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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 241/1999

of 25 January 1999

amending Regulation (EC) No 3295/94 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

(1) Whereas, pursuant to Article 15 of Regulation (EC) No 3295/94 ⁽⁴⁾, conclusions should be drawn from the experience gained during the early years of its implementation with a view to improving the operation of the system it set up;

(2) Whereas the marketing of goods infringing patents or supplementary protection certificates for medicinal products as provided for in Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products ⁽⁵⁾ or supplementary protection certificates for plant protection products, as provided for in Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products ⁽⁶⁾ causes serious injury to their holders and constitutes an unfair and unlawful business activity; whereas such goods should as far as possible be prevented from being placed on the

market and measures should be adopted to that end to deal effectively with this unlawful activity without impeding the freedom of legitimate trade; whereas this objective is also being pursued through efforts being made along the same lines at international level;

(3) Whereas, in order to guarantee the integrity of the Community's external frontier, the customs authorities should be permitted to take action against goods infringing certain intellectual property rights and associated goods whatever their customs status; whereas the release for free circulation in the Community, entry for a suspensive procedure, re-export or placing in a free zone or free warehouse of such goods should therefore be prohibited; whereas moreover the customs authorities should be authorised to take action as soon as the said goods are brought into the Community;

(4) Whereas, as regards suspensive procedures, free zones and free warehouses, re-export subject to notification and temporary storage, the customs authorities will act only where goods suspected to be goods infringing certain intellectual property rights are discovered during a check;

(5) Whereas Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trademark ⁽⁷⁾ has established a system whereby right holders can, by means of a single procedure, obtain Community trade marks enjoying uniform protection and producing their effects throughout the Community;

⁽¹⁾ OJ C 108, 7. 4. 1998, p. 63.

⁽²⁾ OJ C 210, 6. 7. 1998, p. 125.

⁽³⁾ OJ C 284, 14. 9. 1998, p. 3.

⁽⁴⁾ OJ L 341, 30. 12. 1994, p. 8.

⁽⁵⁾ OJ L 182, 2. 7. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽⁶⁾ OJ L 198, 8. 8. 1996, p. 30.

⁽⁷⁾ OJ L 11, 14. 1. 1994, p. 1. Regulation as amended by Regulation (EC) No 3288/94 (OJ L 349, 31. 12. 1994, p. 83).

- (6) Whereas to enhance the Community dimension of the said trade mark the administrative procedure for obtaining customs protection should be simplified;
- (7) Whereas the holders of such trade marks should have access to a system whereby the granting of a single application for action by the competent authority in one Member State can bind one or more other Member States as well; whereas developments in the area of electronic data interchange in administrative procedures must be taken into consideration, in particular as far as the transmission of decisions and information is concerned;
- (8) Whereas a single period of validity should be set in the interests of the uniform application of such decisions in the Member States concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3295/94 is hereby amended as follows:

1. the title shall be replaced by the following:

‘Council Regulation (EC) No 3295/94 of 22 December 1994 laying down measures concerning the entry into the Community and the export and re-export from the Community of goods infringing certain intellectual property rights’;

2. Article 1 shall be replaced by the following:

Article 1

1. This Regulation lays down:

- (a) the conditions under which the customs authorities shall take action where goods suspected of being goods referred to in paragraph 2(a) are:

- entered for free circulation, export or re-export, in accordance with Article 61 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (*),
- found in the course of checks on goods under customs supervision within the meaning of Article 37 of Council Regulation (EEC) No 2913/92, placed under a suspensive procedure within the meaning of Article 84(1)(a) of that Regulation, re-exported subject to notification or placed in a free zone or free warehouse within the meaning of Article 166 thereof;

and

- (b) the measures which shall be taken by the competent authorities with regard to those goods where it has been established that they are indeed goods referred to in paragraph 2(a).

2. For the purposes of this Regulation:

- (a) “goods infringing an intellectual property right” means

— “counterfeit goods”, namely:

— goods, including the packaging thereof, bearing without authorisation a trade mark which is identical to the trade mark validly registered in respect of the same type of goods, or which cannot be distinguished in its essential aspects from such trade mark, and which thereby infringes the rights of the holder of the trade mark in question under Community law or the law of the Member State where the application for action by the customs authorities is made,

— any trade mark symbol (logo, label, sticker, brochure, instructions for use, guarantee document) whether presented separately or not, in the same circumstances as the goods referred to in the first indent,

— packaging materials bearing the trade marks of counterfeit goods, presented separately in the same circumstances as the goods referred to in the first indent;

— “pirated goods”, namely: goods which are or embody copies made without the consent of the holder of the copyright or neighbouring rights, or of the holder of a design right, whether registered under national law or not, or of a person duly authorised by the holder in the country of production, where the making of those copies infringes the right in question under Community law or the law of the Member State in which the application for action by the customs authorities is made;

— goods infringing, in the Member State in which the application for action by the customs authorities is made, a patent under the law of that Member State or a supplementary protection certificate as provided for by Council Regulation (EEC) No 1768/92 (***) or Regulation (EC) No 1610/96 of the European Parliament and of the Council (**);

(b) "holder of a right" means the holder of a trade mark, a patent or a certificate and/or one of the rights referred to in (a), or any other person authorised to use that trademark, patent, certificate and/or right, or a representative thereof;

(c) "Community trademark" means the trademark defined in Article 1 of Council Regulation (EC) No 40/94^(****);

(d) "certificate" means the supplementary protection certificate provided for by Regulation (EEC) No 1768/92 or by Regulation (EC) No 1610/96.

3. Any mould or matrix which is specifically designed or adapted for the manufacture of a counterfeit trade mark or of goods bearing such a trade mark, for the manufacture of goods infringing a patent or a certificate or for the manufacture of pirated goods shall be treated as goods referred to in paragraph 2(a), provided that the use of such moulds or matrices infringes the rights of the holder of the right in question under Community law or the law of the Member State in which the application for action by the customs authorities is made.

4. This Regulation shall not apply to goods which bear a trade mark with the consent of the holder of that trade mark or which are protected by a patent or a certificate, by a copyright or neighbouring right or by a design right and which have been manufactured with the consent of the holder of the right but are placed in one of the situations referred to in paragraph 1(a) without the latter's consent.

