

Official Journal

of the European Communities

ISSN 0378-6978

L 60

Volume 42

9 March 1999

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 503/1999
of 8 March 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,

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 9 March 1999.

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

Done at Brussels, 8 March 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.

ANNEX

to the Commission Regulation of 8 March 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	61,9
	204	45,1
	212	96,1
	624	174,5
	999	94,4
0707 00 05	052	118,3
	068	107,2
	999	112,8
0709 10 00	220	194,7
	999	194,7
0709 90 70	052	116,5
	204	122,8
	999	119,7
0805 10 10, 0805 10 30, 0805 10 50	052	33,4
	204	41,1
	212	46,8
	600	50,0
	624	48,8
	999	44,0
0805 30 10	052	42,0
	600	58,5
	999	50,3
0808 10 20, 0808 10 50, 0808 10 90	039	80,9
	060	36,7
	388	136,2
	400	81,2
	404	80,5
	508	71,6
	512	88,2
	528	101,6
	706	107,2
	720	97,6
	728	95,7
	999	88,9
	0808 20 50	052
388		73,8
400		79,8
512		64,6
528		70,9
624		72,6
999	83,8	

⁽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 504/1999
of 8 March 1999
amending Regulation (EC) No 286/1999 on the supply of cereals as food aid

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

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

Whereas Commission Regulation (EC) No 286/1999 ⁽²⁾ issued an invitation to tender for the supply, as food aid, of cereals; whereas some of the conditions specified in the Annex to that Regulation should be altered at the request of the beneficiary,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 286/1999 is replaced by the Annex to this Regulation.

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, 8 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 34, 9. 2. 1999, p. 14.

ANNEX

LOT A

1. **Action No:** 105/98
2. **Beneficiary** ⁽²⁾: CICR, 19 avenue de la Paix, CH-1202 Genève (tel. (41 22) 734 60 01; telex 22269 CICR CH)
3. **Beneficiary's representative:** ICRC Tbilissi, Dutu Megreli St. 1, 380003 Tbilissi, Georgia (tel. (7 88 32) 93 55 11; fax 93 55 20)
4. **Country of destination:** Georgia
5. **Product to be mobilised:** common wheat flour
6. **Total quantity (tonnes net):** 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(1)(a))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.2.B2)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(3) and IX.A.(3)(a))
 - language to be used for the markings: English
 - supplementary markings: 'ICRC'
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination ⁽⁸⁾
13. **Alternative delivery stage:** free at port of shipment or ex works ⁽⁹⁾
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** ICRC warehouse, Castello St. 30A, 354341 Adler, Russian Federation. tel. (7 86 22) 97 40 60, fax 44 13 34
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 11.4.1999
 - second deadline: 23.5.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 15 to 28.3.1999
 - second deadline: 26.4 to 9.5.1999
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 23.2.1999
 - second deadline: 23.3.1999
20. **Amount of tendering guarantee:** EUR 5/t
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex 25670 AGREC B; fax (32 2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 19.3.1999, fixed by Commission Regulation (EC) No 429/1999 (OJ L 52, 27.2.1999, p. 16)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32 2) 295 14 65),
Torben Vestergaard (tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32 2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
— phytosanitary certificate,
— fumigation certificate.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point II.B(3)(c) is replaced by the following: 'the words "European Community".'
- (⁷) The flour is to be packed in paper sachets with a net content of 1 kg. The paper must be a minimum weight of 80 g/m² and be designed to come into contact with foodstuffs.
The sachets, maximum 20, are to be packed together:
(a) either in a plastic film with a minimum thickness of 60 microns,
(b) or in a high quality corrugated board box.
The tender shall indicate the envisaged type of outer packaging.
If glue is used for making up or sealing the packaging, it must be water-resistant. If adhesive tape is used, it must not become unstuck in a damp atmosphere.
- (⁸) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
- (⁹) In case of delivery by land only, Article 7(7)(e) of Commission Regulation (EC) No 2519/97 (OJ L 346, 17.12.1997, p. 23) applies.
-

COMMISSION REGULATION (EC) No 505/1999
of 8 March 1999
on the supply of white sugar as food aid

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 8 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 458/97 (A1); 459/97 (A2); 509/97 (A3)
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland
tel. (31 70) 330 57 57; fax 364 17 01; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A1: Zambia; A2: Madagascar; A3: Zimbabwe
5. **Product to be mobilised:** white sugar
6. **Total quantity (tonnes net):** 68
7. **Number of lots:** one in three parts (A1: 18 t; A2: 18 t; A3: 32 t)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(1))
9. **Packaging** ⁽⁷⁾ ⁽⁸⁾: see OJ C 267, 13.9.1996, p. 1 (11.2, A(1)(b), (2)(b) and B(4))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(3))
 - Language to be used for the markings: A1 + A3: English; A2: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** sugar produced in the Community in accordance with the sixth subparagraph of Article 24(1a) of Council Regulation (EEC) No 1785/81 as follows:
A or B sugar (points (a) and (b))
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 5 to 25.4.1999
 - second deadline: 19.4 to 9.5.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 23.3.1999
 - second deadline: 6.4.1999
20. **Amount of tendering guarantee:** EUR 15/t
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/
Wetstraat 200, B-1049 Bruxelles/Brussel
telex 25670 AGREC B; fax (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable to white sugar on 3.3.1999, fixed by Commission Regulation (EC) No 400/1999 (OJ L 49, 25.2.1999, p. 18)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65)
Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (322) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point V.A(3)(c) is replaced by the following: 'the words "European Community"'.

(⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL.
The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (⁹) The rule provided at the second indent of Article 18(2)(a) of Commission Regulation (EEC) No 2103/77 (OJ L 246, 27.9.1977, p. 12), as last amended by Regulation (EC) No 260/96 (OJ L 34, 13.2.1996, p. 16), is binding for determination of the sugar category.
-

COMMISSION REGULATION (EC) No 506/1999
of 8 March 1999
amending Regulation (EC) No 340/1999 on the supply of cereals as food aid

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

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

Whereas Commission Regulation (EC) No 340/1999 ⁽²⁾ issued an invitation to tender for the supply, as food aid, of cereals; whereas some of the conditions specified in the Annex to that Regulation should be altered at the request of the beneficiary,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 340/1999 is replaced by the Annex to this Regulation.

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, 8 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 41, 16. 2. 1999, p. 6.

ANNEX

LOT A

1. **Action Nos:** 115/98 (A); 124/98 (B)
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma
tel. (39-6) 65 13 29 88; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Somalia
5. **Product to be mobilised:** maize
6. **Total quantity (tonnes net):** 9 143
7. **Number of lots:** one in two parts (A1: 5 000 t; A2: 4 130 t)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(1)(d))
9. **Packaging** ⁽⁵⁾: see OJ C 267, 13.9.1996, p. 1 (1.0.A1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment — fob stowed
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
 - (b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 22.3 to 11.4.1999
 - second deadline: 12.4 to 2.5.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 2.3.1999
 - second deadline: 23.3.1999
20. **Amount of tendering guarantee:** EUR 5/t
21. **Address for submission of tenders and tendering guarantees** ⁽⁷⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/
Wetstraat 200, B-1049 Bruxelles/Brussel
telex 25670 AGREC B; fax (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁸⁾: refund applicable on 19.3.1999, fixed by Commission Regulation (EC) No 429/1999
(OJ L 52, 27.2.1999, p. 16)

Notes:

- (¹) Supplementary information: André Debongnie (tel.: (32 2) 295 14 65),
Torben Vestergaard (tel.: (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation.
The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32 2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) is replaced by the following: 'the words "European Community"'.
'
- (⁷) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
-

COMMISSION REGULATION (EC) No 507/1999
of 8 March 1999
on the supply of vegetable oil as food aid

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

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

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

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

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

Whereas, in order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rape-seed oil or sunflower oil; whereas the contract for the supply of each such lot is

to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

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

The supply shall cover the mobilisation of vegetable oil produced in the Community. For lot A the mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

For lot A, tenders shall cover either rape-seed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

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

Article 2

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

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

Done at Brussels, 8 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 450/97 (A1); 456/97 (A2); 457/97 (A3)
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland
tel.: (31-70) 33 05 757; fax: (31-70) 36 41 701; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A1: Pakistan; A2: Zambia; A3: Zimbabwe
5. **Product to be mobilised:** vegetable oil: refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 673
7. **Number of lots:** one in three parts (A1: 480 t; A2: 180 t; A3: 13 t)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(1)(a) or (b))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (10.4. A, B and C(2))
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 19.4 to 9.5.1999
 - second deadline: 3 to 23.5.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 23.3.1999
 - second deadline: 6.4.1999
20. **Amount of tendering guarantee:** Euro 15/t
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/
Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund:** —

LOT B

1. **Action No:** 305/97
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland
tel. (31-70) 33 05 757; fax (31-70) 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Niger
5. **Product to be mobilised:** refined soya-bean oil
6. **Total quantity (tonnes net):** 90
7. **Number of lots:** one
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁸⁾: —
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (10.4. A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A(3))
— Language to be used for the markings: French
— Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: 12.4 to 2.5.1999
— second deadline: 26.4 to 16.5.1999
18. **Period or deadline of supply at the alternative stage:**
— first deadline: —
— second deadline: —
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
— first deadline: 23.3.1999
— second deadline: 6.4.1999
20. **Amount of tendering guarantee:** Euro 15/t
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la
Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex 25670 AGREC B; fax (32 2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel.: (32-2) 295 14 65),
Torben Vestergaard (tel.: (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate.
- (⁵) Notwithstanding OJ C 114 of 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.

(⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.
- (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL (each containing maximum 15 t net).
The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (⁸) Refined soya-bean oil meeting the following criteria:
— appearance, at room temperature: clear and brilliant,
— flavour and odour: bland,
— free fatty acids: maximum 0,1 %,
— water and impurities: maximum 0,05 %,
— colour, Lovibond 5 1/4" (red/yellow): maximum 1,5/15,
— peroxide value (meq/kg): maximum 2,0,
— specific gravity at 20 °C: 0,91 to 0,93 g/cm³,
— refractive index at 20 °C: 1,470 to 1,476,
— iodine value (Wijs): 125 to 140 g/100 g.
-

COMMISSION REGULATION (EC) No 508/1999
of 4 March 1999

amending Annexes I to IV to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 2728/98 ⁽²⁾, and in particular Articles 6, 7 and 8 thereof,

Whereas, since the adoption of Regulation (EEC) No 2377/90, the Annexes have been amended a number of times; whereas, since the texts are numerous, complex and dispersed among various Official Journals, they are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas, certain of those Annexes should therefore be consolidated; whereas on the same occasion the name or chemical description

of some compounds should be rectified or made more precise and certain material errors should be corrected;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I to IV to Regulation (EEC) No 2377/90 are hereby replaced by the texts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 60th day following that 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, 4 March 1999.

For the Commission
Martin BANGEMANN
Member of the Commission

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 1.

⁽²⁾ OJ L 343, 18. 12. 1998, p. 8.

ANNEX I

LIST OF PHARMACOLOGICALLY ACTIVE SUBSTANCES FOR WHICH MAXIMUM RESIDUE LIMITS HAVE BEEN FIXED

1. Anti-infectious agents
 1.1. Chemotherapeutics
 1.1.1. Sulfonamides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
All substances belonging to the sulfonamide group	Parent drug	All food-producing species	100 µg/kg	Muscle	The combined total residues of all substances within the sulfonamide group should not exceed 100 µg/kg
			100 µg/kg	Fat	
			100 µg/kg	Liver	
			100 µg/kg	Kidney	
		Bovine, ovine, caprine	100 µg/kg	Milk	

- 1.1.2. Diamino pyrimidine derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Baqiloprim	Baqiloprim	Bovine	10 µg/kg	Fat	
			300 µg/kg	Liver	
			150 µg/kg	Kidney	
		Porcine	30 µg/kg	Milk	
			40 µg/kg	Skin and fat	
			50 µg/kg	Liver	
Trimethoprim	Trimethoprim	Bovine	50 µg/kg	Muscle	
			50 µg/kg	Fat	
			50 µg/kg	Liver	
			50 µg/kg	Kidney	
		Porcine	50 µg/kg	Milk	
			50 µg/kg	Muscle	
			50 µg/kg	Skin and fat	
			50 µg/kg	Liver	
		Equidae	50 µg/kg	Kidney	
			100 µg/kg	Muscle	
			100 µg/kg	Fat	
			100 µg/kg	Liver	
			100 µg/kg	Kidney	

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
		Poultry Not for use in animals from which eggs are produced for human consumption Fin fish	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg	Muscle Skin and fat Liver Kidney Muscle and skin in natural proportions	

1.2. Antibiotics

1.2.1. Penicillins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Amoxicillin	Amoxicillin	All food-producing species	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg 4 µg/kg	Muscle Fat Liver Kidney Milk	
Ampicillin	Ampicillin	All food-producing species	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg 4 µg/kg	Muscle Fat Liver Kidney Milk	
Benzylpenicillin	Benzylpenicillin	All food-producing species	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg 4 µg/kg	Muscle Fat Liver Kidney Milk	
Cloxacillin	Cloxacillin	All food-producing species	300 µg/kg 300 µg/kg 300 µg/kg 300 µg/kg 30 µg/kg	Muscle Fat Liver Kidney Milk	

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Dicloxacillin	Dicloxacillin	All food-producing species	300 µg/kg 300 µg/kg 300 µg/kg 300 µg/kg 30 µg/kg	Muscle Fat Liver Kidney Milk	
Oxacillin	Oxacillin	All food-producing species	300 µg/kg 300 µg/kg 300 µg/kg 300 µg/kg 30 µg/kg	Muscle Fat Liver Kidney Milk	
Penethamate	Benzylpenicillin	Bovine	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg 4 µg/kg	Muscle Fat Liver Kidney Milk	

1.2.2. Cephalosporins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Cefazolin	Cefazolin	Bovine, ovine, caprine	50 µg/kg	Milk	
Cefquinome	Cefquinome	Bovine	50 µg/kg 50 µg/kg 100 µg/kg 200 µg/kg 20 µg/kg	Muscle Fat Liver Kidney Milk	

1.2.3. Quinolones

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Danofloxacin	Danofloxacin	<p>Bovine Not for use in animals from which milk is produced for human consumption</p> <p>Chicken Not for use in animals from which eggs are produced for human consumption</p>	<p>200 µg/kg 100 µg/kg 400 µg/kg 400 µg/kg 200 µg/kg 100 µg/kg 400 µg/kg 400 µg/kg</p>	<p>Muscle Fat Liver Kidney Muscle Skin and fat Liver Kidney</p>	
Difloxacin	Difloxacin	Chicken, turkey	<p>300 µg/kg 400 µg/kg 1 900 µg/kg 600 µg/kg</p>	<p>Muscle Skin and fat Liver Kidney</p>	
Enrofloxacin	Sum of enrofloxacin and ciprofloxacin	<p>Bovine</p> <p>Rabbits</p> <p>Porcine</p> <p>Poultry Not for use in animals from which eggs are produced for human consumption</p>	<p>100 µg/kg 100 µg/kg 300 µg/kg 200 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg 200 µg/kg 300 µg/kg 100 µg/kg 100 µg/kg 200 µg/kg 300 µg/kg 100 µg/kg 100 µg/kg 200 µg/kg 300 µg/kg 100 µg/kg 100 µg/kg 200 µg/kg 300 µg/kg</p>	<p>Muscle Fat Liver Kidney Milk Muscle Fat Liver Kidney Muscle Skin and fat Liver Kidney Muscle Skin and fat Liver Kidney</p>	

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Sarafloxacin	Sarafloxacin	Chicken Salmonidae	10 µg/kg 100 µg/kg 30 µg/kg	Skin and fat Liver Muscle and skin in natural proportions	

1.2.4. Macrolides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Spiramycin	Sum of spiramycin and neospiramycin	Bovine Chicken	200 µg/kg 300 µg/kg 300 µg/kg 300 µg/kg 200 µg/kg 200 µg/kg 300 µg/kg 400 µg/kg	Muscle Fat Liver Kidney Milk Muscle Skin and fat Liver	
Tilmicosin	Tilmicosin	Bovine, ovine, porcine Ovine Chicken	50 µg/kg 50 µg/kg 1 000 µg/kg 1 000 µg/kg 50 µg/kg 75 µg/kg 75 µg/kg 1 000 µg/kg 250 µg/kg	Muscle Fat Liver Kidney Milk Muscle Skin and fat Liver Kidney	Not for use in animals from which eggs are produced for human consumption
Tylosin	Tylosin A	Bovine	100 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg 50 µg/kg	Muscle Fat Liver Kidney Milk	

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
		Porcine	100 µg/kg	Muscle	
			100 µg/kg	Skin and fat	
			100 µg/kg	Liver	
			100 µg/kg	Kidney	
		Poultry	100 µg/kg	Muscle	
		Not for use in hens producing eggs for human consumption	100 µg/kg	Skin and fat	
			100 µg/kg	Liver	
			100 µg/kg	Kidney	

