

English edition

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 307/1999
of 8 February 1999**

amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 with a view to extending them to cover students

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 51 and 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾, submitted after consultation of the Administrative Commission on Social Security for Migrant Workers,

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

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

- (1) Whereas point (c) of Article 3 of the Treaty lays down that the activities of the Community shall include, as provided in the Treaty, the abolition, as between Member States, of obstacles to the free movement of persons;
- (2) Whereas Article 7a of the Treaty provides that the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty;
- (3) Whereas with a view to establishing the free movement of employed and self-employed persons and removing the obstacles that would, in the field of social security, result from the application of national legislation only, the Council, on the basis of Articles 51 and 235 of the Treaty, adopted Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and members of their families moving within the Community ⁽⁴⁾ and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 ⁽⁵⁾;
- (4) Whereas, moreover, the scope of the Regulation (EEC) No 1408/71 should be extended to include, in principle, the special schemes covering students;
- (5) Whereas, in the social security field, the application of national legislation alone does not afford sufficient protection for students moving within the Community; whereas, in order to make the free movement of persons fully effective, the social security schemes applicable to them should be coordinated;

⁽¹⁾ OJ C 46, 20. 2. 1992, p. 1.

⁽²⁾ OJ C 94, 13. 4. 1992, p. 326.

⁽³⁾ OJ C 98, 21. 4. 1992, p. 4.

⁽⁴⁾ OJ L 149, 5. 7. 1971, p. 2. Regulation as last amended by Regulation (EC) No 1606/98 (OJ L 209, 25. 7. 1998, p. 1).

⁽⁵⁾ OJ L 74, 27. 3. 1972, p. 1. Regulation as last amended by Regulation (EC) No 1606/98 (OJ L 209, 25. 7. 1998, p. 1).

- (6) Whereas, for reasons of equity, specific rules applicable to employed and self-employed persons should be applied to students; whereas those rules, for the sake of simplicity and clarity, should supplement the provisions already in force for employed and self-employed persons and members of their families;
- (7) Whereas it is necessary to adapt Regulations (EEC) No 1408/71 and (EEC) No 574/72 as necessary for their provisions to apply to students moving within the Community, taking account of the specific situation of those persons, the special features of the schemes under which they are insured, and the benefits to which they are entitled;
- (8) Whereas, although the specific nature of the situation relating to students may not have enabled rules to be laid down to determine which legislation is applicable, it is nevertheless desirable, as far as possible, to prevent the persons concerned from being subject to a double levy of contributions, or acquiring dual rights to benefits;
- (9) Whereas the adaptations to be made to the enacting terms of Regulation (EEC) No 1408/71 require adaptation of Annex VI thereto;
- (10) Whereas the specific situation of Luxembourg, where all students who study abroad are entitled to health care, justifies such students being automatically exempted from the requirement to join a health insurance scheme in the country in which they pursue their studies;
- (11) Whereas, because of the specific situation of students, it has not been possible to set up a comprehensive system for the coordination of the social security rights of students at Community level, in particular in respect of invalidity benefits; whereas social security benefits available to students vary greatly between Member States particularly with regard to special non-contributory benefits designed to help towards the additional costs arising from the care and mobility needs of disabled people; whereas the Court of Justice of the European Communities has recognised that the detailed rules for granting certain benefits are closely linked to a particular economic and social context; whereas a limited derogation from the rules on the coordination of periods applied by Article 10a(2) of Regulation (EEC) No 1408/71 is therefore justified;
- (12) Whereas the Treaty has not provided the necessary powers to take appropriate measures within the field of social security for students, and therefore having recourse to Article 235, in addition to Article 51, is justified;
- (13) Whereas this Regulation applies without prejudice to the conditions laid down by Directive 93/96/EEC⁽¹⁾ for the right of residence for students,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 is hereby amended as follows:

1. Article 1 is hereby amended as follows:

(a) the following point shall be added after point (c):

‘(ca) “student” means any person other than an employed or self-employed person or a member of his family or survivor within the meaning of this Regulation who studies or receives vocational training leading to a qualification officially recognised by the authorities of a Member State, and is insured under a general social security scheme or a special social security scheme applicable to students;’

⁽¹⁾ OJ L 317, 18. 12. 1993, p. 59.

(b) in points (f), (i) and (ii), the words 'employed or self-employed person' shall be replaced by the words 'employed or self-employed person or student';

2. Article 2 shall be replaced by the following:

Article 2

Persons covered

1. This Regulation shall apply to employed or self-employed persons and to students who are or have been subject to the legislation of one or more Member States and who are nationals of one of the Member States or who are stateless persons or refugees residing within the territory of one of the Member States, as well as to the members of their families and their survivors.
2. This Regulation shall apply to the survivors of employed or self-employed persons and of students who have been subject to the legislation of one or more Member States, irrespective of the nationality of such persons, where their survivors are nationals of one of the Member States, or stateless persons or refugees residing within the territory of one of the Member States.;
3. in Article 9a, in the German text, the words 'der Arbeitnehmer oder Selbständige' shall be replaced by the words 'die Person';
4. in Article 10(2), the words 'as an employed or self-employed person' shall be deleted;
5. Article 22c shall be deleted;
6. in Chapter 1 of Title III, the following Section shall be added:

'Section 5a

Persons who study or receive vocational training and members of their families

Article 34a

Special provisions for students and members of their families

The provisions of Article 18, Article 19, Article 22(1)(a) and (c), the second subparagraph of Article 22(2), Article 22(3), Article 23, Article 24 and of Sections 6 and 7 shall apply by analogy to students and to members of their families, as appropriate.

Article 34b

Common provisions

A person, as referred to in Article 22(1) and (3) and in Article 34a, who stays in a Member State other than the competent State to study there or receive vocational training leading to a qualification officially recognised by the authorities of a Member State, and the members of his family accompanying him during his stay, shall be covered by the provisions of Article 22(1)(a) for any conditions necessitating benefits during the stay in the territory of the Member State where such person is studying or in training.;

7. in Article 35(3), the words 'shall apply neither to employed or self-employed persons nor to the members of their families' shall be replaced by 'shall not apply to persons';
8. in Chapter 4 of Title III, the following Section shall be added:

'Section 5

Students

Article 63a

The provisions of Sections 1 to 4 shall apply by analogy to students.;

9. the following Article shall be inserted:

'Article 66a

Students

The provisions of Articles 64 to 66 shall apply by analogy to students and the members of their family.';

10. the following Article shall be inserted:

'Article 76a

Students

The provisions of Article 72 shall apply by analogy to students.';

11. the following Article shall be inserted:

'Article 95d

Transitional provisions applicable to students

1. No rights shall be acquired under this Regulation by students, members of their families or their survivors for any period prior to 1 May 1999.

2. Any period of insurance and, where appropriate, any period of employment, self-employment or residence completed under the legislation of a Member State before 1 May 1999 shall be taken into account for the determination of rights acquired in accordance with the provisions of this Regulation.

3. Subject to the provisions of paragraph 1, a right shall be acquired under this Regulation even if it relates to a contingency arising prior to 1 May 1999.

4. Any benefit that has not been awarded or that has been suspended on account of the nationality or the residence of the person concerned shall, at the latter's request, be awarded or resumed from 1 May 1999, provided that the rights for which benefits were previously awarded did not give rise to a lump-sum payment.

5. If the request referred to in paragraph 4 is lodged within two years from 1 May 1999, rights deriving from this Regulation in favour of students, members of their families and their survivors shall be acquired from that date and the provisions of the legislation of any Member State on the forfeiture or lapse of rights may not be applied to the persons concerned.

6. If the request referred to in paragraph 4 is lodged after expiry of the period of two years following 1 May 1999, rights not forfeited or lapsed shall be acquired from the date of such request, subject to any more favourable provisions of the legislation of any Member State.';

12. Annex VI shall be amended as follows:

(a) in section 'D. SPAIN' the following point shall be added:

'9. The Spanish special scheme for students ("Seguro Escolar") is not based, for the recognition of benefits, on completion of periods of insurance, employment and residence as those expressions are defined in Article 1(r), (s) and (sa) of the Regulation. The Spanish institutions cannot therefore issue the relevant certificates for the purposes of aggregating periods.

