

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1655/1999 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 19 July 1999  
amending Regulation (EC) No 2236/95 laying down general rules for the granting of Community  
financial aid in the field of trans-European networks**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first paragraph of Article 156 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(4)</sup>,

- (1) Whereas experience with the application of Regulation (EC) No 2236/95 <sup>(5)</sup> has demonstrated that a number of amendments need to be made thereto;
- (2) Whereas it is necessary to facilitate the financing of certain projects by including, among the possible forms of aid, a contribution to the formation of risk capital; whereas it is desirable to use the financial resources provided under Regulation (EC) No 2236/95 in order to maximise the contribution from private finance;
- (3) Whereas a layer of risk capital in the financial package of a project may contribute to putting public-private partnerships in trans-European network projects on their way; whereas the supply of risk capital for trans-European networks, particularly during their early stages, is limited;
- (4) Whereas it is appropriate to allow risk capital participation in investment funds with a priority focus on providing risk capital for trans-European network

projects up to 1 % of the overall amount for the period 2000 to 2006 in order to gain experience with this new form of financing; whereas this limit may be increased up to 2 % following a review of the functioning of this instrument; whereas it is also appropriate to examine its possible future extension;

- (5) Whereas it is desirable, in order to increase transparency and to meet expectations for projects or groups of projects having important financial needs for a long period, that indicative multiannual programmes in specific sectors or fields should be drawn up; whereas those programmes should indicate the total and annual amount of support which could be allocated for a given period to such project or groups of projects, and which should serve as a reference for the annual decisions to grant financial aid within the yearly budgetary appropriations, when they conform to the relevant indicative multiannual programmes; whereas, however, the annual amounts indicated in these programmes do not amount to budgetary commitments;
- (6) Whereas projects or groups of projects should be able to benefit from successive financial assistance decisions;
- (7) Whereas, in the application for financial support for a project, a detailed breakdown of estimates is needed concerning the sources of contributions from the Community and from national, regional and local government bodies, as well as the extent of financial contributions from the private sector;
- (8) Whereas financial aids granted should be cancelled except in duly justified cases if the actions concerned have not been started by a given date;
- (9) Whereas it is necessary to include the activities of the European Investment Fund among the Community financial instruments with which action under Regulation (EC) No 2236/95 is required to be coordinated;

<sup>(1)</sup> OJ C 175, 9.6.1998, p. 7 and

OJ C 27, 2.2.1999, p. 18.

<sup>(2)</sup> OJ C 407, 28.12.1998, p. 120.

<sup>(3)</sup> OJ L 93, 6.4.1999, p. 29.

<sup>(4)</sup> Opinion of the European Parliament of 19 November 1998 (OJ C 379, 7.12.1998, p. 186), Council Common Position of 21 December 1998 (OJ C 49, 22.2.1999, p. 4) and Decision of the European Parliament of 6 May 1999 (not yet published in the Official Journal), Council Decision of 7 June 1999.

<sup>(5)</sup> OJ L 228, 23.9.1995, p. 1.

- (10) Whereas the Commission should be able to require beneficiaries to provide evaluations of projects supported under Regulation (EC) No 2236/95 or the necessary information to allow the Commission to undertake its own evaluation;
- (11) Whereas Council Decision 87/373/EEC <sup>(1)</sup> lays down the procedures for the exercise of powers conferred on the Commission by the Council for the implementation of acts which it adopts; whereas the procedures laid down in this Regulation should take account of possible modifications of existing arrangements laid down by inter-institutional agreement or by Decision 87/373/EEC;
- (12) Whereas given the importance of the trans-European networks, it is appropriate to include in Regulation (EC) 2236/95 a financial framework within the meaning of point 1 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995, of EUR 4 600 million for its implementation for the period 2000 to 2006;
- (13) Whereas it is appropriate that the Council examines whether to continue or to amend the measures under Regulation (EC) No 2236/95 in the light of the comprehensive report submitted by the Commission before the end of 2006;
- (14) Whereas, throughout the transitional period from 1 January 1999 to 31 December 2001, all references to the euro should be read as references to the euro as a monetary unit as referred to in Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro <sup>(2)</sup>;
- (15) Whereas Regulation (EC) No 2236/95 should therefore be amended accordingly,
- In exceptional, duly substantiated cases, at the initiative of the Commission and with the consent of the Member States concerned, Community participation may exceed the limit of 50 %;
- (b) subsidies of the interest on loans granted by the European Investment Bank or other public or private financial bodies. As a general rule, the duration of subsidy shall not exceed five years;
- (c) contributions towards fees for guarantees for loans from the European Investment Fund or other financial institutions;
- (d) direct grants to investments in duly justified cases;
- (e) risk-capital participation for investment funds or comparable financial undertakings with a priority focus on providing risk capital for trans-European network projects and involving substantial private-sector investment; such risk-capital participation shall not exceed 1 % of the budgetary resources under Article 18. In accordance with the procedure specified in Article 17, this limit may be increased up to 2 % as from 2003 in the light of a review, to be presented to the European Parliament and the Council by the Commission, of the functioning of this instrument.

Further modalities of implementation of this risk-capital participation are laid down in the Annex.

The participation may be made directly into the fund or comparable financial undertaking or into an appropriate coinvestment vehicle managed by the same fund managers;

- (f) Community assistance under points (a) to (e) shall be combined where appropriate, in order to maximise the stimulus provided by the budgetary resources deployed, which shall be used in the most economical way.

HAVE ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 2236/95 is hereby amended as follows:

1. Article 2(2) shall be deleted.
2. Article 3 shall be deleted.
3. Article 4 shall be replaced by the following:

'Article 4

#### Forms of aid

1. Community aid for projects may take one or several of the following forms:

- (a) co-financing of studies related to projects, including preparatory, feasibility and evaluation studies, and other technical support measures for these studies. Community participation may in general not exceed 50 % of the total cost of a study.

2. The forms of Community aid referred to under points (a) to (e) shall be used selectively to take account of the specific characteristics of the various types of network involved and to ensure that such aid does not cause distortions of competition between undertakings in the sector concerned.

3. The funding for transport infrastructure projects throughout the period referred to in Article 18 should be used in such a way that at least 55 % is devoted to railways (including combined transport) and a maximum of 25 % to roads.

4. The Commission shall specifically promote recourse to private sources of financing for projects funded under this Regulation where the multiplier effect of Community financial instruments can be maximised in public-private partnerships. Each case shall be examined individually by the Commission, with account taken where appropriate of a possible alternative financed solely with public resources. The support of each member State concerned shall be required for each project in accordance with the Treaty.'

<sup>(1)</sup> OJ L 197, 18.7.1987, p. 33.

<sup>(2)</sup> OJ L 139, 11.5.1998, p. 1.

4. In Article 5(3) the following subparagraph shall be inserted:

'Exceptionally, in the case of projects concerning satellite positioning and navigation systems as provided for in Article 17 of Decision No 1692/96/EC (\*), the total amount of Community aid under this Regulation may reach 20 % of the total, investment cost as from 1 January 2003 following a review.'

(\*) OJ L 228, 9.9.1996, p. 1.

5. The following Article shall be inserted:

'Article 5a

#### **Community indicative multiannual programme**

1. Without prejudice to the application of Article 6 and in order to improve the efficiency of the Community's action, the Commission may, in accordance with the procedure set out in Article 17, elaborate by sector an indicative multiannual programme (hereinafter called "programme") on the basis of the guidelines referred to in Article 155 of the Treaty. The programme will be based on applications for financial aid under Article 8 and reflect *inter alia* information provided by Member States, in particular the information set out in Article 9.

2. The programme shall exclusively be composed of projects of common interest and/or coherent groups of projects of common interest, as previously identified within the framework of the guidelines referred to in Article 155(1) of the Treaty, in specific fields having substantial financial needs over a long period.

3. For each project or group of projects referred to in paragraph 2 the programme will establish the indicative amounts for the granting of financial aid subject to the annual decisions of the budgetary authority. No more than 75 % of the budgetary resources under Article 18 shall be used for the purposes of indicative multiannual programmes.

4. The programme shall serve as a reference for the annual decisions allocating Community aid for projects within the annual budgetary appropriations. The Commission shall regularly inform the Committee referred to in Article 17 of the progress of programmes and any decisions taken by the Commission in allocating Community aid for projects. The supporting documents accompanying the Commission's preliminary draft budget shall include a report concerning progress in the implementation of each multiannual indicative programme in accordance with the Financial Regulation.

The programme must be reviewed, at least at mid-term or in the light of the effective progress of the project(s) or groups) of projects, and if necessary revised, in accordance with the procedure set out in Article 17.

The programme shall also give an indication of other sources of financing for the projects concerned, in particular from other Community instruments and the European Investment Bank.

5. In case substantial changes in the implementation of the project(s) or the groups) of projects take place, the Member State concerned will inform the Commission without delay.

Modifications to the indicative global amounts established by the programme for the project(s) or groups) of projects, which may be necessary following these changes, shall be decided in accordance with the procedure of Article 17.'

6. In Article 6 the following paragraph 1a shall be inserted:

'1 a. In its implementation of this Regulation, the Commission shall ensure the conformity of its decisions on granting Community aid with the priorities laid down in the guidelines for the different sectors established pursuant to Article 155(1) of the Treaty. This shall include their conformity with any requirements which may be laid down in those guidelines in terms of a percentage of total Community aid.'

7. Article 8 shall be replaced by the following:

'Article 8

#### **Submission of applications for financial aid**

Applications for financial aid shall be submitted to the Commission by the Member States concerned or, with the agreement of the Member State(s), by the public or private undertakings or bodies directly concerned. The Commission shall establish the agreement of the Member States concerned.'

8. Article 9(1)(a), eighth indent, shall be replaced by the following:

'— a financial plan listing, in euro or in national currency, all the components of the financial package, including the financial aid requested from the Community, in its different forms as mentioned in Article 4, and from local, regional or national government bodies, as well as from private sources, and the aid already granted;'

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

'2. Applicants shall supply the Commission with any relevant additional information which it requires, such as the parameters, guidelines and hypotheses on which the cost/benefit analysis is based.'

10. Article 10 shall be replaced by the following:

'Article 10

#### **Grant of financial aid**

In accordance with Article 274 of the Treaty, the Commission shall decide to grant financial aid under this Regulation according to its assessment of the application in accordance with the selection criteria. In the case of projects identified in the relevant indicative multiannual programme established pursuant to Article 5a, the Commission shall take the annual decisions to

grant aid within the indicative financial amounts provided for in that programme. In the case of other projects, measures shall be adopted in accordance with the procedure specified in Article 17. The Commission shall notify its decision directly to the beneficiaries and to the Member States.'