1.2.5. Florfenicol and related compounds

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Florfenicol	Sum of florfenicol and its metabolites measured as florfenicol-amine	Bovine	200 µg/kg	Muscle	
			3 000 µg/kg	Liver	
			300 µg/kg	Kidney	
Thiamphenicol	Thiamphenicol	Bovine	50 µg/kg	Muscle	
			50 µg/kg	Fat	
			50 µg/kg	Liver	
			50 µg/kg	Kidney	
			50 µg/kg	Milk	
		Chicken	50 µg/kg	Muscle	
		Not for use in animals from which eggs are produced for human consumption	50 µg/kg	Skin and fat	
			50 µg/kg	Liver	
			50 µg/kg	Kidney	

1.2.6. Tetracyclines

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Chlortetracycline	Sum of parent drug and its 4- epimer	All food-producing species	100 µg/kg	Muscle	
			300 µg/kg	Liver	
			600 µg/kg	Kidney	
			100 µg/kg	Milk	
			200 µg/kg	Eggs	

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Doxycycline	Doxycycline	Bovine Not for use in animals from which milk is produced for human consumption Porcine Poultry Not for use in animals from which eggs are produced for human consumption	100 µg/kg 300 µg/kg 600 µg/kg 100 µg/kg 300 µg/kg 300 µg/kg 600 µg/kg 100 µg/kg 300 µg/kg 300 µg/kg 600 µg/kg	Muscle Liver Kidney Muscle Skin and fat Liver Kidney Muscle Skin and fat Liver Kidney	
Oxytetracycline	Sum of parent drug and its 4-epimer	All food-producing species	100 µg/kg 300 µg/kg 600 µg/kg 100 µg/kg 200 µg/kg	Muscle Liver Kidney Milk Eggs	
Tetracycline	Sum of parent drug and its 4-epimer	All food-producing species	100 µg/kg 300 µg/kg 600 µg/kg 100 µg/kg 200 µg/kg	Muscle Liver Kidney Milk Eggs	

1.2.7. Naphtalene-ringed ansamycin

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Rifaximin	Rifaximin	Bovine	60 µg/kg	Milk	

1.2.8. Pleuromutilines

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Valnemulin	Valnemulin	Porcine	50 µg/kg 500 µg/kg 100 µg/kg	Muscle Liver Kidney	

2. Antiparasitic agents
 2.1. Agents acting against endoparasites
 2.1.1. Salicylanilides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Closantel	Closantel	Bovine	1 000 µg/kg	Muscle	
			3 000 µg/kg	Fat	
			1 000 µg/kg	Liver	
			3 000 µg/kg	Kidney	
		Ovine	1 500 µg/kg	Muscle	
			2 000 µg/kg	Fat	
			1 500 µg/kg	Liver	
			5 000 µg/kg	Kidney	

- 2.1.2. Tetra-hydro-imidazoles (imidazolthiazoles)

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Levamisole	Levamisole	Bovine, ovine, porcine, poultry	10 µg/kg	Muscle	
			10 µg/kg	Fat	
			100 µg/kg	Liver	
			10 µg/kg	Kidney	

- 2.1.3. Benzimidazoles and pro-benzimidazoles

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Albendazole	Sum of albendazole sulphoxide, albendazole sulphone, and albendazole 2-amino sulphone, expressed as albendazole	Bovine, ovine	100 µg/kg	Muscle	
			100 µg/kg	Fat	
			1 000 µg/kg	Liver	
			500 µg/kg	Kidney	
			100 µg/kg	Milk	
Febantel	Sum of extractable residues which may be oxidised to oxfendazole	Bovine, ovine	10 µg/kg	Milk	
		Bovine, ovine, porcine, equidae	50 µg/kg	Muscle	
			50 µg/kg	Fat	
			500 µg/kg	Liver	
			50 µg/kg	Kidney	

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Fenbendazole	Sum of extractable residues which may be oxidised to oxfendazole sulphone	Bovine, ovine Bovine, ovine, porcine, equide	10 µg/kg 50 µg/kg 50 µg/kg 500 µg/kg 50 µg/kg	Milk Muscle Fat Liver Kidney	
Flubendazole	Sum of flubendazole and (2-amino 1H-benzimidazol-5-yl) (4fluorophenyl) methanone Flubendazole	Porcine, chicken, game birds Chicken	50 µg/kg 50 µg/kg 400 µg/kg 300 µg/kg 400 µg/kg	Muscle Skin and fat Liver Kidney Eggs	
Oxfendazole	Sum of extractable residues which may be oxidised to oxfendazole sulphone	Bovine, ovine Bovine, ovine, porcine, equidae	10 µg/kg 50 µg/kg 50 µg/kg 500 µg/kg 50 µg/kg	Milk Muscle Fat Liver Kidney	
Oxibendazole	Oxibendazole	Porcine	100 µg/kg 500 µg/kg 200 µg/kg 100 µg/kg	Muscle Skin and fat Liver Kidney	
Thiabendazole	Sum of thiabendazole and 5-hydroxythiabendazole	Bovine	100 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg	Muscle Fat Liver Kidney Milk	
Triclabendazole	Sum of extractable residues that may be oxidised to ketotriclabendazole	Bovine, ovine	100 µg/kg 100 µg/kg 100 µg/kg	Muscle Liver Kidney	Not for use in animals from which milk is produced for human consumption

2.2. Agents acting against ectoparasites

2.2.1. Organophosphates

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Diazinon	Diazinon	Bovine, ovine, caprine Bovine, porcine, ovine, caprine	20 µg/kg 20 µg/kg 700 µg/kg 20 µg/kg 20 µg/kg	Milk Muscle Fat Liver Kidney	

2.2.2. Formamidines

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Amitraz	Sum of amitraz and all metabolites containing the 2,4-DMA moiety, expressed as amitraz	Bovine Ovine Porcine	200 µg/kg 200 µg/kg 200 µg/kg 10 µg/kg 400 µg/kg 100 µg/kg 200 µg/kg 10 µg/kg 400 µg/kg 200 µg/kg 200 µg/kg	Fat Liver Kidney Milk Fat Liver Kidney Milk Skin and fat Liver Kidney	

2.2.3. Pyrethroids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Flumethrin	Flumethrin (sum of trans-Z isomers)	Bovine	10 µg/kg 150 µg/kg 20 µg/kg 10 µg/kg 30 µg/kg	Muscle Fat Liver Kidney Milk	

2.3. Agents acting against endo- and ectoparasites

2.3.1. Avermectins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Abamectin	Avermectin B1a	Bovine	10 µg/kg 20 µg/kg	Fat Liver	
Doramectin	Doramectin	Bovine Porcine, ovine	10 µg/kg 150 µg/kg 100 µg/kg 30 µg/kg 20 µg/kg 100 µg/kg 50 µg/kg 30 µg/kg	Muscle Fat Liver Kidney Muscle Fat Liver Kidney	Not for use in bovine from which milk is produced for human consumption Not for use in ovine from which milk is produced for human consumption
Eprinomectin	Eprinomectin B1a	Bovine	30 µg/kg 30 µg/kg 600 µg/kg 100 µg/kg 30 µg/kg	Muscle Fat Liver Kidney Milk	
Ivermectin	22, 23-Dihydro-avermectin B1a	Bovine Porcine, ovine, equidae Deer, including reindeer	40 µg/kg 100 µg/kg 20 µg/kg 15 µg/kg 20 µg/kg 100 µg/kg 50 µg/kg 20 µg/kg	Fat Liver Fat Liver Muscle Fat Liver Kidney	
Moxidectin	Moxidectin	Bovine, ovine	50 µg/kg 500 µg/kg 100 µg/kg 50 µg/kg	Muscle Fat Liver Kidney	

2.4. Agents acting against protozoa

2.4.1. Triazinetrione derivative

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Toltrazuril	Toltrazuril sulfone	Chicken Turkey	100 µg/kg 200 µg/kg 600 µg/kg 400 µg/kg 100 µg/kg 200 µg/kg 600 µg/kg 400 µg/kg	Muscle Skin and fat Liver Kidney Muscle Skin and fat Liver Kidney	Not for use in animals from which eggs are produced for human consumption

3. Agents acting on the nervous system

3.1. Agents acting on the central nervous system

3.1.1. Butyrophenone tranquillisers

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Azaperone	Sum of azaperone and azaperol	Porcine	100 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg	Muscle Skin and fat Liver Kidney	

3.2. Agents acting on the autonomic nervous system

3.2.1. Anti-adrenergics

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Carazolol	Carazolol	Porcine	5 µg/kg 5 µg/kg 25 µg/kg 25 µg/kg	Muscle Skin and fat Liver Kidney	

4. Anti-inflammatory agents
 4.1. Nonsteroidal anti-inflammatory agents
 4.1.1. Arylpropionic acid derivative

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Vedaprofen	Vedaprofen	Equidae	50 µg/kg 20 µg/kg 100 µg/kg 1 000 µg/kg	Muscle Fat Liver Kidney	

- 4.1.2. Fenamate group derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Tolfenamic acid	Tolfenamic acid	Bovine Porcine	50 µg/kg 400 µg/kg 100 µg/kg 50 µg/kg 50 µg/kg 400 µg/kg 100 µg/kg	Muscle Liver Kidney Milk Muscle Liver Kidney	

5. Corticoides
 5.1. Glucocorticoides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Dexamethasone	Dexamethasone	Bovine Bovine, porcine, equidae	0,3 µg/kg 0,75 µg/kg 2 µg/kg 0,75 µg/kg	Milk Muscle Liver Kidney	

ANNEX II

LIST OF SUBSTANCES NOT SUBJECT TO MAXIMUM RESIDUE LIMITS

1. Inorganic chemicals

Pharmacologically active substance(s)	Animal species	Other provisions
Aluminium distearate	All food-producing species	
Aluminium hydroxide acetate	All food-producing species	
Aluminium phosphate	All food-producing species	
Aluminium tristearate	All food-producing species	
Ammonium chloride	All food-producing species	
Bismuth subcarbonate	All food-producing species	For oral use only
Bismuth subgallate	All food-producing species	For oral use only
Bismuth subnitrate	All food-producing species	For oral use only
Bismuth subsalicylate	All food-producing species	For oral use only
Boric acid and borates	All food-producing species	
Bromide, sodium salt	All mammalian food-producing species	For topical use only
Calcium acetate Calcium benzoate Calcium carbonate Calcium chloride Calcium gluconate Calcium hydroxide Calcium hypophosphite Calcium malate Calcium oxide Calcium phosphate Calcium polyphosphates Calcium propionate Calcium silicate Calcium stearate Calcium sulphate	All food-producing species	

Pharmacologically active substance(s)	Animal species	Other provisions
Calcium glucoheptonate	All food-producing species	
Calcium glucono glucoheptonate	All food-producing species	
Calcium gluconolactate	All food-producing species	
Calcium glutamate	All food-producing species	
Cobalt carbonate	All food-producing species	
Cobalt dichloride	All food-producing species	
Cobalt gluconate	All food-producing species	
Cobalt oxide	All food-producing species	
Cobalt sulphate	All food-producing species	
Cobalt trioxide	All food-producing species	
Copper chloride	All food-producing species	
Copper gluconate	All food-producing species	
Copper heptanoate	All food-producing species	
Copper methionate	All food-producing species	
Copper oxide	All food-producing species	
Copper sulphate	All food-producing species	
Dicopper oxide	All food-producing species	
Hydrochloric acid	All food-producing species	For use as excipient
Hydrogen peroxide	All food-producing species	
Iodine and iodine inorganic compounds including: — Sodium and potassium-iodide — Sodium and potassium-iodate — Iodophors including polyvinylpyrrolidone-iodine	All food-producing species	
Iron dichloride	All food-producing species	
Iron sulphate	All food-producing species	

Pharmacologically active substance(s)	Animal species	Other provisions
Magnesium Magnesium sulphate Magnesium hydroxide Magnesium stearate Magnesium glutamate Magnesium orotate Magnesium aluminium silicate Magnesium oxide Magnesium carbonate Magnesium phosphate Magnesium glycerophosphate Magnesium aspartate Magnesium citrate Magnesium acetate Magnesium trisilicate	All food-producing species	
Nickel gluconate	All food-producing species	
Nickel sulphate	All food-producing species	
Potassium DL-aspartate	All food-producing species	
Potassium glucuronate	All food-producing species	
Potassium glycerophosphate	All food-producing species	
Potassium nitrate	All food-producing species	
Potassium selenate	All food-producing species	
Sodium chlorite	Bovine	For topical use only
Sodium dichloroisocyanurate	Bovine, ovine, caprine	For topical use only
Sodium hypophosphite	All food-producing species	
Sodium selenate	All food-producing species	
Sodium selenite	All food-producing species	
Sulphur	Bovine, porcine, ovine, caprine, equidae	
Zinc acetate Zinc chloride Zinc gluconate Zinc oleate Zinc stearate	All food-producing species	

2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
17 β -Oestradiol	All mammalian food-producing species	For therapeutic and zootechnical uses only
2-Aminoethanol	All food-producing species	
2-Aminoethyl dihydrogenphosphate	All food-producing species	
2-Pyrrolidone	All food-producing species	At parenteral doses up to 40 mg/kg bw
8-Hydroxyquinoline	All mammalian food-producing species	For topical use in newborn animals only
Acetyl cysteine	All food-producing species	
Alfacalcidol	Bovine	For parturient cows only
Alfaprostol	Rabbits Bovine, porcine, equidae	
Bacitracin	Bovine	For intramammary use in lactating cows only and for all tissues except milk
Benzalkonium chloride	All food-producing species	For use as an excipient at concentrations up to 0,05 % only
Benzocaine	All food-producing species	For use as local anaesthetic only
Benzylalcohol	All food-producing species	For use as excipient
Betaine	All food-producing species	
Bronopol	Salmonidae	For use only on farmed fertilised eggs
Brotizolam	Bovine	For therapeutic uses only
Buserelin	All food-producing species	
Butorphanol tartrate	Equidae	For intravenous administration only
Butyl 4-hydroxybenzoate	All food-producing species	

Pharmacologically active substance(s)	Animal species	Other provisions
Butylscopolaminium bromide	All food-producing species	
Caffeine	All food-producing species	
Carbetocin	All mammalian food-producing species	
Cefazolin	Bovine Ovine, caprine	For intramammary use, except if the udder may be used as food for human consumption
Cetostearyl alcohol	All food-producing species	
Cetrimide	All food-producing species	
Chlorhexidine	All food-producing species	For topical use only
Chlorocresol	All food-producing species	
Clazuril	Pigeon	
Cloprostenol	Bovine, porcine, equidae	
Coco alkyl dimethyl betaines	All food-producing species	For use as excipient
Corticotropin	All food-producing species	
D-Phe 6 -luteinising-hormone releasing hormone	All food-producing species	
Dembrexine	Equidae	
Denaverine hydrochloride	Bovine	
Detomidine	Bovine, equidae	For therapeutic uses only
Diclazuril	Ovine	For oral use in lambs only
Diethyl phtalate	All food-producing species	
Diethylene glycol monoethyl ether	Bovine, porcine	
Dimanganese trioxide	All food-producing species	For oral use only
Dimethyl phtalate	All food-producing species	
Dinoprost	All mammalian food-producing species	
Dinoprost tromethamine	All mammalian food-producing species	

Pharmacologically active substance(s)	Animal species	Other provisions
Diprophylline	All food-producing species	
Etamiphylline camsylate	All food-producing species	
Ethanol	All food-producing species	For use as excipient
Ethyl lactate	All food-producing species	
Etiproston tromethamine	Bovine, porcine	
Fertirelin acetate	Bovine	
Flumethrin	Bees (honey)	
Folic acid	All food-producing species	
Glycerol formal	All food-producing species	
Gonadotrophin releasing hormone	All food-producing species	
Heptaminol	All food-producing species	
Hesperidin	Equidae	
Hesperidin methyl chalcone	Equidae	
Hexetidine	Equidae	For topical use only
Human chorion gonadotrophin	All food-producing species	
Human menopausal urinary gonadotrophin	Bovine	
Hydrocortisone	All food-producing species	For topical use only
Iodine organic compounds — Iodoform	All food-producing species	
Isobutane	All food-producing species	
Isoflurane	Equidae	For use as anaesthetic only
Isoxsuprine	Bovine, equidae	For therapeutic use only in accordance with Council Directive 96/22/EEC (OJ L 125, 23.5.1996, p. 3)
Ketamine	All food-producing species	
Ketanserin tartrate	Equidae	