Nevertheless, the Spanish special scheme for students will apply to students who are nationals of other Member States and who are studying in Spain, under the same conditions as students of Spanish nationality.';

(b) in section 'I. LUXEMBOURG', the following point shall be added:

'8. Persons covered by a health insurance scheme in the Grand Duchy of Luxembourg who pursue their studies in another Member State are exempted from the requirement to join as a student under the legislation of the country where they study.';

(c) in section 'O. UNITED KINGDOM' the following point shall be added:

'21. In the case of either students or the members of the family or survivors of a student, Article 10a(2) of the Regulation shall not apply to benefits intended solely as specific protection for the disabled.'

Article 2

Article 120 of Regulation (EEC) No 574/72 shall be replaced by the following:

Article 120

Persons who study or receive vocational training

The provisions of this Regulation, with the exception of Articles 10 and 10a, shall apply, where appropriate, by analogy to students.'

Article 3

This Regulation shall enter into force on the first day of the third month 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, 8 February 1999.

For the Council

The President

O. LAFONTAINE

COUNCIL REGULATION (EC) No 308/1999
of 8 February 1999

amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas Regulation (EC) No 850/98 ⁽⁴⁾ exhibits a number of omissions, textual errors and editorial inadequacies;

Whereas following a redefinition by the United Kingdom of its fisheries limits no part of ICES sub-area XII north of latitude 56°N falls under the sovereignty or jurisdiction of the Member States; whereas therefore this area need no longer be referred to;

Whereas the method by which the size of a spinous spider crab must be determined is considered to be impractical and has therefore to be revised;

Whereas Regulation (EC) No 850/98 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 850/98 is hereby amended as follows:

1. In Article 29(4)(b)(iii), third indent, the words 'quantities of plaice and sole' shall be replaced by 'quantities of plaice and/or sole'.

2. In Article 30(2), subparagraph (b) shall be replaced by:

'(b) ICES Division Vb and ICES sub-area VI north of latitude 56°N'.

3. In Annex I:

(a) footnote 1 shall be replaced by:

'⁽¹⁾ In the North Sea from 1 March to 31 October, and during the whole of the year in the

remainder of Regions 1 and 2, except Skagerrak and Kattegat';

(b) footnote 6 shall be replaced by:

'⁽⁶⁾ During the first year following the date of application of this Regulation a minimum percentage of target species of 50 % shall pertain with respect to catches taken in Region 2 with the exception of the North Sea, ICES Division Vb and sub-area VI north of latitude 56°N'.

4. Annex IV shall be replaced by Annex I to this Regulation.

5. In Annex IX, the line '70-79 + ≥ 70' shall be replaced by '60-69 + ≥ 70'.

6. In Annex XII, all reference to 'Mackerel (*Scomber scombrus*)' shall be replaced by 'Mackerel (*Scomber* spp.)' and all reference to 'Horse mackerel (*Trachurus trachurus*)' shall be replaced by 'Horse mackerel (*Trachurus* spp.)'.

7. In Annex XIII, paragraph 5 shall be replaced by:

'5. (a) The size of a spinous spider crab shall be measured, as shown in Figure 4A, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.

(b) The size of an edible crab shall be measured, as shown in Figure 4B as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.'

8. Figure 4A shall be replaced by the figure in Annex II to this Regulation.

Article 2

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

It shall apply from 1 January 2000.

⁽¹⁾ OJ C 337, 5. 11. 1998, p. 8.

⁽²⁾ Opinion delivered on 13 January 1999 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 2 December 1998.

⁽⁴⁾ OJ L 125, 27. 4. 1998, p. 1.

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

Done at Brussels, 8 February 1999.

For the Council

The President

O. LAFONTAINE

ANNEX I

ANNEX IV

TOWED GEARS: — *Skagerrak and Kattegat*

Mesh size ranges, target species and required catch percentages applicable to the use of a single mesh size range

Species	Mesh size range (millimetres)					Minimum percentage of target species			
	< 16	16-31	32-69	70-89	≥ 90	50 %	30 %	none	
	50 %	50 %	20 %	50 %	20 %	50 %	30 %	none	
Sand eels (<i>Ammodytidae</i>) ⁽³⁾	×	×	×	×	×	×	×	×	
Sand eels (<i>Ammodytidae</i>) ⁽⁴⁾		×		×	×	×	×	×	
Norway pout (<i>Trisopterus esmarkii</i>)		×		×	×	×	×	×	
Blue whiting (<i>Micromesistius poutassou</i>)		×		×	×	×	×	×	
Greater weever (<i>Trachinus draco</i>) ⁽¹⁾		×		×	×	×	×	×	
Molluscs (except <i>Sepia</i>) ⁽¹⁾		×		×	×	×	×	×	
Garfish (<i>Belone belone</i>) ⁽¹⁾		×		×	×	×	×	×	
Gray gurnard (<i>Eutrigla gurnardus</i>) ⁽¹⁾		×		×	×	×	×	×	
Argentine (<i>Argentina</i> spp.)		×		×	×	×	×	×	
Sprat (<i>Sprattus sprattus</i>)		×		×	×	×	×	×	
Eel (<i>Anguilla anguilla</i>)			×	×	×	×	×	×	
Common shrimp/Baltic shrimp (<i>Crangon</i> spp., <i>Palaemon adspersus</i>) ⁽²⁾			×	×	×	×	×	×	
Mackerel (<i>Scomber</i> spp.)				×		×	×	×	
Horse mackerel (<i>Trachurus</i> spp.)				×		×	×	×	
Herring (<i>Clupea harengus</i>)				×		×	×	×	
Northern shrimp (<i>Pandalus borealis</i>)					×	×	×	×	
Common shrimp (<i>Crangon</i> spp., <i>Palaemon adspersus</i>) ⁽¹⁾					×	×	×	×	
Whiting (<i>Merlangius merlangus</i>)							×	×	
Norway lobster (<i>Nephrops norvegicus</i>)							×	×	
All other marine organisms								×	

⁽¹⁾ Only within four miles from the baselines.

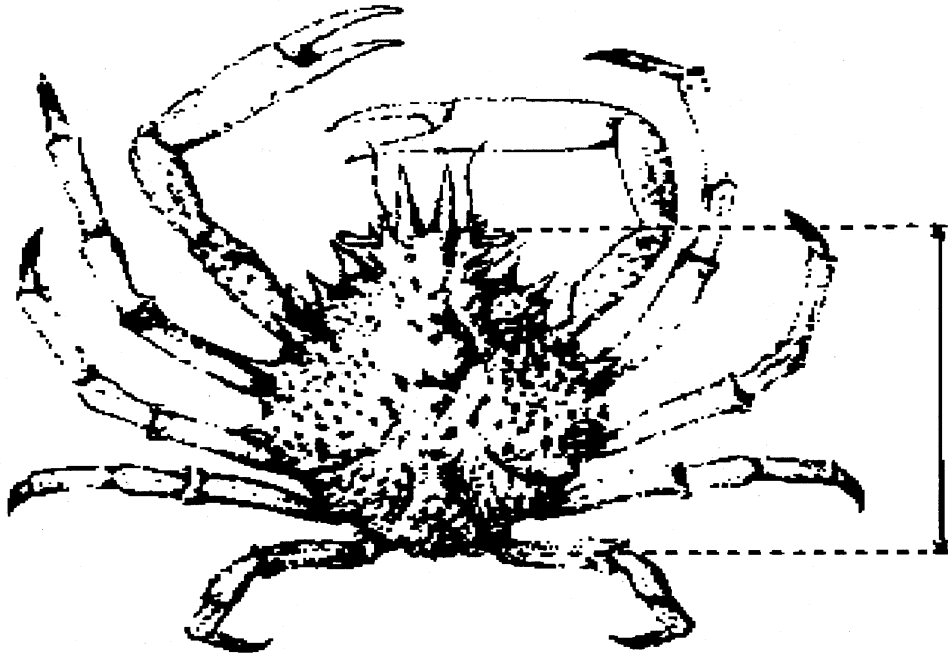
⁽²⁾ Outside four miles from the baselines.

⁽³⁾ From 1 March to 31 October in Skagerrak and from 1 March to 31 July in Kattegat.

⁽⁴⁾ From 1 November to the last day of February in Skagerrak and from 1 August to the last day of February in Kattegat.

ANNEX II

'Figure 4A'



COMMISSION REGULATION (EC) No 309/1999
of 11 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 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 12 February 1999.

