

English edition

Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2048/1999
of 27 September 1999
amending Regulation (EC) No 2334/97 imposing a definitive anti-dumping duty on certain imports
of flat pallets of wood originating in the Republic of Poland**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Regulation (EC) No 2334/97 ⁽²⁾, and in particular Article 4(1) and (2) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) The Council, by Regulation (EC) No 2334/97, imposed definitive anti-dumping duties on certain imports of flat pallets of wood falling within CN code ex 4415 20 20 originating in the Republic of Poland and accepted undertakings offered from certain producers in connection with these imports. Sampling was applied to Polish producers/exporters and individual duties ranging from 4,0 % to 10,6 % were imposed on the companies in the sample, while other cooperating companies not included in the sample received a weighted average duty of 6,3 %. A duty of 10,6 % was imposed on companies which either did not make themselves known or did not cooperate in the investigation. The producers from which undertakings were accepted were exempted from anti-dumping duties with regard to imports of one specific pallet type, the EUR-pallet, which is the only pallet type covered by the undertakings.
- (2) Article 4(1) of Regulation (EC) No 2334/97 stipulates that any party which provides sufficient evidence to the Commission that:

- it did not export to the Community or produce wooden pallets described in Article 1(1) of that Regulation during the investigation period,
- it is not related to any of the producers or exporters in Poland which are subject to the anti-dumping duties imposed by that Regulation,
- it has actually exported to the Community the goods concerned after the investigation period, or it has entered into any irrevocable contractual obligation to export a significant quantity to the Community,

then that Regulation can be amended by granting that party the duty rate applicable to cooperating producers which were not in the sample, i.e. 6,3 %.

Article 4(2) of Regulation (EC) No 2334/97 provides furthermore that any party which met the criteria set out in Article 4(1) thereof can also be exempted from the payment of the anti-dumping duty if an undertaking with regard to the EUR-pallet is accepted from such party.

- (3) The Council, by Regulation (EC) No 2079/98 ⁽³⁾ amended Regulation (EC) No 2334/97 in its Annexes I and II.

B. NEW EXPORTERS' REQUEST

- (4) Thirteen new Polish exporting producers having requested the same treatment as the companies which cooperated in the original investigation but were not included in the sample, have provided, on request, evidence showing that they meet the requirements set out in Article 4(1) of Regulation (EC) No 2334/97. The evidence provided by these applicant companies is considered sufficient to allow Regulation (EC) No 2334/97 to be amended by adding these 13 exporting producers to Annex to the said Regulation. Annex I specifies the exporting producers which shall be subject to the weighted average duty of 6,3 %.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

⁽²⁾ OJ L 324, 27.11.1997, p. 1. Regulation as amended by Regulation (EC) No 2079/98 (OJ L 266, 1.10.1998, p. 1).

⁽³⁾ OJ L 266, 1.10.1998, p. 1.

- (5) Five of the 13 Polish exporting producers which will receive the weighted average duty of 6,3 %, have also offered undertakings with regard to the EUR-pallet which were accepted by Commission Decision 1999/642/EC ⁽¹⁾. Consequently, these five companies should be added to Annex II to Regulation (EC) No 2334/97, which contains a list of companies from which the Commission has accepted undertakings with regard to imports of the EUR-pallet and to which the duty does not, therefore, apply in this respect,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2334/97 shall be replaced by Annex I to this Regulation.

Article 2

Annex II to Regulation (EC) No 2334/97 shall be replaced by Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 27 September 1999.

For the Council

The President

K. HEMILÄ

⁽¹⁾ See page 36 of this Official Journal

ANNEX I

Manufacturers

1. 'Baum-Holz' Sp.zo.o., Olsztyn
2. 'DAST' GmbH, Poznan
3. Drew-Pol Export-Import, Wodarz Norbert, Murow
4. E. Dziurny — C. Nowak S.C., Snietnica
5. F.P.H. 'Tina', Katowice
6. F.P.H. Tadeusz Fischer, Maly Glebocek
7. F.P.U.H. 'Rol-Mar', Adam Piatek, Klodzko
8. Z.P.H.U. Mirosław Przybyiek, Klonowa
9. Internationale Paletten Company Sp., Lebork
10. 'Kross-Pol' Sp.zo.o., Kolobrzeg
11. P.P.U.H. 'Drewmax' Sp.zo.o. (formerly P.P.H. 'Drewnex'), Krakow
12. P.P.H. 'GKT' S.C., Majdan Mowy
13. P.P.H. 'Pamadex', Ligota
14. P.P.H. 'Unikat', Aleksandrow IV 697
15. P.P.H.U. 'Adapol' S.C., Wolomin
16. P.P.U.H. 'Alwa' Sp.zo.o., Tychowo
17. P.P.U.H. 'SMS' — St. Mrozowicz, Suleczyno
18. P.T.H. 'Mirex', Kolobrzeg
19. P.W. 'Peteco' Sp.zo.o., Warszawa
20. Parafia Rzymsko-Katolicka, B. Niepokalaneg Dzialalnose Gospodaroza, Nowy Sacz
21. Produkcja Palet 'A. Adamus', Kuznia Grabowska
22. Produkcja Skup Palet Drewnianych, Stanislaw Lachowicz, Majdan Sieniawski 170
23. Przedsiębiorstwo 'Amesko', Andrzej Skora, Trzebnica
24. P.H.U. 'Justyna', Gubin
25. P.H.U. 'Akropol', Krakow
26. P.H.U. Produkcyjne 'Lech', Lech Szwez, Zazy
27. Przedsiębiorstwo Obrobki Drewna 'Palet-Pol' Sp.zo.o., Dabrowka WLKP
28. P.P.H. Zygmunt Skibinski, Kowal
29. P.P.H.U. 'AWA' Sp.zo.o., Nowy Sacz
30. Przedsiębiorstwo Wielobranzowe, Zdzioław Milocki, Ostroda
31. 'Scanproduct' SA., Czarny Dunajec
32. SC 'Bed', Dariusz Zuk, Krasienin
33. S.U.T.R. 'Rol Trak', Prochowice
34. Stolarstwo Export-Import, Tadeusz Swirski, Długopole Zdroj
35. Torunskie Przedsiębiorstwo Przemyslu Drzewnego w Toruniu, Adam Wisniewski, Torun
36. 'Transdrewneks' Sp.zo.o., Grudziadz-Owczarki
37. W.Z.P.U.M. 'Euro-Tech', Rakszawa
38. Wytwarzanie Skrzyń i Opakowan Drewnianych, Malgorzata i Ryszard Nowak, Piaszyna
39. Zaklad Produkcyjno Bohoszko, Ryszard Bohuszko, Osno
40. Z.P.H. 'Maw' SC., Andrzej Kulej, Lubomierz
41. Zaklad Usługowo-Handlowy 'Rolmex', E. Cackowski, Lipno
42. Zaklad Wielobranzowy Produkcyjno Usługowy, Ryszard Potoniec, Muszyna
43. Zaklad Przerobu Drewna S.C., Drawsko Pomorskie
44. Z.P.H.U. 'Drewex' S.C., Asnieszka Pawlaczyk, Skwierzyna
45. Z.P.H.U. 'Sek-Pol' Sp.zo.o., Tarnobrzeg
46. 'Euro-Mega-Plus' Sp.zo.o., Kielce
47. 'C.M.C.', Sp.zo.o., Andrychow, Inwald

48. Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704
49. Firma Produkcyjno Transportowa Marian Gerka, Brodnica
50. Z.P.H.U. 'Drewnex' S.C., Zelazkow 45 b
51. Import-Export 'Elko' Sp.zo.o., Kalisz
52. P.P.H.U. 'Probox', Import-Export, Kalisz
53. Drewpal S.C., Stawiszyn
54. Zaman S.C., Radom
55. 'Marimpex', Pulawy
56. 'AVEN' Sp.zo.o., Kostrzyn
57. P.P.H.U. 'Eurex' S.C., Godynice
58. P.H. 'Drewex' S.C., Lebork
59. MACED Sklad Palet, J. Macionga, Miastko
60. ENKEL S.C., Pulawy
61. PAL-PACK Sp.zo.o., Wierzchowo
62. Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork
63. Biuro Uslugowo-Handlowe, Wieslaw Rzezniczek, Lebork
64. P.P.U.H. 'DREWPOL', Braszewice
65. PTN Kruklanki Sp.zo.o., Kruklanki
66. WEDAM S.C., Stezyca
67. Import-Export Jan Sibinski, Czajkow
68. Zaklad Produkcyjny 'Tarta', Lubsko
69. Firma 'Krausdrew', Cewice
70. 'Lidal' S.C., Miastko
71. Zaklad Przerobu Drewna Import-Export, Stanislaw Kociolek, Ladek Zdroj
72. P.P.H.U. 'Alk', Bierzwnik
73. 'Empol' S.C., Jastrzebniki 37
74. Zaklad Produkcji Drzewnej Nr. 1, Export-Import, Julian Bartkowski, Sanok
75. P.P.H. 'Drewex', Czarnkow
76. 'ZAP' Przedsiębiorstwo Handlowe-Uslugowe Sp.C, Wschowa
77. P.P.H.U. 'Opal', Zygmunt Podgorski, Bukowsko 41
78. Agepa-Pol, Sp.zo.o., Lubsko
79. P.P.H. 'A-Produkt' S.C., Resko
80. PPH 'Paletex' Sibinski Jaroslaw, Czajkow
81. Euro-Handels Sp.zo.o., Szczecin
82. Firma 'KIKO' S.C., Poznan
83. 'Enkel' Waldemar Wnuk, Pulawy
84. Sliwka Lucyna, Klodzko
85. Firma Borkowski S.C. Export-Import, Grabow n. Prosna
86. Produkcja — Skup Elementow i Palet, Stanislaw Gorecki, Czajkow
87. 'Prodpalet' Handel, Boleslawiec
88. Z.P.H.U. 'Drexpert' S.C., Olecko, Osiedle Lesk
89. 'Bilusa' Sp.zo.o, Klodawa
90. Pawel Bilko 'Pablo', Klodawa
91. ZPW 'Gober' Sp.zo.o., Gorzow Wlkp.
92. Kisiel Malgorzata 'Drew-Pal', Dobra Now
93. P.W. 'Remag', Zlocieniec
94. PPUH PAL-POL S.C., Prabuty
95. Firma 'A.C.S.' S.C., Kamien
96. Zaklad Produkcji Skrzyn i Opakowan Drewnianych Szuta Marian, Kawcze
97. P.T.P.U.H. 'ROB-POL', Milkow
98. Z.H.U.P. Agromal, Sieradz
99. SMT Sp.zo.o, Miastko

100. Firma Transdrewneks Gadzala Antoni, Torun
 101. Artur Rochmankowski, Trzcinsko-Zdroj
 102. 'Depo' Sp.zo.o, Ilowa
 103. B.P.R. Sp.zo.o, Warszawa
 104. 'DREWNO', Sp.zo.o, Krzeszyce
 105. P.P.H. 'Astra' Sp.zo.o, Nowy Sacz
 106. 'D&M&D' Sp.zo.o, Blizanow
 107. P.P.H. 'Vector', Kalisz
 108. 'Palko' Sp.zo.o, Sedziszow
 109. P.P.H. Pol-Wood S.C., Rzekun
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ANNEX II

Manufacturers	TARIC additional code
1. 'Baum-Holz' Sp.zo.o., Olsztyn	8570
2. E. Dziurny — C. Nowak S.C., Snietnica	8571
3. F.P.H. 'Tina' S.C., Katowice	8572
4. Firma 'Sabelmar' S.C., Konczyce Male	8573
5. Z.P.H.U. Mirosław Przybyłek, Klonowa	8574
6. Internationale Paletten Company Sp., Lebork	8575
7. 'Kross-Pol' Sp.zo.o., Kolobrzeg	8576
8. P.P.U.H. 'Drewmax' Sp.zo.o. (formerly P.P.H. 'Drewnex'), Krakow	8577
9. P.P.H. 'GKT' S.C., Majdan Nowy	8584
10. P.P.H. 'Pamadex', Ligota	8585
11. P.P.H. 'Unikat', Aleksandrow IV 697	8586
12. P.P.H.U. 'Adapol' S.C., Wolomin	8587
13. P.P.U.H. 'Alpa' Sp.zo.o., Dobrzyca	8588
14. P.P.U.H. 'Alwa' Sp.zo.o., Tychowo	8589
15. P.P.U.H. 'Palimex' Sp.zo.o., Wloszakowice	8590
16. P.P.U.H. 'SMS' — St. Mrozowicz, Suleczyno	8591
17. P.T.H. 'Mirex', Kolobrzeg	8597
18. P.W. 'Intur-KFS' Sp.zo.o., Inowroclaw	8662
19. P.W. 'Peteco' Sp.zo.o., Warszawa	8690
20. P.W. 'Paletex' Produkcja Palet, Roman Panasiuk, Warszawa	8691
21. Produkcja Palet 'A. Adamus', Kuznia Grabowska	8692
22. P.H.U. 'Akropol', Krakow	8713
23. P.P.H. Zygmunt Skibinski, Kowal	8693
24. 'Scanproduct' SA., Czarny Dunajec	8715
25. S.U.T.R. 'Rol Trak', Prochowice	8714
26. 'Transdrewneks' Sp.zo.o., Grudziadz-Owczarki	8716
27. W.Z.P.U.M. 'Euro-Tech', Rakszawa	8725
28. Z.P.H. 'Palettenwerk'—K. Kozik, Brystra Podhalanska	8726
29. Zaklad Przerobu Drewna S.C., Drawsko Pomorskie	8745
30. Z.P.H.U. 'Sek-Pol' Sp.zo.o., Tarnobrzeg	8526
31. 'Euro-Mega-Plus' Sp.zo.o., Kielce	8527

Manufacturers	TARIC additional code
32. 'C.M.C.', Sp.zo.o., Andrychow, Inwald	8528
33. Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704	8529
34. Firma Produkcyjno Transportowa Marian Gierka, Brodnica	8530
35. Z.P.H.U. 'Drewnex' S.C., Zelazkow 45 b	8531
36. Import-Export 'Elko' Sp.zo.o., Kalisz	8532
37. P.P.H.U. 'Probox', Import-Export, Kalisz	8533
38. Drewpal S.C., Stawiszyn	8534
39. Zaman S.C., Radom	8535
40. 'Marimpex', Pulawy	8537
41. 'AVEN' Sp.zo.o., Kostrzyn	8558
42. P.P.H.U. 'Eurex' S.C., Godynice	8538
43. MACED Sklad Palet, J. Macionga, Miastko	8539
44. ENKEL S.C., Pulawy	8540
45. Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork	8541
46. P.P.U.H. 'DREWPOL', Braszewice	8834
47. PTN Krukłanki Sp.zo.o., Krukłanki	8556
48. WEDAM S.C., Stezyca	8557
49. Import-Export Jan Sibinski, Czajkow	8559
50. P.P.H.U. 'Alk', Bierzwnik	8561
51. 'Empol' S.C., Jastrzebniki 37	8560
52. Euro-Handels Sp.zo.o., Szczecin	8440
53. PPH 'Paletex' Sibinski Jaroslaw, Czajkow	8441
54. Firma 'KIKO' S.C., Poznan	8443
55. 'Enkel' Waldemar Wnuk, Pulawy	8444
56. Sliwka Lucyna, Klodzko	8445
57. Firma Borkowski S.C. Export-Import, Grabow n. Prosna	8446
58. Produkcja — Skup Elementow i Palet, Stanislaw Gorecki, Czajkow	8483
59. 'Bilusa' Sp.zo.o, Klodawa	8484
60. PPUH PAL-POL S.C., Prabuty	8485
61. Firma 'A.C.S.' S.C., Kamien	8486
62. 'SMT' Sp.zo.o, Miastko	8562
63. Firma Transdrewneks Gadzala Antoni, Torun	8563
64. 'Palko' Sp.zo.o, Sedziszow	8565
65. 'D&M&D' Sp.zo.o, Blizanow	8566
66. P.P.H 'Vector', Kalisz	8567

