

# Official Journal

of the European Communities

ISSN 0378-6978

L 131

Volume 42

27 May 1999

English edition

## Legislation

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Price: EUR 19,50

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

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 1075/1999**  
**of 26 May 1999**  
**establishing the standard import values for determining the entry price of certain**  
**fruit and vegetables**

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

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

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 27 May 1999.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

to the Commission Regulation of 26 May 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	99,7
	068	72,3
	999	86,0
0707 00 05	052	75,2
	628	125,4
	999	100,3
0709 90 70	052	47,1
	999	47,1
0805 10 10, 0805 10 30, 0805 10 50	204	49,7
	600	80,1
	624	52,5
	999	60,8
0805 30 10	382	50,5
	388	71,6
	528	48,1
	999	56,7
0808 10 20, 0808 10 50, 0808 10 90	388	72,1
	400	109,8
	508	82,1
	512	65,8
	524	80,9
	528	64,5
	804	101,4
	999	82,4
0809 20 95	052	121,7
	999	121,7

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19). Code '999' stands for 'of other origin'.

## COMMISSION REGULATION (EC) No 1076/1999

of 26 May 1999

## fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1148/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 <sup>(3)</sup>, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 <sup>(4)</sup>; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a

small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 12.

<sup>(4)</sup> OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 26 May 1999.

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

ANNEX

**fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector**

*(in EUR)*

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(2)</sup>
1703 10 00 <sup>(1)</sup>	5,75	0,41	—
1703 90 00 <sup>(1)</sup>	7,29	0,03	—

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

<sup>(2)</sup> This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

**COMMISSION REGULATION (EC) No 1077/1999**  
**of 26 May 1999**  
**altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1029/1999<sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1029/1999 to the information known to the Commission that the export refunds

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1029/1999 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 126, 20.5.1999, p. 8.



## ANNEX

## to the Commission Regulation of 26 May 1999 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	45,77 <sup>(1)</sup>
1701 11 90 9910	45,77 <sup>(1)</sup>
1701 11 90 9950	<sup>(2)</sup>
1701 12 90 9100	45,77 <sup>(1)</sup>
1701 12 90 9910	45,77 <sup>(1)</sup>
1701 12 90 9950	<sup>(2)</sup>
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4975
	— EUR/100 kg —
1701 99 10 9100	49,75
1701 99 10 9910	49,75
1701 99 10 9950	49,75
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4975

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

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

**COMMISSION REGULATION (EC) No 1078/1999**  
of 26 May 1999

**fixing the maximum export refund for white sugar for the 40th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98**

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

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

Whereas Commission Regulation (EC) No 1574/98 of 22 July 1998 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(3)</sup>, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1574/98 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 40th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 40th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at 52,794 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 206, 23.7.1998, p. 7.

**COMMISSION REGULATION (EC) No 1079/1999**  
**of 25 May 1999**  
**establishing unit values for the determination of the customs value of certain**  
**perishable goods**

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>, as last amended by Regulation (EC) No 955/1999 of the European Parliament and of the Council <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>, as last amended by Regulation (EC) No 502/1999 <sup>(4)</sup>, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 May 1999.

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

Done at Brussels, 25 May 1999.

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

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<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(2)</sup> OJ L 119, 7.5.1999, p. 1.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(4)</sup> OJ L 65, 12.3.1999, p. 1.

## ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a)	33,42	459,87	65,36	248,48	10 857,49	5 560,62
		b)	198,71	219,22	26,32	64 710,14	73,65	6 700,11
		c)	299,51	1 348,16	22,00			
1.30	Onions (other than seed) 0703 10 19	a)	26,61	366,16	52,04	197,85	8 645,06	4 427,53
		b)	158,22	174,55	20,96	51 524,14	58,64	5 334,83
		c)	238,48	1 073,44	17,52			
1.40	Garlic 0703 20 00	a)	143,14	1 969,65	279,96	1 064,26	46 503,32	23 816,49
		b)	851,07	938,94	112,73	277 157,69	315,44	28 696,99
		c)	1 282,82	5 774,25	94,23			
1.50	Leeks ex 0703 90 00	a)	26,05	358,46	50,95	193,68	8 463,12	4 334,36
		b)	154,89	170,88	20,52	50 439,83	57,41	5 222,56
		c)	233,46	1 050,85	17,15			
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a)	75,84	1 043,58	148,33	563,88	24 638,90	12 618,71
		b)	450,92	497,48	59,73	146 846,72	167,13	15 204,55
		c)	679,68	3 059,38	49,93			
1.70	Brussels sprouts 0704 20 00	a)	59,69	821,35	116,74	443,80	19 392,09	9 931,58
		b)	354,90	391,54	47,01	115 575,96	131,54	11 966,77
		c)	534,94	2 407,89	39,29			
1.80	White cabbages and red cabbages 0704 90 10	a)	52,59	723,65	102,86	391,01	17 085,44	8 750,24
		b)	312,69	344,97	41,42	101 828,44	115,89	10 543,35
		c)	471,31	2 121,48	34,62			
1.90	Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	a)	105,95	1 457,90	207,22	787,75	34 421,04	17 628,60
		b)	629,95	694,99	83,44	205 147,81	233,48	21 241,07
		c)	949,52	4 274,01	69,75			
1.100	Chinese cabbage ex 0704 90 90	a)	49,06	675,08	95,95	364,77	15 938,61	8 162,90
		b)	291,70	321,81	38,64	94 993,41	108,11	9 835,65
		c)	439,68	1 979,08	32,30			
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a)	152,67	2 100,79	298,60	1 135,12	49 599,43	25 402,15
		b)	907,73	1 001,45	120,24	295 610,34	336,44	30 607,59
		c)	1 368,23	6 158,69	100,50			
1.120	Endives ex 0705 29 00	a)	21,82	300,25	42,68	162,23	7 088,88	3 630,54
		b)	129,74	143,13	17,18	42 249,41	48,08	4 374,52
		c)	195,55	880,22	14,36			
1.130	Carrots ex 0706 10 00	a)	50,22	691,04	98,22	373,39	16 315,47	8 355,90
		b)	298,59	329,42	39,55	97 239,48	110,67	10 068,21
		c)	450,07	2 025,87	33,06			
1.140	Radishes ex 0706 90 90	a)	117,77	1 620,55	230,34	875,63	38 261,12	19 595,28
		b)	700,23	772,52	92,75	228 034,52	259,53	23 610,77
		c)	1 055,45	4 750,83	77,53			
1.160	Peas ( <i>Pisum sativum</i> ) 0708 10 90 0708 10 20 0708 10 95	a)	370,67	5 100,53	724,97	2 755,97	120 423,27	61 674,30
		b)	2 203,90	2 431,44	291,93	717 717,20	816,85	74 312,66
		c)	3 321,94	14 952,79	244,01			

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	109,33 650,05 979,82	1 504,41 717,16 4 410,36	213,83 86,10 71,97	812,88 211 692,40	35 519,13 240,93	18 190,98 21 918,70
1.170.2	Beans ( <i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i> ) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	114,59 681,32 1 026,96	1 576,79 751,66 4 622,55	224,12 90,25 75,43	851,99 221 877,18	37 228,00 252,52	19 066,17 22 973,23
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 413,67	2 170,55 1 034,71 6 363,22	308,51 124,23 103,84	1 172,81 305 427,23	51 246,57 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	333,63 1 983,67 2 989,99	4 590,85 2 188,47 13 458,60	652,52 262,75 219,63	2 480,57 645 997,76	108 389,71 735,22	55 511,36 66 886,81
1.200.2	— other ex 0709 20 00	a) b) c)	238,72 1 419,36 2 139,41	3 284,86 1 565,90 9 629,94	466,90 188,01 157,15	1 774,91 462 226,37	77 555,35 526,07	39 719,67 47 859,06
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	213,95 1 272,09 1 917,42	2 944,02 1 403,42 8 630,72	418,45 168,50 140,84	1 590,74 414 264,97	69 508,08 471,48	35 598,28 42 893,12
1.220	Ribbed celery ( <i>Apium graveolens</i> L, var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	40,68 241,87 364,57	559,77 266,84 1 641,03	79,56 32,04 26,78	302,46 78 767,46	13 216,12 89,65	6 768,58 8 155,61
1.230	Chantarelles 0709 51 30	a) b) c)	1 886,75 11 218,11 16 909,05	25 962,25 12 376,27 76 111,31	3 690,16 1 485,94 1 242,05	14 028,17 3 653 257,42	612 967,34 4 157,85	313 928,79 378 259,41
1.240	Sweet peppers 0709 60 10	a) b) c)	152,02 903,87 1 362,40	2 091,84 997,19 6 132,47	297,33 119,73 100,07	1 130,28 294 351,77	49 388,26 335,01	25 294,00 30 477,27
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 659,16	1 012,07 482,46 2 967,00	143,85 57,93 48,42	546,85 142 412,66	23 894,92 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	51,27 304,84 459,48	705,49 336,31 2 068,23	100,28 40,38 33,75	381,20 99 272,56	16 656,60 112,98	8 530,61 10 278,71
2.10	Chestnuts ( <i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 581,61	2 428,42 1 157,63 7 119,19	345,16 138,99 116,18	1 312,15 341 712,93	57 334,82 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	54,44 323,69 487,89	749,11 357,10 2 196,10	106,48 42,87 35,84	404,77 105 410,54	17 686,47 119,97	9 058,05 10 914,24

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	142,45 846,97 1 276,64	1 960,15 934,41 5 746,42	278,61 112,19 93,77	1 059,13 275 821,66	46 279,16 313,92	23 701,69 28 558,66
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	123,90 736,68 1 110,39	1 704,90 812,73 4 998,11	242,33 97,58 81,56	921,21 239 903,85	40 252,63 273,04	20 615,23 24 839,72
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	43,24 257,09 387,52	595,00 283,64 1 744,30	84,57 34,05 28,46	321,49 83 724,31	14 047,81 95,29	7 194,53 8 668,84
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsu- mas), fresh; clementines, wilkings and simi- lar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	90,21 536,36 808,46	1 241,32 591,74 3 639,06	176,44 71,05 59,39	670,72 174 670,92	29 307,42 198,80	15 009,68 18 085,48
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	68,49 407,22 613,81	942,44 449,26 2 762,88	133,95 53,94 45,09	509,23 132 615,13	22 251,03 150,93	11 395,78 13 731,01
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	53,62 318,81 480,54	737,83 351,72 2 163,03	104,87 42,23 35,30	398,67 103 822,80	17 420,07 118,16	8 921,62 10 749,84
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	63,67 378,56 570,61	876,12 417,65 2 568,44	124,53 50,14 41,91	473,39 123 282,31	20 685,11 140,31	10 593,80 12 764,69
2.85	Limes ( <i>Citrus aurantifolia</i> ), fresh ex 0805 30 90	a) b) c)	166,24 988,42 1 489,84	2 287,51 1 090,46 6 706,10	325,14 130,92 109,44	1 236,01 321 885,52	54 008,05 366,34	27 660,01 33 328,13
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	44,41 264,05 398,00	611,09 291,31 1 791,49	86,86 34,98 29,24	330,19 85 989,75	14 427,92 97,87	7 389,20 8 903,41
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	55,99 332,90 501,78	770,44 367,27 2 258,63	109,51 44,10 36,86	416,29 108 411,76	18 190,03 123,39	9 315,95 11 224,99
2.100	Table grapes ex 0806 10 10	a) b) c)	160,67 955,30 1 439,92	2 210,87 1 053,93 6 481,41	314,24 126,54 105,77	1 194,60 311 100,50	52 198,47 354,07	26 733,24 32 211,44

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	44,07 262,03 394,96	606,42 289,08 1 777,78	86,19 34,71 29,01	327,66 85 331,42	14 317,46 97,12	7 332,63 8 835,24
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	46,47 276,30 416,46	639,44 304,82 1 874,60	90,89 36,60 30,59	345,51 89 978,47	15 097,17 102,41	7 731,96 9 316,40
2.120.2	— other ex 0807 19 00	a) b) c)	70,46 418,94 631,46	969,55 462,19 2 842,35	137,81 55,49 46,38	523,88 136 429,58	22 891,04 155,27	11 723,56 14 125,96
2.140	Pears							
2.140.1	Pears — nashi ( <i>Pyrus pyrifolia</i> ) ex 0808 20 50	a) b) c)	208,44 1 239,33 1 868,04	2 868,20 1 367,28 8 408,45	407,67 164,16 137,22	1 549,77 403 596,12	67 717,99 459,34	34 681,50 41 788,47
2.140.2	Other ex 0808 20 50	a) b) c)	63,28 376,25 567,12	870,75 415,09 2 552,71	123,76 49,84 41,66	470,49 122 527,17	20 558,41 139,45	10 528,91 12 686,50
2.150	Apricots 0809 10 00	a) b) c)	202,62 1 204,72 1 815,88	2 788,11 1 329,10 8 173,67	396,29 159,58 133,38	1 506,50 392 327,03	65 827,19 446,52	33 713,13 40 621,66
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	a) b) c)	363,08 2 158,78 3 253,92	4 996,09 2 381,65 14 646,61	710,12 285,95 239,02	2 699,54 703 020,91	117 957,43 800,12	60 411,43 72 791,00
2.180	Nectarines ex 0809 30 10	a) b) c)	223,81 1 330,71 2 005,79	3 079,69 1 468,10 9 028,47	437,73 176,26 147,33	1 664,05 433 356,59	72 711,39 493,21	37 238,85 44 869,88
2.190	Plums 0809 40 05	a) b) c)	139,61 830,08 1 251,18	1 921,08 915,78 5 631,85	273,05 109,95 91,91	1 038,01 270 322,65	45 356,50 307,66	23 229,15 27 989,29
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	491,71 2 923,57 4 406,71	6 766,08 3 225,41 19 835,53	961,70 387,25 323,69	3 655,91 952 083,32	159 746,74 1 083,59	81 813,66 98 579,00
2.205	Raspberries 0810 20 10	a) b) c)	1 648,10 9 799,16 14 770,27	22 678,35 10 810,83 66 484,19	3 223,40 1 297,98 1 084,94	12 253,79 3 191 166,59	535 434,73 3 631,93	274 220,77 330 414,38
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	724,96 4 310,42 6 497,09	9 975,67 4 755,43 29 244,81	1 417,90 570,95 477,24	5 390,15 1 403 718,30	235 525,00 1 597,60	120 623,19 145 341,43
2.220	Kiwi fruit ( <i>Actinidia chinensis Planch.</i> ) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	98,68 586,72 884,37	1 357,87 647,30 3 980,74	193,00 77,72 64,96	733,70 191 071,12	32 059,16 217,46	16 418,97 19 783,56

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	52,98	729,02	103,62	393,91	17 212,14	8 815,13
		b)	315,00	347,53	41,73	102 583,58	116,75	10 621,54
		c)	474,81	2 137,21	34,88			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	317,58	4 370,00	621,13	2 361,24	103 175,39	52 840,87
		b)	1 888,24	2 083,19	250,11	614 920,63	699,85	63 669,07
		c)	2 846,15	12 811,15	209,06			
2.250	Lychees ex 0810 90 30	a)	496,36	6 830,06	970,80	3 690,49	161 257,44	82 587,35
		b)	2 951,22	3 255,91	390,92	961 086,98	1 093,83	99 511,25
		c)	4 448,38	20 023,11	326,75			



**COMMISSION REGULATION (EC) No 1080/1999**  
of 26 May 1999  
revising the provisional supply balance in sugar for the Azores, Madeira and the  
Canary Islands for the 1998/99 marketing year provided for in Council Regula-  
tions (EEC) Nos 1600/92 and 1601/92

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

Having regard to Council Regulation (EEC) No 1600/92  
of 15 June 1992 concerning specific measures for the  
Azores and Madeira relating to certain agricultural prod-  
ucts <sup>(1)</sup>, as last amended by Commission Regulation (EC)  
No 562/98 <sup>(2)</sup>, and in particular Article 10 thereof,

Having regard to Council Regulation (EEC) No 1601/92  
of 15 June 1992 concerning specific measures for the  
Canary Islands with regard to certain agricultural prod-  
ucts <sup>(3)</sup>, as last amended by Regulation (EC) No 2348/  
96 <sup>(4)</sup>, and in particular Articles 3(4) and 7(2) thereof,

(1) Whereas, in accordance with Article 2 of Regula-  
tions (EEC) Nos 1600/92 and 1601/92, the forecast  
supply balance in sugar for the Azores, Madeira and  
the Canary Islands has been set for the 1998/99  
marketing year by Commission Regulation (EC)  
No 1321/98 <sup>(5)</sup>; whereas in application of that  
Article 2 and on the basis of new forecasts the

supply balance for the 1998/99 marketing year  
under these arrangements should now be revised;

(2) Whereas the measures provided for in this Regula-  
tion are in accordance with the opinion of the  
Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The third line in the Annex to Regulation (EC) No 1321/  
98, relating to the 1998/99 marketing year, is replaced by  
the following:

‘Canary Islands        63 000’

*Article 2*

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

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 1.