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

Done at Brussels, 11 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 11 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	59,9
	204	43,9
	212	104,0
	624	198,1
	999	101,5
0707 00 05	052	118,3
	068	160,7
	999	139,5
0709 10 00	220	241,4
	999	241,4
0709 90 70	052	133,8
	204	194,7
	999	164,3
0805 10 10, 0805 10 30, 0805 10 50	052	80,9
	204	42,2
	212	40,7
	220	27,5
	600	48,1
	624	53,6
	999	48,8
0805 20 10	204	80,6
	624	82,3
	999	81,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	54,3
	204	64,1
	464	96,1
	600	69,6
	624	78,8
	999	72,6
	0805 30 10	052
0808 10 20, 0808 10 50, 0808 10 90	600	64,5
	999	55,8
	060	47,0
0808 20 50	400	79,6
	404	74,1
	728	71,0
	999	67,9
	052	132,7
	388	103,4
	400	84,6
0808 20 50	512	68,0
	528	95,0
	624	55,8
	999	89,9

⁽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 310/1999

of 11 February 1999

amending Regulation (EC) No 1760/98 increasing to 1 900 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽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 procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 1760/98⁽⁵⁾, as last amended by Regulation (EC) No 2804/98⁽⁶⁾, opened a standing invitation to tender for the export of 1 700 000 tonnes of barley held by the French intervention agency; whereas, France informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 900 000 tonnes;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 1 900 000 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.

2. The regions in which the 1 900 000 tonnes of barley are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 11 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 5, 9. 1. 1999, p. 64.

⁽⁵⁾ OJ L 221, 8. 8. 1998, p. 13.

⁽⁶⁾ OJ L 349, 24. 12. 1998, p. 17.

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

Place of storage	Quantity
Amiens	81 000
Châlons	133 000
Dijon	59 000
Lille	299 054
Nantes	37 000
Nancy	51 000
Orléans	380 000
Paris	114 000
Poitiers	185 000
Rouen	559 546
Toulouse	1 400'

COMMISSION REGULATION (EC) No 311/1999**of 11 February 1999****derogating from Regulation (EEC) No 2456/93 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards public intervention**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1633/98⁽²⁾, and in particular Article 6(7) thereof,Whereas Commission Regulation (EEC) No 2456/93⁽³⁾, as last amended by Regulation (EC) No 2812/98⁽⁴⁾, in particular lays down detailed rules governing invitations to tender, whereas, in view of the public holidays in May 1999, the closing date for the submission of tenders should be amended for practical reasons;

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

Notwithstanding the first sentence of Article 10 of Regulation (EEC) No 2456/93, the deadline for the submission of tenders in May 1999 shall be 12 noon (Brussels time) on the third Tuesday of that month.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 11 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.

COMMISSION REGULATION (EC) No 312/1999
of 11 February 1999
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

Whereas, in accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; whereas one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; whereas the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽⁴⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽⁵⁾; whereas, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community;

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 20, 27. 1. 1999, p. 8.

⁽⁴⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽⁵⁾ OJ L 159, 3. 6. 1998, p. 38.

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

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

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 February 1999.

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

Done at Brussels, 11 February 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 91, 1. 4. 1984, p. 71.

⁽²⁾ OJ L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 11 February 1999 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 91 9900	+	159,96
	***	—	0402 21 99 9100	+	120,86
0401 10 90 9000	970	2,327	0402 21 99 9200	+	121,69
	***	—	0402 21 99 9300	+	123,20
0401 20 11 9100	970	2,327	0402 21 99 9400	+	131,67
	***	—	0402 21 99 9500	+	134,61
0401 20 11 9500	970	3,597	0402 21 99 9600	+	145,88
	***	—	0402 21 99 9700	+	152,49
0401 20 19 9100	970	2,327	0402 21 99 9900	+	159,96
	***	—	0402 29 15 9200	+	0,9000
0401 20 19 9500	970	3,597	0402 29 15 9300	+	1,0589
	***	—	0402 29 15 9500	+	1,1156
0401 20 91 9100	970	4,551	0402 29 15 9900	+	1,2002
	***	—	0402 29 19 9200	+	0,9000
0401 20 91 9500	+	—	0402 29 19 9300	+	1,0589
0401 20 99 9100	970	4,551	0402 29 19 9500	+	1,1156
	***	—	0402 29 19 9900	+	1,2002
0401 20 99 9500	+	—	0402 29 91 9100	+	1,2086
0401 30 11 9100	+	—	0402 29 91 9500	+	1,3167
0401 30 11 9400	970	10,50	0402 29 99 9100	+	1,2086
	***	—	0402 29 99 9500	+	1,3167
0401 30 11 9700	970	15,77	0402 91 11 9110	+	—
	***	—	0402 91 11 9120	+	—
0401 30 19 9100	+	—	0402 91 11 9310	+	11,31
0401 30 19 9400	+	—	0402 91 11 9350	+	13,85
0401 30 19 9700	970	15,77	0402 91 11 9370	+	16,84
	***	—	0402 91 19 9110	+	—
0401 30 31 9100	+	38,32	0402 91 19 9120	+	—
0401 30 31 9400	+	59,85	0402 91 19 9310	+	11,31
0401 30 31 9700	+	66,00	0402 91 19 9350	+	13,85
0401 30 39 9100	+	38,32	0402 91 19 9370	+	16,84
0401 30 39 9400	+	59,85	0402 91 31 9100	+	—
0401 30 39 9700	+	66,00	0402 91 31 9300	+	19,91
0401 30 91 9100	+	75,22	0402 91 39 9100	+	—
0401 30 91 9400	+	110,55	0402 91 39 9300	+	19,91
0401 30 91 9700	+	129,01	0402 91 51 9000	+	—
0401 30 99 9100	+	75,22	0402 91 59 9000	+	—
0401 30 99 9400	+	110,55	0402 91 91 9000	+	63,94
0401 30 99 9700	+	129,01	0402 91 99 9000	+	63,94
0402 10 11 9000	+	90,00	0402 99 11 9110	+	—
0402 10 19 9000	+	90,00	0402 99 11 9130	+	—
0402 10 91 9000	+	0,9000	0402 99 11 9150	+	—
0402 10 99 9000	+	0,9000	0402 99 11 9310	+	0,2689
0402 21 11 9200	+	90,00	0402 99 11 9330	+	0,3228
0402 21 11 9300	+	105,89	0402 99 11 9350	+	0,4291
0402 21 11 9500	+	111,56	0402 99 19 9110	+	—
0402 21 11 9900	+	120,00	0402 99 19 9130	+	—
0402 21 17 9000	+	90,00	0402 99 19 9150	+	—
0402 21 19 9300	+	105,89	0402 99 19 9310	+	0,2689
0402 21 19 9500	+	111,56	0402 99 19 9330	+	0,3228
0402 21 19 9900	+	120,00	0402 99 19 9350	+	0,4291
0402 21 91 9100	+	120,86	0402 99 31 9110	+	—
0402 21 91 9200	+	121,69	0402 99 31 9150	+	0,4467
0402 21 91 9300	+	123,20	0402 99 31 9300	+	0,3832
0402 21 91 9400	+	131,67	0402 99 31 9500	+	0,6600
0402 21 91 9500	+	134,61	0402 99 39 9110	+	—
0402 21 91 9600	+	145,88	0402 99 39 9150	+	0,4467
0402 21 91 9700	+	152,49	0402 99 39 9300	+	0,3832

