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## Legislation

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

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

## I

*(Acts whose publication is obligatory)*

**DECISION No 128/1999/EC OF THE EUROPEAN PARLIAMENT AND OF  
THE COUNCIL**

**of 14 December 1998**

**on the coordinated introduction of a third-generation mobile and wireless  
communications system (UMTS) in the Community**

THE EUROPEAN PARLIAMENT AND THE COUNCIL  
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European  
Community and in particular Articles 57, 66 and 100a  
thereof,

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

Having regard to the opinion of the Economic and Social  
Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the  
Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in  
Article 189b of the Treaty <sup>(4)</sup>,

- (1) Whereas on 29 May 1997 the Commission presented to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a communication on the further development of mobile and wireless communications;
- (2) Whereas on 15 October 1997 the Commission presented a communication on strategy and policy orientations with regard to the further development of mobile and wireless communications (UMTS);
- (3) Whereas on 1 December 1997 the Council invited the Commission to submit, by early 1998, a proposal for a European Parliament and Council Decision which would enable orientations to be established on the substance of the issue and facil-

itate, within the existing Community legal framework, the early licensing of UMTS services and, if appropriate and on the basis of the existing allocation of competences, in respect of coordinated allocation of frequencies in the Community and pan-European roaming; whereas on 29 January 1998 the European Parliament adopted a resolution expressing its strong support for the Commission's communication of 15 October 1997;

- (4) Whereas a new generation of innovative systems needs to be developed for the provision of wireless wideband multimedia services, including Internet and other Internet Protocol (I/P) based services, for the provision of flexible and personalised services and for the support of high volume data rates, each combining the use of terrestrial fixed and mobile as well as satellite components; whereas this Decision will apply to satellite components without prejudice to European Parliament and Council Decision 710/97/EC of 24 March 1997 on a coordinated authorisation approach in the field of satellite personal-communication services in the Community <sup>(5)</sup>; whereas there is a need to ensure rapid market access for seamless, global coverage and low cost and innovative service offering through a sufficient level of competition;
- (5) Whereas in 1992 the International Telecommunications Union (ITU) World Administrative Radio Conference (WARC 92) identified the frequency spectrum for the development of both the satellite and terrestrial parts of the Future Public Land Mobile Telecommunications System (FPLMTS), later renamed IMT-2000; whereas, according to ITU Resolution 212 and to the World Radiocommunications Conference in 1995 (WRC 95), the initial implementation of the terrestrial element should take place around the year 2000;

<sup>(1)</sup> OJ C 131, 29. 4. 1998, p. 9 and OJ C 276, 4. 9. 1998, p. 4.

<sup>(2)</sup> OJ C 214, 10. 7. 1998, p. 92.

<sup>(3)</sup> Opinion delivered on 16 September 1998 (OJ C 373, 2. 12. 1998).

<sup>(4)</sup> Opinion of the European Parliament of 18 June 1998 (OJ C 210, 6. 7. 1998), Council Common Position of 24 September 1998 (OJ C 333, 30. 10. 1998, p. 56) and European Parliament Decision of 18 November 1998 (OJ C 379, 7. 12. 1998). Council Decision of 30 November 1998.

<sup>(5)</sup> OJ L 105, 23. 4. 1997, p. 4.

- (6) Whereas the concept of Universal Mobile Telecommunications System (UMTS) in the Community needs to be compatible with the third-generation mobile system concept called International Mobile Telecommunications-2000 (IMT 2000) developed by the ITU at world level on the basis of ITU Resolution 212;
- (7) Whereas mobile and wireless communications are of strategic importance both for the development of the Community telecommunications industry and the information society as well as for the economy and employment in the Community as a whole; whereas on 3 December 1997 the Commission adopted a Green Paper on the convergence of the telecommunications, media and information technology sectors, and the implications for regulation; whereas on the basis of the consultations resulting from that Green Paper, the Commission will take into consideration the impact of convergence on UMTS considering, in particular, the review of Community telecommunications regulation by 1999;
- (8) Whereas in order to create a favourable climate for investment and deployment of UMTS and to allow the development of Community-wide as well as pan-European and global services with the widest possible territorial coverage, early and specific action at Community level is necessary; whereas Member States should allow the rapid and coordinated introduction of compatible UMTS networks and services in the Community on the basis of internal market principles and pursuant to European standards for UMTS approved or developed by the European Telecommunications Standards Institute (ETSI), where available, including in particular a common, open and internationally competitive air-interface standard; whereas diverging national laws, regulations and administrative action would hinder or prevent the provision of Community-wide and global UMTS services and the free movement of related equipment;
- (9) Whereas Community legislation, including the competition rules, apply to this sector, in particular: Commission Directive 96/2/EC of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications<sup>(1)</sup>, Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets<sup>(2)</sup>, European Parliament and Council Directive 97/13/EC of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services<sup>(3)</sup>, European Parliament and Council Directive 97/33/EC of 30 June 1997 on interconnection in telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)<sup>(4)</sup> and European Parliament and Council Directive 97/66/EC of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector<sup>(5)</sup>; whereas the list of conditions which may be attached to authorisations for UMTS pursuant to Directive 97/13/EC is without prejudice to measures taken by Member States in accordance with public interest requirements recognised by the Treaty, in particular Articles 36 and 56, especially in relation to public security including the investigation of criminal activities;
- (10) Whereas organisations providing UMTS networks or services over those networks should be able to enter the market without unnecessary constraints or excessive fees to allow for a dynamic market and a broad competitive service offering;
- (11) Whereas pursuant to Community law, in particular European Parliament and Council Directive 97/13/EC and Commission Directive 96/2/EC: firstly, individual licences should be limited to the establishment and/or the operation of UMTS networks, secondly, the number of UMTS licences may be limited only for reasons of demonstrated lack of frequency spectrum capacity and thirdly, licences should be granted on the basis of objective, non-discriminatory, detailed and proportionate criteria, regardless of whether or not individual applicants for licences are existing operators of other systems;
- (12) Whereas licences should allow, and Member States should encourage, transnational roaming in order to secure Community-wide and pan-European services; whereas there should be cooperation with the European Conference of Postal and Telecommunications Administrations (CEPT) through the European Committee for Telecommunications Regulatory Affairs (ECTRA) for UMTS; whereas in particular mandates may be issued when necessary, to establish a one-stop shopping procedure for services;

<sup>(1)</sup> OJ L 20, 26. 1. 1996, p. 59.

<sup>(2)</sup> OJ L 74, 22. 3. 1996, p. 13.

<sup>(3)</sup> OJ L 117, 7. 5. 1997, p. 15.

<sup>(4)</sup> OJ L 199, 26. 7. 1997, p. 32.

<sup>(5)</sup> OJ L 24, 30. 1. 1998, p. 1.

- (13) Whereas the amount of spectrum made available will have a direct impact on how competitive the market will be; whereas estimated demand should therefore be taken into account when determining the amount of spectrum to be allocated; whereas sufficient spectrum must be allocated and cleared sufficiently in advance to foster a broad competitive offering of mobile multimedia services;
- (14) Whereas spectrum allocation is most efficiently pursued in the context of the CEPT by the European Radiocommunications Committee (ERC); whereas it should be ensured that appropriate and timely regulatory measures are taken to achieve the implementation in the Community of ERC decisions if necessary; whereas Member States should be encouraged to provide the Commission with regular information as to the implementation of ERC measures; whereas complementary Community action may be required to ensure the timely implementation of CEPT decisions within Member States;
- (15) Whereas sufficient spectrum will be necessary to foster the development of a market with a broad competitive offering of mobile multimedia services; whereas on 30 June 1997 the ERC adopted Decision ERC/DEC/(97)07 on the frequency bands for the introduction of UMTS which entered into force on 1 October 1997;
- (16) Whereas this ERC decision has designated the frequency bands 1900-1980 MHz, 2100-2025 MHz and 2110-2170 MHz to terrestrial UMTS applications, and accommodates UMTS satellite component applications within the bands 1980-2010 MHz and 2170-2200 MHz; whereas sufficient spectrum must be allocated within the bands identified by WARC 92 according to the increasing needs for this spectrum before UMTS services are commercially deployed; whereas additional frequency spectrum may become necessary within a few years;
- (17) Whereas at ITU level the review of spectrum and regulatory issues relating to UMTS and the facilitation of multimode terminal operation and worldwide roaming of IMT-2000 have been included in the next WRC agenda in order to identify additional frequency spectrum to satisfy market demand by 2005 to 2010; whereas therefore European common positions need to be developed and promoted at global level with the participation of all parties interested;
- (18) Whereas spectrum availability and appropriate pricing, coverage and quality will be essential aspects to the success of UMTS development; whereas any spectrum pricing method should not adversely impact on the competitive structure of the market, and respect the public interest, while ensuring efficient use of the spectrum as a valuable resource;
- (19) Whereas specific cooperation among operators may be necessary to provide coverage of less-populated areas; whereas this Decision does not prevent Member States from imposing appropriate forms of national roaming between authorised operators on their territory to the extent needed to ensure balanced and non-discriminatory competition;
- (20) Whereas a proposal was presented by the Commission for a Council and European Parliament Directive on connected telecommunications equipment and the mutual recognition of the conformity of equipment to replace European Parliament and Council Directive 98/13/EC of 12 February 1998 relating to telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition of their conformity<sup>(1)</sup>; whereas appropriate harmonised standards developed by ETSI and recognised under Directive 98/13/EC will ensure free movement of terminal equipment including for UMTS;
- (21) Whereas the second generation cellular digital mobile communications systems were originally defined in Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community<sup>(2)</sup> as operating in the 900 MHz bands; whereas DCS-1800 has to be considered as part of the GSM family and of such second generation; whereas the Community should build on the success of the current generation of mobile digital technology including GSM both in Europe and in the world, taking into consideration interworking between UMTS and second-generation systems; whereas there should be, pursuant to Community law, no discrimination between GSM operators and new entrants in UMTS markets; whereas UMTS should develop in one seamless environment including full roaming with GSM as well as between the terrestrial and satellite components of UMTS networks, which is likely to make hybrid terminals such as dual mode/band GSM/UMTS terminals and terrestrial/satellite terminals necessary;

<sup>(1)</sup> OJ L 74, 12. 3. 1998, p. 1.