11. Article 11(7) shall be replaced by the following:

'7. Following the procedure set out in Article 17, the Commission shall establish a framework for the procedures, timetable and amounts for payments of interest-rate subsidies, guarantee premium subsidies and support in the form of risk capital participation, for investment funds or comparable financial undertakings with a priority focus on providing risk capital for trans-European network projects.'

12. In Article 12:

(a) the introductory phrase to paragraph 1 shall be replaced by the following:

'1. In order to guarantee successful completion of projects financed by this Regulation, Member States and the Commission, each in its field of competence, shall take the necessary measures to:'

(b) the third indent of paragraph (1) shall be replaced by the following:

'— recover any amounts lost as a result of irregularity, including interest on account of late repayment in accordance with the rules adopted by the Commission. Except where the Member States) and/or the implementing public authority provide proof that they were not responsible for the irregularity, the Member State shall be liable in the alternative for reimbursement of any sums unduly paid.'

(c) paragraph 6 shall be replaced by the following:

'6. In the case of Community aid granted to public or private undertakings or bodies directly concerned, the control measures shall be carried out by the Commission in cooperation with the Member States as appropriate.'

(d) paragraph 7 shall be replaced by the following:

'7. The responsible bodies and authorities and public or private undertakings or bodies directly concerned shall keep available for the Commission all the supporting documents regarding expenditure on any project for a period of five years following the last payment in respect of the project.'

13. In Article 13, the following paragraph shall be inserted:

'2 a. Except in cases duly justified to the Commission, aids granted to projects which have not started within two years following the date of their expected start, as indicated in the decision granting assistance, will be cancelled by the Commission.'

14. Article 14 shall be replaced by the following:

'Article 14

### **Coordination**

The Commission shall be responsible for coordination and coherence between the projects and the programmes referred to in Article 5a(1) undertaken under this Regulation and projects undertaken with the help of contributions from the Community budget, the European Investment Bank, the European Investment Fund and other Community financial instruments.'

15. Article 15 shall be replaced by the following:

'Article 15

### **Appraisal, monitoring and evaluation**

1. The Member States and the Commission shall ensure that the implementation of projects under this Regulation is subject to effective monitoring and evaluation. Projects may be adapted according to monitoring and evaluation results.

2. In order to ensure that Community aid is used efficiently, the Commission and the Member States concerned shall systematically monitor progress with projects, where appropriate with the cooperation of the European Investment Bank or other appropriate bodies.

3. On receipt of an application for aid, and before approving it, the Commission shall carry out an appraisal in order to assess the project's conformity with the conditions and criteria laid down in Articles 5 and 6. Where necessary, the Commission shall invite the European Investment Bank or other appropriate bodies to contribute to this appraisal.

4. The Commission and the Member States shall assess the manner in which the projects and the programmes have been carried out and evaluate the impact of their implementation, in order to assess whether the original objectives can be, or have been, achieved. This evaluation shall, *inter alia*, cover the impact of projects on the environment, regard being had to the Community laws in force. The Commission may, after consultation of the Member State concerned, also require the beneficiary to provide a specific evaluation on projects or groups of projects supported under this Regulation, or to provide it with the information and the assistance required to evaluate such projects.

5. Monitoring shall be carried out, where appropriate, by reference to physical and financial indicators. The indicators shall relate to the specific character of the projects and its objectives. They shall be arranged in such a way as to show:

- the stage of the project reached in relation to the plan and the operational objectives originally laid down,
- the progress achieved on the management side and any related problems.

6. In vetting individual applications for assistance, the Commission shall take into account the findings of appraisals and evaluations made in accordance with this Article.

7. Procedures for evaluation and monitoring, as provided in paragraphs 4 and 5, shall be established in the Decisions approving the projects and/or in the contractual provisions relating to the financial aid.'

16. Article 16(1) shall be replaced by the following:

'1. The Commission shall submit an annual report on the activities carried out under this regulation to the European Parliament, the Council, the Economic and Social Committee and to the Committee of the Regions for their appraisal. This report shall contain an evaluation of the results achieved with Community aid in different fields of application, in terms of original objectives, as well as a chapter on the substance and implementation of current multiannual programmes, especially an account of the revisions provided in Article 5a'

17. Article 18 shall be replaced by the following

'Article 18

**Budgetary resources**

The financial framework for the implementation of this Regulation for the period 2000 to 2006 shall be EUR 4 600 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.'

18. Article 19 shall be replaced by the following:

'Article 19

**Revision clause**

Before the end of 2006 the Commission shall submit to the European Parliament and the Council a comprehensive report on the experience gained with the mechanisms under this Regulation for granting Community aid, in particular the mechanisms and provisions laid down in Article 4. The European Parliament and the Council, acting in accordance with the procedure laid down in the first paragraph of Article 156 of the Treaty, shall examine whether and under which conditions the measures provided for in this Regulation will be continued or amended after the end of the period referred to in Article 18'

19. Throughout the text, the term 'ecu' shall be replaced by 'euro'.

20. The text appearing in the Annex to this Regulation shall be added.

*Article 2*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Point 19 of Article 1 shall apply from 1 January 1999.

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

Done at Brussels, 19 July 1999.

*For the European Parliament*

*The President*

J. M. GIL-ROBLES

*For the Council*

*The President*

T. HALONEN



## ANNEX

## ANNEX

**Implementation modalities referred to in Article 4(1)(e)****1. Conditions for a Community contribution to risk capital**

Applications for financial assistance under Article 4(1)(e) of the Regulation shall include the following information, satisfactory to the Committee referred to in Article 17 thereof, as a basis for decisions to grant assistance:

- an information memorandum containing the main provisions of the statutory documentation of the fund including its legal and management structure,
- its detailed investment guidelines including information on target projects,
- information on the involvement of private investors,
- information on geographical coverage,
- information on the financial viability of the fund,
- information on the rights of the investors to take remedial action in the event that the undertakings given to them are not honoured by the fund,
- information on the exit policies of the fund and arrangements for the termination of the fund,
- rights of representation in the committees of investors.

Before the decision to grant assistance, the intermediary investment fund or other comparable financial institution must undertake to invest not less than a sum equivalent to two and a half times the Community contribution, into projects previously identified as projects of common interest in accordance with Article 155(1) first subparagraph, first indent of the Treaty.

Community aid for investment funds or comparable financial undertakings, if granted in the form of a risk-capital participation, shall be granted, in principle, only if the Community contribution ranks *pari passu* in terms of risk with other investors in the fund.

Recipient investment funds or comparable financial undertakings have to follow sound financial principles.

**2. Limits for intervention and maximum investment**

Contributions under Article 4(1)(e) of the Regulation shall not exceed 1 % of the overall amount for the period mentioned in Article 18. However this limit may be increased in accordance with the said Article 4(1)(e).

Community assistance under the said Article 4(1)(e) shall not exceed 20 % of the total capital of an investment fund or comparable financial undertaking.

**3. Management of the Community contribution**

The management of the Community contribution will be ensured by the European Investment Fund (EIF). The detailed terms and conditions for implementing Community assistance under Article 4(1)(e) of the Regulation, including its monitoring and control, shall be laid down in a Cooperation Agreement between the Commission and the EIF, taking into account the provisions laid down in this Annex.

**4. Other provisions**

The provisions applying to appraisal, monitoring and evaluation as specified in the Regulation shall apply in full to Article 4(1)(e) thereof, including the provisions on conditions for Community aid, on financial control and the reduction, suspension and cancellation of assistance. This shall, *inter alia*, be ensured by appropriate provisions in the Cooperation Agreement between the Commission and the EIF and appropriate agreements with investee funds or comparable financial undertakings stipulating the necessary controls at the level of individual projects of common interest. Appropriate arrangements will be made to allow the Court of Auditors to exercise its mission in particular in order to verify the regularity of payments made.

Payments under Article 4(1)(e) shall be governed by Article 11(7) thereof, notwithstanding Article 11(6) thereof. After the end of the investment period or earlier as the case may be, any balances resulting from a return of invested capital or distribution of profits and capital gains and any and all other distributions due to investors shall be returned to the Community budget.

All decisions to provide risk-capital participations under Article 4(1)(e) of the Regulation shall be submitted to the Committee referred to in Article 17 thereof.

The Commission will report regularly to the said Committee on the implementation of risk capital participations under Article 4(1)(e) of the Regulation.

Before the end of 2006, the Commission shall in the framework of Article 15 of the Regulation provide an evaluation of actions carried out under Article 4(1)(e) thereof, in particular on its utilisation, its effects on the implementation of the trans-European network projects supported and the involvement of private investors in the projects financed.'

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**COMMISSION REGULATION (EC) No 1656/1999**  
**of 28 July 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,

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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;

- (2) 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 29 July 1999.

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

Done at Brussels, 28 July 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 28 July 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
0707 00 05	628	129,7
	999	129,7
0709 90 70	052	46,4
	999	46,4
0805 30 10	388	56,2
	524	52,4
	528	60,9
	999	56,5
0806 10 10	052	109,7
	220	92,0
	388	132,7
	400	232,1
	508	160,4
	512	44,9
	600	100,4
	624	130,4
0808 10 20, 0808 10 50, 0808 10 90	999	125,3
	388	77,0
	400	65,6
	508	84,3
	512	66,4
	524	65,3
	528	42,0
	800	167,4
	804	85,6
	999	81,7
0808 20 50	052	116,0
	388	75,1
	512	78,6
	528	39,6
	804	75,8
0809 10 00	999	77,0
	052	129,1
	064	69,9
0809 20 95	999	99,5
	052	170,4
	400	211,3
	616	222,4
0809 40 05	999	201,4
	064	53,4
	624	188,6
	999	121,0

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 1657/1999**

**of 28 July 1999**

**fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 1 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 point (a) of the first subparagraph of Article 19 (4) thereof,

(1) Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

(2) Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

(3) Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar <sup>(3)</sup>, as amended by Regulation (EC) No 3290/94 <sup>(4)</sup>; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying

down detailed rules of application for the grant of export refunds in the sugar sector <sup>(5)</sup>; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

(4) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

(5) Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

(6) Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

(7) Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 29 July 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 89, 10.4.1968, p. 3.

<sup>(4)</sup> OJ L 349, 31.12.1994, p. 105.

<sup>(5)</sup> OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 28 July 1999.