<sup>(2)</sup> OJ L 76, 13.3.1998, p. 6.

<sup>(3)</sup> OJ L 173, 27.6.1992, p. 13.

<sup>(4)</sup> OJ L 320, 11.12.1996, p. 1.

<sup>(5)</sup> OJ L 183, 26.6.1998, p. 27.

## COMMISSION REGULATION (EC) No 1081/1999

of 26 May 1999

**opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98 <sup>(2)</sup>, and in particular Article 12(1) thereof,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations <sup>(3)</sup>, as last amended by Regulation (EC) No 2435/98 <sup>(4)</sup>, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations <sup>(5)</sup>, and in particular Article 1(1) thereof,

(1) Whereas, in the framework of the World Trade Organisation (WTO), the Community has undertaken to open two annual tariff quotas each for 5 000 head for bulls, cows and heifers other than for slaughter of the mottled Simmental breed and of the Schwyz and Fribourg breeds and for cows and heifers other than for slaughter of the grey, brown, yellow and mottled Simmental breeds and of the Pinzgau breed at rates of customs duty of 6 % and 4 % respectively; whereas those quotas should be opened on a multiannual basis for twelve-month periods commencing on 1 July, hereinafter referred to as 'the year of import', and detailed rules should be laid down for their application;

(2) Whereas there should be a guarantee in particular of equal and continuing access to the said quotas for all interested operators within the Community

and of uninterrupted application of the customs duties laid down for those quotas to all imports of the animals in question until the quotas are exhausted;

(3) Whereas experience has shown that limiting imports may lead to speculative import licence applications; whereas, in order to ensure that the planned measures function properly, the greater part of the quantities available should be allocated to 'traditional' importers of bulls, cows and heifers of specified Alpine and mountain breeds; whereas in certain cases administrative errors by the competent national body are liable to restrict the access of importers to that part of the quota; whereas provision should be made to remedy any resulting prejudice;

(4) Whereas, in order to avoid forcing trade relations in this sector into an excessively rigid mould, a second tranche should be made available to importers who are able to show that they are engaged in genuine trade of some scale with third countries; whereas, in this connection and with a view to efficient management, the operators concerned must be required to have imported at least 15 head in the 12 months preceding the year of import in question; whereas a batch of 15 animals in principle constitutes a normal load and experience shows that the sale or purchase of a single batch is a minimum requirement for a transaction to be considered genuine and viable;

(5) Whereas, with a view to verifying compliance with these criteria, applications must be submitted in the Member State where the importer is registered for VAT purposes;

(6) Whereas, in order to prevent speculation, 'traditional' operators no longer engaged in trade in beef and veal at 1 June prior to the year of import in question should be denied access to the quota;

(7) Whereas provision should be made for import rights to be allocated after a period of consideration and subject, where applicable, to the application of a uniform percentage reduction;

<sup>(1)</sup> OJ L 148, 28.6.1968, p. 24.

<sup>(2)</sup> OJ L 210, 28.7.1998, p. 17.

<sup>(3)</sup> OJ L 328, 30.12.1995, p. 31.

<sup>(4)</sup> OJ L 303, 13.11.1998, p. 1.

<sup>(5)</sup> OJ L 146, 20.6.1996, p. 1.

- (8) Whereas provision should be made for the arrangements to be administered by means of import licences; whereas, to that end, provision should be made in particular for detailed rules on the way applications are to be submitted and on the particulars to be shown in applications and on licences, if necessary by way of derogation from, or by supplementing, certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products<sup>(1)</sup>, as last amended by Regulation (EC) No 1044/98<sup>(2)</sup>, and Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80<sup>(3)</sup>, as last amended by Regulation (EC) No 2365/98<sup>(4)</sup>;
- (9) Whereas Article 82 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(5)</sup>, as last amended by Regulation (EC) No 82/97<sup>(6)</sup>, provides for customs supervision of goods released for free circulation at a reduced rate of duty on account of their end-use; whereas the animals imported should be monitored for a certain period to ensure they are not slaughtered during that time; whereas, in order to ensure that slaughter does not take place during that period, a security should be required to cover the difference between the common customs tariff (CCT) duty and the reduced duty applicable on the date of release for free circulation of the animals in question;
- (10) Whereas Commission Regulation (EC) No 1012/98 of 14 May 1998 opening and providing for the administration of tariff quotas for the import of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine and mountain breeds<sup>(7)</sup>, as amended by Regulation (EC) No 1143/98<sup>(8)</sup>, must be repealed;
- (11) Whereas, with a view to ensuring that the animals imported are not slaughtered for a certain period, Article 7(2) and (3) of Commission Regulation (EC) No 1143/98 of 2 June 1998 laying down detailed rules for a tariff quota for cows and heifers of specified mountain breeds originating in various third countries, other than for slaughter, and amending Regulation (EC) No 1012/98 provides for the animals imported to be identified in accordance with Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>(9)</sup> and for certain additional particulars; whereas, since those particulars are already compulsory, the two paragraphs in question should be deleted;
- (12) Whereas, for the sake of clarity, Article 2(1)(a) and Article 8(c) of Regulation (EC) No 1143/98 should be corrected;
- (13) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The following tariff quotas are hereby opened on a multiannual basis for periods running from 1 July to 30 June of the following year, each of which shall hereinafter be referred to as 'the year of import'.

Serial No	CN code <sup>(1)</sup>	Description	Quota volume (head of cattle)	Customs duty
09.0001	ex 0102 90 05 ex 0102 90 29 ex 0102 90 49 ex 0102 90 59 ex 0102 90 69	Cows and heifers other than for slaughter of the following mountain breeds: grey, brown, yellow and mottled Simmental breeds and Pinzgau breed	5 000	6 %

<sup>(1)</sup> OJ L 331, 2.12.1988, p. 1.

<sup>(2)</sup> OJ L 19, 26.1.1999, p. 4.

<sup>(3)</sup> OJ L 143, 27.6.1995, p. 35.

<sup>(4)</sup> OJ L 335, 10.12.1998, p. 39.

<sup>(5)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(6)</sup> OJ L 119, 7.5.1999, p. 1.

<sup>(7)</sup> OJ L 145, 15.5.1998, p. 13.

<sup>(8)</sup> OJ L 159, 3.6.1998, p. 14.

<sup>(9)</sup> OJ L 117, 7.5.1997, p. 1.

Serial No	CN code <sup>(1)</sup>	Description	Quota volume (head of cattle)	Customs duty
09.0003	ex 0102 90 05 ex 0102 90 29 ex 0102 90 49 ex 0102 90 59 ex 0102 90 69 ex 0102 90 79	Bulls, cows and heifers other than for slaughter of the following breeds: mottled Simmental breed and Schwyz and Fribourg breeds	5 000	4 %

<sup>(1)</sup> Taric code: see Annex I.

2. For the purposes of this Regulation, animals as referred to in paragraph 1 shall be deemed to be not for slaughter where they are not slaughtered within four months of the date of acceptance of the declaration of release for free circulation.

Derogations may, however, be granted in duly proven cases of *force majeure*.

3. To qualify under the tariff quota covered by serial No 09.0003, the following must be presented:

- for bulls: a pedigree certificate,
- for female animals: a pedigree certificate or a certificate of registration in a herdbook certifying the purity of the breed.

#### Article 2

1. The two quotas provided for in Article 1(1) shall be divided into two parts of 80 %, i.e. 4 000 head, and 20 %, i.e. 1 000 head.

- (a) The first part, equalling 80 %, of each quota shall be divided among Community importers who are able to furnish proof that they have imported animals under the quotas covered by serial No 09.0001 and/or No 09.0003 in the 36 months preceding the year of import in question.

However, the Member States may accept as a reference quantity import rights in respect of the previous year of import that have not been allocated because of an administrative error by the competent national body.

- (b) The second part, equalling 20 %, of each quota shall be reserved for applicants who can furnish proof that they have imported at least 15 live bovine animals covered by CN code 0102 from third countries in the 12 months prior to the year of import in question.

Importers must be entered in a national VAT register.

2. On the basis of the applications submitted for import rights, the first part shall be allocated to the various importers in proportion to their imports of

animals as referred to in the first subparagraph of paragraph 1(a) during the 36 months preceding the year of import in question.

3. On the basis of the applications submitted for import rights, the second part shall be allocated to the various importers as referred to in paragraph 1(b) in proportion to the quantities applied for by them.

Applications for import rights:

- must cover 15 head or more, and
- may not cover more than 50 head.

Applications for import rights covering more than 50 head shall be treated as covering that number only.

4. Proof of import shall be provided exclusively by means of customs documents of release for free circulation duly endorsed by the customs authorities.

Member States may accept copies of the above documents duly certified by the issuing authority where applicants are able to prove to the satisfaction of the competent authority that they are unable to obtain the originals.

#### Article 3

1. Importers who at 1 June prior to the year of import in question have ceased their activities in the beef and veal sector shall not qualify for any allocation under the first subparagraph of Article 2(1)(a).

2. Companies formed by the merger of undertakings each having rights pursuant to Article 2(2) shall enjoy the same rights as the undertakings from undertakings from which they have been formed.

#### Article 4

1. Applications for import rights may only be submitted in the Member State where the applicant is entered in a national VAT register.

2. Applicants may submit only one application each per quota and that application shall relate to one part of the quota only.

Where an applicant submits more than one application in respect of a quota, all applications from that applicant in respect of that quota shall be considered invalid.

3. For the purposes of Article 2(1)(a) and (b), applicants for import rights in respect of each serial number, together with the proof referred to in Article 2(4), must reach the competent authorities by 15 June prior to the relevant year of import.

4. After verifying the documents submitted, the Member States shall send the Commission the following by the 10th working day following the closing date for the submission of applications in respect of each serial number:

- as regards the allocation provided for in the first subparagraph of Article 2(1)(a), the list of importers meeting the conditions for acceptance, with their names and addresses and the numbers of animals imported during the period referred to in Article 2(2),
- as regards the allocation provided for in Article 2(1)(b), the list of applicants, with their names and addresses and the quantities applied for.

5. All notifications, including nil notifications, shall be sent by fax, using the forms in Annexes II and III where applications are submitted.

#### Article 5

1. The Commission shall decide what percentage of quantities applied for may be allocated.

2. As regards applications as referred to in the second indent of Article 4(4), where the quantities applied for exceed the quantities available, the Commission shall set a uniform percentage reduction in the quantities applied for.

Where the application of the uniform percentage reduction provided for in the first subparagraph results in less than 15 head being allocated per application, the allocation shall be made by the Member States concerned by drawing lots for batches of 15 head. Where the remainder is less than 15 head, that number shall constitute a single batch.

#### Article 6

1. Imports of the quantities allocated shall be subject to the presentation of one or more import licences.

2. Import licence applications may only be submitted to the competent authority of the Member State in which the applicant has applied for import rights.

3. After the Commission has notified the quantities allocated pursuant to Article 5(1), import licences shall be issued on application by and in the names of the traders who have obtained import rights.

4. Import licences shall be valid for 90 days from their date of issue within the meaning of Article 21(1) of Regulation (EEC) No 3719/88. However, licences may only be issued from 1 July of the year of import and their term of validity shall not extend beyond 30 June thereafter.

5. Licences issued shall be valid throughout the Community.

6. Without prejudice to the provisions of this Regulation, Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply.

7. Notwithstanding Article 9(1) of Regulation (EEC) No 3719/88, import licences issued pursuant to this Regulation shall not be transferable and shall only confer rights under the tariff quotas where they are made out in the names appearing in the accompanying declarations of release for free circulation.

8. Article 8(4) of Regulation (EEC) No 3719/88 shall not apply.

#### Article 7

1. Imported animals shall be monitored in accordance with Article 82 of Regulation (EEC) No 2913/92 to ensure that they are not slaughtered within four months of their release for free circulation.

2. With a view to ensuring that the obligation referred to in paragraph 1 not to slaughter imported animals is fulfilled and that duties not paid are collected where that obligation is not complied with, importers must lodge a security with the competent customs authorities. The security shall be equal to the difference between the customs duties laid down in the common customs tariff and the duties referred to in Article 1(1) applicable on the date of release for free circulation of the animals in question.

The securities shall be released immediately where proof is supplied to the customs authorities concerned that the animals:

- (a) have not been slaughtered within the four months following the date of their release for free circulation,
- or
- (b) have been slaughtered within that period for reasons of *force majeure* or for health reasons or have died of disease or as a result of an accident.