<sup>(2)</sup> OJ L 196, 17. 7. 1987, p. 85.

- (22) Whereas it is important for UMTS networks to provide secure and reliable communications and ensure high level security, including protection against fraudulent use, at least commensurate with that of second-generation mobile communications;
- (23) Whereas UMTS aims at a global market; whereas a common European UMTS standard should be adopted and proposed as a member of the 'IMT 2000 family concept' developed by the ITU in order to increase the chances of UMTS being adopted in markets outside Europe; whereas the deadlines set by the ITU therefore need to be met within the Community and the final ITU technical requirements to be taken into account;
- (24) Whereas while voluntary application of standards remains the general rule, recourse to mandatory standards may be required for interfaces and situations where necessary to ensure interoperability and facilitate roaming of mobile networks and services; whereas harmonised standards are adopted by standardisation bodies such as ETSI, which facilitates regulatory action;
- (25) Whereas in 1995 the Commission granted to ETSI a general standardisation mandate related to UMTS pursuant to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>(1)</sup> and Council Decision 87/95/EEC of 22 December 1986 on standardisation in the field of information technology and telecommunications<sup>(2)</sup>, and may issue further mandates in the future;
- (26) Whereas social and societal effects should be taken into account in the transition towards the wireless information society; whereas development of UMTS and relevant standards should be coordinated with related efforts, such as the development of a Community-wide information society, support of training on UMTS related technologies, access for elderly and disabled persons and research into the possible health hazards of mobile communications;
- (27) Whereas Community undertakings should benefit fully from international trade agreements such as agreements signed within the World Trade Organisation (WTO), including those relating to tariffs, such as in the Information Technology Agreement, and from the Istanbul Convention on the elimination of customs duties on personal effects and professional equipment and have effective market access under the specific terms and conditions, including national treatment, binding on the member countries of the WTO; whereas the Commission may take all necessary actions to implement international agreements; whereas these may need to be supplemented by specific bilateral or multilateral agreements and negotiations which the Commission may start on the basis of mandates from the Council;
- (28) Whereas in implementing this Decision, the Commission should be assisted by the Licensing Committee established by Directive 97/13/EC; whereas in implementing this Decision the Commission, assisted by the committee, should cooperate closely with relevant outside bodies,

HAVE ADOPTED THIS DECISION:

#### *Article 1*

##### **Purpose**

The aim of this Decision shall be to facilitate the rapid and coordinated introduction of compatible UMTS networks and services in the Community on the basis of internal market principles and in accordance with commercial demand.

#### *Article 2*

##### **Definition**

For the purpose of this Decision, 'Universal mobile telecommunications system (UMTS)' shall mean a third-generation mobile and wireless communications system capable of supporting in particular innovative multimedia services, beyond the capability of second generation systems such as GSM, and capable of combining the use of terrestrial and satellite components. This system shall at least be capable of supporting the characteristics referred to in Annex I.

<sup>(1)</sup> OJ L 109, 26. 4. 1983, p. 8. Directive replaced by Directive 98/34/EC (OJ L 204, 21. 7. 1998, p. 37).

<sup>(2)</sup> OJ L 36, 7. 2. 1987, p. 31.

*Article 3***Coordinated authorisation approach**

1. Member States shall take all actions necessary in order to allow, in accordance with Article 1 of Directive 97/13/EC, the coordinated and progressive introduction of the UMTS services on their territory by 1 January 2002 at the latest and in particular shall establish an authorisation system for UMTS no later than 1 January 2000.

2. Member States shall be granted on request an additional implementation period of up to 12 months beyond the dates referred to in paragraph 1 for establishing an authorisation system and the introduction of UMTS services, to the extent justifiable by exceptional technical difficulties in achieving the necessary adjustments in their frequency plan. Such a request must be filed before 1 January 2000. The Commission shall assess such requests and take a reasoned decision within a period of three months. Any information provided shall be made available to any interested party on demand having regard to legitimate interests in the protection of business and security secrets.

3. When preparing and applying their authorisation systems, Member States shall ensure, in compliance with Community legislation, that the provision of UMTS is organised:

- in frequency bands which are harmonised by CEPT in accordance with the procedure laid down in Article 5,
- pursuant to European standards for UMTS approved or developed by ETSI, where available, including in particular a common, open and internationally competitive air-interface standard. Member States shall ensure that licences allow transnational roaming in the Community.

4. Given that, in line with efficient use of radio frequencies, it may be necessary to limit the number of UMTS systems authorised in Member States, if it is established in accordance with the procedure laid down in Article 17 of Directive 97/13/EC and in conjunction with CEPT, that potential types of systems are incompatible, Member States shall coordinate their approach with a view to authorising compatible types of UMTS systems in the Community.

*Article 4***Roaming rights and obligations**

1. Member States shall encourage organisations providing UMTS networks to negotiate among themselves cross-border roaming agreements to ensure seamless Community-wide service coverage.

2. Member States may where necessary take action, in accordance with Community law, to ensure the coverage of less-populated areas.

*Article 5***Cooperation with CEPT**

1. The Commission shall, in accordance with the procedure laid down in Article 16 of Directive 97/13/EC give CEPT/ERC and CEPT/ECTRA mandates, *inter alia*, to harmonise frequency use. Those mandates shall define the tasks to be performed and lay down a timetable.

2. The timetable for the first mandates is that set out in Annex II.

3. On the completion of the mandates, it shall be decided in accordance with the procedure laid down in Article 17 of Directive 97/13/EC whether the result of the work done pursuant to the mandates shall be made applicable in the Community.

4. Notwithstanding paragraph 3, if the Commission or any Member State considers that work done pursuant to the mandate given to the CEPT/ECTRA or CEPT/ERC is not progressing satisfactorily having regard to the timetable laid down, it may refer the matter to the Licensing Committee, which shall act in accordance with the procedure laid down in Article 17 of Directive 97/13/EC.

*Article 6***Cooperation with ETSI**

The Commission shall take all necessary measures, where appropriate in cooperation with ETSI, to promote a common and open standard for the provision of compatible UMTS services throughout Europe, in accordance with market requirements, taking into account the need to present a common standard to the ITU as an option for the worldwide ITU IMT 2000 recommendation.

*Article 7***The committee**

In the implementation of this Decision the Commission shall be assisted by the Licensing Committee set up by Article 14 of Directive 97/13/EC.

*Article 8***Exchange of information**

1. The Commission shall regularly inform the committee of the outcome of consultations with the representatives of organisations providing telecommunications services or networks, users, consumers, manufacturers and trade unions.
2. The committee shall, taking into account the Community's telecommunications policy, encourage the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding the authorisation of UMTS services.

*Article 9***International aspects**

1. The Commission shall take all necessary measures to facilitate the introduction of UMTS services and the free circulation of UMTS equipment in third countries.
2. For this purpose, the Commission shall seek the implementation of international agreements applicable to UMTS, and shall, in particular and where necessary, submit proposals to the Council for appropriate mandates for the negotiation of bilateral and multilateral agreements with third countries and international organisations. The Council shall decide by qualified majority.
3. Measures taken pursuant to this Article shall be without prejudice to the Community's and Member States' obligations pursuant to relevant international agreements.

*Article 10***Notification**

Member States shall give the Commission such information as it may require for the purpose of verifying the implementation of this Decision.

*Article 11***Confidentiality**

The provisions of Article 20 of Directive 97/13/EC shall apply to information pursuant to this Decision.

*Article 12***Report**

The Commission shall keep developments in the field of UMTS under review and report to the European Parliament and to the Council within two years on the effectiveness of action taken pursuant to this Decision.

*Article 13***Implementation**

Member States shall take all measures necessary, by law or administrative action, for the measures provided for in, or agreed on pursuant to, this Decision to be implemented.

*Article 14***Duration**

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities* and shall remain in force for four years after that date.

*Article 15***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1998.

*For the European Parliament*

*The President*

J. M. GIL-ROBLES

*For the Council*

*The President*

W. MOLTERER

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*ANNEX I***CHARACTERISTICS WHICH UMTS IS TO BE CAPABLE OF SUPPORTING***System capabilities needed to accommodate service features*

1. Multimedia capability; full mobility and low mobility applications in different geographical environments beyond the capability of the second-generation systems such as GSM.
2. Efficient access to the Internet, Intranets and other Internet Protocol (I/P) based services.
3. High-quality speech transmission commensurate with that of fixed networks.
4. Service portability across distinct UMTS environments where appropriate (e.g. public/private/business; fixed/mobile).
5. Operation in one seamless environment including full roaming with GSM as well as between the terrestrial and satellite components of UMTS networks.

*Radio access networks*

- new terrestrial air interface for access to all services including to packet data based services, supporting asymmetric traffic and allowing for band width/data rate on demand in harmonised frequency bands,
- good overall spectral efficiency including the use of paired and unpaired frequency.

*Core network*

- call handling, service control and location and mobility management including full roaming functionality based on an evolution of existing core network systems, for example on an evolved GSM core network, taking the convergence between mobile/fixed networks into account.

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*ANNEX II***TIMETABLE**

From February 1999 issue mandates to CEPT on further spectrum allocation including availability of additional spectrum beyond WARC-92 FPLMTS bands for UMTS.

From February 1999 issue mandates to CEPT to establish one-stop-shopping procedure for services where necessary.

