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Commission

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

COMMON POSITION
of 25 January 1999
defined by the Council on the basis of Article J.2 of the Treaty on European
Union, on Afghanistan

(1999/73/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article J.2 thereof,

Whereas the conflict in Afghanistan has caused untold suffering for the Afghan people, and threatens the stability of the region and its economic development;

Whereas the war's exports of terrorism and illegal drugs cause serious damage to Member States of the Union, and more widely;

Whereas the Union continues to receive considerable numbers of refugees from war-battered Afghanistan;

Whereas the Union is determined to play an effective role in efforts to stop the fighting, and to restore peace, stability and respect for international law, including human rights, in Afghanistan;

Whereas the Union considers it imperative that all countries with an influence on the parties should exercise it in support of and in close coordination with the United Nations' peace efforts, and that the supply of weapons, munitions and other material for military use to the warring factions from outside Afghanistan, as well as the involvement of foreign military, paramilitary and secret service personnel, should cease;

Whereas the Union attaches the highest importance to respect for international law and human rights, including the Convention on the elimination of all forms of discrimination against women, and denounces the continued gender discrimination in Afghanistan;

Whereas the Union is deeply concerned by reports of massacres of innocent civilians and mass execution of prisoners of war as well as ethnic-based persecutions;

Whereas this Common Position is intended to replace Common Position 98/108/CFSP of 26 January 1998 on

Afghanistan⁽¹⁾; whereas the latter should therefore be repealed,

HAS DEFINED THIS COMMON POSITION:

Article 1

The objectives of the Union in Afghanistan are:

- to bring about a sustainable peace in Afghanistan, put an end to foreign intervention, and encourage intra-Afghan dialogue through support for the central role of the United Nations,
- to promote the stability and development of the whole region through peace in Afghanistan,
- to promote respect for international humanitarian law and human rights, including the rights of women and children,
- to provide effective humanitarian aid and ensure that the international coordination of aid allows for its provision in accordance with international humanitarian principles and an impartial needs assessment,
- to reinforce the fight against illegal drugs and terrorism,
- to assist in peace-building activities and, once a durable peace settlement is in place, the reconstruction of the country after years of civil war;

Article 2

In order to support the United Nations peace efforts, reaffirmed by UN General Assembly Resolution 203 A and B of 18 December 1998, the Union shall continue to:

- support the work of the UN Secretary-General's Special Envoy for Afghanistan,

⁽¹⁾ OJ L 32, 6. 2. 1998, p. 14.

- support and strengthen the work of the UN Special Mission to Afghanistan (UNSMIA), including the civil affairs unit, in line with the UN Secretary-General's report of 23 November 1998,
- ask other countries with influence on the parties to exercise it in support of and in close coordination with UN peace efforts,
- demand from the Taliban their commitment to the implementation of the Agreements signed with the UN on the safety and security of UN personnel, and the conclusion of a thorough investigation of the murders of the UN Staff Members in order to bring those responsible to justice,
- take into consideration the report of the UN Credentials Committee on the representation of Afghanistan at the United Nations,
- maintain its embargo on the export of arms, munitions and military equipment to Afghanistan provided for in its Common Position 96/746/CFSP of 17 December 1996 ⁽¹⁾, and urge other countries to adopt a similar policy of restraint,
- urge countries concerned to stop the involvement of their military, paramilitary and secret service personnel in Afghanistan.

The Union shall also:

- continue contacts with the Afghan parties and prominent Afghan individuals to point to the futility and grave and unacceptable humanitarian consequences of the continued fighting, and urge an immediate cease-fire and the negotiation of a political settlement under UN auspices, including the establishment of a fully representative, broad-based government,
- follow closely and encourage efforts by influential Afghan individuals and organisations, such as the so-called Frankfurt Process, to contribute to an intra-Afghan dialogue,
- continue to impress upon all those countries with influence in Afghanistan the importance the Union attaches to the early settlement of the conflict under UN auspices, and urging them to lend the UN every support.

Article 3

In order to promote respect for all human rights, fundamental freedoms and international humanitarian law the Union shall:

- call on all parties to recognise, protect and promote all human rights and fundamental freedoms including the right to life, liberty and security of persons and also to respect the Universal Declaration of Human Rights to which Afghanistan has subscribed,
- urge Afghan factions to end discriminatory policies and recognise, protect and promote the equal rights and dignity of men and women, including access to education and health facilities, employment, personal security and freedom from intimidation and harassment, and will point to the negative implications of discriminatory policies for the effective supply of aid,
- support the UN Secretary General's proposals to dispatch a mission to Afghanistan to investigate reports of serious and widespread human rights violations by the warring factions, and to deploy civilian UNSMA monitors in Afghanistan,
- attach special importance to human rights aspects in the international coordination of humanitarian assistance to Afghanistan,
- support aid programmes in Afghanistan which integrate gender concerns and actively attempt to promote the equitable participation of both men and women, and which promote peace and human rights,
- urge all factions to respect and protect the cultural heritage of Afghanistan.

Article 4

In order to help the suffering civilian population of Afghanistan, the Union shall:

- continue to provide humanitarian aid to Afghanistan, conditions permitting,
- urge the warring factions to ensure freedom of movement as well as free and safe access of national and international humanitarian personnel to all those in need, without restrictions based on gender, race, religion or nationality, and to cooperate fully and sincerely with humanitarian organisations to respond to the humanitarian needs of the Afghan people,
- continue to support national and international efforts in mine action as an important precondition for sustainable development,
- urge the warring factions not to lay any more land-mines, while at the same time emphasising its standing policy not to fund demining in regions where mine-laying is continued,

⁽¹⁾ OJ L 342, 31. 12. 1996, p. 1.

- improve the effectiveness of aid by closer international donor coordination, in particular by working through the Afghanistan Support Group and the Afghanistan Programming Body,
- ensure close coordination and complementarity between the UN peace efforts and the aid effort, as envisaged in the Strategic Framework common to the international donor community and UN organisations,
- ensure that its aid is provided in accordance with the common Strategic Framework adopted by the donor community and UN organisations and, thereby, to encourage the implementation of a more effective Common Programming in Afghanistan.

