
DUITSLAND / ALEMANHA / SAKSA / TYSKLAND

ACC	2	Uranus	DCGK	Accumersiel	175
ACC	3	Harmonie	DCRK	Accumersiel	221
ACC	4	Freya	DCGU	Accumersiel	175
ACC	5	Anita	DCPF	Accumersiel	146

1		2	3	4	5
ACC	6	Goodewind	DCCA	Accumersiel	175
ACC	8	Orion	DCFM	Accumersiel	221
ACC	9	Ozean	DCHI	Accumersiel	221
ACC	10	Komet	DCWK	Accumersiel	221
ACC	11	Tina	DCDN	Accumersiel	110
ACC	12	Poseidon	DCFL	Accumersiel	221
ACC	14	Gerda-Katharina	DIUO	Accumersiel	221
ACC	16	Edelweiß	DCPJ	Accumersiel	144
AG	8	Eltje Looden	DCKC	Greetsiel	146
BOR	1	Friesland	DIRQ	Borkum	107
BÜS	4	Adler	DJIC	Büsum	100
CUX	1	Cuxi	DFNB	Cuxhaven	169
CUX	2	Jan Janshen Bruhns	DCSR	Cuxhaven	151
CUX	3	Fortuna	DJEN	Cuxhaven	130
CUX	4	Nordergründe	DFPD	Cuxhaven	220
CUX	5	Troll	DFMX	Cuxhaven	93
CUX	6	Heimkehr	DEKY	Cuxhaven	130
CUX	7	Edelweiß	DFBO	Cuxhaven	162
CUX	8	Johanna		Cuxhaven	92
CUX	9	Ramona	DFNZ	Cuxhaven	146
CUX	10	Aldebaran	DJGW	Cuxhaven	132
CUX	11	Seehund	DERF	Cuxhaven	184
CUX	12	Anne K.	DIRJ	Cuxhaven	136
CUX	13	Seerose	DISP	Cuxhaven	183
CUX	14	Saphir	DFAX	Cuxhaven	216
CUX	15	Bastian	DITD	Cuxhaven	151
CUX	16	Crangon	DJIV	Cuxhaven	165
CUX	17	Osteriff	DDGE	Cuxhaven	210
DAN	3	Seestern		Dangast	68
DIT	1	Henriette	DQQJ	Ditzum	221
DIT	3	Stiene Bruhns	DQNX	Ditzum	221
DIT	5	Mathilde Bruhns	DQQY	Ditzum	221
DIT	6	Amisia	DQNW	Ditzum	221
DIT	9	Condor	DCVS	Ditzum	180
DIT	18	Jan Bruhns	DETV	Ditzum	217
DOR	1	Sturmvogel	DCGR	Dorum	140
DOR	2	Hoffnung	DESX	Dorum	161
DOR	8	Delphin	DEUP	Dorum	151
DOR	10	Wangerland	DCVZ	Dorum	175
DOR	12	Sirius	DESC	Dorum	162
DOR	13	Dithmarschen	DIZM	Dorum	125
DOR	15	Else		Dorum	124
DOR	16	Poseidon	DFCS	Dorum	220
FED	1	Orion	DDMP	Fedderwardsiel	184
FED	3	Venus	DLIL	Fedderwardsiel	217
FED	4	Christine	DLIG	Fedderwardsiel	221
FED	5	Butjadingen	DDHN	Fedderwardsiel	183
FED	7	Seestern	DB2505	Fedderwardsiel	110
FED	9	Bianca	DLIX	Fedderwardsiel	191
FED	10	Edelweiß	DDJB	Fedderwardsiel	180
FED	12	Rubin	DDIT	Fedderwardsiel	183
FRI	18	Adler	DIQL	Friedrichskoog	134
FRI	20	Falke	DIQT	Friedrichskoog	130

	1	2	3	4	5
FRI	23	Godewind	DIRK	Friedrichskoog	151
FRI	35	Zenit	DCGN	Friedrichskoog	175
FRI	36	Heimatland	DIUP	Friedrichskoog	131
FRI	75	Luise	DIYK	Friedrichskoog	184
FRI	86	Sirius	DB5381	Friedrichskoog	151
GRE	1	Edde	DCSJ	Greetsiel	146
GRE	2	Erna	DCOH	Greetsiel	110
GRE	3	Horizont	DCMU	Greetsiel	184
GRE	4	Magellan	DMXQ	Greetsiel	184
GRE	5	Oberon	DCIL	Greetsiel	186
GRE	6	Albatros	DCJJ	Greetsiel	145
GRE	8	Gretje	DJMP	Greetsiel	214
GRE	9	Odin	DCBG	Greetsiel	184
GRE	10	Jan Ysker	DDAY	Greetsiel	165
GRE	11	Korsar	DCEJ	Greetsiel	184
GRE	12	Condor	DCVO	Greetsiel	188
GRE	13	Jan Looden	DCRA	Greetsiel	145
GRE	14	Wangerland	DCEQ	Greetsiel	180
GRE	15	Zwei Gebrüder	DCEP	Greetsiel	186
GRE	16	Angelika	DCEY	Greetsiel	184
GRE	17	Odysseus	DCFP	Greetsiel	206
GRE	19	Flamingo	DCFV	Greetsiel	184
GRE	20	Sechs Gebrüder	DCGO	Greetsiel	190
GRE	22	Frieda-Luise	DCPU	Greetsiel	199
GRE	23	Merlan	DJHL	Greetsiel	183
GRE	24	Friedrich Conradi	DCVW	Greetsiel	221
GRE	25	Delphin	DCME	Greetsiel	190
GRE	29	Paloma	DCEL	Greetsiel	219
HAR	1	Gesine Albrecht	DCQM	Harlesiel	220
HAR	2	Jens Albrecht II		Harlesiel	121
HAR	3	Sperber	DCVF	Harlesiel	146
HAR	5	Ruth Albrecht	DCMJ	Harlesiel	175
HAR	7	Poseidon	DCWF	Harlesiel	132
HAR	20	Marion Albrecht	DCGF	Harlesiel	175
HOO	1	De Liekedeelers	DJIS	Hooge	184
HOO	3	Nantiane	DLYL	Hooge	132
HOO	50	Sturmvogel	DDAX	Hooksiel	175
HOO	52	Aggi	DDAE	Hooksiel	198
HOO	61	Samland	DDEP	Hooksiel	206
HOR	1	Falke	DEPJ	Horumersiel	110
HUS	7	Gila	DDFA	Nordstrand	183
HUS	18	Friesland	DJGB	Husum	184
HUS	19	Marion	DJGF	Husum	184
HUS	28	Zukunft	DLYQ	Husum	184
LIST	2	Stör	DFAT	List	165
NEU	225	Antares	DJES	Neuharlingersiel	221
NEU	226	Keen Tied	DCBQ	Neuharlingersiel	147
NEU	227	Störtebeker	DLYJ	Neuharlingersiel	175
NEU	228	Gorch Fock	DCMO	Neuharlingersiel	147
NEU	229	Falke	DCGQ	Neuharlingersiel	174
NEU	230	Polaris	DCCX	Neuharlingersiel	110
NEU	231	Medusa	DCFU	Neuharlingersiel	184
NEU	232	Möwe	DCET	Neuharlingersiel	190

1		2	3	4	5
NEU	233	Jan Van Gent	DGWK	Neuharlingersiel	176
NEU	234	Beluga	DFCQ	Neuharlingersiel	164
NEU	235	Nordlicht		Neuharlingersiel	126
NEU	236	Albatros	DISO	Neuharlingersiel	182
NEU	240	Anna I	DDFS	Neuharlingersiel	135
NEU	245	Seestern	DCKM	Neuharlingersiel	221
NOR	202	Johanne	DD3833	Norddeich	107
NOR	203	Sperber	DFND	Norddeich	169
NOR	205	Annette	DCEM	Norddeich	161
NOR	207	Seestern	DCJS	Norddeich	146
NOR	208	Erika	DCHU	Norddeich	191
NOR	211	Helga	DCPP	Norddeich	175
NOR	213	Nordsee	DCPV	Norddeich	161
NOR	223	Nordlicht	DCTH	Norddeich	110
NOR	225	Nordmeer	DCBD	Norddeich	206
NOR	228	Nordstern	DCWV	Norddeich	185
NOR	231	Nordstrom I	DCJO	Norddeich	219
NOR	232	Nordstrand	DCIO	Norddeich	110
ON	180	Jupiter	DLHG	Fedderwardersiel	213
OTT	1	Mareike	DIRQ	Otterndorf	107
PEL	1	Yvonne	DJIG	Pellworm	184
PEL	2	Annemarie	DJFK	Pellworm	176
PEL	9	Norderoog	DLZC	Pellworm	182
POG	1	Jan	DQQH	Pogum	221
SC	2	Stolperbank II	DIVQ	Büsum	221
SC	5	Atlantis	DIXG	Büsum	183
SC	6	Keen Tied	DISU	Büsum	184
SC	7	Seefuchs	DIUQ	Büsum	184
SC	8	Birgit I	DIYR	Büsum	179
SC	9	Wotan	DIZO	Büsum	184
SC	10	Amrum Bank	DIRT	Büsum	220
SC	11	Anne-Gret	DIYM	Büsum	221
SC	12	Damkerort	DERT	Büsum	221
SC	13	Condor	DISD	Büsum	184
SC	14	Maret	DJIJ	Büsum	184
SC	15	Martina	DIWD	Büsum	184
SC	18	Gaby Egel	DITV	Büsum	221
SC	19	Bonafide	DIYT	Büsum	221
SC	20	Wiking Bank	DISA	Büsum	220
SC	21	Maren	DFPN	Büsum	221
SC	28	Doggerbank	DIZL	Büsum	220
SC	30	Evert-Jan	DITY	Büsum	220
SC	32	Cornelia	DIUE	Büsum	184
SC	33	Joke Sabine	DJGS	Büsum	221
SC	34	Dithmarschen I	DIRV	Büsum	184
SC	35	Jakob Senior	DIRY	Büsum	221
SC	36	Achat	DIVU	Büsum	100
SC	40	Klaasje	DFMP	Büsum	221
SC	41	Osterems	DIQR	Büsum	220
SC	42	Westerems	DIQN	Büsum	220
SC	44	Klaus Groth I	DIUC	Büsum	221
SC	45	Marijtje Keuter	DIYU	Büsum	221
SC	52	Sabine	DJHT	Büsum	184

1		2	3	4	5
SC	57	Südwind	DJRS	Büsum	184
SC	58	Oderbank	DIXM	Büsum	221
SD	1	Hornsriff	DIZQ	Friedrichskoog	184
SD	3	Germania	DITK	Friedrichskoog	184
SD	4	Wattenmeer	DITO	Friedrichskoog	184
SD	5	Hoffnung	DISX	Friedrichskoog	151
SD	6	Cap Arkona	DIRF	Friedrichskoog	184
SD	7	Delphin	DIUY	Friedrichskoog	184
SD	8	Rugenort	DIWK	Friedrichskoog	184
SD	9	Dieksand	DIRB	Friedrichskoog	184
SD	10	Christine	DJCH	Friedrichskoog	184
SD	11	Hindenburg	DISC	Friedrichskoog	184
SD	12	Wiking	DISE	Friedrichskoog	172
SD	13	Antares	DITA	Friedrichskoog	147
SD	14	Edelweiß	DJGC	Friedrichskoog	180
SD	15	Hanseat	DIVW	Friedrichskoog	184
SD	16	Polli	DIUZ	Friedrichskoog	178
SD	22	Kormoran	DITZ	Friedrichskoog	184
SD	23	Odin I	DIRI	Friedrichskoog	184
SD	24	Venus	DITW	Friedrichskoog	182
SD	26	Paloma G	DIWG	Friedrichskoog	147
SD	30	Cormoran	DFOC	Friedrichskoog	140
SD	31	Utholm	DJEE	Friedrichskoog	182
SD	32	Tümmeler	DIXU	Friedrichskoog	165
SD	33	Marlies	DCQD	Friedrichskoog	184
SD	34	Keen Tied	DDEW	Friedrichskoog	184
SD	35	Marschenland	DIQK	Friedrichskoog	184
SH	3	Stella Polaris	DMJZ	Heiligenhafen	220
SH	9	Glaube	DMJY	Heiligenhafen	220
SK	18	Frans Willem	DFOL	Kiel	220
SK	20	Unternehmung		Kiel	219
SM	18	Capella	DITL	Maasholm	221
SPI	1	Sonny-Boy	DFBI	Spieka	138
SPI	2	Skua	DERI	Spieka	183
SPI	3	Atlantis	DFDX	Spieka	147
SPI	4	Polarstern	DIRH	Spieka	151
SPI	5	Nixe II		Spieka	184
ST	1	Seeburg	DJEZ	Tönning	162
ST	2	Boreas	DJBC	Tönning	184
ST	3	Nordland	DJBB	Tönning	182
ST	4	Möwe	DCSP	Tönning	184
ST	5	Friesland	DJDU	Tönning	176
ST	6	Hilke-maritta	DNHA	Tönning	221
ST	7	Heimatland	DLXW	Tönning	184
ST	8	Sigrid	DJEP	Tönning	184
ST	9	Nordfriesland	DJHW	Tönning	153
ST	11	Birgitt-R	DJDF	Tönning	184
ST	18	Atlantik	DISR	Tönning	180
ST	20	Poseidon	DJHQ	Tönning	165
ST	21	Maria	DJED	Tönning	220
ST	22	Korona	DIQJ	Tönning	169
ST	24	Karolin	DJIF	Tönning	184
ST	26	Wega II	DJCE	Tönning	184