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**COMMISSION REGULATION (EC) No 129/1999**  
**of 21 January 1999**  
**establishing the standard import values for determining the entry price of certain**  
**fruit and vegetables**

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

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

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

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

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

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

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

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

## ANNEX

to the Commission Regulation of 21 January 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	85,8
	204	48,3
	624	151,0
	999	95,0
0707 00 05	052	99,2
	053	102,9
	999	101,0
0709 10 00	220	68,8
	999	68,8
0709 90 70	052	137,9
	204	212,2
	628	122,8
	999	157,6
0805 10 10, 0805 10 30, 0805 10 50	052	49,4
	204	39,5
	212	43,1
	220	31,7
	600	42,9
	624	43,6
	999	41,7
0805 20 10	052	34,1
	204	65,2
	999	49,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	58,7
	204	61,0
	464	74,1
	624	76,7
	999	67,6
0805 30 10	052	48,5
	600	57,5
	999	53,0
0808 10 20, 0808 10 50, 0808 10 90	052	64,8
	060	39,1
	400	74,7
	404	85,6
	720	81,1
	728	101,1
	999	74,4
0808 20 50	052	140,6
	064	62,3
	400	83,0
	720	40,2
	999	81,5

<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 130/1999**  
**of 21 January 1999**

**determining the percentage of quantities which may be allowed in respect of import licence applications lodged in January 1999 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Commission Regulation (EC) No 1279/98 of 19 June 1998, laying down rules for the application of the tariff quotas for beef and veal provided for by Council Regulation (EC) No 3066/95 for the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania<sup>(1)</sup>, and in particular Article 4(4) thereof,

Whereas Articles 1 and 2 of Regulation (EC) No 1279/98 fix the quantities of fresh, chilled or frozen beef and veal originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria, and, in the case of Poland, the equivalent of the quantity of meat expressed as weight of processed products which may be imported on special terms in respect of the period 1 January to 31 March 1999; whereas the quantities of fresh, chilled or frozen beef and veal originating in Hungary, the Czech Republic, Slovakia, Romania and Bulgaria, covered by import licence applications submitted are such that applications may be accepted in full; whereas, however, quantities covered by applications in respect of beef and veal originating in Poland and processed products must be reduced proportionately in accordance with Article 4(4) of that Regulation;

Whereas Article 2 of Regulation (EEC) No 1279/98 states that if for the quota period the quantities for which applications for import licences have been submitted for the first, second or third period specified in the preceding subparagraph are less than the quantities available, the remaining quantities are to be added to the quantities in respect of the third period, the quantities available for the six countries concerned for the fourth period running from 1 April to 30 June 1999 should accordingly be determined,

1. The following percentages of quantities covered by import licence applications submitted in respect of the period 1 January to 31 March 1999 under the quotas referred to in Regulation (EC) No 1279/98 may be allowed:

- (a) 100 % of quantities covered by applications in respect of products falling within CN codes 0201 and 0202 originating in Hungary, the Czech Republic, Slovakia, Romania and Bulgaria;
- (b) 4,126 % of quantities covered by applications in respect of products falling within CN codes 0201, 0202, 1602 50 31 and 1602 50 39 originating in Poland.

2. The quantities available for the period referred to in Article 2 of Regulation (EC) No 1279/98 running from 1 April to 30 June 1999 shall amount to:

- (a) beef and veal falling within CN codes 0201 and 0202:
  - 6 246 tonnes for meat originating in Hungary,
  - 2 877 tonnes for meat originating in the Czech Republic,
  - 1 571 tonnes for meat originating in Slovakia,
  - 230 tonnes for meat originating in Bulgaria,
  - 1 425 tonnes for meat originating in Romania;
- (b) 2 760 tonnes for beef and veal falling within CN codes 0201 and 0202 originating in Poland, or 1 289,72 tonnes for processed products falling within CN codes 1602 50 31 and 1602 50 39 originating in Poland.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

<sup>(1)</sup> OJ L 176, 20. 6. 1998, p. 12.

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

Done at Brussels, 21 January 1999.

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

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## COMMISSION REGULATION (EC) No 131/1999

of 21 January 1999

amending Regulation (EC) No 2249/98 imposing provisional anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway with regard to certain exporters and amending Commission Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidies proceedings concerning imports of farmed Atlantic salmon originating in Norway

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, as last amended by Regulation (EC) No 905/98 <sup>(2)</sup>, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community <sup>(3)</sup>, and in particular Article 13 thereof,

After consulting the Advisory Committee,

Whereas:

## A. PROVISIONAL MEASURES

- (1) Within the framework of the anti-dumping and anti-subsidy investigations initiated by two separate notices published in the *Official Journal of the European Communities* <sup>(4)</sup>, the Commission accepted, by Decision 97/634/EC <sup>(5)</sup> as last amended by Regulation (EC) No 82/1999 <sup>(6)</sup>, undertakings offered by 190 Norwegian exporters and the Kingdom of Norway.
- (2) The text of the undertakings provides that failure to submit a quarterly report of all sales transactions to the first unrelated customer in the Community within a prescribed time limit except in case of *force majeure*, would be construed as a violation of the undertaking.
- (3) For the first quarter of 1998, eight Norwegian companies either did not present a report within the prescribed time limit, or did not submit any report at all. These exporters did not provide any evidence of *force majeure* to justify such late reporting or non-reporting.

<sup>(1)</sup> OJ L 56, 6. 3. 1996, p. 1.

<sup>(2)</sup> OJ L 128, 30. 4. 1998, p. 18.

<sup>(3)</sup> OJ L 288, 21. 10. 1997, p. 1.

<sup>(4)</sup> OJ C 235, 31. 8. 1996, p. 18, and OJ C 235, 31. 8. 1996, p. 20.

<sup>(5)</sup> OJ L 267, 30. 9. 1997, p. 81.

<sup>(6)</sup> OJ L 8, 14. 1. 1999, p. 8.

(4) The text of the undertakings also provides that failure to comply with the obligation to sell the product concerned on the Community market at or above the minimum price stipulated in the undertaking would be construed as a violation of the undertaking.

(5) In this regard, for the fourth quarter of 1997, one Norwegian exporter appeared to have sold the product concerned to the Community market at a price which was below the price stipulated in the undertaking. In addition, one of the Norwegian exporters which failed to submit its quarterly report for the first quarter of 1998 within the time limit, also appeared to have sold the product concerned to the Community market at a price which was below the price foreseen in the undertaking

(6) The Commission therefore had reason to believe that these nine companies had breached the terms of their undertakings.

(7) Consequently, the Commission, by Regulation (EC) No 2249/98 <sup>(7)</sup>, hereinafter referred to as the 'provisional duty Regulation', imposed provisional anti-dumping and countervailing duties on imports of farmed Atlantic salmon falling within CN codes ex 0302 12 00, ex 0304 10 13, ex 0303 22 00 and ex 0304 20 13 originating in Norway and exported by the nine companies listed in the Annex to that Regulation. By the same Regulation, the Commission deleted the companies concerned from the Annex to Decision 97/634/EC, which listed the companies from which undertakings were accepted.

## B. SUBSEQUENT PROCEDURE

(8) All nine Norwegian companies subject to the provisional duties received disclosure in writing concerning the essential facts and considerations, on the basis of which these provisional duties were imposed. They were also given an opportunity to submit comments and request a hearing.

<sup>(7)</sup> OJ L 282, 20. 10. 1998, p. 57.

- (9) Within the time limit set in the provisional duty Regulation, only one of the Norwegian companies concerned submitted comments in writing. Following receipt of this written submission, the Commission sought and examined all information it deemed necessary for the purposes of a definitive determination on the apparent violation. Comments were also submitted by a company not subject to an undertaking concerning NorMan Trading Ltd AS.
- (10) Of the nine companies subject to the provisional measures, only one company, Norwell AS, requested a hearing.
- (11) The interested parties were informed of the essential facts and considerations on the basis of which it was intended to confirm the withdrawal of the Commission's acceptance of their undertaking and to recommend the imposition of definitive anti-dumping and countervailing duties and the definitive collection of the amounts secured by way of provisional duties. They were also granted a period within which to make representations subsequent to this disclosure.
- (12) The oral and written comments submitted by the interested parties were considered and, where deemed appropriate, taken into account in the definitive findings.

### C. DEFINITIVE FINDINGS

- (13) During the hearing, Norwell AS reiterated that the violation of its undertaking had occurred as a result of the deduction of certain credit notes, causing its average selling price to the Community to fall below the minimum import price for the last quarter of 1997. However, the company claimed mitigating circumstances in that the credit notes were issued in respect of a 'one-off' quality claim for a consignment of fish which arrived in abnormally poor condition at the premises of the buyers in the Community. This poor quality of the fish resulted in the company granting significant rebates to its customers. While admitting that the effect of the credit notes has been to reduce the company's average sales price from above the minimum import price to a level which is below that price, the company argued that, at the time when the sales price was negotiated, the issue of such credit notes for such an amount could not have been foreseen.
- (14) Credit notes for quality claims would also justify a reduction of the customs value which, if the measure was not an undertaking but a variable duty, would lead to a proportional reduction of the applicable duties. To ensure, therefore, full equivalence of anti-dumping and countervailing measures whether taken in the form of duties or undertak-

ings, the Commission considered that credit notes for genuine, substantiated quality claims should not lead to a violation finding.

- (15) In view of the above, and with sufficient evidence now presented and verified which supports the claim of Norwell AS concerning the abnormally poor quality of this particular consignment, it is concluded that definitive measures should not be imposed on this company.
- (16) As regards NorMan Trading Ltd AS, against which provisional duties were imposed, it was claimed by another Norwegian company that this company ceased trading in September 1997, was wound up, and had some of its activities transferred to the company which made the submission. Accordingly, as no comments were received on the violation findings and, as the company may no longer exist, the name of this company should be removed from the list of Norwegian exporters which are exempted from the definitive anti-dumping and countervailing duties.
- (17) With regard to the remaining companies which failed to respect their reporting obligations, as mentioned above, none of them have claimed subsequent to disclosure that *force majeure* had prevented them from submitting their quarterly reports within the due period. Similarly, no further comments were received from the company which, in addition to failing to submit its report on time, also exported the product concerned to the Community at levels which were below the minimum price. Accordingly, definitive measures should be imposed against these companies.