Article 5

In order to promote the fight against drugs, the Union, shall:

- use contacts with the factions and those countries with influence on them to underline the Union's concern at the increasing production and trafficking of drugs in Afghanistan which threatens regional stability and damages the health and well-being of the populations of Afghanistan, neighbouring states and elsewhere, and also to stress that the Union will take account of drugs control objectives when considering contributions to development aid to reconstruct Afghanistan once a durable peace settlement is in place,
- urge aid agencies to take account of drug control objectives in the planning and implementation of projects by taking into consideration their impact on drug cultivation, production, trafficking and abuse,
- support sustainable alternative development as an important component of a balanced and comprehensive drug control strategy. Alternative development programmes should be adapted to the specific conditions in Afghanistan, should respect human rights and incorporate the gender dimension enabling women and men to participate equally in the development process. Law enforcement measures are a necessary complement to such programmes,
- support all consistent efforts, including those of the United Nations Drugs Control Programme (UNDCP), aimed at reducing substantially the production, traf-

ficking and abuse of drugs in Afghanistan, and notes the importance of implementation of the Community's projects in support of the Union's Central Asia Drugs Initiative.

Article 6

In order to advance the fight against terrorism, the Union, which condemns terrorism in all its forms and manifestations, shall continue to:

- demand that all Afghan parties refrain from financing, providing training or shelter for terrorist organisations or otherwise supporting terrorist activities;
- urge all Afghan authorities to close down training camps for foreign terrorists inside Afghanistan and to take necessary steps to ensure that those responsible for terrorist acts are brought to justice.

Article 7

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Common Position, where appropriate, by pertinent Community measures.

Article 8

Common Position 98/108/CFSP of 26 January 1998 on Afghanistan shall be repealed.

Article 9

This Common Position shall take effect on the date of its adoption. It shall be reviewed at the latest twelve months after its adoption.

Article 10

This Common Position shall be published in the Official Journal.

Done at Brussels, 25 January 1999.

For the Council

The President

J. FISCHER

COUNCIL DECISION

of 25 January 1999

on the implementation of Joint Action 97/288/CFSP concerning the financing of a communication system to all members of the Nuclear Suppliers Group which are not Member States of the European Union

(1999/74/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Whereas on 29 April 1997 the Council adopted Joint Action 97/288/CFSP on the European Union's contribution to the promotion of transparency in nuclear-related export controls⁽¹⁾;

Whereas the objective of Joint Action 97/288/CFSP is to contribute to the strengthening of the international nuclear non-proliferation system;

Whereas, as part of the further measures to be undertaken by the European Union, in order to support the objectives set out in Article 1 of that Joint Action and as provided for in Article 3 thereof, the setting-up of a secure fax and telephone system fully compatible with the system in use in the European Community would enhance the cooperation between the Member States of the European Union and the other members of the Nuclear Suppliers Group (NSG), thus strengthening the international nuclear non-proliferation system,

HAS DECIDED AS FOLLOWS:

Article 1

1. The European Union shall finance a secure fax and telephone system for all NSG members which are not Member States of the European Union and for the NSG Point of Contact, which shall be fully compatible with the system in use in the European Community.

2. A maximum amount of EUR 200 000 shall be charged to the general budget of the European Communities for 1999 for the purpose of this Decision.

3. The amount stipulated in paragraph 2 shall cover the costs of purchase, installation and maintenance of the system referred to in paragraph 1 for a period of three years.

4. The expenditure financed by the amount stipulated in paragraph 2 shall be managed in accordance with the European Community procedures and rules applicable to the general budget of the European Communities.

Article 2

The implementation of the European Union's offer of the secure fax and telephone system mentioned in Article 1 shall be effected with due regard to the NSG guidelines for the use of that system, and the Annex thereto.

Article 3

This Decision shall be reviewed should new members accede to the NSG.

Article 4

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

Article 5

This Decision shall be published in the Official Journal.

Done at Brussels, 25 January 1999.

*For the Council**The President*

J. FISCHER

⁽¹⁾ OJ L 120, 12. 5. 1997, p. 1.

COUNCIL DECISION**of 25 January 1999****concerning the extension of Joint Action 98/375/CFSP with regard to the nomination of an EU Special Representative for the Federal Republic of Yugoslavia**

(1999/75/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas on 8 June 1998 the Council adopted Joint Action 98/375/CFSP ⁽¹⁾, which was extended by Decision 98/741/CFSP ⁽²⁾;

Whereas the said Joint Action is due to expire on 31 December 1999 and should be extended,

HAS DECIDED AS FOLLOWS:

Article 1

Joint Action 98/375/CFSP is hereby extended until 31 January 2000.

Article 2

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

Article 3

This Decision shall be published in the Official Journal.

Done at Brussels, 25 January 1999.

*For the Council**The President*

J. FISCHER

⁽¹⁾ OJ L 165, 10. 6. 1998, p. 2.⁽²⁾ OJ L 358, 31. 12. 1998, p. 1.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 214/1999

of 25 January 1999

amending Regulation (EC) No 1901/98 concerning a ban on flights of Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 228a thereof,

Having regard to Common Position 98/426/CFSP of 29 June 1998 defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning a ban on flights by Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Council adopted Council Regulation (EC) No 1901/98 of 7 September 1998 concerning a ban on flights of Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community⁽²⁾;

Whereas the Council most recently in its Conclusions of 26 October 1998 has expressed its desire to avoid or to minimise negative effects on Montenegro from the sanctions imposed on the Federal Republic of Yugoslavia and/or Serbia;

Whereas for that reason and on the basis of the information available the Council decided to exempt Montenegro Airlines from the flight ban imposed by Regulation (EC) No 1901/98 as far as authorisations for charter flights between Leipzig and Tivat are concerned;

Whereas in its conclusions of 6 December 1998, the Council instructed its competent bodies to study options, on the basis of a Commission proposal, for the exemption of Montenegro Airlines from the flight ban on Yugoslav carriers;

Whereas, since then the Montenegrin Government has expressed its interest in authorisations for other flights by Montenegro Airlines between Montenegro and the European Community and has been able to provide conclusive evidence to the Commission that such authorisations will not benefit, directly or indirectly, the Serbian or federal Yugoslav authorities,

HAS ADOPTED THIS REGULATION:

Article 1

Paragraph 1(b) of Article 3 of Regulation (EC) No 1901/98 shall be replaced by the following:

- (b) authorisations for individual or charter series flights by Montenegro Airlines between Montenegro and the European Community, on the condition that conclusive evidence is provided by the Montenegrin Government to the European Commission upon its request that neither the Serbian nor the federal Yugoslav authorities will benefit, directly or indirectly, from the revenues resulting from the flights authorised under this paragraph. If this condition is no longer fulfilled, the Commission will make an official notification to this effect in the Official Journal.'