1		2	3	4	5
ST	28	Glück Auf	DLZP	Tönning	184
SU	1	Stefanie	DDEJ	Husum	175
SU	2	Jupiter	DD6372	Husum	131
SU	3	Theodor Storm	DJDM	Husum	184
SU	5	Andrea	DJIM	Husum	184
SU	6	Ostpreußen	DJEL	Husum	184
SU	7	Holstein	DIRM	Husum	110
SU	9	Stella Mare	DLWN	Husum	184
SU	10	Argus	DCCH	Husum	221
SU	11	Schippi		Husum	129
SU	12	Marianne	DJDS	Husum	182
SW	1	Elfriede	DLZV	Wyk-Föhr	125
SW	2	Claudia	DJIO	Wyk-Föhr	182
SW	3	Rungholdt	DLYA	Wyk-Föhr	182
SW	4	Hartje	DJGO	Wyk-Föhr	184
SW	6	Alk	DCJG	Wyk-Föhr	198
VAR	6	Hein Godenwind	DDBL	Varel	180
VAR	7	Falke I	DJDW	Varel	151
VAR	18	Helga		Varel	109
WIT	1	Christina	DIQQ	Wittdün	124
WRE	1	Apollo	DFCM	Wremen	183
WRE	3	Falke	DESJ	Wremen	184
WRE	4	Wremen	DFAZ	Wremen	184
WRE	5	Land Wursten	DEQW	Wremen	221
WRE	6	Condor	DETZ	Wremen	110
WRE	7	Seerose	DEQX	Wremen	151
WRE	8	Luise	DCMN	Wremen	91
WRE	9	Neptun	DISK	Wremen	221

FRANCIA / FRANKRIG / FRANKREICH / ΓΑΛΛΙΑ / FRANCE / FRANCE / FRANCIA /  
FRANKRIJK / FRANÇA / RANSKA / FRANKRIKE

DK	659450	Daisy	FU 4888	Dunkerque	182
DK	779894	Manoot Che	FG 8312	Dunkerque	162
DK	780634	Schooner	FQQI	Dunkerque	220

PAÍSES BAJOS / NEDERLANDENE / NIEDERLANDE / ΚΑΤΩ ΧΩΡΕΣ / NETHERLANDS / PAYS-BAS / PAESI  
BASSI / NEDERLAND / PAÍSES BAIXOS / ALANKOMAAAT / NEDERLÄNDERNA

BR	7	Res Nova	PHAI	Oostburg-Breskens	221
DZ	3	Alina	PCMH	Delfzijl	174
GO	27	Marjo		Goedereede	220
GO	57	Johanna Maria	PFDS	Goedereede	221
GO	58	Jakoriwi	PEZC	Goedereede	221
GO	65	Maartje	PDGH	Goedereede	221
HA	13	Wobbegien		Harlingen	158
HA	14	Grietje		Harlingen	134
HA	41	Antje	PCMP	Harlingen	158
HA	50	Zeevalk	PIXY	Harlingen	165
HA	62	Willem Tjitsche		Harlingen	126
HA	75	Elizabeth	PDWR	Harlingen	221
HD	5	Albertina Willemina	PCKE	Den Helder	221
KG	9	Pieterella	PGTD	Kortgene	221
LO	5	Eeltje Jan		Ulrum-Lauwersoog	125

1		2	3	4	5
LO	8	Trijntje	PIBJ	Ulrum-Lauwersoog	221
NZ	21	Magdalena	PFSK	Terneuzen	99
OD	3	Adrienne	PFWH	Goedereede-Ouddorp	221
SL	22	Nooitgedacht		Goedereede-Stellendam	125
TX	25	Everdina	PEAH	Texel	221
UK	186	Klaas Jelle Pieter	PFJY	Urk	221
UQ	2	Nooitgedacht	PGID	Usquert	220
WL	8	Albatros		Westdongeradeel	92
WL	15	Monte Tjerk		Westdongeradeel	200
WON	24	Elisabeth	PDWL	Wonseradeel	221
WON	43	Vaya Con Dios	PDBI	Wonseradeel	221
WON	77	Wietske	PIRC	Wonseradeel	162
WR	10	Petrina	PGSD	Wieringen	220
WR	12	Dirk	PDQD	Wieringen	158
WR	17	Bona Spes	PDEY	Wieringen	221
WR	20	Elisabeth	PDXH	Wieringen	221
WR	21	Jente	PGUX	Wieringen	221
WR	34	Leendert Jan	PFNU	Wieringen	221
WR	40	Jogina	PEZH	Wieringen	221
WR	54	Cornelis-Nan	PDJG	Wieringen	221
WR	57	Jacoba	PEYI	Wieringen	220
WR	68	Jan Cornelis	PEXR	Wieringen	221
WR	71	Marry-An	PFVJ	Wieringen	220
WR	75	Sandra Petra	PHIG	Wieringen	176
WR	88	Rana	PGYN	Wieringen	220
WR	89	Geja Anjo		Wieringen	208
WR	98	Else Jeanette	PDWC	Wieringen	221
WR	102	Limanda	PFOW	Wieringen	221
WR	106	Alida Catharina	PCLM	Wieringen	221
WR	123	Jitske	PFDO	Wieringen	221
WR	131	Twee Gebroeders	PIPB	Wieringen	220
WR	189	Grietje	PIZO	Wieringen	221
WR	212	Rikjelle	PDFN	Wieringen	208
WR	213	Tini Simone	PHZA	Wieringen	221
WR	244	Margretha Hendrika	PEYY	Wieringen	221
YE	31	Jozias Jannetje	PFFU	Reimerswaal-Yerseke	221
YE	52	Adriana	PCEB	Reimerswaal-Yerseke	221
YE	76	Tobber	PHAU	Reimerswaal-Yerseke	221
YE	138	Maatje Helena	PDAU	Reimerswaal-Yerseke	221
ZK	2	Vertrouwen	PIFW	Ulrum-Zoutkamp	221
ZK	14	Tamme Sr	PHWT	Ulrum-Zoutkamp	221
ZK	15	Lambert	PHXZ	Ulrum-Zoutkamp	220
ZK	18	Liberty		Ulrum-Zoutkamp	138
ZK	40	Morgenster	PGAQ	Ulrum-Zoutkamp	221
ZK	41	Bornrif		Ulrum-Zoutkamp	97
ZK	49	Twee Gebroeders	PHXM	Ulrum-Zoutkamp	220
ZK	54	Goede Verwachting		Ulrum-Zoutkamp	138
ZK	185	Noorderlicht		Ulrum-Zoutkamp	184



1	2	3	4	5	
REINO UNIDO / DET FORENEDE KONGERIGE / VEREINIGTES KÖNIGREICH / ΗΝΩΜΕΝΟ ΒΑΣΙΛΕΙΟ / UNITED KINGDOM / ROYAUME-UNI / REGNO UNITO / VERENIGD KONINKRIJK / REINO UNIDO / YHDISTYNYT KUNINGASKUNTA / FÖRENADE KUNGARIKET					
BM	23	Carhelmar	MHWD8	Brixham	220
BM	28	Sea Lady	MMNL9	Brixham	219
BM	30	Sara Lena	MRKH	Brixham	212
BM	51	Harm Johannes	27ZH	Brixham	221
BM	56	Charmaine M	2MCJ	Brixham	221
BM	148	Margaretha Maria	2PLE	Brixham	221
BM	180	Arie Dirk	2GER	Brixham	177
BM	188	Sola Gratia	2JXX	Brixham	177
BM	261	Susanna D	GAVZ6	Brixham	220
BS	101	Cowrie Bay	MMOG	Beaumaris	172
CK	134	Diana	MUAZ	Colchester	170
CK	179	Gandalf	2GYY	Colchester	111
CK	299	Marina 1	MJIM	Colchester	114
FD	357	Susan Bird	2EDX	Fleetwood	220
FD	367	Willem	ZETU	Fleetwood	231
FH	36	Auldgrith II	2JZU	Falmouth	82
FR	460	Brothers	MCWX7	Fraserburgh	216
GY	119	Giant John	MPFV5	Grimsby	220
NN	215	Seafalke	MKMJ5	Newhaven	220
P	336	Zuiderzee	2MHY	Portsmouth	210
PH	5	Nauru	2HWW	Plymouth	214
PH	330	Admiral Gordon	MKXW3	Plymouth	221
PH	412	Aleyna	MSAF	Plymouth	220
PH	440	Admiral Blake	MHPR6	Plymouth	221
PW	14	Hannah Christine	MNED4	Padstow	172
TH	29	Two Sisters	MJOM	Teignmouth	140
TH	50	Elly Gerda	2GFT	Teignmouth	221
TH	106	Mattanga	GDVZ	Teignmouth	221
TH	186	Niblick	2GAR	Teignmouth	221

## COMMISSION REGULATION (EC) No 2852/98

of 30 December 1998

## opening an invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries

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 12(1) thereof,

Whereas, pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations the Community has undertaken to import a certain quantity of sorghum into Spain;

Whereas Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal<sup>(3)</sup>, as amended by Regulation (EC) No 1963/95<sup>(4)</sup>, lays down the rules governing the administration of those special arrangements; whereas this Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular the obligation to process or use the imported product on the Spanish market;

Whereas 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>(5)</sup> provides in particular for a reduction of 60 % in the duty applicable to grain sorghum up to a quota of 100 000 tonnes per calendar year and of 50 % in excess of that quota; whereas, if that benefit is combined with the reduction provided for under this Regulation, this is likely to disturb the Spanish market for cereals; whereas such combined benefits should be ruled out for

the sake of the satisfactory functioning of the invitation to tender;

Whereas in the light of current market needs in Spain an invitation to tender for the reduction in the duty on imports of sorghum should be opened in the framework of these special arrangements for imports;

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. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on sorghum to be imported into Spain.
2. Under this invitation to tender, the reduction in the import duty on grain sorghum provided for in Article 12 of Regulation (EC) No 1706/98 shall not apply.
3. The invitation to tender shall be open until 25 February 1999. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
4. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

*Article 2*

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued, within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

*Article 3*

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

<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 177, 28. 7. 1995, p. 4.

<sup>(4)</sup> OJ L 189, 10. 8. 1995, p. 22.

<sup>(5)</sup> OJ L 215, 1. 8. 1998, p. 12.

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

Done at Brussels, 30 December 1998.

*For the Commission*  
Karel VAN MIERT  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2853/98**  
**of 30 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;

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 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 31 December 1998.

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

Done at Brussels, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*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.

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

## ANNEX

## to the Commission Regulation of 30 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	108,8
	204	62,8
	999	85,8
0709 90 70	052	87,9
	204	90,0
	999	89,0
0805 10 10, 0805 10 30, 0805 10 50	052	55,0
	204	39,2
	220	30,5
	999	41,6
0805 20 10	052	80,9
	204	56,8
	999	68,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,1
	999	63,1
0805 30 10	052	60,3
	600	68,0
	999	64,1
0808 10 20, 0808 10 50, 0808 10 90	052	64,5
	400	78,3
	404	66,6
	999	69,8
0808 20 50	052	127,1
	064	52,5
	400	96,2
	720	66,2
	999	85,5

<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 2854/98**  
**of 30 December 1998**  
**fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that

when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 2184/98 <sup>(4)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components; whereas one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; whereas the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector <sup>(5)</sup>, as last amended by Regulation (EC) No 1148/98 <sup>(6)</sup>; whereas, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community;

<sup>(3)</sup> OJ L 144, 28. 6. 1995, p. 22.

<sup>(4)</sup> OJ L 275, 10. 10. 1998, p. 21.

<sup>(5)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(6)</sup> OJ L 159, 3. 6. 1998, p. 38.

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 21.

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than EUR 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 <sup>(1)</sup>, as last amended by Regulation (EEC) No 222/88 <sup>(2)</sup>, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account; Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex 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>(3)</sup> provides that, as from 1 January 1999, all references to the ecu in legal instru-

ments 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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

*Article 2*

This Regulation shall enter into force on 1 January 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

<sup>(1)</sup> OJ L 91, 1. 4. 1984, p. 71.

<sup>(2)</sup> OJ L 28, 1. 2. 1988, p. 1.

<sup>(3)</sup> OJ L 162, 19. 6. 1997, p. 1.