Pharmacologically active substance(s)	Animal species	Other provisions
Ketoprofen	Bovine, porcine, equidae	
L-tartaric acid and its mono- and di-basic salt of sodium, potassium and calcium	All food-producing species	For use as excipient
Lactic acid	All food-producing species	
Lecirelin	Bovine, equidae, rabbits	
Lobeline	All food-producing species	
Luprostiol	All mammalian species	
Malic acid	All food-producing species	For use as excipient
Manganese carbonate	All food-producing species	For oral use only
Manganese chloride	All food-producing species	For oral use only
Manganese gluconate	All food-producing species	For oral use only
Manganese glycerophosphate	All food-producing species	For oral use only
Manganese oxide	All food-producing species	For oral use only
Manganese pidolate	All food-producing species	For oral use only
Manganese ribonucleate	All food-producing species	For oral use only
Manganese sulphate	All food-producing species	For oral use only
Mecillinam	Bovine	For intrauterine use only
Medroxyprogesterone acetate	Ovine	For intravaginal use for zootechnical purposes only
Melatonin	Ovine, caprine	
Menadione	All food-producing species	
Menbutone	Bovine, ovine, caprine, porcine, equidae	
Menthol	All food-producing species	
Methyl nicotinate	Bovine, equidae	For topical use only
Mineral hydrocarbons, low to high viscosity including microcrystalline waxes, approximately C10-C60; aliphatic, branched aliphatic and alicyclic compounds	All food-producing species	Excludes aromatic and unsaturated compounds

Pharmacologically active substance(s)	Animal species	Other provisions
N-butane	All food-producing species	
N-butanol	All food-producing species	For use as excipient
Natamycin	Bovine, equidae	For topical use only
Neostigmine	All food-producing species	
Nicoboxil	Equidae	For topical use only
Nonivamide	Equidae	For topical use only
Oleyloleate	All food-producing species	For topical use only
Oxytocin	All mammalian food-producing species	
Pancreatin	All mammalian food-producing species	For topical use only
Papain	All food-producing species	
Papaverine	Bovine	Newborn calves only
Peracetic acid	All food-producing species	
Phenol	All food-producing species	
Phloroglucinol	All food-producing species	
Phytomenadione	All food-producing species	
Policresulen	All food-producing species	For topical use only
Polyethylene glycol 15 hydroxystearate	All food-producing species	For use as excipient
Polyethylene glycol 7 glyceryl cocoate	All food-producing species	For topical use only
Polyethylene glycol stearates with 8-40 oxyethylene units	All food-producing species	For use as excipient
Polysulphated glycosaminoglycan	Equidae	

Pharmacologically active substance(s)	Animal species	Other provisions
Praziquantel	Ovine Equidae	For use in non-lactating sheep only
Pregnant mare serum gonadotrophin	All food-producing species	
Prethcamide (crotethamide and cropropamide)	All mammalian food-producing species	
Procaine	All food-producing species	
Propane	All food-producing species	
Propylene glycol	All food-producing species	
Quatresin	All food-producing species	For use as preservative only at concentrations of up to 0,5 %
R-Cloprostenol	Bovine, porcine, equidae	
Rifaximin	All mammalian food-producing species Bovine	For topical use only For intramammary use, except if the udder may be used as food for human consumption
Romifidine	Equidae	For therapeutic uses only
Sodium 2-methyl-2-phenoxy-propanoate	Bovine, porcine, caprine, equidae	
Sodium benzyl 4-hydroxybenzoate	All food-producing species	
Sodium butyl 4-hydroxybenzoate	All food-producing species	
Sodium cetostearyl sulphate	All food-producing species	For topical use only
Somatosalm	Salmon	
Tanninum	All food-producing species	
Tau fluvalinate		
Terpin hydrate	Bovine, porcine, ovine, caprine	
Tetracaine	All food-producing species	For use as anaesthetic only

Pharmacologically active substance(s)	Animal species	Other provisions
Theobromine	All food-producing species	
Theophylline	All food-producing species	
Thiomersal	All food-producing species	For use only as preservatives in multidose vaccines at a concentration not exceeding 0,02 %
Thymol	All food-producing species	
Timerfonate	All food-producing species	For use only as preservatives in multidose vaccines at a concentration not exceeding 0,02 %
Trimethylphloroglucinol	All food-producing species	
Vitamin D	All food-producing species	
Wool alcohols	All food-producing species	For topical use only

3. Substances generally recognised as safe

Pharmacologically active substance(s)	Animal species	Other provisions
Absinthium extract	All food-producing species	
Acetylmethionine	All food-producing species	
Aluminium hydroxide	All food-producing species	
Aluminium monostearate	All food-producing species	
Ammonium sulfate	All food-producing species	
Benzoyl benzoate	All food-producing species	
Benzyl p-hydroxybenzoate	All food-producing species	
Calcium borogluconate	All food-producing species	
Calcium citrate	All food-producing species	
Camphor	All food-producing species	External use only
Cardamon extract	All food-producing species	
Diethyl sebacate	All food-producing species	
Dimethicone	All food-producing species	

Pharmacologically active substance(s)	Animal species	Other provisions
Dimethyl acetamide	All food-producing species	
Dimethyl sulphoxide	All food-producing species	
Epinephrine	All food-producing species	
Ethyl oleate	All food-producing species	
Ethylenediaminetetraacetic acid and salts	All food-producing species	
Eucalyptol	All food-producing species	
Follicle stimulating hormone (natural FSH from all species and their synthetic analogues)	All food-producing species	
Formaldehyde	All food-producing species	
Formic acid	All food-producing species	
Glutaraldehyde	All food-producing species	
Guaiacol	All food-producing species	
Heparin and its salts	All food-producing species	
Human chorionic gonadotropin (natural HCG and its synthetic analogues)	All food-producing species	
Iron ammonium citrate	All food-producing species	
Iron dextran	All food-producing species	
Iron glucoheptonate	All food-producing species	
Isopropanol	All food-producing species	
Lanolin	All food-producing species	
Luteinising hormone (natural LH from all species and their synthetic analogues)	All food-producing species	
Magnesium chloride	All food-producing species	
Magnesium gluconate	All food-producing species	

Pharmacologically active substance(s)	Animal species	Other provisions
Magnesium hypophosphite	All food-producing species	
Mannitol	All food-producing species	
Methylbenzoate	All food-producing species	
Monothioglycerol	All food-producing species	
Montanide	All food-producing species	
Myglyol	All food-producing species	
Orgotein	All food-producing species	
Poloxalene	All food-producing species	
Poloxamer	All food-producing species	
Polyethylene glycols (molecular weight ranging from 200 to 10 000)	All food-producing species	
Polysorbate 80	All food-producing species	
Serotonin	All food-producing species	
Sodium chloride	All food-producing species	
Sodium cromoglycate	All food-producing species	
Sodium dioctylsulphosuccinate	All food-producing species	
Sodium formaldehydesulphoxylate	All food-producing species	
Sodium lauryl sulphate	All food-producing species	
Sodium pyrosulphite	All food-producing species	
Sodium stearate	All food-producing species	
Sodium thiosulphate	All food-producing species	
Tragacanth	All food-producing species	
Urea	All food-producing species	
Zinc oxide	All food-producing species	
Zinc sulphate	All food-producing species	

4. Substances used in homeopathic veterinary medicinal products

Pharmacologically active substance(s)	Animal species	Other provisions
All substances used in homeopathic veterinary medicinal products provided that their concentration in the product does not exceed one part per ten thousand	All food-producing species	

5. Substances used as food additives in foodstuffs for human consumption

Pharmacologically active substance(s)	Animal species	Other provisions
Substances with an E number	All food-producing species	Only substances approved as additives in foodstuffs for human consumption, with the exception of preservatives listed in part C of Annex III to European Parliament and Council Directive 95/2/EC (OJ L 61, 18.3.1995, p. 1).

6. Substances of vegetable origin

Pharmacologically active substance(s)	Animal species	Other provisions
<i>Angelicae radix aetheroleum</i>	All food-producing species	
<i>Anisi aetheroleum</i>	All food-producing species	
<i>Balsamum peruvianum</i>	All food-producing species	For topical use only
<i>Carvi aetheroleum</i>	All food-producing species	
<i>Caryophylli aetheroleum</i>	All food-producing species	
<i>Chrysanthemi cinerariifolii flos</i>	All food-producing species	For topical use only
<i>Cinnamomi cassiae aetheroleum</i>	All food-producing species	
<i>Cinnamomi ceylanici aetheroleum</i>	All food-producing species	
<i>Citri aetheroleum</i>	All food-producing species	
<i>Citronellae aetheroleum</i>	All food-producing species	
<i>Coriandri aetheroleum</i>	All food-producing species	
<i>Echinacea purpurea</i>	All food-producing species	For topical use only
<i>Eucalypti aetheroleum</i>	All food-producing species	
<i>Foeniculi aetheroleum</i>	All food-producing species	

Pharmacologically active substance(s)	Animal species	Other provisions
<i>Hamamelis virginiana</i>	All food-producing species	For topical use only
<i>Hyperici oleum</i>	All food-producing species	For topical use only
<i>Lespedeza capitata</i>	All food-producing species	
<i>Lini oleum</i>	All food-producing species	
<i>Majoranae herba</i>	All food-producing species	
<i>Matricariae flos</i>	All food-producing species	
<i>Medicago sativa extractum</i>	All food-producing species	For topical use only
<i>Melissae folium</i>	All food-producing species	
<i>Menthae piperitae aetheroleum</i>	All food-producing species	
<i>Millefolii herba</i>	All food-producing species	
<i>Myristicae aetheroleum</i>	All food-producing species	For use in newborn animals only
Oxidation products of <i>Terebinthinae oleum</i>	Bovine, porcine, ovine, caprine	
<i>Pyrethrum</i> extract	All food-producing species	For topical use only
<i>Quercus</i> cortex	All food-producing species	
<i>Quillaia saponins</i>	All food-producing species	
<i>Ricini oleum</i>	All food-producing species	For use as excipient
<i>Rosmarini aetheroleum</i>	All food-producing species	
<i>Rosmarini folium</i>	All food-producing species	
<i>Salviae folium</i>	All food-producing species	
<i>Sambuci flos</i>	All food-producing species	
<i>Sinapis nigrae semen</i>	All food-producing species	
<i>Terebinthinae aetheroleum rectificatum</i>	All food-producing species	For topical use only

Pharmacologically active substance(s)	Animal species	Other provisions
<i>Terebinthinae laricina</i>	All food-producing species	For topical use only
<i>Thymi aetheroleum</i>	All food-producing species	
<i>Tiliae flos</i>	All food-producing species	
<i>Urticae herba</i>	All food-producing species	

ANNEX III

LIST OF PHARMACOLOGICALLY ACTIVE SUBSTANCES USED IN VETERINARY MEDICINAL PRODUCTS FOR WHICH PROVISIONAL MAXIMUM RESIDUE LIMITS HAVE BEEN FIXED

1. Anti-infectious agents
 1.1. Chemotherapeutics
 1.1.2. Benzenesulphonamides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Clorsulon	Clorsulon	Bovine	50 µg/kg 150 µg/kg 400 µg/kg	Muscle Liver Kidney	Provisional MRLs expire on 1 January 2000

- 1.2. Antibiotics
 1.2.1. Beta-lactamase inhibitors

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Clavulanic acid	Clavulanic acid	Bovine, ovine Bovine, ovine, porcine	200 µg/kg 200 µg/kg 200 µg/kg 200 µg/kg 200 µg/kg	Milk Muscle Fat Liver Kidney	Provisional MRLs expire on 1 July 1999

- 1.2.2. Macrolides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Erythromycin	MRLs apply to all micro-biological active residues expressed as erythromycin equivalent	Bovine, ovine Bovine, ovine, porcine, poultry Poultry	40 µg/kg 400 µg/kg 400 µg/kg 400 µg/kg 400 µg/kg 200 µg/kg	Milk Muscle Fat Liver Kidney Eggs	Provisional MRLs expire on 1 June 2000
Josamycin	Josamycin	Chicken	200 µg/kg 200 µg/kg 200 µg/kg 400 µg/kg 200 µg/kg	Muscle Fat Liver Kidney Eggs	Provisional MRLs expire on 1 July 2000

1.2.5. Aminoglycosides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Aminosidine	Aminosidine	Bovine, porcine, rabbits, chicken	500 µg/kg 1 500 µg/kg 1 500 µg/kg	Muscle Liver Kidney	Provisional MRLs expire on 1 July 2000
Apramycin	Apramycin	Bovine For use in non-lactating cattle only Porcine	1 000 µg/kg 1 000 µg/kg 10 000 µg/kg 20 000 µg/kg 1 000 µg/kg 1 000 µg/kg 1 000 µg/kg 5 000 µg/kg	Muscle Fat Liver Kidney Muscle Skin and fat Liver Kidney	Provisional MRLs expire on 1 July 1999
Dihydrostreptomycin	Dihydrostreptomycin	Bovine, ovine Bovine, ovine, porcine, poultry	200 µg/kg 500 µg/kg 500 µg/kg 500 µg/kg 1 000 µg/kg	Milk Muscle Fat Liver Kidney	Provisional MRLs expire on 1 June 2000
Gentamicin	Gentamicin	Bovine Bovine, porcine	100 µg/kg 100 µg/kg 100 µg/kg 200 µg/kg 1 000 µg/kg	Milk Muscle Fat Liver Kidney	Provisional MRLs expire on 1 June 2000
Neomycin (including framycetin)	Neomycin	Bovine, ovine, caprine Bovine, ovine, caprine, porcine, chicken, turkey, duck Chicken	500 µg/kg 500 µg/kg 500 µg/kg 500 µg/kg 5 000 µg/kg 500 µg/kg	Milk Muscle Fat Liver Kidney Eggs	Provisional MRLs expire on 1 June 2000

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Spectinomycin	Spectinomycin	Bovine Bovine, porcine, poultry	200 µg/kg 300 µg/kg 500 µg/kg 2 000 µg/kg 5 000 µg/kg	Milk Muscle Fat Liver Kidney	Provisional MRLs expire on 1 July 2000
Streptomycin	Streptomycin	Bovine, ovine Bovine, ovine, porcine, poultry	200 µg/kg 500 µg/kg 500 µg/kg 500 µg/kg 1 000 µg/kg	Milk Muscle Fat Liver Kidney	Provisional MRLs expire on 1 June 2000

1.2.6. Quinolones

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Decoquinatate	Decoquinatate	Bovine, ovine	500 µg/kg 500 µg/kg 500 µg/kg 500 µg/kg	Muscle Fat Liver Kidney	Provisional MRLs expire on 1 July 2000
Enrofloxacin	Sum of enrofloxacin and ciprofloxacin	Ovine	100 µg/kg 100 µg/kg 300 µg/kg 200 µg/kg	Muscle Fat Liver Kidney	Provisional MRLs expire on 1 July 1999
Flumequine	Flumequine	Bovine, ovine, porcine, chicken Salmonidae	50 µg/kg 50 µg/kg 100 µg/kg 300 µg/kg 150 µg/kg	Muscle Fat or skin and fat Liver Kidney Muscle and skin	Provisional MRLs expire on 1 January 2000
Marbofloxacin	Marbofloxacin	Bovine	150 µg/kg 50 µg/kg 150 µg/kg 150 µg/kg 75 µg/kg	Muscle Fat Liver Kidney Milk	Provisional MRLs expire on 1 July 2000

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
		Porcine	150 µg/kg 50 µg/kg 150 µg/kg 150 µg/kg	Muscle Skin and fat Liver Kidney	

1.2.9. Polymyxins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Colistin	Colistin	Bovine, ovine Bovine, ovine, porcine, chicken, rabbits Chicken	50 µg/kg 150 µg/kg 150 µg/kg 150 µg/kg 200 µg/kg 300 µg/kg	Milk Muscle Fat Liver Kidney Eggs	Provisional MRLs expire on 1 July 2000

1.2.10. Penicillins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Penethamate	Benzylpenicillin	Ovine Porcine	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg 4 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg	Muscle Fat Liver Kidney Milk Muscle Fat Liver Kidney	Provisional MRLs expire on 1 January 2000

1.2.11. Florfenicol and related compounds

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Florfenicol	Sum of florfenicol and its metabolites measured as florfenicol-amine	Fish	1 000 µg/kg	Muscle and skin in natural proportions	Provisional MRLs expire on 1 July 2001

2. Antiparasitic agents

2.1. Agents acting against endoparasites

2.1.2. Benzimidazoles and pro-benzimidazoles

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Albendazole sulphoxide	Sum of albendazole, albendazole sulphoxide, albendazole sulphone, and albendazole 2-amino sulphone, expressed as albendazole	Bovine, ovine Bovine, ovine, pheasant	100 µg/kg 100 µg/kg 100 µg/kg 1 000 µg/kg 500 µg/kg	Milk Muscle Fat Liver Kidney	Provisional MRLs expire on 1 January 2000
Netobimin	Sum of netobimin and albendazole and metabolites of albendazole measured as 2-amino-benzimidazole sulphone	Bovine, ovine, caprine	100 µg/kg 100 µg/kg 1 000 µg/kg 500 µg/kg 100 µg/kg	Muscle Fat Liver Kidney Milk	Provisional MRLs expire on 31 July 1999