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

ANNEX

**to the Commission Regulation of 28 July 1999 fixing 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	42,32 <sup>(1)</sup>
1701 11 90 9910	42,21 <sup>(1)</sup>
1701 11 90 9950	<sup>(2)</sup>
1701 12 90 9100	42,32 <sup>(1)</sup>
1701 12 90 9910	42,21 <sup>(1)</sup>
1701 12 90 9950	<sup>(2)</sup>
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4600
	— EUR/100 kg —
1701 99 10 9100	46,00
1701 99 10 9910	45,89
1701 99 10 9950	45,89
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4600

<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 1658/1999****of 28 July 1999****fixing the maximum export refund for white sugar for the 49th 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 organisation 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,

- (1) 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>, as amended by Regulation (EC) No 1489/1999 <sup>(4)</sup>, requires partial invitations to tender to be issued for the export of this sugar;
- (2) 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;

- (3) Whereas, following an examination of the tenders submitted in response to the 49th partial invitation to tender, the provisions set out in Article 1 should be adopted;
- (4) 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 49th 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 50,100 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 29 July 1999.

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

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<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.

<sup>(4)</sup> OJ L 172, 8.7.1999, p. 27.

**COMMISSION REGULATION (EC) No 1659/1999**

**of 28 July 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,

(1) 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;

(2) 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;

(3) 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;

(4) 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;

(5) 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;

(6) 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;

(7) 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;

(8) 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;

(9) 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 29 July 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, 28 July 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>	6,39	0,22	—
1703 90 00 <sup>(1)</sup>	7,25	0,04	—

<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 1660/1999

of 28 July 1999

**amending Regulation (EC) No 1392/1999 increasing to 84 632 tonnes the quantity of barley held by the Finnish intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

- (1) Whereas Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 39/1999 <sup>(4)</sup>, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;
- (2) Whereas Commission Regulation (EC) No 1392/1999 <sup>(5)</sup>, opened a standing invitation to tender for the export of 48 149 tonnes of barley held by the Finnish intervention agency; whereas, Finland informed the Commission of the intention of its intervention agency to increase by 36 483 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the Finnish intervention agency for which a standing invitation to tender for export has been opened should be increased to 84 632 tonnes;
- (3) Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1392/1999 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1392/1999 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 84 632 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.

2. The regions in which the 84 632 tonnes of barley are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

*Article 2*

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

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

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 5, 9.1.1999, p. 64.

<sup>(5)</sup> OJ L 163, 29.6.1999, p. 21.

## ANNEX

## ANNEX I

*(tonnes)*

Place of storage	Quantity
Koria	26 834
Turenki	21 315
Kokemäki	20 761
Loimaa	15 722'

## COMMISSION REGULATION (EC) No 1661/1999

of 27 July 1999

**laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station<sup>(1)</sup>, as amended by Regulation (EC) No 686/95<sup>(2)</sup>, and in particular Article 6 thereof,

- (1) Whereas the fallout of radiocaesium from the accident at the Chernobyl power station on 26 April 1986 has affected a wide range of third countries; whereas repeated cases of non-compliance with the maximum permitted levels of radioactive contamination have been recorded in consignments of certain types of mushrooms imported from a number of third countries;
- (2) Whereas similar fallout has affected certain parts of the territories of some Member States of the European Union;
- (3) Whereas forest and wooded areas generally are the natural habitat of uncultivated mushrooms (the products listed in Annex I) and such ecosystems tend to retain radiocaesium in a cyclic exchange between soil and vegetation;
- (4) Whereas, as a result, continual radiocaesium contamination of uncultivated mushrooms has, in the period since the abovementioned accident, hardly declined and may well have increased in the case of certain species;
- (5) Whereas the Commission has carried out in 1986 and subsequently updated an assessment of possible risks on human health from contaminated foodstuffs with radioactive caesium; whereas that assessment of possible risks is still valid today, taking into account the physical radioactive period of the substance in question, and, in addition, the maximum permitted level conforms in essence to the level recommended by the Codex Alimentarius Commission;
- (6) Whereas, in accordance with Article 4 of Regulation (EEC) No 737/90, the Member States must carry out checks on products originating in third countries;
- (7) Whereas the detailed rules for the application of that Regulation are to be found in Commission Regulation (EEC) No 1983/88<sup>(3)</sup>;
- (8) Whereas there is a need to update these provisions and to supplement them by specific conditions for the import of certain products; as appears from the considerations herein set out;
- (9) Whereas Council Directive 92/59/EEC of 29 June 1992 on general product safety<sup>(4)</sup> has set up a system for the rapid exchange of information;
- (10) Whereas the measures *in situ* in the territories of the Member States of the European Union flow from the legal obligations of those States pursuant to Articles 35 and 36 of the Euratom Treaty, the Community measures already referred to and national measures and controls which, taken together, are, in terms of equivalence of result, equal to those enacted in this Regulation; whereas the Commission is taking all the necessary measures to ensure that the Member States comply effectively with their legal obligations in this respect;
- (11) Whereas even if the provisions for sampling and analysis of various agricultural products merit future consideration, the immediate requirement is to strengthen those provisions with respect to mushrooms;
- (12) Whereas in order to allow more efficient controls, it is, as a consequence, necessary to identify a restricted number of customs offices where certain products may be declared for free circulation in the European Union;
- (13) Whereas the lists of customs offices and of third countries can be reviewed as appropriate, taking into account *inter alia* future compliance with the maximum permitted levels and other information allowing the Commission to judge whether there is a need to maintain a third country on the list contained in Annex IV;
- (14) Whereas for the same reason it is appropriate that export certificates, as referred to in Article 4 of Regulation (EEC) No 737/90, be provided for each consignment of such products;
- (15) Whereas it is appropriate that the competent authorities of the Member States be authorised, at their sole discretion, to levy charges for sampling and analysis and for destruction of the product or its return provided that the principle of proportionality is observed in exercising the option of destruction or return and provided also that, in any event, the charges so levied do not exceed the costs incurred;

<sup>(1)</sup> OJ L 82, 29.3.1990, p. 1.

<sup>(2)</sup> OJ L 71, 31.3.1995, p. 15.

<sup>(3)</sup> OJ L 174, 6.7.1988, p. 32.

<sup>(4)</sup> OJ L 228, 11.8.1992, p. 24.

- (16) Whereas the provisions enacted below conform to the international obligations of the European Community, in particular those resulting from the agreements establishing the World Trade Organisation, taking into account the right of the Community to adopt and apply measures that are necessary to achieve the level of sanitary protection chosen in the territory of its Member States;
- (17) Whereas the measures provided for in this Regulation are in accordance with the opinion of the *ad hoc* committee referred to in Article 7 of Regulation (EEC) No 737/90,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. Checks on the radiocaesium content referred to in Article 3 of Regulation (EEC) No 737/90 of products referred to in Article 1 of the same Regulation, to ensure that the maximum permitted levels laid down by the said Regulation are observed shall be carried out by the Member States in which the products are released for free circulation and at the latest at that time.
2. Checks shall be carried out by sampling in accordance with the following minimum standards:
  - (a) Without prejudice to paragraph 3(b), the choice of the Member State as to the intensity of controls to be carried out shall be made taking account in particular of the degree of contamination of the country of origin, the characteristics of the products in question, the results of the previous checks and the export certificates referred to in Article 3.
  - (b) Without prejudice to the further measures provided for in Articles 5 and 6 of Regulation (EEC) No 737/90, where a product originating in a third country is recorded as exceeding the maximum permitted levels, checks shall be intensified for all products of the same type originating in the third country in question.
3. Checks on specific products shall be carried out in accordance with the following rules:
  - (a) For animals for slaughter, the checks shall be carried out without prejudice to the customs rules laid down in Council Regulation (EEC) No 2913/92<sup>(1)</sup> and Commission Regulation (EEC) No 2454/93<sup>(2)</sup> and to animal health requirements. Clearance of release for free circulation shall be subject to the presentation of a certificate issued by the competent authorities responsible for controls to the effect that the meat in question has undergone the system of checks and that those checks have shown that the maximum permitted levels have not been exceeded.
  - (b) For products listed in Annex I, originating in third countries listed in Annex IV, documentary checks shall be performed on the basis of the duly completed export certi-

ificates referred to in Article 3 accompanying each consignment. Each consignment exceeding 10 kg of fresh product or the equivalent thereof shall be subject to systematic sampling and analysis, taking appropriate account of the information contained in the export certificate. These products may only be declared for free circulation in the Member State of destination in a restricted number of customs offices listed in Annex III.

4. Where failure to comply with the maximum permitted levels is observed in respect of a given product, the competent authorities of the Member State may require the imported product to be destroyed or returned to the country of origin. In the latter case, written evidence that the product has left the territory of the European Community will be forwarded to the customs authority which refused the release for free circulation.

5. For the products referred to in Article 1(1), the competent authorities may, at their sole discretion, levy charges on the importer for the sampling and analysis of products for compliance with Regulation (EEC) No 737/90. For consignments which exceed the maximum permitted levels, the competent authorities may also recover from their intended importer costs associated with either the destruction of the consignment or its return to the country of origin.

#### Article 2

1. Each Member State shall by analogy apply Article 8 of Directive No 92/59/EEC to notify the Commission without delay of recorded cases of non-compliance with the provisions on maximum permitted levels, set out in Regulation (EEC) No 737/90, stating the country of origin, the description and degree of contamination of the goods, the means of transport, the exporter and the decision taken in respect of the lots in question.
2. Member States shall inform the Commission of the bodies assigned to implement checks.
3. The Commission shall inform the Member States without delay of recorded cases of non-compliance with the maximum permitted levels through the Community Rapid Alert System laid down in Directive No 92/59/EEC.

#### Article 3

1. The Member States shall ensure that the export certificates issued by the competent authorities of third countries listed in Annex IV shall attest that the products that they accompany comply with the maximum permitted levels laid down in Article 3 of Regulation (EEC) No 737/90. The export certificates shall be compiled using a form printed on white paper in accordance with the specimen in Annex II.
2. The Commission shall communicate to the Member States the details received concerning the authorities authorised in the third countries in question to issue export certificates.

<sup>(1)</sup> OJ L 302, 13.10.1992, p. 1.

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.

*Article 4*

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

*Article 5*

Regulation (EEC) No 1983/88 is repealed.

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

Done at Brussels, 27 July 1999.