It shall similarly not apply to goods referred to in the first subparagraph which have been manufactured or bear a trade mark under conditions other than those agreed with the holder of the rights in question.

(*) OJ L 302, 19. 10. 1992, p. 1.

(**) OJ L 182, 2. 7. 1992, p. 1.

(***) OJ L 198, 8. 8. 1996, p. 30.

(****) OJ L 11, 4. 1. 1994, p. 1.;

3. the title of Chapter II shall be replaced by the following:

'Prohibition of the entry, release for free circulation, export, re-export, placing under a suspensive procedure, or placing in a free zone or free warehouse, of goods infringing certain intellectual property rights';

4. Article 2 shall be replaced by the following:

Article 2

The entry into the Community, release for free circulation, export, re-export, placing under a suspensive procedure or placing in a free zone or free warehouse of goods found to be goods referred to in Article

1(2)(a) on completion of the procedure provided for in Article 6 shall be prohibited.;

5. Article 3 shall be amended as follows:

(a) the following two subparagraphs shall be added to paragraph 1:

'Where the applicant holds a Community trade mark, the application may seek action not only by the customs authorities of the Member State in which the application is lodged but by the customs authorities of one or more other Member States as well.

Where electronic data interchange systems exist, Member States may provide that the application for customs action can be made by using a data processing technique.;

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

'By way of indication, in the case of pirated goods or of goods infringing patents or certificates, that information shall, wherever possible, include:;

(c) paragraphs 3 and 4 shall be replaced by the following:

'3. Save where the second subparagraph of paragraph 1 is applied, the application must specify the length of the period during which the customs authorities are requested to take action.

Applications under the second subparagraph of paragraph 1 shall indicate the Member State or States in which the customs authorities are requested to take action.

4. The applicant may be charged a fee to cover the administrative costs incurred in dealing with the application.

The applicant or his representative may also be charged a fee in each of the Member States where the decision granting the application is effective, to cover the costs incurred in implementing the said decision.

Such fees shall not be disproportionate to the service provided.;

(d) the following third subparagraph shall be inserted in paragraph 5:

'Where an application is submitted under the second subparagraph of paragraph 1 the said period shall be set at one year, but may be extended for a further year, at the right-holder's request, by the service which took the original decision';

(e) in the first indent of paragraph 6, the words 'counterfeit or pirated goods' shall be replaced by the words 'goods referred to in Article 1(2)(a)';

(f) the following text shall be added as the last subparagraph of paragraph 6:

'Where an application is submitted under the second subparagraph of paragraph 1, the security shall be provided in each of the Member States in which it is required and the decision granting the application is effective.';

(g) paragraph 7 shall be amended as follows:

'7. The holder of the right is required to inform the service referred to in paragraph 1 and, where appropriate, the service or services referred to in the second subparagraph of Article 5(2), if his right should happen no longer to be validly registered or to have expired.';

(h) the following paragraph 9 shall be added:

'9. Paragraphs 1 to 8 shall apply *mutatis mutandis* to the extension of the decision on the original application.';

6. in Article 4, the words 'counterfeit or pirated goods' shall be replaced by the words 'goods referred to in Article 1(2)(a)';

7. Article 5 shall be replaced by the following:

'Article 5

1. The decision granting the application by the holder of the right shall be forwarded immediately to the customs offices of the Member State which are liable to be concerned with the goods alleged in the application to be goods referred to in Article 1(2)(a).

2. Where an application is submitted under the second subparagraph of Article 3(1), the first indent of Article 250 of Regulation (EEC) No 2913/92 shall apply *mutatis mutandis* to the decision granting the said application and the decisions extending or repealing it.

When the decision granting the said application has been taken, it shall be up to the applicant to forward that decision together, where appropriate, with any other useful information and any translations to the customs-authority service referred to in the first subparagraph of Article 3(1) in the Member State or States where the applicant has requested that action be taken. However, with the agreement of the applicant, the information and translations may be forwarded directly by the customs-authority service which took the decision. The applicant shall provide additional information as deemed necessary for the

execution of the decision, at the request of the customs authorities of the other Member States concerned.

The period referred to in the third subparagraph of Article 3(5) shall run from the date on which the decision granting the application was taken. The said decision shall not enter into force in the Member State or States to which it is addressed until the submission referred to in the second subparagraph has been made and, where appropriate, until the fee referred to in the second subparagraph of Article 3(4) has been paid and the security referred to in Article 3(6) has been provided. However, the period of validity of the said decision may not, in any circumstances, exceed the period of one year from the date of adoption of the decision granting the original application.

The said decision shall then be forwarded immediately to the national customs offices liable to be concerned with the alleged counterfeit goods to which it relates.

This paragraph shall apply *mutatis mutandis* to any decision to extend the original decision.';

8. in the first subparagraph of Article 6(1), the words 'counterfeit or pirated goods' shall be replaced by the words 'goods referred to in Article 1(2)(a)';

9. Article 7(2) shall be replaced by the following:

'2. In the case of goods suspected of infringing patents, certificates or design rights, the owner, importer or consignee of the goods shall be able to have the goods in question released or their detention revoked against provision of a security, provided that:

(a) the customs service or office referred to in Article 6(1) has been informed, within the time limit referred to in paragraph 1 of this Article, that the matter has been referred to the authority competent to take a substantive decision referred to in the aforesaid paragraph 1;

(b) on expiry of the time limit, the authority empowered for this purpose has not imposed interim measures; and

(c) all the customs formalities have been completed.

The security must be sufficient to protect the interests of the holder of the right. Provision of the security shall be without prejudice to the other remedies open to the holder of the right. Where the matter has been referred to the authority competent to take a substantive decision other than on the

initiative of the holder of the patent, certificate or design right, the security shall be released if that person does not exercise his right to institute legal proceedings within 20 working days of the date on which he is notified of the suspension of release or detention. Where the second subparagraph of paragraph 1 applies, this period may be extended to a maximum of 30 working days.';

10. the title of Chapter V shall be replaced by the following:

'Provisions applicable to goods found to be goods infringing an intellectual property right';

11. Article 8 shall be replaced by the following:

Article 8

1. Without prejudice to the other forms of legal recourse open to the right-holder, Member States shall adopt the measures necessary to allow the competent authorities:

- (a) as a general rule, and in accordance with the relevant provisions of national law, to destroy goods found to be goods referred to in Article 1(2)(a), or dispose of them outside the channels of commerce in such a way as to preclude injury to the holder of the right, without compensation of any sort and without cost to the Exchequer;
- (b) to take, in respect of such goods, any other measures having the effect of effectively depriving the persons concerned of the economic benefits of the transaction.