#### Article 8

Licence applications and licences shall show:

- (a) in box 8, the country of origin; licences shall carry an obligation to import from that country;
- (b) in box 16, the CN codes given in Annex I;
- (c) in box 20, one of the following:
- Razas alpinas y de montaña [Reglamento (CE) n° 1081/1999], año de importación: ...
  - Alpine racer og bjergracer (forordning (EF) nr. 1081/1999), importår: ...
  - Höhenrassen (Verordnung (EG) Nr. 1081/1999), Einfuhrjahr: ...
  - Αλπικές και ορεσίβιες φυλές [κανονισμός (ΕΚ) αριθ. 1081/1999], έτος εισαγωγής ...
  - Alpine and mountain breeds (Regulation (EC) No 1081/1999), Year of import: ...
  - Races alpines et de montagne [règlement (CE) n° 1081/1999], année d'importation: ...
  - Razze alpine e di montagna [regolamento (CE) n. 1081/1999], anno d'importazione: ...
  - Bergrassen (Verordening (EG) nr. 1081/1999), invoerjaar: ...
  - Raças alpinas e de montanha [Regulamento (CE) n.º 1081/1999], ano de importação: ...
  - Alppi- ja vuoristorotuja (Asetus (EY) N:o 1081/1999), tuontivuosi: ...
  - Alp- och bergraser (förrordning (EG) nr 1081/1999), importår: ...

#### Article 9

1. Quantities not covered by import licence applications at 15 March of the year of import shall be awarded under a final allocation in respect of that year, open only to importers who have applied for import licences covering the total quantity to which they are entitled, irrespective of the difference between the two arrangements provided for in Article 2(1)(a) and (b).

2. To that end, by 22 March of the year of import the Member States shall send the Commission details of quantities not covered by import licence applications received in respect of each serial number.

3. The Commission shall take a decision as quickly as possible as regards the quantities remaining.

4. Applications for import rights from interested importers as referred to in paragraph 1 must relate to 15 head.

Where applications are submitted for a higher number, they shall be treated as covering that number only.

5. Each applicant may submit a single application only per quota.

Where applicants submit more than one application per quota, all their applications in respect of that quota shall be inadmissible.

6. Applications for import rights must reach the competent authorities within five working days of the entry into force of the Commission decision referred to in paragraph 3.

7. By the seventh working day following the closing date for the submission of applications as provided for in paragraph 6, the Member States shall send the Commission a list of applicants and the quantities applied for in respect of each serial number.

8. For the purposes of this Article, Articles 5 to 8 shall apply *mutatis mutandis*.

#### Article 10

Regulation (EC) No 1012/98 is repealed.

#### Article 11

Regulation (EC) No 1143/98 is amended as follows:

1. The second subparagraph of Article 2(1)(a) is replaced by the following:

‘However, the Member States may accept as the reference quantity import rights in respect of the preceding year of import that were not allocated owing to an administrative error by the competent national body.’

2. Article 7(2) and(3) are deleted.

3. Article 8(c) is replaced by the following:

‘(c) in box 20, one of the following:

- Razas de montaña [Reglamento (CE) n° 1143/98], año de importación: ...
- Bjergracer (forordning (EF) nr. 1143/98), importår: ...
- Höhenrassen (Verordnung (EG) Nr. 1143/98), Einfuhrjahr: ...
- Ορεσίβιες φυλές [κανονισμός (ΕΚ) αριθ.], έτος εισαγωγής ...
- Mountain breeds (Regulation (EC) No 1143/98), Year of import: ...
- Races de montagne [règlement (CE) n° 1143/98], année d'importation: ...
- Razze di montagna [regolamento (CE) n. 1143/98], anno d'importazione: ...
- Bergrassen (Verordening (EG) nr. 1143/98), invoerjaar: ...
- Raças de montanha [Regulamento (CE) n.º 1143/98], ano de importação: ...
- Vuoristorotuja (Asetus (EY) N:o 1143/98), tuontivuosi: ...
- Bergraser (förrordning (EG) nr 1143/98), importår: ...”

*Article 12*

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

However, Article 10 shall apply from 1 July 1999 only.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

## Taric codes

Serial No	CN codes	Taric codes	
09.0001	ex 0102 90 05	0102 90 05*20 *40	
	ex 0102 90 29	0102 90 29*20 *40	
	ex 0102 90 49	0102 90 49*20 *40	
	ex 0102 90 59	0102 90 59*11 *19 *31 *39	
	ex 0102 90 69	0102 90 69*10 *30	
	09.0003	ex 0102 90 05	0102 90 05*30 *40 *50
		ex 0102 90 29	0102 90 29*30 *40 *50
		ex 0102 90 49	0102 90 49*30 *40 *50
		ex 0102 90 59	0102 90 59*21 *29 *31 *39
		ex 0102 90 69	0102 90 69*20 *30
ex 0102 90 79		0102 90 79*21 *29	



## ANNEX II

EC Fax No (32-2) 296 60 27/(32-2) 295 36 13

## Application of the first indent of Article 4(4) of Regulation (EC) No 1081/1999

COMMISSION OF THE EUROPEAN COMMUNITIES      DG VI/D/2 — BEEF AND VEAL SECTOR

## IMPORT RIGHTS APPLICATION

Date: ..... Period: .....

Member State: .....

Number of applicant (!)	Applicant (name and address)	Quantity (head) imported from to
Total		

Member State: Fax No: .....

Tel.: .....

(!) Continuous numbering.

ANNEX III

EC Fax No (32-2) 296 60 27/(32-2) 295 36 13

Application of the second indent of Article 4(4) of Regulation (EC) No 1081/1999

COMMISSION OF THE EUROPEAN COMMUNITIES      DG VI/D/2 — BEEF AND VEAL SECTOR

IMPORT RIGHTS APPLICATION

Date: ..... Period: .....

Member State: .....

Number of applicant <sup>(1)</sup>	Applicant (name and address)	Quantity (head)
Total		

Member State: Fax No: .....

Tel: .....

<sup>(1)</sup> Continuous numbering.

**COMMISSION REGULATION (EC) No 1082/1999**  
**of 26 May 1999**  
**amending Regulation (EC) No 1169/97 laying down detailed rules for the applica-**  
**tion of Council Regulation (EC) No 2202/96 introducing a Community aid**  
**scheme for producers of certain citrus fruits**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits <sup>(1)</sup>, as last amended by Regulation (EC) No 858/1999 <sup>(2)</sup>, and in particular Articles 2(2), 3(4), 6 and 8 thereof,

Regulation (EC) No 1169/97 is hereby amended as follows:

- (1) Whereas Article 5(2) of Regulation (EC) No 2202/96, lays down that the financial consequences of exceeding the processing thresholds laid down in paragraph 1 of that Article are postponed to the marketing year following that in which the overrun occurs; whereas the detailed rules for the application of Commission Regulation (EC) No 1169/97 <sup>(3)</sup>, as amended by Regulation (EC) No 1145/98 <sup>(4)</sup>, should be amended to reflect this new situation;
- (2) Whereas the equivalent period of 12 consecutive months referred to in Article 5 of Regulation (EC) No 2202/96, used to assess whether or not there has been an overrun of the processing threshold, must be laid down;
- (3) Whereas, in order to make the administration of multiannual contracts more flexible, the transfer should be permitted of a limited percentage of the quantity to be delivered in a delivery period to the previous or the subsequent delivery period in the same marketing year, provided that the total quantity provided for in the contract for that marketing year is respected;
- (4) Whereas experience with processing contracts has shown that, in order to achieve the objectives of the scheme, financial penalties need to be imposed where producer organisations do not supply the quantities provided for in a contract and, in particular, where they cancel a contract or fail to make any deliveries at all;
- (5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

1. the following paragraph 3 is added to Article 2:

'3. In a given marketing year, "the equivalent period" referred to in Article 5(2) of Regulation (EC) No 2202/96 shall run from:

- 1 August of the preceding marketing year to 31 July of the current marketing year for oranges,
- 1 October to 30 June of the current marketing year for mandarins, clementines and satsumas,
- 1 August of the preceding marketing year to 31 July of the current marketing year for grapefruit and pomelos,
- 1 April of the preceding marketing year to 31 March of the current marketing year for lemons;'

2. in Article 3(7), '1 June' is replaced by '1 July';

3. Article 5 is amended as follows:

— paragraph 1(b) is replaced by the following:

'(b) 1 July for lemons;'

— in paragraph 2, the first subparagraph is replaced by the following:

'2. In the case of contracts covering one marketing year, the quantity for each delivery period, within the meaning of Article 3(3)(d), may be amended by means of a written amendment, except for the quantity for the first delivery period,'

— paragraph 3 is replaced by the following:

'3. In the case of multiannual contracts, the quantity for each marketing year, within the meaning of Article 3(3)(c), may be amended by means of a written amendment. Such amendments shall show the identification number of the contract to which they relate. They shall be concluded before 1 July of the marketing year in question in the case of lemons and before 1 November of the marketing year in question in the case of other products. The quantities to be delivered in each marketing year as stipulated in such amendments may not differ by more than

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 49.

<sup>(2)</sup> OJ L 108, 27.4.1999, p. 8.

<sup>(3)</sup> OJ L 169, 27.6.1997, p. 15.

<sup>(4)</sup> OJ L 159, 3.6.1998, p. 29.

40 % from those originally laid down in the contract for that marketing year. The quantity to be delivered shall be broken down by delivery quarter from the start of the marketing year concerned.

A maximum of 25 % of the quantity to be delivered in each delivery period may be transferred to either the preceding or the subsequent delivery period by means of a single written agreement between the parties concerned for each period, provided that the total quantity for the marketing year concerned is respected.

The producer organisation shall forward the agreement to the body referred to in Article 6(1), ensuring that it reaches that body before the end of the period concerned in the case of transfer to the subsequent period and 30 days before the end of the preceding period in the case of transfer to the preceding period.;

4. Article 8(4) is replaced by the following:

'4. No later than 30 days after the start of the marketing year, the information specified in paragraphs 1 and 2 and a copy of the agreements referred to in paragraph 3 shall be forwarded to the body designated by the Member State in which the raw materials are harvested.;

5. Article 12 is replaced by the following:

*'Article 12*

Aid applications shall be submitted by the producer organisation per product and per delivery period to the body designated by the Member State on whose territory the raw materials were harvested.

A single aid application may be submitted per delivery period for a given basic product. In the case of clementines, separate aid applications must be drawn up for each potential use, that is for juice or segments.;

6. Article 13 is replaced by the following:

*'Article 13*

Each aid application for each product and for each delivery period, shall include *inter alia* the following:

- (a) the applicant's name and address;
- (b) the identification numbers of the contracts under which the product is delivered, specifying whether the contracts relate to one or more marketing years;
- (c) the quantity of product delivered under the contracts, including any amendments thereto, during the period concerned. That quantity shall be broken down by contract and according to the amount of the corresponding aid;
- (d) the quantity of product delivered otherwise than under contracts during the same period;

(e) the average prices applying, on the one hand, to products delivered under contracts, distinguishing between multiannual contracts and contracts covering one marketing year, and, on the other hand, to other products delivered otherwise than under contracts during the period concerned;

(f) a declaration by the producer organisation to the effect that products referred to in point (c) meet the quality criteria laid down in Article 9.;

7. Article 14 is replaced by the following:

*'Article 14*

Aid applications referred to in Article 13 shall be submitted to the competent body not later than 45 days following the end of the period concerned.;

8. Article 15 is replaced by the following:

*'Article 15*

1. The aid shall be paid by the competent body of the Member State in which the raw material was harvested once the supervisory body of the Member State in which processing takes place has established that the products covered by the application for the aid have been delivered to the processor.

Where processing takes place in another Member State, that Member State shall provide the Member State where the product is harvested with proof that the product has in fact been delivered.

No aid shall be granted for quantities in respect of which the requisite checks on the conditions under which the aid is granted have not been conducted.

2. Within 15 working days of receipt of the aid, the producer organisation shall pay in full by bank or postal transfer the amounts received to its members or, where the second and third indents of Article 11(1)(c)(3) of Regulation (EC) No 2200/96 apply, to the members of the other producer organisations and/or to the individual producers concerned. In cases as provided for in Article 4 of this Regulation, such payments may be credited.;

9. Article 18(2) is amended as follows:

- in the first subparagraph, point (e) is replaced by:
  - '(e) aid applications for each delivery period,'
- in point (a) in the second subparagraph, 'or an advance' is deleted;

10. Article 20 is amended as follows:

- paragraphs 1 and 2 are replaced by the following:
  - '1. If the aid for a product applied for by a producer organisation in respect of a delivery period is found to be greater than the amount due, the latter shall be reduced where the difference is the result of false declarations, false documents or serious negligence on the part of the producer organisation. That reduction shall be equal to twice the difference, plus interest calculated on the period elapsing between payment

and reimbursement of the amount unduly received by the recipient.

The rate of interest shall be that applied by the European Monetary Institute to transactions in euros, as published in the "C" series of the *Official Journal of the European Communities*, in force on the date of undue payment; plus three percentage points.

2. Where paragraph 1 is applied, if the difference between the aid actually paid and the aid due exceeds 20 % of the latter, the recipient shall reimburse the total aid paid, plus interest calculated in accordance with that paragraph; if that difference exceeds 30 %, the producer organisation shall also forfeit any entitlement to production aid in the following marketing year.;

- in paragraph 7, 'or advance' is deleted,
- the following paragraph 8 is added:

'8. Where a processing contract is cancelled, either in full or in part, before its expiry, the signatory producer organisation shall reimburse 40 % of the aid received for that contract, plus interest calculated in accordance with the second subparagraph of paragraph 1.

In addition, in the case of multiannual contracts:

- a producer organisation which cancels, in full or in part, one or more contracts during the same marketing year may not conclude a multiannual contract pursuant to Regulation (EC) No 2206/96 for three marketing years from the time the competent body of the Member State concerned notes such cancellation,
- failure to deliver a product during one of the marketing years covered by a contract shall imply cancellation of that contract.;

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

Done at Brussels, 26 May 1999.

11. Article 22(1) is replaced by the following:

'1. Each Member State concerned shall notify the Commission of:

- (a) the quantity of each product covered by contracts for the current marketing year, broken down by delivery period and type of contract, by:
  - (i) 15 August in the case of lemons;
  - (ii) 15 December in the case of other products;
- (b) the quantity of each product delivered for processing pursuant to Regulation (EC) No 2202/96 during the periods referred to in Article 2(3), by:
  - (i) 1 May of the current marketing year in the case of lemons;
  - (ii) 1 September of the current marketing year in the case of other products.;

12. Article 23 is replaced by the following:

*'Article 23*

As regards grapefruit and pomelos, whether or not the processing threshold laid down in Article 5 of Regulation (EC) No 2202/96 for the 1999/2000 marketing year has been exceeded shall be assessed on the basis of the average quantities processed pursuant to Regulation (EC) No 2202/96 during the 1997/98 and 1998/99 marketing years.'