## ANNEX

## to the Commission Regulation of 30 December 1998 fixing the export refunds on milk and milk products

(in EUR/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 91 9900	+	151,96
	***	—	0402 21 99 9100	+	114,82
0401 10 90 9000	970	2,327	0402 21 99 9200	+	115,61
	***	—	0402 21 99 9300	+	117,04
0401 20 11 9100	970	2,327	0402 21 99 9400	+	125,09
	***	—	0402 21 99 9500	+	127,88
0401 20 11 9500	970	3,597	0402 21 99 9600	+	138,59
	***	—	0402 21 99 9700	+	144,87
0401 20 19 9100	970	2,327	0402 21 99 9900	+	151,96
	***	—	0402 29 15 9200	+	0,8250
0401 20 19 9500	970	3,597	0402 29 15 9300	+	1,0060
	***	—	0402 29 15 9500	+	1,0598
0401 20 91 9100	970	4,551	0402 29 15 9900	+	1,1402
	***	—	0402 29 19 9200	+	0,8250
0401 20 91 9500	+	—	0402 29 19 9300	+	1,0060
0401 20 99 9100	970	4,551	0402 29 19 9500	+	1,0598
	***	—	0402 29 19 9900	+	1,1402
0401 20 99 9500	+	—	0402 29 91 9100	+	1,1482
0401 30 11 9100	+	—	0402 29 91 9500	+	1,2509
0401 30 11 9400	970	10,50	0402 29 99 9100	+	1,1482
	***	—	0402 29 99 9500	+	1,2509
0401 30 11 9700	970	15,77	0402 91 11 9110	+	—
	***	—	0402 91 11 9120	+	—
0401 30 19 9100	+	—	0402 91 11 9310	+	11,31
0401 30 19 9400	+	—	0402 91 11 9350	+	13,85
0401 30 19 9700	970	15,77	0402 91 11 9370	+	16,84
	***	—	0402 91 19 9110	+	—
0401 30 31 9100	+	38,32	0402 91 19 9120	+	—
0401 30 31 9400	+	59,85	0402 91 19 9310	+	11,31
0401 30 31 9700	+	66,00	0402 91 19 9350	+	13,85
0401 30 39 9100	+	38,32	0402 91 19 9370	+	16,84
0401 30 39 9400	+	59,85	0402 91 31 9100	+	—
0401 30 39 9700	+	66,00	0402 91 31 9300	+	19,91
0401 30 91 9100	+	75,22	0402 91 39 9100	+	—
0401 30 91 9400	+	110,55	0402 91 39 9300	+	19,91
0401 30 91 9700	+	129,01	0402 91 51 9000	+	—
0401 30 99 9100	+	75,22	0402 91 59 9000	+	—
0401 30 99 9400	+	110,55	0402 91 91 9000	+	63,94
0401 30 99 9700	+	129,01	0402 91 99 9000	+	63,94
0402 10 11 9000	+	82,50	0402 99 11 9110	+	—
0402 10 19 9000	+	82,50	0402 99 11 9130	+	—
0402 10 91 9000	+	0,8250	0402 99 11 9150	+	—
0402 10 99 9000	+	0,8250	0402 99 11 9310	+	0,2689
0402 21 11 9200	+	82,50	0402 99 11 9330	+	0,3228
0402 21 11 9300	+	100,60	0402 99 11 9350	+	0,4291
0402 21 11 9500	+	105,98	0402 99 19 9110	+	—
0402 21 11 9900	+	114,00	0402 99 19 9130	+	—
0402 21 17 9000	+	82,50	0402 99 19 9150	+	—
0402 21 19 9300	+	100,60	0402 99 19 9310	+	0,2689
0402 21 19 9500	+	105,98	0402 99 19 9330	+	0,3228
0402 21 19 9900	+	114,00	0402 99 19 9350	+	0,4291
0402 21 91 9100	+	114,82	0402 99 31 9110	+	—
0402 21 91 9200	+	115,61	0402 99 31 9150	+	0,4467
0402 21 91 9300	+	117,04	0402 99 31 9300	+	0,3832
0402 21 91 9400	+	125,09	0402 99 31 9500	+	0,6600
0402 21 91 9500	+	127,88	0402 99 39 9110	+	—
0402 21 91 9600	+	138,59	0402 99 39 9150	+	0,4467
0402 21 91 9700	+	144,87	0402 99 39 9300	+	0,3832



Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600	0404 90 29 9160	+	144,87
0402 99 91 9000	+	0,7522	0404 90 29 9180	+	151,96
0402 99 99 9000	+	0,7522	0404 90 81 9100	+	0,8250
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	0,2689
0403 10 13 9800	+	—	0404 90 83 9110	+	0,8250
0403 10 19 9800	+	—	0404 90 83 9130	+	1,0060
0403 10 31 9400	+	—	0404 90 83 9150	+	1,0598
0403 10 31 9800	+	—	0404 90 83 9170	+	1,1402
0403 10 33 9800	+	—	0404 90 83 9911	+	—
0403 10 39 9800	+	—	0404 90 83 9913	+	—
0403 90 11 9000	+	81,11	0404 90 83 9915	+	—
0403 90 13 9200	+	81,11	0404 90 83 9917	+	—
0403 90 13 9300	+	99,70	0404 90 83 9919	+	—
0403 90 13 9500	+	105,03	0404 90 83 9931	+	0,2689
0403 90 13 9900	+	112,98	0404 90 83 9933	+	0,3228
0403 90 19 9000	+	113,82	0404 90 83 9935	+	0,4291
0403 90 31 9000	+	0,8111	0404 90 83 9937	+	0,4467
0403 90 33 9200	+	0,8111	0404 90 89 9130	+	1,1482
0403 90 33 9300	+	0,9970	0404 90 89 9150	+	1,2509
0403 90 33 9500	+	1,0503	0404 90 89 9930	+	0,4601
0403 90 33 9900	+	1,1298	0404 90 89 9950	+	0,6600
0403 90 39 9000	+	1,1382	0404 90 89 9990	+	0,7522
0403 90 51 9100	970	2,327	0405 10 11 9500	+	165,85
	***	—	0405 10 11 9700	+	170,00
0403 90 51 9300	+	—	0405 10 19 9500	+	165,85
0403 90 53 9000	+	—	0405 10 19 9700	+	170,00
0403 90 59 9110	+	—	0405 10 30 9100	+	165,85
0403 90 59 9140	+	—	0405 10 30 9300	+	170,00
0403 90 59 9170	970	15,77	0405 10 30 9500	+	165,85
	***	—	0405 10 30 9700	+	170,00
0403 90 59 9310	+	38,32	0405 10 50 9100	+	165,85
0403 90 59 9340	+	59,85	0405 10 50 9300	+	170,00
0403 90 59 9370	+	66,00	0405 10 50 9700	+	170,00
0403 90 59 9510	+	75,22	0405 10 90 9000	+	176,22
0403 90 59 9540	+	110,55	0405 20 90 9500	+	155,49
0403 90 59 9570	+	129,01	0405 20 90 9700	+	161,71
0403 90 61 9100	+	—	0405 90 10 9000	+	216,00
0403 90 61 9300	+	—	0405 90 90 9000	+	170,00
0403 90 63 9000	+	—	0406 10 20 9100	+	—
0403 90 69 9000	+	—	0406 10 20 9230	037	—
0404 90 21 9100	+	82,50		039	—
0404 90 21 9910	+	—		099	22,83
0404 90 21 9950	+	11,31		400	22,83
0404 90 23 9120	+	82,50		***	37,68
0404 90 23 9130	+	100,60	0406 10 20 9290	037	—
0404 90 23 9140	+	105,98		039	—
0404 90 23 9150	+	114,00		099	21,24
0404 90 23 9911	+	—		400	15,29
0404 90 23 9913	+	—		***	35,05
0404 90 23 9915	+	—		037	—
0404 90 23 9917	+	—		039	—
0404 90 23 9919	+	—		099	21,24
0404 90 23 9931	+	11,31		400	15,29
0404 90 23 9933	+	13,85		***	35,05
0404 90 23 9935	+	16,84	0406 10 20 9300	037	—
0404 90 23 9937	+	19,91		039	—
0404 90 23 9939	+	20,81		099	9,329
0404 90 29 9110	+	114,82		400	7,834
0404 90 29 9115	+	115,61		***	15,39
0404 90 29 9120	+	117,04			
0404 90 29 9130	+	125,09			
0404 90 29 9135	+	127,88			
0404 90 29 9150	+	138,59			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	30,98		039	—
	400	30,98		099	9,536
	***	51,11		400	8,346
0406 10 20 9620	037	—		***	17,88
	039	—	0406 30 31 9730	037	—
	099	31,42		039	—
	400	31,42		099	13,99
	***	51,83		400	12,25
0406 10 20 9630	037	—		***	26,24
	039	—	0406 30 31 9910	037	—
	099	35,06		039	—
	400	35,06		099	9,536
	***	57,86		400	8,346
0406 10 20 9640	037	—		***	17,88
	039	—	0406 30 31 9930	037	—
	099	51,54		039	—
	400	48,35		099	13,99
	***	85,03		400	12,25
0406 10 20 9650	037	—		***	26,24
	039	—	0406 30 31 9950	037	—
	099	42,95		039	—
	400	25,44		099	20,36
	***	70,86		400	17,81
0406 10 20 9660	+	—		***	38,17
0406 10 20 9830	037	—	0406 30 39 9500	037	—
	039	—		039	—
	099	15,93		099	13,99
	400	13,38		400	12,25
	***	26,28		***	26,24
0406 10 20 9850	037	—	0406 30 39 9700	037	—
	039	—		039	—
	099	19,31		099	20,36
	400	16,22		400	17,81
	***	31,87		***	38,17
0406 10 20 9870	+	—	0406 30 39 9930	037	—
0406 10 20 9900	+	—		039	—
0406 20 90 9100	+	—		099	20,36
0406 20 90 9913	037	—		400	17,81
	039	—		***	38,17
	099	35,62	0406 30 39 9950	037	—
	400	31,59		039	—
	***	58,77		099	23,02
0406 20 90 9915	037	—		400	21,14
	039	—		***	43,16
	099	47,01	0406 30 90 9000	037	—
	400	42,12		039	—
	***	77,56		099	24,15
0406 20 90 9917	037	—		400	21,14
	039	—		***	45,28
	099	49,94	0406 40 50 9000	037	—
	400	44,75		039	—
	***	82,41		099	81,00
0406 20 90 9919	037	—		400	32,98
	039	—		***	90,00
	099	55,82			
	400	50,02			
	***	92,10			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	83,18		099	62,08
	400	32,98		400	20,01
	***	92,42		***	68,98
0406 90 13 9000	037	—	0406 90 35 9190	037	28,95
	039	—		039	28,95
	099	91,46		099	95,14
	400	60,16		400	61,40
	***	101,62		***	105,71
0406 90 15 9100	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	94,51		099	95,14
	400	62,17		400	40,19
	***	105,01		***	105,71
0406 90 17 9100	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	94,51		099	91,46
	400	62,17		400	60,16
	***	105,01		***	101,62
0406 90 21 9900	037	—	0406 90 61 9000	037	40,61
	039	—		039	40,61
	099	92,61		099	100,80
	400	44,53		400	57,27
	***	102,90		***	112,00
0406 90 23 9900	037	—	0406 90 63 9100	037	37,12
	039	—		039	37,12
	099	81,32		099	100,27
	400	18,57		400	63,89
	***	90,36		***	111,41
0406 90 25 9900	037	—	0406 90 63 9900	037	29,52
	039	—		039	29,52
	099	80,79		099	96,40
	400	21,16		400	48,93
	***	89,77		***	107,11
0406 90 27 9900	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	73,17	039	—	
	400	18,57	099	96,40	
	***	81,30	400	48,93	
0406 90 31 9119	037	—	***	107,11	
	039	—	0406 90 73 9900	037	—
	099	67,25		039	—
	400	25,56		099	83,95
	***	74,72		400	52,63
0406 90 33 9119	037	—		***	93,28
	039	—	0406 90 75 9900	037	—
	099	67,25		039	—
	400	25,56		099	84,51
	***	74,72		400	22,27
0406 90 33 9919	037	—		***	93,90
	039	—	0406 90 76 9300	037	—
	099	61,46		039	—
	400	20,33		099	76,21
	***	68,29		400	20,12
		***		84,68	

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 76 9400	037	—	0406 90 85 9999	+	—
	039	—	0406 90 86 9100	+	—
	099	85,37	0406 90 86 9200	037	—
	400	23,22		039	—
	***	94,85		099	77,55
0406 90 76 9500	037	—		400	27,65
	039	—		***	86,17
	099	81,22	0406 90 86 9300	037	—
	400	23,22		039	—
	***	90,24		099	78,67
0406 90 78 9100	037	—		400	30,30
	039	—		***	87,41
	099	78,75	0406 90 86 9400	037	—
	400	18,14		039	—
	***	87,50		099	83,58
0406 90 78 9300	037	—		400	34,28
	039	—		***	92,87
	099	83,50	0406 90 86 9900	037	—
	400	20,12		039	—
	***	92,78		099	92,19
0406 90 78 9500	037	—		400	40,24
	039	—		***	102,43
	099	82,72	0406 90 87 9100	+	—
	400	23,22	0406 90 87 9200	037	—
	***	91,91		039	—
0406 90 79 9900	037	—		099	64,63
	039	—		400	24,78
	099	67,52		***	71,81
	400	19,23	0406 90 87 9300	037	—
	***	75,02		039	—
0406 90 81 9900	037	—		099	72,24
	039	—		400	28,02
	099	85,37		***	80,27
	400	47,61	0406 90 87 9400	037	—
	***	94,85		039	—
0406 90 85 9910	037	28,95		099	74,12
	039	28,95		400	30,66
	099	92,19		***	82,36
	400	59,27	0406 90 87 9951	037	—
	***	102,43		039	—
0406 90 85 9991	037	—		099	83,84
	039	—		400	42,19
	099	92,19		***	93,15
	400	40,19	0406 90 87 9971	037	—
	***	102,43		039	—
0406 90 85 9995	037	—		099	83,84
	039	—		400	34,41
	099	84,51	0406 90 87 9972	***	93,15
	400	21,16		099	35,72
	***	93,90		400	13,67
			***	39,68	

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9973	037	—	2309 10 19 9100	+	—
	039	—	2309 10 19 9200	+	—
	099	82,31	2309 10 19 9300	+	—
	400	24,08	2309 10 19 9400	+	—
	***	91,46	2309 10 19 9500	+	—
0406 90 87 9974	037	—	2309 10 19 9600	+	—
	039	—	2309 10 19 9700	+	—
	099	89,33	2309 10 19 9800	+	—
	400	24,08	2309 10 70 9010	+	—
	***	99,26	2309 10 70 9100	+	13,85
0406 90 87 9979	037	—	2309 10 70 9200	+	18,47
	039	—	2309 10 70 9300	+	23,09
	099	81,32	2309 10 70 9500	+	27,70
	400	24,08	2309 10 70 9600	+	32,32
	***	90,36	2309 10 70 9700	+	36,94
0406 90 88 9100	+	—	2309 10 70 9800	+	40,63
0406 90 88 9105	037	—	2309 90 35 9010	+	—
	039	—	2309 90 35 9100	+	—
	099	86,64	2309 90 35 9200	+	—
	400	30,30	2309 90 35 9300	+	—
	***	96,27	2309 90 35 9400	+	—
0406 90 88 9300	037	—	2309 90 35 9500	+	—
	039	—	2309 90 35 9700	+	—
	099	63,81	2309 90 39 9010	+	—
	400	30,30	2309 90 39 9100	+	—
	***	70,90	2309 90 39 9200	+	—
2309 10 15 9010	+	—	2309 90 39 9300	+	—
2309 10 15 9100	+	—	2309 90 39 9400	+	—
2309 10 15 9200	+	—	2309 90 39 9500	+	—
2309 10 15 9300	+	—	2309 90 39 9600	+	—
2309 10 15 9400	+	—	2309 90 39 9700	+	—
2309 10 15 9500	+	—	2309 90 39 9800	+	—
2309 10 15 9700	+	—	2309 90 70 9010	+	—
2309 10 19 9010	+	—	2309 90 70 9100	+	13,85
			2309 90 70 9200	+	18,47
			2309 90 70 9300	+	23,09
			2309 90 70 9500	+	27,70
			2309 90 70 9600	+	32,32
			2309 90 70 9700	+	36,94
			2309 90 70 9800	+	40,63

(\*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19).