**COUNCIL REGULATION (EC) No 2049/1999
of 27 September 1999**

amending Regulation (EC) No 2450/98 imposing a definitive countervailing duty on imports of stainless steel bars originating in India and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾, and in particular Articles 15 and 20 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EC) No 2450/98 ⁽²⁾, the Council imposed a definitive countervailing duty on imports of stainless steel bars (hereinafter referred to as 'the product concerned') falling within CN codes 7222 20 11, 7222 20 21, 7222 20 31 and 7222 20 81 originating in India. The measures took the form of *ad valorem* duties of between 0 and 25,5 % with a residual duty of 25,5 %.

B. CURRENT PROCEDURE

1. Request for review

- (2) Subsequent to the imposition of definitive measures, the Commission received a request for the initiation of an accelerated review of Regulation (EC) No 2450/98, pursuant to Article 20 of Regulation (EC) No 2026/97 (hereinafter referred to as 'the basic Regulation'), from two Indian producers, Sindia Steels Ltd and Meltroll Engineering Pvt. Ltd, both located in Bombay. The companies concerned claimed that they were not related to any other exporters of the product concerned in India. Furthermore, they claimed that they had not exported the product concerned to the Community during the original period of investigation (1 July 1996 to 30 June 1997), but had exported the product concerned to the Community since then.

Both companies requested the establishment of an individual rate of duty. In the case of Sindia Steels Ltd, this company had made itself known during the original investigation, but as it had not exported to the Community during the investigation period, it was allocated a weighted average countervailing duty of 22,1 %. Meltroll Engineering Pvt. Ltd has been subject to the residual 25,5 % countervailing duty.

2. Initiation of an accelerated review

- (3) The Commission examined the evidence submitted by the two Indian exporting producers concerned and considered it sufficient to justify the initiation of a review in accordance with the provisions of Article 20 of the basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by a notice in the Official Journal ⁽³⁾, an accelerated review of Regulation (EC) No 2450/98 with regard to the companies concerned and commenced its investigation.

3. Product concerned

- (4) The product covered by the current review is the same product as that under consideration in Regulation (EC) No 2450/98.

4. Parties concerned

- (5) The Commission officially advised the two companies concerned and the Government of India. Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such request was received by the Commission.

The Commission sent a questionnaire to the companies concerned and received full replies within the deadline. The Commission sought and verified all information it deemed necessary for the purpose of the investigation and carried out verification visits at the premises of the companies concerned.

5. Investigation period

- (6) The investigation of subsidisation covered the period from 1 January 1998 to 31 December 1998 (hereinafter referred to as 'the investigation period').

6. Methodology

- (7) The same methodology as that used in the original investigation was applied in the current investigation.

C. SCOPE OF THE REVIEW

- (8) This review was limited to calculating the amount of subsidisation granted to Sindia Steels Ltd and Meltroll Engineering Pvt. Ltd.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

⁽²⁾ OJ L 304, 14.11.1998, p. 1.

⁽³⁾ OJ C 19, 23.1.1999, p. 17.

- (9) The Commission examined the same subsidy schemes which were analysed in the original investigation. It also examined whether the new exporters had used any subsidy schemes which were alleged in the original complaint but not used during the original investigation.
- (10) It was finally examined whether the new exporters had made use of any subsidy schemes which were established after the end of the original investigation period, or had received ad hoc subsidies after this date.

D. RESULTS OF THE INVESTIGATION

1. New exporter qualification

- (11) The investigation confirmed that the companies concerned had not exported the product concerned during the original period of investigation and that they had begun exporting to the Community after this period.

Furthermore, the companies concerned were able to demonstrate satisfactorily that they did not have any links, direct or indirect, with any of the Indian exporting producers subject to the countervailing measures in force with regard to the product concerned.

Accordingly, it is confirmed that the companies concerned should be considered as new exporters in accordance with Article 20 of the basic Regulation and thus individual amounts of subsidy should be determined for them. The fact that Sindia Steels is already subject to a weighted-average, rather than the residual, countervailing duty on the product concerned does not in any way prejudice its right to request a new exporter review, given that all the criteria set out in the said Article 20 are fulfilled.

2. Subsidisation

- (12) On the basis of the information contained in the replies to the Commission's questionnaire, the following five schemes were investigated:
- passbook scheme,
 - duty entitlement passbook scheme,
 - export promotion capital goods scheme,
 - export processing zones/export oriented units,
 - income tax exemption scheme.

All these schemes had been found to be countervailable during the original investigation.

3. Passbook scheme (PBS)

- (13) Neither of the companies concerned had availed themselves of the passbook scheme, which on 1 April 1997, i.e. during the original investigation period, was abolished and replaced by its successor, the duty entitlement passbook scheme (DEPB).

4. Duty entitlement passbook scheme (DEPB)

General

- (14) It was established that the two companies concerned received benefits under this scheme. Both companies used the DEPB on a post-export basis.

Under this scheme, any eligible exporter can apply for credits which are calculated as a percentage of the value of exported finished products. Such DEPB rates have been established by the Indian authorities for most products, including the products concerned, on the basis of the standard input/output norms. A licence stating the amount of credit granted is issued automatically.

DEPB on post-export basis allows for the use of such credits for any subsequent imports (e.g. raw materials or capital goods) except for goods of which the import is restricted or prohibited. Such imported goods can be sold on the domestic market (subject to sales tax) or used otherwise.

DEPB credits are freely transferable. The DEPB licence is valid for a period of 12 months from the date of granting of the licence.

- (15) The characteristics of the DEPB have not changed since the original investigation. The subsidy conferred by the relief from import duty is contingent on export performance, and it was therefore determined during the original investigation that it is specific and countervailable under Article 3(4)(a) of the basic Regulation.

Calculation of the subsidy amount

- (16) It was established that neither of the companies used the licences to make duty-free imports. Instead the companies sold some of their licences, and the benefit was calculated on the basis of the amount of credit in the licence regardless of the sales price of the licence. The companies concerned claimed that the benefit should be limited to the effective sales price of the licence which is often less than the face value of the credits in the licence. However, in accordance with the provisional findings in the cases of stainless steel wire from India (Commission Regulations (EC) No 618/1999 ⁽¹⁾ and (EC) No 619/1999 ⁽²⁾), this claim cannot be granted since the sale of a licence at a price less than the face value is a purely commercial decision which does not alter the countervailable benefit from this scheme.

⁽¹⁾ OJ L 79, 24.3.1999, p. 25.

⁽²⁾ OJ L 79, 24.3.1999, p. 60.

- (17) In order to establish the full benefit to the recipient under this scheme, this amount of credit has been adjusted by adding interest during the original investigation period. Since the benefits from import duty exemptions are obtained regularly during the investigation period, it was considered appropriate to follow the practice established in the original investigation and add interest covering a period of six months, equivalent to half of the annual commercial rate in India of 14,58 % found during the original investigation period, i.e. 7,29 %. This amount (i.e. unpaid customs duty plus interest) has been allocated over total exports during the investigation period.