Article 2

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

⁽¹⁾ OJ L 190, 4. 7. 1998, p. 3.

⁽²⁾ OJ L 248, 8. 9. 1998, p. 1.

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

Done at Brussels, 25 January 1999.

For the Council

The President

J. FISCHER

COMMISSION REGULATION (EC) No 215/1999
of 29 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⁽¹⁾, as last amended by Regulation (EC) No 1498/98⁽²⁾, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the 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 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 29 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 ⁽¹⁾	Standard import value
0702 00 00	052	139,3
	204	43,4
	999	91,4
0707 00 05	052	106,9
	999	106,9
0709 10 00	220	148,0
	999	148,0
0709 90 70	052	140,3
	204	207,5
	628	122,8
	999	156,9
0805 10 10, 0805 10 30, 0805 10 50	052	33,9
	204	40,7
	212	42,5
	600	42,6
	624	55,4
	999	43,0
0805 20 10	204	62,4
	999	62,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	58,2
	204	56,8
	464	86,1
	624	80,8
	999	70,5
0805 30 10	052	50,2
	600	72,9
	999	61,6
0808 10 20, 0808 10 50, 0808 10 90	060	44,2
	400	82,6
	404	80,0
	728	92,7
	999	74,9
0808 20 50	052	131,0
	388	95,5
	400	78,9
	624	55,7
	999	90,3

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

COMMISSION REGULATION (EC) No 216/1999**of 29 January 1999****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to

one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

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

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

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

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

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

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ L 150, 25. 6. 1996, p. 3.

HAS ADOPTED THIS REGULATION:

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

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 1999.

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

Done at Brussels, 29 January 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

to the Commission Regulation of 29 January 1999 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— EUR/100 kg dry matter —
1702 40 10 9100	46,89 ⁽²⁾
1702 60 10 9000	46,89 ⁽²⁾
1702 60 80 9100	89,09 ⁽⁴⁾
	— EUR/1 % sucrose × 100 kg —
1702 60 95 9000	0,4689 ⁽¹⁾
	— EUR/100 kg dry matter —
1702 90 30 9000	46,89 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
1702 90 60 9000	0,4689 ⁽¹⁾
1702 90 71 9000	0,4689 ⁽¹⁾
1702 90 99 9900	0,4689 ⁽¹⁾ ⁽³⁾
	— EUR/100 kg dry matter —
2106 90 30 9000	46,89 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
2106 90 59 9000	0,4689 ⁽¹⁾

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

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

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

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

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

COMMISSION REGULATION (EC) No 217/1999
of 29 January 1999
fixing the import duties in the cereals sector

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

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

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

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question; however, that duty may not exceed the rate of duty in the Common Customs Tariff;

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

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 February 1999.

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

Done at Brussels, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 315, 25. 11. 1998, p. 7.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	55,30	45,30
	medium quality ⁽¹⁾	65,30	55,30
1001 90 91	Common wheat seed	49,24	39,24
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	49,24	39,24
	medium quality	81,03	71,03
	low quality	101,61	91,61
1002 00 00	Rye	103,46	93,46
1003 00 10	Barley, seed	103,46	93,46
1003 00 90	Barley, other ⁽³⁾	103,46	93,46
1005 10 90	Maize seed other than hybrid	102,48	92,48
1005 90 00	Maize other than seed ⁽³⁾	102,48	92,48
1007 00 90	Grain sorghum other than hybrids for sowing	103,46	93,46

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 15 January 1999 to 28 January 1999)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/tonne)	113,92	98,21	86,21	73,37	134,61 (**)	124,61	86,45 (**)
Gulf premium (EUR/tonne)	26,75	10,68	2,09	14,06	—	—	—
Great Lakes premium (EUR/tonne)	—	—	—	—	—	—	—

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

(**) Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: EUR 11,03 per tonne; Great Lakes — Rotterdam: EUR 21,41 per tonne.

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

COMMISSION REGULATION (EC) No 218/1999
of 29 January 1999
fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

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⁽¹⁾, as last amended by Commission Regulation (EC) No 2547/98⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

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

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national

food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

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, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽⁵⁾ OJ L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 29 January 1999 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/tonne)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	31,50
1002 00 00 9000	74,00
1003 00 90 9000	51,00
1004 00 00 9400	59,00
1005 90 00 9000	49,00
1006 30 92 9100	142,00
1006 30 92 9900	142,00
1006 30 94 9100	142,00
1006 30 94 9900	142,00
1006 30 96 9100	142,00
1006 30 96 9900	142,00
1006 30 98 9100	142,00
1006 30 98 9900	142,00
1006 30 65 9900	142,00
1006 40 00 9000	—
1007 00 90 9000	49,00
1101 00 15 9100	44,00
1101 00 15 9130	44,00
1102 20 10 9200	77,66
1102 20 10 9400	66,56
1102 30 00 9000	—
1102 90 10 9100	73,35
1103 11 10 9200	30,00
1103 11 90 9200	30,00
1103 13 10 9100	99,85
1103 14 00 9000	—
1104 12 90 9100	103,44
1104 21 50 9100	97,80

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 219/1999
of 29 January 1999

determining the extent to which applications submitted in January 1999 for import licences for the tariff quota for beef and veal provided for in the Interim Agreement between the Community and the Republic of Slovenia can be accepted

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

Having regard to Commission Regulation (EC) No 2556/98 of 27 November 1998 laying down for 1999 detailed rules for the application of the tariff quota for beef and veal provided for in the Interim Agreement between the Community and the Republic of Slovenia⁽¹⁾, and in particular Article 3(4) thereof,

Whereas Article 1(3) of Regulation (EC) No 2556/98 fixes the quantity of fresh or chilled beef and veal originating in Slovenia which may be imported under special conditions from 1 January to 30 June 1999; whereas the quantity of meat for which import licences have been submitted is such that applications may be granted in full; Whereas Article 1(4) of Regulation (EC) No 2556/98 lays down that if, during 1999, the quantity for which licence applications are submitted for the first period specified in paragraph 3 of that Article is less than the quantity available, the remaining quantity is to be added to the quantity available for the following period; whereas, in

view of the quantity remaining for the first period, the quantity available for the country concerned for the second period, from 1 July to 31 December 1999, should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences shall be granted for the full quantities covered by applications submitted for the quota referred to in Regulation (EC) No 2556/98 for the period 1 January to 30 June 1999.
2. The quantity available for the period referred to in Article 1(3) of Regulation (EC) No 2556/98 running from 1 July to 31 December 1999 shall be 8 070 tonnes.