However:

— '099' covers all destination codes from 053 to 096 inclusive,

— '970' covers the exports referred to in Articles 34(1)(a) and (c) and 42(1)(a) and (b) of Commission Regulation (EEC) No 3665/87 (OJ L 351, 14.12.1987, p. 1).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by \*\*\*.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1(2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

**COMMISSION REGULATION (EC) No 2855/98**  
**of 30 December 1998**  
**altering the export refunds on white sugar and raw sugar exported in the natural state**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1148/98 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2638/98 <sup>(3)</sup>, as amended by Regulation (EC) No 2712/98 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2638/98 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas Article 2 of Council Regulation (EEC) 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; whereas, for the sake of clarity, the denomination 'euro' should be used in this Regulation since it is to apply from 1 January 1999,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2638/98 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 159, 3. 6. 1998, p. 38.

<sup>(3)</sup> OJ L 335, 10. 12. 1998, p. 5.

<sup>(4)</sup> OJ L 342, 17. 12. 1998, p. 3.

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

## ANNEX

## to the Commission Regulation of 30 December 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	42,53 <sup>(1)</sup>
1701 11 90 9910	41,54 <sup>(1)</sup>
1701 11 90 9950	<sup>(2)</sup>
1701 12 90 9100	42,53 <sup>(1)</sup>
1701 12 90 9910	41,54 <sup>(1)</sup>
1701 12 90 9950	<sup>(2)</sup>
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4623
	— EUR/100 kg —
1701 99 10 9100	46,23
1701 99 10 9910	46,23
1701 99 10 9950	46,23
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4623

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

**COMMISSION REGULATION (EC) No 2856/98****of 30 December 1998****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1148/98<sup>(2)</sup>, and in particular Article 17 (5) thereof,

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector<sup>(3)</sup>, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry<sup>(4)</sup>, last amended by Commission Regulation (EC) No 1126/96<sup>(5)</sup>, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed

and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas Article 2 of Council Regulation (EEC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro<sup>(6)</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 Sugar,

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 159, 3. 6. 1998, p. 38.

<sup>(3)</sup> OJ L 214, 8. 9. 1995, p. 16.

<sup>(4)</sup> OJ L 94, 9. 4. 1986, p. 9.

<sup>(5)</sup> OJ L 150, 25. 6. 1996, p. 3.

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



HAS ADOPTED THIS REGULATION:

exported in the natural state, shall be set out in the Annex hereto.

*Article 1*

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81,

*Article 2*

This Regulation shall enter into force on 1 January 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*  
Karel VAN MIERT  
*Member of the Commission*

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## ANNEX

## to the Commission Regulation of 30 December 1998 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— EUR/100 kg dry matter —
1702 40 10 9100	46,23 <sup>(2)</sup>
1702 60 10 9000	46,23 <sup>(2)</sup>
1702 60 80 9100	87,84 <sup>(4)</sup>
	— EUR/1 % sucrose × 100 kg —
1702 60 95 9000	0,4623 <sup>(1)</sup>
	— EUR/100 kg dry matter —
1702 90 30 9000	46,23 <sup>(2)</sup>
	— EUR/1 % sucrose × 100 kg —
1702 90 60 9000	0,4623 <sup>(1)</sup>
1702 90 71 9000	0,4623 <sup>(1)</sup>
1702 90 99 9900	0,4623 <sup>(1)</sup> <sup>(3)</sup>
	— EUR/100 kg dry matter —
2106 90 30 9000	46,23 <sup>(2)</sup>
	— EUR/1 % sucrose × 100 kg —
2106 90 59 9000	0,4623 <sup>(1)</sup>

<sup>(1)</sup> The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

<sup>(2)</sup> Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

<sup>(3)</sup> The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

<sup>(4)</sup> Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

*NB:* The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1).

**COMMISSION REGULATION (EC) No 2857/98**  
**of 30 December 1998**  
**fixing 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 Article 10 of Regulation (EEC) No 1766/92 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 55 %, minus the cif import price applicable to the consignment in question; however, that duty may not exceed the rate of duty in the Common Customs Tariff;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals 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 for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex 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; whereas, for the sake of clarity, the denomination 'euro' should be used in this Regulation since it is to apply from 1 January 1999,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 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 1 January 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*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 161, 29. 6. 1996, p. 125.

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

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

## 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 (EUR/tonne)	Import duty by air or by sea from other ports <sup>(2)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	55,52	45,52
	medium quality <sup>(1)</sup>	65,52	55,52
1001 90 91	Common wheat seed	49,73	39,73
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	49,73	39,73
	medium quality	79,22	69,22
	low quality	99,40	89,40
1002 00 00	Rye	108,75	98,75
1003 00 10	Barley, seed	108,75	98,75
1003 00 90	Barley, other <sup>(3)</sup>	108,75	98,75
1005 10 90	Maize seed other than hybrid	107,67	97,67
1005 90 00	Maize other than seed <sup>(3)</sup>	107,67	97,67
1007 00 90	Grain sorghum other than hybrids for sowing	108,75	98,75

<sup>(1)</sup> 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.

<sup>(2)</sup> 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:

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

— EUR 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.

<sup>(3)</sup> The importer may benefit from a flat-rate reduction of EUR 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 29 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 (EUR/tonne)	112,21	99,10	87,24	73,91	129,94	119,94	76,72
Gulf premium (EUR/tonne)	25,57	10,20	1,88	6,94	—	—	—
Great Lakes premium (EUR/tonne)	—	—	—	—	—	—	—

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

2. Freight/cost: Gulf of Mexico — Rotterdam: EUR 10,87 per tonne; Great Lakes — Rotterdam: EUR 21,10 per tonne.

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

**COMMISSION REGULATION (EC) No 2858/98**  
**of 30 December 1998**  
**altering the corrective amount applicable to the refund on cereals**

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>, and in particular Article 13 (8) thereof,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 2677/98<sup>(3)</sup>;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

Whereas the corrective amount must be fixed according to the same procedure as the refund; whereas it may be altered in the period between fixings;

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>(4)</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,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*  
Karel VAN MIERT  
*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 336, 11. 12. 1998, p. 44.

<sup>(4)</sup> OJ L 162, 19. 6. 1997, p. 1.

## ANNEX

to the Commission Regulation of 30 December 1998 altering the corrective amount applicable to the refund on cereals

(EUR / tonne)

Product code	Destination (1)	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	0	0	—	—
1103 11 10 9400	01	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries

02 other third countries

03 United States of America, Canada and Mexico.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30. 7. 1992, p. 20).

**COMMISSION REGULATION (EC) No 2859/98**

of 30 December 1998

**determining the world market price for unginning cotton and the rate for the aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

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

Whereas the second subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a minimum 7,5 % increase in the revised estimate for unginning cotton production; whereas Commission Regulation (EC) No 2591/98<sup>(6)</sup> fixes the revised estimate of production of unginning cotton for the 1998/99 marketing year and the relevant percentage increase; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder;

Whereas Article 2 of Council Regulation (EEC) 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,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The world market price for unginning cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at EUR 21,571 per 100 kilograms.
2. Advance payment of the aid as indicated in Article 5 (3a), second sentence, of Regulation (EC) No 1554/95 shall be at the rate of:
  - EUR 62,370 per 100 kilograms in Spain,
  - EUR 52,165 per 100 kilograms in Greece,
  - EUR 84,480 per 100 kilograms in other Member States.

*Article 2*

This Regulation shall enter into force on 1 January 1999.

<sup>(1)</sup> OJ L 148, 30. 6. 1995, p. 45.

<sup>(2)</sup> OJ L 148, 30. 6. 1995, p. 48.

<sup>(3)</sup> OJ L 190, 4. 7. 1998, p. 4.

<sup>(4)</sup> OJ L 123, 4. 5. 1989, p. 23.

<sup>(5)</sup> OJ L 211, 29. 7. 1998, p. 9.

<sup>(6)</sup> OJ L 324, 2. 12. 1998, p. 25.

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



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

Done at Brussels, 30 December 1998.

*For the Commission*  
Karel VAN MIERT  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2860/98**  
**of 30 December 1998**  
**amending the export refunds on poultrymeat**

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

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(1)</sup>, as last amended by Regulation (EC) No 2916/95 <sup>(2)</sup>, and in particular Article 8(3) thereof,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EC) No 2471/98 <sup>(3)</sup>, as amended by Regulation (EC) No 2608/98 <sup>(4)</sup>;

Whereas it follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2777/75 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas Article 2 of Council Regulation (EEC) 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; whereas, for the sake of clarity, the denomination 'euro' should be used in this Regulation since it is to apply from 1 January 1999,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2471/98 are hereby altered as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 January 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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<sup>(1)</sup> OJ L 282, 1. 11. 1975, p. 77.

<sup>(2)</sup> OJ L 305, 19. 12. 1995, p. 49.

<sup>(3)</sup> OJ L 308, 18. 11. 1998, p. 14.

<sup>(4)</sup> OJ L 328, 4. 12. 1998, p. 17.

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

## ANNEX

## to the Commission Regulation of 30 December 1998 altering the export refunds on poultry-meat

Product code	Destination of refund (1)	Amount of refund	Product code	Destination of refund (1)	Amount of refund
		EUR/100 units			EUR/100 kg
0105 11 11 9000	01	1,40	0207 12 90 9190	02	28,00
0105 11 19 9000	01	1,40		03	13,00
0105 11 91 9000	01	1,40	0207 12 90 9990	02	28,00
0105 11 99 9000	01	1,40		03	13,00
		EUR/100 kg	0207 14 20 9900	04	20,00
			0207 14 60 9900	04	20,00
0207 12 10 9900	02	28,00	0207 14 70 9190	04	20,00
	03	13,00	0207 14 70 9290	04	20,00

(1) The destinations are as follows:

01 All destinations except the United States of America,

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran,

03 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia and Latvia,

04 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic and Switzerland.

*NB:* The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

## COMMISSION REGULATION (EC) No 2861/98

of 30 December 1998

## fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 17 (3) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EC) No 1352/98 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set

out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates <sup>(5)</sup>, as last amended by Regulation (EEC) No 1435/90 <sup>(6)</sup>;

Whereas Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(7)</sup>, as last amended by Regulation (EC) No 1982/98 <sup>(8)</sup>, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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>(9)</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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 January 1999.

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ L 136, 31. 5. 1994, p. 5.

<sup>(4)</sup> OJ L 184, 27. 6. 1998, p. 25.

<sup>(5)</sup> OJ L 169, 18. 7. 1968, p. 6.

<sup>(6)</sup> OJ L 138, 31. 5. 1990, p. 8.

<sup>(7)</sup> OJ L 350, 20. 12. 1997, p. 3.

<sup>(8)</sup> OJ L 256, 18. 9. 1998, p. 9.

<sup>(9)</sup> OJ L 162, 19. 6. 1997, p. 1.

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

Done at Brussels, 30 December 1998.

*For the Commission*  
Karel VAN MIERT  
*Member of the Commission*

ANNEX

**to the Commission Regulation of 30 December 1998 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

*(EUR/100 kg)*

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	82,50
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 2571/97 are exported	80,39
	(b) On exportation of other goods	114,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 2571/97 are exported	61,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00

**COMMISSION REGULATION (EC) No 2862/98**  
of 30 December 1998

**fixing the rates of refunds applicable to certain products from the sugar sector  
exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1148/98 <sup>(2)</sup> and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds <sup>(3)</sup> as last amended by Regulation (EC) No 1352/98 <sup>(4)</sup> specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex

II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 <sup>(5)</sup>, as last amended by Commission Regulation (EC) No 1126/96 <sup>(6)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 1999.

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 159, 3. 6. 1998, p. 38.

<sup>(3)</sup> OJ L 136, 31. 5. 1994, p. 5.

<sup>(4)</sup> OJ L 184, 27. 6. 1998, p. 25.

<sup>(5)</sup> OJ L 94, 9. 4. 1986, p. 9.

<sup>(6)</sup> OJ L 150, 25. 6. 1996, p. 3.

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

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

Done at Brussels, 30 December 1998.

