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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2294/1999
of 29 October 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

- (2) 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 October 1999.

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

Done at Brussels, 29 October 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 October 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	102,2
	204	53,5
	999	77,8
0707 00 05	052	87,5
	628	130,9
	999	109,2
0709 90 70	052	71,3
	999	71,3
0805 30 10	052	58,8
	388	55,9
	528	63,9
	600	63,8
	999	60,6
0806 10 10	052	122,0
	400	264,7
	999	193,3
0808 10 20, 0808 10 50, 0808 10 90	060	35,9
	400	81,4
	404	71,5
	800	158,3
	804	23,8
	999	74,2
0808 20 50	052	91,9
	064	62,9
	388	171,9
	400	70,3
	999	99,3

⁽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 2295/1999
of 29 October 1999**

fixing the export refunds on rice and broken rice and suspending the issue of export licences

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⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

- (1) Whereas Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;
- (2) Whereas Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;
- (3) Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;
- (4) Whereas export possibilities exist for a quantity of 7 828 t of rice to certain destinations; whereas the procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1432/1999 ⁽⁵⁾ should be used; whereas account should be taken of this when the refunds are fixed;
- (5) Whereas Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account

when the export refund on rice and broken rice is being calculated;

- (6) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (7) Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;
- (8) Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;
- (9) Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;
- (10) Whereas, for the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted;
- (11) 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 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 7 828 t provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 November 1999.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 166, 1.7.1999, p. 56.

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

Done at Brussels, 29 October 1999.

For the Commission
 Franz FISCHLER
 Member of the Commission

ANNEX

to the Commission Regulation of 29 October 1999 fixing the export refunds on rice and broken rice and suspending, the issue of export licences

(EUR/t)			(EUR/t)		
Product code	Destination (1)	Amount of refunds	Product code	Destination (1)	Amount of refunds
1006 20 11 9000	01	80,00	1006 30 65 9900	01	100,00
1006 20 13 9000	01	80,00		04	—
1006 20 15 9000	01	80,00	1006 30 67 9100	05	106,00
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	80,00	1006 30 92 9100	01	100,00
1006 20 94 9000	01	80,00		02	106,00 (2)
1006 20 96 9000	01	80,00		03	111,00 (2)
1006 20 98 9000	—	—		04	—
1006 30 21 9000	01	80,00		05	106,00
1006 30 23 9000	01	80,00	1006 30 92 9900	01	100,00
1006 30 25 9000	01	80,00		04	—
1006 30 27 9000	—	—	1006 30 94 9100	01	100,00
1006 30 42 9000	01	80,00		02	106,00 (2)
1006 30 44 9000	01	80,00		03	111,00 (2)
1006 30 46 9000	01	80,00		04	—
1006 30 48 9000	—	—		05	106,00
1006 30 61 9100	01	100,00	1006 30 94 9900	01	100,00
	02	106,00 (2)		04	—
	03	111,00 (2)	1006 30 96 9100	01	100,00
	04	—		02	106,00 (2)
	05	106,00		03	111,00 (2)
1006 30 61 9900	01	100,00		04	—
	04	—		05	106,00
1006 30 63 9100	01	100,00	1006 30 96 9900	01	100,00
	02	106,00 (2)		04	—
	03	111,00 (2)	1006 30 98 9100	05	106,00
	04	—	1006 30 98 9900	—	—
	05	106,00	1006 40 00 9000	—	—
1006 30 63 9900	01	100,00			
	04	—			
1006 30 65 9100	01	100,00			
	02	106,00 (2)			
	03	111,00 (2)			
	04	—			
	05	106,00			

(1) The destinations are identified as follows:

01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 4 618 t of wholly milled rice equivalent,

02 Zones I, II, III, VI, excluding Turkey,

03 Zones IV, V, VII (c), Canada and Zone VIII excluding Suriname, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,

05 Ceuta and Melilla, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 777 t.

(2) For rice of destinations 02 and 03, refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a total quantity of 2 433 t.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 2296/1999
of 29 October 1999
determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 ⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

(1) Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton ⁽⁴⁾, as last amended by Regulation (EC) No 1624/1999 ⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

(2) Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect

differences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

(3) Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

(4) Whereas the second subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1870/1999 ⁽⁶⁾ determined estimated production for the 1999/2000 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at 20,464 EUR/100 kg.

2. Advance payment of the aid as indicated in Article 5 (3a), second sentence, of Regulation (EC) No 1554/95 shall be at the rate of:

- EUR 43,103 kg in Spain,
- EUR 42,784 kg in Greece,
- EUR 85,836 kg in other Member States.

Article 2

This Regulation shall enter into force on 1 November 1999.

⁽¹⁾ OJ L 148, 30.6.1995, p. 45.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 190, 4.7.1998, p. 4.

⁽⁴⁾ OJ L 123, 4.5.1989, p. 23.

⁽⁵⁾ OJ L 192, 24.7.1999, p. 39.

⁽⁶⁾ OJ L 230, 31.8.1999, p. 3.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2297/1999
of 29 October 1999
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (1) Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2124/1999 ⁽²⁾, as last amended by Regulation (EC) No 2265/1999 ⁽³⁾;
- (2) Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2124/1999 to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2124/1999 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 261, 7.10.1999, p. 9.

⁽³⁾ OJ L 277, 28.10.1999, p. 6.

ANNEX

to the Commission Regulation of 29 October 1999 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	43,22 ⁽¹⁾
1701 11 90 9910	42,40 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	43,22 ⁽¹⁾
1701 12 90 9910	42,40 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4698
	— EUR/100 kg —
1701 99 10 9100	46,98
1701 99 10 9910	49,19
1701 99 10 9950	46,98
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4698

⁽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 2298/1999**of 29 October 1999****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the markets in the sugar sector ⁽¹⁾, and in particular 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)(d) of that Regulation and prices for those products within the Community may be covered by an export refund;
- (2) Whereas Article 3 of 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 ⁽²⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EC) No 2038/1999 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;
- (3) Whereas Article 21(3) of Regulation (EC) No 2038/1999 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry ⁽³⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽⁴⁾, to the products listed in the Annex to the last mentioned Regulation;
- (4) Whereas, according to the terms of Article 21(1) of Regulation (EC) No 2038/1999, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be

equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

- (5) Whereas, according to the terms of Article 21(4) of Regulation (EC) No 2038/1999, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation;
- (6) Whereas Article 18 of Regulation (EC) No 2038/1999 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 2038/1999 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article (1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;
- (7) Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;
- (8) Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;
- (9) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 94, 9.4.1986, p. 9.

⁽⁴⁾ OJ L 159, 3.6.1998, p. 38.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 2038/1999, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 29 October 1999 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— EUR/100 kg dry matter —
1702 40 10 9100	46,98 ⁽²⁾
1702 60 10 9000	46,98 ⁽²⁾
1702 60 80 9100	89,26 ⁽⁴⁾
	— EUR/1 % sucrose × 100 kg —
1702 60 95 9000	0,4698 ⁽¹⁾
	— EUR/100 kg dry matter —
1702 90 30 9000	46,98 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
1702 90 60 9000	0,4698 ⁽¹⁾
1702 90 71 9000	0,4698 ⁽¹⁾
1702 90 99 9900	0,4698 ⁽¹⁾ ⁽³⁾
	— EUR/100 kg dry matter —
2106 90 30 9000	46,98 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
2106 90 59 9000	0,4698 ⁽¹⁾

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

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

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

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

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

COMMISSION REGULATION (EC) No 2299/1999
of 29 October 1999
fixing the import duties in the cereals sector

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 Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2519/98 ⁽⁴⁾, and in particular Article 2 (1) thereof,

- (1) Whereas Article 10 of Regulation (EEC) No 1766/92 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 55 %, minus the cif import price applicable to the consignment in question; however, that duty may not exceed the rate of duty in the Common Customs Tariff;
- (2) Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;
- (3) Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals 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 for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;
- (5) Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;
- (6) Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 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 1 November 1999.

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

Done at Brussels, 29 October 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 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	31,79	21,79
	medium quality ⁽¹⁾	41,79	31,79
1001 90 91	Common wheat seed	43,68	33,68
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	43,68	33,68
	medium quality	79,02	69,02
	low quality	89,38	79,38
1002 00 00	Rye	78,32	68,32
1003 00 10	Barley, seed	78,32	68,32
1003 00 90	Barley, other ⁽³⁾	78,32	68,32
1005 10 90	Maize seed other than hybrid	101,67	91,67
1005 90 00	Maize other than seed ⁽³⁾	101,67	91,67
1007 00 90	Grain sorghum other than hybrids for sowing	78,32	68,32

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 15 October to 28 October 1999)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	112,35	95,53	88,54	73,62	138,17 (**)	128,17 (**)	91,64 (**)
Gulf premium (EUR/t)	—	7,52	4,16	6,78	—	—	—
Great Lakes premium (EUR/t)	13,92	—	—	—	—	—	—

(*) A discount of EUR 10/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 14,22 EUR/t; Great Lakes — Rotterdam: 26,33 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: EUR 0,00/t (HRW2)
EUR 0,00/t (SRW2).