2.2. Agents acting against ectoparasites

2.2.1. Formamidines

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Amitraz	Sum of amitraz and all metabolites containing the 2,4-DMA moiety, expressed as amitraz	Bees	200 µg/kg	Honey	Provisional MRLs expire on 1 July 1999

2.2.2. Iminophenyl thiazolidine derivative

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Cymiazole	Cymiazole	Bees	1 000 µg/kg	Honey	Provisional MRLs expire on 1 July 1999

2.2.3. Pyretrin and pyrethroids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Cyfluthrin	Cyfluthrin	Bovine	10 µg/kg 50 µg/kg 10 µg/kg 10 µg/kg 20 µg/kg	Muscle Fat Liver Kidney Milk Further provisions in Council Directive 94/29/EC are to be observed (OJ L 189, 23.7.1994, p. 67)	Provisional MRLs expire on 1 January 2001

2.2.4. Organophosphates

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Azamethiphos	Azamethiphos	Salmonidae	100 µg/kg	Muscle and skin in natural proportions	Provisional MRLs expire on 1 June 1999

2.2.5. Acyl urea derivates

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Teflubenzuron	Teflubenzuron	Salmonidae	500 µg/kg	Muscle and skin in natural proportions	Provisional MRLs expire on 1 July 1999

2.3. Agents acting against endo- and ectoparasites

2.3.1. Avermectins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Moxidectin	Moxidectin	Equidae	50 µg/kg 500 µg/kg 100 µg/kg 50 µg/kg	Muscle Fat Liver Kidney	Provisional MRLs expire on 1 January 2000

3. Agents acting on the nervous system
 3.2. Agents acting on the autonomic nervous system
 3.2.1. β_2 sympathomimetic agents

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Clenbuterol hydrochloride	Clenbuterol	Bovine Indication: solely for tocolysis in parturient cows Equidae Indications: tocolysis and the treatment of respiratory ailments	0,1 $\mu\text{g}/\text{kg}$ 0,5 $\mu\text{g}/\text{kg}$ 0,5 $\mu\text{g}/\text{kg}$ 0,05 $\mu\text{g}/\text{kg}$ 0,1 $\mu\text{g}/\text{kg}$ 0,5 $\mu\text{g}/\text{kg}$ 0,5 $\mu\text{g}/\text{kg}$	Muscle Liver Kidney Milk Muscle Liver Kidney	Provisional MRLs expire on 1 July 2000

5. Anti-inflammatory agents
 5.1. Nonsteroidal anti-inflammatory agents
 5.1.1. Arylpropionic acid derivative

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Carprofen	Carprofen	Bovine Equidae	500 $\mu\text{g}/\text{kg}$ 500 $\mu\text{g}/\text{kg}$ 1 000 $\mu\text{g}/\text{kg}$ 1 000 $\mu\text{g}/\text{kg}$ 50 $\mu\text{g}/\text{kg}$ 100 $\mu\text{g}/\text{kg}$ 1 000 $\mu\text{g}/\text{kg}$ 1 000 $\mu\text{g}/\text{kg}$	Muscle Fat Liver Kidney Muscle Fat Liver Kidney	Provisional MRLs expire on 1 January 2000

- 5.1.2. Enolic acid derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Meloxicam	Meloxicam	Bovine	25 $\mu\text{g}/\text{kg}$ 60 $\mu\text{g}/\text{kg}$ 35 $\mu\text{g}/\text{kg}$	Muscle Liver Kidney	Provisional MRLs expire on 1 January 2000

ANNEX IV

LIST OF PHARMACOLOGICALLY ACTIVE SUBSTANCES FOR WHICH NO MAXIMUM
LEVELS CAN BE FIXED

Pharmacologically active substance(s)
<i>Aristolochia</i> spp. and preparations thereof
Chloramphenicol
Chloroform
Chlorpromazine
Colchicine
Dapsone
Dimetridazole
Metronidazole
Nitrofurans (including furazolidone)
Ronidazole

COMMISSION REGULATION (EC) No 509/1999
of 8 March 1999
concerning an extension of the maximum period laid down for the application of
ear-tags to bison (*Bison bison* spp.)

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

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products ⁽¹⁾, and in particular Article 4(2) thereof,

Having regard to the request submitted by the United Kingdom and France,

Whereas the United Kingdom and France have requested for an extension to nine months of the maximum period laid down for the application of ear-tags to bison, due to practical difficulties;

Whereas as bison might be reared in other Member States too, this extension should apply for all Member States;

Whereas those bovine animals are kept in such farming conditions where calves stay always close to their mother until they are separated at the age of nine months at the latest;

Whereas it is justified to take into account this request, provided that the extension of the maximum period does not affect the quality of information provided by the national database and that there is no movement of such animals to which ear-tags have not been applied;

Whereas Member States' authorities undertake the commitment not to extend this derogation to other elements of the identification and registration system of bison;

Whereas this Regulation should be without prejudice to the decisions to be adopted regarding the fully operational character of the national databases;

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

HAS ADOPTED THIS REGULATION:

Article 1

Member States may extend up to nine months the maximum period laid down by Article 4(2) of Regulation (EC) No 820/97 regarding the application of ear-tags to bison (*Bison bison* spp.).

This extension shall not effect the quality of information provided by the national database.

Article 2

1. The extension provided for in Article 1 shall be granted subject to all the conditions set out in paragraphs 2 and 3.
2. The animals shall belong to the *Bison bison* spp.
3. The ear-tags shall be applied when the calves are separated from their mothers and, in any case, before they are nine months old. If an animal leaves the holding on which it was born before that age, it shall be ear-tagged before leaving the holding.

Article 3

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

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

Done at Brussels, 8 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 117, 7. 5. 1997, p. 1.

COMMISSION REGULATION (EC) No 510/1999
of 8 March 1999

amending Regulation (EC) No 2848/98 on the raw tobacco sector as regards the setting of certain time limits and Annex II in which the production areas are fixed

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

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

Whereas, in the absence of a Council decision on the Commission proposal ⁽³⁾ setting the maximum guarantee thresholds for the 1999, 2000 and 2001 harvests, for the 1999 harvest the Member States cannot meet the time limits for issuing quota statements to producers or the time limits for concluding cultivation contracts fixed by Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector ⁽⁴⁾; whereas these time limits must be postponed;

Whereas, in accordance with Article 5(a) of Regulation (EEC) No 2075/92, the grant of the premium is subject to the condition that the leaf tobacco comes from a specified production area for each variety;

Whereas these areas of production, in accordance with Article 8 of Regulation (EC) No 2848/98, are fixed in Annex II to that Regulation;

Whereas, following France's request to include Île de France in the list of Group II production areas it was noticed that Île de France already existed in a number of language versions but that the regions of Provence-Alpes-Côte d'Azur, Picardy, Nord-Pas-de-Calais, Normandy and

Réunion were missing, and following Germany's request to include 'Mecklenburg-Vorpommern' in the list of Group III production areas without the word 'westliches', Annex II to Regulation (EC) No 2848/98, listing the recognised production areas, should be corrected;

Whereas these measures should be applied forthwith;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2848/98 is amended as follows:

1. the following paragraphs 2 and 3 are added to Article 55:
 - '2. For the 1999 harvest, by derogation from Article 22(3), the Member States shall issue the quota statements to individual producers who are not members of a group and to producer groups by 15 April at the latest.
 3. For the 1999 harvest, by derogation from Article 10(1), the cultivation contracts must be concluded, except in cases of *force majeure*, by 30 June at the latest.'
2. Annex II is replaced by the Annex to this Regulation.

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, 8 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ L 210, 20. 7. 1998, p. 23.

⁽³⁾ OJ C 361, 24. 11. 1998, p. 16.

⁽⁴⁾ OJ L 358, 31. 12. 1998, p. 17.

ANNEX

ANNEX II

RECOGNISED PRODUCTION AREAS

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

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

COMMISSION REGULATION (EC) No 511/1999
of 8 March 1999

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 2 (2) and Article 3 of above-mentioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; whereas, pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; whereas those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 10 March 1999.

It shall apply from 10 to 23 March 1999.

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

Done at Brussels, 8 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ L 289, 22. 10. 1997, p. 1.

ANNEX

(EUR/100 pieces)

Period from 10 to 23 March 1999				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	11,81	11,42	46,76	19,87
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	13,13	5,75	18,96	18,32
Morocco	17,27	15,11	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 512/1999
of 8 March 1999

**suspending the preferential customs duties and re-establishing the Common
Customs Tariff duty on imports of multiflorous (spray) carnations originating in
Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 650/98 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip;

Whereas Commission Regulation (EC) No 511/1999 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Whereas the quota for the products in question covers the period 1 January to 31 December 1999; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest;

Whereas, in between meetings of the Management Committee, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 10 March 1999.

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 088, 24. 3. 1998, p. 8.

⁽⁵⁾ See page 57 of this Official Journal.

⁽⁶⁾ OJ L 072, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

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

Done at Brussels, 8 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 May 1998

concerning State aid for the processing and marketing of German agricultural products which might be granted on the basis of existing regional aid schemes

(notified under document number C(1998) 1712)

(Only the German text is authentic)

(1999/183/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93(2) thereof,

Having given the parties concerned the opportunity to submit their comments, in accordance with the above-mentioned Article,

Whereas:

I. PROCEDURE

(1) By letter SG(95) D/13086 of 20 October 1995, the Commission proposed to the Member States, pursuant to Article 93(1) of the Treaty, guidelines and appropriate measures for State aid in connection with investments in the processing and marketing of agricultural products⁽¹⁾ (hereinafter referred to as the 'guidelines and appropriate measures').

(2) By the same letter, the Commission informed the German authorities (and the other Member States) that it would authorize no further aid measure for investment in the processing and marketing of agricultural products notified to it under Article 93(3) of the Treaty which did not comply with these guidelines and appropriate measures and

which applied or would continue to apply after 1 January 1996.

(3) The Commission also requested the German authorities (and the other Member States) pursuant to Article 93(1) to confirm within two months of the date of the said letter that they would comply no later than 1 January 1996 with the guidelines and appropriate measures in question by amending their existing aids, where such aids did not comply with the guidelines and appropriate measures. The Commission indicated that if it did not receive such confirmation, it would reserve the right to commence the procedure under Article 93(2) of the Treaty.

(4) In reply to the Commission letter of 20 October 1995, the German authorities, by letters of 11 January and 14 February 1996:

(a) confirmed that with regard to sectoral aid, they would comply with the appropriate measures in question as from 1 January 1996, amending existing aid schemes if necessary;

(b) stated that with regard to regional aid, more flexibility was needed on the appropriate measures, given that conditions and agricultural structures in the Community varied from one region to another.

⁽¹⁾ OJ C 29, 2. 2. 1996, p. 4.

- (5) By letter dated 1 July 1996 (SG(96) D/6026) the Commission informed Germany of its decision of 12 June 1996 to initiate the procedure provided for in Article 93(2) of the Treaty in respect of State aid for the processing and marketing of agricultural products which might be granted in Germany on the basis of existing regional aid schemes ⁽¹⁾.
- (6) In the course of the procedure, the Commission examined the arguments submitted by Germany to justify its refusal to agree to the application to regional aid schemes of the guidelines proposed by the Commission in its letter of 20 October 1995. After examining those comments, the Commission concluded at that stage that there were no grounds for accepting Germany's refusal.
- (7) By the abovementioned letter, the Commission gave the German Government notice to submit its comments within one month of the date of the letter. In accordance with Article 93(2), the other Member States and interested parties were informed by publication of the letter in the *Official Journal of the European Communities* and were requested to submit their comments.
- (8) The German Government communicated its comments to the Commission under the procedure by letter dated 31 July 1996. In that letter the German Government also referred to further comments which had been transmitted to the Commission by letter of 24 May 1996. For technical reasons, these latter comments had not been taken into consideration by the Commission in its decision of 12 June 1996 to open the procedure under Article 93(2) of the Treaty.
- (9) No comments were submitted by the other Member States or from interested parties.

II. GERMANY'S OBSERVATIONS

- (10) In their communications of 24 May 1996 and 31 July 1996, the German Government has raised two series of objections to the application of the guidelines and appropriate measures to regional aid schemes. The first series of objections concerns legal considerations arising from the manner in which the guidelines and appropriate measures were adopted. The second is based on the argument

that the application of the guidelines and appropriate measures 'would entail a restriction on State regional aid which would appreciably impair the development opportunities for rural areas'.

1. Observations of a legal nature

- (11) In its letter of 24 May 1996, the German Government expresses the opinion that existing Community rules, read in conjunction with the various communications of the Commission, and the letter approving the 23rd Federal framework plan for the improvement of regional economic structures (SG(94) D/11038 of 1 August 1994), entail neither an indirect nor a direct restriction on possible State aid measures in favour of the processing or marketing of agricultural products in connection with eligible investment projects under the joint scheme 'Improving the regional economic structure'.
- (12) According to the German authorities, Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products ⁽²⁾ cannot be used to justify a restriction on State aid measures on processing or marketing Annex II products under the joint scheme. That Regulation merely stipulates how and under what conditions the Guidance Section of the European Agricultural Guidance and Guarantee Fund can contribute to measures for improving the processing and marketing conditions for agricultural products. The Council states in the preamble to the Regulation that 'the types of investments eligible for a contribution from the EAGGF Guidance Section (hereinafter referred to as the "Fund") should be defined, taking account of the current situation both on the agricultural markets and in the agriculture and food sector, as well as the prospects for developing outlets for agricultural products'. Thus Germany contends that the Regulation seeks no more than, first, to guarantee consistency between Community intervention and the common agricultural policy and, secondly, to coordinate the interventions of the different Structural Funds between themselves, on the one hand, and, on the other, to balance those interventions with those of the European Investment Bank and other existing financial instruments.
- (13) According to the German authorities, it follows that the power given to the Commission by the Council by way of Article 8(3) of the above Regulation only permits the Commission to determine the selection criteria for designating those investments in which the Community Fund may participate. The Commission made use of that power in

⁽¹⁾ OJ C 36, 5. 2. 1997, p. 13.

⁽²⁾ OJ L 91, 6. 4. 1990, p. 1; this Regulation has subsequently been replaced by Council Regulation (EC) No 951/97 of 20 May 1997 on improving the processing and marketing conditions for agricultural products; OJ L 142, 2. 6. 1997, p. 22.

Decision 94/173/EC of 22 March 1994 on the selection criteria to be adopted for investments for improving the processing and marketing conditions for agricultural and forestry products and repealing Decision 90/342/EEC⁽¹⁾. That Decision seems to have no restrictive effect on national aid schemes and in favour of financing from the Fund.

(14) The German authorities also take the view that the 1994 Commission Communication to the Member States regarding State aid for investments in the processing and marketing of agricultural products⁽²⁾ does not bar the granting of State aid to sectors which are excluded from Community co-financing by virtue of the abovementioned decisions. Paragraph 1 of that Communication states that the Commission generally applies sectoral restrictions governing the part-financing by the Community of investments at processing and marketing level 'by analogy [...] when assessing State aid for such investments'. The Communication is not an 'appropriate measure' within the meaning of the second sentence of Article 93(1) of the Treaty because extension of the restrictive effect to State aid by analogy was not carried out using the procedure laid down by the second sentence of Article 93(1) of the Treaty (proposal for an appropriate measure). In terms of the legislative forms laid down in Article 189 of the Treaty, that Communication is neither a regulation, a directive nor a decision; it can only be regarded as a recommendation, and as such is not binding.

(15) Moreover, the German Government argues that the analogy drawn in the Communication runs up against substantial legal objections with regard to the basic Regulation (EEC) No 866/90. It is the wish of the legislature, as expressed in Article 16(5) of that Regulation, (now Article 16(5) of Regulation (EC) No 951/97) that national aid measures should be expressly permitted on condition that they comply with Articles 92 and 94 of the Treaty. The Commission Communication places a sectoral restriction on the scope of Article 92(3) of the Treaty, against the wishes of the legislature. Furthermore, according to Article 1(1) of Regulation (EEC) No 866/90 the measures laid down in the Regulation should serve the implementation of regional policy objectives. The Federal German Government therefore claims that the Commun-

ication cannot result in a legally binding restriction on the possibility of State aid measures.

(16) The German Government believes that no preclusion of State aid measures for the processing and marketing of Annex II products may be inferred from the Commission letter approving the 23rd framework plan for the joint scheme (SG(94) D/11038 of 1 August 1994). The end of that letter contains a passage whereby the Commission draws the Federal Government's attention to the need to take account of Community law provisions and conditions and the resultant obligations when applying the intended measures, particularly with regard to the prior notification of individual cases which apply (a) to the cumulation of aid under different Objectives, (b) in certain sectors of industry (including the provisions of the ECSC Treaty), agriculture and fisheries, and (c) for agricultural undertakings operating on an industrial scale.