*For the Commission*  
Karel VAN MIERT  
*Member of the Commission*

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*ANNEX*

**to the Commission Regulation of 30 December 1998 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4(5)(b) of Regulation (EC) No 1222/94	2,07	2,07
— in all other cases	46,23	46,23

**COUNCIL REGULATION (EC) No 2863/98**  
of 30 December 1998

**amending Regulation (EC) No 70/97 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia and Herzegovina and Croatia and to imports of wine originating in the former Yugoslav Republic of Macedonia and the Republic of Slovenia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia and Herzegovina and Croatia and to imports of wine originating in the former Yugoslav Republic of Macedonia and the Republic of Slovenia<sup>(1)</sup> expires on 31 December 1998;

Whereas these arrangements will eventually have to be replaced by provisions contained in bilateral agreements to be negotiated with the countries in question; whereas in the meantime the arrangements granted by Regulation (EC) No 70/97 should be maintained; whereas the amounts of the tariff ceilings for industrial products should be increased annually by 5 % as provided for in Article 4(1) of that Regulation; whereas, following the amendments to the combined nomenclature and to the Taric subdivisions, Regulation (EC) No 70/97 should be amended accordingly;

Whereas Commission Regulation (EC) No 12/97<sup>(2)</sup> amended Title IV, Chapter 2 of Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(3)</sup>; whereas Article 1(3) of Regulation (EC) No 70/97 should therefore be amended accordingly;

Whereas, in order to avoid damage to the Community industry for cucumbers, it is necessary to grant the concession for these products in the framework of a tariff quota instead of a reference quantity;

Whereas, in accordance with the conclusions of the Council of 29 April 1997, the development of bilateral relations between the European Union and the successor republics of the former Yugoslavia, other than Slovenia, is subject to certain conditions; whereas the renewal of autonomous trade preferences is linked to respect for funda-

mental principles of democracy and human rights and to the readiness of the countries concerned to allow the development of economic relations between themselves; whereas it is, therefore, appropriate to monitor the compliance by Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia with these conditions; whereas the Council adopted conclusions on 9 November 1998 on progress in these countries in respect of these conditions;

Whereas there has been some progress in Bosnia and Herzegovina and Croatia in strengthening democracy and human rights and in developing relations with their neighbours; whereas it is therefore appropriate for these countries to continue to be included in the autonomous trade regime for 1999;

Whereas when the autonomous trade preferences were extended to the Federal Republic of Yugoslavia on 29 April 1997, the Council issued a declaration setting out its expectations in terms of democratisation, in particular the full and speedy implementation of the 'Gonzalez' report; whereas it also noted that in the absence of progress towards meeting these criteria, the decision granting autonomous trade preferences would be reviewed; whereas no significant progress has been made with regard to the relevant conditions, it is not appropriate at this time to include the Federal Republic of Yugoslavia in the autonomous trade regime for 1999, without prejudice to the possibility of including the Federal Republic of Yugoslavia at a later stage should conditions so permit,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 70/97 is hereby amended as follows:

1. in Article 1(3), 'section 3 of Commission Regulation (EEC) No 2454/93', shall be replaced by 'section 2 of Commission Regulation (EEC) No 2454/93';
2. the second subparagraph of Article 14 shall be replaced by the following:

'It shall apply from 1 January 1997 to 31 December 1999.';

<sup>(1)</sup> OJ L 16, 18. 1. 1997, p. 1. Regulation as last amended by Regulation (EC) No 2636/97 (OJ L 356, 31. 12. 1997, p. 16).

<sup>(2)</sup> OJ L 9, 13. 1. 1997, p. 1.

<sup>(3)</sup> OJ L 253, 11. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 75/98 (OJ L 7, 13. 1. 1998, p. 3).



3. the amounts given for the tariff ceilings listed in the fourth column in Annexes C I, C II, C III and C IV shall be replaced for 1999 by the amounts given in the Annex to this Regulation for the corresponding Order Nos;

4. the following amendments shall be made to the CN codes and the descriptions of products and footnotes:

(a) in Annex C I for Order No 01.0050, the following shall be deleted:

'3921 19 3921 19 90	– Cellular: – – Of other plastics: – – – Other';
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(b) in Annex C I for Order No 01.0220:

(i)

'8502 13 99	– – – – Of an output exceeding 750 kVA'
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shall be replaced by:

'8502 13 93 8502 13 98	– – – – Of an output exceeding 750 kVA but not exceeding 2 000 kVA – – – – Of an output exceeding 2 000 kVA';
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(ii)

'8502 20 99	– – – Of an output exceeding 7,5 kVA'
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shall be replaced by:

'8502 20 92 8502 20 94 8502 20 98	– – – Of an output exceeding 7,5 kVA but not exceeding 375 kVA – – – Of an output exceeding 375 kVA but not exceeding 750 kVA – – – Of an output exceeding 750 kVA';
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(c) at the end of Annex C I, footnote 1 shall be replaced by the following:

'Entry under this subheading is subject to conditions laid down in the relevant Community provisions.';

(d) in Annex C II for Order No 03.0010:

(i) CN code 2710 00 85 and its description, as well as footnote 1 at the end of the Annex, shall be deleted;

(ii) CN code '2710 00 98' shall be replaced by CN code '2710 00 97';

5. in Annex C V, Taric subdivisions:

(a) the following shall be inserted in the appropriate columns:

'06.0030	ex 7213 91 70	11
		15
	ex 7213 99 90	19
		11
	ex 7214 91 90	19
		10';

(b) for Order No 06.0070, the Taric subdivisions for ex 7213 91 70 in the third column shall be read '91 and 95', and the following shall be inserted in the appropriate columns:

'ex 7213 91 90	10
ex 7213 99 90	91
ex 7214 91 90	90';

6. in Annex D:

(a) the following entry shall be deleted:

'ex 2001 10 00	Cucumbers	Free	3 000 (reference quantity)';
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(b) in the fourth column, for the tariff concession for Sauerkraut (mentioned as CN code ex 2004 90 30 and 2005 90 75), the following text shall be inserted after '(reference quantity)': '(identified by Order No 18.0550)';

7. in Annex E:

(a) the following shall be inserted:

'09.1513	ex 2001 10 00	Cucumbers, prepared or preserved by vinegar or acetic acid, from 1 January to 31 December	2 000 tonnes	Free';
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(b) in the table 'TARIC SUBDIVISIONS':

- (i) the Taric subdivision '40' for Order No 09.1507, CN code ex 0703 20 00, shall be deleted;
- (ii) the following shall be inserted after Order No 09.1507:

'09.1513	ex 2001 10 00	11
		19'.

#### Article 2

This Regulation shall enter into force on the day following that of 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, 30 December 1998.

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

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## ANNEX

## Tariff ceilings referred to in point 3 of Article 1

Order No	Ceiling (tonnes)
ANNEX C I	
01.0010	6 045
01.0020	53 083
01.0030	79 051
01.0040	1 861
01.0050	1 164
01.0060	5 273
01.0080	610
01.0090	168 647
01.0100	22 838
01.0110	756
01.0120	899
01.0130	374
01.0140	9 083
01.0150	2 812
01.0160	14 766
01.0167	5 101
01.0170	1 424
01.0190	1 412
01.0200	4 944
01.0220	6 123
01.0230	3 279
01.0240	3 928
01.0250	641
01.0270	1 214
01.0280	9 359
01.0290	8 351
ANNEX C II	
03.0010	1 058 400
ANNEX C III	
04.0030	4 680
04.0040	1 744
04.0050	1 338
04.0090	1 619
ANNEX C IV	
06.0010	41 525
06.0020	40 994
06.0030	39 724
06.0040	5 664
06.0050	7 964
06.0060	49 409
06.0070	39 579

**COMMISSION REGULATION (EC) No 2864/98**  
of 30 December 1998

**laying down detailed rules for the application in 1999 of the arrangements applicable to imports laid down in Council Regulation (EC) No 70/97 as regards certain beef and veal products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia and to imports of wine originating in the former Yugoslav Republic of Macedonia and the Republic of Slovenia <sup>(1)</sup>, as last amended by Regulation (EC) No 2863/98 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas Article 8 of Regulation (EC) No 70/97 provides for 1999 for an annual tariff quota of 10 900 tonnes expressed in carcase weight; whereas detailed rules for the application of that quota must be laid down;

Whereas, pursuant to Article 8(3) of Regulation (EC) No 70/97, imports under that quota are subject to the presentation of an authenticity certificate attesting that the goods are originating goods and from the issuing country and that they correspond exactly to the definition in Annex F to the aforementioned Regulation; whereas it is necessary to establish a model for those certificates and lay down detailed rules for their use;

Whereas the arrangements should be managed using import licences; whereas to this end rules should be set on submission of applications and the information to be given on applications and licences, in accordance with 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>(3)</sup>, as last amended by Regulation (EC) No 1044/98 <sup>(4)</sup>, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 <sup>(5)</sup>, as last amended by Regulation (EC) No 2648/98 <sup>(6)</sup>;

Whereas, in order to ensure proper management of the imports of the products in question, provision should be

made for import licences to be issued subject to verification, in particular of entries on certificates of authenticity;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The following tariff quotas are hereby opened for the period 1 January to 31 December 1999:

- 9 400 tonnes of 'baby beef', expressed in carcase weight, originating in and coming from Croatia,
- 1 500 tonnes of 'baby beef', expressed in carcase weight, originating in and coming from Bosnia-Herzegovina.

The two quotas referred to in the first subparagraph shall bear the serial numbers 09.4503 and 09.4504 respectively.

For the purposes of attributing the said quotas, 100 kilograms live weight shall be equivalent to 50 kilograms carcase weight.

2. The customs duty applicable under the quotas referred to in paragraph 1 shall be 20 % of the duty laid down in the Common Customs Tariff.

3. Importation under the quotas referred to in paragraph 1 shall be reserved for certain live animals and certain meat falling within CN codes:

- ex 0102 90 51, ex 0102 90 59, ex 0102 90 71 and ex 0102 90 79,
- ex 0201 10 00 and ex 0201 20 20,
- ex 0201 20 30,
- ex 0201 20 50,

referred to in Annex F to Regulation (EC) No 70/97.

*Article 2*

1. Imports of the quantities set out in Article 1 shall be subject to presentation, on release for free circulation, of an import licence issued in accordance with the following provisions:

<sup>(1)</sup> OJ L 16, 18. 1. 1997, p. 1.

<sup>(2)</sup> See page 85 of this Official Journal.

<sup>(3)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(4)</sup> OJ L 149, 20. 5. 1998, p. 11.

<sup>(5)</sup> OJ L 143, 27. 6. 1995, p. 35.

<sup>(6)</sup> OJ L 335, 10. 12. 1998, p. 39.

- (a) Section 8 of the licence applications and of the licences themselves must show the country of origin; licences shall carry with them an obligation to import from the country indicated;
- (b) Section 20 of the licence applications and of the licences themselves shall show one of the following endorsements:
- [«Baby beef» (Reglamento (CE) n° 2864/98)]
  - («Baby beef» (forordning (EF) nr. 2864/98))
  - („Baby beef“ (Verordnung (EG) Nr. 2864/98))
  - [«Baby beef» (Κανονισμός (ΕΚ) αριθ. 2864/98)]
  - («Baby beef» (Regulation (EC) No 2864/98))
  - [«Baby beef» (règlement (CE) n° 2864/98)]
  - [«Baby beef» (regolamento (CE) n. 2864/98)]
  - („Baby beef“ (Verordening (EG) nr. 2864/98))
  - [«Baby beef» (Regulamento (CE) n° 2864/98)]
  - («Baby beef» (asetus (EY) N:o 2864/98))
  - («Baby beef» (förrordning (EG) nr 2864/98));
- (c) the original of the certificate of authenticity drawn up in accordance with Articles 3 and 4 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.
- The original of the certificate of authenticity shall be kept by the abovementioned authority;
- (d) certificates of authenticity may be used for the issuing of more than one import licence for quantities not exceeding that shown on the certificate. Where more than one licence is issued in respect of a certificate, the competent authority shall endorse the certificate of authenticity to show the quantity attributed;
- (e) the competent authorities may issue import licences only after they are satisfied that all the information on the certificate of authenticity corresponds to that received each week from the Commission on the subject. The licences shall be issued immediately thereafter.

2. Notwithstanding paragraph 1(e), the competent authorities may, in exceptional cases and on duly reasoned application, issue import licences on the basis of the relevant certificates of authenticity before the information from the Commission is received. In such cases, the security for the import licences shall be EUR 25 per 100 kilograms net weight in the case of live animals and EUR 60 per 100 kilograms net weight in the case of meat. After having received the information relating to the certificate, Member States shall replace this security with that referred to in Article 5(1).

#### Article 3

1. The certificates of authenticity referred to in Article 2 shall be made out in one original and two copies, to be printed and completed in one of the official languages of the European Community, in accordance with the model

in Annexes I and II respectively for the two countries concerned; they may also be printed and completed in the official language or one of the official languages of the exporting country.

The competent authorities of the Member State in which the import licence application is submitted may require a translation of the certificate to be provided.

2. The original and copies thereof may be typed or handwritten. In the latter case, they must be completed in black ink and in block capitals.

3. The certificate forms shall measure 210 × 297 mm. The paper used shall weigh not less than 40 g/m<sup>2</sup>. The original shall be white, the first copy pink and the second copy yellow.

4. Each certificate shall have its own individual serial number followed by the name of the issuing country.

The copies shall bear the same serial number and the same name as the original.

5. Certificates shall be valid only if they are duly endorsed by an issuing authority listed in Annex III.

6. Certificates shall be deemed to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

#### Article 4

1. The issuing authorities listed in Annex III must:

- (a) be recognised as such by the exporting country;
- (b) undertake to verify entries on the certificates;
- (c) undertake to forward to the Commission at least once per week any information enabling the entries on the certificates of authenticity, in particular the number of the certificate, the exporter, the consignee, the country of destination, the product (live animals/meat), the net weight and the date of signature, to be verified.

2. The list may be revised where the requirement referred to in paragraph 1(a) is no longer met or where an issuing authority fails to fulfil any of the obligations incumbent on it.

#### Article 5

Certificates of authenticity and import licences shall be valid for three months from their respective dates of issue. However, their term of validity shall expire on 31 December 1999.

*Article 6*

The provisions of Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply subject to the provisions of this Regulation.

*Article 7*

The authorities of the Republics of Croatia and Bosnia-Herzegovina shall communicate to the Commission of the European Communities specimens of the stamp imprints used by their issuing authorities and the names and signatures of the persons empowered to sign certi-

ficates of authenticity. The Commission shall communicate this information to the competent authorities of the Member States.