COMMISSION REGULATION (EC) No 2300/1999**of 29 October 1999****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

- (1) Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;
- (2) Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national

food aid actions, the level of the refunds granted for these actions should be determined;

- (3) Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations;
- (4) Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;
- (5) Whereas the measures provided for this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 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 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 29 October 1999 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	33,50
1002 00 00 9000	62,50
1003 00 90 9000	29,00
1004 00 00 9400	59,00
1005 90 00 9000	43,00
1006 30 92 9100	115,00
1006 30 92 9900	115,00
1006 30 94 9100	115,00
1006 30 94 9900	115,00
1006 30 96 9100	115,00
1006 30 96 9900	115,00
1006 30 98 9100	115,00
1006 30 98 9900	115,00
1006 30 65 9900	115,00
1006 40 00 9000	—
1007 00 90 9000	43,00
1101 00 15 9100	46,00
1101 00 15 9130	46,00
1102 20 10 9200	66,78
1102 20 10 9400	57,24
1102 30 00 9000	—
1102 90 10 9100	43,94
1103 11 10 9200	15,00
1103 11 90 9200	15,00
1103 13 10 9100	85,86
1103 14 00 9000	—
1104 12 90 9100	91,00
1104 21 50 9100	58,58

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

COMMISSION REGULATION (EC) No 2301/1999
of 29 October 1999
fixing the export refunds on malt

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 Regulation (EC) No 1253/1999 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

- (1) Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;
- (2) Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾;
- (3) Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EC) No 1501/95;
- (4) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (5) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (6) Whereas it follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;
- (7) 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 malt listed in Article 1(c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 29 October 1999 fixing the export refunds on malt

(EUR/t)

Product code	Refund
1107 10 19 9000	35,54
1107 10 99 9000	34,04
1107 20 00 9000	39,98

COMMISSION REGULATION (EC) No 2302/1999
of 29 October 1999
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals
products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 ⁽⁴⁾ thereof,

- (1) Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 2068/1999 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply

to the Canary Islands should be set at the amounts given in the Annex;

- (2) 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 Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 320, 11.12.1996, p. 1.

⁽³⁾ OJ L 185, 4.7.1992, p. 26.

⁽⁴⁾ OJ L 256, 1.10.1999, p. 17.

ANNEX

to the Commission Regulation of 29 October 1999 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

(EUR/t)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	36,50
Barley	(1003 00 90)	32,00
Maize	(1005 90 00)	46,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	62,00

COMMISSION REGULATION (EC) No 2303/1999
of 29 October 1999
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals
products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

- (1) Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 2069/1999 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply

to the Azores and Madeira should be set at the amounts given in the Annex;

- (2) 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 Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 76, 13.3.1998, p. 6.

⁽³⁾ OJ L 185, 4.7.1992, p. 28.

⁽⁴⁾ OJ L 256, 1.10.1999, p. 19.

ANNEX

to the Commission Regulation of 29 October 1999 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

(EUR/t)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	36,50	36,50
Barley (1003 00 90)	32,00	32,00
Maize (1005 90 00)	46,00	46,00
Durum wheat (1001 10 00)	8,00	8,00

COMMISSION REGULATION (EC) No 2304/1999
of 29 October 1999
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products
from the Community to the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article 2 (6) thereof,

(1) Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 2067/1999 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

(2) 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 Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 356, 24.12.1991, p. 1.

⁽²⁾ OJ L 267, 9.11.1995, p. 1.

⁽³⁾ OJ L 43, 19.2.1992, p. 23.

⁽⁴⁾ OJ L 256, 1.10.1999, p. 15.

ANNEX

to the Commission Regulation of 29 October 1999 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(EUR/t)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	39,50	39,50	39,50	42,50
Barley (1003 00 90)	35,00	35,00	35,00	38,00
Maize (1005 90 00)	49,00	49,00	49,00	52,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 2305/1999
of 29 October 1999
amending Regulation (EEC) No 3536/91 setting the latest time of entry into storage for skimmed-
milk powder sold under Regulation (EEC) No 3398/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3536/91 ⁽³⁾, as last amended by Regulation (EC) No 2101/1999 ⁽⁴⁾, limited the quantity of skimmed-milk powder released for sale to that taken into storage before 1 October 1996;

- (2) in view of the quantity still available and the market situation, that date should be amended to 1 June 1997;
- (3) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3536/91, '1 October 1996' is hereby replaced by '1 June 1997'.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 335, 6.12.1991, p. 8.

⁽⁴⁾ OJ L 257, 2.10.1999, p. 9.

COMMISSION REGULATION (EC) No 2306/1999
of 29 October 1999
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular the first subparagraph of Article 7a(1) and Article 7a(3) thereof,

- (1) Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;
- (2) Whereas Commission Regulation (EEC) No 1547/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁵⁾, lays down the criteria for opening and suspending the buying-in of butter by invitation to tender in the Member States or, in the case of the United Kingdom and Germany, in a region thereof;
- (3) Whereas Commission Regulation (EC) No 2215/1999 ⁽⁶⁾ suspends buying-in of butter in certain Member States; whereas information on market prices shows that the

condition laid down in Article 1(3) of Regulation (EEC) No 1547/87 is no longer met in Finland, Great Britain, Italy, Ireland, Northern Ireland, Spain and Portugal; whereas the list of Member States in which that suspension applies must be adjusted accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 1(3) of Regulation (EEC) No 777/87 is hereby suspended in Germany, Belgium, Denmark, France, Greece, Luxembourg, Austria, the Netherlands and Sweden.

Article 2

Regulation (EC) No 2215/1999 is hereby repealed.

Article 3

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 78, 20.3.1987, p. 10.

⁽⁴⁾ OJ L 144, 4.6.1987, p. 12.

⁽⁵⁾ OJ L 174, 26.7.1995, p. 27.

⁽⁶⁾ OJ L 270, 20.10.1999, p. 7.

COMMISSION REGULATION (EC) No 2307/1999
of 29 October 1999

fixing the maximum aid for concentrated butter for the 213th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 7a(3) thereof,

Whereas:

- (1) in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

- (2) in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;
- (3) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 213th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

— maximum aid:	117 EUR/100 kg
— end-use security:	129 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 2308/1999
of 29 October 1999

fixing the minimum selling price for skimmed-milk powder for the 140th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EEC) No 3398/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) pursuant to Commission Regulation (EEC) No 3398/91 of 20 November 1991 on the sale by invitation to tender of skimmed-milk powder for the manufacture of compound feedingstuffs ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them;
- (2) according to Article 8 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award; whereas the amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum price fixed;

- (3) in the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly;
- (4) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 140th individual invitation to tender pursuant to Regulation (EEC) No 3398/91, in respect of which the time limit for the submission of tenders expired on 26 October 1999, the minimum selling price and the processing security are fixed as follows:

- | | |
|--------------------------|--------------------|
| — minimum selling price: | EUR 199,50/100 kg, |
| — processing security: | EUR 40,00/100 kg. |

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 320, 22.11.1991, p. 16.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 2309/1999
of 29 October 1999

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 41st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 6(3) and (6) and Article 12(3) thereof,

Whereas:

- (1) the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 494/1999 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter

and concentrated butter; whereas it is further stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; the amount(s) of the processing securities must be fixed accordingly;

- (2) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 41st individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 59, 6.3.1999, p. 17.

ANNEX

to the Commission Regulation of 29 October 1999 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 41st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter \geq 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security	Unaltered		—	—	—	—
	Concentrated		—	—	—	—
Maximum aid	Butter \geq 82 %		95	91	95	91
	Butter < 82 %		92	88	—	88
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security	Butter		105	—	105	—
	Concentrated butter		129	—	129	—
	Cream		—	—	44	—

COMMISSION REGULATION (EC) No 2310/1999
of 29 October 1999

**fixing the maximum purchasing price for butter for the 249th invitation to tender carried out
under the standing invitation to tender governed by Regulation (EEC) No 1589/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular the first subparagraph of Article 7a(1) first indent and Article 7a(3) thereof,

Whereas:

- (1) Article 5 of Commission Regulation (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to

the intervention price applicable and that it may also be decided not to proceed with the invitation to tender;

- (2) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 249th invitation to tender issued under Regulation (EEC) No 1589/87, for which tenders had to be submitted not later than 26 October 1999, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 146, 6.6.1987, p. 27.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 2311/1999
of 29 October 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 organisation 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 2195/1999 ⁽³⁾, as last amended by Regulation (EC) No 2276/1999 ⁽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 1 November 1999.

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

Done at Brussels, 29 October 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 267, 15.10.1999, p. 49.

⁽⁴⁾ OJ L 277, 28.10.1999, p. 32.

ANNEX

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

(EUR/t)

Product code	Destination ⁽¹⁾	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
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	-2,50	-3,50	-3,50	-3,50
	02	0	0	0	-2,50	-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	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	-3,43	-4,80	—	—
1101 00 15 9130	01	0	0	0	-3,20	-4,48	—	—
1101 00 15 9150	01	0	0	0	-2,95	-4,13	—	—
1101 00 15 9170	01	0	0	0	-2,73	-3,82	—	—
1101 00 15 9180	01	0	0	0	-2,55	-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 Verde, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, São 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).

COMMISSION REGULATION (EC) No 2312/1999**of 29 October 1999****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1702/1999 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75.
- (2) In accordance Article 4(1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period

of the same duration as that for which refunds are fixed for the same products exported unprocessed.

- (3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (4) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (5) Whereas the Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 1999.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁴⁾ OJ L 201, 31.7.1999, p. 30.

ANNEX

to the Commission Regulation of 29 October 1999 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	-- Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	15,00
		03	16,00
		04	7,50
	b) On exportation of other goods	01	7,50
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	-- Dried:		
ex 0408 11 80	---- Suitable for human consumption: not sweetened	01	55,50
0408 19	-- Other:		
	---- Suitable for human consumption:		
ex 0408 19 81	---- Liquid: not sweetened	01	26,00
ex 0408 19 89	---- Frozen: not sweetened	01	26,00
	– Other:		
0408 91	-- Dried:		
ex 0408 91 80	---- Suitable for human consumption: not sweetened	01	41,00
0408 99	-- Other:		
ex 0408 99 80	---- Suitable for human consumption: not sweetened	01	10,50

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 2313/1999**of 29 October 1999****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1702/1999 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68.

(2) In accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the

casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, as last amended by Regulation (EC) No 494/1999 ⁽⁸⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(7) Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 November 1999.

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁴⁾ OJ L 201, 31.7.1999, p. 30.