Sindia Steels Ltd and Meltroll Engineering Pvt. Ltd benefited from this scheme during the investigation period and obtained subsidies of 11,7 % and 4,9 % respectively. Where the companies claimed deductions linked to the payment of fees for obtaining the DEPB licence, these were granted.

5. Export promotion capital goods scheme (EPCGS)

General

- (18) It was established that Sindia Steels Ltd had availed itself of this scheme.

To benefit from the scheme, a company must provide to the relevant authorities details of the type and value of capital goods which are to be imported. Depending on the level of export commitment which the company is prepared to undertake, the company will be allowed to import capital goods at either a zero rate of duty or a reduced rate. A licence authorising the import at preferential rates is issued automatically.

In order to meet the export obligation, goods exported must have been produced using the imported capital goods.

An application fee is payable to obtain a licence.

- (19) The characteristics of the EPCGS have not changed since the original investigation. It was determined during the original investigation that the EPCGS is a countervailable subsidy as the payment by an exporter of a reduced or zero rate of duty constitutes a financial contribution by the Government of India (GOI), revenue otherwise due is foregone and a benefit is conferred on the recipient by lowering the duties payable or fully exempting him from paying the import duties.

The subsidy is contingent in law on export performance within the meaning of Article 3(4)(a) of the basic Regulation, since it cannot be obtained without a commit-

ment to export goods, and is therefore deemed to be specific and countervailable.

Calculation of the subsidy amount

- (20) The benefit to the exporter has been calculated on the basis of the amount of unpaid customs duty due on imported capital goods by spreading this amount across a period which reflects the normal depreciation of such capital goods in the industry of the product concerned. This period has been established by using the weighted average (on the basis of production volume of the products concerned) of depreciation periods for capital goods actually imported under the EPCGS by Indian producers during the original investigation period, resulting in a normal depreciation period of 15,5 years. Since this subsidy is equivalent to a one-time grant, the amount so calculated which is attributable to the investigation period has been adjusted by adding the annual interest rate of 14,58 %. This amount has then been allocated over total exports during the investigation period.

- (21) Sindia Steels Ltd obtained a benefit under this scheme of 0,3 %.

6. Export processing zones (EPZ)/export oriented units (EOU)

- (22) The Commission established that none of the companies was located in an EPZ or was an EOU. There is therefore no need for the Commission to assess this scheme in the context of the investigation.

7. Income tax exemption scheme (ITES)

General

- (23) It was established that Meltroll Engineering Pvt. Ltd had availed itself of this scheme.

To benefit from exemptions from paying tax, a company will make the relevant claim when submitting its tax return to the Tax Authorities at the end of the tax year. The tax year runs from 1 April to 31 March. The tax return must be submitted to the authorities by the following 30 November. The final assessment by the authorities can take up to three years after submitting the tax return.

Under Section 80HHC companies can claim 100 % exemption from taxable income for profits realised on export sales.

- (24) The characteristics of the ITES have not changed since the original investigation. It was determined during the original investigation that the subsidy conferred by the relief from income tax is contingent on export performance within the meaning of Article 3(4)(a) of the basic Regulation, since it exempts profits from export sales only, and is therefore deemed to be specific and countervailable.

by adding interest during the investigation period. Given the nature of this subsidy, which is equivalent to a one-time grant, the commercial interest rate of 14,58 % was considered appropriate. The amount of benefit has been allocated over total exports during the tax year 1997/98.

Meltroll Engineering Pvt. Ltd obtained a benefit under this scheme of 0,6 %.

Calculation of the subsidy amount

- (25) As stated in recital 23, claims for benefit under section 80HHC are made when submitting a tax return at the end of the tax year. As the tax year in India runs from 1 April to 31 March, it is considered appropriate to calculate the benefit under this scheme on the basis of the tax year 1997/98 (i.e. 1 April 1997 to 31 March 1998). The benefit to the exporters has therefore been calculated on the basis of the difference between the amount of taxes normally due with and without the benefit of the exemption. The rate of corporate tax applicable during this tax year was 35 %. In order to establish the full benefit to the recipient, this amount has been adjusted

8. Other schemes

- (26) It was established that the new exporters had neither made use of new subsidy schemes which were established after the end of the original investigation period, nor had received ad hoc subsidies after this date.

9. Amount of countervailable subsidies

- (27) Taking account of the definitive findings relating to the various schemes as set out above, the amount of countervailable subsidies for each of the investigated exporting producers is as follows:

	DEPB	EPCGS	Income Tax	Total
Sindia Steels Ltd	11,7 %	0,3 %		12,0 %
Meltroll Engineering Pvt. Ltd	4,9 %		0,6 %	5,5 %

E. AMENDMENT OF THE MEASURES BEING REVIEWED

- (28) Based on the findings made during the investigation, it is considered that imports into the Community of stainless steel bars produced and exported by the companies concerned should be subject to countervailing duties corresponding to individual amounts of subsidies established for these companies.
- (29) Regulation (EC) No 2450/98 should therefore be amended accordingly.

F. DISCLOSURE AND DURATION OF THE MEASURE

- (30) The companies concerned were informed of the facts and considerations on the basis of which it is intended to propose the amendment of Regulation (EC) No 2450/98, and were given the opportunity to comment.
- (31) The review carried out does not affect the date on which Regulation (EC) No 2450/98 will expire pursuant to Article 18(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(2) of Regulation (EC) No 2450/98 is amended as follows:

- (a) the duty rate for Sindia Steels Ltd (TARIC additional code: 8406) shall be 12 %;
- (b) the following shall be added to the list of companies subject to measures:

Manufacturer	Rate of duty (%)	TARIC additional code
— Meltroll Engineering Ltd, Mumbai	5,5	A021'

Article 2

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

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

Done at Brussels, 27 September 1999.

For the Council
The President
K. HEMILÄ

COMMISSION REGULATION (EC) No 2050/1999

of 29 September 1999

amending Regulations (EC) No 1666/98, (EC) No 1667/98, (EC) No 1735/98, (EC) No 1758/98, (EC) No 1759/98, (EC) No 1760/98, (EC) No 2198/98, (EC) No 1066/1999, (EC) No 1067/1999, (EC) No 1392/1999, (EC) No 1393/1999, (EC) No 1704/1999 and (EC) No 1855/1999 opening standing invitations to tender for the export of cereals held by certain 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⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾, and in particular Article 5 thereof,

- (1) Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 39/1999⁽⁴⁾, lays down the procedures and conditions for the sale of cereals held by the intervention agencies;
- (2) Whereas a later date must be set for the last partial invitation to tender for the tenders opened by Regulations (EC) No 1666/98⁽⁵⁾, as last amended by Regulation (EC) No 1767/1999⁽⁶⁾, (EC) No 1667/98⁽⁷⁾, as last amended by Regulation (EC) No 1507/1999⁽⁸⁾, (EC) No 1735/98⁽⁹⁾, as last amended by Regulation (EC) No 1144/1999⁽¹⁰⁾, (EC) No 1758/98⁽¹¹⁾ as last amended by Regulation (EC) No 1966/1999⁽¹²⁾, (EC) No 1759/98⁽¹³⁾, as last amended by Regulation (EC) No 1768/1999⁽¹⁴⁾, (EC) No 1760/98⁽¹⁵⁾, as last amended by Regulation (EC) No 1967/1999⁽¹⁶⁾, (EC) No 2198/98⁽¹⁷⁾, as last amended by Regulation (EC) No 1822/1999⁽¹⁸⁾, (EC) No 1066/1999⁽¹⁹⁾, as amended by Regulation (EC) No 1144/1999, (EC) No 1067/1999⁽²⁰⁾, as

amended by Regulation (EC) No 1144/1999, (EC) No 1392/1999⁽²¹⁾, as amended by Regulation (EC) No 1660/1999⁽²²⁾, (EC) No 1393/1999⁽²³⁾, (EC) No 1704/1999⁽²⁴⁾ and (EC) No 1855/1999⁽²⁵⁾;

- (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

Article 5(3) of Regulations (EC) No 1666/98, (EC) No 1667/98, (EC) No 1735/98, (EC) No 1758/98, (EC) No 1759/98, (EC) No 1760/98, (EC) No 2198/98, (EC) No 1066/1999, (EC) No 1067/1999, (EC) No 1392/1999, (EC) No 1393/1999, (EC) No 1704/1999 and (EC) No 1855/1999 is replaced by the following:

- '3. The last partial invitation to tender shall expire on 25 May 2000 at 9 a.m. (Brussels time).'