Save in exceptional cases, simply removing the trademarks which have been affixed to the counterfeit goods without authorisation shall not be regarded as having such effect.

2. The goods referred to in Article 1(2)(a) may be handed over to the Exchequer. In that case, paragraph 1(a) shall apply.

3. In addition to the information given pursuant to the second subparagraph of Article 6(1) and under the conditions laid down therein, the customs office or the competent service shall inform the holder of the

right, upon request, of the names and addresses of the consignor, of the importer or exporter and of the manufacturer of the goods found to be goods referred to in Article 1(2)(a) and of the quantity of the goods in question.';

12. in Article 9, paragraphs 1 and 2 shall be replaced by the following:

'1. Save as provided by the law of the Member State in which an application in accordance with Article 3(2) is lodged or, in the case of an application under the second subparagraph of Article 3(1), by the law of the Member State in which goods referred to in Article 1(2)(a) escape detection by a customs office, the acceptance of an application shall not entitle the holder of a right to compensation where such goods are not detected by a customs office and are released or no action is taken to detain them in accordance with Article 6(1).

2. Save as provided by the law of the Member State in which the application is made or, in the case of an application under the second subparagraph of Article 3(1), by the law of the Member State in which loss or damage is incurred, exercise by a customs office or by another duly empowered authority of the powers conferred on them in regard to taking measures against goods referred to in Article 1(2)(a) shall not render them liable towards the persons involved in the operations referred to in Article 1(1)(a) or Article 4, in the event of their suffering loss or damage as a result of their action.';

13. in Article 11, the second sentence shall be replaced by the following:

'Such penalties shall be effective and proportionate and constitute an effective deterrent.'

Article 2

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

This Regulation shall enter into force on 1 July 1999.

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 242/1999
of 1 February 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 Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 February 1999.

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

Done at Brussels, 1 February 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 1 February 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	99,2
	204	43,3
	999	71,2
0709 10 00	220	148,0
	999	148,0
0709 90 70	052	136,0
	204	162,0
	628	122,8
	999	140,3
0805 10 10, 0805 10 30, 0805 10 50	052	32,8
	204	40,1
	212	41,2
	600	40,2
	624	54,5
	999	41,8
0805 20 10	204	63,5
	999	63,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	59,2
	204	59,7
	464	86,1
	600	73,2
	624	80,8
	999	71,8
0805 30 10	052	53,3
	600	69,7
	999	61,5
0808 10 20, 0808 10 50, 0808 10 90	060	45,9
	400	81,6
	404	83,3
	728	92,7
	999	75,9
0808 20 50	052	130,8
	388	76,9
	400	83,4
	624	53,1
	999	86,1

⁽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 243/1999

of 1 February 1999

amending Regulations (EC) No 478/97 and (EC) No 20/98 laying down rules for the application of Council Regulation (EC) No 2200/96 as regards preliminary recognition and aid to producer organisations, respectively

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 48 thereof,

Regulation (EC) No 20/98 is hereby amended as follows:

1. the following paragraph 3 is added to Article 1:

‘3. In the event of a natural disaster recognised by the competent national authorities, marketed production within the meaning of paragraph 2 shall be deemed to be at least 70 % of the average theoretical value equal to:

— the area belonging to the producer organisation granted preliminary recognition and sown to the product in question during the year of the natural disaster, multiplied by:

— the average yield and average price obtained by the producer organisation or its members for the product in question during the three years prior to the natural disaster or, where the Member State so decides, obtained in the same production region during the three years prior to the disaster.’;

Whereas Article 2(2) of Commission Regulation (EC) No 20/98⁽³⁾ provides that the aid to cover the costs of forming and operating producer organisations granted preliminary recognition is to be determined on the basis of their marketed production; whereas natural disasters can cause a steep fall in marketed production in a given year; whereas in such cases in order to avoid drastic reductions in the Community aid to producer organisations granted preliminary recognition as might jeopardise its operation, there should be a limit on the reduction in marketed production taken into account for the purposes of calculating the aid; whereas that limit must be determined by reference to the yield and the average prices obtained by the producer organisations granted preliminary recognition or by their members in the three years preceding the year of the disaster, and must be fixed to take account of normal production fluctuations due to weather conditions; whereas, in the case of Portugal, the marketed production thus fixed must also be used to calculate the aid granted pursuant to Article 14(7) of Regulation (EC) No 2200/96;

2. the following paragraph is added to Article 13:

‘In the event of a natural disaster recognised by the competent Portuguese authorities, Article 1(3) of this Regulation shall apply for the calculation of the marketed production to be used for the purposes of Article 14(7) of Regulation (EC) No 2200/96.’

Whereas Articles 2(2) and 5(1) of Commission Regulation (EC) No 478/97⁽⁴⁾ lay down two different dates for implementation of recognition plans; whereas, for the sake of consistency, a single date should be fixed for the start of implementation of any recognition plan;

Article 2

Article 5(1) of Regulation (EC) No 478/97 is deleted.

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

Article 3

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

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 4, 8. 1. 1998, p. 40.

⁽⁴⁾ OJ L 75, 15. 3. 1997, p. 4.

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

Done at Brussels, 1 February 1999.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 244/1999
of 1 February 1999
amending Regulation (EC) No 2007/98 on a special intervention measure for
cereals in Finland and Sweden

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 923/96⁽²⁾,

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

Whereas Commission Regulation (EC) No 2007/98⁽⁵⁾, last as amended by Regulation (EC) No 2599/98⁽⁶⁾, opens an invitation to tender for the refund for the export of oats produced in Finland and Sweden to all third countries; whereas, in the present situation, it is appropriate to increase the quantity put up for tender;

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

Done at Brussels, 1 February 1999.

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

Article 1(1) of Regulation (EC) No 2007/98 is hereby amended as follows:

‘1. A special intervention measure in the form of an export refund shall be implemented in respect of 500 000 tonnes of oats produced in Finland and Sweden and intended for export from Finland and Sweden to all third countries.