⁽⁵⁾ OJ L 169, 18.7.1968, p. 6.

⁽⁶⁾ OJ L 138, 31.5.1990, p. 8.

⁽⁷⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁸⁾ OJ L 59, 6.3.1999, p. 17.

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

Done at Brussels, 29 October 1999.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 29 October 1999 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	81,65
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	81,78
	(b) On exportation of other goods	111,45
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	67,35
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	169,60
	(c) On exportation of other goods	162,35

COMMISSION REGULATION (EC) No 2314/1999

of 29 October 1999

fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the market in sugar ⁽¹⁾, and in particular Article 18(5)(a) and (15),

Whereas:

(1) Article 18(1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽²⁾ as last amended by Regulation (EC) No 1702/1999 ⁽³⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 2038/1999.

(2) In accordance with Article 4(1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 18(3) of Regulation (EC) No 2038/1999 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(6) Article 4(5)(b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4(5)(a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 ⁽⁴⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.

(7) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1(1) and (2) of Regulation (EC) No 2038/1999, exported in the form of goods listed in Annex I to Regulation (EC) No 2038/1999, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1999.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 136, 31.5.1994, p. 5.

⁽³⁾ OJ L 201, 31.7.1999, p. 30.

⁽⁴⁾ OJ L 94, 9.4.1986, p. 9.

⁽⁵⁾ OJ L 159, 3.6.1998, p. 38.

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

Done at Brussels, 29 October 1999.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 29 October 1999 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4(5)(b) of Regulation (EC) No 1222/94	1,06	1,06
— in all other cases	46,98	46,98

COMMISSION REGULATION (EC) No 2315/1999**of 29 October 1999****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 1702/1999 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term

contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Article 4(5)(b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4(5)(a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Regulation (EC) No 87/1999 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 November 1999.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁶⁾ OJ L 201, 31.7.1999, p. 30.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 29 October 1999.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

**to the Commission Regulation of 29 October 1999 fixing the rates of the refunds applicable to certain cereals
and rice products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	0,621 0,955	0,621 0,955
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases	2,135 1,221 3,284	2,135 1,221 3,284
1002 00 00	Rye	5,347	5,347
1003 00 90	Barley	2,797	2,797
1004 00 00	Oats	4,345	4,345
1005 90 00	Maize (corn) used in the form of: – starch: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – in other cases	1,976 4,555 1,658 4,237 4,555 1,976 4,555	1,976 4,555 1,658 4,237 4,555 1,976 4,555
ex 1006 30	Wholly-milled rice: – round grain – medium grain – long grain	10,123 10,123 10,123	10,123 10,123 10,123
1006 40 00	Broken rice	2,388	2,388
1007 00 90	Sorghum	2,797	2,797

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31.5.1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1.7.1993, p. 112).

⁽³⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 2316/1999

of 22 October 1999

laying down detailed rules for the application of Council Regulation (EC) No 1251/1999
establishing a support system for producers of certain arable crops

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

(1) Regulation (EC) No 1251/1999 replaced the support system for producers of certain arable crops provided for in Council Regulation (EEC) No 1765/92 ⁽²⁾, as last amended by Regulation (EC) No 1624/98 ⁽³⁾. Following the changes entailed by the new system and in view of experience gained, the rules on the application of the area payment system should be harmonised and, where appropriate, simplified. In the interests of clarity, it is appropriate to recast in a single act the provisions of the specific regulations governing the various aspects of that system, that is the following Commission regulations:

Regulation (EEC) No 2467/92 ⁽⁴⁾ as amended by Regulation (EEC) No 3738/92 ⁽⁵⁾, Regulation (EEC) No 2836/93 ⁽⁶⁾, as last amended by Regulation (EC) No 1503/97 ⁽⁷⁾, Regulation (EC) No 762/94 ⁽⁸⁾, as last amended by Regulation (EC) No 1981/98 ⁽⁹⁾, Regulation (EC) No 1098/94 ⁽¹⁰⁾, as last amended by Regulation (EC) No 1945/1999 ⁽¹¹⁾, Regulation (EC) No 1237/95 ⁽¹²⁾, as last amended by Regulation (EC) No 2017/97 ⁽¹³⁾, Regulation (EC) No 658/96 ⁽¹⁴⁾, as last amended by Regulation (EC) No 610/1999 ⁽¹⁵⁾ and Regulation (EC) No 1577/98 ⁽¹⁶⁾.

(2) The area payments provided for in Regulation (EC) No 1251/1999 must be restricted to certain areas to be specified. Only one application for an area payment should be permitted in respect of any parcel cultivated

in a given marketing year. Any parcel covered by an 'area' aid application under the common organisation of the market in any other product in respect of the same marketing year cannot qualify under the area payment scheme. Area payments can be granted on crops subsidized under a scheme falling within the Community's structural or environmental policies.

(3) Article 7 of Regulation (EC) No 1251/1999 defines the land that is eligible for area payments. That Article authorises certain exceptions under the control of the Member States which must not undermine the effectiveness of the arrangements laid down in that Regulation. In order to avoid any such risk, suitable measures should be laid down to keep the total area of eligible land at the current level and to prevent any appreciable increase therein. To that end, certain muftiannual crops should be considered as included among rotating crops. Areas covered by restructuring programmes could also be considered eligible for area payments. It is necessary to define what is meant by restructuring, appreciable increases in agricultural area and the obligation to exchange eligible and ineligible land.

(4) The sowing of land for the sole purpose of qualifying for area payments should be prevented. Certain conditions relating to the sowing and cultivation of crops must be specified, in particular as regards oilseeds, protein plants, linseed and durum wheat. Local standards must be respected in order to reflect the diversity of agricultural practice within the Community.

(5) In order to foster the Community's policy of quality improvement, only applicants who have sown seed of specified varieties and qualities should be eligible for area payments in respect of colza and rape seed. For determining eligible varieties, reference should be made for the sake of consistency, simplification and good management, to the Common Catalogue of Varieties of Agricultural Plant Species established by Council Directive 70/457/EEC ⁽¹⁷⁾, as last amended by Directive 98/96/EC ⁽¹⁸⁾, while for the 2000/01 marketing year,

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 181, 1.7.1992, p. 12.

⁽³⁾ OJ L 210, 28.7.1998, p. 3.

⁽⁴⁾ OJ L 246, 27.8.1992, p. 11.

⁽⁵⁾ OJ L 380, 24.12.1992, p. 24.

⁽⁶⁾ OJ L 260, 19.10.1993, p. 3.

⁽⁷⁾ OJ L 202, 30.7.1997, p. 48.

⁽⁸⁾ OJ L 90, 7.4.1994, p. 8.

⁽⁹⁾ OJ L 256, 19.9.1998, p. 8.

⁽¹⁰⁾ OJ L 121, 12.5.1994, p. 12.

⁽¹¹⁾ OJ L 241, 11.9.1999, p. 14.

⁽¹²⁾ OJ L 121, 1.6.1995, p. 29.

⁽¹³⁾ OJ L 284, 16.10.1997, p. 36.

⁽¹⁴⁾ OJ L 91, 12.4.1996, p. 46.

⁽¹⁵⁾ OJ L 75, 20.3.1999, p. 24.

⁽¹⁶⁾ OJ L 206, 23.7.1998, p. 17.

⁽¹⁷⁾ OJ L 225, 12.10.1970, p. 1.

⁽¹⁸⁾ OJ L 25, 1.2.1999, p. 27.

- reference should be made to the varieties eligible under the previous scheme for the sake of clarity and to maintain continuity. The Community's glucosinolate and erucic acid standards for colza and rape seed should be clarified and tests should be laid down to measure the glucosinolate and erucic acid content of seed samples. It is necessary to clarify the position regarding variety associations of colza and rape seed and certain other categories of seed. The varieties of sunflower seed which constitute confectionery sunflower seed should be specified.
- (6) The Member States in which maize is not grown traditionally may set a base area for silage grass. It is necessary to define what is meant by silage grass.
- (7) Standards for sweet lupins and tests to determine whether or not a sample of lupins is sweet should be laid down.
- (8) Article 5 of Regulation (EC) No 1251/1999 provides for the granting of a supplement to the area payment to producers of durum wheat in traditional production regions within a maximum guaranteed area for each Member State concerned. That maximum guaranteed area may be distributed among the regions of production. A *de minimis* rule on the size of such production regions should be introduced to prevent their fragmentation and so that the principle of proportionality is complied with in the application of any penalties incurred for overshoots. Areas eligible for the special aid for durum wheat in non-traditional areas have been allocated to certain Member States. The regions of the Member States allocated such areas should be defined. Regulation (EC) No 1251/1999 provides that certified durum wheat seed must be used. Specific measures should be taken to ensure that such seed is used. A minimum quantity and a transitional period over which the quantity of that seed used is to be attained must be set in order to avoid supply difficulties or disturbances on the market in certified seed. In view of the diversity of agricultural practice within the Member States and within regions thereof, the setting of the minimum quantity and the adoption of any transitional measures needed should be left to the Member States concerned.
- (9) Regulation (EC) No 1251/1999 provides *inter alia* for the area payment scheme to apply subject to a system of regional base areas. With a view on the one hand to the transparency needed and on the other to satisfactory management of those areas, the number of hectares eligible under the area payment scheme and the way they are distributed need to be determined for each Member State.
- (10) Article 3 of Regulation (EC) No 1251/1999 allows regionalisation plans to differentiate between irrigated and non-irrigated areas. What is meant by irrigation should be defined. A separate base area may be established for maize. In some Member States, this area may largely concern silage maize. By the nature of silage maize, yields may not be expressed in tonnes per hectare. The yield applicable in this case should therefore be defined. The Member States should be given the opportunity to lay down the yield applicable to silage maize in relation to the yield of comparable arable crops in the region concerned.
- (11) The areas to be taken into account with a view to assessing any overshoot in the base area and the rules for determining the extent of such overshoots should be specified. Where a separate base area is established for maize, irrigated areas or silage grass, special rules must be laid down as regards the areas to be taken into account with a view to calculating any overshoot in the base area in question. The rules for determining any overshoot in the base area must ensure that the base area is complied with in all cases. The way the overshoot is to be calculated in respect of the maximum guaranteed areas for durum wheat should also be specified.
- (12) In order to prevent complicated regionalisation plans resulting in actual yields appreciably in excess of the reference yields, Regulation (EC) No 1251/1999 provides for area payments to be adjusted in the following marketing year in proportion to the overshoot of the average yield resulting from the regionalisation plans. The data necessary for calculating any overshoot of the reference yields must be available in good time. The procedure to be followed for establishing such overshoots should be specified and the reference yields resulting from regionalisation plans as determined in accordance with the criteria laid down in Article 3 of that Regulation should be fixed.
- (13) Pursuant to Article 2 of Regulation (EC) No 1251/1999, eligibility for area payments is conditional on an obligation on the producers concerned to set aside part of the area on their holdings. In order to ensure that such set-aside contributes to better balance on the market, detailed implementing rules capable of ensuring that the scheme has the necessary effectiveness and that it is consistent with the overall system introduced by Regulation (EC) No 1251/1999 should be laid down. To that end, while areas other than those referred to in Article 7 of that Regulation should not be definitively excluded from the scheme, provision should be made for the areas counting as set-aside to be comparable with those counting for the purposes of calculating the regional base area. The scheme's effectiveness may be enhanced if provision is also made for set-aside to apply to unbroken areas of a minimum size. Provisions should