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, 29 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.
⁽²⁾ OJ L 160, 26.6.1999, p. 18.
⁽³⁾ OJ L 191, 31.7.1993, p. 76.
⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.
⁽⁵⁾ OJ L 211, 29.7.1998, p. 12.
⁽⁶⁾ OJ L 211, 11.8.1999, p. 26.
⁽⁷⁾ OJ L 211, 29.7.1998, p. 17.
⁽⁸⁾ OJ L 175, 10.7.1999, p. 23.
⁽⁹⁾ OJ L 217, 5.8.1998, p. 13.
⁽¹⁰⁾ OJ L 137, 1.6.1999, p. 20.
⁽¹¹⁾ OJ L 221, 8.8.1998, p. 3.
⁽¹²⁾ OJ L 244, 16.9.1999, p. 18.
⁽¹³⁾ OJ L 221, 8.8.1998, p. 8.
⁽¹⁴⁾ OJ L 211, 11.8.1999, p. 28.
⁽¹⁵⁾ OJ L 221, 8.8.1998, p. 13.
⁽¹⁶⁾ OJ L 244, 16.9.1999, p. 20.
⁽¹⁷⁾ OJ L 277, 14.10.1998, p. 9.
⁽¹⁸⁾ OJ L 221, 21.8.1999, p. 3.
⁽¹⁹⁾ OJ L 130, 26.5.1999, p. 3.
⁽²⁰⁾ OJ L 130, 26.5.1999, p. 9.

⁽²¹⁾ OJ L 163, 29.6.1999, p. 21.
⁽²²⁾ OJ L 197, 29.7.1999, p. 15.
⁽²³⁾ OJ L 163, 29.6.1999, p. 26.
⁽²⁴⁾ OJ L 201, 31.7.1999, p. 46.
⁽²⁵⁾ OJ L 228, 28.8.1999, p. 3.

COMMISSION REGULATION (EC) No 2051/1999
of 29 September 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (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 30 September 1999.

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

Done at Brussels, 29 September 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 29 September 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	52,5
	999	52,5
0707 00 05	628	125,1
	999	125,1
0709 90 70	052	62,9
	999	62,9
0805 30 10	052	75,8
	388	69,9
	512	61,0
	524	56,2
	528	71,9
0806 10 10	999	67,0
	052	106,5
	064	75,2
	400	234,6
0808 10 20, 0808 10 50, 0808 10 90	999	138,8
	064	37,9
	388	57,2
	400	44,5
	800	185,5
	804	41,8
0808 20 50	999	73,4
	052	84,5
	064	60,8
	388	181,1
0809 30 10, 0809 30 90	999	108,8
	052	113,7
	999	113,7
0809 40 05	060	60,3
	064	62,8
	066	68,0
	400	119,0
	624	192,4
	999	100,5

⁽¹⁾ 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 2052/1999**of 29 September 1999****fixing the maximum export refund for white sugar for the 9th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1489/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 18(5) thereof,

- (1) Whereas Commission Regulation (EC) No 1489/1999 of 7 July 1999 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, 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 1489/1999 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 9th partial invitation to tender, the provisions set out in Article 1 should be adopted;

(4) Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 9th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1489/1999 the maximum amount of the export refund is fixed at 52,052 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 September 1999.

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

Done at Brussels, 29 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 172, 8.7.1999, p. 27.

COMMISSION REGULATION (EC) No 2053/1999

of 29 September 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 (EC) No 2038/1999 of 13 September 1999 on the common organization of the market in sugar ⁽¹⁾,

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 ⁽²⁾, 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 (EC) No 785/68 ⁽³⁾; 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 (EC) 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 (EC) 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 (EC) 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 30 September 1999.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ 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, 29 September 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 ⁽²⁾
1703 10 00 ⁽¹⁾	6,16	0,29	—
1703 90 00 ⁽¹⁾	7,54	0,00	—

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

⁽²⁾ 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 2054/1999

of 29 September 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 (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

- (1) Whereas Article 18 of Regulation (EC) No 2038/1999 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 (EC) No 2038/1999 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 19 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 ⁽²⁾, as amended by Regulation (EC) No 3290/94 ⁽³⁾; whereas, furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; 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 ⁽⁴⁾; 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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, 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 30 September 1999.

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

Done at Brussels, 29 September 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 89, 10.4.1968, p. 3.

⁽³⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁴⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 29 September 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	43,51 ⁽¹⁾
1701 11 90 9910	42,64 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	43,51 ⁽¹⁾
1701 12 90 9910	42,64 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4730
	— EUR/100 kg —
1701 99 10 9100	47,30
1701 99 10 9910	48,67
1701 99 10 9950	48,67
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4730

⁽¹⁾ 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 19 (4) of Regulation (EC) No 2038/1999.

⁽²⁾ 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 2055/1999
of 28 September 1999
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1662/1999 ⁽⁴⁾, and in particular Article 173 (1) thereof,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1999.

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

Done at Brussels, 28 September 1999.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 162, 29.7.1999, p. 25.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a)	9,26	127,42	18,11	68,81	3 034,22	1 540,73
		b)	55,06	60,74	7,29	17 929,86	20,41	1 856,46
		c)	79,84	373,55	5,90			
1.30	Onions (other than seed) 0703 10 19	a)	13,46	185,21	26,33	100,02	4 410,44	2 239,56
		b)	80,03	88,29	10,60	26 062,19	29,66	2 698,49
		c)	116,05	542,98	8,58			
1.40	Garlic 0703 20 00	a)	74,18	1 020,74	145,08	551,23	24 306,56	12 342,51
		b)	441,05	486,59	58,42	143 632,51	163,47	14 871,75
		c)	639,54	2 992,41	47,28			
1.50	Leeks ex 0703 90 00	a)	26,05	358,46	50,95	193,58	8 535,80	4 334,36
		b)	154,89	170,88	20,52	50 439,83	57,41	5 222,56
		c)	224,59	1 050,85	16,60			
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a)	55,28	760,67	108,12	410,79	18 113,60	9 197,82
		b)	328,68	362,61	43,54	107 037,01	121,82	11 082,64
		c)	476,60	2 229,99	35,24			
1.70	Brussels sprouts 0704 20 00	a)	59,69	821,35	116,74	443,56	19 558,62	9 931,58
		b)	354,90	391,54	47,01	115 575,96	131,54	11 966,77
		c)	514,62	2 407,89	38,05			
1.80	White cabbages and red cabbages 0704 90 10	a)	30,18	415,29	59,03	224,27	9 889,08	5 021,53
		b)	179,44	197,97	23,77	58 436,63	66,51	6 050,55
		c)	260,20	1 217,46	19,24			
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a)	105,95	1 457,90	207,22	787,31	34 716,64	17 628,60
		b)	629,95	694,99	83,44	205 147,81	233,48	21 241,07
		c)	913,45	4 274,01	67,53			
1.100	Chinese cabbage ex 0704 90 90	a)	60,69	835,11	118,70	450,99	19 886,29	10 097,97
		b)	360,85	398,10	47,80	117 512,23	133,74	12 167,25
		c)	523,24	2 448,23	38,68			
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a)	152,67	2 100,79	298,60	1 134,49	50 025,38	25 402,15
		b)	907,73	1 001,45	120,24	295 610,34	336,44	30 607,59
		c)	1 316,24	6 158,69	97,31			
1.120	Endives ex 0705 29 00	a)	21,82	300,25	42,68	162,14	7 149,76	3 630,54
		b)	129,74	143,13	17,18	42 249,41	48,08	4 374,52
		c)	188,12	880,22	13,91			
1.130	Carrots ex 0706 10 00	a)	37,08	510,23	72,52	275,54	12 150,00	6 169,59
		b)	220,47	243,23	29,20	71 796,89	81,71	7 433,87
		c)	319,69	1 495,80	23,63			
1.140	Radishes ex 0706 90 90	a)	117,77	1 620,55	230,34	875,15	38 589,70	19 595,28
		b)	700,23	772,52	92,75	228 034,52	259,53	23 610,77
		c)	1 015,35	4 750,83	75,07			
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a)	331,94	4 567,59	649,22	2 466,65	108 766,78	55 230,17
		b)	1 973,63	2 177,38	261,42	642 725,46	731,50	66 548,00
		c)	2 861,82	13 390,43	211,58			