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600	0404 90 29 9160	+	152,49
0402 99 91 9000	+	0,7522	0404 90 29 9180	+	159,96
0402 99 99 9000	+	0,7522	0404 90 81 9100	+	0,9000
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	0,2689
0403 10 13 9800	+	—	0404 90 83 9110	+	0,9000
0403 10 19 9800	+	—	0404 90 83 9130	+	1,0589
0403 10 31 9400	+	—	0404 90 83 9150	+	1,1156
0403 10 31 9800	+	—	0404 90 83 9170	+	1,2002
0403 10 33 9800	+	—	0404 90 83 9911	+	—
0403 10 39 9800	+	—	0404 90 83 9913	+	—
0403 90 11 9000	+	88,48	0404 90 83 9915	+	—
0403 90 13 9200	+	88,48	0404 90 83 9917	+	—
0403 90 13 9300	+	104,95	0404 90 83 9919	+	—
0403 90 13 9500	+	110,56	0404 90 83 9931	+	0,2689
0403 90 13 9900	+	118,93	0404 90 83 9933	+	0,3228
0403 90 19 9000	+	119,81	0404 90 83 9935	+	0,4291
0403 90 31 9000	+	0,8848	0404 90 83 9937	+	0,4467
0403 90 33 9200	+	0,8848	0404 90 89 9130	+	1,2086
0403 90 33 9300	+	1,0495	0404 90 89 9150	+	1,3167
0403 90 33 9500	+	1,1056	0404 90 89 9930	+	0,4601
0403 90 33 9900	+	1,1893	0404 90 89 9950	+	0,6600
0403 90 39 9000	+	1,1981	0404 90 89 9990	+	0,7522
0403 90 51 9100	970	2,327	0405 10 11 9500	+	165,85
	***	—	0405 10 11 9700	+	170,00
0403 90 51 9300	+	—	0405 10 19 9500	+	165,85
0403 90 53 9000	+	—	0405 10 19 9700	+	170,00
0403 90 59 9110	+	—	0405 10 30 9100	+	165,85
0403 90 59 9140	+	—	0405 10 30 9300	+	170,00
0403 90 59 9170	970	15,77	0405 10 30 9500	+	165,85
	***	—	0405 10 30 9700	+	170,00
0403 90 59 9310	+	38,32	0405 10 50 9100	+	165,85
0403 90 59 9340	+	59,85	0405 10 50 9300	+	170,00
0403 90 59 9370	+	66,00	0405 10 50 9700	+	170,00
0403 90 59 9510	+	75,22	0405 10 90 9000	+	176,22
0403 90 59 9540	+	110,55	0405 20 90 9500	+	155,49
0403 90 59 9570	+	129,01	0405 20 90 9700	+	161,71
0403 90 61 9100	+	—	0405 90 10 9000	+	216,00
0403 90 61 9300	+	—	0405 90 90 9000	+	170,00
0403 90 63 9000	+	—	0406 10 20 9100	+	—
0403 90 69 9000	+	—	0406 10 20 9230	037	—
0404 90 21 9100	+	90,00		039	—
0404 90 21 9910	+	—		099	37,68
0404 90 21 9950	+	11,31		400	22,83
0404 90 23 9120	+	90,00		***	37,68
0404 90 23 9130	+	105,89	0406 10 20 9290	037	—
0404 90 23 9140	+	111,56		039	—
0404 90 23 9150	+	120,00		099	35,05
0404 90 23 9911	+	—		400	15,29
0404 90 23 9913	+	—		***	35,05
0404 90 23 9915	+	—		037	—
0404 90 23 9917	+	—		039	—
0404 90 23 9919	+	—		099	35,05
0404 90 23 9931	+	11,31		400	15,29
0404 90 23 9933	+	13,85		***	35,05
0404 90 23 9935	+	16,84	0406 10 20 9300	037	—
0404 90 23 9937	+	19,91		039	—
0404 90 23 9939	+	20,81		099	15,39
0404 90 29 9110	+	120,86		400	7,834
0404 90 29 9115	+	121,69		***	15,39
0404 90 29 9120	+	123,20			
0404 90 29 9130	+	131,67			
0404 90 29 9135	+	134,61			
0404 90 29 9150	+	145,88			

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

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

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

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

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22).

However:

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

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

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

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

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

COMMISSION REGULATION (EC) No 313/1999
of 11 February 1999

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

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 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 825/98 ⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Commission Regulation (EC) No 2993/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2439/98 ⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 312/1999 of 11 February 1999 fixing the export refunds on milk and milk products ⁽⁷⁾, fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments;

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 Annex to Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February 1999.

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

Done at Brussels, 11 February 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.

⁽⁵⁾ OJ L 316, 9. 12. 1994, p. 11.

⁽⁶⁾ OJ L 303, 13. 11. 1998, p. 20.

⁽⁷⁾ See page 15 of this Official Journal.

ANNEX

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	– – Other	0401 10 90 9000		2,327
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500		5,302
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500		5,302
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	– Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400		10,50
	– Exceeding 17 %	0401 30 19 9700		15,77
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 9100		38,32
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 9400		59,85
	– Exceeding 39 %	0401 30 31 9700		66,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 39	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 39 9100		38,32
	– Exceeding 35 % but not exceeding 39 %	0401 30 39 9400		59,85
	– Exceeding 39 %	0401 30 39 9700		66,00
	– – Exceeding 45 %:			
0401 30 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 68 %	0401 30 91 9100		75,22
	– Exceeding 68 % but not exceeding 80 %	0401 30 91 9400		110,55
	– Exceeding 80 %	0401 30 91 9700		129,01
0401 30 99	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 68 %	0401 30 99 9100		75,22
	– Exceeding 68 % but not exceeding 80 %	0401 30 99 9400		110,55
	– Exceeding 80 %	0401 30 99 9700		129,01
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	– In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (?):			
	– – Not containing added sugar or other sweetening matter:			
0402 10 11	– – – In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000	(13)	90,00
0402 10 19	– – – Other	0402 10 19 9000	(13)	90,00
	– – Other:			
0402 10 91	– – – In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000	(14)	0,9000
0402 10 99	– – – Other	0402 10 99 9000	(14)	0,9000
	– In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (?):			
0402 21	– – Not containing added sugar or other sweetening matter:			
	– – – Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not exceeding 11 %	0402 21 11 9200	(13)	90,00
	– Exceeding 11 % but not exceeding 17 %	0402 21 11 9300	(13)	105,89
	– Exceeding 17 % but not exceeding 25 %	0402 21 11 9500	(13)	111,56
	– Exceeding 25 %	0402 21 11 9900	(13)	120,00
	– – – – Other:			
0402 21 17	– – – – – Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000	(13)	90,00
0402 21 19	– – – – – Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	– Not exceeding 17 %	0402 21 19 9300	(13)	105,89
	– Exceeding 17 % but not exceeding 25 %	0402 21 19 9500	(13)	111,56
	– Exceeding 25 %	0402 21 19 9900	(13)	120,00
	– – – – – Of a fat content, by weight, exceeding 27 %:			

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a fat content, by weight:			
	— Not 28 %	0402 21 91 9100	(13)	120,86
	— Exceeding 28 % but not exceeding 29 %	0402 21 91 9200	(13)	121,69
	— Exceeding 29 % but not exceeding 41 %	0402 21 91 9300	(13)	123,20
	— Exceeding 41 % but not exceeding 45 %	0402 21 91 9400	(13)	131,67
	— Exceeding 45 % but not exceeding 59 %	0402 21 91 9500	(13)	134,61
	— Exceeding 59 % but not exceeding 69 %	0402 21 91 9600	(13)	145,88
	— Exceeding 69 % but not exceeding 79 %	0402 21 91 9700	(13)	152,49
	— Exceeding 7 %	0402 21 91 9900	(13)	159,96
0402 21 99	— — — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 28 %	0402 21 99 9100	(13)	120,86
	— Exceeding 28 % but not exceeding 29 %	0402 21 99 9200	(13)	121,69
	— Exceeding 29 % but not exceeding 41 %	0402 21 99 9300	(13)	123,20
	— Exceeding 41 % but not exceeding 45 %	0402 21 99 9400	(13)	131,67
	— Exceeding 45 % but not exceeding 59 %	0402 21 99 9500	(13)	134,61
	— Exceeding 59 % but not exceeding 69 %	0402 21 99 9600	(13)	145,88
	— Exceeding 69 % but not exceeding 79 %	0402 21 99 9700	(13)	152,49
	— Exceeding 79 %	0402 21 99 9900	(13)	159,96
ex 0402 29	— — Other:			
	— — — Of a fat content, by weight, not exceeding 27 %:			
	— — — — Other:			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a fat content, by weight:			
	— Not exceeding 11 %	0402 29 15 9200	(14)	0,9000
	— Exceeding 11 % but not exceeding 17 %	0402 29 15 9300	(14)	1,0589
	— Exceeding 17 % but not exceeding 25 %	0402 29 15 9500	(14)	1,1156
	— Exceeding 25 %	0402 29 15 9900	(14)	1,2002
0402 29 19	— — — — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 11 %	0402 29 19 9200	(14)	0,9000
	— Exceeding 11 % but not exceeding 17 %	0402 29 19 9300	(14)	1,0589
	— Exceeding 17 % but not exceeding 25 %	0402 29 19 9500	(14)	1,1156
	— Exceeding 25 %	0402 29 19 9900	(14)	1,2002
	— — — Of a fat content, by weight, exceeding 27 %:			
0402 29 91	— — — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a fat content, by weight:			
	— Not exceeding 41 %	0402 29 91 9100	(14)	1,2086
	— Exceeding 41 %	0402 29 91 9500	(14)	1,3167
0402 29 99	— — — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 41 %	0402 29 99 9100	(14)	1,2086
	— Exceeding 41 %	0402 29 99 9500	(14)	1,3167