also be laid down regarding environmental protection and the maintenance and utilisation of the areas set aside. Regulation (EC) No 1251/1999 exempts from the set-aside obligation producers whose application does not exceed production equivalent to 92 tonnes of cereals. The method for calculating the 92-tonne production limit must be specified. For the sake of clarity, provisions must be laid down for cases where the set-aside obligation is not met.

- (14) The minimum period for which land is to be set aside must extend at least over the growing cycle of the arable crops covered by Regulation (EC) No 1251/1999. However, in order to take certain specific circumstances into account, it should be possible for land set aside to be used before the minimum set-aside period expires.
- (15) Rules should be laid down to ensure that farmers who undertake to set aside certain areas for a period not exceeding five marketing years receive a minimum payment. The adjustments and penalties applicable under the scheme should be laid down.
- (16) Council Regulation (EEC) No 3653/90 of 11 December 1990 introducing transitional measures governing the common organisation of the market in cereals and rice in Portugal ⁽¹⁾, as amended by Commission Regulation (EC) No 1664/95 ⁽²⁾, provides for direct aid per hectare for certain cereals grown in Portugal during a transitional period. Pursuant to Article 6(4) of Regulation (EC) No 1251/1999, such aid may be taken into account for the purposes of calculating the compensation for compulsory set-aside only.
- (17) Article 8(2) of Regulation (EC) No 1251/1999 requires producers of cereals, oilseeds and protein plants to complete sowing by 31 May at the latest. In certain cases, sowing can be put off until after 31 May because of the climate. The deadline for sowing and for submitting applications should be extended for certain crops in certain regions. However, such extensions should not adversely affect the effectiveness of the support system or undermine the control system introduced by Council Regulation (EEC) No 3508/92 ⁽³⁾, as last amended by Regulation (EC) No 1036/1999 ⁽⁴⁾.
- (18) In order to ensure that the processing industry receives regular supplies of sweetcorn throughout the marketing year, producers must be able to spread their sowings over a longer period. The final date for sowing sweetcorn should therefore be deferred to 15 June.
- (19) Article 10(7) of Regulation (EC) No 1251/1999 provides that those Member States where there is a risk that the reference area may be substantially exceeded can limit the area in respect of which individual producers may

apply for crop-specific oilseeds area payments. That limit must be laid down on the basis of objective criteria and expressed as a percentage of the producer's eligible agricultural area. That limit may vary from one regional base area to another. Producers must be notified of that limit by a given date before oilseed sowing commences. Where any producers' applications for crop-specific oilseeds area payments cover an area in excess of the limit, the area over the limit must be excluded from the application. The area on which area payments for land set aside are payable may need to be reduced accordingly.

- (20) In order to ensure that the area payment system functions properly in respect of any given marketing year, statistical monitoring must be carried out on the application of the system for that year. For the purposes of budget forecasts at Community level, provisional figures must be available by 15 September at the latest of the year in progress. The date by which the definitive rate of any overshoot is to be notified must be fixed. The data serving as the basis for calculating any overshoots in the base areas and in the maximum guaranteed areas for durum wheat and any breakdown of the latter into base sub-areas or regions must be available in good time.
- (21) The scheme provided for by Regulation (EC) No 1251/1999 will apply as from marketing year 2000/01. In order for the producers concerned to be able to sow as well as carry out the possible set-aside and submit their area payment applications for the said marketing year in the knowledge of and in compliance with the rules for the application of the new scheme, the provisions of the present Regulation should enter into force as soon as it is published in the *Official Journal of the European Communities*.
- (22) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Eligibility for area payments

SECTION I

General provisions

Article 1

1. Area payments as provided for in Regulation (EC) No 1251/1999 shall be granted in accordance with the conditions laid down in this Regulation.

⁽¹⁾ OJ L 362, 27.12.1990, p. 28.

⁽²⁾ OJ L 158, 8.7.1995, p. 13.

⁽³⁾ OJ L 355, 5.12.1992, p. 1.

⁽⁴⁾ OJ L 127, 21.5.1999, p. 4.

2. In a given marketing year, no more than one application for an area payment may be made in respect of any cultivated parcel.

3. No area payment may be granted on any cultivated parcel which is covered in respect of the same marketing year by an application for area-based aid under a scheme financed under Article 1(2)(b) of Council Regulation (EC) No 1258/1999⁽¹⁾ for arable crops other than those covered by Regulation (EC) No 1251/1999.

Article 2

1. For the purposes of Article 7 of Regulation (EC) No 1251/1999, the definitions of 'permanent pasture', 'permanent crops', 'multi annual crops' and 'restructuring programme' shall be those set out in Annex I.

2. Land on which aid has been granted under Title I of Council Regulation (EEC) No 2328/91⁽²⁾ or under Council Regulation (EEC) No 3766/91⁽³⁾ or, in the case of Finland and Sweden, land set aside under a national set-aside scheme shall be considered eligible for area payments.

3. Areas newly declared eligible by the Member States under a restructuring programme must not exceed the area newly declared ineligible under that programme by more than 5%. However, the following shall not be taken into account when the abovementioned increase is determined:

- (a) in the new German *Länder*, 2 500 ha affected by the restructuring of agricultural land in the period from 1 January to 30 June 1992 and planted with arable crops for harvest in 1993;
- (b) the remaining land covered by plans for the grubbing-up of wine-growing areas for the 1991/92 wine year approved before 31 December 1991 under Council Regulations (EEC) No 1442/88⁽⁴⁾ and No 2239/86⁽⁵⁾ and carried out within the time limits laid down therein.

4. Pursuant to the third paragraph of Article 7 of Regulation (EC) No 1251/1999, the Member States may not increase their total eligible agricultural area, either temporarily or permanently, by more than 0,1% of their total base area.

The Member States shall send the Commission an annual list of authorisations issued pursuant to the third paragraph of Article 7 of Regulation (EC) No 1251/1999, specifying the number of farmers, the areas concerned and the reasons.

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 218, 6.8.1991, p. 1.

⁽³⁾ OJ L 356, 24.12.1991, p. 17.

⁽⁴⁾ OJ L 132, 28.5.1988, p. 3.

⁽⁵⁾ OJ L 196, 18.7.1986, p. 1.

In duly substantiated special cases, the limit laid down in the first subparagraph may be revised in accordance with the procedure laid down in Article 23 of Council Regulation (EEC) No 1766/92⁽⁶⁾.

5. Cases as referred to in the fourth paragraph of Article 7 of Regulation (EC) No 1251/1999 shall be those where producers are able to give relevant, objective reasons for exchanging ineligible land for eligible land on their holdings, provided that the Member State has checked that there are no valid reasons for refusing such exchanges, in particular from the viewpoint of environmental risks. Under no circumstances may exchanges result in any increase in the total area of eligible arable land on the holding. The Member States shall provide for a system for the prior notification and approval of such exchanges.

By 31 May at the latest each year, the Member States shall submit plans to the Commission comprising a list of the criteria on the basis of which exchanges have been approved and evidence to the effect that the total area of eligible land has not increased as a result of such exchanges.

Article 3

1. Area payments for arable crops shall be paid solely on areas:

- (a) located in regions declared by the Member State as climatically and agriculturally suitable for growing arable crops. The Member States shall have the power to decide that any region is not suitable for producing certain arable crops;
- (b) fully sown in accordance with local standards. Where cereals are sown in a mixture with oilseeds or protein plants, or where oilseeds are sown in a mixture with protein plants, the lowest rate of area payment shall apply;
- (c) on which the crop is maintained until at least the beginning of flowering under conditions of normal growth. Crops of oilseeds, protein plants, linseed and durum wheat must also be cultivated in accordance with local standards at least until 30 June prior to the marketing year in question, unless they are harvested at full maturity before that date. Protein plants may not be harvested until after the stage of lactic ripeness;
- (d) covered by applications in respect of at least 0,3 ha, each parcel cultivated being larger than the minimum size fixed by the Member State for the region concerned.

2. Where any producer's eligible areas are located in more than one region of production, the amount payable shall be determined by the location of each area covered by his application.

⁽⁶⁾ OJ L 181, 1.7.1992, p. 21.