*For the Commission*  
Ritt BJERREGAARD  
*Member of the Commission*

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## ANNEX I

**LIST OF PRODUCTS FOR WHICH THE PROVISIONS OF ARTICLE 1(3)(b) SHALL BE FULFILLED**

CN Codes	
ex 0709 51	Mushrooms, fresh or chilled, other than cultivated mushrooms
ex 0710 80 69	Mushrooms (uncooked or cooked by steaming or boiling in water), frozen, other than cultivated mushrooms
ex 0711 90 60	Mushrooms provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, other than cultivated mushrooms
ex 0712 30 00	Dried mushrooms, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms
ex 2001 90 50	Mushrooms, prepared or preserved by vinegar or acetic acid, other than cultivated mushrooms
ex 2003 10 80	Mushrooms, prepared or preserved otherwise than by vinegar or acetic acid, other than cultivated mushrooms

ANNEX II

**EXPORT CERTIFICATE FOR AGRICULTURAL PRODUCTS (ONE CERTIFICATE PER SPECIES)**

**This certificate must be lodged in triplicate with the entry for free circulation and be kept by the customs**

**Statement by the exporter**

1. Exporter (name, full address, country)	5. Country of origin	6. Country of destination
2. Consignee (name, full address, country)	7. Invoice(s) number(s)	
3. Identity of means of transport	8. Number and kind of packages	9. Marks and batch numbers
4. Description of products	10. Gross mass (kg)	11. Net mass (kg)
12. I, undersigned, responsible for these exports, certify the above information		
Date	Place	Name (in block letters)
		Signature <sup>(2)</sup>

**Certification by the laboratory**

13. Number of analysed samples from the above products:	15. Identity of the laboratory (name, full address, country)
14. Recorded radioactivity levels for each sample (Bq/kg) (specify the batch No for each sample):  Report No ..... Date ..... This report must be presented immediately on the demand of the control authorities	16. Accredited by (name and address of the body)
	17. Date, name (in block letters) signature and stamp of the laboratory <sup>(2)</sup>

**Certification by the competent authority**

18. I, undersigned, certify that the accumulated radioactivity level in terms of caesium 134 and 137 for the products described above does not exceed:  370 Bq/kg for milk and milk products and for foodstuffs intended for the special feeding of infants, and 600 bq/kg for all other products listed in the current Commission Regulation relating to Council Regulation (EEC) No 737/90 <sup>(1)</sup>				
Place	Date	Name (in block letters)	Signature <sup>(2)</sup>	Stamp-cachet <sup>(2)</sup>
<p><sup>(1)</sup> Delete as appropriate</p> <p><sup>(2)</sup> Signatures and stamps must be in a different colour from that of the text.</p>				



## ANNEX III

## LIST OF CUSTOMS OFFICES IN WHICH PRODUCTS LISTED IN ANNEX I MAY BE DECLARED FOR FREE CIRCULATION IN THE EUROPEAN COMMUNITY

Member State	Customs offices	
BELGIQUE/BELGIË	Anvers D.E. — voie maritime Bierset — (Grâce-Hollogne) D.E. — voies aériennes et/ou terrestre Bruxelles D.E. — voie aérienne Zaventem D. — voie aérienne	
DANMARK	Every port and airport in Denmark	
DEUTSCHLAND	Baden-Württemberg	HZA Lörrach — ZA Weil am Rhein-Autobahn HZA Stuttgart — ZA Flughafen
	Bayern	HZA München-Flughafen HZA Hof — ZA Schirnding-Landstraße HZA Weiden — ZA Furth im Wald-Schafberg HZA Weiden — ZA Waldhaus-Autobahn
	Berlin	HZA Berlin-Packhof — ZA Marzahn, Abfertigungsstelle Grossmarkthallen HZA Berlin-Packhof — ZA Tegel-Flughafen
	Brandenburg	HZA Frankfurt (Oder) — ZA Autobahn HZA Cottbus — ZA Forst-Autobahn
	Bremen	HZA - Bremen ZA Neustädter Hafen HZA Bremerhaven — ZA Container-Terminal HZA Bremerhaven — ZA Rotersand
	Hamburg	HZA Hamburg-Freihafen — Abfertigungsstelle HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof Hamburg-Harburg — ZA Köhkleedamm HZA Hamburg-Hamburg — St. Annen-ZA Altona HZA Hamburg-Hamburg — St. Annen-ZA Oberelbe HZA Hamburg-Waltershof — Abfertigungsstelle HZA Hamburg-Waltershof — ZA Flughafen
	Hessen	HZA Frankfurt am Main-Flughafen
	Meklenburg-Vorpommern	HZA Neubrandenburg — ZA Pomellen — Grenzkontrollstelle Pomellen HZA Schwerin — ZA Rostock-Seehafen — Grenzkontrollstelle Rostock-Seehafen HZA Stralsund — ZA Mukran Grenzkontrollstelle Rügen/Mukran, Im Flughafen
	Niedersachsen	HZA Lüneburg — Abfertigungsstelle HZA Göttingen — Abfertigungsstelle HZA Hannover — Abfertigungsstelle
	Nordrhein-Westfalen	HZA Dortmund — ZA Ost
	Rheinland-Pfalz	HZA Trier — ZA Idar-Oberstein, Grenzkontrollstelle Flughafen Hahn, Gebäude 401
	Sachsen	HZA Dresden — ZA Friedrichstadt, Grenzkontrollstelle Dresden/Friedrichstadt (für Eisenbahntransport) HZA Pirna — ZA Zinnwald, Grenzkontrollstelle Zinnwald (für Straßentransport) HZA Löbau — ZA Ludwigsdorf-Autobahn, Grenzkontrollstelle Ludwigsdorf (für Straßentransport)
	Schleswig-Holstein	HZA Kiel — ZA Wik, Grenzkontrollstelle Kiel Ostuferhafen HZA Lübeck — ZA Travemünde Grenzkontrollstelle
ΕΛΛΑΔΑ	Αθηνών, Περαιά, Κρατικού Αερολιμένα Αθηνών, Θεσ/νίκης, Αερολιμένα Μίκρας, Βόλου, Πατρών, Ηρακλείου, Αερολιμένα Ηρακλείου Κρήτης, Καβάλας, Ιωαννίνων, Ναυπλίου	

Member State	Customs offices
ESPAÑA	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Barcelona (Aeropuerto, Puerto), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Gijón (Aeropuerto, Puerto), Huelva (Puerto), La Coruña-Santiago de Compostela (Aeropuerto, Puerto), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid-Barajas (Aeropuerto), Málaga (Aeropuerto, Puerto), Palma de Mallorca (Aeropuerto), Pasajes-Irún (Aeropuerto, Puerto), Santa Cruz de Tenerife (Aeropuerto, Puerto), Santander (Aeropuerto, Puerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Valencia (Aeropuerto, Puerto), Vigo-Vilagareia (Aeropuerto), Marín (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
FRANCE	Dunkerque (transport maritime) Lille (transport aérien et terrestre) Marseille (transport aérien, terrestre et maritime) Roissy (transport aérien et terrestre) St Louis/Bâle (transport aérien et terrestre) Strasbourg (transport terrestre)
IRELAND	All customs offices
ITALIA	Ufficio di Sanità marittima ed aerea di Trieste Ufficio di Sanità aerea di Torino-Caselle Ufficio di Sanità aerea di Roma — Fiumicino Ufficio di Sanità marittima ed aerea di Venezia Ufficio di Sanità marittima ed aerea di Genova Ufficio di Sanità marittima di Livorno Ufficio di Sanità marittima ed aerea di Ancona Ufficio di Sanità marittima ed aerea di Brindisi Ufficio di Sanità aerea di Varese — Malpensa Ufficio di Sanità aerea di Bologna — Panicale Ufficio di Sanità marittima ed aerea di Bari Posto d'Ispezione frontiera di Chiasso
LUXEMBOURG	Bureau des Douanes et Accises Centre Douanier — Luxembourg Bureau des Douanes et Accises Luxembourg-Aéroport — Niederanven
NEDERLAND	All customs offices
ÖSTERREICH	Drasenhofen (Republik Tschechien) Berg (Slowakische Republik) Nickelsdorf (Republik Ungarn) Heiligenkreuz (Republik Ungarn) Spielfeld (Republik Slowenien) Tisis (Schweiz) Wien Flughafen Schwechat
PORTUGAL	Airports of Lisbon, Porto and Faro Ports of Lisbon and Leixões.
SUOMI-FINLAND	Helsinki, Vaalimaa, Niirala, Vartiuss, Raja-Jooseppi, Utsjoki, Kilpisjärvi
SVERIGE	Arlanda, Göteborg, Landvetter, Helsingborg, Karlskrona, Stockholm, Ystad, Wallhamn, Varberg
UNITED KINGDOM	Belfast International Airport, Port of Belfast, Port of Dover, Port of Falmouth, Port of Felixstowe, Gatwick Airport, Port of Hull, Port of Larne, Port of London, Port of Southampton

## ANNEX IV

## LIST OF THIRD COUNTRIES REFERRED TO IN ARTICLE 3

Albania	Moldova
Belarus	Norway
Bosnia and Herzegovina	Poland
Bulgaria	Romania
Croatia	Russia
Czech Republic	Slovak Republic
Estonia	Slovenia
Hungary	Switzerland
Latvia	Turkey
Liechtenstein	Ukraine
Lithuania	Federal Republic of Yugoslavia
Former Yugoslav Republic of Macedonia	

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**COMMISSION REGULATION (EC) No 1662/1999**  
**of 28 July 1999**  
**amended Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council**  
**Regulation (EEC) No 2913/92 establishing the Community Customs Code**  
(Text with EEA relevance)

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 European Parliament and Council Regulation (EC) No 955/1999 <sup>(2)</sup>, and in particular Article 249 thereof,

- (1) Whereas Commission Regulation (EEC) No 2454/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 502/1999 <sup>(4)</sup>, provides for cases in which simplifications of the inward-processing procedure may be authorised pursuant to a decision of the Commission; whereas it is appropriate to modify the procedure for granting an authorisation allowing facilitation of specific triangular trade flows with a sufficiently large number of prior export operations;
- (2) Whereas temporary importation of means of transport should meet the needs of tourism in geographic regions of the Community depending on third-country transport infrastructures;
- (3) Whereas it is desirable to extend the list in Annex 87 on economic grounds for PVC material for processing into filmscreens;
- (4) Whereas Regulation (EEC) No 2454/93 should therefore be amended accordingly;
- (5) Whereas the measures provided for by this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2454/93 shall be amended as follows:

1. Article 601(6) is replaced by the following:
  - '6. Where more than one Member State is involved in the aggregation of prior exports, the procedure provided for in Article 556(2) shall apply *mutatis mutandis*.'
2. in Article 719(11), the following point (d) is added:
  - '(d) in general or individual cases other than those referred to in points (a), (b) and (c), the customs authorities may authorise natural persons established in the customs territory of the Community to use in that territory a vehicle hired under a written contract outside it and meeting the conditions laid down in paragraph 3(c). The authorisation for such use shall be subject to the condition that the countries where the vehicles are hired and registered authorise temporary importation under comparable circumstances for vehicles hired and registered in the customs territory of the Community. The vehicle shall be re-exported or returned to a car-hire service established in the customs territory of the Community for later re-exportation within eight days of the entry into force of the contract. The contract shall be presented at the request of the customs authorities.'
3. Annex 87 is amended in accordance with the Annex hereto.