*Article 8*

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

It shall apply from 1 January 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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ANNEX I

1. Consignor (full name and address)	<p align="center"><b>CERTIFICATE No 0000</b></p> <p align="center">ORIGINAL</p> <p align="center">CROATIA</p>		
2. Consignee (full name and address)	<p align="center"><b>CERTIFICATE OF AUTHENTICITY</b></p> <p>for exports to the EC of bovine animals and meat of bovine animals (application of Regulation (EC) No 2864/98)</p>		
<p>NOTES</p> <p>A. This certificate shall be prepared in one original and two copies.</p> <p>B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters in ink.</p>			
3. Marks, numbers, number and nature of packages or head of cattle; description of goods	4. Combined Nomenclature subheading	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
<p>8. I, the undersigned ....., acting on behalf of the authorised issuing body (box No 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Republic of Croatia and correspond exactly to the definition contained in Annex F to Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia (OJ L 16, 18. 1. 1997, p. 1).</p>			
9. Authorised issuing body	Place:	Date:	
	(Stamp of issuing body)	..... (Signature)	





ANNEX II

1. Consignor (full name and address)	<b>CERTIFICATE No 0000</b>  ORIGINAL  BOSNIA-HERZEGOVINA		
2. Consignee (full name and address)	<b>CERTIFICATE OF AUTHENTICITY</b>  for exports to the EC of bovine animals and meat of bovine animals  (application of Regulation (EC) No 2864/98)		
NOTES  A. This certificate shall be prepared in one original and two copies.  B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters in ink.			
3. Marks, numbers, number and nature of packages or head of cattle; description of goods	4. Combined Nomenclature subheading	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned ....., acting on behalf of the authorised issuing body (box No 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Republic of Bosnia-Herzegovina and correspond exactly to the definition contained in Annex F to Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia (OJ L 16, 18. 1. 1997, p. 1).			
9. Authorised issuing body	Place:	Date:	
	(Stamp of issuing body)	..... (Signature)	



*ANNEX III*

Issuing bodies:

- Republic of Croatia: 'Euroinspekt', Zagreb, Croatia,
  - Republic of Bosnia-Herzegovina:
-

**COMMISSION REGULATION (EC) No 2865/98**  
**of 30 December 1998**

**on managing the ceilings for imports of fresh and processed sour cherries  
originating in the Republics of Bosnia-Herzegovina and Croatia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia and to imports of wine originating in the Former Yugoslav Republic of Macedonia and the Republic of Slovenia<sup>(1)</sup>, as last amended by Regulation (EC) No 2863/98<sup>(2)</sup>, and in particular Article 10 thereof,

Whereas the second subparagraph of Article 6(1) of Regulation (EC) No 70/97 states that import licences are to be issued to ensure the management of the ceilings of 2 500 tonnes of fresh sour cherries and of 12 800 tonnes of processed sour cherries fixed in Annex D to that Regulation; whereas the grant of preference should be made subject to the submission of licences issued in accordance with this Regulation;

Whereas Commission Regulation (EC) No 1921/95 of 3 August 1995 laying down detailed rules for the application of the system of import licences for products processed from fruit and vegetables<sup>(3)</sup>, as amended by Regulation (EC) No 2427/95<sup>(4)</sup>, should apply to all the products covered by this Regulation, subject to the specific provisions of this Regulation;

Whereas, to ensure efficient management of the tariff ceilings, provision should be made for licences to be issued after a period allowing checks on quantities and for Member States to send regular reports;

Whereas measures must be taken automatically and very quickly once the demand for licences reaches one of the ceilings fixed; whereas the Commission should be enabled to take the necessary measures;

Whereas, for practical reasons, the applicability of some provisions of this Regulation governing fresh sour cher-

ries should be limited to their harvesting and marketing season;

Whereas this Regulation replaces Commission Regulation (EC) No 122/98<sup>(5)</sup>, as amended by Regulation (EC) No 1057/98<sup>(6)</sup>, applicable from 1 January to 31 December 1998; whereas, therefore, in the interests of clarity, that Regulation should be repealed;

Whereas, to ensure proper management of the tariff ceilings, this Regulation should apply from 1 January 1999;

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 Joint Management Committee for Fresh and Processed Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down detailed rules for the management of the tariff ceilings referred to in Regulation (EC) No 70/97 for fresh sour cherries falling within CN code 0809 20 05, and processed sour cherries falling within CN codes ex 0811 90 19, ex 0811 90 39, 0811 90 75, ex 0812 10 00, 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91 originating in the Republics of Bosnia-Herzegovina and Croatia.

*Article 2*

1. All imports under the ceilings referred to in Article 1 shall be subject to the presentation of an import licence issued in accordance with this Regulation.

<sup>(1)</sup> OJ L 16, 18. 1. 1997, p. 1.

<sup>(2)</sup> See page 85 of this Official Journal.

<sup>(3)</sup> OJ L 185, 4. 8. 1995, p. 10.

<sup>(4)</sup> OJ L 249, 17. 10. 1995, p. 12.

<sup>(5)</sup> OJ L 11, 17. 1. 1998, p. 15.

<sup>(6)</sup> OJ L 151, 21. 5. 1998, p. 25.

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

2. Subject to the specific provisions of this Regulation, Regulation (EC) No 1921/95 shall apply to the products referred to in Article 1.

3. Section 24 of import licences shall contain one of the following:

- Derecho preferencial *ad valorem* — Reglamento (CE) n° 70/97
- Præferenceværditold — Forordning (EF) nr. 70/97
- Präferenzieller Wertzoll — Verordnung (EG) Nr. 70/97
- Προτιμησιακός δασμός *ad valorem* — Κανονισμός (ΕΚ) αριθ. 70/97
- Preferential *ad valorem* duty — Regulation (EC) No 70/97
- Droit *ad valorem* préférentiel — Règlement (CE) n° 70/97
- Dazio *ad valorem* preferenziale — Regolamento (CE) n. 70/97
- Preferentieel *ad-valorem*recht — Verordening (EG) nr. 70/97
- Direito preferencial *ad valorem* — Regulamento (CE) n° 70/97
- Arvotullietuus — asetus (EY) N:o 70/97
- Särskild värdetull — Förordning (EG) nr 70/97.

4. Section 8 of both licence applications and import licences shall show the country of origin and the word 'yes' shall be marked with a cross.

5. Import licences shall be valid for one month from the effective date of issue in the case of fresh sour cherries and three months in the case of processed sour cherries, but shall not be valid after 31 December of the year concerned.

6. Article 5(2) of Regulation (EC) No 1921/95 shall apply only between the third countries referred to in this Regulation.

7. In the case of fresh sour cherries, the issue of licences shall be subject to lodging a security of EUR 1,5 per 100 kilograms net weight.

#### Article 3

1. The Member States shall provide data on applications for licences in accordance with Article 7(2) of Regulation (EC) No 1921/95 and, where applicable, on the quantities for which the import licences issued have not been used.

2. In the case of fresh sour cherries, these reports shall be confined to the period between 1 May and 30 September.

#### Article 4

1. Licences shall be issued on the fifth working day following lodging of the application, provided that special measures have not been taken by the Commission in the mean time.

2. When the quantity covered by licences applied for reaches one of the ceilings laid down in Regulation (EC) No 70/97, the Commission shall fix, if necessary, a flat-rate percentage reduction for the applications in question and suspend the issue of licences for any subsequent application under the ceiling in question.

#### Article 5

Regulation (EC) No 122/98 is repealed with effect from 1 January 1999.

#### Article 6

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

It shall apply from 1 January to 31 December 1999.

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

Done at Brussels, 30 December 1998.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

**COUNCIL DIRECTIVE 98/93/EC**

of 14 December 1998

**amending Directive 68/414/EEC imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 103a(1) 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>,

- (1) Whereas the Council adopted Directive 68/414/EEC of 20 December 1968 imposing an obligation on Member States of the European Economic Community to maintain minimum stocks of crude oil and/or petroleum products <sup>(4)</sup>;
- (2) Whereas imported crude oil and petroleum products continue to play an important role in the Community's energy supplies; whereas any difficulty, even temporary, having the effect of reducing supplies of such products, or significantly increasing the price thereof on international markets, could cause serious disturbances in the economic activity of the Community; whereas the Community must be in a position to offset or at least to diminish any harmful effects in such a case; whereas it is necessary to update Directive 68/414/EEC adapting it to the reality of the internal market of the Community and the evolution of the oil markets;
- (3) Whereas in Directive 73/238/EEC <sup>(5)</sup> the Council decided upon appropriate measures — including drawing on oil stocks — to be taken in the event of difficulties in the supply of crude oil and petroleum products to the Community; whereas Member States have undertaken similar obligations in the Agreement on an 'International Energy Programme';

(4) Whereas it is important that the security of oil supply is enhanced;

(5) Whereas it is necessary that the organisational arrangements for oil stocks do not prejudice the smooth running of the internal market;

(6) Whereas the provisions of this Directive do not affect the full application of the Treaty, in particular the provisions concerning the internal market and competition;

(7) Whereas, in accordance with the principle of subsidiarity and in accordance with the principle of proportionality as stipulated in Article 3b of the Treaty, the objective of maintaining a high level of security of oil supply in the Community through reliable and transparent mechanisms based on solidarity amongst Member States and, at the same time, complying with the rules of the internal market and competition, can be carried out more adequately at the level of the Community; whereas this Directive does not exceed what is necessary to achieve this objective;

(8) Whereas it is necessary that stocks are at the disposal of Member States should difficulties in oil supply arise; whereas Member States should possess the powers and the capacity to control the use of stocks so that they can be made available promptly for the benefit of the areas which most need oil supplies;

(9) Whereas organisational arrangements for the maintenance of stocks should ensure the stocks' availability and their accessibility to the consumer;

(10) Whereas it is appropriate that organisational arrangements for the maintenance of stocks are transparent, ensuring a fair and non-discriminatory sharing of the burden of the stock-holding obligation; whereas, therefore, information relating to the cost of holding oil stocks may be made available by Member States to interested parties;

<sup>(1)</sup> OJ C 160, 27. 5. 1998, p. 18.

<sup>(2)</sup> OJ C 359, 23. 11. 1998.

<sup>(3)</sup> Opinion delivered on 10-11 September 1998 (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 308, 23.12.1968, p. 14. Directive as amended by Directive 72/425/EEC (OJ L 291, 28.12.1972, p. 154).

<sup>(5)</sup> OJ L 228, 16. 8. 1973, p. 1.

- (11) Whereas, in order to organise the maintenance of stocks, Member States may have recourse to a system based on a stockholding body or entity which will hold all, or part, of the stocks making up their stockholding obligation; whereas the balance, if any, should be maintained by refiners and other market operators; whereas partnership between the Government and the industry is essential to operate efficient and reliable stockholding mechanisms;
- (12) Whereas indigenous production contributes in itself to security of supply; whereas the oil market evolution can justify an appropriate derogation from the obligation to maintain oil stocks for Member States with indigenous oil production; whereas, in accordance with the principle of subsidiarity, Member States may exempt undertakings from the obligation to maintain stocks in respect of an amount not exceeding the quantity of products which those undertakings manufacture from indigenously produced crude oil;
- (13) Whereas it is appropriate to adopt approaches which are already followed by the Community and the Member States within their international obligations and agreements; whereas, owing to changes in the pattern of oil consumption, international aviation bunkers have become an important component of this consumption;
- (14) Whereas there is a need to adapt and simplify the Community statistical reporting mechanism concerning oil stocks;
- (15) Whereas oil stocks can, in principle, be held anywhere in the Community and, therefore, it is appropriate to facilitate the establishment of stocks outside national territory; whereas it is necessary that decisions for holding stocks outside national territory are taken by the Government of the Member State concerned according to its needs and supply security considerations; whereas in the case of stocks held at the disposal of another undertaking, or body/entity, more detailed rules are needed to guarantee their availability and accessibility in the event of oil supply difficulties;
- (16) Whereas it is desirable, in order to ensure the smooth running of the internal market, to promote the use of agreements between Member States concerning minimum stockholding in order to further the use of storage facilities in other Member States; whereas it is for the Member States concerned to take the decision to conclude such agreements;
- (17) Whereas it is appropriate to strengthen the administrative supervision of stocks and establish efficient mechanisms for the control and verification of stocks; whereas a regime of sanctions is necessary to impose such a control;
- (18) Whereas Directive 72/425/EEC raised from 65 to 90 days the reference period appearing in the first paragraph of Article 1 of Directive 68/414/EEC and laid down the conditions to implement this increase; whereas that Directive has been rendered obsolete by this Directive; whereas Directive 72/425/EEC should therefore be repealed;
- (19) Whereas it is appropriate to inform the Council on a regular basis on the situation concerning security stocks in the Community,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 68/414/EEC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

*Article 1*

1. Member States shall adopt such laws, regulations or administrative provisions as may be appropriate in order to maintain within the European Community at all times, subject to the provisions of Article 7, their stocks of petroleum products at a level corresponding, for each of the categories of petroleum products listed in Article 2, to at least 90 days' average daily internal consumption in the preceding calendar year referred to in Article 4.

2. That part of internal consumption met by derivatives of petroleum produced indigenously by the Member State concerned may be deducted up to a maximum of 25 % of the said consumption. The distribution within the Member States of the result of such a deduction shall be decided by the Member State concerned.;

2. Article 2 shall be deleted;

3. the existing Article 3 shall become Article 2 and shall be supplemented by the following paragraph:

'Bunker supplies for sea-going vessels shall not be included in the calculation of internal consumption.;



4. the following Article shall be inserted:

*Article 3*

1. Stocks maintained in accordance with Article 1 shall be fully at the disposal of Member States should difficulties arise in obtaining oil supplies. Member States shall ensure that they have the legal powers to control the use of stocks in such circumstances.

At all other times, Member States shall ensure the availability and accessibility of these stocks; they shall establish arrangements allowing for the identification, accounting and control of the stocks.