### D. WITHDRAWAL OF UNDERTAKINGS

- (18) In monitoring the undertakings submitted by the Norwegian exporters, the Commission found over a period of time that a number of exporters had no sales to the European Community for consecutive reporting quarters. On verification, some of these companies also declared that they had not exported during the reference period of the original investigations which led to the present anti-dumping and countervailing measures, and that they have no binding contractual obligations to do so in the near future.
- (19) The Commission informed the parties concerned of these findings and pointed out that, in view of these facts, the companies did not qualify as exporters within the meaning of Regulation (EC) No 384/96 (hereinafter referred to as 'the basic anti-dumping Regulation') and Regulation (EC) No 2026/97 (hereinafter referred to as 'the basic anti-subsidies Regulation'). Furthermore, it was made

known to these parties that to maintain the undertakings in force under these circumstances would be administratively cumbersome for the Commission in terms of monitoring.

These parties were also informed that they could offer again, when the relevant conditions are met, an undertaking as new exporters in accordance with Article 2 of Council Regulation (EC) No 1890/97 <sup>(1)</sup> as last amended by Regulation (EC) No 2678/98 <sup>(2)</sup>, and with Article 2 of Council Regulation (EC) No 1891/97 <sup>(3)</sup>, as last amended by Regulation (EC) No 2678/98. Any application by these parties under those Articles would be treated expeditiously. With regard to 21 companies which consequently withdrew their undertakings, the Council, by Regulation (EC) No 2039/98 <sup>(4)</sup>, imposed definitive anti-dumping and countervailing duties on these companies and the Commission, accordingly, by Decision 98/540/EC <sup>(5)</sup>, amended Decision 97/634/EC.

- (20) Subsequent to these amendments, three more companies, namely Hirsholm Norge AS, Lorentz A. Lossius AS and Roger AS withdrew their undertakings voluntarily. In addition, having been informed of an apparent reporting violation by the Commission, another company, Fonn Egersund AS, also withdrew its undertaking.
- (21) As a result of the withdrawal of their undertakings, these four companies are not entitled to continue to benefit from an exemption to the anti-dumping and countervailing duties, and their names should therefore be removed from the list of companies from which undertakings have been accepted.

#### E. AMENDMENT OF THE ANNEX TO DECISION 97/634/EC

- (22) In parallel with this Regulation, the Commission is submitting a proposal for a Council Regulation imposing definitive anti-dumping and countervailing duties on farmed Atlantic salmon originating in Norway and exported by the other eight

companies which are subject to the provisional duty imposed by the provisional duty Regulation.

- (23) The Annex to Decision 97/634/EC accepting undertakings in the context of the present anti-dumping and anti-subsidies proceedings should be amended to take account of the reinstatement of the undertakings given by Norwell AS, in respect of which the provisional duty should be repealed.
- (24) To take account of these changes and of the above-mentioned withdrawals of undertakings, the Annex to Decision 97/634/EC listing the parties from which undertakings are being accepted, should be accordingly amended,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The Annex to Regulation (EC) No 2249/98 is hereby replaced by Annex I.
2. The amounts secured by way of the provisional anti-dumping and countervailing duties imposed by that Regulation in relation to farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (TARIC code: 0302 12 00\*19), ex 0304 10 13 (TARIC code: 0304 10 13\*19), ex 0303 22 00 (TARIC code: 0303 22 00\*19) and ex 0304 20 13 (TARIC code: 0304 20 13\*19) originating in Norway and exported by Norwell AS, undertaking No 128 (TARIC additional code: 8316) shall be released.

#### Article 2

The Annex to Decision 97/634/EC is hereby replaced by Annex II.

#### Article 3

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

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

Done at Brussels, 21 January 1999.

*For the Commission*

Leon BRITTAN

*Vice-President*

<sup>(1)</sup> OJ L 267, 30. 9. 1997, p. 1.

<sup>(2)</sup> OJ L 337, 12. 12. 1998, p. 1.

<sup>(3)</sup> OJ L 267, 30. 9. 1997, p. 19.

<sup>(4)</sup> OJ L 263, 26. 9. 1998, p. 3.

<sup>(5)</sup> OJ L 252, 12. 9. 1998, p. 68.

*ANNEX I***List of companies subject to provisional anti-dumping and countervailing duties**

Undertaking No	Company name	TARIC additional code
84	Langfjord Laks AS	8116
86	Leonhard Products AS	8423
90	Marex AS	8326
117	NorMan Trading AS	8230
129	Notfisk Arctic AS	8234
149	Salomega AS	8260
166	Skarpsno Mat	8277
177	Svenodak AS	8288

## ANNEX II

## List of the 107 companies from which undertakings are accepted, as updated by Regulation (EC) No 131/1999

Undertaking No	Company	TARIC additional code
3	Agnefest Seafood	8325
7	Aqua Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group International	8109
13	Arctic Superior A/S	8111
14	Arne Mathiesen A/S	8112
15	A/S Aalesundfisk	8113
16	A/S Austevoll Fiskeindustri	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
23	Atlantic King Stranda A/S	8121
24	Atlantic Seafood A/S	8122
26	Borkowski & Rosnes A/S	8124
27	Brødrene Aasjord A/S	8125
28	Brødrene Eilertsen A/S	8126
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/A	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
36	Delfa Norge A/S	8134
39	Domstein Salmon A/S	8136
41	Ecco Fisk & Delikatesse	8138

Undertaking No	Company	TARIC additional code
42	Edvard Johnsen A/S	8139
43	Eurolaks AS	8140
44	Euronor AS	8141
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd AS	8145
50	Fossen AS	8147
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
53	Fryseriet AS	8150
58	Grieg Seafood AS	8300
60	Haafa fisk AS	8302
61	Hallvard Lerøy AS	8303
62	Herøy Filetfabrikk AS	8304
66	Hydro Seafood Sales AS	8159
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas AS	8177
76	Joh. H. Pettersen AS	8178
77	Johan J. Helland AS	8179
79	Karsten J. Ellingsen AS	8181
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export AS	8188
92	Marine Seafood AS	8196
93	Marstein Seafood AS	8197

Undertaking No	Company	TARIC additional code
96	Memo Food AS	8200
99	Myre Sjømat AS	8203
100	Naco Trading AS	8206
101	Namdal Salmon AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
111	Nordic Group ASA	8217
112	Nordreisa Laks AS	8218
113	Norexport AS	8223
114	Norfi Produkter AS	8227
115	Norfood Group AS	8228
116	Norfra Eksport AS	8229
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
121	Northern Seafood AS	8307
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309
124	Norway Royal Salmon AS	8312
128	Norwell AS	8316
130	Nova Sea AS	8235
134	Ok-Fish Kvalheim AS	8239
137	Pan Fish Sales AS	8242
140	Polar Seafood Norway AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251

Undertaking No	Company	TARIC additional code
144	Rolf Olsen Seafood AS	8254
145	Ryfisk AS	8256
146	Rørvik Fisk- og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Saga Lax Nord A/S	8259
151	Sangoltgruppa AS	8262
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea-Bell AS	8267
157	Seaco AS	8268
158	Seacom AS	8269
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276
167	SL Fjordgruppen AS	8278
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286
176	Superior AS	8287
178	Terra Seafood AS	8289
180	Timar Seafood AS	8294
182	Torris Products Ltd AS	8298
183	Troll Salmon AS	8317
187	Vie de France Norway AS	8321
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324

**COMMISSION REGULATION (EC) No 132/1999**  
**of 21 January 1999**

**amending Regulation (EC) No 2630/97 as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals**

(Text with EEA relevance)

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

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>(1)</sup>, and in particular point (d) of Article 10 thereof,

Whereas Commission Regulation (EC) No 2630/97<sup>(2)</sup> has laid down detailed rules for the implementation of Regulation (EC) No 820/97 as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals;

Whereas Commission Regulation (EEC) No 3887/92<sup>(3)</sup>, as last amended by Regulation (EC) No 1678/98<sup>(4)</sup>, has laid down detailed rules for applying the integrated administration and control system for certain Community aid schemes;

Whereas with a view to securing efficient cooperation between competent authorities for controls in the bovine sector, it is important to provide for the transmission of copies of the reports following an inspection pursuant to Regulation (EC) No 2630/97, where they reveal infringe-

ments of Regulation (EC) No 820/97, to the competent authorities responsible for the implementation of Regulation (EEC) No 3887/92;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following paragraph 6 is hereby added to Article 2 of Regulation (EC) No 2630/97.

‘6. Copies of the reports, referred to in paragraph 5 shall, where they reveal infringements of Regulation (EC) No 820/97, be sent without delay to the competent authorities responsible for the implementation of Regulation (EEC) No 3887/92.’

*Article 2*

This Regulation shall enter into force on the 20th 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, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 354, 30. 12. 1997, p. 23.

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

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

**COMMISSION REGULATION (EC) No 133/1999**  
**of 21 January 1999**  
**on the issuing of export licences for wine-sector products**

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

Having regard to Commission Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine-sector products <sup>(1)</sup>, as last amended by Regulation (EC) No 1354/97 <sup>(2)</sup>, and in particular Article 3(3) thereof,

Whereas Article 55(7) of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine <sup>(3)</sup>, as last amended by Regulation (EC) No 1627/98 <sup>(4)</sup>, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations;

Whereas Article 3 of Regulation (EC) No 1685/95 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement;

Whereas, on the basis of information on export licence applications available to the Commission on 20 January 1999, the quantity still available for the period until 15 March 1999 referred to in Article 1a(1) of Regulation (EC) No 1685/95, could be exceeded unless the issue of export

licences with advance fixing of the refund is restricted; whereas, therefore, a single percentage for the acceptance of applications submitted between 16 and 19 January 1999 should be applied and the submission of applications and the issue of licences suspended until 15 March 1999,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted between 16 and 19 January 1999 under Regulation (EC) No 1685/95 shall be issued for 30 % of the quantities requested.