*Article 2*

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

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

Done at Brussels, 28 July 1999.

*For the Commission*

Mario MONTI

*Member of the Commission*

<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

The following point is added to Annex 87 to Regulation (EEC) No 2454/93:

Order No	Column 1	Column 2
	Goods for which processing under customs control is authorised	Processing which may be carried out
'19	PVC material falling within CN code 3921 90 60	Processing into filmscreens falling within CN code 9010 60 00'

**COMMISSION REGULATION (EC) No 1663/1999**  
**of 28 July 1999**  
**amending Regulation (EC) No 2629/97 as regards eartags in the framework of the system for the**  
**identification and registration of bovine animals**  
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products <sup>(1)</sup> and in particular Article 10(a) thereof,

- (1) Whereas Commission Regulation (EC) No 2629/97 <sup>(2)</sup>, as last amended by Regulation (EC) No 331/1999 <sup>(3)</sup> lays down detailed rules regarding eartags, holding registers and passports in the framework of the identification and registration system of bovine animals;
- (2) Whereas it is appropriate to provide for the information contained in the replacement eartags used in the event of eartag losses;
- (3) Whereas Regulation (EC) No 2629/97 should be amended accordingly;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the European Agricultural Guidance and Guarantee Fund Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following paragraphs 6 and 7 are hereby added to Article 1 of Regulation (EC) No 2629/97:

‘6. In addition to the information provided for in paragraph 1 and distinct from it, the replacement eartags used in the event of eartag losses may contain a mark with the version number of the replacement eartag expressed in Roman numerals. In such an event, the identification code provided for in paragraph 2 shall remain unchanged.

7. In case of an eartag loss, the replacement eartag used by a Member State for animals born in another Member State shall bear at least the same information as is provided for in paragraph 2, and also the code or the logo of the competent authority issuing it.’

*Article 2*

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

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

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 354, 30.12.1997, p. 19.

<sup>(3)</sup> OJ L 40, 13.2.1999, p. 27.

## COMMISSION REGULATION (EC) No 1664/1999

of 28 July 1999

## amending Regulation (EEC) No 689/92 fixing the procedure and conditions for the taking over of cereals by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999<sup>(2)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat<sup>(3)</sup>, as last amended by Regulation (EC) No 1253/1999, and in particular Article 6 (a) thereof,

(1) Whereas, in view of their climatic conditions, the growing period for barley varieties predominantly produced in Finland and Sweden is much shorter; whereas the kernel size of six-row barley varieties is under 2,2 mm in those two countries; whereas the barley therefore does not meet the intervention requirements regarding kernel size; whereas the immediate application of the Community rules is accordingly likely to exclude considerable quantities of Finnish and Swedish barley from buying in, thereby provoking severe difficulties for producers in the two countries; whereas Finland and Sweden should accordingly be authorised temporarily to buy in barley of a kernel size of under 2,2 mm; whereas the acceptance of a lower kernel size should not lead to barley of inferior quality being bought in; whereas the barley in question should accordingly have a specific weight of at least 64 kg/hl;

(2) Whereas implementation from the 1993/94 marketing year of the reform of the common agricultural policy in the cereals sector may lead to difficulties for producers of certain cereals in certain areas of the Community; whereas, to lessen the impact of these mechanisms on the income of the said producers, provision should be made for exemptions from certain provisions relating to quality once again in the 1999/2000 marketing year, as was done in 1998/1999;

(3) Whereas Commission Regulation (EEC) No 689/92<sup>(4)</sup>, as last amended by Regulation (EC) No 1612/98<sup>(5)</sup>, lays down the conditions for the taking over of cereals for intervention and must accordingly be amended;

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

HAS ADOPTED THIS REGULATION:

## Article 1

Regulation (EEC) No 682/92 is amended as follows:

1. The following subparagraph is hereby inserted after the first subparagraph of Article 2 (3):

'However, notwithstanding point 2(a) of the Annex to Regulation (EEC) No 2731/75; in the case of barley harvested in Finland or Sweden with a specific weight of at least 64 kg/hl and offered for intervention in those countries until the end of the 1999/2000 marketing year, "shrivelled grains" shall mean grains which, after elimination of all the other matter referred to in the Annex to that Regulation, pass through sieves with apertures measuring 2 millimetres.'

2. The text of Article 2(4) is replaced by the following:

'4. Notwithstanding paragraph 2, and for the 1999/2000 marketing year:

- at the request of the Member State, a decision shall be taken in accordance with the procedure provided for in Article 23 of Regulation (EEC) No 1766/92, to fix the maximum moisture content at 15 % for cereals offered for intervention with the exception of maize and sorghum,
- the reduction provided for in the case of barley of a specific weight less than 64 kg/hl referred to in Annex II, Table III shall not apply.'

## Article 2

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 1999.

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 281, 1.11.1975, p. 22.

<sup>(4)</sup> OJ L 74, 20.3.1992, p. 18.

<sup>(5)</sup> OJ L 209, 25.7.1998, p. 25.

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

Done at Brussels, 28 July 1999.

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

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**COMMISSION REGULATION (EC) No 1665/1999****of 28 July 1999****fixing the maximum moisture content of cereals offered for intervention in certain Member States during the 1999/2000 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

- (1) Whereas Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat <sup>(3)</sup>, as last amended by Regulation (EC) No 1253/1999, in particular fixes a maximum moisture content of 14 % for cereals other than durum wheat; whereas, under Commission Regulation (EEC) No 689/92 of 19 March 1992 fixing the procedure and conditions for the taking over of cereals by intervention agencies <sup>(4)</sup>, as last amended by Regulation (EC) No 1664/1999 <sup>(5)</sup>, a maximum moisture content of 14,5 % was fixed; whereas Article 2(4) of that Regulation also provides that the Member States may be authorised at their request and under certain conditions to apply a moisture

content of 15 % for cereals offered for intervention, with the exception of durum wheat, maize and sorghum;

- (2) Whereas certain Member States have submitted requests to that end;
- (3) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Member States listed in the Annex hereto are hereby authorised to fix a maximum moisture content of 15 % for cereals listed therein and offered for intervention during the 1999/2000 marketing year.

*Article 2*

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 1999.

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

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 281, 1.11.1975, p. 22.

<sup>(4)</sup> OJ L 79, 20.3.1992, p. 18.

<sup>(5)</sup> See page 28 of this Official Journal.

## ANNEX

**Maximum moisture content of cereals offered for intervention during the 1999/2000 marketing year**

Member State	Cereal
Austria	All cereals except durum wheat, maize and sorghum
Belgium	All cereals except durum wheat, maize and sorghum
Denmark	All cereals except durum wheat, maize, sorghum and rye
Federal Republic of Germany	All cereals except durum wheat, maize and sorghum
Ireland	All cereals except durum wheat, maize and sorghum
France	All cereals except durum wheat, maize and sorghum
Netherlands	All cereals except durum wheat, maize and sorghum
Luxembourg	All cereals except durum wheat, maize and sorghum

**COMMISSION REGULATION (EC) No 1666/1999****of 28 July 1999****laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the minimum marketing characteristics for certain varieties of dried grapes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, as amended by Regulation (EC) No 2199/97 <sup>(2)</sup>, and in particular Article 8 thereof,

- (1) Whereas Article 8 of Regulation (EC) No 2201/96 provides that common standards may be introduced for the dried grape varieties listed in Article 7(1) of that Regulation intended either for consumption in the Community or for export to third countries; whereas, in view of commercial practices in world trade as regards the classification of those products, such measures should be limited to setting minimum characteristics and permitted tolerances for dried grapes intended for consumption in the Community or for export; whereas, for the sake of simplification, the minimum characteristics and permitted tolerances adopted should be those laid down in the UN/ECE standard recommended by the United Nations Economic Commission for Europe Working Party on Standardisation of Perishable Produce and Quality Development;
- (2) Whereas, to ensure uniform application of this quality requirement for dried grapes marketed without placing an excessive burden on the inspection authorities, the precise stage for checking products obtained in the Community and products imported from third countries for compliance with the minimum quality requirements should be laid down, whilst at the same time allowing the Member States the possibility of carrying out checks at other stages of marketing;
- (3) Whereas, for products imported from third countries, to facilitate control procedures, checks on compliance with minimum characteristics should be restricted to dried grapes imported from third countries in large packings, given that the risk of imports of products not meeting the requirements will, in practice, only arise in the case of such products;
- (4) Whereas, to take account of differences between the national control systems, it should be left to the Member States to lay down detailed rules for carrying out checks;

- (5) Whereas the Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

Dried grapes of the sultana and Muscatel varieties and currants falling within CN code 0806 20 intended for consumption in the Community or for export to third countries must comply with the minimum characteristics and tolerances set out in the annex.

This requirement shall apply at the stage of release for free circulation in the case of products originating in third countries and at the stage of exit from processing installations in the case of Community products.

*Article 2*

Dried grapes obtained in the Community and intended for the internal market or for export shall be checked for compliance with the minimum characteristics and tolerances referred to in Article 1 on the processing premises before being loaded for dispatch.

Dried grapes imported in immediate packings of a net capacity of more than 2 kg shall be sample-checked for compliance with this requirement before being released for free circulation on the Community market. Member States may check such products at all stages of marketing.

The Member States may decide to accept as proof of compliance with this Regulation the certificate of compliance with the minimum characteristics and tolerances for Class II of the United Nations Economic Commission for Europe (UN/ECE) standard issued by third countries of origin of dried grapes.

*Article 3*

The Member States shall determine how checks are to be carried out.

*Article 4*

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

It shall apply from the 1 September 2000.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29.

<sup>(2)</sup> OJ L 303, 6.11.1997, p. 1.

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

Done at Brussels, 28 July 1999.

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

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## ANNEX

## MINIMUM CHARACTERISTICS OF DRIED GRAPES

**1. Definition**

The dried grapes must be of the sultana or muscatel varieties or currants grown from *Vitis vinifera* L.

**2. Minimum requirements**

2.1. The dried grapes must be:

- whole,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- free from living insects or mites whatever their stage of development,
- free from abnormal external moisture,
- free of foreign smell and taste (a slight smell of SO<sub>2</sub> and a slight smell and taste of oil are not considered abnormal),
- and subject to the tolerances,
- clean, practically free from any visible foreign matter,
- free from visible damage by insects, mites or other parasites,
- free from mould,
- free from immature and/or undeveloped berries,
- free from pieces of stem,
- free from pedicels, except for muscatel,
- free from damaged berries (in seeded forms, normal mechanical injury resulting from normal seeding operations is not considered 'damage')
- free from evident sugar crystals,
- free from extraneous vegetable matter.