Article 13 of Regulation (EEC) No 1766/92 and the provisions adopted for the application of that Article shall apply, *mutatis mutandis*, to the said refund.’

Article 2

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 258, 22. 9. 1998, p. 13.

⁽⁶⁾ OJ L 325, 3. 12. 1998, p. 10.

COMMISSION REGULATION (EC) No 245/1999
of 1 February 1999
opening a standing invitation to tender for the export of barley held by the
Danish intervention agency

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 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 39/1999⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, given the current market situation, a standing invitation to tender should be opened for the export of 75 000 tonnes of barley held by the Danish intervention agency;

Whereas special procedures must be laid down to ensure that the operations and their monitoring are properly effected; whereas, to that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, where removal of the barley is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation;

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

Subject to the provisions of this Regulation the Danish intervention agency issues a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 5, 9. 1. 1999, p. 64.

Article 2

1. The invitation to tender shall cover a maximum of 75 000 tonnes of barley for export to third countries, with the exception of the United States, Canada and Mexico.

2. The regions in which the 75 000 tonnes of barley are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.

2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.

3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁵⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 4 February 1999.

2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.

3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 27 May 1999.

4. Tenders shall be lodged with the Danish intervention agency.

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:

- two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 kg/hl,
- one percentage point as regards moisture content,
- half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92⁽¹⁾, and
- half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:

- accept the lot as established, or
- refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge,

the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

- (d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the barley is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92⁽²⁾, the documents relating to the sale of barley in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ L 301, 17. 10. 1992, p. 17.

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 245/1999
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 245/1999
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 245/1999
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 245/1999
- Intervention barley without application of refund or tax, Regulation (EC) No 245/1999
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 245/1999
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 245/1999
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 245/1999
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 245/1999
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 245/1999
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 245/1999.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 10 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

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

Done at Brussels, 1 February 1999.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92:

- the part of the security lodged when the licence is issued must be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93:

- the remainder must be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 18 of Regulation (EEC) No 3665/87.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the Danish intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

Article 10

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

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)

Place of storage	Quantity
Jylland	54 017
Fyn	2 998
Sjælland	17 985

ANNEX II

Communication of refusal of lots under the standing invitation to tender for the export of barley held by the Danish intervention agency

(Article 6(1) of Regulation (EC) No 245/1999)

- Name of successful tenderer:
- Date of award of contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			<ul style="list-style-type: none"> — Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

*ANNEX III***Standing invitation to tender for the export of barley held by the Danish intervention agency**

(Regulation (EC) No 245/1999)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (EUR/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG VI-C-1)

- fax 296 49 56,
295 25 15;
- telex 22037 AGREC B,
22070 AGREC B (Greek characters).

COMMISSION REGULATION (EC) No 246/1999
of 1 February 1999
on the supply of cereals as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾; whereas it is necessary to specify

the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 1 February 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 108/98
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma
tel.: (39-6) 65 13 29 88; fax: 65 13 28 44/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Angola
5. **Product to be mobilised:** maize
6. **Total quantity (tonnes net):** 7 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽³⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(1)(d))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (1.0.A(1)(c), (2)(c) and B(2))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(3))
 - Language to be used for the markings: Portuguese
 - Supplementary markings: –
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment – fob stowed and trimmed
13. **Alternative delivery stage:** –
14. (a) **Port of shipment:** –
 - (b) **Loading address:** –
15. **Port of landing:** –
16. **Place of destination:** –
 - port or warehouse of transit: –
 - overland transport route: –
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 8 – 28.3.1999
 - second deadline: 22.3 – 11.4.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: –
 - second deadline: –
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 16.2.1999
 - second deadline: 2.3.1999
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/
Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 29.1.1999, fixed by Commission Regulation (EC) No 2753/98
(OJ L 345, 19.12.1998, p. 23)

Notes:

- (¹) Supplementary information: André Debongnie (tel.: (32 2) 295 14 65),
Torben Vestergaard (tel.: (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation.
The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32 2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) is replaced by the following: 'the words "European Community"'.

—————

COMMISSION REGULATION (EC) No 247/1999
of 1 February 1999
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽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 the import duties in the cereals sector are fixed by Commission Regulation (EC) No 217/1999⁽⁵⁾;

Whereas Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 217/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 217/1999 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 2 February 1999.

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

Done at Brussels, 1 February 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.

⁽⁵⁾ OJ L 23, 30. 1. 1999, p. 13.

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	96,85	86,85
1003 00 10	Barley, seed	96,85	86,85
1003 00 90	Barley, other (³)	96,85	86,85
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	96,85	86,85

(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

(for 29 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 (*)	92,89 (*)
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 11,20 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).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION
of 18 January 1999
amending Article 3 of Decision 98/198/EC
(1999/79/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value-added tax: uniform basis of assessment⁽¹⁾, and in particular Article 27 thereof,

Having regard to Decisions 95/252/EC⁽²⁾ and 98/198/EC⁽³⁾,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce or extend special measures for derogation from that directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas, by letter registered with the Commission's Secretariat-General on 20 July 1998, the United Kingdom Government requested authorisation to extend application of the derogation previously granted to it by Decision 95/252/EC and Decision 98/198/EC;

Whereas the other Member States were informed on 22 September 1998 of the United Kingdom's request;

Whereas the derogation in question is designed, firstly, to restrict to 50 % the right of the hirer or leasee of a passenger car to deduct the VAT on the hire or leasing transaction where the car is used for private purposes and, secondly, to waive the VAT payable on the private use of the car in question;

Whereas the legal and factual circumstances which justified granting authorisation to apply a derogation have not changed and still obtain;

Whereas on 17 June 1998 the Commission presented a proposal for a Council Directive amending the Sixth Directive as regards the rules governing the right to deduct VAT⁽⁴⁾;

Whereas the objective of that proposal is to bring about an approximation of the limitations of the right to deduct VAT in order to reduce the disparities between the rules applicable in the Community, particularly where expenditure on passenger cars is concerned;

Whereas it is appropriate, therefore, to extend the period of the authorisation granted until the entry into force of the abovementioned Directive; whereas, however, the authorisation will expire on 31 December 2000 at the latest if the Directive has not entered into force by that date, enabling an assessment to be made at that time of the expediency of the derogation in the light of the discussions held within the Council on the proposal for a Directive;

⁽¹⁾ OJ L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 98/80/EC (OJ L 281, 17. 10. 1998, p. 31).