3. Member States that treat maize separately in regions where maize is grown principally for silage shall be authorised to apply the yield for a feed grain in that region to all areas under maize in the regions in question.

SECTION 2

Special provisions covering certain arable crops

Article 4

1. The Member States shall apply a quality policy in respect of colza and rape seed by limiting areas eligible for area payments to those sown with certified seed of double-zero (00) varieties of colza and rape seed notified and entered as such in the Common Catalogue of Varieties of Agricultural Plant Species established by Directive 70/457/EEC prior to any payment. Double-zero varieties shall be those producing seed with a maximum glucosinolate content of 25 µmol/g at a moisture content of 9 %, as determined by method EN ISO 9167-1: 1995, and an erucic acid content of not more than 2 % of the total fatty acid content, as determined by method EN ISO 5508: 1995.

2. By way of derogation from paragraph 1, the Member States may include areas sown with one or more of the following categories of rape and colza seed among those eligible for area payments:

- (a) certified seed of double zero variety associations the components of which have been notified and entered where appropriate as double zero in the Common Catalogue of Varieties of Agricultural Plant Species;
- (b) seed harvested from certified seed grown on the same holding of double zero varieties shown by analysis of a representative sample taken by an approved agent of the competent national authority to have a glucosinolate content of no more than 18,0 µmol/g at a moisture content of 9 %;
- (c) seed of stocks registered, prior to sowing, for inspection and control and intended to yield a crop for use as breeders', pre-basic, basic or certified seed for sowing, research or testing purposes to determine whether the stock may be added to a Member State's national variety list and, subsequently, to the Common Catalogue as a double zero variety;
- (d) certified seed of the 'Bienvenu' and 'Jet Neuf' varieties covered by a cultivation contract signed prior to sowing by the producer and a buyer specially approved to that end by the competent authority of the Member State, with a view to obtaining seed for the production of oil intended for specified uses in food or feed;
- (e) seed of stocks with an erucic acid content of more than 40 % of the total fatty acid content and covered by a cultivation contract concluded, prior to sowing, with an

approved first buyer with a view to obtaining seeds intended for a specified non-food use or for use as seed for sowing to obtain such a crop.

3. Where Member States consider areas sown with seed as referred to in paragraph 2(b) as eligible, prior to sowing they shall take all measures necessary to determine that such seed meets the requirements. The glucosinolate content may be determined by method EN ISO 9167-1: 1995(x) or method EN ISO 9167-2: 1997. The former method shall be the sole method used for settling disputes as to glucosinolate content.

4. For the 2000/01 marketing year, areas sown with certified seed of varieties and variety associations listed in Annex II to Regulation (EC) No 658/96 shall also be eligible for area payments.

5. For the purposes of Article 10(9) of Regulation (EC) No 1251/1999, varieties of sunflower seed that constitute confectionery sunflower seed shall be as listed in Annex II.

Article 5

'Sweet lupins' means those varieties of lupins producing seed comprising not more than 5 % bitter seeds. The bitter seed content shall be calculated in accordance with the test set out in Annex III.

Article 6

1. For the purposes of the first paragraph of Article 5 of Regulation (EC) No 1251/1999, producers of durum wheat in the zones listed in Annex II to that Regulation shall receive the supplement to the area payment within the maximum guaranteed area set out in Annex III to that Regulation.

For the purposes of Annex II to Regulation (EC) No 1251/1999, Pannonia in Austria shall comprise the zones listed in Annex IV to this Regulation.

2. Where the maximum guaranteed area is distributed among the production zones and production regions as provided for in the third paragraph of Article 5 of Regulation (EC) No 1251/1999, the following provisions shall apply:

- (a) if any production region is less than 500 ha in area, the Member States concerned may join the region in question to an adjacent production region;
- (b) in Italy, account may be taken of the areas traditionally sown to durum wheat and set aside under the five-year scheme from 1993 to 1997;
- (c) by 15 September at the latest of the marketing year preceding that in respect of which the area payment application is made, the Member States concerned shall notify the producers and the Commission of the distribution of the maximum guaranteed area.

3. Special aid as provided for in the fourth paragraph of Article 5 of Regulation (EC) No 1251/1999 shall be granted in the zones listed in Annex V to this Regulation for up to the maximum number of hectares set out in Annex IV to Regulation (EC) No 1251/1999 in respect of any parcel eligible for the payment for areas under arable crops provided for in Article 1 of that Regulation and sown to durum wheat.

4. For the purposes of granting aid for durum wheat as referred to in paragraphs 1 and 3, 'area' aid applications as referred to in Article 4 of Commission Regulation (EEC) No 3887/92⁽¹⁾ must contain all information required for identifying parcels sown to durum wheat and must be accompanied by proof that certified seed has been used.

Aid applications in respect of durum wheat shall be valid only where:

- (a) an area payment application is submitted in respect of the same number of hectares under durum wheat;
- (b) seed certified in accordance with Council Directive 66/402/EEC⁽²⁾ is used.

5. The Member States shall fix the minimum quantity of certified seed to be used in accordance with agricultural practice in the Member State concerned.

A transitional period of up to three years commencing on 1 July 1998 may be allowed for the quantity of such seed used to reach the minimum, in accordance with the specific measures notified to the Commission by the Member States by 30 June 1998 at the latest.

6. The supplement to the area payment and the special aid for durum wheat shall be paid at the same time as the area payment.

Article 7

1. For the purposes of Article 1(3) of Regulation (EC) No 1251/1999, 'silage grass' means the crop grown on areas mainly sown to herbaceous grasses and harvested green at least once a year with a view to preservation in an enclosed environment by anaerobic fermentation.

2. The provisions of this Regulation, with the exception of the condition relating to flowering in Article 3(1)(c), shall apply to silage grass.

3. Producers in the Member States that make provision for a specific area for silage grass as set out in Annex VI shall be eligible for area payments in respect of silage grass.

⁽¹⁾ OJ L 391, 31.12.1992, p. 36.

⁽²⁾ OJ 125, 11.7.1966, p. 2309/66.

CHAPTER II

Base areas and reference yields

SECTION 1

General provisions

Article 8

The base areas as referred to in Articles 2 and 3 of Regulation (EC) No 1251/1999 shall be as set out in Annex VI.

Article 9

1. Where regionalisation plans provide for different yields for irrigated and non-irrigated land in accordance with Article 3(3) of Regulation (EC) No 1251/1999, the Member States shall lay down rules to determine whether or not areas are irrigated in the course of a marketing year. They shall in particular lay down:

- (a) a list of arable crops on which area payments may be granted at the rate for the irrigated yield;
- (b) a description of the irrigation equipment which the farmer must have at his disposal; such equipment must be commensurate with the area concerned and must allow for the supply of the water needed for the normal development of plants during their growth cycle;
- (c) the relevant irrigation period.

2. Paragraph 1 shall not apply where irrigation is a historical feature linked to the parcels and allows them to be distinguished and listed, like 'regadío' production regions in Spain.

SECTION 2

Area overshoot

Article 10

1. For the purposes of determining any overshoots in regional base areas in accordance with Article 2(4) of Regulation (EC) No 1251/1999, the competent authority of the Member State shall take account, on the one hand, of the regional base area fixed in Annex VI and, on the other hand, of the sum of areas covered by applications for area payments submitted in respect of each crop, including the corresponding compulsory set-aside. Any voluntary set-aside shall be included with areas other than irrigated, other than under maize and/or other than under silage grass.

2. The sum of the areas covered by aid applications submitted shall not include areas, or parts thereof, covered by applications that administrative checks show to be clearly unjustified.

Where applicable, the area actually determined during on-the-spot checks pursuant to Article 6 of Regulation (EEC) No 3887/92 shall count.

3. Areas sown to arable crops in accordance with Regulation (EC) No 1251/1999 and used in support of aid applications under Council Regulation (EC) No 1254/1999 ⁽¹⁾ shall be added to the sum of the areas covered by applications submitted, adjusted in accordance with paragraph 2.

4. The overshoot shall be calculated in accordance with the table in Annex VII.

Article 11

1. For the purposes of determining any overshoot in the maximum guaranteed area for durum wheat eligible for the supplement to the area payment, the competent authorities of the Member States shall take account, on the one hand, of the maximum guaranteed area laid down in Annex III to Regulation (EC) No 1251/1999, where applicable distributed among the regions, and, on the other hand, of the sum of the areas covered by applications for the supplement to area payments in respect of durum wheat, adjusted in accordance with Article 10(2) of this Regulation and, where applicable, reduced in accordance with Article 2(4) of Regulation (EC) No 1251/1999.

2. Paragraph 1 shall apply for the purposes of determining any overshoot in the maximum guaranteed areas eligible for the special aid for durum wheat set out in Annex IV to Regulation (EC) No 1251/1999.

Article 12

1. Where the areas referred to in Articles 10 and 11 are found to be exceeded, the Member State concerned shall, by 31 October of the marketing year in question, determine the definitive rate of overshoot truncated to two decimal points.

2. The definitive rate of overshoot thus determined shall be used to calculate the proportional reduction in the area eligible for:

- (a) the area payment in accordance with the first subparagraph of Article 2(4) of Regulation (EC) No 1251/1999;
- (b) the supplement thereto and the special aid for durum wheat, once the first subparagraph of Article 2(4) of Regulation (EC) No 1251/1999 has been applied.

Article 13

For the purposes of Article 2(6) of Regulation (EC) No 1251/1999, the Member States shall, by 15 September at the latest of the marketing year in respect of which the area payment is applied for, determine the following and shall notify the Commission thereof:

- (a) the national base area to be subdivided;
- (b) the criteria used by the Member State to establish the sub-base areas;
- (c) the sub-base areas (number, name and size);
- (d) the detailed rules for concentrating measures applicable in case of overshoot.