*Article 2*

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

It shall apply from the 1999/2000 marketing year.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## COMMISSION REGULATION (EC) No 1083/1999

of 26 May 1999

**amending Regulation (EEC) No 1617/93 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices concerning joint planning and coordination of schedules, joint operations, consultations on passenger and cargo tariffs on scheduled air services and slot allocation at airports**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 3 thereof,

Having published a draft of this Regulation<sup>(2)</sup>,

Having consulted the Advisory Committee on Agreements and Dominant Positions in Air Transport,

- (1) Whereas Regulation (EEC) No 3976/87 empowers the Commission to apply Article 81(3) ex Article 85(3) of the Treaty by regulation to certain categories of agreements, decisions and concerted practices in air transport falling under Article 81(1), which cover, among others, joint planning and coordination of airline schedules, consultation on tariffs for the carriage of passengers and baggage and of freight on scheduled air services, joint operations on new less-busy scheduled air services, and slot allocation at airports and airport scheduling;
- (2) Whereas by Regulation (EEC) No 1617/93<sup>(3)</sup>, as last amended by Regulation (EC) No 1523/96<sup>(4)</sup>, the Commission granted a block exemption for the aforementioned matters; whereas that Regulation was applicable until 30 June 1998;
- (3) Whereas before 30 June 1998 the Commission initiated extensive investigations with the aim of verifying the extent to which the four subject matters of air transport covered by Regulation (EEC) No 1617/93 should continue to be exempted; whereas the economic operators

concerned were requested to take stock of the practices in which they are currently engaged in each of the four areas covered by that Regulation and to communicate the extent to which it is possible for new entrants to enter the markets;

- (4) Whereas the results of this investigation and the consultation of the economic operators currently available allow for the conclusion that an extension of the block exemption for agreements on joint planning and coordination of schedules as well as agreements on joint operations is not advisable; whereas this conclusion follows from the finding that such agreements, particularly in the case of alliances, comprise a wider commercial such as bilateral consultation on tariffs which could not be exempted pursuant to Regulation (EEC) No 1617/93; whereas the applicability of Regulation (EEC) No 1617/93 should therefore not be extended for these two matters, without prejudice to the possibility whereby the undertakings may apply for an individual exemption pursuant to Article 81(3);
- (5) Whereas the investigations on agreements and concerted practices on consultations on tariffs for carrying passengers and their baggage on scheduled air services and slot allocation at airports could not be completed in time for the adoption and publication of a new regulation before 30 June 1998;
- (6) Whereas, in the interests of legal certainty for the undertakings concerned, and in order to draw conclusions from the current investigations with a view to a new regulation to be adopted by 30 June 2001, it is appropriate to extend until that date the applicability of the provisions of Regulation (EEC) No 1617/93 on tariff consultations for passengers with baggage and slot allocations at airports;
- (7) Whereas Regulation (EEC) No 1617/93 should therefore be amended accordingly,

<sup>(1)</sup> OJ L 374, 31.12.1987, p. 9.

<sup>(2)</sup> OJ C 369, 28.11.1998, p. 2.

<sup>(3)</sup> OJ L 155, 26.6.1993, p. 18.

<sup>(4)</sup> OJ L 190, 31.7.1996, p. 11.

HAS ADOPTED THIS REGULATION:

*Article 2*

*Article 1*

Regulation (EEC) No 1617/93 is hereby amended as follows:

1. in Article 1, the first and second indents are deleted;
2. Articles 2 and 3 are deleted;
3. in Article 6, point (ii) is deleted;
4. in Article 7, '30 June 1998' is replaced by '30 June 2001'.

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

It shall apply with effect from 1 July 1998.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1084/1999**  
**of 26 May 1999**  
**establishing the list of competent authorities referred to in Article 2 of Council**  
**Regulation (EC) No 900/1999 prohibiting the sale and supply of petroleum and**  
**petroleum products to the Federal Republic of Yugoslavia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 900/1999 of 29 April 1999 prohibiting the sale, supply and export of petroleum and petroleum products to the Federal Republic of Yugoslavia <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas it is necessary to establish a list of competent authorities that may authorise the sale, supply or export of petroleum and petroleum products for the purposes and under the conditions laid down in Article 2(1) of Council

Regulation (EC) No 900/1999, and that should receive the notifications referred to in Article 2(2) of that Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of competent authorities referred to in Article 2 of Council Regulation (EC) 900/1999 shall be established as indicated in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 26 May 1999.

*For the Commission*

Leon BRITTAN

*Vice-President*

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<sup>(1)</sup> OJ L 114, 1.5.1999, p. 7.



## ANNEX

**Names and addresses of competent authorities referred to in Article 2 of Council Regulation (EC) 900/1999**

## BELGIUM

Ministerie van Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking  
Directie-generaal van de Buitenlandse Economische en Bilaterale Betrekkingen  
Dienst 'Centraal en Oost-Europa' (B 13)  
De heer Filip David  
Karmelietenstraat 15  
B-1000 Brussel

Ministère des affaires étrangères, du commerce extérieur et de la coopération au développement  
Direction générale des relations économiques et bilatérales extérieures  
Service 'Europe centrale et orientale' (B 13)  
M. Filip David  
rue des Petits Carmes 15  
B-1000 Bruxelles  
Tel. (32 2) 501 81 64  
Fax (32 2) 501 88 27

## DENMARK

Erhvervsfremmestyrelsen  
Tine Friis Hansen  
Tagensvej 137  
DK-2200 København N  
Tel. (45) 35 86 86 86  
Fax (45) 35 86 86 87

## GERMANY

Bundesausfuhramt  
Referat 214, Herr Pietsch  
Frankfurter Straße 29-35  
D-65760 Eschborn  
Tel. (49 6196) 908 689  
Fax (49 6196) 908 412

## GREECE

Κύριος Γεώργιος Χριστοφής  
Πληρεξούσιος Υπουργός Β'  
Γραφείο Κυρώσεων  
Βασιλίσσης Σοφίας 1, 7<sup>ος</sup> όροφος  
GR-106 71 Αθήνα

Mr. George Christofis,  
Minister Plenipotentiary B'  
Sanctions Bureau  
1, Vasilissis Sofias, 7<sup>th</sup> floor  
GR-106 71 Athens  
Tel. (30 1) 368 42 07  
Fax (30 1) 368 42 06

## SPAIN

Ministerio de Economía y Hacienda  
Secretaría General de Comercio Exterior  
Paseo de la Castellana, No 162  
E-28046 Madrid  
Tel. (34) 913 49 38 60  
Fax (34) 914 57 28 63

## FRANCE

Direction générale des douanes et des droits indirects  
Bureau E/2 — Cellule Embargo  
M<sup>lle</sup> Diane Foreau  
23 bis, rue de l'Université  
F-75700 Paris Cedex 07 S.P.  
Tel.: (33 1) 44 74 48 93  
Fax: (33 1) 44 74 48 97

## IRELAND

Licensing Unit (Mr Michael Greene)  
Department of Enterprise, Trade and Employment  
Kildare Street  
Ireland  
Dublin 2  
Tel. (353 1) 631 24 46  
Fax (353 1) 676 61 54  
e-mail: greenem@entemp.irlgov.ic

## ITALY

Ministero del Commercio con l'Estero  
Direzione generale per la politica commerciale e per la gestione del regime degli scambi  
Divisione IV (UOPAT)  
Dr. Borghese  
Viale Boston 25  
I-00144 Roma  
Tel. (39 06) 59 64 75 34  
Fax (39 06) 59 64 75 06  
e-mail: INFO@MincomesIT

## LUXEMBOURG

Office des Licences  
M. A. Paulus  
BP 113  
L-2011 Luxembourg  
Tel. (352) 478 23 70  
Fax (352) 46 61 38  
e-mail: andre.paulus@mae.etat.lu

## NETHERLANDS

Ministerie van Economische Zaken  
Directoraat-generaal van de Buitenlandse Economische Betrekkingen  
Directie Handelspolitiek en Investeringsbeleid  
Afdeling Exportcontrole en Sanctiebeleid (BEB/DHI/ES)  
mw. drs. C.M. van Dantzig  
Postbus 20101  
2500 EC Den Haag  
Netherlands  
Tel. (31 70) 379 63 57 / 63 80  
Fax (31 70) 379 73 92  
e-mail: e.m.vandantzig@minez.nl

## AUSTRIA

Bundesministerium für wirtschaftliche Angelegenheiten, Gruppe II.a  
Landstraßer Hauptstraße 55-57  
A-1030 Wien  
Tel. (43 1) 711 02 / 361  
Fax (43 1) 715 83 47

## PORTUGAL

Ministério da Economia  
Direcção Geral das Relações Económicas Internacionais  
Alice Rodrigues/José Gomes  
Avenida da República, 79  
P-Lisboa  
Tel. (351 1) 791 19 43  
Fax (351 1) 796 37 23

## FINLAND

Ulkoasiainministeriö  
PL 176  
SF-00161 Helsinki  
Tel. (358-9) 1341-5555  
Fax (358-9) 629-840  
Utrikesministeriet  
PL 176  
SF-00161 Helsingfors  
Tel. (358 9) 1341 5555  
Fax (358 9) 629 840

## SWEDEN

Regeringskansliet  
Utrikesdepartementet  
Rättssekretariatet för EU-frågor  
Fredsgatan 6  
S-103 39 Stockholm  
Tel. (46 8) 405 10 00  
Fax (46 8) 453 66 99

## UNITED KINGDOM

Export Policy Unit  
Department of Trade and Industry  
Kingsgate House  
66-74, Victoria Street  
London SW1E 6SW  
Tel. (44 171) 215 89 98  
Fax (44 171) 215 85 19

## EUROPEAN COMMUNITY

European Commission  
Directorate-General I  
Mr A. de Vries,  
DM24 5/75  
rue de la Loi/wetstraat  
B-1044 Brussel/Bruxelles  
Tel. (32-2) 295 68 80  
Fax (32-2) 295 73 31  
e-mail: [anthonius.de-vries@dg1.cec.be](mailto:anthonius.de-vries@dg1.cec.be)

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**COMMISSION REGULATION (EC) No 1085/1999**  
**of 26 May 1999**  
**fixing the minimum selling prices for beef put up for sale under the invitation to**  
**tender referred to in Regulation (EC) No 837/1999**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98 <sup>(2)</sup>, and in particular Article 7(3) thereof,

- (1) Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 837/1999 <sup>(3)</sup>;
- (2) Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 <sup>(4)</sup>, as last amended by Regulation (EC) No 2417/95 <sup>(5)</sup>, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 837/1999 for which the time limit for the submission of tenders was 17 May 1999 are as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

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

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<sup>(1)</sup> OJ L 148, 28.6.1968, p. 24.  
<sup>(2)</sup> OJ L 210, 28.7.1998, p. 17.  
<sup>(3)</sup> OJ L 106, 23.4.1999, p. 2.  
<sup>(4)</sup> OJ L 251, 5.10.1979, p. 12.  
<sup>(5)</sup> OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos (*)	Precio mínimo expresado en euros por tonelada
Medlemsstat	Produkter (*)	Mindestpreise i EUR/ton
Mitgliedstaat	Erzeugnisse (*)	Mindestpreise ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα (*)	Ελάχιστες πωλήσεις εκφραζόμενες σε Ευρώ ανά τόνο
Member State	Products (*)	Minimum prices expressed in EUR per tonne
État membre	Produits (*)	Prix minimaux exprimés en euros par tonne
Stato membro	Prodotti (*)	Prezzi minimi espressi in euro per tonnellata
Lidstaat	Producten (*)	Minimumprijzen uitgedrukt in euro per ton
Estado-membro	Produtos (*)	Preço mínimo expresso em euros por tonelada
Jäsenvaltio	Tuotteet (*)	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter (*)	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

FRANCE	— Quartiers avant	—
	— Quartiers arrière	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

IRELAND	— thick flank (code INT 12)	3 350
	— topside (code INT 13)	1 480
	— silverside (code INT 14)	—
	— rump (code INT 16)	1 368
	— flank (code INT 18)	—
	— fore rib (code INT 19)	3 305
	— shoulder (code INT 22)	—
	— brisket (code INT 23)	—
	— forequarter (code INT 24)	—

(\*) Véanse los anexos V y VII del Reglamento (CEE) n.º 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n.º 2812/98 (DO L 349 de 24.12.1998, p. 47).

(\*) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24.12.1998, s. 47).

(\*) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24.12.1998, S. 47).

(\*) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24.12.1998, σ. 47).

(\*) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2812/98 (OJ L 349, 24.12.1998, p. 47).

(\*) Voir annexes V et VII du règlement (CEE) n.º 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n.º 2812/98 (JO L 349 du 24.12.1998, p. 47).

(\*) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4.9.1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24.12.1998, pag. 47).

(\*) Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24.12.1998, blz. 47).

(\*) Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24.12.1998, p. 47).

(\*) Katso komission asetukset (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2812/98 (EYVL L 349, 24.12.1998, s. 47) liitteen V ja VII.

(\*) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2812/98 (EGT L 349, 24.12.1998, s. 47).

**COMMISSION REGULATION (EC) No 1086/1999**

of 26 May 1999

**fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EC) No 951/1999**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98<sup>(2)</sup>, and in particular Article 7(3) thereof,

- (1) Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 951/1999<sup>(3)</sup>;
- (2) Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79<sup>(4)</sup>, as last amended by Regulation (EC) No 2417/95<sup>(5)</sup>, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 951/1999 for which the time limit for the submission of tenders was 18 May 1999 are as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 148, 28.6.1968, p. 24.  
<sup>(2)</sup> OJ L 210, 28.7.1998, p. 17.  
<sup>(3)</sup> OJ L 118, 6.5.1999, p. 16.  
<sup>(4)</sup> OJ L 251, 5.10.1979, p. 12.  
<sup>(5)</sup> OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos (*)	Precio mínimo expresado en euros por tonelada
Medlemsstat	Produkter (*)	Mindestpreiser i EUR/ton
Mitgliedstaat	Erzeugnisse (*)	Mindestpreise ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα (*)	Ελάχιστες πωλήσεις εκφραζόμενες σε Ευρώ ανά τόνο
Member State	Products (*)	Minimum prices expressed in EUR per tonne
État membre	Produits (*)	Prix minimaux exprimés en euros par tonne
Stato membro	Prodotti (*)	Prezzi minimi espressi in euro per tonnellata
Lidstaat	Producten (*)	Minimumprijzen uitgedrukt in euro per ton
Estado-membro	Produtos (*)	Preço mínimo expresso em euros por tonelada
Jäsenvaltio	Tuotteet (*)	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter (*)	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	Vorder- und Hinterviertel, „compensés“	430
	Vorderviertel	400
	Hinterviertel	450
FRANCE	Quartiers compensés	—
	Quartiers avant	—
	Quartiers arrière	—

(\*) Véanse los anexos V y VII del Reglamento (CEE) n.º 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n.º 2602/97 (DO L 351 de 23.12.1997, p. 20).

(\*) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4), senest ændret ved forordning (EF) nr. 2602/97 (EFT L 351 af 23.12.1997, s. 20).

(\*) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2602/97 (ABl. L 351 vom 23.12.1997, S. 20).