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 320, 28. 11. 1998, p. 20.

COMMISSION REGULATION (EC) No 220/1999

of 29 January 1999

determining the extent to which applications lodged in January 1999 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 can be accepted

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

Having regard to Commission Regulation (EC) No 1474/95⁽¹⁾ opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin, as last amended by Regulation (EC) No 1371/98⁽²⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin⁽³⁾, as last amended by Regulation (EC) No 1370/98⁽⁴⁾ and in particular Article 5(5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1999 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities

greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1999 submitted pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1999 applications may be lodged pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 for import licences for the total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 145, 29. 6. 1995, p. 19.

⁽²⁾ OJ L 185, 30. 6. 1998, p. 17.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 136.

⁽⁴⁾ OJ L 185, 30. 6. 1998, p. 15.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1999
E1	—
E2	100,00
E3	100,00
P1	100,00
P2	100,00
P3	3,13
P4	100,00

ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 April to 30 June 1999
E1	109 120,00
E2	3 844,13
E3	7 814,74
P1	3 525,00
P2	1 059,56
P3	117,00
P4	384,90

COMMISSION REGULATION (EC) No 221/1999
of 29 January 1999

determining the extent to which applications lodged in January 1999 for licences for certain eggs and poultrymeat products under the regime provided for by the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Romania and Bulgaria can be accepted

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 1899/97⁽¹⁾ setting rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94, and in particular Article 4(5) thereof,

1. Applications for import licences for the period 1 January to 31 March 1999 submitted under Regulation (EC) No 1899/97 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 April to 30 June 1999 applications may be lodged pursuant to Regulation (EC) No 1899/97 for import licences for a total quantity as referred to in Annex II.

Whereas the applications for import licences lodged for the first quarter of 1999 are, in the case of some products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 267, 30. 9. 1997, p. 67.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1999
1	3,58
2	3,27
4	100,00
7	2,28
8	17,54
9	3,00
10	100,00
11	100,00
44	6,49
45	100,00
12	100,00
14	—
15	5,56
16	100,00
17	—
18	—
19	—
21	100,00
23	—
24	100,00
25	100,00
26	—
27	—
28	—
30	—
32	—
33	—
34	—
35	—
36	—
37	7,46
38	100,00
39	—
40	—
43	—

ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 April to 30 June 1999
1	1 638,75
2	373,75
4	17 522,78
7	2 415,00
8	603,75
9	1 380,00
10	1 765,61
11	442,75
44	316,25
45	1 435,37
12	1 564,50
14	4 025,00
15	1 408,75
16	1 358,50
17	1 725,00
18	345,00
19	498,63
21	2 650,50
23	2 478,88
24	115,00
25	5 951,70
26	293,25
27	2 470,00
28	345,00
30	2 070,00
32	805,00
33	575,00
34	2 875,00
35	230,00
36	1 150,00
37	143,75
38	215,63
39	1 840,00
40	579,60
43	1 150,00

COMMISSION REGULATION (EC) No 222/1999
of 29 January 1999

determining the extent to which applications lodged in January 1999 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

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

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1514/97 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the period 1 January to 31 March 1999 are greater than

the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 January to 31 March 1999 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 156, 23. 6. 1994, p. 9.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 January to 31 March 1999
1	1,99
2	2,00
3	2,20
4	100,00
5	3,64

COMMISSION REGULATION (EC) No 223/1999**of 29 January 1999****determining the extent to which applications lodged in January 1999 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 509/97 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 509/97 of 20 March 1997 laying down procedures for applying in the poultrymeat sector the Interim Agreement on trade and accompanying measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part ⁽¹⁾, as amended by Regulation (EC) No 1514/97 ⁽²⁾, and in particular Article 4(5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1999 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1999 submitted pursuant to Regulation (EC) No 509/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1999 applications may be lodged pursuant to Regulation (EC) No 509/97 for import licences for the total quantities as referred to in Annex II.

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 80, 21. 3. 1997, p. 3.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1999
80	100,00
90	100,00
100	100,00

*ANNEX II**(tonnes)*

Group No	Available quantities
80	720,00
90	330,00
100	600,00

COMMISSION REGULATION (EC) No 224/1999
of 29 January 1999
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 2751/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply

to the FOD should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

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, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 345, 19. 12. 1998, p. 19.

ANNEX

to the Commission Regulation of 29 January 1999 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(EUR/tonne)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	37,50	37,50	37,50	40,50
Barley (1003 00 90)	57,00	57,00	57,00	60,00
Maize (1005 90 00)	55,00	55,00	55,00	58,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 225/1999
of 29 January 1999
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 2752/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

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, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ L 345, 19. 12. 1998, p. 21.

ANNEX

to the Commission Regulation of 29 January 1999 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

(EUR/tonne)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	34,50
Barley	(1003 00 90)	54,00
Maize	(1005 90 00)	52,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	62,00

COMMISSION REGULATION (EC) No 226/1999
of 29 January 1999
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 2750/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores

and Madeira should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

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, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 345, 19. 12. 1998, p. 17.

ANNEX

to the Commission Regulation of 29 January 1999 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

(EUR/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	34,50	34,50
Barley (1003 00 90)	54,00	54,00
Maize (1005 90 00)	52,00	52,00
Durum wheat (1001 10 00)	8,00	8,00

COMMISSION REGULATION (EC) No 227/1999
of 29 January 1999

**fixing the minimum selling prices for butter and the maximum aid for cream,
butter and concentrated butter for the 24th individual invitation to tender under
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organisation of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EC) No 1587/96 ⁽²⁾, and in particular Article 6(3) and
(6) and Article 12(3) thereof,

Whereas the intervention agencies are, pursuant to
Commission Regulation (EC) No 2571/97 of 15
December 1997 on the sale of butter at reduced prices
and the granting of aid for cream, butter and concentrated
butter for use in the manufacture of pastry products,
ice-cream and other foodstuffs ⁽³⁾, as last amended by
Regulation (EC) No 124/1999 ⁽⁴⁾, to sell by invitation to
tender certain quantities of butter that they hold and to
grant aid for cream, butter and concentrated butter;
whereas Article 18 of that Regulation stipulates that in
the light of the tenders received in response to each
individual invitation to tender a minimum selling price
shall be fixed for butter and maximum aid shall be fixed
for cream, butter and concentrated butter; whereas it is
further stipulated that the price or aid may vary according

to the intended use of the butter, its fat content and the
incorporation procedure, and that a decision may also be
taken to make no award in response to the tenders
submitted; whereas the amount(s) of the processing secur-
ities must be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for
the 24th individual invitation to tender, under the
standing invitation to tender provided for in Regulation
(EC) No 2571/97, shall be fixed as indicated in the Annex
hereto.