SECTION 3

Overshoot in reference yield

Article 14

For the purposes of Article 3(7) of Regulation (EC) No 1251/1999, the summary statements of aid applications and the yields pertaining thereto shall be those forwarded by Member States in accordance with Article 26 of this Regulation.

For that purpose, the reference yields shall be those set out in Annex VIII to this Regulation.

Article 15

For the purposes of calculating the average yield resulting from aid applications in respect of a given marketing year, the following procedure shall apply:

- (a) the areas shall firstly be reduced proportionately, where appropriate, in accordance with the first subparagraph of Article 2(4) of Regulation (EC) No 1251/1999;
- (b) the average cereals yield for the region shall be used for areas under oilseeds where payments for the 2000/01 and 2001/02 marketing years are based on the historical regional yields for oilseeds;
- (c) the average cereals yield for non-irrigated land in the region shall be used for areas under arable crops that are declared as forage areas for the purposes of premiums for beef and sheep.

Article 16

Before 31 May each year, the Commission shall carry out a comparative examination of the information referred to in Articles 14 and 15 and shall fix the relevant correcting coefficients in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

Article 17

The coefficients referred to in Article 16 shall apply to all area payments in the Member State or region in which the base area in question is located, with the exception of the supplement to the area payment and the special aid for durum wheat.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

CHAPTER III

Set-aside

Article 18

'Set-aside' means leaving fallow an area that in the preceding year was:

- (a) cultivated with a view to a harvest, or
- (b) set aside in accordance with Regulation (EEC) No 1765/92 or Regulation (EC) No 1251/1999, or
- (c) withdrawn from the production of arable crops or afforested in accordance with Council Regulation (EEC) No 2078/92⁽¹⁾ and Council Regulation (EEC) No 2080/92⁽²⁾, respectively or under Articles 22, 23, 24 and 31 of Council Regulation (EC) No 1257/1999⁽³⁾.

Article 19

1. Areas set aside in accordance with this Chapter must cover a single area at least 0,3 ha in size and at least 20 m wide.

The Member States may accept:

- (a) smaller areas involving whole parcels with permanent boundaries such as walls, hedges or watercourses;
- (b) whole parcels less than 20 m wide in regions where parcels of that size are traditional;
- (c) parcels at least 10 m wide alongside permanent watercourses or lakes and subject to special controls aiming in particular to ensure compliance with environmental objectives.

2. Areas set aside must so remain for a period commencing on 15 January at the latest and ending on 31 August at the earliest. However, the Member States shall lay down the conditions under which producers may be authorised to sow seed from 15 July for harvesting in the following year and the conditions to be met in order for grazing to be authorised from 15 July in Member States where transhumance is practised traditionally.

3. Areas set aside may not be used for agricultural production of any sort other than as provided for in Article 6(3) of Regulation (EC) No 1251/1999 or used for any lucrative purpose incompatible with the growing of arable crops.

4. The Member States shall apply suitable measures compatible with the specific situation of areas set aside in order to ensure they are maintained and the environment is protected. Such measures may also involve green cover; in that case, the measures must ensure that the green cover cannot be used for seed production and that it cannot under any circumstances be used for agricultural purposes before 31 August or, before 15 January thereafter, to produce crops for marketing.

⁽¹⁾ OJ L 215, 30.7.1992, p. 85.

⁽²⁾ OJ L 215, 30.7.1992, p. 96.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

5. Paragraphs 3 and 4 shall not apply to areas set aside or afforested pursuant to Articles 22, 23, 24 and 31 of Regulation (EC) No 1257/1999 and counting for the purposes of compulsory set-aside where such land proves to be incompatible with the environmental or afforestation requirements laid down in those Articles.

Article 20

1. For the purposes of Article 6(6) of Regulation (EC) No 1251/1999, the Member States may grant the set-aside payment on a multiannual basis for a period up to five marketing years.

2. Without prejudice to Article 2(4) of Regulation (EC) No 1251/1999 and to any subsequent increase in the basic amounts fixed in Article 4(3) thereof, producers who undertake to set aside the same parcels for the period referred to in paragraph 1 shall receive the area payment for that period, calculated on the basis of the basic amount and the yields in the regionalisation plan in force at the time of their undertaking.

3. Where producers deliberately go back on their undertakings in their 'area' aid applications before the period referred to in paragraph 1 expires, they must reimburse 5 % of the area payment in respect of the previous marketing year on areas withdrawn from their undertaking, multiplied by the number of years in which they have failed to fulfil their original commitment.

4. Producers who opt for the arrangement provided for in paragraph 2 may go back on their undertakings without incurring the penalty provided for in paragraph 3:

- (a) where they decide to set aside or afforest the areas in question under a scheme provided for in Articles 22, 23, 24 and 31 of Regulation (EC) No 1257/1999;
- (b) in special cases authorised by the Member States and entailing a change in farm structure beyond the producer's control, such as reparcelling.

5. Where, as the result of a change in farm structure during the period covered by the undertaking, the area set aside under this Article exceeds the percentage limit laid down by the Member States pursuant to Article 6(5) of Regulation (EC) No 1251/1999 at the time of such undertaking, the areas covered by the undertaking shall be adjusted in accordance with that limit.

Article 21

1. Where the declared area set aside is smaller than the area corresponding to the percentage of compulsory set-aside laid down for the marketing year in question, the area on which producers of arable crops subject to the set-aside obligation are eligible for area payments shall be calculated on the basis of the declared set-aside area and the percentages of the various crops, including silage grass; it may not however be reduced to an area less than that required to produce 92 t of cereals as referred to in Article 6(7) of Regulation (EC) No 1251/1999.

2. The cereal production referred to in paragraph 1 shall be calculated on the basis of the yield used for the area payments. If the Member State has chosen to use the historical regional yields for oilseeds, it shall be multiplied by 1,95.

Article 22

In the case of Portugal, in accordance with Article 6(4) of Regulation (EC) No 1251/1999, the area payment for compulsory set-aside shall be increased by the amounts shown in Annex IX. Those amounts shall be financed in accordance with Article 5 of Regulation (EEC) No 3653/90.

Article 23

1. 'Area' aid applications as referred to in Regulation (EEC) No 3887/92 shall be broken down by region in accordance with Article 3 of Regulation (EC) No 1251/1999.

2. For each area payment application in a given region of production, there must be a corresponding set-aside declaration in respect of at least the corresponding number of hectares in the same region of production.

3. A derogation from paragraph 2 may be provided for in accordance with objective criteria laid down by the Member State.

4. By way of derogation from paragraph 2, the compulsory set-aside corresponding to an application for area payment submitted may be effected in whole or in part:

- (a) in Spain, in the 'secano' region in the case of holdings situated in 'secano' and 'regadío' production regions;
- (b) in another region of production, provided that the areas to be set aside are located in regions of production adjacent to those in which the cultivated areas are situated.

5. Where paragraphs 3 and 4 are applied, the area to be set aside must be adjusted to take account of the difference between the yields used to calculate the payment in respect of set-aside in the regions concerned. However, the application of this paragraph must not lead to fewer hectares being set aside than the obligation requires.

CHAPTER IV

Special provisions

Article 24

By way of derogation from Article 8(2) of Regulation (EC) No 1251/1999, the Member States may defer the final date for sowing to no later than 15 June for the crops listed in Annex X and in the zones, to be defined by the Member States concerned, located in the regions specified in that Annex.

Where the deferment of the final date for sowing concerns all arable crops, the Member States may also put back the closing date for the submission of area payment applications by the

producers in the zones concerned to 15 June at the latest or to the final date for sowing, whichever occurs earlier.

Article 25

1. The limit provided for in Article 10(7) of Regulation (EC) No 1251/1999 shall be set taking account of the national reference area and the total area of eligible agricultural land and with the objective of avoiding planting on a scale that would result in excessive reductions in the crop-specific oilseeds area payment.

2. The limit and the criteria applied to establish it shall be notified to the Commission at the earliest possible date and by 31 July at the latest of the marketing year prior to that covered by the area payment application.

3. With a view to assessing producers' eligibility for area payments, the competent authorities shall check whether their aid applications fall within the limit laid down. Any land covered by applications for crop-specific oilseeds area payments in excess of the limit shall be disallowed.

4. In cases where disallowance of areas pursuant to paragraph 3 means that the area set aside by a producer exceeds the limit laid down in Article 6(5) of Regulation (EC) No 1251/1999 and applicable in the Member State concerned, the area set aside and covered by the area payment application shall be reduced so that it does not exceed that limit.

5. Any land disallowed under producers' 'area' aid applications pursuant to paragraphs 3 and 4 shall not count for the purposes of Article 2(4) and (6) of Regulation (EC) No 1251/1999.

CHAPTER V

Final provisions

Article 26

Notifications

1. The Member States shall send the Commission the information to be provided in tables as described in Annex XI in the standardised format described therein, by production region, base area and country, in accordance with the following timetable:

- (a) by 15 September of the marketing year in progress: data obtained taking into account controls and checks already carried out;
- (b) by the following 31 October at the latest: definitive data corresponding to those used to calculate the definitive rate of overshoot referred to in Article 12; and
- (c) by the following 15 February at the latest: the final data corresponding to the areas for which aid has actually been paid, after the reductions in area provided for in Article 9 of Regulation (EEC) No 3887/92 have been deducted.

2. Where the areas referred to in Articles 10 and 11 are found to have been exceeded, the Member State concerned shall notify the Commission of the definitive rate of the overshoot immediately and at the latest by 31 October of the marketing year in progress. The data used to calculate the rate by which a base area is exceeded shall be forwarded using the form in Annex VII.

3. Where the rate of overshoot is distributed in accordance with Article 2(6) and the third paragraph of Article 5 of Regulation (EC) No 1251/1999, the Member State concerned shall notify the Commission of such distribution by 31 October at the latest.