2.2. The dried grapes must also:

- possess similar varietal characteristics,
- have a fairly good characteristic flavour, texture and colour,
- be prepared from fairly well matured grapes,
- be screened or sized,
- they may have defects within the tolerance limits indicated under the provisions concerning tolerances provided that the dried grapes retain their essential characteristics as regards general appearance, quality, keeping quality and presentation.

2.3. The condition of the dried grapes must be such as to enable them

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

**3. Moisture content**

The dried grapes must have a moisture content of not less than 13 % and not more than 31 % for the Malaga/muscatel type, 23 % for seed-bearing varieties and 18 % for seedless varieties and currants.

**4. Tolerances**

The tolerances in respect of quality allowed in each package for produce not satisfying the requirements for the class indicated are as follows:

## SEEDLESS

Permitted defects	Tolerances for defective fruit	
	Percentage by weight	By number
Pieces of stem (per kg)	—	2,00
Pedicels (%)	—	5,00
Immature and/or undeveloped berries	4,00	—
Berries having seeds in seedless types (%)	—	1,00
Mouldy	4,00	—
Insect damaged	1,00	—
Damaged	5,00	—
Sugared	15,00	—
Extraneous vegetable material	0,03	—
Mineral impurities	0,01	—

## SEED-BEARING

Permitted defects	Tolerances for defective fruit	
	Percentage by weight	By number
Pieces of stem (per kg)	—	2,00
Pedicels (%)	—	5,00
Immature and/or undeveloped berries	2,00	—
Mouldy	4,00	—
Insect damaged	1,00	—
Damaged	5,00	—
Sugared	15,00	—
Extraneous vegetable material	0,03	—
Mineral impurities	0,01	—

## CURRANTS

Permitted defects	Tolerances for defective fruit	
	Percentage by weight	By number
Pieces of stem (per kg)	—	1,00
Pedicels (%)	—	3,00
Immature and/or undeveloped berries	1,50	—
Mouldy	4,00	—
Insect damaged	1,00	—
Damaged	3,00	—
Sugared	15,00	—
Extraneous vegetable material	0,03	—
Mineral impurities	0,01	—

## COMMISSION REGULATION (EC) No 1667/1999

of 28 July 1999

**amending Regulation (EC) No 1760/98 increasing to 2 538 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

- (1) Whereas Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 39/1999 <sup>(4)</sup>, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;
- (2) Whereas Commission Regulation (EC) No 1760/98 <sup>(5)</sup>, as last amended by Regulation (EC) No 1397/1999 <sup>(6)</sup>, opened a standing invitation to tender for the export of 2 338 000 tonnes of barley held by the French intervention agency; whereas, France informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 2 538 000 tonnes;
- (3) Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities

in store; whereas Annex I to Regulation (EC) No 1760/98 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 2 538 000 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.

2. The regions in which the 2 538 000 tonnes of barley are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

*Article 2*

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

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

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 5, 9.1.1999, p. 64.

<sup>(5)</sup> OJ L 221, 8.8.1998, p. 13.

<sup>(6)</sup> OJ L 163, 29.6.1999, p. 37.

## ANNEX

## 'ANNEX I

*(tonnes)*

Place of storage	Quantity
Amiens	102 500
Châlons	244 000
Dijon	137 000
Lille	443 554
Nantes	37 000
Nancy	89 000
Orléans	523 000
Paris	140 000
Poitiers	205 000
Rouen	615 546
Toulouse	1 400'



**COMMISSION REGULATION (EC) No 1668/1999****of 28 July 1999****amending Regulation (EC) No 1758/98 increasing to 1 650 000 tonnes the quantity of wheat of breadmaking quality held by the French intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

- (1) Whereas Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 39/1999 <sup>(4)</sup>, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;
- (2) Whereas Commission Regulation (EC) No 1758/98 <sup>(5)</sup>, as last amended by Regulation (EC) No 1563/1999 <sup>(6)</sup>, opened a standing invitation to tender for the export of 1 450 000 tonnes of wheat of breadmaking quality held by the French intervention agency; whereas France informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of wheat of breadmaking quality held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 650 000 tonnes;
- (3) Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions

and quantities in store; whereas Annex I to Regulation (EC) No 1758/98 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1758/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 1 650 000 tonnes of wheat of breadmaking quality to be exported to all third countries.
  2. The regions in which the 1 650 000 tonnes of wheat of breadmaking quality are stored are stated in Annex I to this Regulation.'
2. Annex I is replaced by the Annex hereto.

*Article 2*

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

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

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 5, 9.1.1999, p. 64.

<sup>(5)</sup> OJ L 221, 8.8.1998, p. 3.

<sup>(6)</sup> OJ L 184, 17.7.1999, p. 11.

## ANNEX

## 'ANNEX I

(tonnes)

Place of storage	Quantity
Amiens	256 000
Clermont	1 000
Châlons	107 000
Dijon	38 000
Lille	241 000
Orléans	476 000
Paris	197 000
Poitiers	54 000
Rouen	220 000
Rennes	12 000
Nantes	28 000
Nancy	20 000

**COMMISSION REGULATION (EC) No 1669/1999**  
**of 28 July 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,

(1) 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;

(2) 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>;

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

(4) 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;

(5) 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;

(6) 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;

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

(8) 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;

(9) 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 29 July 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, 28 July 1999.

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

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ANNEX

**to the Commission Regulation of 28 July 1999 fixing the export refunds on olive oil**

(EUR/100 kg)

Product code	Amount of refund <sup>(1)</sup>
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

<sup>(1)</sup> 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 1670/1999****of 28 July 1999****determining to what extent applications for the right to import for cows and heifers of certain mountain breeds lodged under Regulation (EC) No 1143/98 can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 <sup>(1)</sup>, as amended by Regulation (EC) No 1081/1999 <sup>(2)</sup>; and in particular Article 5 (1) thereof,

- (1) Whereas Article 2(2) of Regulation (EC) No 1143/98 provides for the quantities reserved to traditional importers to be assigned in proportion to their imports during the period 1 July 1996 to 30 June 1999;
- (2) Whereas allocation of the quantities available to operators covered by Article 2(3) of the abovementioned Regulation is to be made in proportion to the quantities applied for; whereas since the quantities applied for

exceed those available, a fixed percentage reduction should be set,

HAS ADOPTED THIS REGULATION:

*Article 1*

Every application for the right to import lodged in accordance with Regulation (EC) No 1143/98 shall be granted to the following extent:

- (a) for importers covered by (a) in Article 2 (1) of Regulation (EC) No 1143/98, 33,9662 % of the quantities imported during the period 1 July 1996 to 30 June 1999;
- (b) for importers covered by (b) in Article 2 (1) of Regulation (EC) No 1143/98, 1,699 % of the quantities applied for.

*Article 2*

This Regulation shall enter into force on 29 July 1999.

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

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 159, 3.6.1998, p. 14.

<sup>(2)</sup> OJ L 131, 27.5.1999, p. 15.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 28 July 1999

amending with retroactive effect Decision 1999/355/EC on emergency measures against the dissemination of *Anoplophora glabripennis* (Motschulsky) as regards China (except Hong Kong)

(notified under document number C(1999) 2441)

(1999/516/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Commission Directive 1999/53/EC <sup>(2)</sup> and in particular Article 15(3) thereof,

- (1) Whereas, where a Member State considers that there is an imminent danger of the introduction into its territory of *Anoplophora glabripennis* (Motschulsky) from a third country, it may temporarily take any additional measures necessary to protect itself from that danger;
- (2) Whereas as a result of interceptions of *Anoplophora glabripennis* (Motschulsky) on wooden packing material made from hardwood originating in some areas of China, the United Kingdom took official measures on 14 December 1998 in order to protect its territory from the danger of introduction of the said organism and set up additional specific monitoring procedures for the said organism on the said commodity;
- (3) Whereas on the basis of information provided by the United Kingdom and international scientific technical literature, Hong Kong is known to be free from *Anoplophora glabripennis* (Motschulsky);
- (4) Whereas, on the basis of these interceptions, the Commission adopted, by Decision 1999/355/EC <sup>(3)</sup>, emergency measures applicable to the whole

Community with a view to ensuring more efficient protection against the introduction of *Anoplophora glabripennis* (Motschulsky) into the Community from the said country with the exclusion of Hong Kong; whereas, these measures included the requirement that wood, other than wood of conifers (*Coniferales*) in the form of:

— cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, actually in use in the transport of objects of all kinds

or

— wood used to wedge or support cargo, including wood which has not kept its natural round surface, originating in China (except Hong Kong),

shall be stripped of its bark and shall be free of insect bore holes greater than 3 mm across, or kiln-dried to below 20 % moisture content, expressed as a percentage of dry matter achieved through an appropriate time/temperature schedule;

- (5) Whereas it has appeared that those emergency measures did not provide for action in case of interceptions of living specimens of the harmful organism concerned; on whatever potential vector or carrier; it should therefore be ensured that in such event Member States take action to prevent the introduction or the spread of this harmful organism;
- (6) Whereas, it seems that the emergency measures as adopted have caused practical problems for adjusting the wooden packing and support material in respect of all consignments of whatever product that has left or will leave China since 10 June 1999 with Community destination;

<sup>(1)</sup> OJ L 26, 31.1.1977, p. 20.

<sup>(2)</sup> OJ L 142, 5.6.1999, p. 29.

<sup>(3)</sup> OJ L 137, 1.6.1999, p. 45.

- (7) Whereas the circumstances justifying the emergency measures still pertain;
- (8) Whereas to allow China to adjust wooden package and support material to the requirement of the said Decision in a reasonable period of time, the said Decision should be amended with retroactive effect to exempt the consignments leaving China before 10 July 1999 from the aforesaid requirements of the Decision;
- (9) Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

With effect of 28 May 1999 Article I of Decision 1999/355/EC is replaced by the following;

*'Article I*

1. Member States shall ban the introduction into and spread within, the Community of *Anoplophora glabripennis* (Motschulsky).

2. Wood as specified in the Annex to this Decision and which originates in China (except Hong Kong) may be introduced into the territory of the Community only if the emergency measures as laid down in the said Annex to this Decision are complied with. The emergency measures specified in the Annex shall apply only to such wood leaving China on or after 10 July 1999.'