Article 2

This Regulation shall enter into force on 30 January
1999.

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

Done at Brussels, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 350, 20. 12. 1997, p. 3.

⁽⁴⁾ OJ L 16, 21. 1. 1999, p. 19.

ANNEX

to the Commission Regulation of 29 January 1999 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 24th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter \geq 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter \geq 82 %		95	91	—	91
	Butter $<$ 82 %		92	88	92	88
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security		Butter	105	—	105	—
		Concentrated butter	129	—	129	—
		Cream	—	—	44	—

COMMISSION REGULATION (EC) No 228/1999
of 29 January 1999

fixing the maximum aid for concentrated butter for the 196th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 7a(3) thereof,

Whereas, in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 417/98 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; whereas Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

Whereas, in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 196th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

— maximum aid:	EUR 117/100 kg
— end-use security:	EUR 129/100 kg.

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 45, 21. 2. 1990, p. 8.

⁽⁴⁾ OJ L 52, 21. 2. 1998, p. 18.

COMMISSION REGULATION (EC) No 229/1999
of 29 January 1999

**fixing the maximum buying-in price and the quantities of beef to be bought in
under the 216th partial invitation to tender as a general intervention measure
pursuant to Regulation (EEC) No 1627/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 2812/98⁽⁴⁾, an invitation to tender was opened pursuant to Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 136/1999⁽⁶⁾;

Whereas, in accordance with Article 13(1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 13(2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

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

Done at Brussels, 29 January 1999.

Whereas, once tenders submitted in respect of the 216th partial invitation to tender have been considered and taking account, pursuant to Article 6(1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 216th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - the maximum buying-in price shall be EUR 241,35 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 2 599 tonnes.

Article 2

This Regulation shall enter into force on 1 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 349, 24. 12. 1998, p. 47.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 17, 22. 1. 1999, p. 26.

COMMISSION REGULATION (EC) No 230/1999
of 29 January 1999

**fixing the maximum export refund on wholly milled round grain, medium grain
and long grain A rice in connection with the invitation to tender issued in
Regulation (EC) No 2564/98**

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organisation of the
market in rice ⁽¹⁾, as last amended by Regulation (EC) No
2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on
rice was issued pursuant to Commission Regulation (EC)
No 2564/98 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No
584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/
95 ⁽⁵⁾, allows the Commission to fix, in accordance with
the procedure laid down in Article 22 of Regulation (EC)
No 3072/95 and on the basis of the tenders submitted, a
maximum export refund; whereas in fixing this
maximum, the criteria provided for in Article 13 of Regu-
lation (EC) No 3072/95 must be taken into account;
whereas a contract is awarded to any tenderer whose
tender is equal to or less than the maximum export
refund;

Whereas the application of the abovementioned criteria
to the current market situation for the rice 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

The maximum export refund on wholly milled round
grain, medium grain and long grain A rice to be exported
to certain third countries pursuant to the invitation to
tender issued in Regulation (EC) No 2564/98 is hereby
fixed on the basis of the tenders submitted from 25 to 28
January 1999 at EUR 108,00 per tonne.

Article 2

This Regulation shall enter into force on 30 January
1999.

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

Done at Brussels, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.
⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.
⁽³⁾ OJ L 320, 28. 11. 1998, p. 43.
⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.
⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 231/1999**of 29 January 1999****fixing the maximum export refund on wholly milled medium round grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2565/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2565/98 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled medium round grain and long grain A rice to be exported to certain third countries of Europe pursuant to the invitation to tender issued in Regulation (EC) No 2565/98 is hereby fixed on the basis of the tenders submitted from 25 to 28 January 1999 at EUR 108,00 per tonne.

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 320, 28. 11. 1998, p. 46.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 232/1999
of 29 January 1999

fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2566/98

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2566/98 ⁽³⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2566/98 is hereby fixed on the basis of the tenders submitted from 25 to 28 January 1999 at EUR 306,00 per tonne.

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 320, 28. 11. 1998, p. 49.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 233/1999

of 29 January 1999

fixing the maximum subsidy for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2563/98

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, and in particular Article 9(1) thereof,

Whereas Commission Regulation (EC) No 2563/98 ⁽⁴⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy;

Whereas the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy; whereas

successful tenderers shall be those bids at or below the level of the maximum subsidy;

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

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 25 to 28 January 1999 at EUR 283 per tonne pursuant to the invitation to tender referred to in Regulation (EC) No 2563/98.

Article 2

This Regulation shall enter into force on 30 January 1999.

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

Done at Brussels, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 29, 7. 9. 1989, p. 8.

⁽⁴⁾ OJ L 320, 28. 11. 1998, p. 40.

COMMISSION REGULATION (EC) No 234/1999
of 29 January 1999
setting the amounts of aid for the supply of rice products from the Community
to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 825/98 ⁽⁴⁾, lays down common detailed rules for implementation of the specific

arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

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, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ L 117, 21. 4. 1998, p. 5.

ANNEX

to the Commission Regulation of 29 January 1999 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

(EUR/tonne)

Product (CN code)	Amount of aid
Milled rice (1006 30)	106,00
Broken rice (1006 40)	23,00

COMMISSION REGULATION (EC) No 235/1999
of 29 January 1999
setting the amounts of aid for the supply of rice products from the Community
to the Azores and Madeira

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the fore-

cast supply balance for these products ⁽⁵⁾, as last amended by Regulation (EC) No 1683/94 ⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

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, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ L 198, 17. 7. 1992, p. 37.

⁽⁶⁾ OJ L 178, 12. 7. 1994, p. 53.

ANNEX

to the Commission Regulation of 29 January 1999 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(EUR/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	106,00	106,00

COMMISSION REGULATION (EC) No 236/1999

of 29 January 1999

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas Article 13 of Regulation (EC) No 3072/95 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 Article 13(4) 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 rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas export possibilities exist for a quantity of 3 000 tonnes of rice to certain destinations; whereas the procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 444/98 ⁽⁵⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

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 a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas, for the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted;

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 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 3 000 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 February 1999.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 154, 15. 6. 1976, p. 11.