2. The issue of export licences for wine-sector products for which applications are submitted from 20 January 1999 and the submission of export licence applications from 22 January 1999 shall be suspended until 15 March 1999.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

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

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<sup>(1)</sup> OJ L 161, 12. 7. 1995, p. 2.

<sup>(2)</sup> OJ L 186, 16. 7. 1997, p. 9.

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

<sup>(4)</sup> OJ L 210, 28. 7. 1998, p. 8.

## COMMISSION REGULATION (EC) No 134/1999

of 21 January 1999

amending Regulation (EC) No 936/97 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat and Regulation (EEC) No 139/81 defining the conditions for the admission of certain kinds of frozen beef and veal to subheading 0202 30 50 of the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations<sup>(1)</sup>,

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

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat<sup>(4)</sup>, as last amended by Regulation (EC) No 1680/98<sup>(5)</sup>, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EEC) No 139/81 of 16 January 1981 defining the conditions for the admission of certain kinds of frozen beef and veal to

subheading 0202 30 50 of the Combined Nomenclature<sup>(6)</sup>, as last amended by Regulation (EC) No 1680/98, and in particular Article 5(2) thereof,

Whereas Australia has nominated a new issuing agency for certificates of authenticity; whereas Annex II to Regulations (EC) No 936/97 and (EEC) No 139/81 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Annex II to Regulation (EC) No 936/97, the agency 'Department of Primary Industries and Energy' is replaced by 'Department of Agriculture, Fisheries and Forestry — Australia'.

*Article 2*

In Regulation (EEC) No 139/81, Annex II is replaced by the following:

*ANNEX II*

## List of agencies in exporting countries authorised to issue certificates of authenticity

Third country	Issuing agency	
	Name	Address
Argentina	Secretaría de Agricultura, Ganadería, Pesca y Alimentación (SAGPyA), Dirección General de Mercados Ganaderos	Paseo Colón 922 1 <sup>er</sup> Piso Oficina 146 (1063) Buenos Aires Argentina
Australia	Department of Agriculture, Fisheries and Forestry — Australia	PO Box 858 Canberra, ACT 2601
Botswana	Ministry of Agriculture, Department of Animal Health and Production	Principal Veterinary Officer (Abattoir) Private Bag 12 Lobatse

<sup>(1)</sup> OJ L 146, 20. 6. 1996, p. 1.

<sup>(2)</sup> OJ L 148, 28. 6. 1968, p. 24.

<sup>(3)</sup> OJ L 210, 28. 7. 1998, p. 17.

<sup>(4)</sup> OJ L 137, 28. 5. 1997, p. 10.

<sup>(5)</sup> OJ L 212, 30. 7. 1998, p. 36.

<sup>(6)</sup> OJ L 15, 17. 1. 1981, p. 4.

Third country	Issuing agency	
	Name	Address
New Zealand	New Zealand Meat Producers Board	110 Featherston Street Box 121 Wellington
Swaziland	Ministry of Agriculture	PO Box 162 Mbabane
Uruguay	Instituto Nacional de Carnes (INAC)	Rincón 459, Montevideo
South Africa	South African Livestock and Meat Industries Control Board	Hamilton and Vermeulen Streets Pretoria
Zimbabwe	Ministry of Agriculture Department of Veterinary Services	PO Box 8012 Causeway Harare Zimbabwe
Namibia	Ministry of Agriculture, Water and Rural Development, Directorate of Veterinary Services	Private Bag 12002 Auspanplatz Windhoek 9000 Namibia'

*Article 3*

This Regulation shall enter into force on 1 February 1999.

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

Done at Brussels, 21 January 1999.

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

**COMMISSION REGULATION (EC) No 135/1999**  
**of 21 January 1999**

**determining the extent to which the applications for import licences submitted in January 1999 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 1374/98 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1374/98 of 29 June 1998 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products<sup>(1)</sup>, and in particular Article 14(4) thereof,

Whereas applications lodged for the products referred to in Annex II to Regulation (EC) No 1374/98 concern quantities greater than those available; whereas, therefore, the allocation factors should be fixed for the quantities applied for,

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

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*Article 1*

1. Import licences applied for for products falling within the order numbers in Annex II to Regulation (EC) No 1374/98 listed in Annex I lodged pursuant to Regulation (EC) No 1374/98 for the period 1 January to 31 March 1999, shall be awarded in accordance with the allocation factors indicated.

2. Import licences applied for for products falling within the order numbers in Annex IIIb to Regulation (EC) No 1374/98 listed in Annex II lodged pursuant to Regulation (EC) No 1374/98 for the period 1 January to 30 June 1999, shall be awarded in accordance with the allocation factor indicated.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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<sup>(1)</sup> OJ L 185, 30. 6. 1998, p. 21.

*ANNEX I*

Order number in Annex II to Regulation (EC) No 1374/98	TARIC order number	Period: January to March 1999 Allocation factor
36	09.4590	0,0056
37	09.4599	0,0029
39	09.4591	0,1429
40	09.4592	0,0108
41	09.4593	0,0305
42	09.4594	0,0081
44	09.4595	0,0053
47	09.4596	0,0022

*ANNEX II*

Order number in Annex III B to Regulation (EC) No 1374/98	TARIC order number	Period: January to June 1999 Allocation factor
13	09.4101	1,0000

**COMMISSION REGULATION (EC) No 136/1999**  
**of 21 January 1999**  
**amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98 <sup>(2)</sup>, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender <sup>(3)</sup>, as last amended by Regulation (EC) No 29/1999 <sup>(4)</sup>, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to

ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on 25 January 1999.

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

Done at Brussels, 21 January 1999.

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

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

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

<sup>(3)</sup> OJ L 159, 10. 6. 1989, p. 36.

<sup>(4)</sup> OJ L 5, 9. 1. 1999, p. 39.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1<sup>er</sup> paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n.º 1 do artigo 1.º do Regulamento (CEE) n.º 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmät

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A	Categoría C				
Medlemsstat eller region	Kategori A	Kategori C				
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A	Kategorie C				
Κράτος μέλος ή περιοχές κρατους μέλους	Κατηγορία Α	Κατηγορία Γ				
Member States or regions of a Member State	Category A	Category C				
États membres ou régions d'États membres	Catégorie A	Catégorie C				
Stati membri o regioni di Stati membri	Categoria A	Categoria C				
Lidstaat of gebied van een lidstaat	Categorie A	Categorie C				
Estados-membros ou regiões de Estados-membros	Categoria A	Categoria C				
Jäsenvaltiot tai alueet	Luokka A	Luokka C				
Medlemsstater eller regioner	Kategori A	Kategori C				
	U	R	O	U	R	O
France						×
Great Britain					×	
Ireland				×	×	×
Northern Ireland				×	×	×

**COMMISSION REGULATION (EC) No 137/1999**  
**of 21 January 1999**  
**fixing the export refunds on malt**

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 the third subparagraph of Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market 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;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98<sup>(4)</sup>;

Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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*

The export refunds on malt listed in Article 1 (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

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

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 313, 21. 11. 1998, p. 16.

## ANNEX

to the Commission Regulation of 21 January 1999 fixing the export refunds on malt

(EUR/tonne)

Product code	Refund
1107 10 19 9000	44,00
1107 10 99 9000	69,70
1107 20 00 9000	81,80

**COMMISSION REGULATION (EC) No 138/1999**  
**of 21 January 1999**

**fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98<sup>(4)</sup>;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

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

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 313, 21. 11. 1998, p. 16.

## ANNEX

## to the Commission Regulation of 21 January 1999 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(EUR/tonne)</i>			<i>(EUR/tonne)</i>		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	44,00
1001 90 91 9000	—	—	1101 00 15 9130	01	41,25
1001 90 99 9000	03	22,00	1101 00 15 9150	01	38,00
	02	0	1101 00 15 9170	01	35,00
1002 00 00 9000	03	64,00	1101 00 15 9180	01	32,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	44,75	1102 10 00 9500	01	82,00
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	30,00 (2)
1005 10 90 9000	—	—	1103 11 10 9400	01	27,00 (2)
1005 90 00 9000	03	39,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	30,00 (2)
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein.

(2) No refund is granted when this product contains compressed meal.

*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 139/1999****of 21 January 1999****fixing the maximum reduction in the duty on maize imported in connection  
with the invitation to tender issued in Regulation (EC) No 2850/98**

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 an invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2850/98<sup>(3)</sup>;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as amended by Regulation (EC) No 1963/95<sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;

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*

For tenders notified from 15 to 21 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2850/98, the maximum reduction in the duty on maize imported shall be EUR 69,85 per tonne and be valid for a total maximum quantity of 15 000 tonnes.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 358, 31. 12. 1998, p. 44.

<sup>(4)</sup> OJ L 177, 28. 7. 1995, p. 4.

<sup>(5)</sup> OJ L 189, 10. 8. 1995, p. 22.

**COMMISSION REGULATION (EC) No 140/1999**

of 21 January 1999

**fixing the maximum reduction in the duty on maize imported in connection  
with the invitation to tender issued in Regulation (EC) No 2849/98**

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 an invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 2849/98<sup>(3)</sup>;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as amended by Regulation (EC) No 1963/95<sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Article 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;

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*

For tenders notified from 15 to 21 January 1999 pursuant to the invitation to tender issued in Regulation (EC) No 2849/98, the maximum reduction in the duty on maize imported shall be EUR 74,86 per tonne and be valid for a total maximum quantity of 10 000 tonnes.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 358, 31. 12. 1998, p. 43.

<sup>(4)</sup> OJ L 177, 28. 7. 1995, p. 4.

<sup>(5)</sup> OJ L 189, 10. 8. 1995, p. 22.

**COMMISSION REGULATION (EC) No 141/1999**  
**of 21 January 1999**

**fixing the maximum reduction in the duty on sorghum imported in connection  
with the invitation to tender issued in Regulation (EC) No 2852/98**

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 an invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2852/98<sup>(3)</sup>;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as amended by Regulation (EC) No 1963/95<sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;

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*

For tenders notified from 15 to 21 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2852/98, the maximum reduction in the duty on sorghum imported shall be EUR 77,94 per tonne and be valid for a total maximum quantity of 100 000 tonnes.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 358, 31. 12. 1998, p. 55.