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION DECISION**  
**of 28 July 1999**  
**amending Decision 98/653/EC concerning emergency measures made necessary by the occurrence**  
**of bovine spongiform encephalopathy in Portugal**

(notified under document number C(1999) 2487)

(Text with EEA relevance)

(1999/517/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

exposing humans or animals directly or indirectly to the BSE agent;

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(1)</sup>, as last amended by Directive 92/118/EEC <sup>(2)</sup>, and in particular Article 10(4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(3)</sup>, as last amended by Directive 92/118/EEC, and in particular Article 9(4) thereof,

(1) Whereas Commission Decision 98/653/EC of 18 November 1998 concerning emergency measures made necessary by the occurrence of bovine spongiform encephalopathy in Portugal <sup>(4)</sup> prohibits the dispatch of meat meal, bone meal and meat-and-bone meal of mammalian origin as well as animal feed and fertilisers containing such material from Portugal; whereas Commission Decision 97/735/EC of 21 October 1997 concerning certain protection measures with regard to trade in certain types of mammalian animal waste <sup>(5)</sup>; lays down the conditions for sending processed animal waste to other Member States for incineration or burning as fuel; whereas, however, that possibility is not open to Portugal pursuant to Decision 98/653/EC;

(2) Whereas Portugal has taken measures as notified to the Commission on 12 October 1998, including measures to destroy certain risk materials, to prohibit the incorporation of meat-and-bone meal in any animal feed, to require destruction of meat-and-bone meal, to recall and destroy any stocks of meat-and-bone meal, and of any animal feed that contains meat-and-bone meal; whereas those measures are considered to reduce the risk of

(3) Whereas Portugal has informed the Commission that it does not have sufficient capacity on its territory to incinerate meat-and-bone meal, animal feed that contains meat-and-bone meal, and processed specified risk materials; whereas Portugal has proposed to the Commission that it should be possible for such material to be sent for incineration in another Member State; whereas a reduction of the amount of such material stored in Portugal would further reduce the risk of exposing humans or animals directly or indirectly to the BSE agent; whereas, therefore, Portugal should be permitted to dispatch such material from its territory to other Member States for incineration; whereas it is necessary to lay down appropriate guarantees for the controls at the place of destination;

(4) Whereas the prohibition on the dispatch from Portugal of bovine products was to apply only until 1 August 1999, provided that a risk assessment conducted on the basis of the findings of a mission of the Food and Veterinary Office, taking into account the evolution of the disease, demonstrates that appropriate measures have been taken to manage any risk, and that the relevant Community and national measures are complied with and effectively enforced;

(5) Whereas at the General Session of the World Organisation for Animal Health (International Office of Epizootic Diseases (OIE)) Committee from 17 to 21 May 1999, a proposal of the OIE International Animal Health Code Commission concerning the criteria for the determination of the BSE status of a country or zone was adopted; whereas according to those criteria, a country or zone will be classified as having a high incidence of BSE if the BSE incidence rate, calculated over the past 12 months, has been greater than 100 cases per 1 000 000 within the cattle population over 24 months of age in the country or zone; whereas the current BSE incidence rate in Portugal calculated over the past 12 months per 1 000 000 animals over 24 months of age is 211;

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(3)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(4)</sup> OJ L 311, 20.11.1998, p. 23.

<sup>(5)</sup> OJ L 294, 28.10.1997, p. 7.



whereas, therefore, Portugal is to be classified as having a high incidence of BSE; whereas Article 3.2.13.9 of that Code recommends conditions for the import of deboned meat and meat products from cattle from a country or zone with a high incidence of BSE; whereas Portugal cannot provide guarantees that those conditions are met;

- (6) Whereas missions on BSE related issues have been carried out in Portugal by the Food and Veterinary Office from 22 February to 3 March 1999 and from 19 to 23 April 1999; whereas those missions contributed to the assessment of the application and effectiveness of measures to protect against BSE; whereas those missions concluded that serious efforts and considerable progress had been made in the implementation of risk management measures in a short period, despite not all measures being adequately enforced;
- (7) Whereas in those circumstances, it is appropriate to maintain the prohibition on the dispatch of bovine products;
- (8) Whereas Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters <sup>(1)</sup>, and in particular Article 10 thereof, lays down the rules for the communication by the competent authorities in the Member States to the Commission of information on operations, which are, or appear to be, contrary to Decision 98/653/EC and which are of particular interest at Community level;
- (9) Whereas Directive 89/662/EEC requires the Member State of destination to take appropriate measures in case of irregularities; whereas protocols should be laid down for such measures in the Member States of destination;
- (10) Whereas Decision 98/653/EC should be amended accordingly;
- (11) 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*

Decision 98/653/EC is amended as follows

1. Article 3 is replaced by the following:

*'Article 3*

1. By way of derogation from Article 2, Portugal may authorise the dispatch from its territory to:

(a) other Member States or to third countries of food destined for domestic carnivores containing material referred to in Article 2(b) provided that that material did not originate from Portugal and that the conditions laid down in Articles 8 and 9 and complied with;

(b) other Member States of material referred to in Article 2(b) and (c) for the purpose of incineration in accordance with the conditions laid down in Annex I.

2. The derogation provided for in paragraph 1(b) shall apply only if the Member State of destination has authorised the receipt of the material referred to therein.

3. Member States of destination shall inform the Commission and the other Member States of the list of incineration plants authorised to receive the material referred to in paragraph 1(b).

4. The Member State of destination shall ensure that the material referred to in paragraph 1(b) is incinerated in accordance with Annex I.

5. The Member State of destination shall keep full records demonstrating compliance with this Article.

6. The Commission, after having verified on-the-spot in the Member State of destination the application, as appropriate, of the provisions of this Article on the basis of a Community inspection and after having informed the Member States; shall set the date on which the dispatch of the material referred to in paragraph 1(b) may commence'

2. In Article 4, the words '1 August 1999' are replaced by '1. February 2000'.

3. In Article 5(1)(a), the word 'Annex' is replaced by 'Annex II'.

4. The present Annex to Decision 98/653/EC becomes 'Annex II' and Annex I as set out in the Annex to this Decision is inserted.

<sup>(1)</sup> OJ L 351, 2.2.1989, p. 34.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 28 July 1999.

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

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## ANNEX

## 'ANNEX I

**A. Conditions for the dispatch of meat meal, bone meal and meat-and-bone meal of mammalian origin as well as animal feed and fertilisers containing such material as referred to in Article 3(1)(b)**

1. An official certificate as laid down in part B of this Annex must accompany the material.
2. All containers must be marked with the words "Not for animal consumption or incineration only" in the languages of the Member State of origin, destination and transit, and, where material is in bags inside an outer container, the bags must be marked as above.
3. The material must be transported in officially sealed covered containers in such a way as to prevent loss and conveyed directly to an incineration plant as referred to in Article 3(3).
4. Portugal must inform by means of the ANIMO system the competent authority of the place of destination and all Member States of transit of each consignment using the codes set out in Title I, Chapter I.3, point 12(2) and Title III point D4(1) of Commission Decision 93/70/EEC<sup>(1)</sup>. The words "Not for animal consumption — For incineration only" must be contained in the ANIMO message.
5. The Member State of destination must inform the competent authority of the place of origin of the arrival of the consignment by sending a copy of the official certificate as referred to in point 1, signed by the competent authority of the place of destination, to the competent authority of the place of origin by fax or any other means.
6. The Member State of destination must have detailed protocols in place covering:
  - (a) controls on arrival, storage and movement of each consignment, in particular unsealing of containers and reconciliation of weight,
  - (b) controls on certificates and ANIMO messages,
  - (c) the measures referred to in point 5,
  - (d) controls on the cleaning of the containers,
  - (e) controls on the incineration of the material,
  - (f) records at the incineration plant,
  - (g) measures in case of irregularities.

<sup>(1)</sup> OJ L 25, 2.2.1993, p. 34.

**B. OFFICIAL CERTIFICATE**

**for meat meal, bone meal and meat-and-bone meal of mammalian origin as well as animal feed and fertilisers containing such material for the purpose of incineration**

Member State of destination: .....  
Reference number of the official certificate: .....  
Member State of origin: .....  
Responsible ministry: .....  
Certifying department: .....

**I. Identification of the consignment**

Nature of packaging: .....  
Number of packages: ..... (1)  
Net weight: .....

**II. Origin of the consignment**

Address of the establishment: .....

**III. Destination of the consignment**

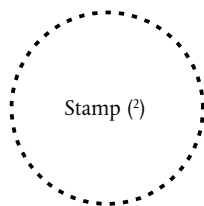
The mammalian animal waste will be sent  
from:.....  
(place of loading)  
to:.....  
(country and place of destination)  
by the following means of transport:  
Type: .....  
Plate number or name of the vessel:.....  
Number of the seal:.....  
Name and address of consignor: .....  
Name and address of consignee: .....

**ATTESTATION:**

The undersigned official veterinarian certifies that the product described above contains meat meal, bone meal or meat-and-bone meal of mammalian origin or animal feed or fertilisers containing such material, which cannot be used for purposes other than incineration.

The material does not contain material from bovine animals suspected or confirmed of having contracted BSE, nor from other bovine animals killed under a BSE eradication measure pursuant to Commission Decision 96/381/EC.

Done at ..... , on .....  
(place) (date)



.....  
(signature of the official) (2)  
.....  
(name in capital letters, qualifications and title)

(1) Only applicable if not in bulk.  
(2) The signature and stamp must be in a colour different to that of the printing.

## COMMISSION DECISION

of 28 July 1999

**amending Commission Decision 94/360/EC on the reduced frequency of physical checks of consignments of certain products to be imported from third countries, pursuant to Council Directive 90/675/EEC**

(notified under document number C(1999) 2517)

(Text with EEA relevance)

(1999/518/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisations of veterinary checks on products entering the Community from third countries <sup>(1)</sup> and in particular Article 22(6) thereof,

- (1) Whereas the competent authorities of Switzerland, on 16 July 1999, have informed the services of the Commission that diethylstilboestrol (DES) has been detected on two occasions in beef meat imported from an establishment in the United States of America (USA);
- (2) Whereas the use of DES, in view of its toxic properties, is banned by virtue of Article 2 (a) and Article 3 (a) of Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action of beta agonists <sup>(2)</sup>;
- (3) Whereas for the same reasons, the use of DES is also banned in the USA;
- (4) Whereas the Commission services have not received any official explanation from the authorities in the USA on this problem or on the measures taken to control the situation;
- (5) Whereas the inspection measures applied at Community border inspection posts should include specific testing for stilbenes;

- (6) 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*In Decision 94/360/EC <sup>(3)</sup>, the second indent of paragraph 1 of Article 1(a) is replaced by the following text:

- ‘— two official samples shall be taken from each consignment and examined for residues of each of the xenobiotic hormones melengestrol acetate, trenbolone, zeranol, and stilbenes including diethylstilboestrol, and for abnormally high levels of residues of the natural hormones 17 beta oestradiol, progesterone and testosterone.’

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 24, 30.1.1998, p. 9.<sup>(2)</sup> OJ L 125, 23.5.1996, p. 3.<sup>(3)</sup> OJ L 158, 25.6.1994, p. 41.