⁽²⁾ OJ L 159, 11. 7. 1995, p. 19.

⁽³⁾ OJ L 76, 13. 3. 1998, p. 31.

⁽⁴⁾ OJ C 219, 15. 7. 1998, p. 16.

Whereas the derogation has no adverse impact on the European Communities' own resources accruing from VAT,

subparagraph of Article 17(6) of Directive 77/388/EEC, but on 31 December 2000 at the latest.'

Article 2

HAS ADOPTED THIS DECISION:

This Decision shall apply from 1 January 1999.

Article 1

Article 3

Article 3 of Decision 98/198/EC shall be replaced by the following:

This Decision is addressed to the United Kingdom.

Article 3

Done at Brussels, 18 January 1999.

This authorisation shall expire on the date of the entry into force of the Community rules determining what expenditure is not to be eligible for the deduction of value-added tax, in accordance with the first

For the Council

The President

O. LAFONTAINE

COUNCIL DECISION

of 18 January 1999

authorising the Italian Republic to apply a measure derogating from Articles 2 and 10 of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(1999/80/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value-added tax: uniform basis for assessment⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce special measures for derogation from that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion and avoidance;

Whereas, by letter to the Commission registered on 19 March 1998, the Italian Republic requested authorisation to introduce a measure derogating from Articles 2 and 10 of Directive 77/388/EEC;

Whereas, in accordance with Article 27(3) of Directive 77/388/EEC, the other Member States were informed on 17 April 1998 of the request submitted by the Italian Republic;

Whereas the first purpose of the special measure is to exempt, without granting the right to deduct input tax, supplies of scrap metal and other recyclable materials made either by firms which have a fixed establishment and generated a turnover excluding tax of not more than ITL 2 billion during the previous year or by firms which do not have a fixed establishment;

Whereas the second purpose of the measure is to grant firms which have a fixed establishment and generated a turnover excluding tax of between ITL 150 million and ITL 2 billion during the previous year the right to opt for the normal taxation arrangements;

Whereas the third purpose of the measure is to apply VAT suspension arrangements, with the right to deduct input tax, to supplies of non-ferrous scrap, irrespective of the turnover excluding tax of the firm making them;

Whereas this measure is likely to prove an effective means of combating fraud which is becoming increasingly prevalent in this area;

Whereas, consequently, the special measure satisfies the conditions laid down in Article 27 of Directive 77/388/EEC;

Whereas the Commission adopted on 10 July 1996 a work programme and a timetable of proposals providing for gradual, step-by-step progress towards a common VAT system for the single market;

Whereas authorisation should be granted until 31 December 2000 so that an assessment can then be made of the compatibility of the measure with the overall approach adopted for the new common system of VAT;

Whereas this derogation will have no impact on the European Communities' own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic is hereby authorised from 1 January 1999 until 31 December 2000 to apply a special measure for the taxation of used and waste materials that contains provisions derogating from Directive 77/388/EEC.

The provisions in question are laid down in Articles 2 and 3 below.

Article 2

By way of derogation from Article 2(1) of Directive 77/388/EEC, and without prejudice to Article 3 of this Decision, supplies of used and waste materials consisting *inter alia* of paper, board, rags or glass shall be exempt from VAT where they are made by firms which either:

⁽¹⁾ OJ L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 96/95/EC (OJ L 338, 28. 12. 1996, p. 89).

- have a fixed establishment and generated a turnover excluding tax of less than ITL 2 billion during the previous year, or
- do not have a fixed establishment.

The firms referred to in the first indent which generated a turnover excluding tax of more than ITL 150 million during the previous year may be allowed not to apply the special measure provided for in the preceding paragraph in respect of the supplies concerned.

Article 3

By way of derogation from Article 10(2) of Directive 77/388/EEC, supplies of non-ferrous scrap, including scrap which has undergone rudimentary initial processing reducing it to the primary state with the aid of minimal, elementary technical facilities, shall be subject to VAT suspension arrangements.

These suspension arrangements shall also apply to supplies of used and waste materials other than non-ferrous metals made by taxable persons who deal in both non-ferrous scrap and other recyclable materials, provided that the transactions involving non-ferrous metals are not of an incidental nature.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 18 January 1999.

For the Council
The President
O. LAFONTAINE

COUNCIL DECISION

of 18 January 1999

authorising the Kingdom of Spain to apply a measure derogating from Articles 2 and 28a(1) of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(1999/81/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value-added tax: uniform basis for assessment⁽¹⁾ and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce special measures for derogation from that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion and avoidance;

Whereas, by letter registered with the Commission on 23 January 1998, the Kingdom of Spain requested authorisation to introduce a measure derogating from Articles 2 and 28a(1) of Directive 77/388/EEC;

Whereas, in accordance with Article 27(3) of Directive 77/388/EEC, the other Member States were informed on 18 February 1998 of the request submitted by the Kingdom of Spain;

Whereas the first purpose of the special measure is to exempt the supply and intra-Community acquisition of used and waste materials consisting of paper, board or glass, in the case of taxable persons whose sales of such products in the previous year were worth not more than PTA 50 million;

Whereas the second purpose of the measure is to exempt the supply and intra-Community acquisition of used and waste material consisting of ferrous metals, in the case of taxable persons whose sales of such products in the previous year were worth not more than PTA 200 million;

Whereas the third purpose of the measure is to exempt the supply and intra-Community acquisition of non-

ferrous metals, irrespective of the turnover for sales of such goods;

Whereas traders are not entitled to deduct VAT in respect of transactions exempted under these special measures;

Whereas the taxable persons whose transactions are covered by the above exemptions may, subject to the conditions laid down by the Kingdom of Spain, be authorised not to apply that measure to their transactions;

Whereas this measure both simplifies matters and helps to combat fraud since a category of taxable persons where checks and efforts at collection would be disproportionate to the revenue generated can be excluded from the VAT system;

Whereas, consequently, the special measure satisfies the conditions laid down in Article 27 of Directive 77/388/EEC;

Whereas the Commission adopted on 10 July 1996 a work programme, together with a timetable, for the phased introduction of a common system of VAT for the single market;

Whereas authorisation should be granted until 31 December 2000 so that an assessment can then be made of the compatibility of the measure with the overall approach adopted for the new common system of VAT;

Whereas this derogation will have no impact on the European Communities' own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Spain is hereby authorised from 1 January 1999 until 31 December 2000 to apply a special measure for the taxation of used and waste materials that contains provisions derogating from Directive 77/388/EEC of 17 May 1977.