(17) The German Government stresses that the approval letter requires that Community law shall contain an obligation not to grant unrestricted State aid in certain sectors. However, in its opinion, neither Regulation (EEC) No 866/90 nor the establishment of the selection criteria by the Commission pursuant to Article 8(3) of that Regulation, nor the content of the 1994 Commission Communication entail an obligation not to apply State aid measures to the processing and marketing of agricultural products.

(18) Moreover, the German Government maintains that no restrictive effect may be found in the rules adopted by the national legislators themselves under the joint scheme. They concede that Part 1, point 10.3 of the 23rd plan refers to the Commission's determination of the selection criteria for investments in improving the processing and marketing conditions for agricultural and forestry products. However, they emphasize that that does not mean that the Commission's position at that time had been communicated to the German authorities or that it had been accepted in some kind of voluntarily binding form. The German authorities point out that the determination of the selection criteria by the Commission is only referred to in Part 1 of the framework plan. That Part, however, contains only non-binding general references to the structure and objectives of the plan and to various secondary aspects, including the monitoring of aid by the Commission. The

⁽¹⁾ OJ L 79, 23. 3. 1994, p. 29.

⁽²⁾ OJ C 189, 12. 7. 1994, p. 5.

Federal Government also stresses that the listing of various regulations, communications and Community guidelines does not automatically signify that aid is expressly excluded in those sectors. Rather, Part 2 states that the following rules are to be taken into account in decisions on aid applications. The list therefore only serves to alert the approval authorities responsible for implementing the joint scheme in the Länder to the various rules that might play a role in a decision on a specific aid application. The German authorities therefore hold the view that mentioning the determination of selection criteria represents only a non-binding reference to coordination with the Commission's agricultural policy.

2. Observations concerning the effect of the guidelines on regional aid schemes

- (19) In their Communications of 24 May 1996 and 31 July 1996, the German Government has, in substance, maintained the same position as that previously expressed in their letters of 11 January 1996 and 14 February 1996. According to Germany, the Community provisions may not result in excessive restrictions on national aids for regions, which might jeopardise the chances of developing the rural environment. 'In the rural environment, it is the industrial sectors handling agricultural products which are best suited for the redeployment of farmers who have had to quit their profession in the course of structural change. If large areas of the agricultural processing and marketing sector were to be systematically excluded from national aid, the scope of regional measures, particularly in connection with the joint scheme for improving regional economic structures, could be reduced in rural areas to an unacceptable level'.
- (20) In its letter of 24 May 1996, the German Government argues that employment opportunities in rural areas for farmers forced to give up their profession because of structural conversion can best be created in agriculture-related industrial sectors. The current Commission proposal to adopt Community guidelines regarding the processing and marketing of Annex II products is considered to result in an unjustifiable reduction in regional aid to rural areas. Points 3(a)(iii) and (iv) of the guidelines and appropriate measures contain very wide-ranging definitions of processing and marketing. Processing, for instance, covers any actual operation affecting an agricultural product falling within Annex II of the Treaty and marketing covers, for example, the packaging of
- shipping devices. Decision 94/173/EC and its implementation through the guidelines provides broad categories of exclusion. In the cereals and rice sectors, all investments relating to cereal-starch plants, mills, maltings and semolina mills and to the secondary products of that industry are excluded, apart from products for innovative non-food applications. The list of exclusions also lays down that in some Objective 1 regions aid can only be granted if there is a demonstrable lack of capacity. The questions as to (a) when such a lack of capacity is to be assumed, and (b) what evidence for it is required are not answered either in the Community proposal or in the above Commission Decision. The positions on the proposed Community measure received to date from the Länder responsible for implementing the joint scheme all ask the Government to reject the proposal for an appropriate measure regarding regional aid. All the positions state that the grant of regional aid for the processing and marketing of agricultural products by commercial companies (industry, services) is an indispensable tool for assisting rural regions with inadequate structures.
- (21) In their letter of 31 July 1996, the German Government contests the premise that the introduction of Community guidelines would improve consistency with the common organisation of agricultural markets. It argues that the Community guidelines do not cover the production of agricultural products but rather the industrial processing and commercial marketing of existing Annex II products. Germany therefore contends that the way in which price and quantity are regulated under the common market organisation cannot be influenced by restrictions on industrial processing or marketing. Agricultural surpluses are not encouraged by the maintenance of competitive processing capacities but by production incentives under the agricultural market organisations in question. Employment policy considerations provide a legitimate interest in a competitive industry processing agricultural products in less-favoured rural areas, irrespective of whether or not the primary agricultural products used are produced by the domestic agricultural sector or are imported.
- (22) In addition, the German authorities refer to the text of the Community Support Framework 1994-1999 on Objective 1 Structural Fund assistance, emphasizing the following:
- 'A competitive processing industry is essential to give an economic boost to the agricultural sector and the countryside as a whole. The EAGGF

Guidance Section will therefore have a share in investment aid benefiting companies in the processing and marketing sector on the basis of Regulations (EEC) Nos 866/90 and 867/90.' (Point 198, p. 2 and p. 3)

'With respect to the processing and marketing of animal products the Fund will complement the value-added chains above all. The aim of this strategy is to produce high value, high-quality products. The Commission believes this is the only way to safeguard the agricultural sector in eastern Germany in the long term.' (Point 199, *in fine*).

(23) In the light of those statements highlighting the need for Community-scale financial participation in competitive industrial companies employed in the processing and marketing of agricultural products, the German Government cannot understand why national measures promoting competitive processing industries have been prohibited completely in some cases. Moreover, current German legislation prohibits the granting of aid to companies which are not competitive in the long term.

(24) At the request of the Commission, the German Government provided a number of examples to demonstrate the specific impact of the appropriate measures in the sector of the processing and marketing of agricultural products:

— in Schleswig-Holstein, two projects will safeguard a total of almost 500 permanent jobs in the Bockling and Großenbrode rural areas,

— in Saxony an aid scheme is about to be implemented in the processing sector involving around 40 rural jobs. Since 1990 around 300 permanent jobs have been created or safeguarded through 20 rural projects,

— in Lower Saxony more than DEM 560 million has been invested in the processing and marketing of agricultural products since 1993, with financial aid accounting for around DEM 62 million. Lower Saxony therefore has a share of around 12 % of the total volume of investment in receipt of financial aid. These measures have created more than 1 240 new permanent jobs and safeguarded 606 jobs,

— in North Rhine-Westphalia, 86 investment projects are set to create 2 474 new jobs and safeguard 599 permanent jobs. An additional three projects are currently in receipt of aid; these are set to create 168 new jobs,

— in Rhineland-Palatinate, since 1994 alone around 200 permanent jobs have been created through regional support for a total of seven companies,

— in Saxony-Anhalt, 28 applications for assistance under the Joint Scheme involving investment of around DEM 220 million plan to safeguard and create around 1 150 jobs in total. There is a clear shift in investment away from large-scale concerns towards small and medium-sized enterprises, which generally concentrate on investments in processing products typical of or specific to the region,

— in Mecklenburg-Western Pomerania the food industry is the main source of employment, accounting for 21,8 % of all those employed in processing and 23,8 % of processing enterprises. The continuing importance of the food processing industry in Mecklenburg-Western Pomerania in the future can be seen from the number of applications for funding under the Joint Scheme. In July 1996, 55 applications were pending, involving total investment of DEM 354 million for creating or safeguarding a total of around 2 400 permanent jobs. Again, it is particularly important from the regional policy viewpoint that much of the planned investment is intended for severely disadvantaged rural areas, with a focus on creating employment opportunities for women. Investment could therefore also help resolve qualitative structural deficits.

(25) In conclusion, the German Government emphasises that the possibility of providing purely national aid to support a competitive processing industry and a competitive marketing sector must be retained both for legal reasons and in order to support regional policy.

III. ASSESSMENT OF THE OBSERVATIONS AND COMMENTS RECEIVED

1. General

(26) Article 93(1) of the EC Treaty provides that the Commission shall, in cooperation with Member States, keep under constant review all systems of aid existing in those States. It shall propose to the latter any appropriate measures required by the progressive development or by the functioning of the common market.

(27) By letter SG(95) D/13086 of 20 October 1995, the Commission proposed to Germany, pursuant to Article 93(1) of the Treaty, guidelines and appropriate measures for State aid in connection with investments in the processing and marketing of agricultural products. In the same letter, the Commission informed the German authorities that it would authorise no new aid scheme which did not comply with these guidelines and appropriate measures which applied or would continue to apply after 1 January 1996. It also requested Germany and the other Member States to confirm, within two months of the date of the said letter, that they would comply with the guidelines and appropriate measures by amending their existing aid schemes.

(28) At no stage during the procedure have the German authorities contested the right of the Commission to make such a proposal. Indeed, they have indicated to the Commission that they are prepared to accept the proposal for sectoral aid schemes while insisting on the need for greater flexibility in respect of regional aid schemes. It is the refusal of the German authorities to accept the application of the guidelines and appropriate measures in respect of State aid granted in the framework of regional aid schemes, and the refusal of the German authorities to amend existing regional aid schemes to bring them into line with the guidelines and appropriate measures, which are the subject of this procedure.

2. Examination of the legal objections put forward by Germany

(29) The German authorities argue that the provisions of Council Regulation (EEC) No 866/90 cannot be used to justify restrictions on State aid measures, since that Regulation is solely concerned with whether, and under what conditions, the EAGGF can contribute to measures for improving the processing and marketing of agricultural products. Moreover, Article 16(5) of the Regulation expressly permits the granting of State aid which are subject to conditions or rules which differ from those provided for in the Regulation, or where the amounts of aid exceed the ceilings specified therein, on condition that these measures comply with Articles 92, 93 and 94 of the Treaty. There-

fore, while Commission Decision 90/342/EEC of 7 June 1990 on the selection criteria to be adopted for investments for improving the processing and marketing conditions for agricultural and forestry products ⁽¹⁾, and subsequently Decision 94/173/EC, may restrict the range of investments which are eligible for support from the Community's structural funds, they have no effect on the range of investments which are eligible for regional State aid funded by the Member States alone.

(30) The Commission cannot accept this argument. It is correct that Article 16(5) of Regulation (EEC) No 866/90 permits the granting of State aid which are subject to conditions or rules which differ from those provided for in the Regulation, or where the amounts of aid exceed the ceilings specified therein. However, this possibility is expressly stated to be subject to the condition that the aids comply with Articles 92, 93 and 94 of the Treaty. Article 42 of the Treaty, which constitutes one of the legal bases of Regulation (EEC) No 866/90, provides that the provisions of the Chapter on competition shall apply to production of and trade in agricultural products only to the extent determined by the Council. The Council therefore has the option of limiting the application of State aid rules in the sector of the processing and marketing of agricultural products ⁽²⁾. However, instead of availing itself of that option, the Council has expressly stated in Article 16(5) of the Regulation that Articles 92, 93 and 94 of the Treaty shall apply to such measures. It must therefore be concluded that Regulation (EEC) No 866/90 does not contain any express or implied restriction on the discretionary powers which are conferred on the Commission by Article 92(3) of the Treaty to determine whether aid may be considered compatible with the common market. The question which remains outstanding therefore, is whether the Commission is entitled, when considering the compatibility of State aid for the processing and marketing of agricultural products with Article 92 of the Treaty, granted under regional development schemes, to apply by analogy the same sectoral limitations which it uses for Community funded measures in accordance with Regulation (EEC) No 866/90. This question is considered in recitals 35 to 56 below.

(31) Secondly, the German authorities argue that the 1994 Commission communication to the Member States regarding State aid for investments in the processing and marketing of agricultural products

⁽¹⁾ OJ L 163, 29. 6. 1990, p. 71.

⁽²⁾ See, in particular, Regulation 26 of 4 April 1962 on the production and marketing of agricultural products (OJ 30, 20. 4. 1962, p. 993/62).

does not rule out the granting of State aid to sectors which are excluded from Community co-financing, since that Communication did not observe the forms laid down in Article 93(1) of the Treaty.

(32) The Commission considers that this argument is not relevant for the purposes of the present decision, which is exclusively concerned with the refusal of Germany to implement the proposal for appropriate measures which was addressed to that country by letter SG(95) D/13086 of 20 October 1995. At no stage in the procedure has Germany suggested that the Commission failed to respect the procedures laid down in the Treaty when making that proposal.

(33) Thirdly, the German Government argues that no exclusion of the possibility of State aid measures for the processing and marketing of Annex II products is apparent from the Commission letter approving the 23rd framework plan for the joint scheme (SG(94) D/11038 of 1 August 1994). In particular, Germany argues that the passage at the end of that letter whereby the Commission draws the German Government's attention to the need to take account of the provisions of Community law relating to certain sectors of industry (including agriculture) and industrially organised agribusinesses in implementing the framework plan has no legal effect, since, at the relevant time, Community law did not contain an obligation not to apply State aid measures to the processing and marketing of agricultural products.

(34) However, the Commission would point out that this argument cannot be put forward for the purposes of this Decision, since the matters referred to took place before the date of the Commission's proposal for appropriate measures. Nevertheless, the Commission reserves the right to open the procedure provided for in Article 93(2) of the Treaty should it appear that aids have been paid out for the processing and marketing of Annex II products in contravention of Community law within the framework of the 23rd framework plan for the joint scheme, or within the framework of any other regional aid scheme in Germany.

3. The development of Commission policy on State aid for investments in the processing and marketing of agricultural products

(35) In the guidelines and appropriate measures for State aid in connection with investments in the processing and marketing of agricultural products, the Commission explained the philosophy underlying its policy to State aid in this sector in the following terms.

'To the extent that State aid granted in connection with investments in the processing and marketing of agricultural products distorts or threatens to distort competition by favouring certain undertakings or certain types of production, it is, in so far as it affects trade between the Member States, incompatible with the common market under Article 92(1) of the EC Treaty.

While State aid in connection with investments in the processing and marketing of agricultural products may of course benefit from one of the exceptions provided for in Article 92(3), it is established Commission policy to ensure that in certain specific sectors of agricultural production, State aid may not enjoy one of these exceptions and that in other sectors it may enjoy such an exception only where certain strict conditions are met.

These sectoral restrictions, introduced following analysis of representative markets at Community level, are applied by the Commission in assessing whether any public aid in connection with investment in this field, whether at Community or national level, is in the Community interest. In this way, the Commission seeks to ensure consistency between the common agricultural policy and State aid policy so that investment is not encouraged where, for structural reasons, it is contrary to the Community interest.

This basic philosophy remains valid and is thus applied in the context of these guidelines and appropriate measures.'

(36) The new guidelines and appropriate measures which were communicated to the Member States by the Commission's letter of 20 October 1995 do not constitute a major change from previous Commission policy, but rather the adjustment of an existing policy to changed market conditions. In fact, it has been established Commission policy for many years to exclude or restrict State aid for investments for the processing and marketing of agricultural products in sectors which are suffering from over-capacity. The reason for this policy is

that State aid for investments in such sectors are likely to have an unfavourable impact on economic operators who are not in receipt of such aids. Moreover such aids are unlikely to bring about a lasting structural improvement to the sector concerned, but are likely to have a deleterious effect on trade, and are likely to cancel each other out by counteracting the efforts made by both national and Community authorities to remedy the structural difficulties in the sectors concerned. Thus, these aids will affect trading conditions to an extent which is contrary to the common interest. Such aids therefore cannot be considered to be compatible with the common market either within the meaning of Article 92(3)(a) or within the meaning of Article 92(3)(c).

In this context, the Commission also refers to the judgment of the Court of Justice of 14 January 1997 in Case C-169/95 (*Spain v. Commission*)⁽¹⁾. After reviewing the difference in wording between Article 92(3)(a) and Article 92(3)(c), the Court went on to conclude that 'that difference in wording cannot lead to the conclusion that the Commission should take no account of the Community interest when applying Article 92(3)(a), and that it must confine itself to verifying the regional specificity of the measures involved, without assessing their impact on the relevant market or markets in the Community as a whole. It has consistently been held that Article 92(3) gives the Commission a discretion the exercise of which involves economic and social assessments which must be made in a Community context... The Commission has on a number of occasions informed the Member States of the policy which, in accordance with the powers thus vested in it by Article 92 *et seq.* of the Treaty, it intended to apply with respect to regional aid schemes — *inter alia*, in its 1988 communication on the method for the application of Article 92(3)(a) and (c) to regional aid. It is clear from that policy that the application of both Article 92(3)(a) and Article 92(3)(c) presupposes the need to take into consideration not only the regional implications of the aid covered by those provisions but also, in the light of Article 92(1), its impact on trade between Member States and thus the sectoral repercussions to which it might give rise at Community level.' (recitals 17 to 20).