(\*) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2602/97 (ΕΕ L 351 της 23.12.1997, σ. 20).

(\*) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2602/97 (OJ L 351, 23.12.1997, p. 20).

(\*) Voir annexes V et VII du règlement (CEE) n.º 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n.º 2602/97 (JO L 351 du 23.12.1997, p. 20).

(\*) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4.9.1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2602/97 (GU L 351 del 23.12.1997, pag. 20).

(\*) Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2602/97 (PB L 351 van 23.12.1997, blz. 20).

(\*) Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2602/97 (JO L 351 de 23.12.1997, p. 20).

(\*) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2602/97 (EYVL L 351, 23.12.1997, s. 20) liitteet V ja VII.

(\*) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2602/97 (EGT L 351, 23.12.1997, s. 20).

**COMMISSION REGULATION (EC) No 1087/1999**  
**of 26 May 1999**  
**fixing the minimum selling prices for beef put up for sale under the invitation to**  
**tender referred to in Regulation (EC) No 957/1999**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98<sup>(2)</sup>, and in particular Article 7(3) thereof,

- (1) Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 957/1999<sup>(3)</sup>;
- (2) Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79<sup>(4)</sup>, as last amended by Regulation (EC) No 2417/95<sup>(5)</sup>, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 957/1999 for which the time limit for the submission of tenders was 17 May 1999 are as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 148, 28.6.1968, p. 24.  
<sup>(2)</sup> OJ L 210, 28.7.1998, p. 17.  
<sup>(3)</sup> OJ L 119, 7.5.1999, p. 8.  
<sup>(4)</sup> OJ L 251, 5.10.1979, p. 12.  
<sup>(5)</sup> OJ L 248, 14.10.1995, p. 39.



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

Estado miembro	Productos (*)	Precio mínimo expresado en euros por tonelada
Medlemsstat	Produkter (*)	Mindestpreiser i EUR/ton
Mitgliedstaat	Erzeugnisse (*)	Mindestpreise ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα (*)	Ελάχιστες πωλήσεις εκφραζόμενες σε Ευρώ ανά τόνο
Member State	Products (*)	Minimum prices expressed in EUR per tonne
État membre	Produits (*)	Prix minimaux exprimés en euros par tonne
Stato membro	Prodotti (*)	Prezzi minimi espressi in euro per tonnellata
Lidstaat	Producten (*)	Minimumprijzen uitgedrukt in euro per ton
Estado-membro	Produtos (*)	Preço mínimo expresso em euros por tonelada
Jäsenvaltio	Tuotteet (*)	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter (*)	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

IRELAND	Forequarters	735
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b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

DANMARK	Interventionsbryst (INT 23)	—
IRELAND	Silverside (INT 14)	2 790
	Striploin (INT 17)	—
	Forerib (INT 19)	3 777
UNITED KINGDOM	Thick flank (INT 12)	2 500
	Topside (INT 13)	3 174
	Silverside (INT 14)	2 900
	Rump (INT 16)	3 200
	Striploin (INT 17)	5 102
	Forerib (INT 19)	2 705

(\*) Véanse los anexos V y VII del Reglamento (CEE) n.º 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n.º 2602/97 (DO L 351 de 23.12.1997, p. 20).

(\*) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4), senest ændret ved forordning (EF) nr. 2602/97 (EFT L 351 af 23.12.1997, s. 20).

(\*) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2602/97 (ABl. L 351 vom 23.12.1997, S. 20).

(\*) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2602/97 (ΕΕ L 351 της 23.12.1997, σ. 20).

(\*) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2602/97 (OJ L 351, 23.12.1997, p. 20).

(\*) Voir annexes V et VII du règlement (CEE) n.º 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n.º 2602/97 (JO L 351 du 23.12.1997, p. 20).

(\*) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4.9.1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2602/97 (GU L 351 del 23.12.1997, pag. 20).

(\*) Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2602/97 (PB L 351 van 23.12.1997, blz. 20).

(\*) Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2602/97 (JO L 351 de 23.12.1997, p. 20).

(\*) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2602/97 (EYVL L 351, 23.12.1997, s. 20) liitteet V ja VII.

(\*) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2602/97 (EGT L 351, 23.12.1997, s. 20).

**COMMISSION REGULATION (EC) No 1088/1999**

of 26 May 1999

**fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EC) No 959/1999**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98<sup>(2)</sup>, and in particular Article 7(3) thereof,

- (1) Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 959/1999<sup>(3)</sup>;
- (2) Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79<sup>(4)</sup>, as last amended by Regulation (EC) No 2417/95<sup>(5)</sup>, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 959/1999 for which the time limit for the submission of tenders was 18 May 1999 are as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 148, 28.6.1968, p. 24.  
<sup>(2)</sup> OJ L 210, 28.7.1998, p. 17.  
<sup>(3)</sup> OJ L 119, 7.5.1999, p. 16.  
<sup>(4)</sup> OJ L 251, 5.10.1979, p. 12.  
<sup>(5)</sup> OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos (*)	Precio mínimo expresado en euros por tonelada
Medlemsstat	Produkter (*)	Mindstepriser i EUR/ton
Mitgliedstaat	Erzeugnisse (*)	Mindestpreise ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα (*)	Ελάχιστες πωλήσεις εκφραζόμενες σε Ευρώ ανά τόνο
Member State	Products (*)	Minimum prices expressed in EUR per tonne
État membre	Produits (*)	Prix minimaux exprimés en euros par tonne
Stato membro	Prodotti (*)	Prezzi minimi espressi in euro per tonnellata
Lidstaat	Producten (*)	Minimumprijzen uitgedrukt in euro per ton
Estado-membro	Produtos (*)	Preço mínimo expresso em euros por tonelada
Jäsenvaltio	Tuotteet (*)	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter (*)	Minimipriser i euro per ton

**Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

IRELAND	— Intervention flank (INT 16)	—
	— Intervention shoulder (INT 22)	1 002
	— Intervention forequarter (INT 24)	1 220
UNITED KINGDOM	— Intervention forequarter (INT 24)	1 210
	— Intervention shoulder (INT 22)	1 122
	— Intervention brisket (INT 23)	750

(\*) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n° 2812/98 (DO L 349 de 24.12.1998, p. 47).

(\*) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24.12.1998, s. 47).

(\*) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24.12.1998, S. 47).

(\*) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24.12.1998, σ. 47).

(\*) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2812/98 (OJ L 349, 24.12.1998, p. 47).

(\*) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2812/98 (JO L 349 du 24.12.1998, p. 47).

(\*) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4.9.1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24.12.1998, pag. 47).

(\*) Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24.12.1998, blz. 47).

(\*) Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24.12.1998, p. 47).

(\*) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2812/98 (EYVL L 349, 24.12.1998, s. 47) liitteen V ja VII.

(\*) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2812/98 (EGT L 349, 24.12.1998, s. 47).

**COMMISSION REGULATION (EC) No 1089/1999**  
**of 26 May 1999**  
**fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EC) No 1638/98<sup>(2)</sup>, and in particular Article 3 (3) thereof,

Whereas Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72<sup>(3)</sup>, as last amended by Regulation (EEC) No 2962/77<sup>(4)</sup>;

Whereas Article 3 (3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 3 (4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world

market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 3 (3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender; whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 3 (3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

<sup>(1)</sup> OJ 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ L 210, 28.7.1998, p. 32.

<sup>(3)</sup> OJ L 78, 31.3.1972, p. 1.

<sup>(4)</sup> OJ L 348, 30.12.1977, p. 53.

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

Done at Brussels, 26 May 1999.

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

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ANNEX

to the Commission Regulation of 26 May 1999 fixing the export refunds on olive oil  
(EUR/100 kg)

Product code	Amount of refund (1)
1509 10 90 9100	0,00
1509 10 90 9900	0,00
1509 90 00 9100	0,00
1509 90 00 9900	0,00
1510 00 90 9100	0,00
1510 00 90 9900	0,00

(1) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ L 351, 14. 12. 1987, p 1), as well as for exports to third countries.

*NB:* The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

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**COMMISSION REGULATION (EC) No 1090/1999**  
**of 26 May 1999**  
**fixing the import duties in the rice sector**

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

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2831/98 <sup>(4)</sup>, and in particular Article 4(1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(3)</sup> OJ L 189, 30.7.1996, p. 71.

<sup>(4)</sup> OJ L 351, 29.12.1998, p. 25.

## ANNEX I

## Import duties on rice and broken rice

(EUR/t)

CN code	Duties <sup>(1)</sup>				
	Third countries (except ACP and Bangladesh) <sup>(2)</sup> <sup>(7)</sup>	ACP <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup>	Bangladesh <sup>(4)</sup>	Basmati India and Pakistan <sup>(5)</sup>	Egypt <sup>(6)</sup>
1006 10 21	(7)	83,41	121,01		188,03
1006 10 23	(7)	83,41	121,01		188,03
1006 10 25	(7)	83,41	121,01		188,03
1006 10 27	(7)	83,41	121,01		188,03
1006 10 92	(7)	83,41	121,01		188,03
1006 10 94	(7)	83,41	121,01		188,03
1006 10 96	(7)	83,41	121,01		188,03
1006 10 98	(7)	83,41	121,01		188,03
1006 20 11	210,90	69,48	101,11		158,18
1006 20 13	210,90	69,48	101,11		158,18
1006 20 15	210,90	69,48	101,11		158,18
1006 20 17	232,16	76,92	111,74	0,00	174,12
1006 20 92	210,90	69,48	101,11		158,18
1006 20 94	210,90	69,48	101,11		158,18
1006 20 96	210,90	69,48	101,11		158,18
1006 20 98	232,16	76,92	111,74	0,00	174,12
1006 30 21	431,74	138,72	200,96		323,81
1006 30 23	431,74	138,72	200,96		323,81
1006 30 25	431,74	138,72	200,96		323,81
1006 30 27	(7)	160,51	232,09		370,50
1006 30 42	431,74	138,72	200,96		323,81
1006 30 44	431,74	138,72	200,96		323,81
1006 30 46	431,74	138,72	200,96		323,81
1006 30 48	(7)	160,51	232,09		370,50
1006 30 61	431,74	138,72	200,96		323,81
1006 30 63	431,74	138,72	200,96		323,81
1006 30 65	431,74	138,72	200,96		323,81
1006 30 67	(7)	160,51	232,09		370,50
1006 30 92	431,74	138,72	200,96		323,81
1006 30 94	431,74	138,72	200,96		323,81
1006 30 96	431,74	138,72	200,96		323,81
1006 30 98	(7)	160,51	232,09		370,50
1006 40 00	(7)	49,58	(7)		114,00

<sup>(1)</sup> The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

<sup>(2)</sup> In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

<sup>(3)</sup> The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

<sup>(4)</sup> The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

<sup>(5)</sup> No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

<sup>(6)</sup> For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR 250 per tonne applies (Article 4a of amended Regulation (EC) No 1503/96).

<sup>(7)</sup> Duties fixed in the Common Customs Tariff.

<sup>(8)</sup> The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

## ANNEX II

## Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	( <sup>1</sup> )	232,16	494,00	210,90	431,74	( <sup>1</sup> )
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	343,66	279,67	390,51	422,39	—
(b) fob price (EUR/tonne)	—	—	—	362,28	394,16	—
(c) Sea freight (EUR/tonne)	—	—	—	28,23	28,23	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.



**COMMISSION REGULATION (EC) No 1091/1999**  
**of 26 May 1999**  
**amending the export refunds on syrups and certain other sugar sector products**  
**exported in the natural state**

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

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

Whereas the refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 904/1999 <sup>(3)</sup>;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 904/1999 to the information at present available to the

Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EC) No 904/1999 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

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

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<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 114, 1.5.1999, p. 17.

## ANNEX

to the Commission Regulation of 26 May 1999 amending the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— EUR/100 kg dry matter —
1702 40 10 9100	49,75 <sup>(2)</sup>
1702 60 10 9000	49,75 <sup>(2)</sup>
1702 60 80 9100	94,53 <sup>(4)</sup>
	— EUR/1 % sucrose × 100 kg —
1702 60 95 9000	0,4975 <sup>(1)</sup>
	— EUR/100 kg dry matter —
1702 90 30 9000	49,75 <sup>(2)</sup>
	— EUR/1 % sucrose × 100 kg —
1702 90 60 9000	0,4975 <sup>(1)</sup>
1702 90 71 9000	0,4975 <sup>(1)</sup>
1702 90 99 9900	0,4975 <sup>(1)</sup> <sup>(2)</sup>
	— EUR/100 kg dry matter —
2106 90 30 9000	49,75 <sup>(2)</sup>
	— EUR/1 % sucrose × 100 kg —
2106 90 59 9000	0,4975 <sup>(1)</sup>

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

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

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

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

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

**COMMISSION REGULATION (EC) No 1092/1999**  
**of 26 May 1999**  
**amending the rates of the refunds applicable to certain products from the sugar**  
**sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the rates of the refunds applicable from 1 May 1999 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 924/1999 <sup>(3)</sup>;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 924/1999 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 924/1999 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 May 1999.

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

Done at Brussels, 26 May 1999.

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

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<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 114, 1.5.1999, p. 50.

*ANNEX*

to the Commission Regulation of 26 May 1999 amending the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4(5)(b) of Regulation (EC) No 1222/94	6,19	6,19
— in all other cases	49,75	49,75

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 10 May 1999

**on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining for the period 18 January 1999 to 17 January 2002 the fishing opportunities and the financial contribution for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles**

(1999/341/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles<sup>(1)</sup>, signed in Brussels on 28 October 1987, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

- (1) Whereas the Community and the Republic of Seychelles have held negotiations with a view to determining amendments to be made to the above-mentioned Agreement at the end of the period of application of the Protocol in force which is annexed thereto;
- (2) Whereas, as a result of these negotiations, a new Protocol was initialled on 21 December 1998, by virtue of which Community fishermen are to enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Republic of Seychelles for the period 18 January 1999 to 17 January 2002;
- (3) Whereas, in order to avoid interruption of fishing activities by Community vessels, both parties have initialled an Agreement in the form of an Exchange of Letters providing for the provisional

application of the said Protocol from the day following the date of expiry of the Protocol previously in force;

- (4) Whereas the Agreement in the form of an Exchange of Letters should be approved subject to a definitive decision pursuant to Article 43 of the Treaty;
- (5) Whereas the method for allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the fisheries agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 18 January 1999 to 17 January 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the European Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

<sup>(1)</sup> OJ L 119, 7.5.1987, p. 26.

*Article 2*

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

(a) Tuna seiners:

- Spain: 25 vessels,
- France: 20 vessels,
- Italy: 1 vessel,
- United Kingdom: 1 vessel;

(b) Surface longliners:

- Spain: 20 vessels,
- France: 5 vessels,
- Portugal: 7 vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol,

the Commission may take into consideration licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 10 May 1999.