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	239,81 1 425,85 2 067,52	3 299,86 1 573,05 9 673,91	469,03 188,87 152,85	1 782,03 464 336,91	78 578,54 528,47	39 901,03 48 077,59
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	66,32 394,32 571,78	912,58 435,03 2 675,34	129,71 52,23 42,27	492,82 128 413,43	21 731,07 146,15	11 034,72 13 295,97
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 359,96	2 170,55 1 034,71 6 363,22	308,51 124,23 100,54	1 172,17 305 427,23	51 686,67 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	411,31 2 445,54 3 546,11	5 659,75 2 698,02 16 592,20	804,45 323,93 262,17	3 056,44 796 407,21	134 773,95 906,41	68 436,23 82 460,25
1.200.2	— other ex 0709 20 00	a) b) c)	462,51 2 749,96 3 987,53	6 364,28 3 033,87 18 657,61	904,59 364,26 294,80	3 436,91 895 544,24	151 550,65 1 019,24	76 955,19 92 724,93
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	81,74 486,00 704,72	1 124,77 536,18 3 297,38	159,87 64,38 52,10	607,41 158 270,71	26 783,75 180,13	13 600,39 16 387,40
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	66,57 395,81 573,93	916,02 436,67 2 685,43	130,20 52,43 42,43	494,68 128 897,49	21 812,99 146,70	11 076,32 13 346,09
1.230	Chantarelles 0709 51 30	a) b) c)	649,88 3 864,01 5 602,94	8 942,54 4 262,93 26 216,09	1 271,05 511,82 414,23	4 829,26 1 258 343,15	212 946,18 1 432,15	108 130,93 130 289,24
1.240	Sweet peppers 0709 60 10	a) b) c)	83,59 497,00 720,67	1 150,22 548,31 3 372,01	163,49 65,83 53,28	621,16 161 852,81	27 389,94 184,21	13 908,21 16 758,29
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 634,11	1 012,07 482,46 2 967,00	143,85 57,93 46,88	546,55 142 412,66	24 100,13 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	55,05 327,31 474,61	757,50 361,10 2 220,71	107,67 43,36 35,09	409,08 106 591,66	18 038,23 121,31	9 159,55 11 036,53
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 521,52	2 428,42 1 157,63 7 119,19	345,16 138,99 112,49	1 311,42 341 712,93	57 827,20 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	50,56 300,62 435,90	695,72 331,65 2 039,59	98,89 39,82 32,23	375,71 97 897,81	16 567,00 111,42	8 412,48 10 136,37

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	26,54 157,80 228,81	365,20 174,09 1 070,62	51,91 20,90 16,92	197,22 51 388,61	8 696,36 58,49	4 415,88 5 320,79
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), ontente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	63,12 375,29 544,19	868,55 414,04 2 546,25	123,45 49,71 40,23	469,04 122 217,36	20 682,53 139,10	10 502,28 12 654,42
2.120.2	— other ex 0807 19 00	a) b) c)	177,74 1 056,79 1 532,39	2 445,76 1 165,90 7 170,01	347,63 139,98 113,29	1 320,79 344 152,63	58 240,07 391,69	29 573,45 35 633,67
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	481,99 2 865,78 4 155,48	6 632,33 3 161,65 19 443,43	942,69 379,60 307,22	3 581,67 933 262,78	157 933,66 1 062,17	80 196,39 96 630,32
2.170	Peaches 0809 30 90	a) b) c)	108,64 645,94 936,64	1 494,92 712,63 4 382,53	212,48 85,56 69,25	807,30 210 356,37	35 598,07 239,41	18 076,18 21 780,36
2.180	Nectarines ex 0809 30 10	a) b) c)	45,64 271,36 393,49	628,02 299,38 1 841,11	89,26 35,94 29,09	339,15 88 371,36	14 954,86 100,58	7 593,86 9 150,00
2.190	Plums 0809 40 05	a) b) c)	138,16 821,46 1 191,15	1 901,12 906,27 5 573,36	270,22 108,81 88,06	1 026,67 267 515,06	45 270,89 304,46	22 987,89 27 698,59
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	383,31 2 279,06 3 304,71	5 274,46 2 514,35 15 462,69	749,69 301,88 244,32	2 848,38 742 191,65	125 599,19 844,70	63 777,42 76 846,76
2.205	Raspberries 0810 20 10	a) b) c)	355,15 2 111,63 3 061,93	4 886,97 2 329,63 14 326,72	694,61 279,70 226,37	2 639,12 687 666,29	116 372,00 782,65	59 091,99 71 201,18
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	981,91 5 838,17 8 465,54	13 511,38 6 440,91 39 610,15	1 920,45 773,32 625,87	7 296,57 1 901 242,88	321 742,45 2 163,84	163 376,08 196 855,28
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	141,82 843,22 1 222,70	1 951,49 930,28 5 721,00	277,38 111,69 90,40	1 053,86 274 601,81	46 470,16 312,53	23 596,86 28 432,36

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	62,44	859,19	122,12	463,99	20 459,71	10 389,14
		b)	371,25	409,58	49,18	120 900,70	137,60	12 518,10
		c)	538,33	2 518,82	39,80			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	317,58	4 370,00	621,13	2 359,94	104 061,44	52 840,87
		b)	1 888,24	2 083,19	250,11	614 920,63	699,85	63 669,07
		c)	2 738,02	12 811,15	202,43			
2.250	Lychees ex 0810 90 30	a)	240,94	3 315,41	471,24	1 790,43	78 948,81	40 089,04
		b)	1 432,56	1 580,46	189,76	466 524,89	530,96	48 304,13
		c)	2 077,26	9 719,50	153,58			

COMMISSION REGULATION (EC) No 2056/1999
of 29 September 1999
on the issuing of system B export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1303/1999 ⁽²⁾, and in particular Article 5(6) thereof,

- (1) Whereas Commission Regulation (EC) No 1304/1999 ⁽³⁾, as last amended by Regulation (EC) No 1504/1999 ⁽⁴⁾, fixes the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid;
- (2) Whereas, in the light of information now available to the Commission, the indicative quantities have been exceeded in the case of shelled hazelnuts, oranges, lemons, table grapes, apples for destination groups F03 and F04 and peaches and nectarines;
- (3) Whereas as a consequence, for system B licences applied for between 1 July 1999 and 15 September 1999, a rate of refund which is lower than the indicative rate should

be fixed for shelled hazelnuts, oranges, lemons, table grapes, apples for destination groups F03 and F04 and peaches and nectarines;

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 1 July 1999 and 15 September 1999, by which the quantities applied for and the rates of refund applicable must be multiplied, shall be as fixed in the Annex hereto.