2. Member States shall ensure that fair and non-discriminatory conditions apply in their stockholding arrangements.

The cost burden resulting from the maintenance of stocks in accordance with Article 1 shall be identified by transparent arrangements. In this context, Member States may adopt measures to obtain appropriate information regarding the cost burden of stockholding in accordance with Article 1 and to make such information available to interested parties.

3. To fulfil the requirements of paragraphs 1 and 2, Member States may decide to have recourse to a stockholding body or entity which will be responsible for holding all or part of the stocks.

Two or more Member States may decide to have recourse to a joint stockholding body or entity. In that case they shall be jointly responsible for the obligations deriving from this Directive.;

5. Article 4 shall be replaced by the following:

*Article 4*

Member States shall submit to the Commission a statistical summary showing stocks existing at the end of each month, drawn up in accordance with Articles 5 and 6 and specifying the number of days of average consumption in the preceding calendar year which those stocks represent. This summary must be submitted at the latest by the 25th day of the second month after the month to be reported.

A Member State's stockholding obligation shall be based on the previous calendar year's internal consumption. At the beginning of each calendar year, Member States must re-calculate their stockholding obligation at the latest by 31 March in each year and

ensure that they comply with their new obligations as soon as possible and, in any event, at the latest by 31 July in each year.

In the statistical summary, stocks of jet fuel of the kerosene type shall be reported separately under category II.;

6. Article 5 shall be replaced by the following:

*Article 5*

Stocks required to be maintained by Article 1 may be maintained in the form of crude oil and intermediate products, as well as in the form of finished products.

In the statistical summary of stocks provided for in Article 4, finished products shall be accounted for according to their actual tonnage; crude oil and intermediate products shall be accounted for:

- in the proportions of the quantities for each category of product obtained during the preceding calendar year from the refineries of the State concerned, or
- on the basis of the production programmes of the refineries of the State concerned for the current year, or
- on the basis of the ratio between the total quantity manufactured during the preceding calendar year in the State concerned of products covered by the obligation to maintain stocks and the total amount of crude oil used during that year; the foregoing shall apply to not more than 40 % of the total obligation for the first and second categories (petrol and gas oils), and to not more than 50 % for the third category (fuel oils).

Blending components, when intended for processing into the finished products listed in Article 2, may be substituted for the products for which they are intended.;

7. Article 6 shall be amended as follows:

(a) Paragraph 1 shall be replaced by the following:

'1. When calculating the level of minimum stocks provided for in Article 1, only those quantities which would be held in accordance with Article 3(1) shall be included in the statistical summary.;

(b) Paragraph 2 shall be replaced by the following:

'2. For the purposes of implementing this Directive, stocks may be established, under agreements between Governments, within the territory of a Member State for the account of undertakings, or bodies/entities, established in another Member State. It is for the Government of the Member State concerned to decide whether to hold a part of its stocks outside its national territory.

In such cases, the Member State on whose territory the stocks are held under the framework of such an agreement shall not oppose the transfer of these stocks to the other Member States for the account of which stocks are held under that agreement; it shall keep a check on such stocks in accordance with the procedures specified in that agreement but shall not include them in its statistical summary. The Member State on whose behalf the stocks are held may include them in its statistical summary.

In such cases, together with the statistical summary provided for by Article 4, each Member State shall send a report to the Commission concerning the stocks maintained within its own territory for the benefit of another Member State, as well as the stocks held in other Member States for its own benefit. In both cases, the storage locations and/or companies holding the stocks, quantities and product category — or crude oil — stored will be indicated in the report.

Drafts of the agreements mentioned in the first subparagraph shall be sent to the Commission, which may make its comments known to the Governments concerned. The agreements, once concluded, shall be notified to the Commission, which shall make them known to the other Member States.

Agreements shall satisfy the following conditions:

- they must relate to crude oil and to all petroleum products covered by this Directive,
- they must lay down conditions and arrangements for the maintenance of stocks with the aim of safeguarding control and availability of these stocks,
- they must specify the procedures for checking and identifying the stocks provided for, *inter alia*, the methods for carrying out and cooperating on inspections,

- they must as a general rule be concluded for an unlimited period,
- they must state that, where provision is made for unilateral termination, the latter shall not operate in the event of a supply crisis and that, in any event, the Commission shall receive prior information of any termination.

When stocks established under such agreements are not owned by the undertaking, or body/entity, which has an obligation to hold stocks, but are held at the disposal of this undertaking, or body/entity, by another undertaking, or body/entity, the following conditions shall be met:

- the beneficiary undertaking, or body/entity, must have the contractual right to acquire these stocks throughout the period of the contract; the methodology for establishing the price of such acquisition must be agreed between the parties concerned,
- the minimum period of such a contract must be 90 days,
- storage location and/or companies holding the stocks at the disposal of the beneficiary undertaking, or body/entity, as well as quantity and category of product, or crude oil, stored in that location must be specified,
- the actual availability of the stocks for the beneficiary undertaking, or body/entity, must be guaranteed, at all times throughout the period of the contract, by the undertaking or body/entity holding the stocks at the disposal of the beneficiary undertaking, or body/entity,
- the undertaking, or body/entity, holding the stocks at the disposal of the beneficiary undertaking, or body/entity, must be one which is subject to the jurisdiction of the Member State on whose territory the stocks are situated insofar as the legal powers of that Member State to control and verify the existence of the stocks are concerned.;

(c) Paragraph 3, second subparagraph, shall be replaced by the following:

'Consequently the following shall, in particular, be excluded from the statistical summary: indigenous crude oil not yet extracted; supplies intended for the bunkers of sea-going vessels; supplies in direct

transit apart from the stocks referred to in paragraph 2; supplies in pipelines, in road tankers and rail tank-wagons, in the storage tanks of retail outlets, and those held by small consumers. Quantities held by the armed forces and those held for them by the oil companies shall also be excluded from the statistical summary.';

8. the following Article shall be inserted:

*Article 6a*

Member States shall adopt all the necessary provisions and take all the necessary measures to ensure control and supervision of stocks. They shall put in place mechanisms to verify the stocks according to the provisions of this Directive.'

9. the following Article shall be inserted:

*Article 6b*

Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive and shall take any measure necessary to ensure the implementation of these provisions. The penalties shall be effective, proportionate and dissuasive.'

*Article 2*

Directive 72/425/EEC shall be repealed with effect from 31 December 1999.

*Article 3*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 2000. They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their

official publication. The methods of making such reference shall be laid down by the Member States.

*Article 4*

Owing to its specific characteristics, the Hellenic Republic shall be granted a non-renewable additional period of three years to apply the obligations of this Directive in relation to the inclusion of bunker supplies for international aviation in the calculation of internal consumption.

*Article 5*

The Commission shall submit regularly to the Council a report on the situation concerning stocks in the Community, including if appropriate on the need for harmonisation in order to ensure effective control and supervision of stocks. The first report shall be submitted to the Council during the second year following the date stipulated in Article 3(1).

*Article 6*

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

*Article 7*

This Directive is addressed to the Member States.

Done at Brussels, 14 December 1998.

*For the Council*

*The President*

W. MOLTERER

**COUNCIL DIRECTIVE 98/94/EC**  
**of 14 December 1998**  
**amending Directive 94/4/EC and extending the temporary derogation applicable**  
**to Germany and Austria**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 99 thereof,

Having regard to the Commission proposal<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>,

Whereas Article 3(2) of Directive 94/4/EC<sup>(4)</sup> provided for the application until 31 December 1997 of a temporary derogation to the Federal Republic of Germany and the Republic of Austria concerning the application of an allowance of not less than ECU 75 to goods imported by travellers entering German or Austrian territory by a land frontier linking the two Member States to countries other than Member States and EFTA members or, where applicable, by means of coastal navigation coming from those countries;

Whereas account is taken of the economic difficulties likely to be caused by the amount of the allowances applicable to travellers importing goods into the Community in the situations described above;

Whereas, by letters of 24 June and 23 July 1997, the Federal Republic of Germany and the Federal Republic of Austria requested an extension of the derogation provided for in Article 3(2) of Directive 94/4/EC; whereas their request is based on the fact that the economic difficulties that had prompted the adoption of Directives 94/4/EC and 94/75/EC had persisted and, in some cases, worsened;

Whereas account should be taken of the situation described by the two Member States;

Whereas an extension of the derogation should, however, be accompanied by the fixing of a deadline for bringing the allowance applied by Germany and Austria into line with that in force on that date in the other Member States, the raising of the limit applicable to the two Member States from 1 January 1999 in order to limit distortions of competition and an undertaking by those Member States that they will gradually and jointly further raise the limit

in order to bring it into line with the Community limit by 1 January 2003,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

1. With effect from 1 January 1998, the first subparagraph of Article 3(2) of Directive 94/4/EC shall be replaced by the following:

‘2. By way of derogation from paragraph 1, the Federal Republic of Germany and the Republic of Austria shall be authorised to bring into force the measures necessary to comply with this Directive by 1 January 2003 at the latest for goods imported by travellers entering German or Austrian territory by a land frontier linking Germany or Austria to countries other than Member States and the EFTA members or, where applicable, by means of coastal navigation coming from the said countries.’

2. With effect from 1 January 1999, the second subparagraph of Article 3(2) of Directive 94/4/EC shall be replaced by the following:

‘However, those Member States shall apply an allowance of not less than ECU 100 from 1 January 1999 to imports by the travellers referred to in the preceding subparagraph. They shall jointly increase that amount gradually, with a view to applying the limit in force in the Community to the said imports by 1 January 2003 at the latest.’

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1999. They shall forthwith inform the Commission thereof.

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

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

<sup>(1)</sup> OJ C 273, 2. 9. 1998, p. 8.

<sup>(2)</sup> Opinion delivered on 3 December 1998 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 15 October 1998 (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 60, 3. 3. 1994, p. 14. Directive as amended by Directive 94/75/EC (OJ L 365, 31. 12. 1994, p. 52).

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 14 December 1998.

*For the Council*

*The President*

W. MOLTERER

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**COUNCIL DIRECTIVE 98/99/EC**

of 14 December 1998

**amending Directive 97/12/EC amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine**

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 <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>,

Whereas the adoption of Directive 97/12/EC <sup>(4)</sup> provided an improved legal basis for implementation of measures to prevent spread of animal diseases via trade in live bovine animals and swine;

Whereas Directive 97/12/EC contained special requirements for further updating of the criteria for defining the health status of animal populations at herd, region and Member State level as regards bovine tuberculosis, bovine brucellosis and enzootic bovine leucosis; whereas the updating of these criteria should, based on a proposal submitted to the Council before July 1997, have been decided before 1 January 1998;

Whereas the review carried out by the Council of diagnostic procedures of most importance for implementation of effective surveillance and monitoring programmes for bovine tuberculosis, bovine brucellosis and enzootic bovine leucosis included in-depth examination of laboratory testing methods and resulted in time-consuming deliberations;

Whereas the changes required for updated monitoring programmes and surveillance programmes cannot be implemented in this field at short notice;

Whereas in accordance with Directive 97/12/EC swine intended for intra-Community trade are no longer subjected to brucellosis testing prior to departure; whereas, this provision should be anticipated in order to facilitate trade between the Member States;

Whereas to avoid obstacles in intra-Community trade and to ensure uniform application of the provisions, harmonised rules concerning the use and the issue of health certificates should be laid down for the period until the

date by which the Member States have to comply with the amended provisions of Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine <sup>(5)</sup>;

Whereas on 24 June 1998 the Council adopted Directive 98/46/EC to amend the Annexes A, D (Chapter I) and F of Directive 64/432/EEC; whereas owing to this amendment certain references in Directive 97/12/EC have changed;

Whereas this fact has been taken into account by attaching a table of correspondence in Annex II to Directive 98/46/EC; whereas for the sake of improved clarity and of the coherence of the legal texts it is necessary to correct the references in the corresponding articles;

Whereas it is therefore necessary to amend Directive 97/12/EC in particular as regards the period made available for Member States to transpose and introduce new rules for disease monitoring and surveillance,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 97/12/EC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

*'Article 1*

The Articles of and the Annexes B, C, D (Chapter II) and E to Directive 64/432/EEC shall be replaced by the text annexed to this Directive, the Annexes A, D (Chapter I) and F shall be replaced by the text annexed to Directive 98/46/EC'.

2. In the first sentence of Article 2(1) the terms 'not later than 1 July 1998' shall be replaced by 'not later than 1 July 1999'.

3. The Annex shall be amended as follows:

(a) Amendments to Article 2(2):

— in paragraph (d), the terms 'Annex A.I paragraphs 1, 2 and 3' shall be replaced by the terms 'Annex A.I, paragraphs 1 and 2';

<sup>(1)</sup> OJ C 217, 11. 7. 1998, p. 21.

<sup>(2)</sup> OJ C 313, 12. 10. 1998, p. 232.

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

<sup>(4)</sup> OJ L 109, 25. 4. 1997, p. 1.

<sup>(5)</sup> OJ L 121, 29. 7. 1964, p. 1977. Directive as last amended by Directive 98/46/EC (OJ L 198, 15. 7. 1998, p. 22).

- in paragraph (e), the terms 'Annex A.I, paragraphs 4, 5 and 6' shall be replaced by the terms 'Annex A.I, paragraphs 4 and 5';
- in paragraph (f), the terms 'Annex A.II, paragraphs 1, 2 and 3' shall be replaced by the terms 'Annex A.II, paragraphs 1 and 2';
- in paragraph (h), the terms 'Annex A.II, paragraphs 10, 11 and 12' shall be replaced by the terms 'Annex A.II, paragraphs 7, 8 and 9';
- in paragraph (i), the terms 'Annex A.II, paragraphs 4, 5 and 6' shall be replaced by the terms 'Annex A.II, paragraphs 4 and 5';
- in paragraph (k), the terms 'Annex D, Chapter I, Sections E, F and G' shall be replaced by the terms 'Annex D, Chapter I, Sections E and F'.