*For the Council*

*The President*

H. EICHEL

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## AGREEMENT

**in the form of an Exchange of Letters concerning the provisional application of the Protocol, defining, for the period 18 January 1999 to 17 January 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles**

### *A. Letter from the Republic of Seychelles*

Sir,

With reference to the draft Protocol, initialled on 21 December 1998 establishing the fishing opportunities and the financial contribution for the period 18 January 1999 to 17 January 2002, I have the honour to inform you that the Republic of Seychelles is ready to apply this Protocol on a provisional basis, with effect from 18 January 1999, pending its entry into force in accordance with Article 6 of the Protocol, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is to be paid by 31 October 1999.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Republic of Seychelles*

### *B. Letter from the Community*

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the draft Protocol, initialled on 21 December 1998 establishing the fishing opportunities and the financial contribution for the period 18 January 1999 to 17 January 2002, I have the honour to inform you that the Republic of Seychelles is ready to apply this Protocol on a provisional basis, with effect from 18 January 1999, pending its entry into force in accordance with Article 6 of the Protocol, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is to be paid by 31 October 1999.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to such provisional application of the Protocol.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council of the European Union*

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**PROTOCOL**

**defining for the period 18 January 1999 to 17 January 2002 the fishing opportunities and the financial contribution provided for by the agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles**

*Article 1*

Pursuant to Article 2 of the Agreement, and notwithstanding Article 12 of the Agreement relating to further periods of the Agreement, licences to fish simultaneously in Seychelles waters shall be granted to 47 ocean-going tuna seiners and 32 surface longliners for a period of three years beginning on 18 January 1999.

*Article 2*

The financial compensation referred to in Article 6 of the Agreement shall be fixed at EUR 2 300 000 per year. The first instalment shall be paid by 31 October 1999 and the other two on 31 May 2000 and 31 May 2001. The financial compensation corresponds to a catch of 46 000 tonnes of tuna per year in Seychelles' waters. If the catch by Community vessels in Seychelles' waters exceeds 46 000 tonnes, the Community shall increase the financial compensation proportionately.

*Article 3*

During the period referred to in Article 1, the European Community shall contribute an additional EUR 3 450 000 to finance measures described below, allocated as follows:

- EUR 1 950 000 for scientific and technical programmes in Seychelles to gain greater knowledge of fish stocks concerning the region of the Indian Ocean surrounding the Seychelles islands, particularly in respect of highly migratory species, and the purchase or maintenance or both, as Seychelles may think fit, of equipment to improve the administrative structure relating to fisheries in Seychelles;
- EUR 300 000 for study grants and practical training courses in the various scientific, technical and economic fields linked to fishing and for attending international meetings relating to fisheries;
- EUR 450 000 for setting up and developing a satellite tracking system;

- EUR 750 000 for the setting up of a fund aiming at developing the local longliners fleet.

These measures shall be decided by mutual agreement between the competent authorities of Seychelles and the European Community.

All the amounts indicated shall be paid as they are used into an account indicated by the authorities of Seychelles.

The Seychelles Fisheries Agency (SFA) shall transmit an annual report on the implementation of these measures and the results achieved to the Delegation of the Commission of the European Communities in charge of Seychelles, three months after the anniversary date of the Protocol. The Commission of the European Communities reserves the right to request additional information on these results from the SFA and to review the payments concerned in the light of the actual implementation of the measures.

*Article 4*

If the European Community fails to make the payments provided for in Articles 2 and 3, the implementation of this Protocol may be suspended.

*Article 5*

The Protocol and Annex I, dated 17 January 1996, to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, which came into force on 28 October 1987, are hereby repealed and replaced by this Protocol and Annex I.

*Article 6*

This Protocol and Annex I shall enter into force on the date of their signature.

This Protocol and Annex I shall apply from 18 January 1999.



## ANNEX

## ANNEX I

**CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN SEYCHELLES' WATERS****1. Licence application and issuing formalities**

The procedure for applications for, and issue of, licences enabling Community vessels to fish in Seychelles' waters shall be as follows:

- 1.1. the Commission of the European Communities shall present to the Seychelles Fishing Authority, via its representative for Seychelles, an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the form provided for that purpose by Seychelles, a specimen of which is annexed as Appendix 1;
- 1.2. every licence shall be issued for one designated vessel. At the request of the Commission of the European Communities, the licence for a vessel may, and, in cases of *force majeure*, will be replaced by a licence for another Community vessel;
- 1.3. the licences shall be delivered by the authorities of Seychelles to the shipowners, or their representatives or agents. The representative of the Commission of the European Communities shall be notified of the licences granted by the authorities of Seychelles;
- 1.4. the licence document must be held on board at all times; however, on reception of notification of payment of the advance sent to the Seychellese authorities by the Commission of the European Communities, the vessel shall be entered on a list of vessels authorised to fish, which shall be sent to the Seychelles authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board;
- 1.5. the authorities of Seychelles shall communicate before the date of entry into force of the Agreement the arrangements for payment of the licence fees, and in particular the details of the bank accounts and the currencies to be used.

**2. Validity of licences and payment**

- 2.1. Licences shall be valid for a period of one year. They are renewable.
- 2.2. The fee shall be set at EUR 25 per tonne caught within Seychelles' waters.

Licences shall be issued following advance payment to Seychelles of a lump sum, per year and for each vessel, of EUR 7 500 for tuna seiners, EUR 1 375 for surface longliners of more than 150 GRT and EUR 1 000 for surface longliners of 150 GRT or less, equivalent to the fees for respectively 300 tonnes, 55 tonnes and 40 tonnes caught within Seychelles' waters per year.

- 2.3. Surface longliners shall, before the starting of their fishing campaign in Seychelles' waters and at the end of it, call into Port Victoria to check the catches held on board. However, at the request of the shipowner, the Seychelles authorities might exempt the vessel of that requirement.

Fishing licences for surface longliners shall authorise the fishing of not only tuna but also swordfish, marlin and sailfish.

- 2.4. The Seychelles Fishing Authority (SFA) will draw up a statement of fees due in respect of the previous calendar year on the basis of catch declarations by Community vessels and other information in the possession of the SFA.

The statement will be sent to the Commission before 31 March of the current year, which transmitted it before 15 April simultaneously to shipowners and national authorities of the concerned Member States.

Where the shipowners do not agree with the statement submitted by the SFA, they may consult the scientific institutes competent for verifying catch statistics such as Institut Français de Recherche Scientifique pour le Développement en Coopération (ORSTOM) or the Spanish Oceanographical Institute (IEO), and thereafter discuss together with the Seychelles authorities to establish the final statement before 15 May of the current year. In the absence of observations by the shipowners at that date, the statement submitted by the SFA is considered as the final one.

The Member States will notify the Commission of the final statement relating to their own fleet.

Shipowners shall make any additional payment above the advance to the Seychelles fisheries authorities at the latest by May 31 of the same year.

Where the final statement is less than the abovementioned advance, the balance shall not be recoverable by the shipowner.

### 3. Declaration of catches

- 3.1. The Community vessels licensed to fish in Seychelles' waters shall complete a fishing form as set out in Appendix 2 and 3, for each fishing trip it undertakes in Seychelles' waters. In the absence of catches, the fishing forms shall still be filled in.
- 3.2. For the periods for which a Community vessel referred to in point 3.1. was not present in Seychelles' waters, it shall provide the abovementioned fishing form with the notation "Outside Seychelles' EEZ".
- 3.3. As far as the release of the fishing forms referred to in points 3.1. and 3.2. is concerned, the Community vessels shall:
  - in the case they call into Port Victoria, submit the completed forms to the Seychelles authorities within five days of arrival, or in any event before it leaves port, whichever occurs first;
  - in any other case, send the completed forms to the Seychelles authorities within 14 days of arrival in any port other than Victoria.

Copies of these fishing forms must also be sent to the scientific institutes referred to in point 2.4.

- 3.4. In the event of failure to comply with these provisions, the sanctions referred to in point 10 will be applicable.

### 4. Observers

Tuna seiner vessels shall, at the request of the Seychelles' authorities, take on board a qualified observer designated by the said authorities in order to check the position of the vessel and catches made in Seychelles' waters. Observers shall have all facilities necessary for the performance of these duties, including access to places, documents and communication equipments. An observer must not be present for longer than the time required to fulfil his duties. Observers shall be granted officer status while on board. Should a tuna seiner with a Seychellois observer on board leave Seychelles' waters, every step will be taken to ensure that the observer returns to Seychelles as soon as possible, at the shipowners' expense.

### 5. Employment of seamen

Each tuna seiner shall take on board at least two Seychelles seamen designated by the Seychelles' authorities, in agreement with the shipowners, during its fishing campaign. The employment contracts of the seamen shall be drawn up in Victoria between the shipowners' representatives and the seamen in agreement with the Seychelles Ministry responsible for Employment. This contract shall cover the social security arrangements applicable to the seamen including life, accident and sickness insurance.

### 6. Landing

Tuna seiners landing in the port of Victoria will endeavour to make their by-catches available to the Seychellois authorities at the local market prices. Furthermore the Community tuna seiners shall participate in supplying tuna to the Seychelles canneries at international market prices.

**7. Communications**

Within three hours of each entry and exit of the zone and every three days during their fishing activities in Seychelles' waters, Community vessels shall communicate directly to the Seychelles' authorities, in priority by fax or, in the event of failure, by radio their position and the volume of catches held on board.

The number of the fax and radio frequency shall be indicated on the licence.

A copy of the communications by fax or a record of the radio communications referred to above shall be kept by the Seychelles' authorities and the shipowners until the approval by both parties of the final statement of the fees referred to in point 2.4.

In the event of failure to comply with these provisions, the sanctions referred to in point 10 will be applicable.

**8. Fishing zone**

To avoid any adverse effect on small-scale fisheries in Seychelles' waters, fishing by Community vessels shall not be authorised in the zones defined in Seychelles regulations nor within three miles around any fish-aggregating device placed by the Seychelles' authorities, the geographical positions of which have been communicated to the shipowners' representative or agent.

**9. Port equipment and use of supplies and services**

Community vessels shall endeavour to procure in Seychelles all supplies and services required for their operations. The Seychelles' authorities will lay down, in agreement with the shipowners, the conditions for using port equipment and, if necessary, supplies and services.

**10. Sanctions**

Failure to observe any one of the above rules, the management and conservation of living resources measures or the Seychelles legislation may be penalised by suspension, revocation or non-renewal of the vessel's fishing licence. Suspension or revocation of a fishing licence shall be regarded as *force majeure* for the purpose of point 1.2. of this Annex.

The Commission of the European Communities will immediately be fully informed of any suspension or revocation and of all the relevant facts related thereto.

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Appendix 1

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant: .....

Address of applicant: .....

.....

Name and address of charterer of vessel if different from above: .....

.....

Name and address of other legal representative in Seychelles: .....

.....

Name and address of master of vessel: .....

.....

Name of vessel: .....

Type of vessel: .....

Length and registered net tonnage of vessel: .....

Engine type, horsepower and gross registered tonnage: .....

Port and country of registry: .....

Registration number: .....

Fishing vessel external identification: .....

Radio call sign/signal letters: .....

Frequency: .....

Particulars of equipment: .....

Number and nationality of crew: .....

.....

Proposed fishing area and species of fish: .....

.....

Description of fishing operations, joint ventures and other contractual arrangements:

.....

.....

.....

.....

I certify that the above particulars are correct. ....

Date: ..... Signature: .....

\_\_\_\_\_



Appendix 3

STATEMENT OF CATCH FOR SURFACE LONGLINERS

Name of vessel: ..... Skipper's name: .....

Date of setting: ..... / ..... / ..... Start of trip: ..... / ..... / ..... at: ..... / ..... / .....

Trip number: ..... Setting number: .....

Wind direction: .....	Force: ..... (Beaufort)
Sea conditions: .....	Swell: .....
Surface temperature: .....°C	Current: speed: ..... Direction: .....
Moon: New moon + ..... days	Moon rises: ..... (0-24 h)
	Moon sets: ..... (0-24 h)

Setting details

Start time: ..... Finishing time: .....

Section	Position	Heading	Speed	Remarks
Depart: radio buoy No 1				
Radio buoy No 2				
Radio buoy No 3				
Radio buoy No 4				
Radio buoy No 5				
Radio buoy No 6				
Radio buoy No 7				

Number of hooks: .....
Length: buoy lines: ..... Branch lines: .....
Length of line: .....
Recorded depth of the line (sounder): .....
Bait: Shrimp: ..... % Mackerel: ..... % : ..... %

## Details of catch

	Time (0-24 h)	Latitude	Longitude
Start of turn			
End of turn			

Species	Number	Estimated unit weight	Total weight	Number of fish eaten
Swordfish (*)				
Yellowfin (**)				
Bigeye (**)				
Marlin (**)				
Sailfish (*)				
Seabream (*)				
Shark				
Other (give details)				
Total weight				

Total weight of catch landed (weighed)

(\*) VDK.

(\*\*) with head, gilled.

State the type of weight used (VAT, VDK, whole) if different from that specified.

# COMMISSION

## COMMISSION DECISION

of 30 September 1998

concerning aid which Austria plans to grant to Agrana Stärke GmbH to build and convert starch production facilities

(notified under document number C(1998) 3023)

(Only the German text is authentic)

(1999/342/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 regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>,

Having invited interested parties to submit their comments in accordance with Article 93(2) of the EC Treaty,

Having taken account of those comments,

Whereas:

### I

- (1) Austria notified the Commission by letter dated 28 June 1996 (recorded as received on 2 August 1996) in accordance with Article 93(3) of the EC Treaty of an aid measure for Agrana Stärke-GmbH, Hollandstraße 2, 1020 Vienna (Agrana). Additional information was submitted by letters dated 18 September and 14 November 1996, 29 January, 7 March and 11 June 1997 (recorded as received on 19 September and 18 November 1996, 31 January, 12 March and 16 June 1997 respectively).
- (2) Austria wrote to the Commission on 20 December 1996 (letter recorded as received on 23 December 1996) requesting the procedural separation of the

two aid measures which are the subjects of this procedure. The three remaining aid measures of the project as originally notified were approved by the Commission by letter SG(97) D/461 of 23 January 1997 (N 517/96).

- (3) The measures in question relate to investments by the company Agrana in the starch sector. The measures involve aid for (a) converting a high-pressure soaking facility for maize starch to standard technology and increasing its capacity from [...] (\*) to [...] (\*) and (b) investing in a [...] (\*) with an annual capacity of [...] (\*) while closing down the existing obsolete, lower-capacity plant, both of these measures being at the Aschach site. According to Austria's notification the aid amounts to ATS 57,4 million (ECU 4,13 million), corresponding to an aid intensity of 20 % of the investment costs [...] (\*).
- (4) Agrana has already completed the investments. At present Austria, in accordance with Article 93 of the EC Treaty, has neither approved nor paid the notified aid.

### II

- (5) The Commission after an initial examination of the notification decided to open the procedure under Article 93(2) of the EC Treaty.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 126, 24.5.1996, p. 37.