The provisions in question are laid down in Articles 2, 3 and 4 below.

⁽¹⁾ OJ L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 96/95/EC (OJ L 338, 28. 12. 1996, p. 89).

Article 2

By way of derogation from Article 2(1) of Directive 77/388/EEC, the following shall be exempt from VAT:

- the supply of used and waste materials consisting of paper, board or glass, in the case of taxable persons whose sales of such products in the previous year were worth not more than PTA 50 million,
- the supply of used and waste materials consisting of ferrous metals, in the case of taxable persons whose sales of such products in the previous year were worth not more than PTA 200 million,
- the supply of non-ferrous metals.

Article 3

By way of derogation from Article 28a(1)(a) of Directive 77/388/EEC, the following shall be exempt from VAT:

- the intra-Community acquisition of used and waste materials consisting of paper, board or glass, in the case of taxable persons whose sales of such products in the previous year were worth not more than PTA 50 million,
- the intra-Community acquisition of used and waste materials consisting of ferrous metals, in the case of taxable persons whose sales of such products in the

previous year were worth not more than PTA 200 million,

- the intra-Community acquisition of non-ferrous metals.

Article 4

Taxable persons whose transactions come within the scope of the exemptions laid down in Articles 2 and 3 may be authorised not to subject such supplies and intra-Community acquisitions to the particular arrangements laid down in this Decision.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 18 January 1999.

For the Council

The President

O. LAFONTAINE

COUNCIL DECISION

of 18 January 1999

authorising the Portuguese Republic to apply a measure derogating from Articles 21(1)(a) and 22 of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(1999/82/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value-added tax: uniform basis for assessment⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce special measures for derogation from that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion and avoidance;

Whereas, by letter registered with the Commission on 17 March 1998, the Portuguese Republic requested authorisation to introduce a measure derogating from Articles 21(1)(a) and 22 of Directive 77/388/EEC;

Whereas, in accordance with Article 27(3) of Directive 77/388/EEC, the other Member States were informed on 19 May 1998 of the request submitted by the Portuguese Republic;

Whereas that special measure is designed to allow certain firms engaged in doorstep selling to request the tax administration for authorisation to pay VAT on the products sold in place of their resellers, provided that their total turnover is derived from doorstep sales by resellers acting in their own name and on their own account and all the products sold by the firm are included in a list on which the selling price to the final consumer is mentioned;

Whereas the derogation is restricted to cases in which firms sell products direct to resellers and those resellers sell them directly to final consumers;

Whereas firms which satisfy these conditions and have been authorised to do so by the tax administration would pay VAT to the public revenue department on the basis of a retail price fixed in advance;

Whereas the resellers concerned would therefore no longer be required to pay VAT on their sales and would accordingly not be entitled to deduct input tax;

Whereas this measure constitutes a derogation from Article 21(1)(a) in that the wholesaler is deemed to be the person liable for tax payable on goods supplied by resellers to final consumers;

Whereas the obligations in connection with such sales (e.g. declaration, invoicing, payment, etc.) fall upon the wholesaler, who will, therefore, by way of derogation from Article 22 of Directive 77/388/EEC, be exempt from fulfilling such obligations in respect of his supplies to the reseller;

Whereas this sector is characterised by the existence of a very large number of small resellers who do not have the resources or organisational capacity to fulfil their VAT obligations; whereas this measure, therefore, both simplifies matters and helps to combat tax fraud;

Whereas, consequently, the special measure satisfies the conditions laid down in Article 27 of Directive 77/388/EEC;

Whereas the Commission adopted on 10 July 1996 a work programme, together with a timetable for the phased introduction of a common system of VAT for the single market;

Whereas it would, therefore, be appropriate to grant authorisation until 31 December 2000 so that an assessment can then be made of the compatibility of the measure with the overall approach adopted for the new common system of VAT;

Whereas this derogation will have no impact on the European Communities' own resources accruing from VAT,

⁽¹⁾ OJ L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 96/95/EC, (OJ L 338, 28. 12. 1996, p. 89).

HAS ADOPTED THIS DECISION:

Article 1

The Portuguese Republic is hereby authorised from 1 January 1999 until 31 December 2000 to apply a special measure for the taxation of doorstep sales that contains provisions derogating from Council Directive 77/388/EEC.

Firms whose total turnover is derived from doorstep sales carried out by resellers acting in their own name and for their own account may request the administration for authorisation to apply the provisions of Articles 2 and 3 below on condition that:

- all products sold by the firm are contained in a pre-established price list applicable at the final consumption stage,
- the firm sells its products direct to resellers who, in turn, sell direct to final consumers.

Article 2

By way of derogation from Article 21(1)(a) of the Sixth Directive, firms which have been authorised to apply this special measure shall be liable for the tax payable on goods supplied by their resellers to final consumers.

Article 3

Firms which have been authorised to apply this special measure shall be exempt from the obligations laid down in Article 22 of Directive 77/388/EEC as regards supplies of their products to resellers.

Article 4

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 18 January 1999.

For the Council

The President

O. LAFONTAINE

COUNCIL DECISION

of 18 January 1999

authorising the Kingdom of Denmark to apply or to continue to apply reductions in, or exemptions from, excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC

(1999/83/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise a Member State to introduce exemptions from, or reductions in, excise duties on mineral oils on grounds of specific policy considerations;

Whereas the Danish authorities have notified the Commission that they wish to apply to diesel fuel, from 1 January 1999 at the earliest, differential rates of excise duty according to its sulphur content; whereas the procedure provided for in Article 8(4) should apply to such a scheme;

Whereas the other Member States have been informed thereof;

Whereas the Commission and all the Member States accept that the application of differential rates is justified on environmental policy grounds and that it will not give rise to distortions of competition or hinder the operation of the internal market;

Whereas the Commission regularly reviews reductions and exemptions to check that they are compatible with

the operation of the internal market or with Community policy on protection of the environment;

Whereas Denmark has requested authorisation to apply these differential rates from 1 January 1999 at the earliest; whereas the Council is to review their application on the basis of a report from the Commission no later than 31 December 1999, when the authorisation granted by this Decision expires,

HAS ADOPTED THIS DECISION:

*Article 1*In accordance with Article 8(4) of Directive 92/81/EEC, Denmark is authorised from 1 January 1999 until 31 December 1999 to apply differential rates of excise duty on diesel fuel provided that these differential rates are in accordance with the obligations laid down in Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils ⁽²⁾, and in particular the minimum rates of excise duty provided for in Article 5 thereof.*Article 2*

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 18 January 1999.