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 91	– Other:			
	– – Not containing added sugar or other sweetening matter:			
	– – – Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9110	(13)	2,327
	– Exceeding 3 %	0402 91 11 9120	(13)	4,551
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9310	(13)	13,30
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 11 9350	(13)	16,29
	– Exceeding 7,4 %	0402 91 11 9370	(13)	19,81
0402 91 19	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9110	(13)	2,327
	– Exceeding 3 %	0402 91 19 9120	(13)	4,551
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9310	(13)	13,30
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 19 9350	(13)	16,29
	– Exceeding 7,4 %	0402 91 19 9370	(13)	19,81
	– – – Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:			
0402 91 31	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 31 9100	(13)	8,991
	– Of 15 % or more	0402 91 31 9300	(13)	23,42
0402 91 39	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 39 9100	(13)	8,991
	– Of 15 % or more	0402 91 39 9300	(13)	23,42
	– – – Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
0402 91 51	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 9000	(13)	10,50
0402 91 59	– – – – Other	0402 91 59 9000	(13)	10,50
	– – – Of a fat content, by weight, exceeding 45 %:			
0402 91 91	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 9000	(13)	75,22
0402 91 99	– – – – Other	0402 91 99 9000	(13)	75,22

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 99	– – Other:			
	– – – Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 99 11 9110	(14)	0,0233
	– Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9130	(14)	0,0456
	– Exceeding 6,9 %	0402 99 11 9150	(14)	0,1269
	– Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 99 11 9310	(14)	0,2689
	– Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9330	(14)	0,3228
	– Exceeding 6,9 %	0402 99 11 9350	(14)	0,4291
0402 99 19	– – – – Other:			
	– Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 99 19 9110	(14)	0,0233
	– Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9130	(14)	0,0456
	– Exceeding 6,9 %	0402 99 19 9150	(14)	0,1269
	– Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 99 19 9310	(14)	0,2689
	– Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9330	(14)	0,3228
	– Exceeding 6,9 %	0402 99 19 9350	(14)	0,4291
	– – – Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	– – – – In immediate packings not exceeding 2,5 kg:			
	– Of a fat content, by weight, not exceeding 21 %:			
	– Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 31 9110	(14)	0,0975
	– Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150	(14)	0,4467
	– Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300	(14)	0,3832
	– Of a fat content, by weight, exceeding 39 %	0402 99 31 9500	(14)	0,6600
0402 99 39	– – – – Other:			
	– Of a fat content, by weight, not exceeding 21 %:			
	– Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 39 9110	(14)	0,0975
	– Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150	(14)	0,4467
	– Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 39 9300	(14)	0,3832
	– Of a fat content, by weight, exceeding 39 %	0402 99 39 9500	(14)	0,6600

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	— — — Of a fat content, by weight, exceeding 45 %:			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg	0402 99 91 9000	(14)	0,7522
0402 99 99	— — — — Other	0402 99 99 9000	(14)	0,7522
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	— Butter:			
	— — Of a fat content, by weight, not exceeding 85 %:			
	— — — Natural butter:			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	— — — — — — Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	— — — — — — Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	— — — Recombined butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	— — — — — — Of 82 % or more	0405 10 30 9300		180,50
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9500		176,10
	— — — — — — Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	— — — Whey butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9100		176,10
	— — — — — — Of 82 % or more	0405 10 50 9300		180,50
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	— — — — — — Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	— — Other	0405 10 90 9000		187,10
ex 0405 20	— Dairy spreads:			
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:			
	— — — Of a fat content by weight:			
	— — — — Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	— — — — Of 78 % or more	0405 20 90 9700		171,69
0405 90	— Other:			
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	— — Other	0405 90 90 9000		180,50

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd (°):					
ex 0406 30	– Processed cheese, not grated or powdered (°):					
	– – Other:					
	– – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:					
ex 0406 30 31	– – – – Not exceeding 48 %:					
	– – – – – Of a dry matter content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %, and of a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 20 %	60		0406 30 31 9710	(°)	17,88
	– – – – – – – Of 20 % or more	60	20	0406 30 31 9730	(°)	26,24
	– – – – – – – Of 43 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – – Of less than 20 %	57		0406 30 31 9910	(°)	17,88
	– – – – – – – – Of 20 % or more but less than 40 %	57	20	0406 30 31 9930	(°)	26,24
	– – – – – – – – Of 40 % or more	57	40	0406 30 31 9950	(°)	38,17
ex 0406 30 39	– – – – Exceeding 48 %:					
	– – – – – Of a dry matter, content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %	60	48	0406 30 39 9500	(°)	26,24
	– – – – – – Of 43 % or more but less than 46 %	57	48	0406 30 39 9700	(°)	38,17
	– – – – – – – Of 46 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – – Of less than 55 %	54	48	0406 30 39 9930	(°)	38,17
	– – – – – – – – Of 55 % or more	54	55	0406 30 39 9950	(°)	43,16
ex 0406 30 90	– – – Of a list content exceeding 36 %	54	79	0406 30 90 9000	(°)	45,28
ex 0406 90 23	– – – Edam	47	40	0406 90 23 9900	(°)	90,36
ex 0406 90 25	– – – Tilsit	47	45	0406 90 25 9900	(°)	89,77
ex 0406 90 27	– – – Butterkäse	52	45	0406 90 27 9900	(°)	81,30
ex 0406 90 76	– – – – – Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	– – – – – – Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	– – – – – – – Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	(°)	84,68
	– – – – – – – Of a dry matter content, by weight, of 56 % or more	46	55	0406 90 76 9400	(°)	94,85
	– – – – – – – Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	(°)	90,24

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(⁵)	87,50
	----- Of a fat content by weight, in the dry matter of 48 % or more but less 55 %	45	48	0406 90 78 9300	(⁵)	92,78
	----- Other	45	55	0406 90 78 9500	(⁵)	91,91
ex 0406 90 79	----- Esrom, Italice, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(⁵)	75,02
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	45	0406 90 81 9900	(⁵)	94,85
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	(⁵)	86,17
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(⁵)	87,41
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(⁵)	92,87
	----- Of 39 % or more	40	39	0406 90 86 9900	(⁵)	102,43
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	(⁵)	71,81
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(⁵)	80,27
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(⁵)	82,36
	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(⁵)	93,15
	----- Maasdam	45	45	0406 90 87 9971	(⁵)	93,15
	----- Manouri	43	53	0406 90 87 9972	(⁵)	39,68
	----- Hushallsost	46	45	0406 90 87 9973	(⁵)	91,46
	----- Murukoloinen	41	50	0406 90 87 9974	(⁵)	99,26
	----- Other	47	40	0406 90 87 9979	(⁵)	90,36

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %: ----- cheeses produced from whey ----- Other: ----- Other: ----- Of a fat content, by weight, in the dry matter: ----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9100		—
				0406 90 88 9300	(⁵)	70,90

(⁵) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(⁶) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 have been added and, if so, the maximum content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 per 100 kilograms of finished product.

(⁷) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.

(¹⁴) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the aid.

The aid on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;

(b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the maximum content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

COMMISSION REGULATION (EC) No 314/1999**of 11 February 1999****amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid**

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 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance ⁽⁵⁾, as last amended by Regulation (EC) No 2440/98 ⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EC) No 312/1999 of 11 February 1999 fixing the export refunds on milk and milk products ⁽⁷⁾, fixes the refunds on those products; whereas Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments;

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

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February 1999.

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

Done at Brussels, 11 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 76, 13. 3. 1998, p. 6.

⁽³⁾ OJ L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ L 218, 1. 8. 1992, p. 75.

⁽⁶⁾ OJ L 303, 13. 11. 1998, p. 30.

⁽⁷⁾ See page 15 of this Official Journal.