Article 27

The Member States shall adopt the measures necessary for the application of this Regulation and shall notify them to the

Commission within one month of their adoption or amendment.

Article 28

Regulations (EEC) No 2467/92, (EEC) No 2836/93, (EC) No 762/94, (EC) No 1098/94, (EC) No 1237/95, (EC) No 658/96 and (EC) No 1577/98 shall be repealed with effect from 1 July 2000.

References to the repealed regulations shall be construed as references to this Regulation.

Article 29

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

It shall apply to the support for producers of certain arable crops in respect of the 2000/01 and following marketing years.

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

Done at Brussels, 22 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

(Article 2(1))

DEFINITIONS

1. *Permanent pasture*

Non-rotational land used for grass production (sown or natural) on a permanent basis (five years or longer).

2. *Permanent crops*

Non-rotational crops other than permanent pasture that occupy the land for five years or longer and yield repeated harvests, with the exception of multiannual crops.

3. *Multiannual crops*

CN code	
0709 10 00	Artichokes
0709 20 00	Asparagus
ex 0709 90 90	Rhubarb
0810 20	Raspberries, blackberries, mulberries and loganberries
0810 30	Black-, white- or redcurrants and gooseberries
0810 40	Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i>

4. *Restructuring programme*

Change to the structure and/or eligible area of a holding imposed by the public authorities.

—

ANNEX II

(Article 4(5))

Confectionery sunflower seed varieties

Agripro 3450	Interstate (IS)8004	SIGCO 829
Agrosur	Kelisur	SIGCO 830
Dahlgren D-131 (Toma)	Royal Hybrid 381	SIGCO 954
Dahlgren D-151	Royal Hybrid 2141	SIGCO 964
Dahlgren D-171	Royal Hybrid 3801	SIGCO 974
Dahlgren D-181	Royal Hybrid 3831	SIGCO 995
Dahlgren 954	Royal Hybrid 4381	Toma
Dahlgren D-1950	RRC 995	Triumph 660C
Dahlgren D-1998	RRC 2211	Triumph 505C+
Diset	RRC 2232	Triumph 520C
Hagen Seed SG 9011	RRC 4211	Triumph 515C
Hagen Seed SG 9054	SIGCO 826	USDA Hybrid 924
Hagen Seed SG 9211	SIGCO 828	

ANNEX III

(Article 5)

TEST FOR BITTER LUPINS

To be performed on a sample of 200 grains taken from a batch of 1 kg from each lot of 20 t maximum.

The test is intended solely to provide qualitative evidence of the presence of bitter grains in the sample. The homogeneity tolerance is 1 grain per 100. Use the Grain-Cut method according to Von Sengbusch (1942), Ivanov and Smirnova (1932) and Eggebrecht (1949). Cut the dry or swollen grains crosswise. Place the half-grains in a sieve and dip in an iodine solution for ten seconds, then rinse under water for five seconds. The cut surfaces of bitter grains turn brown while those low in alkaloids remain yellow.

To prepare the iodine solution, dissolve 14 g of potassium iodate in as little water as possible, add 10 g of iodine and dilute to 4 000 cm³. Leave the solution to stand for one week before use. Store in brown bottles. Dilute the stock solution to three to five times its initial volume before using.

ANNEX IV

(Article 6(1), second subparagraph)

ZONES ELIGIBLE FOR THE SUPPLEMENT FOR DURUM WHEAT IN AUSTRIA

Pannonia:

1. *Gebiete der Bezirksbauernkammern*

- 2046 Atzenbrugg
- 2054 Baden
- 2062 Bruck/Leitha
- 2089 Ebreichsdorf
- 2101 Gänserndorf
- 2241 Hollabrunn
- 2275 Kirchberg/Wagram
- 2305 Korneuburg
- 2321 Laa/Thaya
- 2330 Langenlois
- 2364 Marchfeld
- 2399 Mistelbach
- 2402 Mödling
- 2470 Poysdorf
- 2500 Ravelsbach
- 2518 Retz
- 2551 Schwechat
- 2585 Tulln
- 2623 Wr. Neustadt
- 2631 Wolkersdorf
- 2658 Zistersdorf

2. *Gebiete der Bezirksreferate*

- 3018 Neusiedl/See
- 3026 Eisenstadt
- 3034 Mattersburg
- 3042 Oberpullendorf

3. *Gebiete der Landwirtschaftskammer*

- 1007 Wien

ANNEX V

(Article 6(3))

ZONES ELIGIBLE FOR THE SPECIAL AID FOR DURUM WHEAT

GERMANY:

Kreise und Kreisfreie Städte:

Baden-Württemberg:

Stadt Stuttgart, Ludwigsburg, Rems-Murr-Kreis, Stadt Heilbronn, Heilbronn, Hohenlohekreis, Main-Tauber-Kreis, Stadt Karlsruhe, Karlsruhe, Stadt Baden-Baden, Rastatt, Stadt Heidelberg, Stadt Mannheim, Rhein-Neckar-Kreis, Stadt Pforzheim, Enzkreis, Ortenaukreis.

Bayern:

Stadt Ingolstadt, Dachau, Eichstätt, Freising, Fürstenfeldbrück, Neuburg-Schrobenhausen, Pfaffenhofen a.d. Ilm, Kelheim, Stadt Ansbach, Ansbach, Neustadt-Bad Windsheim, Stadt Aschaffenburg, Aschaffenburg, Bad Kissingen, Rhön-Grabfeld, Haßberge, Kitzingen, Main-Spessart, Stadt Schweinfurt, Schweinfurt, Stadt Würzburg, Würzburg.

Rheinland-Pfalz:

Ahrweiler, Stadt Koblenz, Mayen-Koblenz, Bad Kreuznach, Rhein-Lahn-Kreis, Westerwald-Kreis, Bernkastel-Wittlich, Bitburg-Prüm, Daun, Trier-Saarburg, Stadt Trier, Stadt Frankenthal, Landau i.d.P., Ludwigshafen, Mainz, Neustadt/Weinstr., Speyer, Worms, Alzey-Worms, Bad Dürkheim, Donnersbergkreis, Gernersheim, Südl. Weinstraße, Ludwigshafen, Mainz-Bingen.

Hessen:

Stadt Frankfurt/Main, Wiesbaden, Bergstraße, Stadt Darmstadt, Darmstadt-Dieburg, Groß-Gerau, Hochtaunuskreis, Main-Kinzig-Kreis, Main-Taunus-Kreis, Stadt Offenbach, Offenbach, Rheingau-Taunus-Kreis, Wetteraukreis, Lahn-Dill-Kreis, Limburg-Weilburg.

Saarland:

Stadt Saarbrücken, Merzig-Wadern, Neunkirchen, Saarlouis, Sankt Wendel.

Sachsen:

Mittweida, Muldentalkreis.

Sachsen-Anhalt:

Bernburg, Köthen, Burgenlandkreis, Mansfelder Land, Merseburg-Querfurt, Saalkreis, Sangerhausen, Aschersleben-Straßfurt, Halberstadt, Jerichower Land, Quedlinburg, Schönebeck.

Thüringen:

Unstrut-Hainich-Kreis, Kyffhäuserkreis, Gotha, Sömmerda, Hildburghausen, Stadt Weimar, Weimarer Land, Altenburger Land, Stadt Erfurt.

SPAIN

Comarcas agrícolas

Almazán (SO), Bajo Aragón (TE), Campiña (GU), Campo de Gómara (SO), Centro (AB), El Cerrato (P), Hoya de Huesca (HU), La Montaña (A), Las Vegas (M), Logrosán (CC), Monegros (HU), Noroeste (MU), Requena-Utiel (V), Rioja Baja (LO), Segría (L), Sierra Rioja Baja (LO), Sur (VA), Suroeste y Valle de Guadalentín (MU), Trujillo (CC), Urgel (L), Valle de Ayora (V).

FRANCE

Départements

Aisne, Aube, Charente, Charente-Maritime, Cher, Deux-Sèvres, Essonne, Eure, Eure-et-Loir, Indre, Indre-et-Loire, Loir-et-Cher, Loiret, Lot-et-Garonne, Maine-et-Loire, Marne, Nièvre, Orne, Sarthe, Seine-et-Marne, Vendée, Vienne, Yonne, Yvelines.

ITALY

Province

Alessandria, Bologna, Brescia, Cremona, Ferrara, Forlì, Gorizia, Lodi, Mantova, Milano, Modena, Padova, Parma, Pavia, Piacenza, Pordenone, Ravenna, Reggio Emilia, Rimini, Rovigo, Torino, Treviso, Udine, Venezia, Vercelli, Verona, Vicenza.

UNITED KINGDOM

England.

ANNEX VI

(Article 8)

BASE AREAS

(1 000 ha)

Region	All crops	of which maize	of which silage grass
BELGIUM			
Total	478,6		
Zone I		97,0	
DENMARK	2 018,0		
GERMANY	10 155,6 ^(?)	540,3 ^(?)	
Schleswig-Holstein	505,6		
Hamburg	5,1		
Niedersachsen	1 424,4		
Bremen	1,8		
Nordrhein-Westfalen	948,3		
Rheinland-Pfalz	368,4		
Hessen	461,2	122,1	
Baden-Württemberg	735,4	418,2	
Bayern	1 775,9		
Saarland	36,5		
Berlin	2,9		
Brandenburg	888,5		
Mecklenburg-Vorpommern	967,9		
Sachsen	598,8		
Sachsen-Anhalt	880,7		
Thüringen	554,2		
GREECE			
Zone I	1 396,3	218,0	
Zone II	95,4	4,1	
SPAIN			
Regadío	1 371,1	403,4	
Secano	7 848,6		
FRANCE			
Total	13 526,0		
Base area for maize		613,8 ^(?)	
Irrigated base area	1 209,7 ^(?)		
IRELAND	345,5	0,2	
ITALY	5 801,2	1 200,0	

(1 000 ha)

Region	All crops	of which maize	of which silage grass
LUXEMBOURG	42,8		
NETHERLANDS	436,5	208,3	
AUSTRIA	1 203,0		
PORTUGAL			
Açores	9,7		
Madeira			
— Regadio	0,31	0,29	
— Other	0,30		
Continental			
— Regadio	293,4	221,4	
— Other	718,0		
FINLAND	1 591,0		200,0
SWEDEN	1 737,0		130,0
UNITED KINGDOM			
England	3 794,6	33,2 ⁽¹⁾	
Scotland	551,6		
Northern Ireland	52,9	1,2 ⁽¹⁾	
Wales	61,4		

⁽¹⁾ With the exception of sweetcorn.