(b) Amendments to Article 5:

- in paragraph 1, the terms 'certificate conforming to the model set out in Annex F' shall be replaced by the term 'certificate conforming to either model 1 or 2 set out in Annex F as appropriate'.
- in paragraphs 2(a) and 2(b), the terms 'certificate contained in Annex F' and in paragraph 5, the terms 'certificate in Annex F' shall be replaced by the terms 'certificate according to either model 1 or 2 in Annex F as appropriate'.
- in paragraph 4, the terms 'Part D of the certificate the model of which appears in Annex F' shall be replaced by the terms 'Section C of the certificate according to either model 1 or 2 in Annex F as appropriate'.
- in paragraph 5, the terms in brackets '(including Section DI)' shall be replaced by the terms '(including Section C)'.

*Article 2*

With regard to the examination and certification of live bovine and swine intended for intra-Community trade the following rules shall be applicable:

1. as from 1 January 1999 the obligation for brucellosis testing prior to departure of swine intended for intra-Community trade according to Article 3(4) second sentence of Directive 64/432/EEC is no longer applicable.

2. until 30 June 1999, the certificates must be in conformity with Annex F of Directive 64/432/EEC (as in force on 30 June 1998) with the following exception:

as from 1 January 1999, point v(b) first indent (as well as the corresponding footnote 5) of the health certificate for swine for breeding and production laid down in model III has to be deleted on its issue by the issuing authority.

3. as from 1 July 1999 the certificates have to be in conformity with the models laid down in Annex F of Directive 64/432/EEC as amended by Directive 98/46/EC.

*Article 3*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1 of this Directive not later than 1 July 1999 and to comply with Article 2 of this Directive not later than 1 January 1999.

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

2. Member States shall communicate to the Commission the texts of the main provisions of domestic law which they adopt in the field governed by this Directive.

*Article 4*

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 14 December 1998.

*For the Council*

*The President*

W. MOLTERER

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 21 December 1998

on the detailed provisions concerning the composition of the Economic and Financial Committee

(98/743/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 109c(3) thereof,

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

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

Having regard to the opinion of the Monetary Committee <sup>(3)</sup>,

- (1) Whereas the Treaty provides that an Economic and Financial Committee should be set up at the start of the third stage of economic and monetary union;
- (2) Whereas the Treaty requires the Council to adopt detailed provisions concerning the composition of the Economic and Financial Committee; whereas the Member States, the Commission and the European Central Bank are each to appoint no more than two members of the Committee;
- (3) Whereas the tasks of the Economic and Financial Committee are set out in Article 109c(2) of the Treaty; whereas as part of those tasks the Economic and Financial Committee is to keep under review the economic and financial situation of the Member States and of the Community and to report regularly thereon to the Council and to the Commission in particular on financial relations with third countries and international institutions; whereas the Economic and Financial Committee is

to contribute to the preparation of the work of the Council, *inter alia*, for recommendations required as part of multilateral surveillance and the broad economic guidelines set down in Article 103 of the Treaty, and for decisions required as part of the excessive deficit procedure set down in Article 104c of the Treaty; whereas given the nature and importance of those tasks, it is essential that members of the Committee and alternate members be selected from among experts possessing outstanding competence in the economic and financial field;

- (4) Whereas in its Resolution <sup>(4)</sup> on Economic Policy Coordination in stage 3 of EMU, the European Council of Luxembourg of 12 and 13 December 1997 concluded that the Economic and Financial Committee will provide the framework within which the dialogue between the Council and the European Central Bank can be prepared and continued at the level of senior officials; whereas those officials will come from the national central banks and the European Central Bank as well as from national administrations;
- (5) Whereas 'administration' refers to the services of the ministers attending the Council when meeting in the composition of Economic and Finance ministers;
- (6) Whereas the membership of the Committee of officials from the European Central Bank and national central banks is to be without prejudice to Article 107 of the Treaty,

<sup>(1)</sup> OJ C 125, 23. 4. 1998, p. 17.

<sup>(2)</sup> Opinion delivered on 26 November 1998 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 17 November 1998 (not yet published in the Official Journal).

<sup>(4)</sup> OJ C 35, 2. 2. 1998, p. 1.



HAS DECIDED AS FOLLOWS:

*Article 1*

The Member States, the Commission and the European Central Bank shall each appoint two members of the Economic and Financial Committee. They may also appoint two alternate members of the Committee.

*Article 2*

The members of the Committee and the alternates shall be selected from among experts possessing outstanding competence in the economic and financial field.

*Article 3*

The two members appointed by the Member States shall be selected respectively from among senior officials from

the administration and the national central bank. The alternates shall be selected under the same conditions.

*Article 4*

This Decision shall be published in the *Official Journal of the European Communities*.

It shall take effect as from 1 January 1999.

Done at Brussels, 21 December 1998.

*For the Council*

*The President*

M. BARTENSTEIN

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## COUNCIL DECISION

of 21 December 1998

concerning exchange rate matters relating to the Cape Verde escudo

(98/744/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 109(3) thereof,

Having regard to the recommendation from the Commission,

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

(1) Whereas according to Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro <sup>(2)</sup>, the euro will be substituted as from 1 January 1999 for the currency of each participating Member State at the conversion rate;

(2) Whereas the Community will have the competence for monetary and exchange rate matters in the Member States adopting the euro as from the same date;

(3) Whereas the Council decides the arrangements for the negotiation and conclusion of agreements concerning monetary or foreign exchange regime matters;

(4) Whereas the Portuguese Republic has concluded an agreement with the Republic of Cape Verde <sup>(3)</sup> which is intended to ensure the convertibility of the Cape Verde escudo into the Portuguese escudo at a fixed parity;

(5) Whereas the euro will be substituted for the Portuguese escudo on 1 January 1999;

(6) Whereas the convertibility of the Cape Verde escudo is ensured by a limited credit facility provided by the Portuguese government; whereas the Portuguese government has given the assurance that the agreement with Cape Verde has no substantial financial implications for Portugal;

(7) Whereas this agreement is unlikely to have any material effect on the monetary and exchange rate policy of the euro area; whereas in its present form and state of implementation this agreement therefore is unlikely to present any obstacle to a smooth

functioning of Economic and Monetary Union; whereas nothing in this agreement can be construed as implying an obligation for the ECB or any NCB to support the convertibility of the Cape Verde escudo; whereas modifications to the existing agreement shall not lead to any obligation for the ECB or any NCB;

(8) Whereas Portugal and Cape Verde are willing to continue the present agreement after the substitution of the euro for the Portuguese escudo; whereas it is appropriate that Portugal may continue the present agreement after this substitution and that Portugal and Cape Verde implement it under their sole responsibility;

(9) Whereas it is necessary for the Community to be informed on a regular basis about the implementation and envisaged modifications of the agreement;

(10) Whereas the modification or implementation of this agreement should be without prejudice to the primary objective of the Community's exchange rate policy to maintain price stability, in accordance with Article 3a(2) of the Treaty;

(11) Whereas it is necessary to involve the competent Community bodies before making any changes to the nature or scope of the present agreement; whereas this applies in particular to the principle of free convertibility at a fixed parity between the euro and the Cape Verde escudo, convertibility being ensured by a limited credit facility provided by the Portuguese government;

(12) Whereas without prejudice to Community competence and Community agreements as regards economic and monetary union, Member States may negotiate in international bodies and conclude international agreements;

(13) Whereas this Decision does not establish a precedent with respect to any arrangements that may be decided in the future with respect to the negotiation and conclusion of similar agreements concerning monetary or foreign exchange regime matters by the Community with other States or international organisations,

<sup>(1)</sup> Opinion delivered on 17. 12. 1998 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 139, 11. 5. 1998, p. 1.

<sup>(3)</sup> Acordo de cooperação cambial entre a República Portuguesa e a República de Cabo Verde. (Decreto n.º 24/98 de 15 de Julho 1998).

HAS ADOPTED THIS DECISION:

*Article 1*

Upon the substitution of the euro for the Portuguese escudo, the Portuguese Republic may continue its present agreement concerning exchange rate matters with the Republic of Cape Verde.

*Article 2*

Portugal and Cape Verde shall keep the sole responsibility for the implementation of this agreement.

*Article 3*

The competent Portuguese authorities shall keep the Commission, the European Central Bank and the Economic and Financial Committee informed on a regular basis about the implementation of the agreement. The Portuguese authorities shall inform the Economic and Financial Committee prior to changes of the parity between the euro and the Cape Verde escudo.

*Article 4*

Portugal may negotiate and conclude modifications to the present agreement to the extent that the nature or scope of the agreement is not changed. It shall inform in

advance the Commission, the European Central Bank and the Economic and Financial Committee of such changes.

*Article 5*

Any plans to change the nature or scope of this agreement shall be submitted by Portugal to the Commission, the European Central Bank and the Economic and Financial Committee.

Such plans require the approval of the Council on the basis of a recommendation from the Commission and after consultation of the European Central Bank.

*Article 6*

This Decision shall apply as from 1 January 1999.

*Article 7*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 21 December 1998.

*For the Council*

*The President*

M. BARTENSTEIN

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## COUNCIL DECISION

of 17 December 1998

**amending Commission Decision 97/534/EC on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies**

(98/745/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market<sup>(1)</sup>, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>(2)</sup>, and in particular Article 10(4) thereof,Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(3)</sup>, and in particular Article 19 thereof,

Having regard to the proposal from the Commission,

Whereas on 30 July 1997 the Commission adopted Decision 97/534/EC<sup>(4)</sup> on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies; whereas that Decision applies from 1 January 1999;

Whereas the Standing Veterinary Committee has not given a favourable opinion on the initial proposal for measures from the Commission; whereas the Commission has consequently proposed measures for the Council to take, in accordance with Article 17 of Directive 89/

662/EEC, the Council being obliged to act within 15 days;

Whereas, however, in view of developments since the adoption of Decision 97/534/EC, a further detailed examination of the content of the measures laid down by that Decision has proved necessary and the date of its application should therefore be postponed,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 10 of Commission Decision 97/534/EC, the date '1 January 1999' shall be replaced by '31 December 1999'.

*Article 2*

This Decision shall apply from 1 January 1999.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 December 1998.

*For the Council**The President*

W. MOLTERER

<sup>(1)</sup> OJ L 395, 30. 12. 1989, p. 13. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15. 3. 1993, p. 49).

<sup>(2)</sup> OJ L 224, 18. 8. 1990, p. 29. Directive as last amended by Directive 92/118/EEC.

<sup>(3)</sup> OJ L 373, 31. 12. 1990, p. 1. Directive as last amended by Directive 96/43/EC (OJ L 162, 1. 7. 1996, p. 1).

<sup>(4)</sup> OJ L 216, 8. 8. 1997, p. 95. Decision as last amended by Commission Decision 98/248/EC (OJ L 102, 2. 4. 1998, p. 26).

## COUNCIL DECISION

of 21 December 1998

concerning the approval, on behalf of the Community, of amendments to Appendices II and III to the Berne Convention on the conservation of European wildlife and natural habitats adopted at the 17th meeting of the Convention's Standing Committee

(98/746/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s(1), the first sentence of Article 228(2), and the first subparagraph of Article 228(3) thereof,

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

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

Whereas the European Community is a Contracting Party to the Convention on the Conservation of European Wildlife and Natural Habitats by virtue of Decision 82/72/EEC <sup>(3)</sup>;

Whereas, thanks to decisive support from the Community, four species were added to Appendix II to the Convention and 22 to Appendix III to the Convention at the 17th meeting of the Berne Convention Standing Committee held in Strasbourg from 1 to 5 December 1997; whereas the Commission took part in that meeting on behalf of the Community;

Whereas two of those species are covered by Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds <sup>(4)</sup> and three of them are covered by Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <sup>(5)</sup>;

Whereas, in accordance with Article 17 of the Convention, any amendments to the Appendices to the Convention are to enter into force for all Contracting Parties, with the exception of any which notify objections pursuant to paragraph 3 of that Article, three months after their adoption by the Standing Committee;

Whereas the Community must approve the said amendments to Appendices II and III to the Convention adopted at the 17th meeting of the Standing Committee, in accordance with Article 17 of the Convention,

HAS DECIDED AS FOLLOWS:

*Article 1*

The inclusion of the species *Acipenser sturio*, *Puffinus yelkouan*, *Phalacrocorax aristotelis* (in the Mediterranean) and *Valencia leoutourneuxi* in Appendix II to the Convention on the Conservation of European Wildlife and Natural Habitats, and of the species *Hippospongia communis*, *Spongia agaricina*, *Spongia officinalis*, *Spongia zimocca*, *Antipathes* sp. plur., *Corallium rubrum*, *Paracentrotus lividus*, *Homarus gammarus*, *Maja squinado*, *Palinurus elephas*, *Scyllarides latus*, *Scyllarides pigmaeus*, *Scyllarus arctus*, *Epinephelus marginatus*, *Isurus oxyrinchus*, *Lamna nasus*, *Mobula mobular*, *Prionace glauca*, *Raja alba*, *Scioena umbra*, *Squatina squatina*, and *Umbrina cirrosa* (all 22 species in the Mediterranean) in Appendix III to that Convention is hereby approved on behalf of the European Community.

*Article 2*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 21 December 1998.

*For the Council**The President*

M. BARTENSTEIN

<sup>(1)</sup> OJ C 116, 16. 4. 1998, p. 24.

<sup>(2)</sup> OJ C 328, 26. 10. 1998, p. 81.

<sup>(3)</sup> OJ L 38, 10. 2. 1982, p. 1.

<sup>(4)</sup> OJ L 103, 25. 4. 1979, p. 1. Directive as last amended by Directive 97/49/EC (OJ L 223, 13. 8. 1997, p. 9).

<sup>(5)</sup> OJ L 206, 22. 7. 1992, p. 7. Directive as last amended by Directive 97/62/EC (OJ L 305, 8. 11. 1997, p. 42).