<sup>(4)</sup> OJ L 177, 28. 7. 1995, p. 4.

<sup>(5)</sup> OJ L 189, 10. 8. 1995, p. 22.

**COMMISSION REGULATION (EC) No 142/1999**

of 21 January 1999

**fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2004/98**

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>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2004/98 <sup>(5)</sup>;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 15 to 21 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2004/98, the maximum refund on exportation of common wheat shall be EUR 38,88 per tonne.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 313, 21. 11. 1998, p. 16.

<sup>(5)</sup> OJ L 258, 22. 9. 1998, p. 4.

**COMMISSION REGULATION (EC) No 143/1999**  
**of 21 January 1999**  
**concerning tenders notified in response to the invitation to tender for the export**  
**of oats issued in Regulation (EC) No 2007/98**

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 Regulation (EC) No 923/96 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>,

Having regard to Commission Regulation (EC) No 2007/98 of 21 September 1998 on a special intervention measure for cereals in Finland and Sweden <sup>(5)</sup>, as amended by Regulation (EC) No 2599/98 <sup>(6)</sup>, and in particular Article 8 thereof,

Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 2007/98;

Whereas Article 8 of Regulation (EC) No 2007/98 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid

down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed;

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*

No action shall be taken on the tenders notified from 15 to 21 January 1999 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 2007/98.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 313, 21. 11. 1998, p. 16.

<sup>(5)</sup> OJ L 258, 22. 9. 1998, p. 13.

<sup>(6)</sup> OJ L 325, 3. 12. 1998, p. 10.

**COMMISSION REGULATION (EC) No 144/1999**  
**of 21 January 1999**

**fixing the maximum export refund on common wheat in connection with the  
invitation to tender issued in Regulation (EC) No 1079/98**

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>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries with the exception of certain ACP States was opened pursuant to Commission Regulation (EC) No 1079/98 <sup>(5)</sup>, as amended by Regulation (EC) No 2005/98 <sup>(6)</sup>;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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*

For tenders notified from 15 to 21 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1079/98, the maximum refund on exportation of common wheat shall be EUR 31,99 per tonne.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 313, 21. 11. 1998, p. 16.

<sup>(5)</sup> OJ L 154, 28. 5. 1998, p. 24.

<sup>(6)</sup> OJ L 258, 22. 9. 1998, p. 8.

**COMMISSION REGULATION (EC) No 145/1999**  
**of 21 January 1999**

**fixing the maximum export refund on rye in connection with the invitation to  
tender issued in Regulation (EC) No 1746/98**

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>,

Having regard to Commission Regulation (EC) No 1501/  
95 of 29 June 1995 laying down certain detailed rules for  
the application of Council Regulation (EEC) No 1766/92  
on the granting of export refunds on cereals and the  
measures to be taken in the event of disturbance on the  
market for cereals <sup>(3)</sup>, as last amended by Regulation (EC)  
No 2513/98 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the  
tax for the export of rye to all third countries was opened  
pursuant to Commission Regulation (EC) No 1746/98 <sup>(5)</sup>;  
Whereas Article 7 of Regulation (EC) No 1501/95  
provides that the Commission may, on the basis of the  
tenders notified, in accordance with the procedure laid  
down in Article 23 of Regulation (EEC) No 1766/92,  
decide to fix a maximum export refund taking account of  
the criteria referred to in Article 1 of Regulation (EC) No  
1501/95; whereas in that case a contract is awarded to any

tenderer whose bid is equal to or lower than the  
maximum refund, as well as to any tenderer whose bid  
relates to an export tax;

Whereas the application of the abovementioned criteria  
to the current market situation for the cereal in question  
results in the maximum export refund being fixed at the  
amount specified in Article 1;

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*

For tenders notified from 15 to 21 January 1999, pursuant  
to the invitation to tender issued in Regulation (EC) No  
1746/98, the maximum refund on exportation of rye shall  
be EUR 74,45 per tonne.

*Article 2*

This Regulation shall enter into force on 22 January  
1999.

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

Done at Brussels, 21 January 1999.

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

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 313, 21. 11. 1998, p. 16.

<sup>(5)</sup> OJ L 219, 7. 8. 1998, p. 3.

**COMMISSION REGULATION (EC) No 146/1999**  
**of 21 January 1999**

**fixing the maximum export refund on barley in connection with the invitation to  
tender issued in Regulation (EC) No 1078/98**

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>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1078/98 <sup>(5)</sup>;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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*

For tenders notified from 15 to 21 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1078/98, the maximum refund on exportation of barley shall be EUR 54,88 per tonne.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 313, 21. 11. 1998, p. 16.

<sup>(5)</sup> OJ L 154, 28. 5. 1998, p. 20.

**COMMISSION REGULATION (EC) No 147/1999**  
**of 21 January 1999**

**fixing the export refunds on products processed from cereals and rice**

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 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EC) No 2072/98<sup>(4)</sup>, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Commission Regulation (EC) No 1518/95<sup>(5)</sup>, as amended by Regulation (EC) No 2993/95<sup>(6)</sup>, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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*

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

<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 329, 30. 12. 1995, p. 18.

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

<sup>(5)</sup> OJ L 147, 30. 6. 1995, p. 55.

<sup>(6)</sup> OJ L 312, 23. 12. 1995, p. 25.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

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

Done at Brussels, 21 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*ANNEX*

to the Commission Regulation of 21 January 1999 fixing the export refunds on products processed from cereals and rice

<i>(EUR/tonne)</i>		<i>(EUR/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 <sup>(1)</sup>	77,66	1104 23 10 9100	83,21
1102 20 10 9400 <sup>(1)</sup>	66,56	1104 23 10 9300	63,79
1102 20 90 9200 <sup>(1)</sup>	66,56	1104 29 11 9000	30,99
1102 90 10 9100	73,35	1104 29 51 9000	30,38
1102 90 10 9900	49,88	1104 29 55 9000	30,38
1102 90 30 9100	91,28	1104 30 10 9000	7,60
1103 12 00 9100	91,28	1104 30 90 9000	13,87
1103 13 10 9100 <sup>(1)</sup>	99,85	1107 10 11 9000	54,08
1103 13 10 9300 <sup>(1)</sup>	77,66	1107 10 91 9000	87,04
1103 13 10 9500 <sup>(1)</sup>	66,56	1108 11 00 9200	60,76
1103 13 90 9100 <sup>(1)</sup>	66,56	1108 11 00 9300	60,76
1103 19 10 9000	51,70	1108 12 00 9200	88,75
1103 19 30 9100	75,80	1108 12 00 9300	88,75
1103 21 00 9000	30,99	1108 13 00 9200	88,75
1103 29 20 9000	49,88	1108 13 00 9300	88,75
1104 11 90 9100	73,35	1108 19 10 9200	42,56
1104 12 90 9100	101,42	1108 19 10 9300	42,56
1104 12 90 9300	81,14	1109 00 00 9100	0,00
1104 19 10 9000	30,99	1702 30 51 9000 <sup>(2)</sup>	102,82
1104 19 50 9110	88,75	1702 30 59 9000 <sup>(2)</sup>	78,72
1104 19 50 9130	72,11	1702 30 91 9000	102,82
1104 21 10 9100	73,35	1702 30 99 9000	78,72
1104 21 30 9100	73,35	1702 40 90 9000	78,72
1104 21 50 9100	97,80	1702 90 50 9100	102,82
1104 21 50 9300	78,24	1702 90 50 9900	78,72
1104 22 20 9100	81,14	1702 90 75 9000	107,74
1104 22 30 9100	86,21	1702 90 79 9000	74,78
		2106 90 55 9000	78,72

<sup>(1)</sup> No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

<sup>(2)</sup> Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1. 11. 1975, p. 20), amended.

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

## COMMISSION REGULATION (EC) No 148/1999

of 21 January 1999

fixing the rates of the refunds applicable to certain cereal and rice-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 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 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EC) No 2072/98<sup>(4)</sup>, and in particular Article 13 (3) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the 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 the criteria for fixing the amount of such refunds<sup>(5)</sup>, as last amended by Regulation (EC) No 1352/98<sup>(6)</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 B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

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, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC<sup>(7)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

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 Commission Regulation (EEC) No 1722/93<sup>(8)</sup>, as last amended by Regulation (EC) No 87/1999<sup>(9)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods;

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*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 22 January 1999.

<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 329, 30. 12. 1995, p. 18.

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

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

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

<sup>(7)</sup> OJ L 275, 29. 9. 1987, p. 36.

<sup>(8)</sup> OJ L 159, 1. 7. 1993, p. 112.

<sup>(9)</sup> OJ L 9, 15. 1. 1999, p. 8.

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

Done at Brussels, 21 January 1999.

*For the Commission*  
Martin BANGEMANN  
*Member of the Commission*

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## ANNEX

to the Commission Regulation of 21 January 1999 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

(EUR/100 kg)

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	1,365 2,100
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> – – in other cases	1,975 — 3,038
1002 00 00	Rye	5,170
1003 00 90	Barley	5,362
1004 00 00	Oats	5,071
1005 90 00	Maize (corn) used in the form of: – starch: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 <sup>(3)</sup> : – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> – – in other cases – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> – in other cases	1,538 5,547 0,911 4,920 5,547 1,538 5,547
ex 1006 30	Wholly-milled rice: – round grain – medium grain – long grain	10,800 10,800 10,800
1006 40 00	Broken rice	2,800
1007 00 90	Sorghum	5,362

<sup>(1)</sup> As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31. 5. 1994, p. 5).

<sup>(2)</sup> The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1. 7. 1993, p. 112).