(\*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets and marked with an asterisk.



- (6) That decision was communicated to the Austrian Government by letter dated 18 August 1997 and published in the *Official Journal of the European Communities*<sup>(3)</sup>. In the decision the Commission invited the other Member States and interested parties to submit their comments on the aid in question.
- (7) In the decision the Commission expressed its doubts concerning the compatibility of the aid with the common market. The Commission noted that under the current selection criteria for the grant of State aid the investments in question were ineligible<sup>(4)</sup>. In addition, the aid was not in conformity with the Community Guidelines on State aid for rescuing and restructuring firms in difficulty<sup>(5)</sup> in that it would aid the expansion of production capacity in a sector displaying structural overcapacity in the relevant market in the Community. Lastly, the Commission doubted whether the aid was actually necessary since Agrana had already completed the investments and the respective plants had officially commenced operation in spring 1997.
- (8) Austria informed the Commission of its position on the initiation of proceedings by letter dated 18 September 1997.
- (9) The Italian and Spanish Governments submitted their comments by letter dated 12 December 1997. The Fachverband der Stärkeindustrie e.V., the Association des amidonneries de céréales de l'UE and the Asociación de Transformadores de Maiz por Vía Húmeda submitted their comments by letters dated 5, 9 and 12 December 1997 respectively. They mainly supported the argument that the Community starch market was in overcapacity and as a result aid for the expansion of capacity was excluded by Community law. The aid measures proposed would distort trade conditions to the detriment of Agrana's competitors.
- (10) Austria responded to those comments in a letter dated 12 February 1998.

## III

- (11) Austria argues that the selection criteria under Decision 94/173/EC and the Guidelines for restructuring aid should not be applied to the State aid project in question.
- (12) The view that the selection criteria according to Decision 94/173/EC do not permit investments in cereal starch is, according to Austria, not correct as regards the aid project in question. Article 16(5) of Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products<sup>(6)</sup> permits State aid provided it is compatible with Articles 92, 93 and 94 of the EC Treaty. Point VII.D.1 of Annex XV to the Act of Accession expressly states that when applying Article 16(5) Regulation (EC) No 951/97 with respect to Austria and Finland, the Commission will proceed in accordance with Declaration No 31 on the processing industry in Austria and Finland of the Final Act. That Declaration states that flexibility will be used where transitional national aid schemes designed to facilitate restructuring are concerned. The Commission, when assessing this particular case, should not therefore merely apply the aid rules which would normally be applicable.
- (13) With regard to the interpretation of the term 'flexible' and to the question whether it permits aid for an investment having the effect of increasing production capacity, Austria refers to the opinion of the Commission on the accession of Austria, in which the difficult situation of the Austrian starch industry is mentioned, and to point VII.D.1 of Annex XV to the Act of Accession which, in its original version assuming Norway to become a Member State, stipulated that when applying Article 16(5) of Regulation (EEC) No 951/97 the Commission could authorise Norway to grant national aids on condition that the production capacity in the said sector was not increased. With regard to Austria and Finland, the Commission would implement those provisions in accordance with Declaration No 31 of the Final Act. The conclusion *e contrario* would be that the general condition for national restructuring aid in sectors with overcapacity, i.e. a reduction in capacity, should not apply to Austria.

<sup>(3)</sup> OJ C 342, 12.11.1997, p. 4.

<sup>(4)</sup> See Commission 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 90/342BEC (OJ L 79, 23.3.1994, p. 29).

<sup>(5)</sup> OJ C 283, 19.9.1997, p. 2.

<sup>(6)</sup> OJ L 91, 6.4.1990, p. 1; recast by Council Regulation (EC) No 951/97 (OJ L 142, 2.6.1997, p. 22); in the following reference is made only to Regulation (EC) No 951/97.

- (14) The beneficiary's need to adjust does not arise from its poor performance but from the radically altered economic conditions resulting from Austria's accession. Before accession the Austrian starch industry was prevented from being competitive because exports of Community starch to Austria were heavily subsidised while exports by Austrian companies to the Community were made practically impossible by prohibitive import levies. The aid would therefore not worsen the economic situation of starch producers in other Member States in comparison to the situation which existed before Austria's accession.
- (15) The above indicates that the only provisions applicable to the present measure are Article 92(3)(c) of the EC Treaty in conjunction with Article 151(1) of the Act of Accession and point VII.D.1 of Annex XV to the Act of Accession as well as Declaration No 31 in conjunction with the Commission's opinion on the accession of Austria. According to Article 92(3)(c) of the EC Treaty, the Commission may approve aid to facilitate the development of certain economic areas where such aid does not adversely affect trading conditions to an extent contrary to the public interest.
- (16) The aid should therefore be regarded as serving the adjustment of a specific sector. Without that adjustment the undertaking would not be competitive. The trading conditions would not be adversely affected to an extent contrary to the public interest: starch producers in the Member States have benefited from Austria's accession and this positive change in trading conditions would in no way be diminished or even overcompensated for by the aid project in question. A greater demand for starch products on the Austrian market is to be anticipated (paper and fermentation sector) and the planned production increase could therefore be absorbed by the Austrian market.
- (17) Moreover, the aid is necessary. The investment decision was taken only after notification to the Commission and in reliance on domestic political commitments. The aid in question is subject of negotiations between Austria and the Commission for nearly three years. In view of the need for structural adjustment, it would seem unreasonable to expect a company fighting for its survival in the common market to stand idly by waiting for a decision while its economic existence is being seriously threatened. The Commission would have been in no doubt whether the investment project would not also have been carried out without the aid if Austria had actually already granted the aid.
- (18) The conclusion that because Agrana belongs to a group of companies Austria could expect that group to invest unlimited funds in a particular sector is unjustified. Even if the Commission considered the status of Agrana with a view to the group of companies it is part of, the notified investment project would not have been economically viable without the aid and the more likely outcome would have been the liquidation of the company. The aid rate of 20 % is low and would enable the company to expect profits at the earliest in seven years.
- (19) Moreover, the aid does not affect trading conditions to an extent contrary to the public interest. In fact, Austria's accession to the European Union brought benefits to starch producers in the other Member States; the Community does not have to incur expenditure in refunds for starch exports to Austria anymore. In addition, imports of starch products to Austria after accession increased by a total of some 46 % in 1995 and 1996, and the share of Member States accounted for around 96 % of that. That situation would scarcely change, especially because the aid rate would be low. The increase in production volume, a mere 1 % of Community starch production, can be absorbed by the increasing demand from the paper and fermentation industry in Austria.
- IV
- (20) The investments in question are being undertaken in the maize-to-starch processing area. Starch obtained from maize as well as its saccharification-products are products covered by Regulation (EEC) No 1766/92. Article 19 of that Regulation stipulates that Articles 92, 93 and 94 of the EC Treaty apply to the products covered by it.
- (21) Article 92(1) of the EC Treaty prohibits any aid which meets the criteria set out in it (State aid). Therefore, in a first step it must be examined whether the notified aid measure constitutes State aid within the meaning of Article 92(1) of the EC Treaty.
- (22) The aid is to be granted in the form of a direct subsidy by Austria and there is therefore no doubt that the relevant criteria of Article 92(1) are satisfied. Also the aid benefits a particular company in

that Agrana is to receive 20 % of the relevant investment costs. As results from the judgment of the Court of Justice of the European Communities of 17 September 1980 in Case C-730/79 (Philip Morris v Commission)<sup>(7)</sup> the strengthening of the economic position of an undertaking by means of State aid normally indicates distortion of competition in relation to competing undertakings.

(23) As regards the criterion of adversely affecting trade Austria has, as detailed above, disputed the contention that such would be the consequence of the aid. The Commission cannot accept Austria's arguments. In assessing that criterion, the fact that Austria's accession to the European Community had a positive impact on starch producers in the Member States is irrelevant. According to Article 92 of the EC Treaty, the existence or otherwise of a distortion of trade must be judged purely on the basis of the circumstances of the aid in question. According to the judgment of the Court of Justice of 21 March 1990 in Case C-142/87 (*Tubemeuse*)<sup>(8)</sup> even the relatively small aid rate or the slight increase in production capacity does not exclude the possibility of trade being affected. Indeed the affectation of trade is, similar to the distortion of competition, indicated since the aid envisaged by Austria would strengthen Agrana's position in relation to competitors in intra-Community trade<sup>(9)</sup>.

(24) There is a substantial volume of intra-Community trade in starch. The following table shows that Austria imports a major proportion of starch from other Member States. Austria has an annual domestic production of some 180 000 tonnes and has achieved a current degree of self-sufficiency of 55 %.

	1995	1996	1997 (11 months)
Wheat starch	2 742	3 090	2 414
Maize starch	10 516	22 698	18 446
Potato starch	527	2 287	3 268
Modified starch and dextrin	41 573	52 693	44 851
Total	55 358	80 768	68 979

(25) Since there is a structural production surplus of 20 % on the Community market there are no free market segments and starch producers in the Member States are therefore in a tense competition situation. This situation exists not only on the Community market but also on markets in third countries to which the surpluses are exported with the aid of export refunds.

(26) Under the scheme of the EC Treaty, the prohibition in Article 92(1) is followed by exemptions in Article 92(2) and (3).

(27) The exemptions listed in Article 92(2) of the EC Treaty are inapplicable given the nature of the aid measure in question and its objectives. Austria has in fact not submitted that Article 92(2) is applicable.

(28) Article 92(3) specifies the circumstances under which State aids which can be considered to be compatible with the common market. Their compatibility with the common market must be assessed from the point of view of the Community and not that of an individual Member State. In the interest of the functioning of the common market and having regard to Article 3(g) of the EC Treaty, the exemptions laid down in Article 92(3) from the prohibition of State aid must be interpreted restrictively.

(29) With regard to Article 92(3)(a), it has to be noted that the investment projects are not located in a region where pursuant to the Guidelines on national regional aid<sup>(10)</sup> the economic situation is extremely unfavourable in relation to the Community as a whole (per capita gross domestic product measured in purchasing power standards of less than 75 % of the Community average).

(30) With regard to Article 92(3)(b), it should be found that the aid in question is not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in Austria's economy.

(31) The aid is, moreover, neither intended to achieve nor suitable for achieving the objectives contained in Article 92(3)(d).

<sup>(7)</sup> [1980] ECR 2671, paragraphs 11 and 12.

<sup>(8)</sup> [1990] ECR, I-959, paragraph 43.

<sup>(9)</sup> See footnote 7.

<sup>(10)</sup> OJ C 74, 10.3.1998, p. 9.

- (32) Austria has not submitted that the above exemptions are applicable.

**Community Guidelines on State aid for rescuing and restructuring firms in difficulty**

- (33) In accordance with the Guidelines, restructuring aid may, if it meets the conditions laid down in them, be considered to contribute to the development of certain economic sectors within the meaning of Article 92(3)(c) of the EC Treaty, without adversely affecting trading conditions to an extent contrary to the common interest.
- (34) It should be noted at this point that Austria does not submit that the admissibility of the present aid measure results from these Guidelines.
- (35) The Commission had already pointed out on the occasion of the initiation of the procedure that if restructuring aid is granted in a market characterised by structural overcapacity the Guidelines demand a reduction in capacity, in absence of which the aid is contrary to the public interest<sup>(1)</sup>.
- (36) The starch market is characterised by structural overcapacity, which in consequence necessitates the grant of export refunds and the sector's exclusion from eligibility for investment aids.
- (37) While the investments subject to the present aid measure are intended to achieve a restructuring of the company concerned, which would, in accordance with the Guidelines become competitive in the long term, the grant award is not conditional upon a reduction in production capacity but, on the contrary, will contribute to a substantial increase in production capacity.
- (38) The above arguments demonstrate that the Guidelines do not constitute a legal basis for approving the aid in question.

**Regulation (EC) No 951/97**

- (39) Austria has, as explained above, disputed the applicability of the selection criteria set out in the Annex to Decision 94/173/EC. Pursuant to Article 16(5) of Regulation (EC) No 951/97 Member States may grant investment aid for the processing and marketing of products listed in Annex II to the EC

Treaty provided the aid is compatible with Articles 92, 93 and 94 of the EC Treaty. With regard to the application of Articles 92, 93 and 94, the Commission has adopted the Guidelines for State aid in connection with investments in the processing and marketing of agricultural products<sup>(12)</sup> which refer to the selection criteria set out in Decision 94/173/EC. The first indent of point 2.1 of the Annex to that Decision stipulates that investments in the cereals sector in cereal starch facilities are excluded.

- (40) It follows that the said provisions not only do not constitute a legal basis for approving the aid measure; as the aid relates to investments in the production of starch from cereals it would be explicitly excluded from State aid and would be considered to be incompatible with the common market.
- (41) In this regard, Austria argues that the above legal basis has been altered by point VII.D.1 of Annex XV to the Act of Accession in conjunction with Declaration No 31 of the Final Act and the Commission's opinion on Austria's accession application in so far that aid may be regarded as compatible with the common market under Article 92(3)(c) of the EC Treaty even if its effect is to expand production capacity.
- (42) Article 151(1) of the Act of Accession stipulates that the acts listed in Annex XV to the Final Act apply in respect of the new Member States under the conditions laid down in that Annex. Point VII.D.1 of Annex XV to the Act of Accession provides that Regulation (EEC) No 866/90 and hence Regulation (EC) No 951/97<sup>(13)</sup> shall be applicable in the new Member States. With regard to the application of Article 16(5) of the said Regulation, which stipulates that Articles 92, 93 and 94 of the EC Treaty apply to the field of application of the Regulation, it is laid down that the Commission is to implement those provisions with regard to Austria and Finland in accordance with Declaration No 31 of the Final Act. Declaration No 31 reads in this regard:

'[The Contracting Parties agree on the following: . . .] flexibility on transitional national aid schemes designed to facilitate restructuring.'

<sup>(1)</sup> Points 3.2.2 (ii) and 3.2.5 (a) of the Guidelines.

<sup>(12)</sup> OJ C 29, 2.2.1996, p. 4.

<sup>(13)</sup> See footnote 6.