- (37) In order to ensure a coherent approach to measures to support the development of the sector of the processing and marketing of agricultural products, the Commission considers that the same limitations of a sectoral nature which are placed on the

granting of such aids must apply both to investment aids which are financed by the Community and to measures which are solely financed by Member States. In this way, the Commission endeavours to guarantee compatibility between the common agricultural policy and policy on State aid so that an investment is not encouraged where, for structural reasons, it is contrary to the Community interest. Clearly, efforts at Community level to reduce or eliminate structural over-capacity would be undermined if Member States were free to give aid at the national level.

- (38) At first, the Commission applied such sectoral limitations on the basis of specific measures taken in respect of the individual sectors concerned (sugar, iso-glucose, dairy products). However, following the adoption of Decision 90/342/EEC, the Commission began to apply the Decision by analogy to new State aid in order to ensure that the categories of investment excluded from Community aid were also excluded from State aid.
- (39) This development of Commission policy through the introduction of sectoral limitations to aids for investment for the processing and marketing of agricultural products is clearly outlined in the Annual Commission Reports on Competition Policy. Both the XXth Report (1990)⁽²⁾ and the XXIst Report (1991)⁽³⁾ refer to the application of individual product sector limits. The XXIIInd Report (1992) explicitly states⁽⁴⁾:

'In structures policy for investments at processing and marketing level, Council Regulation (EEC) No 866/90 allows Member States in principle to introduce unilateral measures, under the terms of Articles 92 and 93, in all areas covered by the Regulation.

In practice, this freedom is circumscribed by the Commission policy of excluding from State aid the same investments which are excluded from Community co-financing under point 2 of the Annex to Commission Decision 90/342/EEC of 7 June 1990.'

This position was restated in similar terms in the XXIIIrd Report (1993)⁽⁵⁾ and in the XXIVth Report (1994)⁽⁶⁾.

⁽²⁾ Paragraph 337.

⁽³⁾ Paragraph 317.

⁽⁴⁾ Paragraph 506.

⁽⁵⁾ Paragraph 550.

⁽⁶⁾ Paragraph 371.

⁽¹⁾ [1997] ECR I-135.

(40) Furthermore, this policy was explicitly communicated to the German Government in the context of specific decisions on individual aid schemes which had been notified to the Commission. For example, by letter of 30 March 1993 (SG(93) D/5076) the Commission informed the German Government of its decision to open the procedure laid down in Article 93(2) of the Treaty in respect of aids which Germany has decided to grant for the modernisation of a grain mill in Dresden (C 6/93). In that letter, the Commission wrote:

‘In assessing State aid to investments for processing and marketing, it is established Commission policy to apply the sector specific selection criteria in point 2 of the Annex of the Commission Decision [90/342/EEC] (“sector limits”) by analogy, given that they are designed to take account of the Community market situation.’

A statement in identical terms was included in the Commission’s letter of 28 June 1993 (SG(93) D/10681) opening the procedure in respect of aid to modernize grain mills in Saxony (C 15/93).

(41) Following the adoption of Decision 94/173/EC which updated the selection criteria and the categories of investment excluded from Community aid to current market conditions, in particular as a result of the reform of the common agricultural policy, it was clear that the Commission had to amend its State aid policy. In a Communication to Member States of 1 July 1994, the Commission announced that it intended to review its practice in this area as soon as the necessary preparatory work with the Member States had been completed. However, for reasons of legal certainty, the Commission would continue to apply the sectoral limitations as set out in Decision 90/342/EEC until the preparatory work was completed. In the same communication, the Commission restated its basic philosophy of applying the same sectoral limitations to measures which are funded by the Community and to measures which are exclusively funded from State aid.

(42) The Commission embarked on its review by approving, on 30 November 1994, a first draft of the guidelines for this type of aid, which was sent to the Member States by letter of 13 February 1995. After consulting the Member States within the Working Group on Conditions of Competition in

Agriculture at a meeting on 3 May 1995, the Commission approved the guidelines and appropriate measures in question by decision of 19 July 1995.

(43) While confirming its established practice of applying by analogy the sectoral restrictions on Community part-financing of such investments under Regulation (EEC) No 866/90, the following amendments were introduced as compared with the provisions applicable up to 31 December 1995:

- application of the sectoral restrictions laid down in points 1.2. (second and third indents) and 2 of the Annex to Decision 94/173/EC instead of those referred to in point 2 of the Annex to Decision 90/342/EEC,
- the automatic adjustment of the guidelines and appropriate measures to take account of future amendments to Commission Decision 94/173/EC,
- fixing of maximum levels for public aid in terms of gross rates,
- application of the guidelines and appropriate measures also to aids for investment in the processing and marketing of agricultural products at farm level,
- where a State aid subject to the special conditions referred to in point 2 of the Annex to Decision 94/173/EC is granted under a general regional or sectoral aid scheme to which the Commission has raised no objection under Articles 92 and 93 of the EC Treaty, possible requirement that an annual report be submitted to the Commission enabling it to check that each of the conditions for the grant of such an aid referred to in point 2 of the Annex to Decision 94/173/EC has been met,
- repeal of certain instruments whose provisions have been incorporated into the guidelines and appropriate measures in question.

4. Application of the guidelines and appropriate measures to regional aid schemes

(44) In the course of the procedure, the German Government has in substance contested the application of the guidelines to regional aid schemes. In the first instance, it argues that if large areas of the agricultural processing and marketing

sector were to be systematically excluded from national aid, the scope of regional measures for improving regional economic structures could be reduced in rural areas to an unacceptable level. In other words, Germany argues that the application of national regional aid schemes should be given priority over the specific requirements of the common agricultural policy.

The Commission cannot accept this position. The common agricultural policy, the establishment of which is required under Article 3(e) of the EC Treaty, is based on the development, through the common organisations of the market and through structural measures, of specific support mechanisms which take account of the needs of the particular sectors concerned and which therefore differ considerably from one sector to another. This policy has been developed at the Community level, in accordance with the procedures laid down in Article 43 of the Treaty, and it is managed and implemented at Community level. It follows that when designing and implementing their national aid schemes, Member States must take account of the objectives of the common agricultural policy, and in particular of the specific restrictions which have been placed on the granting of financial support for certain sectors, whether at the stage of primary production, or at the stage of processing and marketing of agricultural products. It is for this reason that the Commission has always insisted that national regional aid schemes must take account of the specific rules applicable to the agricultural sector.

(45) Furthermore, the Commission cannot accept the distinction made by the German Government between sectoral and regional aid schemes. In assessing the compatibility of national aid measures with Article 92(3) of the Treaty, the Commission must consider the economic effects of the measure, and in particular the extent to which it is likely to adversely affect trading conditions to an extent contrary to the common interest. The classification which is given by the Member State to the aid is, at best, of secondary importance. Otherwise, it would be easy for a Member State to escape the application of a restrictive policy in respect of certain types of aid by reclassifying a 'sectoral aid' measure as 'regional aid', or by relocating an investment from an area which is not eligible for regional aid to one which is. In such circumstances, any restrictions which are imposed by the Commission on the granting of aids to sectors with proven overcapacity would serve no purpose.

(46) The Commission accepts that the sector of the processing and marketing of agricultural products

is an important sector of the European economy. In particular, investments in this sector are likely to promote the economic development of rural areas, and the creation of employment in those areas. Investments in the processing and marketing of agricultural products are also likely to assist farmers to find new outlets for their products. For this reason, the Community provides substantial financial support for such investments through Regulation (EEC) No 866/90. The Commission has always taken a favourable approach to State aid in this sector, currently allowing aids of up to 55 %, or 75 % in Objective 1 regions (¹).

(47) Moreover, it should be noted that the Community guidelines take account of the particular needs of regional aid schemes in so far as they allow for a higher aid rate than that mentioned above, where this is the rate applicable in the regional aid scheme concerned. Point 4(b)(ii) of the guidelines and appropriate measures reads:

'Regional aid schemes which include aid for investment in the processing and marketing of agricultural products are subject to these guidelines and appropriate measures as far as such investments are concerned. The implementation of a regional aid scheme will be subject to the intensity of the aid approved under that scheme.'

(48) The German Government asserts that Decision 94/173/EC excludes large numbers of investments in the processing and marketing of agricultural products. It is true that a significant number of types of investment are excluded unconditionally by Decision 94/173/EC. However, it should be emphasised that the Commission has in fact taken account of regional diversities in the sectoral limits themselves, both in the 1990 and the 1994 versions, by providing for a whole series of derogations from the prohibitions laid down in the restrictions to assist less-developed regions, in particular Objective 1 areas. For example, the sectoral limits sometimes permit investments which would otherwise be excluded, in Objective 1 regions with a proven shortage of production capacity, or provided that there is no overall increase in production capacity. Even in sectors where there are no derogations in favour of the less favoured areas, in many cases not all investments are prohibited. In particular, investments to update production facilities to meet hygiene, animal welfare or environmental requirements are often allowed providing that there is no overall increase in production capacity, or subject to a reduction in production capacity.

(¹) Annex to the Guidelines for State aid in connection with investment in the processing and marketing of agricultural products.

- (49) Germany also objects that no guidance is given in the Commission Decision as to when such a lack of capacity is to be assumed, or what evidence is required to show it. However, the second subparagraph of point 3(b) of the guidelines states: 'Where State aid subject to the special conditions referred to in point 2 of the Annex to Decision 94/173/EC is granted in the framework of a general regional or sectoral aid scheme to which the Commission has raised no objection... an annual report is to be provided to the Commission giving details of any instance of grant of such aid during the year in question and in particular containing all information necessary to enable the Commission to conclude without recourse to additional enquiry, that each of the conditions attached to the grant of such aid referred to in point 2 of the Annex to Decision 94/173/EC has in fact been met.' It follows that the primary responsibility for determining whether the conditions set out in Decision 94/173/EC have in fact been met lies with the competent authorities of the Member States. If the competent authorities are in any doubt about the application of the criteria concerned, they can always obtain clarification from the Commission in accordance with Article 5 of the Treaty.
- (50) Furthermore, the German Government has failed to provide details of the precise manner in which the application of the sectoral limitations contained in Decision 94/173/EC interferes with its regional aid policy. In its letter of 31 July 1996, Germany has provided the Commission with a general description of the importance of State aid for the processing and marketing of agricultural products, but it has not specified in detail the nature of the investments concerned, or the extent to which the measures concerned are covered by the sectoral limitations contained in Decision 94/173/EC.
- (51) Given that 14 Member States have accepted the application of the sectoral limitations to regional aid schemes and given the absence of a detailed explanation from the German Government as to why it considers that the application of these sectoral limitations will result in an unacceptable restriction of regional aid policy, the Commission has to conclude that the position taken by Germany is not justified.
- (52) Should the German Government consider that one or more of the sectoral limitations set out in Decision 94/173/EC is unduly restrictive, it is always free to ask the Commission to review, and if necessary amend the provisions of the decision in question. This would have the advantage of allowing not only State aid, but also Community financial support through the structural funds to be granted to the activities in question, and would also enable the Commission to maintain a coherent approach between the common agricultural policy and State aid policy.
- (53) The German Government also contests the premise that the introduction of Community guidelines should improve consistency with the common organisation of agricultural markets. The guidelines and appropriate measures in question do not cover the production of agricultural products but rather the industrial processing and commercial marketing of existing Annex II products. The German authorities therefore argue that the way in which price and quantity are regulated under the common market organisation cannot be influenced by restrictions on industrial processing or marketing. Agricultural surpluses are not encouraged by the presence of competitive processing capacities but by production incentives under the agricultural market organisations in question.
- (54) The Commission does not accept the rigid distinction which the German authorities seek to draw between the primary production sectors, covered by the common market organisations, and the processing and marketing of agricultural products. The experience acquired in the operation of the common agricultural policy shows that the creation of new capacity for the processing and marketing of certain types of agricultural products will tend to encourage farmers to produce more of the products concerned. Conversely, measures which are taken to reduce primary agricultural production in certain sectors may result in over-capacity in the processing and marketing industries for the products concerned unless commensurate reductions are made in the capacity of those industries. Indeed, Regulation (EEC) No 866/90 is specifically based upon this close economic relationship between primary agricultural production and the processing and transformation of agricultural products. In particular the Regulation is based on the principle that investments should be made conditional on the inclusion of such investments in sectoral plans containing an in-depth analysis of the situation in the sector concerned and the proposed improvement. Moreover, it must be ensured that investments are viable, and that farmers have a fair share in the economic benefits of the actions undertaken. The Commission considers that it is also entitled to give consideration to the close economic relationship between primary production and the processing and marketing of agricultural products when determining whether State aid can be considered compatible with the common market in accordance with Article 92(3) of the Treaty.

(55) Furthermore, the Commission would point out that its objective in determining its policy for State aid for investments for the processing and marketing of agricultural products is to ensure coherence between competition policy and the common agricultural policy as a whole. In order to ensure consistency, the Commission seeks to ensure that the same sectoral limitations apply to all public investments in this sector, whether financed by the Member States or by the Community. However, it is important to emphasise that the sectoral limitations set out in Decision 90/342/EEC and the changes made by Decision 94/173/EC were introduced following an extensive analysis of representative markets at the level of the processing and marketing industries themselves and not at the level of primary production. For example, the exclusion of investments relating to starch production are based on the continuing existence of over-capacity in the starch production sector, not on any possible over-capacity in the production of potatoes or cereals for use as raw materials in starch production. Similarly, the restrictions on investments relating to the slaughter of cattle, pigs, sheep and poultry are based on over-capacity in the slaughterhouse sector, and not on levels of primary production. The other sectoral limitations are also based on the existence of over-capacity in the processing and marketing sectors.

(56) Lastly, the German Government argues that it should be possible to grant State aid irrespective of whether or not the primary agricultural products used are produced by the domestic agricultural sector or are imported. Pursuant to Article 13 of Regulation (EC) No 951/97⁽¹⁾, Community financing of investments in the processing or marketing of products from third countries is excluded. However, the guidelines and appropriate measures on State aid in connection with investments in the processing and marketing of agricultural products do not explicitly exclude State aid for investments for the processing and marketing of products which are imported from third countries, and the Commission would not raise objections to such aid, provided that all the other conditions laid down in the guidelines and appropriate measures are met, in particular the sectoral limitations imposed by Decision 94/173/EC. The reason for this difference of approach is that the Commission considers that it is necessary to ensure that Community funding is used to ensure the development of processing and marketing capacity for products of Community origin. On the other hand,

the Commission considers that Member States can be left with a discretion to decide whether to grant State aid for the processing and marketing of imported agricultural products, subject of course to compliance with Articles 92 and 93 of the Treaty, in order to take account of the specific situation at national level. For these reasons, this argument of the German Government is not founded.

IV. CONCLUSION

(57) In view of the foregoing, the arguments and submissions put forward by the German Government do not justify its refusal to agree to the application of the guidelines and appropriate measures to regional aid schemes as proposed by the Commission.

(58) All the other Member States have agreed unconditionally to the introduction of the guidelines and appropriate measures. Germany is the only Member State which has not done so. In the absence of a clear justification by the Member State concerned, the Commission cannot accept the non-application of the guidelines and appropriate measures to regional aid schemes in only one of the Member States.

(59) In view of Germany's refusal to comply with these guidelines and appropriate measures, the Commission, having initiated and carried out the procedure laid down in Article 93(2), is entitled by way of a decision taken pursuant to that provision and on the basis of the considerations set out in Section III, to require existing aid schemes to be altered by placing Germany under an obligation to comply with the guidelines for State aid in connection with investments in the processing and marketing of agricultural products. In order to achieve this result, it is necessary to require that Germany amend its existing aid schemes to bring them into line with Decision 94/173/EC,

HAS ADOPTED THIS DECISION:

Article 1

National regional aid schemes in Germany are incompatible with the common market within the meaning of Article 92(1) of the EC Treaty, in so far as they do not comply with the guidelines and appropriate measures for State aid in connection with investments in the processing and marketing of agricultural products which were communicated to Germany by letter SG(95) D/13086 of 20 October 1995.

⁽¹⁾ See footnote 3.

Article 2

Within two months of the date of this Decision Germany shall amend, or where necessary abolish, existing aids and existing aid schemes in order to ensure that they are compatible with the common market. In particular, in accordance with point 3(b) of the guidelines referred to in Article 1, Germany shall ensure that:

1. no State aid for investments in the processing and marketing of agricultural products shall be granted in respect of any of the investments which are referred to in the second and third indents of point 1.2 of the Annex to Decision 94/173/EC or which are excluded unconditionally by point 2 of that Annex;
2. no State aid for investments in the processing and marketing of agricultural products shall be granted in respect of the other investments referred to in point 2 of the Annex to Decision 94/173/EC unless they meet the special conditions laid down in that Annex.