<sup>(3)</sup> For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 21 December 1998

on the promotion of European pathways in work-linked training, including apprenticeship

(1999/51/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

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

(1) Whereas the Treaty gives the Community the task of implementing a vocational training policy which supports and supplements the action of Member States while fully respecting their responsibility, in particular by promoting the mobility of persons in training, but excluding any harmonisation of the laws and regulations of the Member States;

(2) Whereas the Council, in its Decision 63/266/EEC <sup>(4)</sup>, adopted the general principles and set a number of fundamental objectives for implementing a common vocational training policy; whereas by Decision 94/819/EC <sup>(5)</sup> it adopted the Leonardo da Vinci programme for the implementation of a vocational training policy of the European Community;

(3) Whereas the Florence European Council asked the Commission to make a study of the role of apprenticeship in the creation of jobs; whereas the Commission stressed the importance of apprenticeship in its communication 'Promoting apprenticeship training in Europe';

(4) Whereas the Council resolution of 18 December 1979 on linked work and training for young persons <sup>(6)</sup> advocates that the Member States should encourage the development of effective links between training and work experience;

(5) Whereas the Council resolution of 15 July 1996 <sup>(7)</sup> calls on the Member States to promote the transparency of vocational training certificates;

(6) Whereas the conclusions adopted by the Council on 6 May 1996 on the Commission's White Paper 'Teaching and learning: towards the learning society' <sup>(8)</sup> stress the need for cooperation between schools and the business sector; whereas the 1998 employment guidelines <sup>(9)</sup>, and the 1999 employment guidelines, ask Member States to improve the employment prospects for young people by equipping them with skills relevant to market requirements; whereas in that context the Council invited the Member States to set up or develop apprenticeship training where appropriate;

<sup>(1)</sup> OJ C 67, 3. 3. 1998, p. 7.

<sup>(2)</sup> Opinion delivered on 29 April 1998 (OJ C 214, 10. 7. 1998, p. 63).

<sup>(3)</sup> Opinion of the European Parliament of 30 April 1998 (OJ C 152, 18. 5. 1998, p. 48), Council Common Position of 29 June 1998 (OJ C 262, 19. 8. 1998, p. 41) and Decision of the European Parliament of 5 November 1998 (OJ C 359, 23. 11. 1998).

<sup>(4)</sup> OJ 63, 20. 4. 1963, p. 1338/63.

<sup>(5)</sup> OJ L 340, 29. 12. 1994, p. 8.

<sup>(6)</sup> OJ C 1, 3. 1. 1980, p. 1.

<sup>(7)</sup> OJ C 224, 1. 8. 1996, p. 7.

<sup>(8)</sup> OJ C 195, 6. 7. 1996, p. 1.

<sup>(9)</sup> OJ C 30, 28. 1. 1998, p. 1.

- (7) Whereas training establishments on the one hand and the business sector on the other can be complementary fora for the acquisition of general, technical, social and personal knowledge and skills; whereas in this connection, work-linked training, including apprenticeship, makes a significant contribution to a more effective social and occupational integration into working life and the labour market; whereas it can benefit various target groups and various levels of teaching and training, including higher education;
- (8) Whereas the Council resolution of 5 December 1994<sup>(1)</sup> on the quality and attractiveness of vocational education and training stresses the importance of work-linked training and the need to encourage periods of vocational training in other Member States and to integrate those periods into national vocational training programmes;
- (9) Whereas, in order to promote this mobility, it is desirable to establish a document known as the 'EUROPASS Training' document to record at Community level the period or periods of training in another Member State;
- (10) Whereas it is important to ensure the quality of such periods of transnational mobility; whereas Member States have a particular responsibility in this area; whereas the Commission, in close cooperation with the Member States, should establish a procedure for exchanging information and coordinating the activities and arrangements developed by Member States to implement this Decision;
- (11) Whereas the Extraordinary European Council on Employment held in Luxembourg acknowledged the decisive role played by small and medium-sized enterprises (SMEs) as regards the creation of sustainable jobs;
- (12) Whereas work-linked training, including apprenticeship, in micro-enterprises, SMEs and the crafts sector is an important aid to employability; whereas their specific requirements in that area should be taken into account;
- (13) Whereas trainees should be properly informed as to the relevant provisions in force in the host Member State;
- (14) Whereas the Community Charter of the Fundamental Social Rights of Workers acknowledges the importance of combating all forms of discrimination, especially those based on sex, colour, race, opinions and beliefs;
- (15) Whereas the Council, in its recommendation of 30 June 1993 on access to continuing vocational training<sup>(2)</sup>, encourages access for, and effective participation by, women in continuing vocational training; whereas it is therefore important to make sure that due account is taken of equal opportunities in participation in European pathways and appropriate measures must be taken to that end;
- (16) Whereas the Commission is required in cooperation with the Member States, to ensure overall consistency between the implementation of this Decision and Community programmes and initiatives in the fields of education, vocational training and youth;
- (17) Whereas it is necessary to ensure continuous monitoring of the implementation of this Decision; whereas the Commission is therefore invited to submit a report to the European Parliament, the Council and the Economic and Social Committee thereon and to put forward any necessary proposals for the future;
- (18) Whereas three years after this Decision is adopted an assessment should be made of its impact and of the experience gained, so that any corrective measures needed can be adopted;
- (19) Whereas a financial reference amount within the meaning of point 2 of the Declaration of the European Parliament, the Council and the Commission of 6 March 1995 is included in this Decision with a view to facilitating the introduction of the EUROPASS measure without prejudice to the powers of the budget authority as defined by the Treaty; whereas Community financial support is limited to an introductory stage between 1 January 2000 and 31 December 2004;
- (20) Whereas in accordance with the principles of subsidiarity and proportionality as set out in Article 3b of the Treaty, the objectives of the action envisaged for the establishment of the 'EUROPASS Training' document require coordinated action at Community level, by reason of the diversity of training systems and structures in the Member States; whereas this Decision does not go beyond what is necessary to achieve those objectives,

<sup>(1)</sup> OJ C 374, 30. 12. 1994, p. 1.

<sup>(2)</sup> OJ L 181, 23. 7. 1993, p. 37.

HAS ADOPTED THIS DECISION:

### Article 1

#### Objectives

1. This Decision established a document known as the 'EUROPASS Training' on the basis of the common principles defined in Article 3. It is intended as a record at Community level of the period or periods of training which a person undergoing work-linked training, including apprenticeship, has followed in a Member State other than that in which his/her training is based (known as 'European pathway(s)').

2. The use of this record and participation in a 'European pathway' is voluntary and does not impose any obligations or confer any rights other than those defined below.

### Article 2

#### Definitions

For the purposes of the Decision, and taking account of the differences in the systems and arrangements for work-linked training, including apprenticeship, in the Member States, the following definitions shall apply:

1. 'European pathway' means, where it has been agreed to use the EUROPASS Training, any period of vocational training, which is completed by a person in a Member State (host Member State) other than the one (Member State of provenance) where his or her work-linked training is based, which forms part of that work-linked training;
2. 'person in work-linked training' means any person, of whatever age, in vocational training, at any level including higher education. This training, recognised or certified by the competent authorities in the Member State of provenance according to its own legislation, procedures or practices, involves structured periods of training in an undertaking and, where appropriate, in a training establishment or centre, whatever the person's status (contract of employment, apprenticeship contract, pupil or student);
3. 'mentor' means any person with a private or public employer or a training establishment or centre in the host Member State who has the task of assisting, informing, guiding and monitoring trainees during their 'European pathway';
4. 'EUROPASS Training' means a document establishing that the holder has completed one or more periods of work-linked training, including apprenticeship, in another Member State under the conditions defined in this Decision;

5. 'host partner' means any body in the host Member State (*inter alia* private or public employer, training establishment or centre) with which a partnership with the body responsible for organising the training in the Member State of provenance has been established, for the completion of a European pathway.

### Article 3

#### Content and common principles

The following conditions shall apply to the EUROPASS Training:

1. each European pathway shall form part of the training followed in the Member State of provenance, according to its own legislation, procedures or practices;
2. the body responsible for organising the training in the Member State of provenance and the host partner shall agree within the context of the partnership on the content, objectives, duration and the practicalities of the European pathway;
3. the European pathways shall be monitored and supervised by a mentor.

### Article 4

#### EUROPASS Training

1. A Community information document known as the 'EUROPASS Training', the contents and presentation of which are described in the Annex, shall be issued by the body responsible for organising the training in the Member State of provenance to all persons completing a European pathway.
2. The EUROPASS Training document shall:
  - (a) specify the vocational training followed in the course of which the European pathway was completed and the qualification, diploma, title or other certificate to which the training leads;
  - (b) specify that the European pathway forms part of the training followed in the Member State of provenance, according to its own legislation, procedures or practices;
  - (c) identify the content of the European pathway, providing relevant details of any work experience or training followed during the pathway and, where appropriate, the skills acquired and the method of evaluation used;
  - (d) indicate the duration of the European pathway organised by the host partner during the work experience or training;
  - (e) identify the host partner;
  - (f) identify the mentor's function;

(g) be issued by the body responsible for organising the training in the Member State of provenance. It shall contain, for each European pathway, a record which shall form an integral part of the EUROPASS Training, completed by the host partner and signed by him/her and by the holder.

#### *Article 5*

#### **Consistency and complementarity**

With due regard for the procedures and resources specific to Community programmes and initiatives in education and vocational training, the Commission, in cooperation with the Member States, shall ensure overall consistency between the implementation of this Decision and those programmes and initiatives.

#### *Article 6*

#### **Support measures and accompanying measures**

1. The Commission shall be responsible for the production and appropriate dissemination and monitoring of the EUROPASS Training in close cooperation with the Member States. To that end, each Member State shall designate one or more bodies responsible for ensuring implementation at national level, in close cooperation with the social partners and, where appropriate, with representative organisations for work-linked training.

2. To that end, each Member State shall take steps to:

- (a) facilitate access to the EUROPASS Training by disseminating appropriate information;
- (b) allow an evaluation of the actions implemented, and
- (c) facilitate equal opportunities, in particular by raising awareness among all relevant actors.