The above subparagraph shall not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 30 September 1999.

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

Done at Brussels, 29 September 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 155, 22.6.1999, p. 29.

⁽³⁾ OJ L 155, 22.6.1999, p. 30.

⁽⁴⁾ OJ L 175, 10.7.1999, p. 5.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 1 July and 15 September 1999

Product	Destination or group of destinations	Percentage for the issuing of licences	Rate of refund (EUR/tonne net)
Tomatoes	A01	100 %	20,0
Shelled almonds	A01	100 %	50,0
Mazelnuts in shell	A01	100 %	—
Shelled hazelnuts	A01	100 %	109,4
Walnuts in shell	A01	100 %	—
Oranges	F01, F02, F05	100 %	42,9
Lemons	A01	100 %	34,9
Table grapes	A01	100 %	20,1
Apples	F01	100 %	36,1
	F02	100 %	40,0
	F03, F04	100 %	34,4
Peaches and nectarines	A21	100 %	24,6

COMMISSION REGULATION (EC) No 2057/1999
of 29 September 1999
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

- (1) Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;
- (2) Whereas, pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;
- (3) Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;
- (4) Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;
- (5) Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;
- (6) Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 September 1999.

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

Done at Brussels, 29 September 1999.

For the Commission
 Franz FISCHLER
 Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties (€)				
	Third countries (except ACP and Bangladesh) (1)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (5)	Egypt (6)
1006 10 21	(7)	76,44	111,06		173,10
1006 10 23	(7)	76,44	111,06		173,10
1006 10 25	(7)	76,44	111,06		173,10
1006 10 27	(7)	76,44	111,06		173,10
1006 10 92	(7)	76,44	111,06		173,10
1006 10 94	(7)	76,44	111,06		173,10
1006 10 96	(7)	76,44	111,06		173,10
1006 10 98	(7)	76,44	111,06		173,10
1006 20 11	165,02	53,42	78,17		123,77
1006 20 13	165,02	53,42	78,17		123,77
1006 20 15	165,02	53,42	78,17		123,77
1006 20 17	212,50	70,03	101,91	0,00	159,37
1006 20 92	165,02	53,42	78,17		123,77
1006 20 94	165,02	53,42	78,17		123,77
1006 20 96	165,02	53,42	78,17		123,77
1006 20 98	212,50	70,03	101,91	0,00	159,37
1006 30 21	(7)	146,86	212,59		341,25
1006 30 23	(7)	146,86	212,59		341,25
1006 30 25	(7)	146,86	212,59		341,25
1006 30 27	(7)	146,86	212,59		341,25
1006 30 42	(7)	146,86	212,59		341,25
1006 30 44	(7)	146,86	212,59		341,25
1006 30 46	(7)	146,86	212,59		341,25
1006 30 48	(7)	146,86	212,59		341,25
1006 30 61	(7)	146,86	212,59		341,25
1006 30 63	(7)	146,86	212,59		341,25
1006 30 65	(7)	146,86	212,59		341,25
1006 30 67	(7)	146,86	212,59		341,25
1006 30 92	(7)	146,86	212,59		341,25
1006 30 94	(7)	146,86	212,59		341,25
1006 30 96	(7)	146,86	212,59		341,25
1006 30 98	(7)	146,86	212,59		341,25
1006 40 00	(7)	45,38	(7)		105,00

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

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

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

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

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

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

(7) Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	212,50	455,00	165,02	455,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	324,53	283,04	395,88	291,50	—
(b) fob price (EUR/tonne)	—	—	—	367,26	262,88	—
(c) Sea freight (EUR/tonne)	—	—	—	28,62	28,62	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2058/1999
of 29 September 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 ⁽¹⁾, as last amended by Regulation (EC) No 1638/98 ⁽²⁾, 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 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾;
- (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 30 September 1999.

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

Done at Brussels, 29 September 1999.

For the Commission
 Franz FISCHLER
 Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28.7.1998, p. 32.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 29 September 1999 fixing the export refunds on olive oil

(EUR/100 kg)

Product code	Amount of refund (!)
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

(!) 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.

COMMISSION REGULATION (EC) No 2059/1999
of 29 September 1999
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(8) thereof,

- (1) Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1988/1999 ⁽³⁾, as amended by Regulation (EC) No 2027/1999 ⁽⁴⁾;
- (2) Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

- (3) Whereas the corrective amount must be fixed according to the same procedure as the refund; whereas it may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a),(b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 September 1999.

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

Done at Brussels, 29 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 245, 17.9.1999, p. 27.

⁽⁴⁾ OJ L 250, 23.9.1999, p. 12.

ANNEX

to the Commission Regulation of 29 September 1999 amending the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination ⁽¹⁾	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	04	0	0	0	-1,00	-3,50	-3,50	-3,50
	02	0	0	0	-1,00	-3,50	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	-1,37	-4,80	—	—
1101 00 15 9130	01	0	0	0	-1,28	-4,48	—	—
1101 00 15 9150	01	0	0	0	-1,18	-4,13	—	—
1101 00 15 9170	01	0	0	0	-1,09	-3,82	—	—
1101 00 15 9180	01	0	0	0	-1,02	-3,57	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	0	0	—	—
1103 11 10 9400	01	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(¹) The destinations are identified as follows:

01 all third countries,

02 other third countries,

03 USA, Canada and Mexico,

04 Mauritania, Mali, Niger, Senegal, Burkina Faso, The Gambia, Guinea-Bissau, Guinea, Cape-Vert, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, Sao Tomé and Príncipe, Gabon, Congo, Democratic Republic of the Congo, Rwanda, Burundi, Angola, Zambia, Malawi, Mozambique, Namibia, Botswana, Zimbabwe, Lesotho, Swaziland, Seychelles, The Comoros, Madagascar, Djibouti, Ethiopia, Eritrea and Mauritius.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 September 1999

accepting undertakings in connection with the anti-dumping proceeding concerning imports of flat pallets of wood originating in the Republic of Poland

(notified under document number C(1999) 2844)

(1999/642/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as amended by Regulation (EC) No 905/98 ⁽²⁾, and in particular Article 8(1) thereof,

Having regard to Commission Regulation (EC) No 1023/97 of 6 June 1997 imposing a provisional anti-dumping duty on certain imports of flat pallets of wood originating in Poland and accepting undertakings offered from certain exporters in connection with those imports ⁽³⁾, as last amended by Regulation (EC) No 1633/97 ⁽⁴⁾ and in particular Article 2 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) The Commission, by Regulation (EC) No 1023/97 (hereinafter referred to as 'the provisional Regulation'), imposed provisional anti-dumping duties on certain imports of flat pallets of wood falling within CN code ex 4415 20 20 originating in the Republic of Poland and accepted undertakings offered from certain exporting producers. These undertakings concerned only one pallet type, i.e. the EUR pallet.

- (2) Since sampling was used in the investigation, requests for reviews under Article 11(4) could not be accepted. However, in order to ensure equal treatment between new exporters and the cooperating companies not included in the sample during the original investigation, by Commission Regulation (EC) No 1632/97 ⁽⁵⁾, the provisional Regulation was amended. Article 2 of Regulation (EC) No 1632/97 stipulated that new Polish exporting producers could have undertakings accepted with regard to exports of EUR pallets, provided they satisfied the criteria set out therein.
- (3) By Regulation (EC) No 2334/97 ⁽⁶⁾, as last amended by Regulation (EC) No 2079/98 ⁽⁷⁾, the Council imposed a definitive anti-dumping duty on certain imports of flat pallets of wood originating in the Republic of Poland.