⁽⁴⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁵⁾ OJ L 56, 26. 2. 1998, p. 12.

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

Done at Brussels, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 29 January 1999 fixing the export refunds on rice and broken rice and suspending, the issue of export licences

<i>(EUR/tonne)</i>			<i>(EUR/tonne)</i>		
Product code	Destination (1)	Amount of refunds	Product code	Destination (1)	Amount of refunds
1006 20 11 9000	01	74,00	1006 30 65 9900	01	92,00
1006 20 13 9000	01	74,00		04	—
1006 20 15 9000	01	74,00	1006 30 67 9100	05	—
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	74,00	1006 30 92 9100	01	92,00
1006 20 94 9000	01	74,00		02	—
1006 20 96 9000	01	74,00		03	—
1006 20 98 9000	—	—		04	—
1006 30 21 9000	01	74,00	1006 30 92 9900	01	92,00
1006 30 23 9000	01	74,00		04	—
1006 30 25 9000	01	74,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	92,00
1006 30 42 9000	01	74,00		02	—
1006 30 44 9000	01	74,00		03	—
1006 30 46 9000	01	74,00		04	—
1006 30 48 9000	—	—	1006 30 94 9900	01	92,00
1006 30 61 9100	01	92,00		04	—
	02	—		—	—
	03	—	1006 30 96 9100	01	92,00
	04	—		02	—
1006 30 61 9900	01	92,00		03	—
	04	—		04	—
1006 30 63 9100	01	92,00	1006 30 96 9900	01	92,00
	02	—		04	—
	03	—		—	—
	04	—	1006 30 98 9100	05	—
1006 30 63 9900	01	92,00	1006 30 98 9900	—	—
	04	—	1006 40 00 9000	—	—
1006 30 65 9100	01	92,00			
	02	—			
	03	—			
	04	—			

(1) The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia; refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a quantity of 3 000 tonnes of milled rice equivalent,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Suriname, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,
- 05 Ceuta and Melilla.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 237/1999
of 29 January 1999
altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 120/1999⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 120/1999 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 120/1999 are hereby altered to the amounts shown in the Annex hereto.

Article 2

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, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 16, 21. 1. 1999, p. 4.

ANNEX

to the Commission Regulation of 29 January 1999 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	43,13 ⁽¹⁾
1701 11 90 9910	42,09 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	43,13 ⁽¹⁾
1701 12 90 9910	42,09 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4689
	— EUR/100 kg —
1701 99 10 9100	46,89
1701 99 10 9910	46,89
1701 99 10 9950	46,89
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4689

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

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

COMMISSION REGULATION (EC) No 238/1999
of 29 January 1999
determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at EUR 22,369 per 100 kilograms.

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

- EUR 61,821 per 100 kilograms in Spain,
- EUR 51,616 per 100 kilograms in Greece,
- EUR 83,931 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 1 February 1999.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 190, 4. 7. 1998, p. 4.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 211, 29. 7. 1998, p. 9.

⁽⁶⁾ OJ L 324, 2. 12. 1998, p. 25.

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

Done at Brussels, 29 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 239/1999
of 29 January 1999

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 ⁽⁵⁾, as last amended by Commission Regulation (EC) No 1126/96 ⁽⁶⁾, 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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 1999.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 25.

⁽⁵⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 29 January 1999.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 29 January 1999 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4(5)(b) of Regulation (EC) No 1222/94	2,72	2,72
— in all other cases	46,89	46,89

COMMISSION REGULATION (EC) No 240/1999

of 29 January 1999

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾;

Whereas Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁸⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 February 1999.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 25.

⁽⁵⁾ OJ L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ L 350, 20. 12. 1997, p. 3.

⁽⁸⁾ OJ L 16, 21. 1. 1999, p. 19.

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

Done at Brussels, 29 January 1999.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 29 January 1999 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(EUR/100 kg)

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 January 1999

authorising the Member States exceptionally to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Hungary or Romania

(notified under document number C(1999) 81)

(1999/76/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 98/2/EC⁽²⁾, and in particular Article 14(1) thereof,

Having regard to the request made by Austria, in respect of plants of *Vitis* L., other than fruits, originating in Hungary or Romania,

Whereas, under the provisions of Directive 77/93/EEC, plants of *Vitis* L., other than fruits, originating in third countries, may in principle not be introduced into the Community;

Whereas the use of propagating material of *Vitis* L. imported from Hungary or Romania had become an established practice before Austria's accession to the Community; whereas this propagating material was intended to be used to produce grafted material in Austria;

Whereas, in respect of the said imports into the Community of the said plants, on the basis of information supplied by the relevant Member State, it appeared that in Hungary or Romania, plants of *Vitis* L. could be grown under adequate health conditions and that there were no sources for the introduction of exotic diseases affecting plants of *Vitis* L.; whereas therefore, by Decision 98/201/EC⁽³⁾, Member States were authorised to provide for a derogation, for a limited period, and under specific conditions, without prejudice to Council Directive 68/193/EEC⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and any implementing measures made thereunder;

Whereas there were no confirmed findings of diseases and pests on samples drawn from cuttings imported pursuant to Decision 98/201/EC or on visual inspections of grafted plants using such cuttings;

Whereas the circumstances justifying the authorisation still obtain;

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

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 15, 21. 1. 1998, p. 34.

⁽³⁾ OJ L 76, 13. 3. 1998, p. 39.

⁽⁴⁾ OJ L 93, 17. 4. 1968, p. 15.

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4(1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A, point 15, of Annex III thereto for plants of *Vitis* L., other than fruits, originating in Hungary or Romania.

2. In addition to the requirements laid down in Annexes I, II and IV of Directive 77/93/EEC in relation to plants of *Vitis* L., the following specific conditions shall be satisfied:

(a) the plants shall be propagating material in the form of rootstock cuttings for grafting (hereinafter referred to as 'cuttings') of the following rootstock varieties:

- *Vitis berlandieri* ×
Vitis riparia, selection Kober 5BB,
- *Vitis berlandieri* ×
Vitis riparia 5C;

(b) the cuttings shall be intended to be used in the Community at premises referred to in (h), in order to produce rooted grafts in the Community;

(c) the cuttings intended for the Community shall be:

- harvested in stock nurseries, which are officially registered. The lists of the registered nurseries shall be made available to the Member States making use of the derogation and to the Commission, at the latest by 1 December 1998.