Article 3

Germany shall inform the Commission of the measures taken to comply with this Decision within two months of notification thereof.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 20 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 29 July 1998

on aid granted by Germany to the companies Sophia Jacoba GmbH and Preussag Anthrazit GmbH for 1996 and 1997

(notified under document number C(1998) 2476)

(Only the German text is authentic)

(1999/184/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 88 thereof,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas:

I

On 23 October 1996 and 5 November 1996 the British company Celtic Energy Ltd lodged two formal complaints with the Commission through the Office of the United Kingdom Permanent Representative to the European Union. Those complaints concern the German mining companies Sophia Jacoba GmbH and Preussag Anthrazit GmbH.

By letters of 5 October 1995 and 30 September 1996, Germany notified the financial support it intended to grant for the years 1996 and 1997 in accordance with Article 9(1) of Commission Decision No 3632/93/ECSC.

Following these complaints and its own subsequent investigations, the Commission sent a letter of formal notice to Germany on 2 August 1997 in which it officially communicated the content of the complaints and asked for information concerning the actions of the companies and the German authorities. In its letter, the Commission also indicated the principles of law which might have been infringed by Germany and the companies Sophia Jacoba GmbH and Preussag Anthrazit GmbH.

Germany replied to the letter of formal notice on 6 October 1997.

The Commission invited comments from the other Member States and interested parties in a communication published in the *Official Journal of the European*

Communities⁽²⁾. Comments were received from the United Kingdom (letter of 23 September 1997), several competitor companies and the German coal producers, and duly forwarded to Germany.

On 13 March 1998, 15 May 1998 and 12 June 1998 respectively, the companies Consolidated Coal plc, Evans & Reid Coal Co., Ltd and Betws Anthracite Ltd also lodged complaints about the sale of German sized-anthracite in the Community market and more particularly in the United Kingdom. Preussag Anthrazit GmbH, for its part, sent the Commission a paper through a firm of solicitors setting out its position on the letter of formal notice.

Since these complaints and the paper were forwarded to the Commission after the date set in the letter of formal notice and the Commission could not grant Germany further legal hearing, they were not taken into account for the purposes of this Decision.

The complaints in question relate to the sale in 1996 and 1997 by Sophia Jacoba GmbH and Preussag Anthrazit GmbH of sized anthracite subsidised in the Community. The extremely favourable prices (compared with the production costs) offered by these companies on the Community market and primarily in the United Kingdom are said to have been possible only through the use of State aid paid by Germany under Decision No 3632/93/ECSC. This aid which, according to the complaint, covers a substantial part of the companies' production costs, is said to have been used for an unauthorised purpose.

According to the complainant, such practices lead to distortions of competition in the Community anthracite market. In addition, the same product is sold in other Member States by the companies concerned at higher prices than in the United Kingdom.

⁽¹⁾ OJ L 329, 30. 12. 1993, p. 12.

⁽²⁾ OJ C 258, 23. 8. 1997, p. 2.

After examining Germany's reply to the letter of formal notice and the comments by the other interested parties, the Commission considered that this reply did not constitute sufficient grounds, as will be explained in this Decision, to refrain from taking further action on the complaint.

In the meantime, there were numerous meetings and contacts between the Commission and representatives of the companies and Member States concerned in order to analyse the problem in greater depth. The Commission also sent its representatives to the United Kingdom (26 to 30 January 1998) and Germany (10 and 11 February 1998) to meet the main representatives of the anthracite industry in Germany, Wales, England and Northern Ireland. The purpose of these meetings was, on the one hand, to ascertain the facts and in particular to assess the situation on the geographical markets most affected together with the manner in which the aid is being used and, on the other, to analyse the respective price policies and the legal arguments in order to determine whether the German aid is compatible with the common market.

II

The Community anthracite market mirrors fairly clearly the difficulties facing the Community coal industry: decline in demand, particularly in the household market, growing competition from imports from third countries and high production costs in certain production sectors, with substantial variations in costs between the individual production sectors.

According to the information supplied by Germany and the United Kingdom, the average production costs of the main German anthracite producer, Preussag Anthrazit GmbH, amount to DEM 300 per tonne or ECU 152, compared with average costs of GBP 30, or ECU 43, for Celtic Energy Ltd, the main UK producer. This difference is largely due to the favourable geological conditions under which the UK producer can operate, whereas Preussag Anthrazit GmbH works coal at depths of up to 1 500 m. The production costs of DEM 373 for Sophia Jacoba GmbH in 1996 are not representative, as it ceased production in March 1997. Its production costs in 1995 amounted to DEM 307 per tonne.

Anthracite has the highest carbon content of all types of coal. It is a high-grade, almost smokeless fuel with a low proportion of volatile components. It has a low flammability, but gives off constant, intense heat. Because of these properties, it has always been highly suitable for use in industry and above all in the home.

The raw anthracite undergoes several processing stages to separate the fines, a product of low commercial value (DEM 60 to 70 tonne) of particle size 0 to 5 mm, which accounts for around 60 % of pit production and at best finds a market in the power industry, from the nuts or sized anthracite. The latter accounts for 20 to 30 % of pit production, has a high commercial value (DEM 190/t) and is sold to industry and domestic households.

Consequently, the marketing of anthracite traditionally concerned mainly sized anthracite.

The market for sized anthracite is geographically limited to the traditional coalmining regions of the Community in Belgium, Germany, Spain, France and the United Kingdom.

German anthracite has a good reputation in the Community market owing to the regularity of deliveries, the quality and the competitive prices. Deliveries to the United Kingdom began in 1971 in the case of Sophia Jacoba GmbH and in the middle of the seventies in the case of Preussag Anthrazit GmbH.

The market in the United Kingdom for deliveries from Germany comprised the east of the country from the Humber to the south coast and — in the case of Sophia Jacoba GmbH — Northern Ireland.

The two German companies were able to open up a market in the United Kingdom as the State-owned National Coal Board (subsequently British Coal) had done little prospecting for storage sites in these areas, and they offered very favourable prices.

When the British Coal Corporation was privatised in 1994, Celtic Energy Ltd, a private company, took over several pits in Wales, most of which produce anthracite. Following the acquisition of these open-cast mines, Celtic Energy Ltd embarked on a completely new policy, as it decided to expand its business in England and opened a distribution centre for its products in Hull, the main British port of entry for German anthracite. As already mentioned, eastern England was traditionally the main market in Britain for Sophia Jacoba GmbH and Preussag Anthrazit GmbH.

In order to capture part of the English market, Celtic Energy Ltd decided in 1995 to sell its products in England at the same prices as in Wales, which it was able to do by meeting the costs of transport.

As a result, Sophia Jacoba GmbH and Preussag Anthrazit GmbH decided to lower their prices, triggering a process of mutual undercutting of prices which continued until the end of 1997.

The Commission's investigations have shown that Preussag Anthrazit GmbH's prices for anthracite in the United Kingdom were, at least in the period 1996-1997, systematically lower than the prices of the companies which succeeded the National Coal Board as reference producers within the meaning of Article 2 of Commission Decision No 72/443/ECSC of 22 December 1972 on alignment of prices for sales of coal in the common market⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden. In January 1996 the grade 'beans' (Nuß IV) was on sale on the east coast of Britain at a price of GBP 93 per tonne from Preussag Anthrazit GmbH and GBP 101 per tonne from Celtic Energy Ltd. The prices in October 1997 for the same grade were GBP 94 and GBP 103.40 respectively. By way of comparison, anthracite from the People's Republic of China was being sold at GBP 94 in January 1996 and at GBP 102.7 in October 1997. In 1995, sized anthracite from both Preussag Anthrazit GmbH and Celtic Energy Ltd was selling for GBP 105, while the same product from China was selling for GBP 94.

Preussag Anthrazit GmbH offers major reductions on its list prices in the various Member States. A study by an independent expert shows that the lowest (pithead) prices charged by the company for sales in the United Kingdom in summer 1996 ranged from DEM 153 per tonne (Nuß IV) to DEM 183 per tonne (Nuß II) compared with (pithead) list prices of DEM 400 for sized anthracite of grade Nuß IV (14/23) and (Nuß II (37/55)). By way of comparison, the pithead prices for grade (Nuß IV) were around DEM 248 for deliveries to France, DEM 265 to Belgium and DEM 95 to Spain.

In the case of Sophia Jacoba GmbH, Nuß V anthracite (6/14), which had a pithead list price of DEM 361 per tonne, was sold in winter 1995/96 in the United Kingdom at (pithead) prices of DEM 160 per tonne compared with DEM 202 per tonne (pithead price) for the same grade in France⁽²⁾.

Preussag Anthrazit GmbH's concern about the competition from the Welsh producers can be seen from the 1995 company report, which states that Welsh anthracite, which has reasserted itself on the market following the privatisation of British Coal, was a cause for

concern⁽³⁾. Sophia Jacoba GmbH comes to the same conclusion in its 1995 company report⁽⁴⁾.

Furthermore, the 1996 company report states that 'Preussag Anthrazit GmbH was able to increase its market share on the home market and some foreign markets for household fuel by means of an elastic price policy'⁽⁵⁾.

This policy proved effective in practice, as the information available shows that the company's exports rose from 279 000 tonnes to 358 000 tonnes between 1995 and 1996, an increase of 20 %. Sales in the United Kingdom apparently increased by 49 % from 66 000 tonnes to 98 000 tonnes between 1995 and 1996. The corresponding increase in France and Belgium was 13 % and 8 % respectively. In 1997 the volumes dropped to 68 000 tonnes and to zero at the beginning of 1998.

Sophia Jacoba GmbH's sales in the United Kingdom rose from 25 700 tonnes to 37 500 tonnes in 1996. According to the company, no deliveries were made in 1997, the year in which its only pit was closed.

This growth in exports is all the more remarkable as it took place in difficult market conditions. Firstly, there is growing competition from third countries such as Vietnam, the People's Republic of China or Russia, the quality of whose products is wholly acceptable for the Community market.

Secondly, the main market for sized anthracite, i.e. households, is very demanding. Although private consumers are loyal to their suppliers, they are attracted to cheaper, more user-friendly energy sources such as natural gas or fuel oil.

It can be concluded from the above that the prospects for the Community sized-anthracite market are less than promising, and that the market is in steep structural decline.

III

In its letter of formal notice to Germany, the Commission expressed the view that Sophia Jacoba GmbH and Preussag Anthrazit GmbH pursued their corporate policy on the market for sized anthracite in the Community and more particularly in the United Kingdom with the aid of subsidies which were used indirectly for purposes not provided for in Commission Decision No 3632/93/ECSC and 96/560/ECSC of 30 April 1996 on German aid to the coal industry in 1995 and 1996⁽⁶⁾.

⁽¹⁾ OJ L 297, 30. 12. 1972, p. 45.

⁽²⁾ The classification of sized anthracite ranges from a particle size of 5/12 mm (Nuß V, grains) to a particle size of 45/74 mm (large nuts). The category Nuß IV corresponds to a particle size from 10/15 to 14/22 mm. The designation Nuß II relates to a particle size from 30/50 mm to 35/55 mm.

⁽³⁾ Preussag Anthrazit, company report October 1994/September 1995, p. 13.

⁽⁴⁾ Sophia Jacoba GmbH, company report 1995, p. 5.

⁽⁵⁾ Preussag Anthrazit, company report October 1995/September 1996, p. 13.

⁽⁶⁾ OJ L 244, 25. 9. 1996, p. 15.

The letter stressed that the interests of Celtic Energy Ltd, whose production is clearly more competitive, could be damaged by the competition from Sophia Jacoba GmbH and Preussag Anthrazit GmbH. The two latter companies' conduct could be seen as infringing the second paragraph of Article 2 of the ECSC Treaty, according to which the Community 'shall progressively bring about conditions which will of themselves ensure the most rational distribution of production at the highest possible level of productivity'. Their conduct could be regarded as infringing Article 3(b) and (g) of the ECSC Treaty. Furthermore, Article 4(b) of the ECSC Treaty states that the application by a seller of dissimilar conditions to comparable transactions is prohibited pursuant to the second indent of Article 60(1) of the ECSC Treaty, particularly if buyers are treated differently on grounds of nationality.

The Commission reasoned that the aid, which according to Germany was aid to the marketing of coal for power generation, is in reality aid to secure the companies' survival by covering a substantial part of their fixed production costs. It also took the view that this aid in actual fact benefited the whole of production. Production as a whole would no longer be competitive if the aid ceased, irrespective of the market on which the individual products were sold.

The Commission considered Germany's distinction between subsidised and non-subsidised production, depending on the market for the anthracite, to be artificial and unfounded, and that it facilitated, through State aid, pricing which did not cover production costs.

In its reply to the letter of formal notice, Germany addressed the cross-subsidies argument, contending that the aid was granted to support sales of coal for power generation and to the steel industry, and that deliveries to other consumption sectors were not subsidised at all.

Germany stresses that the subsidies under the Fifth Law on coal for power generation⁽¹⁾ are intended to cover the difference between production costs and the price of coal from third countries.

Germany justifies the conduct of the companies concerned, without providing supporting evidence, by arguing that it can make economic sense to maintain or expand production temporarily beyond the volume that can be sold without incurring a loss. If, according to Germany, the resulting additional production leads to a reduction in the average costs of overall production, the additional output can bring about an improvement in the

average costs. It further argues that the results of comparing the average costs of overall production with the sales proceeds in the British market will be misleading unless account is taken of this context.

On the basis of the information supplied by Germany, the Commission notes that 1.1 million tonnes of sized coal were sold in the Community in 1996 and 770 000 tonnes in 1997 at prices which did not cover the average production costs. The average price of the sized anthracite sold by Sophia Jacoba GmbH and Preussag Anthrazit GmbH in the Community is in fact some DEM 100 per tonne lower than the average costs of production as a whole.

With regard to the argument that it is in a company's interests to produce as long as the prices cover the variable costs and possibly also a proportion — however small — of the fixed costs, the Commission considers that, in applying this marginal costs principle, Germany is explicitly acknowledging that most, if not all, of the fixed costs are covered by that part of the output whose sales proceeds cover the costs of production, i.e. by the anthracite fines (2,3 million tonnes in 1996 and 1,4 million tonnes in 1997), which according to Germany is the only production sector in receipt of aid.

The Commission considers that the proceeds of sales overall, whether of fines or sized coal, would not cover the costs of production without the subsidies. The companies' sales as a whole have been running up losses for several years owing to the high level of production costs. Germany's contention that the production costs are covered by the proceeds is explained by the fact that the accounts do not make a clear distinction between the companies' earnings and State aid. In other words, the companies treat the aid as part of their turnover and do not distinguish between the consumption sectors, regardless of whether they are subsidised or — as Germany claims in the case of the industrial and household sectors — non-subsidised.

Preussag Anthrazit GmbH's profit and loss account for the 1997 financial year shows sales revenue of DEM 530,27 million⁽²⁾, in which more than DEM 270 million in aid is included. The company report for 1996 gives turnover of DEM 473,74 million, but the breakdown of sales revenue in point 12 of the appendix to the profit and loss account gives no indication — as for the 1997 financial year — of the aid totalling DEM 278 million authorised by the Commission for 1996. The sales

⁽¹⁾ BGBl. 1995 I, p. 1638.

⁽²⁾ Annual accounts and notifications of deposit, Annex to the Federal Gazette No 85 of 8 May 1998.

revenue of Preussag Anthrazit GmbH based on actual turnover for 1996 and 1997 therefore amounts to only DEM 200 million and 260 million respectively. The Commission refers in this connection to Article 2(3) of Decision No 3632/93/ECSC, according to which all aid received by undertakings must be shown together with their profit and loss accounts as a separate receipt, distinct from turnover. Germany has not complied with this requirement and thus infringed the principle of transparency and use of aid for its intended purpose.

The marginal costs argument may appear conclusive for a company operating under competitive conditions; however, it no longer holds good where a company covers more than 50 % of the costs of its overall production from State aid, and virtually all fixed costs are borne exclusively by the production which, according to Germany, is subsidised. Were there to be effects of scale as Germany claims, they would be possible only because of the subsidies. Moreover, the level of subsidy is so great that the company would have to close immediately if the subsidies ceased.

Germany's argument according to which Preussag Anthrazit GmbH covers the fixed costs of its allegedly non-subsidised production from other resources, leading to an erosion of the company's assets, is therefore unfounded and also difficult to square with the profits for 1996 and 1997. It does not appear logical either that the company could have an interest in operating its entire production at a loss.

Since the loss-bringing sale of anthracite, which Germany claims is not subsidised, concerns a relatively large volume of production and has been going on for several years, and since it is unlikely that the ratio of market prices to production costs will improve in future, the Commission considers that such a practice is possible only because Germany keeps the company viable with State aid.

This view is corroborated by the fact that Germany notifies the aid for Preussag Anthrazit GmbH under Article 3 of Decision No 3632/93/ECSC. Unlike Article 4, which

concerns aid for the reduction of activity, Article 3 provides for the continuation of production for an indeterminate period on the basis of improved economic viability in view of the conditions prevailing on the world market. If, as Germany maintains, the companies had refrained from taking all permissible measures to preserve their assets, which, in view of the foregoing, would be a policy amounting to their closure, this would conflict with its notification of the aid to Preussag Anthrazit GmbH for 1996 and 1997 as operating aid pursuant to Article 3 of Decision No 3632/93/ECSC.