B. NEW EXPORTERS' REQUEST

- (4) Following the adoption of Regulation (EC) No 2334/97, five further new Polish exporting producers have requested that Article 2 of Regulation (EC) No 1023/97 be applied to them and they offered undertakings with regard to the EUR pallet. They have also provided sufficient evidence pursuant to Article 2 of Regulation (EC) No 1023/97 showing that they are genuine new exporting producers. In application of Article 2 of Regulation (EC) No 1023/97, the undertakings offered by these five Polish exporting producers with regard to the EUR pallet should therefore be accepted,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ L 150, 7.6.1997, p. 4.

⁽⁴⁾ OJ L 225, 15.8.1997, p. 13.

⁽⁵⁾ OJ L 225, 15.8.1997, p. 11.

⁽⁶⁾ OJ L 324, 27.11.1997, p. 1.

⁽⁷⁾ OJ L 266, 1.10.1998, p. 1.

HAS ADOPTED THIS DECISION:

Article 2

Article 1

The undertakings offered with regard to the EUR pallet by:

- 'SMT' Sp.zo.o, Miastko,
- Firma Transdrewneks Gadzala Antoni, Torun,
- 'Palko' Sp.zo.o, Sedziszow,
- 'D&M&D' Sp.zo.o, Blizanow,
- P.P.H. 'Vector', Kalisz,

in connection with the anti-dumping proceeding concerning imports of flat pallets of wood originating in Poland and falling within CN code ex 4415 20 20 are hereby accepted.

This acceptance shall take effect on the day following publication of this Decision in the *Official Journal of the European Communities*.

Done at Brussels, 10 September 1999.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION
of 15 September 1999
amending Decision 1999/507/EC on certain protection measures with regard to certain fruit bats,
dogs and cats coming from Malaysia (Peninsula) and Australia

(notified under document number C(1999) 2975)

(Text with EEA relevance)

(1999/643/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18(7) thereof,

(1) Whereas by Decision 1999/507/EC ⁽³⁾ the Commission has adopted protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia with regard to Nipah respective Hendra disease; whereas the test requirements for cats imported from Australia must be modified so as to allow the use of a validated diagnostic test for the detection of antibody against the Hendra disease virus;

(2) Whereas this Decision is in accordance with the opinion of the Standing Veterinary Committee,

Article 1

The second indent of paragraph 2 of Article 3 of Decision 1999/507/EC is amended as follows:

1. The words 'IgM and IgG capture ELISA test' are replaced by the words 'serum neutralisation test'.
2. The words '10 days' are replaced by the words '14 days'.

Article 2

Member States shall amend the measures they apply with regard to Australia to bring them into line with this Decision.

They shall inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 162, 1.7.1996, p. 1.

⁽³⁾ OJ L 194, 27.7.1999, p. 66.

COMMISSION DECISION
of 15 September 1999
on certain protection measures with regard to registered horses coming from Malaysia (Peninsula)

(notified under document number C(1999) 2976)

(Text with EEA relevance)

(1999/644/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18(1) thereof,

- (1) Whereas by Decision 1999/240/EC ⁽³⁾ the Commission has adopted certain protection measures with regard to registered horses coming from Singapore and Malaysia (Peninsula) due to the occurrence of Nipah disease;
- (2) Whereas based on information provided by the Malaysian veterinary authorities it appears appropriate to allow imports of registered horses from Malaysia (Peninsula) under the condition that those horses have reacted with negative result to a test for antibody against Nipah disease virus and have not been kept on premises infected with Nipah disease;
- (3) Whereas this Decision is in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. A supplementary certificate signed by the central competent veterinary authorities of Malaysia shall be required for the temporary admission, the re-entry after temporary export and the imports of registered horses from Malaysia (Peninsula).

2. The certificate provided for in paragraph 1 must contain the following guarantees:

- during the past 60 days the horse has not been resident on holdings on which cases of Nipah disease have been confirmed by the competent authorities during the past 60 days,
- the horse was subjected to an approved test, either serum neutralisation test or ELISA, for the detection of antibody for Nipah disease virus, carried out in a laboratory designated by the competent authorities with negative result on a sample of blood taken within 14 days of dispatch to the European Community on ... (insert date of blood sampling).

Article 2

Member States shall amend the measures they apply with regard to Malaysia (Peninsula) to bring them into line with this Decision.

They shall inform the Commission thereof.

Article 3

This Decision shall apply until 31 December 1999.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 15 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 162, 1.7.1996, p. 1.

⁽³⁾ OJ L 89, 1.4.1999, p. 72.

COMMISSION DECISION
of 15 September 1999
on a common technical Regulation for the attachment requirements for TETRA access to
emergency services

(notified under document number C(1999) 2987)

(Text with EEA relevance)

(1999/645/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/13/EC of the European Parliament and of the Council of 12 February 1998 relating to telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition of their conformity⁽¹⁾, and in particular Article 7(2), second indent, thereof,

- (1) Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement according to Article 7(2), first indent;
- (2) Whereas the corresponding harmonised standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;
- (3) Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to allow for transitional arrangements regarding equipment approved according to national type-approval regulations;
- (4) Whereas the proposal has been submitted to the Committee (ACTE), according to Article 29(2);
- (5) Whereas the common technical regulation to be adopted in this Decision is in accordance with the opinion of ACTE,

falling within the scope of the harmonised standard identified in Article 2(1).

2. This Decision establishes a common technical regulation covering the attachment requirements for TETRA equipment accessing emergency services in the frequency bands in the range 380 MHz to 383 MHz and 390 MHz to 393 MHz.

Article 2

1. The common technical Regulation shall include the harmonised standard prepared by the relevant standardisation body implementing to the extent applicable the essential requirements referred to in Article 5(c) to 5(f) of Directive 98/13/EC. The reference to the standard is set out in the Annex.

2. Terminal equipment covered by this Decision shall comply with the common technical Regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 5(a) and (b) of Directive 98/13/EC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC⁽²⁾ and 89/336/EEC⁽³⁾.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 10 of Directive 98/13/EC shall, as regards terminal equipment covered by Article 1(1) of this Decision, use or ensure the use of the harmonised standard referred to in the Annex by the coming into force of this Decision.

Article 4

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment intended to be connected to a public telecommunications network and

1. National type-approval regulations covering equipment within the scope of the harmonised standard referred to in the Annex shall be repealed with effect from 15 December 1999.

2. Terminal equipment, approved under such national type-approval regulations may continue to be placed on the national market and put into service.

⁽¹⁾ OJ L 74, 12.3.1998, p. 1.

⁽²⁾ OJ L 77, 26.3.1973, p. 29.

⁽³⁾ OJ L 139, 23.5.1989, p. 19.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 15 September 1999.

For the Commission
Karel VAN MIERT
Member of the Commission

*ANNEX***Reference to the harmonised standard applicable**

The harmonised standard referred to in Article 2 of this Decision is:

Terrestrial trunked radio (TETRA); emergency access

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR35: September 1998

(excluding the forewords and sections 4.2.2, 5.4.2 and A.2.3)

Additional information

The European Telecommunications Standards Institute is recognised according to Directive 98/34/EC of the Council and of the European Parliament ⁽¹⁾.

The harmonised standard referred to above has been produced according to a mandate issued in accordance with relevant procedures of Directive 98/34/EC.

The full text of the harmonised standard referenced above can be obtained from:

European Telecommunications Standards Institute
650, Route des Lucioles
F-06921 Sophia Antipolis Cedex

or

European Commission
DG XIII/A/2-(BU 31, 1/7)
Rue de la Loi/Wetstraat 200
B-1049 Brussels

or from any other organisation responsible for making ETSI standards available, of which a list can be found on the Internet under address www.ispo.cec.be.

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.