These lists shall include the name(s) of the rootstock varieties, the number of rows planted with these varieties, the number of plants per row for each of these nurseries, as far as they are deemed suitable for dispatch to the Community in 1998 and 1999, under the conditions laid down in this Decision,

- properly packed and the packaging made recognisable with a marking, enabling the identification of the registered nursery and the variety,
- accompanied by a phytosanitary certificate issued in Hungary or Romania in accordance with Articles 7 and 12 of Directive 77/93/EEC, on the basis of the examination laid down therein, in particular freedom from the following harmful organisms:

- *Daktulosphaira vitifoliae* (Fitch),
- *Xylophilus ampelinus* (Panagopoulos) Willems et al.,

- grapevine Flavescence dorée MLO,
- *Xylella fastidiosa* (Well et Raju),
- *Trechispora brinkmannii* (Bresad.) Rogers,
- tobacco ringspot virus,
- tomato ringspot virus,
- blueberry leaf mottle virus,
- peach rosette mosaic virus.

The certificate shall state under 'Additional declaration', the indication 'This consignment meets the conditions laid down in Decision 1999/76/EC';

(d) the official plant protection organisation of Hungary or Romania shall ensure the identity of the cuttings from the time of harvesting as referred to in (c), first indent, until the time of loading for export to the Community;

(e) the cuttings shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State; these points of entry and the name and address of the responsible official body referred to in Directive 77/93/EEC in charge of each point shall be notified sufficiently in advance by the Member States to the Commission and shall be held available on request to other Member States. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State of introduction shall inform and cooperate with the said responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with;

(f) prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in (a) to (k); the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the notification to the Commission, indicating:

- the type of material,
- the quantity,
- the declared date of introduction and confirmation of the point of entry,
- the names, addresses and the locations of the premises referred to in (h) where the cuttings will be used as rootstocks and where the grafted plants will subsequently be planted.

The importer shall provide details of any changes to the aforementioned advance notification, to the responsible official bodies of their own Member State, preferably as soon as they are known and in any case prior to the time of import, and that Member State, without delay, shall convey the details of the changes to the Commission;

(g) the inspections including testing, as appropriate, required pursuant to Article 12 of Directive 77/93/EEC and in accordance with provisions laid down in the present Decision shall be made by the responsible official bodies, referred to in the said Directive; of these inspections, the plant health checks shall be carried out by the Member State making use of this derogation and where appropriate, in cooperation with the said bodies of the Member State in which the cuttings will be used as rootstocks. Furthermore during the said plant health check that Member State(s) shall also inspect for all other harmful organisms. Without prejudice to the monitoring referred to in Article 19a(3), second indent, first possibility, of the said Directive, the Commission shall determine to which extent the inspections referred to in Article 19a(3), second indent, second possibility, of the said Directive shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive;

(h) the cuttings shall be used as rootstocks for grafting and the grafted plants subsequently planted, only at premises:

— for which the names, addresses and the locations have been notified by the person who intends to use the cuttings imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated, and

— officially registered and approved for the purposes of this derogation including in respect of the provisions laid down in the Annex.

In those cases where the place of grafting or planting is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official

bodies of the Member State in which the cuttings will be used for grafting and subsequently planted giving the names, addresses and the locations of the premises where the plants will be grafted or planted;

(i) the said responsible official bodies shall ensure that any cutting not used in accordance with (h) shall be destroyed under the control of the said responsible official bodies. Records shall be kept available to the Commission on the numbers of plants destroyed;

(j) at the premises referred to in (h):

— the cuttings shall be subjected immediately upon arrival to testing on representative samples and using appropriate laboratory methods, and, where appropriate, indicator plants for the detection of at least the following harmful organisms:

(a) blueberry leaf mottle virus;

(b) grapevine Flavescence dorée MLO and other grapevine yellows;

(c) peach rosette mosaic virus;

(d) tobacco ringspot virus;

(e) tomato ringspot virus (strain 'yellow vein' and other strains);

(f) *Xylella fastidiosa* (Well & Raju);

(g) *Xylophilus ampelinus* (Panagopoulos) Willems et al.

The material which has been found free from the harmful organisms referred to in this indent may then be used for grafting and the grafted plants shall be planted and grown in fields belonging to the premises referred to in (h) and shall remain on the premises, whether planted or stored in a bare rooted state until they are ready for sale,

— the grafted plants shall be, in the growing period following importation, visually inspected by the said responsible official bodies of the Member State in which the grafted plants are planted, at appropriate times, for the presence of any harmful organism or for signs or symptoms caused by any harmful organism including those of *Daktulosphaira vitifoliae* (Fitch); as a result of such visual inspection any harmful organism having caused such signs or symptoms shall be identified by an appropriate testing procedure,

- any plant which has not been found free during the said inspections or testing, referred to in the previous indents, from the harmful organisms listed under (c), third indent, or otherwise of quarantine concern, shall be immediately destroyed under control of the said responsible bodies;
- (k) any grafted plant resulting from a successful grafting using the cuttings referred to in (a) shall only be released as rooted grafts in 2000.

Article 2

Member States shall inform the other Member States and the Commission by means of the notification referred to in Article 1(2)(f), first sentence, of any use of the authorisation. They shall provide the Commission and the other Member States, before 1 October 1999, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(2)(j) including identification of any harmful organism; copies of each phytosanitary certificate shall be transmitted to the Commission. Furthermore any other Member State in which the rootstocks are used for grafting and in which the grafted plants are planted after the import, shall also provide the Commission and the other Member States, before 1 October 1999, with a detailed technical report of the official examination referred to in Article 1(2)(j).

Article 3

Without prejudice to the provisions laid down in Article 14(3) of Directive 77/93/EEC, the Member States concerned shall notify the Commission and the other Member States of all cases of consignments introduced pursuant to this Decision which do not comply with the conditions laid down herein.