As already mentioned, on examining Preussag Anthrazit GmbH's profit and loss accounts for 1996 and 1997 the Commission found an annual surplus of DEM 12,59 million and DEM 39,72 million respectively, despite losses from the allegedly non-subsidised sales of DEM 65 million in 1997 and DEM 56,6 million in 1996.

Germany also claims that the aid is compatible with Decision No 3632/93/ECSC, as it forms part of a national programme to secure energy supplies, which contributes to improved security of supply in Germany and the Community, and the Decision explicitly authorises such measures. The Commission would stress in this context that the Decision makes no such provision, and this objective cannot therefore be used as a criterion for authorising aid. Reliance on this criterion would also conflict with the provisions of the second paragraph of Article 2 of the ECSC Treaty.

It is clear from the above that the State aid granted under Decision No 3632/93/ECSC and 96/560/ECSC enabled the beneficiary companies to sell sized anthracite at prices which do not cover the costs of production, and that these sales in part conflict with the provisions of Article 2 and of Article 4(b) of the ECSC Treaty.

Germany states that the aid is calculated on the basis of the average costs of overall production, determined in accordance with the guidelines for company accounts in the coal industry (RBS)⁽¹⁾. It explains that this approach is appropriate as the different types and grades of coal can only be produced simultaneously (co-production) and the costs consequently cannot be calculated by marketing sector (power generation and heating), so that any allocation of costs (e.g. according to technical or profitability criteria) would ultimately be arbitrary. According to Germany, cost components cannot be shifted between the different market sectors in this system. The point of departure for calculating the aid is the average costs of overall production.

⁽¹⁾ Issued by the General Association of the German Coal Industry.

The Commission's view is that the anthracite fines and the sized anthracite are co-products owing to the homogeneous nature of the unprocessed product and the undifferentiated production costs. The considerable difference in the commercial value of the two products, which can be as much as 500 %, should basically favour a method of cost allocation which takes account not only of the quantities produced, but also of the market value of products of such divergent quality as anthracite fines and sized anthracite. In actual fact, the average pithead prices charged by the two German companies concerned are DEM 60 to 70 per tonne for anthracite fines and DEM 190 per tonne for sized anthracite.

The Commission considers that allocating costs purely on a volume basis without distinguishing between the two products, which results in average costs of over DEM 300 per tonne, gives a disproportionate weight to the book costs of the (low-value) anthracite fines, because account is not taken of the commercial value of the products based on their physical properties. As a result, the volume of aid is set too high.

It could be deduced from this that a system of cost allocation based on the respective contribution of the products to turnover calculated in terms of market prices, which would take account of the unit value of the products and not only of volume, would create a more logical relationship between the unit costs, the commercial value of the products and the necessary subsidies.

Germany's argument regarding the protection of legitimate expectations is not applicable here, as the Commission's decisions require a Member State to ensure that it honours its commitments, without specifying how this is to be done. The Commission never intimated that the cost allocation system used in Germany is sufficient proof of aid being used for the intended purpose. Consequently, in the event of improper use of aid, neither Germany nor the companies concerned can plead the protection of legitimate expectations in respect of a requirement to repay aid on grounds that the Commission did not act

IV

The Commission noted in its letter of formal notice that the application of dissimilar conditions to comparable transactions by a seller, particularly if buyers are treated

differently on grounds of nationality, is prohibited under the second indent of Article 60(1) of the ECSC Treaty and therefore infringes Article 4(b).

With regard to the alignment mechanism provided for in Article 60(2) of the ECSC Treaty, the Commission found in its letter of formal notice that the direct or indirect use of State aid for the purpose of systematic alignment of a product price on the prices of producers not receiving aid, cannot be considered to be in conformity with the ECSC Treaty.

As already demonstrated, Sophia Jacoba GmbH and Preussag Anthrazit GmbH could not in the long term have maintained their price policy, consisting in selling sized anthracite in the United Kingdom at different prices from those in the other Member States and at prices below those of the British producers of sized anthracite, without the aid granted under Decision No 3632/93/ECSC.

Germany argues that High Authority Decision No 30/53 of 2 May 1953 on practices prohibited by Article 60(1) of the Treaty in the common market for coal and steel ⁽¹⁾, as last amended by Commission Decision No 1834/81/ECSC ⁽²⁾, and Decision 72/443/ECSC do not make the authorisation to align prices conditional on the companies not receiving any aid. Germany also argues that a general ban on price alignment for companies in receipt of State aid should have been enshrined in the above Decisions.

The Commission considers that the use of aid granted pursuant to Decision No 3632/93/ECSC to align prices on those of competitors within the meaning of Article 60(2) of the ECSC Treaty is not provided for in the Decision and does not contribute to the achievement of any of the objectives set out in Article 2(1) thereof.

Section III of the preamble to Decision No 3632/93/ECSC states that the objectives of the Decision must be achieved with strict adherence to the rules of competition in order to avoid distortion of competition and discrimination between coal producers, purchasers or consumers in the Community as a result of the aid. By the same token, the fourth paragraph of Section I of the preamble stresses that the aid rules must be in the common interest and in no way disturb the functioning of the common market.

⁽¹⁾ OJ 6, 4. 5. 1953, p. 109/53.

⁽²⁾ OJ L 184, 4. 7. 1981, p. 7.

It is worth pointing out that the ECSC Treaty provides for a total ban on aid as a fundamental principle, although price alignment is permitted (Article 60 ff). Furthermore, the Commission's decisions on State aid to the coal industry relate exclusively to the principle of non-discrimination between buyers (Article 4(b)) and not to Article 60 ff and the price alignment rules. It is normal practice for the Commission, in its decisions on State aid, to impose conditions relating to the conduct of the recipients in order to limit any distortions of competition.

Finally, contrary to the Commission's position, Germany considers that Article 4(b) of the ECSC Treaty cannot be applied simultaneously with Article 60(2) of the Treaty. Germany refers in this connection to the judgment of the Court of Justice of the European Communities in Case C-128/92 *Banks v British Coal* (¹).

It is true that, according to the case law of the Court of Justice, Article 4(b) can be applied independently only if more specific rules are lacking; if these rules have been incorporated in other provisions of the Treaty or if they are specified there in greater detail, the texts relating to one and the same rule must be viewed as a whole and applied simultaneously.

The 'more specific rules' in this case concern decisions on State aid to the coal industry, which refer only to Article 4(b) and specifically exclude any discrimination between purchasers and consumers in order to minimise any distortion of competition because of the aid, but which in line with this reasoning do not permit the aid to be used for price alignment.

The price alignment mechanism is, moreover, closely linked to the sale of production on the Community market. As Decision No 3632/93/ECSC does not provide for aid to marketing, it cannot be quoted in defence of alignment of prices on those of Community competitors.

Furthermore, a rule which was created to ensure market transparency and compliance with the provisions of the ECSC Treaty cannot be invoked in order to infringe the very principles which it sets out to protect.

Finally, the Commission's view that the beneficiaries cannot rely on the price alignment rules is not based on the above legal considerations alone. It also notes that, with regard to the main point of the complaint, Preussag

Anthrazit GmbH at least did not adhere to the alignment rules. Even though the company could in theory cite these rules as a possible defence, its actual conduct in terms of how it used the State aid in practice is not in conformity with the common market.

In its letter of formal notice to Germany, the Commission explained the grounds for the assumption that the corporate policy of Sophia Jacoba GmbH and Preussag Anthrazit GmbH could result in the application of dissimilar conditions to comparable transactions.

Germany replied that market and competitive conditions in the common market vary over time and from one region to another. Furthermore, the offers related to products of differing grade. Germany therefore considered that the sales of anthracite by Sophia Jacoba GmbH and Preussag Anthrazit GmbH in the different Member States were not comparable.

Article 2(1) of Decision No 30/53 states that the application by a seller in the common market of dissimilar conditions to comparable transactions is to be regarded as a prohibited practice within the meaning of Article 60(1) of the Treaty. The preamble to Decision No 3632/93/ECSC states that State aid may not cause any discrimination between coal purchasers or consumers in the Community.

The Commission has found from its investigations that there are substantial price differences between products of the same quality and with the same delivery times sold in the various Member States by Sophia Jacoba GmbH and Preussag Anthrazit GmbH. The magnitude of these price differences cannot be explained by differences in freight costs alone.

According to Article 3 of Decision No 30/53, transactions are comparable within the meaning of Article 60(1) where they are concluded with purchasers exercising the same commercial function and they concern identical or similar products whose other essential commercial properties do not significantly differ.

Germany also contends that the company Sophia Jacoba GmbH and the sellers of sized anthracite from Preussag Anthrazit GmbH have been practising price alignment for their exports to the British market for years, but never undercut their competitors so that distortion of the market never occurred.

(¹) [1994] ECR I-1209.

The Commission would point out that companies wishing to use the price alignment mechanism are required to notify the Commission in the manner prescribed in Article 60(2) of the ECSC Treaty and the derived legislation, which one of the two companies, Preussag Anthrazit GmbH, failed to do.

With regard to the conduct of the sellers of the sized anthracite produced by Preussag Anthrazit GmbH, to which Germany refers, Article 7, second paragraph, of Decision No 30/53 states that undertakings are to be responsible for infringements by their agents, selling agencies or Commission agents. It follows that the responsibility for the price alignment cited by Germany with regard to sales by Preussag Anthrazit GmbH lies entirely with that company.

As already explained, it emerges from the information available to the Commission that that company undercut its competitors' prices.

Furthermore, since the price alignment cited by the company in its defence was not notified, the Commission was unable to take the measures provided for in the final subparagraph of Article 60(2).

The Commission considers that the discrimination found comes under Article 4 of the ECSC Treaty and cannot be justified by the price alignment rules. By using the aid for the purposes described, the companies have infringed the specific conditions of Decision No 3632/93/ECSC and 96/560/ECSC, with the result that the aid cannot be considered compatible with the common market.

V

The ruling by the Court of Justice in Case C-364/90 Italy v Commission⁽¹⁾ established the principle that the burden of proof of the compatibility of aid lies with the Member State seeking to apply the derogation.

In the light of the arguments advanced by Germany and the beneficiaries of the Commission's finding that the companies had failed to provide proof that the aid had been used properly and of the companies' price conduct, the Commission was unable to dispel the doubts explained in the letter of formal notice regarding the compatibility of the aid and to conclude that the aid is

compatible with the common market and has not been used improperly.

The Commission therefore considers that the aid amounting to DEM 99,5 million which it authorised for 1996 in Decision 96/560/ECSC, of which DEM 42,9 million went to Sophia Jacoba GmbH and DEM 56,6 million to Preussag Anthrazit GmbH, was used to support the production and sale of anthracite for the industrial and household sectors and that the prices charged did not cover the production costs.

It is clear from the Commission's investigations, the volumes of anthracite sold and the prices charged that part of this aid — DEM 13,55 million, i.e. DEM 3,75 million for Sophia Jacoba GmbH and DEM 9,8 million for Preussag Anthrazit GmbH — led to distortion of competition incompatible with the common market in the Community market for sized anthracite for industry and households, in contravention of Decision No 3632/93/ECSC. The companies in question must therefore repay those amounts to Germany.

Pursuant to Article 1 of Commission Decision 98/687/ECSC of 10 June 1998 on German aid to the coal industry for 1997⁽²⁾, the Commission has postponed its decision on operating aid of DEM 65 million to Preussag Anthrazit GmbH pursuant to Article 3 of Decision No 3632/93/ECSC and aid for the reduction of activity of DEM 12 million to Sophia Jacoba GmbH pursuant to Article 4 of that Decision, i.e. total aid of DEM 77 million. By reserving its decision on those aid payments, the Commission has made clear its belief that those sums support the production of anthracite for the industrial and household sectors in the Community and its sale at prices which do not cover the production costs.

The Commission's investigations have shown that part of that aid, namely DEM 6,8 million for Preussag Anthrazit GmbH, led to distortion of competition incompatible with the common market in the Community market for sized anthracite for industry and households, in breach of Decision No 3632/93/ECSC. As the aid in 1997 was paid in anticipation of a Commission decision, Germany must require the company concerned to repay the sum of DEM 6,8 million pursuant to Article 9(5) of the Decision.

⁽¹⁾ [1993] ECR- I-2097.

⁽²⁾ OJ L 324, 2. 12. 1998, p. 30.

The balance of the aid intended for Sophia Jacoba GmbH and Preussag Anthrazit GmbH for 1997 (DEM 70,2 million) can be regarded as compatible with the objectives of Decision No 3632/93/ECSC, in particular Articles 3 and 4 thereof, in view of the justification based on those Articles given in the annual decisions approving Germany's measures in support of the coal industry.

On the basis of the principle put forward by Germany that aid payments are to be limited to coal production destined for power generation and the Community steel industry, Germany undertakes to ensure that sales of sized anthracite in the industrial and household sectors will be made at prices which cover the costs of production,

HAS ADOPTED THIS DECISION:

Article 1

The aid amounting to DEM 3,75 million to Sophia Jacoba GmbH and DEM 9,8 million to Preussag Anthrazit GmbH granted by Germany pursuant to Decision 96/560/ECSC was used improperly in breach of that Decision.

Article 2

The aid of DEM 70.2 million to the coal industry paid by Germany for 1997 in anticipation of a Commission decision pursuant to Articles 3 and 4 of Decision No 3632/93/ECSC, namely operating aid of DEM 58,2 to Preussag Anthrazit GmbH pursuant to Article 3 of the Decision and aid of DEM 12 million to Sophia Jacoba GmbH pursuant to Article 4 of the Decision, is hereby authorised.

Aid of DEM 6,8 million paid by Germany to Preussag Anthrazit GmbH in anticipation of a Commission decision was used improperly in breach of Decision No 3632/93/ECSC.

Article 3

Germany shall recover the amounts referred to in Article 1 and the second paragraph of Article 2 from the beneficiary companies.

Repayment shall be made in accordance with the procedures and rules of German law concerning liabilities to the State, with interest at the reference rate used in the assessment of regional aid, from the time the aid was paid until repayment in full.

Article 4

Germany shall inform the Commission within two months after notification of this Decision of the measures it has taken to comply with this Decision.

Article 5

When making the annual statement of aid actually paid in accordance with this Decision, Germany shall supply all the information pursuant to Article 9(3) of Decision No 3632/93/ECSC which is necessary in order to verify the criteria of Articles 3 and 4 of that Decision and to verify compliance with the present Decision.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 July 1998.

For the Commission

Monika WULF-MATHIES

Member of the Commission

COMMISSION DECISION

of 5 February 1999

adjusting the weightings applicable from 1 February, 1 March, 1 April, 1 May and 1 June 1998 to the remuneration of officials of the European Communities serving in third countries

(notified under document number C(1999) 458)

(1999/185/EC, ECSC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing a single Council and a single Commission of the European Communities,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EC, Euratom, ECSC) No 2762/98 ⁽²⁾ and in particular the second paragraph of Article 13 of Annex X,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EC, ECSC, Euratom) No 1945/98 ⁽³⁾ laid down the weightings to be applied from 1 January 1998 to the remuneration of officials serving in third countries, payable in the currency of their country of employment; Whereas the Commission has made a number of adjustments to these weightings ⁽⁴⁾ in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations;

Whereas some of these weightings should be adjusted with effect from 1 February, 1 March, 1 April, 1 May and 1 June 1998 given that the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on the basis of

the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down or adjusted,

DECIDES:

Sole Article

With effect from 1 February, 1 March, 1 April, 1 May and 1 June 1998 the weightings applicable to the remuneration of officials serving in third countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Communities for the month preceding the date referred to in the first paragraph.

Done at Brussels, 5 February 1999.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ L 346, 22. 12. 1998, p. 1.

⁽³⁾ OJ L 253, 15. 9. 1998, p. 1.

⁽⁴⁾ OJ L 194, 10. 7. 1998, p. 47.

ANNEX

Place of employment	Weightings March 1998
Indonesia	18,67
Kazakhstan	102,79
Romania	66,19
Turkey	78,26
Zimbabwe	35,69

Place of employment	Weightings April 1998
Albania	96,54
Colombia	79,55
Ghana	40,71
Indonesia	34,93
Venezuela	87,59

Place of employment	Weightings May 1998
Indonesia	42,46
Malawi	33,53
Romania	69,40
Suriname	76,97
Turkey	77,47
Zambia	68,24
Zimbabwe	46,65

Place of employment	Weightings June 1998
Angola	110,43
Benin	81,94
Chad	94,01
Fiji	62,59
Guinea-Bissau	87,70
India	47,99
Indonesia	52,37
Papua New Guinea	78,43
Turkey	77,59
Venezuela	89,28