ANNEX

ANNEX II

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	– – Other	0401 10 90 9000		2,327
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500		5,302
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500		5,302
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	– Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400		10,50
	– Exceeding 17 %	0401 30 19 9700		15,77
	– – Exceeding 21 % but not exceeding 45 %:			

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 35 %	0401 30 31 9100		38,32
	— Exceeding 35 % but not exceeding 39 %	0401 30 31 9400		59,85
	— Exceeding 39 %	0401 30 31 9700		66,00
0401 30 39	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 35 %	0401 30 39 9100		38,32
	— Exceeding 35 % but not exceeding 39 %	0401 30 39 9400		59,85
	— Exceeding 39 %	0401 30 39 9700		66,00
	— — Exceeding 45 %:			
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 91 9100		75,22
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 9400		110,55
	— Exceeding 80 %	0401 30 91 9700		129,01
0401 30 99	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 99 9100		75,22
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 9400		110,55
	— Exceeding 80 %	0401 30 99 9700		129,01
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 9000 0402 10 19 9000	(13)	90,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 9900 0402 21 19 9900	(13)	120,00
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a fat content, by weight:			
	— Not exceeding 11 %	0402 21 11 9200	(13)	90,00
	— Exceeding 11 % but not exceeding 17 %	0402 21 11 9300	(13)	105,89
	— Exceeding 17 % but not exceeding 25 %	0402 21 11 9500	(13)	111,56
	— Exceeding 25 %	0402 21 11 9900	(13)	120,00
	— — — — Other:			
0402 21 19	— — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	— Not exceeding 17 %	0402 21 19 9300	(13)	105,89
	— Exceeding 17 % but not exceeding 25 %	0402 21 19 9500	(13)	111,56
	— Exceeding 25 %	0402 21 19 9900	(13)	120,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	– Butter:			
	– – Of a fat content, by weight, not exceeding 85 %:			
	– – – Natural butter:			
0405 10 11	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	– – – – – – Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	– – – – – – Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	– – – Recombined butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	– – – – – – Of 82 % or more	0405 10 30 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9500		176,10
	– – – – – – Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	– – – Whey butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9100		176,10
	– – – – – – Of 82 % or more	0405 10 50 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	– – – – – – Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	– – Other	0405 10 90 9000		187,10
ex 0405 20	– Dairy spreads:			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %:			
	– – – Of a fat content by weight:			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	– – – – Of 78 % or more	0405 20 90 9700		171,69
0405 90	– Other:			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	– – Other	0405 90 90 9000		180,50

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd (3):					
ex 0406 90 23	— — — Edam	47	40	0406 90 23 9900	(3)	90,36
ex 0406 90 25	— — — Tilsit	47	45	0406 90 25 9900	(3)	89,77
ex 0406 90 76	— — — — — — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe:					
	— — — — — — — — — Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	— — — — — — — — — Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	(3)	84,68
	— — — — — — — — — Of a dry matter content, by weight, of 56 % or more	44	45	0406 90 76 9400	(3)	94,85
	— — — — — — — — — Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	(3)	90,24
ex 0406 90 78	— — — — — — — — — Gouda:					
	— — — — — — — — — Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(3)	87,50
	— — — — — — — — — Of a fat content by weight, in the dry matter of 48 % or more but less than 55 %	45	48	0406 90 78 9300	(3)	92,78
	— — — — — — — — — Other	45	55	0406 90 78 9500	(3)	91,91
ex 0406 90 79	— — — — — — — — — Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(3)	75,02
ex 0406 90 81	— — — — — — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	44	0406 90 81 9900	(3)	94,85
ex 0406 90 86	— — — — — — — — — Exceeding 47 % but not exceeding 52 %:					
	— — — — — — — — — cheeses produced from whey			0406 90 86 9100		—
	— — — — — — — — — Other, of a fat content, by weight, in the dry matter:					
	— — — — — — — — — Of less than 5 %	52		0406 90 86 9200	(3)	86,17
	— — — — — — — — — Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(3)	87,41
	— — — — — — — — — Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(3)	92,87
	— — — — — — — — — Of 39 % or more	40	39	0406 90 86 9900	(3)	102,43
ex 0406 90 87	— — — — — — — — — Exceeding 52 % but not exceeding 62 %:					
	— — — — — — — — — cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	— — — — — — — — — Other, of a fat content, by weight, in the dry matter:					
	— — — — — — — — — Of less than 5 %	60		0406 90 87 9200	(3)	71,81
	— — — — — — — — — Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(3)	80,27
	— — — — — — — — — Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(3)	82,36

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 87 (cont'd.)	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(³)	93,15
	----- Maasdam	45	45	0406 90 87 9971	(³)	93,15
	----- Manouri	43	53	0406 90 87 9972	(³)	39,68
	----- Hushallsost	46	45	0406 90 87 9973	(³)	91,46
	----- Murukoloinen	41	50	0406 90 87 9974	(³)	99,26
	----- Other:	47	40	0406 90 87 9979	(³)	90,36
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %:					
	----- cheese produced from whey			0406 90 88 9100		—
	----- Other:					
	----- Other:					
	----- Of a fat content, by weight, in the dry matter:					
----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(³)	70,90	

(³) In the case of cheese presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.

COMMISSION REGULATION (EC) No 315/1999

of 11 February 1999

fixing, for January 1999, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector

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 organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁴⁾, as last amended by Regulation (EC) No 59/97 ⁽⁵⁾, and in particular Article 1(3) thereof,

Whereas Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month; whereas, however, in the case of the reimbursable amounts applying from 1 January 1999, as a result of the introduction of the agrimonetary arrange-

ments for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency;

Whereas application of these provisions will lead to the fixing, for January 1999, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into national currency for January 1999 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February 1999.

It shall apply with effect from 1 January 1999.

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

Done at Brussels, 11 February 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 349, 24. 12. 1998, p. 1.

⁽⁴⁾ OJ L 159, 1. 7. 1993, p. 94.

⁽⁵⁾ OJ L 14, 17. 1. 1997, p. 25.

ANNEX

to the Commission Regulation of 11 February 1999 fixing, for January 1999, the exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,44223	Danish kroner
	323,999	Greek drachma
	9,13150	Swedish kroner
	0,703911	Pound sterling

COMMISSION REGULATION (EC) No 316/1999

of 11 February 1999

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

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by 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⁾, and in particular Article 4 thereof,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 February 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1079/98, the maximum refund on exportation of common wheat shall be EUR 33,48 per tonne.

Article 2

This Regulation shall enter into force on 12 February 1999.

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

Done at Brussels, 11 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 24.

⁽⁶⁾ OJ L 258, 22. 9. 1998, p. 8.

COMMISSION REGULATION (EC) No 317/1999**of 11 February 1999****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2004/98**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by 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⁾, and in particular Article 7 thereof,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 February 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2004/98, the maximum refund on exportation of common wheat shall be EUR 37,94 per tonne.

Article 2

This Regulation shall enter into force on 12 February 1999.

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

Done at Brussels, 11 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 258, 22. 9. 1998, p. 4.

COMMISSION REGULATION (EC) No 318/1999
of 11 February 1999
concerning tenders notified in response to the invitation to tender for the export
of barley issued in Regulation (EC) No 1078/98

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by 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⁾, and in particular Article 4 thereof,

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

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No

1766/92 and on the basis of the tenders notified, to make no award;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 5 to 11 February 1999 in response to the invitation to tender for the refund or the tax for the export of barley issued in Regulation (EC) No 1078/98.

Article 2

This Regulation shall enter into force on 12 February 1999.

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

Done at Brussels, 11 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 20.

COMMISSION REGULATION (EC) No 319/1999
of 11 February 1999

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

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

Having regard to Council Regulation (EEC) No 1766/92
of 30 June 1992 on the common organisation of the
market in cereals ⁽¹⁾, as last amended by 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⁾, and in particular Article 7 thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 February 1999, pursuant
to the invitation to tender issued in Regulation (EC) No
1746/98, the maximum refund on exportation of rye shall
be EUR 74,75 per tonne.

Article 2

This Regulation shall enter into force on 12 February
1999.

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

Done at Brussels, 11 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 219, 7. 8. 1998, p. 3.