Article 4

Article 1 shall apply during the period between 15 December 1998 and 15 February 1999. The present Decision shall be revoked if it is established that the conditions laid down in Article 1(2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 20 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

The quarantine containment conditions of the premises and facilities at the site or sites at which the activities are to be undertaken shall be sufficient to ensure a safe handling of the material such that any harmful organisms of concern are contained and the risk of spreading such harmful organisms eliminated. For each activity specified in the application, the risk of spread of the harmful organisms held under quarantine containment conditions shall be determined by the responsible official body, having regard to the type of material and the activity envisaged, and to the biology of the harmful organisms, the means of their dispersal, the interaction with the environment and other relevant factors relating to the risk posed by the material concerned. As a result of the assessment of the risk the responsible official body shall consider and lay down as appropriate:

- (a) the following quarantine measures concerning the premises, facilities and working procedures:
- physical isolation from all other plant/harmful organism material, including consideration of control of vegetation in surrounding areas,
 - designation of a contact person responsible for the activities,
 - restricted access to the premises and facilities, and to the surrounding area, as appropriate, to named personnel only,
 - appropriate identification of the premises and facilities indicating the type of activities and the personnel responsible,
 - maintenance of a register of the activities performed and a manual of operating procedures, including procedures in the event of escape of harmful organisms from containment,
 - appropriate security and alarm systems,
 - appropriate control measures to prevent the introduction into and the spread within the premises of harmful organisms,
 - controlled procedures for sampling and for transfer between premises and facilities, of the material,
 - controlled waste, soil and water disposal, as appropriate,
 - appropriate hygiene and disinfection procedures and facilities for personnel, structures and equipment,
 - appropriate measures and facilities for disposal of experimental material,
 - appropriate indexing (including testing) facilities and procedures;
- and
- (b) further quarantine measures according to the specific biology and epidemiology of the type of material involved and the activities approved,
- maintenance in facilities with separate chamber 'double door' access to personnel,
 - maintenance under negative air pressure,
 - maintenance in escape-proof containers with appropriate mesh size and other barriers e.g. water barrier for mites, closed soil containers for nematodes, electric insect traps,
 - maintenance in isolation from other harmful organisms and material, e.g. viruliferous plant food material, host material,
 - maintenance of material for breeding in breeding cages with manipulation devices,
 - no interbreeding of the harmful organisms with indigenous strains or species,
 - avoidance of continuous culture of the harmful organisms,
 - maintenance under conditions that strictly control the multiplication of the harmful organism, e.g. under an environmental regime such that diapause does not occur,
 - maintenance in such a way that no spread by propagules can occur, e.g. air streams should be avoided,
 - procedures to check the purity of cultures of the harmful organisms for freedom from parasites and other harmful organisms,
 - appropriate control programmes for the material to eliminate possible vectors,

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- for *in vitro* activities, handling of the material under sterile conditions: equipping the laboratory for the performance of aseptic procedures,
 - maintenance of harmful organisms spread by vectors under conditions such that there is no spread via the vector e.g. controlled mesh size, containment of soil,
 - seasonal isolation to ensure the activities are done during periods of low plant health risk.
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COMMISSION DECISION

of 20 January 1999

authorising the Member States to permit temporarily the marketing of vine propagating material not satisfying the requirements of Council Directive 68/193/EEC

(notified under document number C(1999) 98)

(1999/77/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 14 thereof,

Having regard to the requests submitted by France, Italy and Austria,

Whereas in the Community, in particular in France, Italy and Austria the production of certain vine propagating materials satisfying the requirements of Directive 68/193/EEC, has been insufficient in 1997 and is therefore not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with material satisfying all the requirements laid down in the said Directive;

Whereas Austria should therefore be authorised to permit the marketing, for a period expiring on 15 February 1999 and France and Italy for a period expiring on 30 March 1999, of material of a category to which less stringent requirements apply;

Whereas other Member States likely to supply France, Italy or Austria with such material should furthermore be authorised to permit its marketing to this end;

Whereas in the case of Austria the propagating material will be imported in the forms of rootstock cuttings to be used for grafting; whereas, according to the request, the rooted grafts produced in the Community from such propagating material are then intended to be marketed in the Community;

Whereas in the case of France and Italy the propagating material will be imported in the form of dormant buds to be used for grafting; whereas, according to the requests, the rooted grafts produced in the Community from such

propagating material are then intended for export to third countries;

Whereas this authorisation may only be used in accordance with the plant health conditions and requirements laid down by Council Directive 77/93/EEC ⁽²⁾, as last amended by Commission Directive 98/2/EC ⁽³⁾, and in any implementing measures made thereof;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. Austria is authorised to permit, for a period expiring on 15 February 1999, the marketing on its territory of a maximum of 1 500 000 rootstock cuttings for grafting, which have been harvested in Hungary or Romania and which do not satisfy the requirements laid down in Directive 68/193/EEC as regards certification and inspection of standard propagation material, provided that the official label is brown and bears the words 'less stringent requirements'.

2. Austria is authorised to permit the marketing in its territory of rooted grafts produced in the Community from the abovementioned rootstock cuttings for grafting, provided that the official label is brown and bears the words 'less stringent requirements'.

Article 2

Italy is authorised to permit, for a period expiring on 30 March 1999, the marketing on its territory of a maximum of 500 000 dormant buds for grafting harvested in Croatia which do not satisfy the requirements laid down in Directive 68/193/EEC as regards certification and inspection of standard propagating material, provided that the official label is brown and bears the words 'less stringent requirements'.

⁽¹⁾ OJ L 93, 17. 4. 1968, p. 15.

⁽²⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽³⁾ OJ L 15, 21. 1. 1998, p. 34.

Article 3

France is authorised to permit, for a period expiring on 30 March 1999, the marketing on its territory of a maximum of 150 000 dormant buds for grafting harvested in Switzerland which do not satisfy the requirements laid down in Directive 68/193/EEC as regards certification and inspection of standard propagating material, provided that the official label is brown and bears the words 'less stringent requirements'.

Article 4

Member States other than the applicant Member States are also authorised to permit, on the terms set out in Articles 1, 2 and 3 and for the purposes intended by the applicant Member States, the marketing in their territories of the material authorised to be marketed under this Decision.

Article 5

The authorisations under Articles 1 to 4 shall be without prejudice to Directive 77/93/EEC and any implementing measures thereof.

Article 6

Member States shall immediately notify the Commission and the other Member States of the quantities of propagating material permitted to be marketed in their territories under this Decision.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 20 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2705/98 of 14 December 1998 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community

(Official Journal of the European Communities L 340 of 16 December 1998)

Page 13, Annex II, K. UNITED KINGDOM, 2. Categories, qualities and coefficients, (a) Great Britain, column 'Weighting coefficients', opposite 'Steers light (370 to 464 kg)':

for: '23,3',

read: '26,3'.