- (43) The question arises whether application of the above provisions leads to the admissibility of aid linked to an expansion of production capacity in sectors excluded by Decision 94/173/EC.
- (44) As a preliminary the Commission notes that the opinion Austria is referring to is not a legal document but a political document and therefore of restricted value for the examination of the case at hand.
- (45) It should be noted furthermore that, as the Court of Justice has held in Case C-730/79 (Philip Morris)<sup>(14)</sup>, in considering the possibility of an exemption from Article 92(1) under Article 92(3) of the EC Treaty, the Commission is granted a certain margin of discretion. That discretion the Commission is to use on the basis of a comprehensive social and economic appraisal of the impact of the aid on the Community. In doing so Declaration No 31, which Austria has adduced to support its arguments, must be taken into account and indeed has led in three previous cases to the approval of aid which would have been excluded pursuant to the 'normal' State aid regime (see: Austria N 445/B/95<sup>(15)</sup>, Finland N 14/96<sup>(16)</sup> and Austria N 517/96). The Commission, in Case N 517/96, accepted three aid projects in favour of Agrana which involved investments in the potato starch sector. In that decision the Commission relied on Declaration No 31 in the Final Act but also on the fact that the investments could not possibly entail an increase in production capacity since the potato starch sector is governed by a quota system by virtue of Council Regulation (EC) No 1868/94 of 27 July 1994 establishing a quota system in relation to the production of potato starch<sup>(17)</sup>. It is therefore not correct that the Commission, despite Declaration No 31, 'simply applies the rules which it otherwise applies to aid'.
- (46) The present aid measure differs from the above cases in that it involves an expansion of production capacity in a sector which is not regulated by a quota system and is characterised by structural overcapacity.
- (47) Austria claims that the original wording of point VII.D.1 of Annex XV to the Act of Accession (when Norway was still an applicant country) indicates *a contrario* that, in contrast to Norway, capacity reductions were not a precondition for the admissibility of investment aid for Austria (and Finland). Point D originally had a first indent and read as follows:
- [...] When applying Article 16(5) [of Regulation (EEC) 866/90], the Commission:
- may authorise Norway to grant, for the three years which follow its accession, national aids to investments in any sector of products falling within Annex II to the EC Treaty and in need of being restructured, on condition that the production capacity of the said sector is not increased,
  - will implement these provisions with respect to Austria and Finland in accordance with Declaration No 31 set out in the Final Act.'
- (48) The Austrian argumentation *a contrario* must be rejected where *ipso interpretatione* the automatic result appears to be the admissibility of expansions in production capacity regardless of the merits of each individual case. In fact, such a result would be tantamount to divesting the flexibility referred to in Declaration No 31 of its meaning. Also, it is noted that the above provision which includes the reference to Norway has in this form not become part of Community law.
- (49) Rather, the Commission, in the framework of the comprehensive examination which includes Declaration No 31, is called upon to consider whether the aid is likely to promote the development of an economic sector or area without affecting trading conditions to an extent contrary to the common interest.
- (50) With regard to the development of the economic sector, the Commission assumes that such would be the effect of the aid. As a result of its expansion of capacity, Agrana should succeed in significantly reducing the ratio of fixed costs to production volume and thereby become competitive. The Commission accepts that Agrana's previous production capacity would not have been enough to guarantee its long-term competitiveness.

<sup>(14)</sup> See Philip Morris (footnote 7), paragraph 24.

<sup>(15)</sup> As regards the effectiveness of a provision (see for instance judgment of the Court of Justice in Case C-34/62, *Germany v. Commission* [1963] ECR 271.

<sup>(16)</sup> See footnote 5, points 3.2.3 and 3.2.4.

<sup>(17)</sup> OJ L 197, 30.7.1994, p. 4.

(51) The Commission also took account of the fact that, with the accession of Austria to the European Community, Agrana no longer had the protective economic conditions from which it had previously benefited. Since Austria was not granted any transitional aid through the Act of Accession in the starch sector the economically unfavourable cost structure of Agrana had an immediate impact following Austria's accession.

(52) With regard to the impact of the aid on trading conditions and common interest, it has already been shown that there is intra-Community trade in starch. Starch producers in other Member States which export to Austria may find their competitive position on the Austrian market affected by Agrana's capacity, expansion or may be exposed to intensified competition on other markets. In so far as Austria puts forward the possibility of new outlets for starch created by the Austrian paper and citric acid industry, it is reasonable to assume that starch producers from other Member States will be interested to covering these new or growing market segments without having aid to a competitor alter competitive conditions to their disadvantage since the Austrian starch market has already been penetrated.

(53) Also, an aid which is to provide a stimulus to compensate for the positive impact of increasing demand on the existing market disequilibrium by increasing production capacity appears to be problematic. Such an aid would not be covered by Declaration No 31 because it contorts its aim and scope beyond what could still be considered reasonable in terms of distortion of competition with a view to the common organisation of market in cereals<sup>(18)</sup>. This result is also coherent with the approach the Commission has adopted in the Guidelines on State aid for rescuing and restructuring which foresee flexibility as regards assisted areas and small and medium-sized enterprises (SMEs)<sup>(19)</sup>. Whilst not as such applicable to the present case the notion of flexibility as defined in those Guidelines is of value in a systematic context.

<sup>(18)</sup> In this case investment aid was granted to restructure the marketing sector and restrict capacity in the sugar sector, which is excluded from investment aid.

<sup>(19)</sup> In this case capacity restrictions were made a condition for investment aid to restructure the production sector.

In the Guidelines, flexibility is specified to mean a latitude in determining the extent of the capacity reduction but does on no account confer the power allow for a capacity increase.

(54) It is the Commission's opinion that the aid affects trading conditions to an extent contrary to the common interest by helping to increase supply in a market marked by limited demand and thereby distorts competition. It should be noted that the problem of surpluses in the common agricultural policy has been countered by the Guidance Section of the European Agricultural Guidance and Guarantee Fund in that it has not made available any part-financing for investments in the concerned sector since July 1980.

(55) In addition, the aid would indirectly contribute to an aggravation of a situation in which Community funds are used for exporting the surplus of over demand in starch of about 20 % to third countries.

(56) Therefore, and notwithstanding the flexibility clause in Declaration No 31, the Commission considers the aid to be incompatible with the common market pursuant to Article 92(3)(c) of EC Treaty.

#### Necessity of the aid

(57) A further element which leads the Commission to reject applicability of Article 92(3)(c) of the EC Treaty is that Agrana has already completed the investments and that respective facilities are operational.

(58) Pursuant to Article 92(3)(c) and to the case-law of the Court of Justice<sup>(20)</sup> aid can only be considered to facilitate the development of a sector if, without it, the free play of market forces would not persuade potential beneficiaries to act so as to bring about the development of the sector.

(59) Setting aside that principle would mean permitting aid in situations where competition itself ensures the optimum allocation of resources and provides for the development of the sector. Such aid would mean granting to the companies concerned unjustified trading advantages by improving their financial position without providing a stimulus to invest. For that reason the Commission tends to regard retroactive investment aid as operating aid and the resultant effect on trade as contrary to the common interest as embodied in Article 92(3)(c).

<sup>(20)</sup> See Philip Morris (footnote 7), point 17.

- (60) If the Article 93 procedure is not to be rendered futile, a potential aid recipient cannot normally entertain legitimate expectations of a positive Commission decision before the aid examination procedure is complete. That principle must particularly apply to aids for which the Commission has a degree of discretion which is not circumscribed through secondary legislation (guidelines, frameworks).
- (61) In particular, political commitments made by the national government or the national authorities of a Member State to the potential beneficiary<sup>(21)</sup> cannot engage the Commission and neither can they create legitimate expectations on the part of the potential beneficiary.
- (62) In the light of the above arguments, Agrana can be said to have acted 'at its own risk' in carrying out the investments. If the owners of Agrana could not have had legitimate expectations as to a positive decision about the notified aid, and if consequently Agrana in accordance with the requirements of good commercial practice, must be presumed to have at least taken into consideration the opposite outcome, namely a Commission decision not to allow the aid then the completion of the investments is circumstantial evidence for the opinion of Agrana's owners that the investments would pay off even without the aid.
- (63) By way of a subsidiary observation the Commission considers the definition of an 'undertaking' used by Austria to be too narrow in this context. Theoretically, the Commission has substantiated that conception in its decision to initiate proceedings by referring to the 'market economy investor principle'<sup>(22)</sup> and has stated that a private holding company or group of enterprises can be expected to pursue a structural, global or sectoral policy guided by a longer-term view of profitability and therefore to make decisions at group level in a wider financial context and may therefore inject new capital to ensure the survival of a company experiencing temporary difficulty but which could be expected to return to profit after restructuring.
- (64) In the course of the proceedings Austria has not adduced any arguments which would persuade the Commission to dismiss that conclusion.
- (65) Austria's argument to the effect that the owners of Agrana cannot be expected to invest unlimited funds in a specific sector is not convincing, and neither does the economically isolated view of Agrana as advocated by Austria accord with economic reality.
- (66) The Commission noted when initiating the procedure that the economic data initially supplied by the Austrian authorities related only to Agrana and ignored its financial links with an international holding company, Agrana Beteiligungs-AG. Agrana is 98,75 %-owned by Agrana Beteiligungs-AG and the latter is linked to another large group, Deutsche Südzucker AG, by a capital holding. Deutsche Südzucker AG has 50 % of the voting capital in Agrana Beteiligungs-AG. Agrana Beteiligungs-AG's accounts for the 1995/96, 1996/97 and 1997/98 financial years showed increasing annual profits after tax and it is pursuing an international strategy which is reflected in holdings in eastern Europe. Deutsche Südzucker AG is also internationally active and had an appreciably increased consolidated annual profit for the 1996/97 financial year.
- (67) Regardless of the organisational independence of Agrana Beteiligungs-AG, Agrana and the other subsidiaries and regardless of the absence of civil law claims by Agrana on Agrana Beteiligungs-AG to assume the former's losses, it would be economically unreasonable for the owners of a company to act without considering its economic options.
- (68) In view of the resultant spectrum of economic opportunities (particularly regarding the temporal perspectives of the investment), which was broader than the one the deficit Agrana, if regarded in isolation, would have disposed of, it cannot be doubted that the owners of Agrana decided in favour of the option which they regarded as financially appropriate under the given circumstances, which included uncertainty as to the grant of the aid. The hypothesis that it would have been more probable that the company would have been liquidated out of financial considerations had there been no aid proves to be inaccurate given the actual decision taken.

<sup>(21)</sup> Austrian letter of 13 February 1998 and points 3 and 4.5 of Austria's letter of 14 November 1996.

<sup>(22)</sup> See in this respect Commission Communication of 17 September 1984: Application of Articles 87 and 88 of the EC Treaty to public authorities' holdings (Bulletin EC 9-1984) and Commission Communication to the Member States on the application of Articles 87 and 88 of the EC Treaty and Article 5 of Commission Directive 80/723/EEC to public undertakings in the manufacturing sector (OJ C 307, 13.11.1993, p. 3).

(69) In conclusion, the aid should be considered an operating aid covered by the prohibition on State aid under Article 92(1) of the EC Treaty which does not qualify for one of the derogations set out in Article 92(2) and (3) of the EC Treaty. The aid is therefore incompatible with the common market,

HAS ADOPTED THIS DECISION:

*Article 1*

The aid plan notified by Austria, according to which aid is to be granted to Agrana Stärke-GmbH, Hollandstraße 2, 1020 Wien, for the following investments in Aschach in the starch production sector:

- (a) converting a high-pressure soaking facility for maize starch to standard technology and increasing its capacity from [...] (\*) tonnes to [...] (\*) tonnes of maize per day;
- (b) investing in a saccharification line using maize starch as the raw material with an annual capacity of [...] (\*) tonnes dry matter,  
at an intensity of 20 % of the investment costs is incompatible with the common market.

The aid plan does not qualify for any of the exemptions from the prohibition of State aid as listed in Article 92(2) and (3) of the EC Treaty. It may not therefore be implemented.

*Article 2*

This Decision is addressed to the Republic of Austria.

Done at Brussels, 30 September 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION DECISION

of 25 May 1999

**amending Decision 97/468/EC on drawing up provisional lists of third country establishments from which the Member States authorise imports of wild game meat**

*(notified under document number C(1999) 1373)*

**(Text with EEA relevance)**

(1999/343/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (1) Whereas provisional lists of establishments producing wild game meat have been drawn up by Commission Decision 97/468/EC <sup>(3)</sup>;
- (2) Whereas Tunisia has sent a list of establishments producing wild game meat and for which the responsible authorities certify that the establishment is in accordance with the Community rules;
- (3) Whereas a provisional list of establishments producing wild game meat can thus be drawn up for Tunisia;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The text of the Annex to this Decision is added to the Annex of Decision 97/468/EC.

*Article 2*

This Decision shall apply from 25 May 1999.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 25 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 243, 11.10.1995, p. 17.

<sup>(2)</sup> OJ L 289, 28.10.1998, p. 36.

<sup>(3)</sup> OJ L 199, 26.7.1997, p. 30.

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

**‘País: TÚNEZ / Land: TUNESIEN / Land: TUNESIEN / Χώρα: ΤΥΝΗΣΙΑ / Country: TUNISIA /  
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Land: TUNISIEN**

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## COMMISSION DECISION

of 25 May 1999

**amending Decision 97/365/EC on drawing up provisional lists of third country establishments from which the Member States authorise imports of products prepared from meat of bovine animals, swine, *equidae* and sheep and goats**

(notified under document number C(1999) 1374)

(Text with EEA relevance)

(1999/344/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

(1) Whereas Commission Decision 97/222/EC<sup>(3)</sup>, draws up a list of third countries from which the Member States authorise imports of meat products;

(2) Whereas, for the countries on that list the animal health and veterinary certification requirements for importation of meat products have been laid down in Commission Decision 97/221/EC<sup>(4)</sup>;

(3) Whereas provisional lists of third country establishments from which the Member States authorise imports of products prepared from meat of bovine animals, swine, *equidae* and sheep and goats have been drawn up by Commission Decision 97/365/EC<sup>(5)</sup>;

(4) Whereas the Commission has received from Tunisia a list of establishments, with guarantees that it fully meets the appropriate Community health requirements;

(5) Whereas a Community on-the-spot inspection has shown that the hygiene standard of the establishment is sufficient and it may therefore be entered on a first list of establishments from which imports of meat products may be authorised;

(6) Whereas a provisional lists of establishments producing meat products can thus be drawn up in respect of Tunisia;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 97/365/EEC is amended as follows.

(a) After point 6 of the legend the following point 7 is added:

'7 = Products of this establishment must be prepared from fresh meat which was produced according to Directive 64/433/EEC (\*) in approved slaughterhouses of the European Union or which satisfies the requirements of Article 21(a) of Directive 72/462/EEC (\*\*).

(\*) OJ 21, 29.7.1964, p. 2012/64.

(\*\*) OJ 302, 31.12.1972, p. 28.'

(1) OJ L 243, 11.10.1995, p. 17.

(2) OJ L 289, 28.10.1998, p. 36.

(3) OJ L 89, 4.4.1997, p. 39.

(4) OJ L 89, 4.4.1997, p. 32.

(5) OJ L 154, 12.6.1997, p. 41.

(b) The text of the Annex to this Decision is added to the Annex.

*Article 2*

This Decision shall apply with effect from 25 May 1999.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 25 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

**‘País: TÚNEZ / Land: TUNESIEN / Land: TUNESIEN / Χώρα: ΤΥΝΗΣΙΑ / Country: TUNISIA /  
Pays: TUNISIE / Paese: TUNISIA / Land: TUNESIË / País: TUNÍSIA / Maa: TUNISIA /  
Land: TUNISIEN**

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