COMMISSION REGULATION (EC) No 320/1999
of 11 February 1999

**fixing the maximum export refund on oats in connection with the invitation to
tender issued in Regulation (EC) No 2007/98**

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

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

Having regard to Commission Regulation (EC) No 2007/
98 of 21 September 1998 on a special intervention
measure for cereals in Finland and Sweden ⁽⁵⁾, as last
amended by Regulation (EC) No 244/1999 ⁽⁶⁾, and in
particular Article 8 thereof,

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

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

down in Article 23 of Regulation (EEC) No 1766/92,
decide to fix a maximum export refund taking account of
the criteria referred to in Article 1 of Regulation (EC) No
1501/95; whereas in that case a contract is awarded to any
tenderer whose bid is equal to or lower than the
maximum refund;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 February 1999, pursuant
to the invitation to tender issued in Regulation (EC) No
2007/98, the maximum refund on exportation of oats
shall be EUR 60,90 per tonne.

Article 2

This Regulation shall enter into force on 12 February
1999.

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

Done at Brussels, 11 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 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 27, 2. 2. 1999, p. 10.

COMMISSION REGULATION (EC) No 321/1999**of 11 February 1999****fixing the maximum reduction in the duty on maize imported in connection
with the invitation to tender issued in Regulation (EC) No 2849/98**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 February 1999 pursuant to the invitation to tender issued in Regulation (EC) No 2849/98, the maximum reduction in the duty on maize imported shall be EUR 69,84 per tonne and be valid for a total maximum quantity of 10 000 tonnes.

Article 2

This Regulation shall enter into force on 12 February 1999.

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

Done at Brussels, 11 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 358, 31. 12. 1998, p. 43.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 322/1999**of 11 February 1999****fixing the maximum reduction in the duty on maize imported in connection
with the invitation to tender issued in Regulation (EC) No 2850/98**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 February 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2850/98, the maximum reduction in the duty on maize imported shall be EUR 68,32 per tonne and be valid for a total maximum quantity of 29 950 tonnes.

Article 2

This Regulation shall enter into force on 12 February 1999.

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

Done at Brussels, 11 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 358, 31. 12. 1998, p. 44.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/1999 OF THE ASSOCIATION COUNCIL

between the European Communities and their Member States, of the one part,
and the Republic of Bulgaria, of the other part

of 28 January 1999

amending Protocol 4 to the Europe Agreement establishing an association
between the European Communities and their Member States, of the one part,
and the Republic of Bulgaria, of the other part

(1999/122/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽¹⁾, signed in Brussels on 8 March 1993, and in particular Article 38 of Protocol 4⁽²⁾ thereof,

Whereas the definition of the term 'originating products' in Protocol 4 needs to be amended to ensure the proper operation of the extended system of cumulation which permits the use of materials originating in the European Community, Poland, Hungary, the Czech Republic, the Slovak Republic, Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovenia, the European Economic Area (hereinafter referred to as the EEA), Iceland, Norway and Switzerland;

Whereas it would seem advisable to maintain in operation until 31 December 2000 the system of flat rate charges provided for in Article 15 of Protocol 4 in connection with the prohibition of drawback and exemption from customs duty;

Whereas, in view of the particular arrangements on industrial products obtaining between the Community and

Turkey, it would also be appropriate to extend the cumulation system to such products originating in Turkey;

Whereas to facilitate trade and simplify administrative tasks it is desirable to amend the wording of Articles 3, 4 and 12 of Protocol 4;

Whereas, to take account of changes in processing techniques and shortages of certain raw materials, some corrections must be made to the list of working and processing requirements which non-originating materials have to fulfil to qualify for originating status,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 4 concerning the definition of the concept of 'originating products' and methods of administrative cooperation is hereby amended as follows:

1. Article 1(i) shall be replaced by:

'(i) "added value" shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other

⁽¹⁾ OJ L 358, 31. 12. 1994, p. 3.

⁽²⁾ Protocol 4 was replaced by Association Council Decision No 1/97 (OJ L 134, 24. 5. 1997, p. 1).

countries referred to in Articles 3 and 4 or, where the customs value is not known or cannot be ascertained, the first price verifiably paid for the products in the Community or Bulgaria.'

2. Articles 3 and 4 shall be replaced by the following:

Article 3

Cumulation in the European Community

1. Without prejudice to the provisions of Article 2(1), products shall be considered as originating in the Community if such products are obtained there, incorporating materials originating in the Community, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway, Switzerland (including Liechtenstein (*) or Turkey (**)) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between the Community and each of these countries, provided that the working or processing carried out in the Community goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in the Community does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in the Community only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in the Community.

3. Products, originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in the Community, retain their origin if exported into one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol.

The Community shall provide Bulgaria, through the Commission of the European Communities, with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission of the European Communities shall publish in the *Official Journal of the European Communities* (C series) the date on which the cumulation, provided for in this Article may be applied by those countries listed in paragraph 1 which have fulfilled the necessary requirements.

Article 4

Cumulation in Bulgaria

1. Without prejudice to the provision of Article 2(2), products shall be considered as originating in Bulgaria if such products are obtained there, incorporating materials originating in the Community, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway, Switzerland (including Liechtenstein (*) or Turkey (**)) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between Bulgaria and each of these countries, provided that the working or processing carried out in Bulgaria goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in Bulgaria does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in Bulgaria only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in Bulgaria.

3. Products, originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in Bulgaria, retain their origin if exported into one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol.

Bulgaria shall provide the Community, through the Commission of the European Communities, with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission of the European Communities shall publish in the *Official Journal of the European Communities* (C series) the date on which the cumulation, provided for in this Article, may be applied by those countries listed in paragraph 1 which have fulfilled the necessary requirements.

(*) The Principality of Liechtenstein has a customs union with Switzerland, and is a contracting party to the Agreement on the European Economic Area.

(**) Cumulation as provided for in this Article does not apply to materials originating in Turkey which are mentioned in the list at Annex V to this Protocol.'

3. Article 12 shall be replaced by the following:

Article 12

Principle of territoriality

1. Except as provided for in Article 2(1)(c), Articles 3 and 4 and paragraph 3 of this Article, the conditions for acquiring originating status set out in Title II must continue to be fulfilled at all times in the Community or Bulgaria.

2. Except as provided for in Articles 3 and 4, where originating goods exported from the Community or Bulgaria to another country return, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:

(a) the returning goods are the same as those that were exported

and

(b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

3. The acquisition of originating status in accordance with the conditions set out in Title II shall not be affected by working or processing done outside the Community or Bulgaria on materials exported from the Community or Bulgaria and subsequently reimported there, provided:

(a) the said materials are wholly obtained in the Community or Bulgaria or have undergone working or processing beyond the insufficient operations listed in Article 7 prior to being exported

and

(b) it can be demonstrated to the satisfaction of the customs authorities that:

(i) the reimported goods have been obtained by working or processing the exported materials

and

(ii) the total added value acquired outside the Community or Bulgaria by applying the provisions of this Article does not exceed 10 % of the ex-works price of the end product for which originating status is claimed.

4. For the purposes of paragraph 3, the conditions for acquiring originating status set out in Title II shall not apply to working or processing done outside the Community or Bulgaria. But where, in the list in Annex II, a rule setting a maximum value for all the non-originating materials incorporated is applied in determining the originating status of the end product,

the total value of the non-originating materials incorporated in the territory of the party concerned, taken together with the total added value acquired outside the Community or Bulgaria by applying the provisions of this Article, shall not exceed the stated percentage.

5. For the purposes of applying the provisions of paragraphs 3 and 4, "total added value" shall be taken to mean all costs arising outside the Community or Bulgaria, including the value of the materials incorporated there.

6. The provisions of paragraphs 3 and 4 shall not apply to products which do not fulfil the conditions set out in the list in Annex II or which can be considered sufficiently worked or processed only if the general values fixed in Article 6(2) are applied.

7. The provisions of paragraphs 3 and 4 shall not apply to products coming under chapters 50 to 63 of the harmonised system.

8. Any working or processing of the kind covered by the provisions of this Article and done outside the Community or Bulgaria shall be done under the outward processing arrangements, or similar arrangements.'

4. In Articles 13, 14, 15, 17, 21, 27, 30 and 32, the phrase 'referred to in Article 4' shall be replaced by 'referred to in Articles 3 and 4'.

5. In the last paragraph of Article 15(6), the date '31 December 1998' shall be replaced by '31 December 2000'.

6. In Article 26(1), the terms 'C2/CP3' shall be replaced by 'CN22/CN23'.

7. In Annex I, note 5.2:

(a) between the indents:

'— artificial man-made filaments'

and

'— synthetic man-made staple fibres of polypropylene'

the following shall be inserted:

'— current conducting filaments';

(b) the fifth example ('A carpet with tufts . . . are met.') shall be deleted.