3. In close cooperation with the Member States, the Commission shall set up a coordination and mutual information system.

4. In implementing the provisions of this Decision, the Commission and the Member States shall take account of the importance of SMEs and crafts and of their particular needs.

#### *Article 7*

#### **Financing**

The financial reference amount for the implementation of Article 6(1), (3) and (4) for the period 1 January 2000 to 31 December 2004 shall be ECU 7,3 million.

The annual appropriations shall be authorised by the budget authority within the limits of the financial perspective.

#### *Article 8*

This Decision shall apply from 1 January 2000.

#### *Article 9*

#### **Evaluation**

Three years after the adoption of this Decision the Commission shall submit to the European Parliament and the Council a report on its implementation, evaluate the impact of the Decision on the promotion of mobility in work-linked training, including apprenticeship, propose any further corrective measures designed to make it more effective and make any proposals it deems appropriate, including budgetary proposals.

#### *Article 10*

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1998.

*For the Council*

*The President*

M. BARTENSTEIN

## ANNEX

## 'EUROPASS TRAINING'

## Description of the document

The document is in the form of an A5 booklet.

It comprises 12 pages in addition to the cover.

**The outside front cover will bear:**

- the words 'EUROPASS Training',
- the logo of the European Community.

**Inside front cover:**

General description of the 'Europass Training' (in the language in which the training has been followed in the Member State of provenance).

*'This Community record, known as the "EUROPASS Training", is established in accordance with Council Decision 1999/51/EC on the implementation of European pathways in work-linked training, including apprenticeship (OJ L 17, 22. 1. 1999, p. 45). Its purpose (in accordance with Article 1 of the Decision) is to provide a Community record of the period(s) of training which a person in work-linked training, including apprenticeship, has completed in a Member State other than the one in which his/her training is based.*

*It is issued by ... (body responsible for organising the training course in the Member State of provenance).*

*(Date and signature)'*

**Page 1** (in the language of the establishment of provenance)

Particulars of the holder:

- name,
- first name,
- signature.

All the headings will be given in the other official languages of the institutions of the European Union on the inside back cover.

**Page 2** (in the language of the host partner):*European pathway 1*

- (a) vocational training followed;
- (b) this European pathway forms part of the training followed in the Member State of provenance;
- (c) content of the European pathway, providing relevant details of the work experience acquired or training followed during the pathway and, where appropriate, the skills acquired and the method of evaluation;
- (d) duration of the European pathway;
- (e) details of the host partner;
- (f) name and function of the mentor;
- (g) signatures of the host partner and the holder.

**Page 3** (in the language of the establishment of provenance):*European pathway 1*

Details given on page 2 repeated in the language of the establishment of provenance.

**Page 4** (in the language of the holder):

*European pathway 1*

Details given on page 2 repeated in the language of the holder if different from that used on pages 1 and 2 and provided it is one of the official languages of the institutions of the European Union.

**Pages 5, 6 and 7:**

*European pathway 2* (if appropriate)

**Pages 8, 9 and 10:**

*European pathway 3* (if appropriate)

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# COMMISSION

## COMMISSION DECISION

of 8 January 1999

**amending Decision 97/252/EC drawing up provisional lists of third-country establishments from which Member States are to authorise imports of milk and milk-based products for human consumption**

*(notified under document number C(1998) 4540)*

(Text with EEA relevance)

(1999/52/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third-country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs<sup>(1)</sup>, as amended by Decision 98/603/EC<sup>(2)</sup>, and in particular Article 2(1) and (4) thereof,

Whereas Commission Decision 95/340/EC<sup>(3)</sup>, as last amended by Decision 96/584/EC<sup>(4)</sup>, determines the countries from which Member States are to authorise imports of milk and milk-based products;

Whereas the health and veterinary certification requirements for imports of milk and milk-based products from the countries appearing on that list have been laid down in Commission Decision 95/343/EC<sup>(5)</sup>, as last amended by Decision 97/115/EC<sup>(6)</sup>;

Whereas Commission Decision 97/252/EC<sup>(7)</sup>, as last amended by Decision 98/394/EC<sup>(8)</sup>, determines provisional lists of third-country establishments from which

Member States are to authorise imports of milk and milk-based products for human consumption;

Whereas the Commission has received from Iceland, Estonia and Poland lists of establishments with guarantees that they fully meet the appropriate Community health requirements and that should an establishment fail to do so its exports to the Community will be suspended;

Whereas a Community inspection visit to Estonia has shown that one establishment meets the requirements laid down in Community legislation;

Whereas a Community inspection visit to Poland has shown that the manufacturing processes for certain products in five establishments meet the requirements laid down in Community legislation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Annex to Decision 97/252/EC is supplemented for Iceland, Estonia and Poland by the Annex to this Decision.

<sup>(1)</sup> OJ L 243, 11. 10. 1995, p. 17.

<sup>(2)</sup> OJ L 289, 28. 10. 1998, p. 36.

<sup>(3)</sup> OJ L 200, 24. 8. 1995, p. 38.

<sup>(4)</sup> OJ L 255, 9. 10. 1996, p. 20.

<sup>(5)</sup> OJ L 200, 24. 8. 1995, p. 52.

<sup>(6)</sup> OJ L 42, 13. 2. 1997, p. 16.

<sup>(7)</sup> OJ L 101, 18. 4. 1997, p. 46.

<sup>(8)</sup> OJ L 176, 20. 6. 1998, p. 28.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 8 January 1999.

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

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

País: ISLANDIA / Land: ISLAND / Land: ISLAND / Χώρα: ΙΣΛΑΝΔΙΑ / Country: ICELAND /  
Pays: ISLANDE / Paese: ISLANDA / Land: IJSLAND / País: ISLÁNDIA / Maa: ISLANTI /  
Land: ISLAND

1	2	3	4	5	6
IS-109	MJOLKURSAMLAG KEA	AKUREYRI			

País: ESTONIA / Land: ESTLAND / Land: ESTLAND / Χώρα: ΕΣΘΟΝΙΑ / Country: ESTONIA /  
Pays: ESTONIE / Paese: ESTONIA / Land: ESTLAND / País: ESTÓNIA / Maa: VIRO /  
Land: ESTLAND

1	2	3	4	5	6
102	AS PÖLVA PIIM	PÖLVA	PÖLVAMAA		*

País: POLONIA / Land: POLEN / Land: POLEN / Χώρα: ΠΟΛΩΝΙΑ / Country: POLAND /  
Pays: POLOGNE / Paese: POLONIA / Land: POLEN / País: POLÓNIA / Maa: PUOLA /  
Land: POLEN

1	2	3	4	5	6
023/ML	SPOLDZIELCZA MLECZARNIA 'SPOMLEK'	RADZYN PODLASKI		Authorised for the following products only: skimmed-milk powder, whole-milk powder, powdered whey, butter, ripened cheese	*
259/ML	SPOLDZIELNIA MLECZARSKA 'MLEKOVITA'	WYSOKIE MAZOWIECKIE		Authorised for the following products only: butter, milk powder, ripened cheese	*
263/ML	SPOLDZIELNIA MLECZARSKA KURPIANKA	KOLNO		Authorised for the following products only: ripened cheese	*
390/ML	PHZ 'LACPOL' ZAKLAD PRZETWORSTWA KAZEINY	MUROWANA GOSLINA		Authorised for the following products only: sodium caseinate, calcium caseinate, extruded casein, whole milk protein concentrate	*
477/ML	PPHU 'LACTOPOL'	SUWALKI		Authorised for the following products only: whey powder, skimmed-milk powder	*

## COMMISSION DECISION

of 8 January 1999

**amending Decision 98/587/EC on financial aid from the Community for the operation of certain Community reference laboratories in the veterinary field***(notified under document number C(1998) 4544)***(Only the Spanish, Danish, German, English, French, Italian, Dutch and Swedish texts are authentic)**

(1999/53/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(1)</sup>, as last amended by Decision 94/370/EC <sup>(2)</sup>, and in particular Article 28(2) thereof,

Whereas Community financial aid shall be granted to the Community reference laboratories in the veterinary field designated by the Community to assist them in carrying out their functions and duties;

Whereas by Commission Decision 98/587/EC of 9 October 1998 on financial aid from the Community for the operation of certain Community reference laboratories in the veterinary field <sup>(3)</sup> provisions were established for providing financial assistance to certain Community reference laboratories; whereas these provisions must also include the submission to the Commission of a technical report on the accomplishment of the functions and duties by each of these laboratories;Whereas Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease <sup>(4)</sup>, as last amended by Decision 95/1/EC, Euratom, ECSC <sup>(5)</sup>, designates the Institute for Animal Health, Pirbright, United Kingdom, as the Community reference laboratory for swine vesicular disease; whereas the said Directive also defines the functions and duties to be carried out;

Whereas Community assistance must be conditional on the accomplishment of those functions and duties by the laboratory concerned;

Whereas, for budgetary reasons, Community assistance should be granted for a period of one year;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

1. In Decision 98/587/EC the following Article is included:

*Article 15A*

1. The Community grants financial assistance to the United Kingdom for the functions and duties to be carried out by the Pirbright Laboratory, United Kingdom, for swine vesicular disease referred to in Annex III to Directive 92/119/EEC.

2. The Community's financial assistance shall amount to a maximum of ECU 55 000 for the period from 1 January to 31 December 1998.'

2. In Article 16(b) of Decision 98/587/EC, after the words 'supporting documents' the following words are included: 'and a technical report'.

*Article 2*

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Kingdom of Sweden, and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 8 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 224, 18. 8. 1990, p. 19.<sup>(2)</sup> OJ L 168, 2. 7. 1994, p. 31.<sup>(3)</sup> OJ L 282, 20. 10. 1998, p. 73.<sup>(4)</sup> OJ L 62, 15. 3. 1993, p. 69.<sup>(5)</sup> OJ L 1, 1. 1. 1995, p. 1.