*For the Council**The President*

O. LAFONTAINE

⁽¹⁾ OJ L 316, 31. 10. 1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31. 12. 1994, p. 46).

⁽²⁾ OJ L 316, 31. 10. 1992, p. 19. Directive as amended by Directive 94/74/EC (OJ L 365, 31. 12. 1994, p. 46).

COMMISSION

COMMISSION DECISION

of 19 January 1999

amending Decision 95/232/EC on the organisation of a temporary experiment pursuant to Council Directive 69/208/EEC in order to establish conditions to be satisfied by the seed of hybrids and varietal associations of swede rape and turnip rape

(notified under document number C(1999) 74)

(1999/84/EC)

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

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants ⁽¹⁾, as last amended by Directive 96/72/EEC ⁽²⁾, and in particular Article 12a thereof,

Whereas Commission Decision 95/232/EC ⁽³⁾, as amended by Decision 98/173/EC ⁽⁴⁾, established a temporary experiment under specified conditions with the aim of establishing the conditions to be satisfied by the seed of hybrids and varietal associations of swede rape and turnip rape;

Whereas in the light of the experience gained in the course of the experiment which expires on 31 December 1998 further information needs to be collected at Community level with a view to drawing proper conclusions for possible future adaptations of Community provisions;

Whereas it is therefore desirable to extend the period of the experiment under the same conditions with the aim of assessing whether adaptations should be made to the Community provisions in the future;

Whereas it is necessary not to interrupt the continuity of the experiment;

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

In Article 5(3) and (5) of Decision 95/232/EC, the date '31 December 1998' is replaced by '31 December 2000'.

Article 2

This Decision shall take effect on 31 December 1998.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 169, 10. 7. 1969, p. 3.

⁽²⁾ OJ L 304, 27. 11. 1996, p. 10.

⁽³⁾ OJ L 154, 5. 7. 1995, p. 22.

⁽⁴⁾ OJ L 63, 4. 3. 1998, p. 30.

COMMISSION DECISION

of 1 February 1999

amending Decision 87/257/EEC on the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

(notified under document number C(1999) 233)

(Text with EEA relevance)

(1999/85/EC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 97/79/EC⁽²⁾, and in particular Articles 4(1) and 18(1) thereof,

Whereas a list of establishments in the United States of America, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Commission Decision 87/257/EEC⁽³⁾ as last amended by Decision 98/473/EC⁽⁴⁾; whereas that list may be amended at any time in the light of the results of Community inspections carried out in the United States of America;

Whereas negotiations are under way to conclude an agreement with the United States on health measures to protect public health and animal health in the context of trade in livestock and products of animal origin;

Whereas this situation, progress already achieved, and the need to avoid distortion of trade justify the postponement of the deadline established for the landing of certain fresh meat, from 31 January 1999 to 30 April 1999; whereas the fixing of this date is without prejudice either to the date

of conclusion or to the content of the abovementioned agreement;

Whereas the list of establishments must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 87/257/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 121, 9. 5. 1987, p. 46.

⁽⁴⁾ OJ L 209, 25. 7. 1998, p. 54.

ANNEX

List of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3 W	Swift & Company, Worthington, MN	×	×				×		10(a), 15, T
53	American Freezer Services, Norfolk, NE			×					1
I-113	US Cold Storage, Philadelphia, PA			×					1
I-149	C W Storage, Albany, NY			×					1
I-182	Garden State Cold Storage Inc., Mullica Hill, NJ			×					1, TF
I-183	Blue Grass Inspection Service, Philadelphia, PA			×					1
I-195	Rosenberger's Cold Storage Inc., Hatfield, PA			×					1
244 P	Transcontinental Cold Storage, Perry, IA			×					1, TF
244 W	IBP, Waterloo, IA	×	×				×		5, 15, 17, TF
245 L	IBP, Lexington, NE	×	×		×				14, 15
I-305	Georgia Ports Authority, Savannah, GA			×					1
320M	Premium Standard Foods, Milan, MO	×	×				×		T, 15
I-335	Service Cold Storage, Miami, FL			×					1
382G	Smithfield Packing Co., Norfolk, VA			×					1
410	Green Bay Dressed Beef Inc., Green Bay, WI	×			×				10, 15
E-713	Central Nebraska Packing Inc., North Platte, NE	×	×					×	16
889 A	J.F. O'Neill Packing Co., Omaha, NE	×	×		×				14, 15
1620	Quality Pork Processors Inc., Austin, MN	×					×		7, 13, 15
E-2018	Dallas Crow Inc., Kaufman, TX	×	×					×	16
2508	The Bruss Company, Chicago, IL		×		×		×		15
3056	Termicol Inc., Wallula, WA			×					1
3131	Minnesota Freezer Warehouse Company, Worthington, MN			×					1, TF
3136	Cloverleaf Cold Storage of Fairmont, Fairmont, MN			×					1, TF
3149	Milliard Refrigerated Services, Des Moines, IA			×					1, TF
3157	Des Moines Cold Storage Co. Inc., Des Moines, IA			×					1, TF
3158	Freezer Services Inc., Amarillo, TX			×					1
3161	Monument Distribution Warehouse Inc., Indianapolis, IN			×					1