8. Annex II shall be amended as follows:

(a) the following shall be inserted between the entries for HS heading Nos 2202 and 2208:

(c) the entry for HS heading No 7006 shall be replaced by:

7006	<p>Glass of heading Nos 7003, 7004 or 7005, bent, edgeworked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials:</p> <p>— Glass plate substrate coated with dielectric thin film, semiconductor grade, in accordance with SEMII standards⁽¹⁾</p> <p>— Other</p>	<p>Manufacture from non-coated glass plate substrate of heading No 7006</p> <p>Manufacture from materials of heading No 7001</p>	
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⁽¹⁾ SEMII — Semiconductor Equipment and Materials Institute Incorporated.

(d) the rule for HS heading No 7601 shall be replaced by:

7601	Unwrought aluminium	<p>Manufacture in which:</p> <p>— All the materials used are classified within a heading other than that of the product and</p> <p>— The value of all the materials used does not exceed 50 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium'</p>	
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9. the following Annex shall be added:

ANNEX V

List of products originating in Turkey to which the provisions of Articles 3 and 4 do not apply, listed in the order of HS chapters and headings

<p>Chapter 1</p> <p>Chapter 2</p> <p>Chapter 3</p> <p>0401 to 0402</p> <p>ex 0403</p> <p>0404 to 0410</p> <p>0504</p> <p>0511</p> <p>Chapter 6</p> <p>0701 to 0709</p>	<p>Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter</p>
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ex 0710	Vegetables, except sweetcorn of heading No 0710 40 00 (uncooked or cooked by steaming or boiling in water), frozen
ex 0711	Vegetables, except sweetcorn of heading No 0711 90 30, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
0712 to 0714	
Chapter 8	
ex Chapter 9	Coffee, tea and spices, excluding maté of heading No 0903
Chapter 10	
Chapter 11	
Chapter 12	
ex 1302	Pectic substances, pectinates and pectates
1501 to 1514	
ex 1515	Other fixed vegetable fats and oils (excluding jojoba oil and its fractions) and their fractions, whether or not refined, but not chemically modified
ex 1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared, excluding hydrogenated castor oil known as "opalwax"
ex 1517 and	
ex 1518	Margarines; imitation lard and other prepared edible fats
ex 1522	Residues resulting from the treatment of fatty substances or animal or vegetable waxes, excluding degreas
Chapter 16	
1701	
ex 1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel excluding that of heading Nos 1702 11 00, 1702 30 51, 1702 30 59, 1702 50 00 and 1702 90 10
1703	
1801 and 1802	
ex 1902	Pasta, stuffed, containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates, sausages and the like or meat and meat offal of any kind, including fats of all kinds
ex 2001	Cucumbers and gherkins, onions, mango chutney, fruit of the genus Capsicum other than sweet peppers or pimentos, mushrooms and olives, prepared or preserved by vinegar or acetic acid
2002 and 2003	
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006, excluding potatoes in the form of flour, meal or flakes, and sweetcorn
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006, excluding potatoes in the form of flour, meal or flakes, and sweetcorn
2006 and 2007	
ex 2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding peanut butter, palm hearts, maize, yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, vine leaves, hop shoots and other similar edible parts of plants
2009	

ex 2106	Flavoured and coloured sugar, syrups
2204	
2206	
ex 2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher obtained from agricultural produce listed here
ex 2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol obtained from agricultural produce listed here'
2209	
Chapter 23	
2401	
4501	
5301 and 5302	

Article 2

This Decision shall enter into force on the day of its adoption. It shall apply as from 1 January 1999.

Done at Brussels, 28 January 1999.

For the Association Council
The President
J. FISCHER

Information on the entry into force of the Interim Agreement on trade and trade-related matters with the Republic of Azerbaijan ⁽¹⁾

The Interim Agreement on trade and trade-related matters which the Council decided to conclude on 13 October 1998 with the Republic of Azerbaijan will enter into force on 1 March 1999, notification of completion of the procedures provided for in Article 32 of the Agreement having been given by both parties as at 21 January 1999.

⁽¹⁾ OJ L 285, 22. 10. 1998, p. 2.

COMMISSION

COMMISSION DECISION

of 9 February 1999

ceasing registration of television camera systems' modules, kits, sub-assemblies and parts thereof and terminating the investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1015/94, on imports of certain television camera systems originating in Japan

(notified under document number C(1999) 276)

(1999/123/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 18 March 1998, the Commission received a complaint concerning the alleged circumvention of definitive anti-dumping duties imposed by Council Regulation (CE) No 1015/94⁽³⁾, as last amended by Regulation (EC) No 1952/97⁽⁴⁾ on television camera systems (hereinafter referred to as TCS) originating in Japan, by imports of TCS modules, kits, sub-assemblies and parts originating in Japan used for the assembly of complete TCS in the Community.
- (2) The complaint was lodged by Philips Broadcast Television Systems Bv, Community producer of TCS representing a major proportion of the total Community production of the product concerned

pursuant to Article 4(1) and Article 5(4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation').

- (3) The complaint contained evidence of circumvention concerning two producers/exporters, namely Ikegami Tsushinki Co. Ltd (hereinafter referred to as Ikegami/Japan) and Sony Corporation (hereinafter referred to as Sony/Japan), by assembly/completion operations of their related importers in the European Community. There was no *prima facie* evidence of assembly/completion operations of other Japanese exporters/producers. No other company made itself known to the Commission during the investigation.
- (4) The Commission, after consultation, by Regulation (EC) No 1178/98 published in the *Official Journal of the European Communities*⁽⁵⁾ initiated an investigation concerning the alleged circumvention of definitive anti-dumping duties imposed by the abovementioned Council Regulation on TCS originating in Japan by imports of TCS modules, kits, sub-assemblies and parts thereof originating in Japan and currently classifiable within the following CN-codes: ex 8504 31 90, ex 8525 30 90, ex 8529 90 72, ex 8529 90 81, ex 8529 90 88, ex 8536 90 10, ex 8538 90 99, ex 8542 13 72, ex 8531 20 59, ex 8531 20 80, ex 8538 10 00, ex 8538 90 91 and ex 9002 90 90.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 111, 30. 4. 1994, p. 106.

⁽⁴⁾ OJ L 276, 9. 10. 1997, p. 20.

⁽⁵⁾ OJ L 163, 6. 6. 1998, p. 20.

- (5) The Commission also directed custom authorities, pursuant to Article 14(5) of the Basic Regulation, to register imports of the abovementioned parts.
- (6) The Commission officially advised the exporting producers and importers concerned, the representatives of the exporting country and the complainant Community producer of the initiation of the investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limits set out in the Regulation initiating the proceeding.

B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (7) By letter of 17 December 1998 to the Commission, Philips Broadcast Television Systems Bv formally withdrew its complaint.
- (8) In accordance with Article 9(1) of the Basic Regulation, when the complainant withdraws its complaint the proceeding may be terminated unless such termination would not be in the Community interest.
- (9) The Commission considered that the present proceeding should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given opportunity to comment. No comments were received indicating that such termination would not be in the Community interest.
- (10) The Commission therefore concludes that the present proceeding concerning the alleged circumvention of definitive anti-dumping duties in force imposed on TCS originating in Japan by imports

of TCS modules, kits, sub-assemblies and parts thereof originating in Japan should be terminated without imposition of protective measures. Consequently, the registration of the parts concerned should be ceased,

HAS DECIDED AS FOLLOWS:

Article 1

The investigation concerning the circumvention of the anti-dumping duties imposed by Regulation (EC) No 1015/94 on imports of television camera systems originating in Japan by imports of television camera systems modules, kits, sub-assemblies and parts thereof originating in Japan and currently classifiable within the CN-codes ex 8504 31 90, ex 8525 30 90, ex 8529 90 72, ex 8529 90 81, ex 8529 90 88, ex 8536 90 10, ex 8538 90 99, ex 8542 13 72, ex 8531 20 59, ex 8531 20 80, ex 8538 10 00, ex 8538 90 91 and ex 9002 90 90, initiated by Regulation (EC) No 1178/98, is hereby terminated.

Article 2

Regulation (EC) No 1178/98 is hereby repealed.

Done at Brussels, 9 February 1999.

For the Commission

Leon BRITTAN

Vice-President