## EUROPEAN ECONOMIC AREA

## THE EEA JOINT COMMITTEE

## DECISION OF THE EEA JOINT COMMITTEE

No 100/98/COL

of 30 October 1998

**amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 98 thereof,

Whereas Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 87/98 of 25 September 1998 <sup>(1)</sup>;

Whereas Commission Regulation (EC) 1798/96 of 17 September 1996 amending Annex III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin <sup>(2)</sup>, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 14 (Council Regulation (ECC) No 2377/90) in Chapter XIII of Annex II to the Agreement:

‘— **396 R 1798**: Commission Regulation (EC) No 1798/96 of 17 September 1996 (OJ L 236, 18.9.1996, p.23).’

*Article 2*

The texts of Regulation (EC) No 1798/96 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

*Article 3*

This Decision shall enter into force on 31 October 1998, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

<sup>(1)</sup> OJ L 189, 22.7.1999, p. 56.

<sup>(2)</sup> OJ L 236, 18.9.1996, p. 23.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 30 October 1998.

*For the EEA Joint Committee*  
*The President*  
N. v. LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 101/98/COL****of 30 October 1998****amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement**

THE EEA JOINT COMMITTEE

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the 'Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 84/98 of 25 September 1998 <sup>(1)</sup>,

Whereas Commission Regulation (EC) No 211/97 of 4 February 1997 amending Annex II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin <sup>(2)</sup>, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 14 (Council Regulation (EEC) No 2377/90) in Chapter XIII of Annex II to the Agreement:

— **397 R 0211**: Commission Regulation (EC) No 211/97 of 4 February 1997 (OJ L 35, 5.2.1997, p.1).'

*Article 2*

The texts of Regulation (EC) No 211/97 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

*Article 3*

This Decision shall enter into force on 31 October 1998, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 30 October 1998.

For the EEA Joint Committee

The President

N. v. LIECHTENSTEIN

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<sup>(1)</sup> OJ L 189, 22.7.1999, p. 56.

<sup>(2)</sup> OJ L 35, 5.2.1997, p. 1.



**DECISION OF THE EEA JOINT COMMITTEE****No 102/98****of 30 October 1998****amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the 'Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 50/98 of 29 May 1998 <sup>(1)</sup>;

Whereas Commission Decision 96/335/EC of 8 May 1996 establishing an inventory and a common nomenclature of ingredients employed in cosmetic products <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 9 (Commission Directive 95/17/EC) of Chapter XVI of Annex II to the Agreement:

'10. **396 D 0335**: Commission Decision 96/335/EC of 8 May 1996 establishing an inventory and a common nomenclature of ingredients employed in cosmetic products (OJ L 132, 1.6.1996, p.1).'

*Article 2*

The texts of Decision 96/335/EC in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

*Article 3*

This Decision shall enter into force on 31 October 1998, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 30 October 1998.

For the EEA Joint Committee  
The President  
N. v. LIECHTENSTEIN

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<sup>(1)</sup> OJ L 30, 4.2.1999, p. 51.

<sup>(2)</sup> OJ L 132, 1.6.1996, p. 1.

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 103/98/COL**  
**of 30 October 1998**  
**amending Annex XIII (Transport) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the 'Agreement', and in particular Article 98 thereof,

Whereas Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 32/98 of 30 April 1998 <sup>(1)</sup>;

Whereas Commission Regulation (EC) No 179/98 of 23 January 1998 amending Council Regulation (EC) No 3051/95 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries) <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following shall be added in point 56c (Council Regulation (EC) No 3051/95) in Annex XIII to the Agreement:

'as amended by:

- **398 R 0179**: Commission Regulation (EC) No 179/98 of 23 January 1998 (OJ L 19, 24.1.1998, p.35).'

*Article 2*

The texts of Regulation (EC) No 179/98 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

*Article 3*

This Decision shall enter into force on 1 January 1999, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 30 October 1998.

For the EEA Joint Committee

*The President*

N. v. LIECHTENSTEIN

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<sup>(1)</sup> OJ L 310, 19.11.1998, p. 19.

<sup>(2)</sup> OJ L 19, 24.1.1998, p. 35.

**DECISION OF THE EEA JOINT COMMITTEE****No 104/98/COL****of 30 October 1998****amending Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XVIII to the Agreement was amended by Decision of the EEA Joint Committee No 94/98 of 25 September 1998 <sup>(1)</sup>;

Whereas Commission Directive 97/81/EC of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC <sup>(2)</sup> and Council Directive 98/23/EC of 7 April 1998 on the extension of Directive 97/81/EC on the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland <sup>(3)</sup> are to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 30 (Council Directive 96/71/EC) in Annex XVIII to the Agreement:

'31. **397 L 0081**: Council Directive 97/81/EC of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC (OJ L 14, 20.1.1998, p.9), as amended by:

— **398 L 0023**: Council Directive 98/23/EC of 7 April 1998 (OJ L 131, 5.5.1998, p.10).'

*Article 2*

The texts of Directives 97/81/EC and 98/23/EC in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

*Article 3*

This Decision shall enter into force on 31 October 1998, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 30 October 1998.

For the EEA Joint Committee

The President

N. v. LIECHTENSTEIN

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<sup>(1)</sup> OJ L 189, 22.7.1999, p. 68.

<sup>(2)</sup> OJ L 14, 20.1.1998, p. 9.

<sup>(3)</sup> OJ L 131, 5.5.1998, p. 10.

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 105/98/COL**  
**of 30 October 1998**  
**amending Annex XX (Environment) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 96/98 of 25 September 1998 <sup>(1)</sup>;

Whereas Council Directive 98/20/EC of 30 March 1998 amending Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988) <sup>(2)</sup> is to be incorporated into the Agreement;

Whereas the adaptations to Council Directive 92/14/EEC <sup>(3)</sup> are to be deleted as a result of Austria's accession to the European Union,

HAS DECIDED AS FOLLOWS:

*Article 1*

The text of point 32d in Annex XX to the Agreement shall be replaced by the following:

'**392 L 0014:** Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988) (OJ L 76, 23.3.1992 p.21), as corrected by OJ L 168, 23.6.1992, p. 30, as amended by:

— **398 L 0020:** Council Directive 98/20/EC of 30 March 1998 (OJ L 107, 7.4.1998, p.4).'

*Article 2*

The texts of Directive 98/20/EC in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

*Article 3*

This Decision shall enter into force on 31 October 1998, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

*Article 4*

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 30 October 1998.

*For the EEA Joint Committee*

*The President*

N. v. LIECHTENSTEIN

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<sup>(1)</sup> OJ L 189, 22.7.1999, p. 70.

<sup>(2)</sup> OJ L 107, 7.4.1998, p. 4.

<sup>(3)</sup> OJ L 76, 23.3.1992, p. 21.

**CORRIGENDA**

**Corrigendum to Commission Regulation (EC) No 1310/1999 of 21 June 1999 determining the amounts of the agricultural components and the additional duties applicable from 1 July 1999 to 30 June 2000 on the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 from Norway**

*(Official Journal of the European Communities L 156 of 23 June 1999)*

On page 14, in Annex II, Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

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**Corrigendum to Commission Regulation (EC) No 1494/1999 of 30 June 1999 laying down the reduced agricultural components and additional duties applicable from 1 July to 31 December 1999 inclusive to the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 under Europe Agreements**

*(Official Journal of the European Communities L 173 of 9 July 1999)*

On page 10, in Annex II, 'Republic of Poland', Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

On page 19, in Annex IV, 'Republic of Bulgaria', Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

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**Corrigendum to Commission Regulation (EC) No 1495/1999 of 30 June 1999 laying down the reduced agricultural components and additional duties applicable from 1 July 1999 to 30 June 2000 inclusive to the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 under Europe Agreements**

(Official Journal of the European Communities L 173 of 9 July 1999)

On page 30, in Annex II, 'Czech Republic', Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

On page 39, in Annex IV, 'Slovak Republic', Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

On page 48, in Annex VI, 'Republic of Hungary', Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

On page 51, in Annex VII, 'Republic of Hungary', Part 1:

The texts of reference (\*\*) and footnote 2 should be added:

(\*\*) Véase la parte 2 — Derecho limitado al nivel del derecho *ad valorem* previsto en el Arancel aduanero común/Se del 2 — Told begrænset til den værditold, der er fastsat i den fælles toldtarif/s. Teil 2 — darf die Höhe des im Gemeinsamen Zolltarif festgesetzten Wertzolls nicht überschreiten/Βλέπε μέρος 2 — Ο δασμός περιορίζεται στο ύψος του δασμού κατ' αξία που προβλέπεται στο κοινό δασμολόγιο/See Part 2 — Duty limited to the *ad valorem* rate set in the Common Customs Tariff./Voir partie 2 — Droit limité au niveau du droit *ad valorem* prévu au tarif douanier commun/Vedi parte 2 — Dazio limitato al tasso *ad valorem* previsto dalla tariffa doganale comune./Zie deel 2 — Recht beperkt tot de hoogte van het *ad valorem*-recht zoals bepaald in het Gemeenschappelijk douanetarief/Cf. Parte 2 — Direito limitado ao nível do direito *ad valorem* previsto na pauta aduaneira comum/Ks. 2 osa — tulli rajoitettu yhteisen tullitariffin mukaisen arvotullin tasolle/Se del 2 — tullsats begränsad till värdetullsatsen enligt Gemensamma tulltaxan.

(<sup>2</sup>) Con un contenido de proteínas de leche superior al 2,5 % del peso — Med indhold af mælkeprotein på over 2,5 vægtprocent — mehr als 2,5 GHT Milcheiweiß enthaltend — με περιεκτικότητα κατά βάρος σε πρωτεΐνες γάλακτος μεγαλύτερη από 2,5 % — With a content of milk protein of more than 2,5 % — Contenant en poids plus de 2,5 % de protéines du lait — Avente tenore, in peso, di proteine del latte superiore a 2,5 %. — Met een gehalte aan melkeiwit van meer dan 2,5 %. — Contendo em peso mais de 2,5 % de proteínas do leite — maitoproteiiniipitoisuus enemmän kuin 2,5 prosenttia — Innehållande mer än 2,5 viktprocent mjölkprotein.

On page 57, in Annex VIII, 'Republic of Hungary', Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

On page 66, Annex X, 'Romania', Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

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**Corrigendum to Commission Regulation (EC) No 1496/1999 of 1 July 1999 determining the amounts of the agricultural components and additional duties applicable from 1 July 1999 to 30 June 2000 on the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 from Switzerland**

(Official Journal of the European Communities L 173 of 9 July 1999)

On page 77, in Annex III, Part 1:

For CN codes 1905 30 91, 1905 90 40, 1905 90 45, 1905 90 55, 1905 90 90, the reference (\*) should be placed in the column AD F/M instead of in the column AD S/Z.

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