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3170	Logansport Refrig Services, Logansport, IN			×					1
3190	American Freezer Services Inc., Fremont, NE			×					1
3198	Milliard Refrigerated Services, Denison, IA			×					1
3215	Napoleon Warehouse Inc., Napoleon, OH			×					1
3216	Freezer Services Inc. of Texas, Garden City, KS			×					1
3229	Iowa Beef Processors Inc., Emporia, KS			×					1
3241	AMC Warehouses, Grand Prairie, TX			×					1
3245	United Refrigerated Services, Marshall, MO			×					1
3261	Rosenberger's Cold Storage Inc., Hatfield, PA			×					1
3338	Millard Refrigerated Services, Iowa City, IA			×					1
3363	Millard Refrigerated Services, Friona, TX			×					1
3396	Americold, Bettendorf, IA			×					1
3397	Alford Refrigerated Warehouse, Richardson, TX			×					1
3398	Millard Refrigerated Services, Grand Island, NE			×					1
3407	Bell Cold Storage, St Paul, MN			×					1
3431	Texas Cold Storage, Fort Worth, TX			×					1
3447	Mohawk Cold Storage Division, Wauwatosa, WI			×					1
3475	Atlas Cold Storage, Green Bay, WI			×					1
3505	Dakota Cold Storage, Huron, SD			×					1
3535	Ashland Cold Storage Co., Chicago, IL			×					1
3552	Cloverleaf Cold Storage Co. (No 2), Sioux City, IA			×					1
3554	Cloverleaf Cold Storage Co., Sioux City, IA			×					1
3555	Cloverleaf Cold Storage Co. (No 5), Sioux City, IA			×					1, TF
3573	Albert Lea Freezer Warehouse Co., Albert Lea, MN			×					1, TF
3610	Millard Refrigerated Services, Dodge City, KS			×					1
3688	Newport St Paul Cold Storage, Newport, MN			×					1
3707	United States Cold Storage Inc., Omaha, NE			×					1
3738	Artesian Ice and Cold Storage Co., St Joseph, MO			×					1, TF
3748	Cloverleaf Cold Storage Co., Sioux City, IA			×					1
3854	Merchants Refrigerating Co., Vinita Park, MO			×					1

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3860	Central Storage and Warehouse Inc., Eau Claire, WI			×					1
3871	York Cold Storage Co., York, NE			×					1
3910	United States Cold Storage, East Peoria, IL			×					1
3942	Wilkerson Cold Storage, Lubbock, TX			×					1
4816	Frontier Game Company, Whiteface, TX	×	×		×				15
E-7041	Beltex Corporation, Fort Worth, TX	×	×					×	16, 19
7271	Custom Meat Corp., Dallas, TX		×		×	×	×		15
8904	Bell Cold Storage, St Paul, MN			×					1
8984	Provimi Veal Corp., Seymour, WI	×	×		×				3, 15
9400	Taylor Packing Inc., Wyalusing, PA	×			×				2, 15
13182	Millard Refrigerated Services, Omaha, NE			×					1, TF
13225	Quality Refrigerated Services, Omaha, NE			×					1
13331	Millard Processing Services, Omaha, NE (West)			×					1, TF
13531	Beef America Operating Co., York, NE		×		×	×	×		15
E-15849	Cavel International, De Kalb, IL	×	×					×	16
17054	RCS/Smithfield Inc., Smithfield, VA			×					1
17068	US Coldstorage, Cumberton, NC			×					1
17354	CSW Central Storage & Warehouse Co. Inc., Madison, WI			×					1
17461	Millard Refrigerated Services, Greeley, CO			×					1
17624	Wiscold Inc. Rochelle, Rochelle, IL			×					1, TF
17756	Millard Refrigerated Services, Sioux City, IA			×					1, TF
18163	Quality Refrigerated Services, Spencer, IA			×					1, TF
18265	Alford Refrigerated Warehouses, Houston, TX			×					1
18294	Marshall Cold Store, Marshalltown, IA			×					TF, 1, 15
18435	Carolina Cold Storage, Tar Heel, NC			×					TF, 1
18674	Millard Refrigerated Services, Edwardsville, KS			×					1, TF
18793	Cloverleaf Cold Storage, Austin, MN			×					TF, 1
18859	North American Bison Cooperative, New Rockford, ND	×	×		×				15
18986	Alford Refrigerated Warehouse, Laporte, TX			×					1, TF
19086	Gress Refrigerated Services, Scranton, PA			×					1

Approval No	Establishment/address	Category (*)						SR
		SL	CP	CS	B	SG	P	
19087	Inter Cities Cold Storage, Inc., Pittston, PA			×				1
19246	Cloverleaf Cold Storage, Sioux City, IO			×				1, TF
19593	Ball Packing Inc., Idaho Falls, ID			×				1
20012	Lakeway International Food Group LLC, Omaha, NE		×		×			

(*) SL: Slaughterhouse
 CP: Cutting premises
 CS: Coldstore
 B: Bovine meat
 S/G: Sheep meat/goat meat
 P: Pig meat
 SP: Meat from solipeds
 SR: Special remarks

- 1 = Only storage of meat already finally packaged in approved slaughtering or cutting establishments.
 2 = Offal only.
 3 = Also for sliced bovine livers.
 4 = Only sliced bovine livers.
 5 = Tongues, hearts and carcase meat only.
 6 = Tongues, hearts and kidneys only.
 7 = Tongues, hearts, kidneys and livers only.
 8 = Tongues, hearts, kidneys, livers and brains only.
 9 = Tongues, hearts, stomachs and carcase meat only.
 10 = Tongues, hearts, kidneys, livers and stomachs only.
 10(a) = Tongues, hearts, kidneys, livers, stomachs and carcase meat only.
 11 = Carcase meat, tongues, hearts, kidneys, livers and brains only.
 12 = Hearts and stomachs only.
 13 = Only packaged offal which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.
 14 = Offal excluded.
 15 = Fresh meat must be unloaded onto the territory of the Community by 30 April 1999.
 16 = Livers and kidneys excluded.
 17 = Only carcase meat and packaged offal which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.
 18 = Tongues, hearts, kidneys, livers, brains and tails.
 19 = Bison included.
 TF = The establishments with the indication 'TF' are authorised, within the meaning of Article 4 of Directive 77/96/EEC, to perform the freezing treatment provided for in Article 3 of the same Directive.
 T = This establishment is authorised, within the meaning of Article 4 of Directive 77/96/EEC, to perform the examination for detection of *trichinae* provided for in Article 2 of the aforementioned Directive.