⁽²⁾ Including 284 000 ha irrigated maize.

⁽³⁾ Where Article 2(6) of Regulation (EC) No 1251/1999 is applied.

ANNEX VII

(Article 10(4))

CALCULATION OF OVERSHOOT OF BASE AREA ON .././.....

Member State:	<input type="text"/>	Product:	All cereals	<input type="text"/>
Base area:	<input type="text"/>		Irrigated	<input type="text"/>
Set-aside rate:	<input type="text"/>		Non-irrigated	<input type="text"/>
			Maize	<input type="text"/>
			Other than maize	<input type="text"/>
			Silage grass	<input type="text"/>

Area actually found

**small producers in
accordance with
Article 6(7) of
Regulation (EC) No
1251/1999**

Cereals	1	<input type="text"/>	ha
Oilseeds	2	<input type="text"/>	ha
Protein plants	3	<input type="text"/>	ha
Linseed	4	<input type="text"/>	ha
Silage grass	5	<input type="text"/>	ha
Voluntary set-aside	6	<input type="text"/>	ha
Total = 1 + 2 + 3 + 4 + 5 + 6	7	<input type="text"/>	ha

other producers

Cereals	8	<input type="text"/>	ha
Oilseeds	9	<input type="text"/>	ha
Protein plants	10	<input type="text"/>	ha
Linseed	11	<input type="text"/>	ha
Silage grass	12	<input type="text"/>	ha
Total crops = 8 + 9 + 10 + 11 + 12	13	<input type="text"/>	ha
Voluntary set-aside	14	<input type="text"/>	ha
Compulsory set-aside	15	<input type="text"/>	ha
Total set-aside = 14 + 15	16	<input type="text"/>	ha
Total (crops + set-aside) = 13 + 16	17	<input type="text"/>	ha

forage (beef-sheep)

Total for products concerned	18	<input type="text"/>	ha
Grand total for applications = 7 + 17 + 18	19	<input type="text"/>	ha
BASE AREA	20	<input type="text"/>	ha
Any balance from another base area	21	<input type="text"/>	ha
Base area applicable = 20 + 21	22	<input type="text"/>	ha
Overshoot or deficit	23	<input type="text"/>	ha
Overshoot as percentage = (19/22 - 1)	24	<input type="text"/>	%

ANNEX VIII

(Article 14, second paragraph)

REFERENCE YIELDS AS REFERRED TO IN ARTICLE 3(7) OF REGULATION (EC) No 1251/1999

Belgium	6,24
Denmark	5,22
Germany	5,66 ⁽¹⁾
— Schleswig-Holstein	6,81
— Hamburg	6,01
— Niedersachsen	5,33
— Bremen	5,34
— Nordrhein-Westfalen	5,81
— Hessen	5,50
— Rheinland-Pfalz	4,78
— Baden-Württemberg	5,48
— Bayern	5,94
— Saarland	4,38
— Berlin	4,52
— Brandenburg	4,54
— Mecklenburg-Vorpommern	5,45
— Sachsen	6,23
— Sachsen-Anhalt	6,14
— Thüringen	6,13
Greece	3,39
Spain	2,9
France	6,02
Ireland	6,08
Italy	3,9
Luxembourg	4,26
Netherlands	6,66
Portugal	2,90
United Kingdom	5,83
Austria	5,27
Sweden	4,02
Finland	2,82

⁽¹⁾ Where Article 2(6) of Regulation (EC) No 1251/1999 is applied.

ANNEX IX

(Article 22)

SUPPLEMENT FOR SET-ASIDE IN PORTUGAL

(EUR)

Marketing year	2000/01	2001/02	2002/03
Supplementary payment	9,64	6,57	3,41

ANNEX X

(Article 24, first paragraph)

Latest date for sowing: 15 June

Crop	Member State	Region
All crops	Finland	Whole territory
	Sweden	Whole territory
Sweetcorn	All Member States	Whole territory

ANNEX XI

(Article 26(1))

INFORMATION TO BE COMMUNICATED TO THE COMMISSION

The information is to be presented in the form of a series of tables drawn up in accordance with the model described below:

- a first set of tables giving information at production region level within the meaning of Article 3 of Regulation (EC) No 1251/1999,
- a second set of tables giving information in respect of each base area region within the meaning of Annex VI to this Regulation,
- a single table summarising the information for each Member State.

The tables are to be sent in hard copy and in computerised form.

Formulae for areas: $5 = 1 + 2 + 3 + 4$
 $10 = 7 + 8 + 9$
 $14 = 15 + 16$
 $19 = 5 + 10 + 11 + 12 + 13 + 14 + 18$

Notes:

Each table must quote the region in question.

The yield is that used for calculating area payments in accordance with Regulation (EC) No 1251/1999.

The distinction between 'non-irrigated' and 'irrigated' land should only be made in the case of regions containing both. In that case:

$$d = e + f$$
$$j = k + l$$

Line 1 relates only to durum wheat eligible for the supplement to the area payment provided for in the first paragraph of Article 5 of Regulation (EC) No 1251/1999.

Line 2 relates only to durum wheat eligible for the special aid referred to in the fourth paragraph of Article 5 of Regulation (EC) No 1251/1999.

Line 17 relates only to areas set aside or afforested under Articles 22, 23, 24 and 31 of Council Regulation (EC) No 1257/1999 and counting as arable land set aside under Article 6(8) of Regulation (EC) No 1251/1999.

Line 18 corresponds to the areas referred to in the second indent of Article 2(4) of Regulation (EC) No 1251/1999.

Information must also be forwarded in respect of producers not applying for the per hectare aid under the support system for certain arable crops (Regulation (EC) No 1251/1999). This information, to be given under 'Other' in columns 'm' and 'n', mainly relates to arable crops declared as fodder area for beef and sheep premiums.

Line 21 concerns land set aside for the production of non-food crops and not qualifying for payments under the rules implementing Article 6(3) of Regulation (EC) No 1251/1999 (e.g. sugarbeet, Jerusalem artichokes and chicory roots).

COMMISSION REGULATION (EC) No 2317/1999
of 29 October 1999

amending an item in the specification for the name 'Idiazábal' listed in the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1068/97 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) in accordance with Article 9 of Regulation (EEC) No 2081/92, the Spanish Government has requested that an item be amended in the specification for the name 'Idiazábal', registered as a protected designation of origin by Commission Regulation (EC) No 1107/96 ⁽³⁾, as last amended by Regulation (EC) No 1070/1999 ⁽⁴⁾. The amendment sets the pH range for the cheese of that name at 4,9 to 5,5 instead of the present 5,1 to 5,8;
- (2) that application has been considered and the amendment has been deemed a minor one. This conclusion is based on the findings of numerous pH tests conducted on the cheese. Those tests have shown that the range set when the name was registered does not quite fit the facts. The range must therefore be adjusted to bring it into line with the true situation. This adjustment has been shown to have no effect on the link between the product in question and the demarcated area or on the

conditions regarding maturing in particular. Furthermore, the adjustment does not affect the rights of other producers;

- (3) in accordance with the procedure laid down in Article 9 of Regulation (EEC) No 2081/92, the Commission decided on 9 September 1999 that since a minor amendment was involved, the procedure laid down in Article 6 of that Regulation need not be applied;
- (4) the Commission also took the view that the amendment complied with Regulation (EEC) No 2081/92. The amendment to the pH range for the cheese of the name 'Idiazábal' must accordingly be registered and published,

HAS ADOPTED THIS REGULATION:

Article 1

The amendment to the pH range for the cheese covered by the protected designation of origin 'Idiazábal' from the present 5,1 to 5,8 to 4,9 to 5,5 is hereby registered and published in accordance with Article 6(4) of Regulation (EEC) No 2081/92.

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 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1.

⁽²⁾ OJ L 156, 13.6.1997, p. 10.

⁽³⁾ OJ L 148, 21.6.1996, p. 1.

⁽⁴⁾ OJ L 130, 26.5.1999, p. 18.

COMMISSION REGULATION (EC) No 2318/1999
of 29 October 1999
derogating from Regulation (EC) No 1370/95 as regards the date of issue of export licences in the
pigmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1370/95 of 16 June 1995 laying down detailed rules for implementing the system of export licences in the pigmeat sector ⁽³⁾, as last amended by Regulation (EC) No 1719/98 ⁽⁴⁾, and in particular Article 3(7) thereof,

Whereas Regulation (EC) No 1370/95 provides that export licences for products in the pigmeat sector are to be issued on the Wednesday following the week in which the licence applications are lodged, provided that no special measures are taken by the Commission in the meanwhile. Administrative problems will arise in the week 1 to 7 November 1999, so the

day on which licences are to be issued in response to applications lodged in the week 25 to 31 October 1999 should accordingly be put back to Friday 5 November 1999,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 3(3) of Regulation (EC) No 1370/95, licences as referred to therein applications for which are lodged in the week 25 to 31 October 1999 shall be issued on Friday 5 November 1999, provided that no special measures in accordance with Article 3(4) of that Regulation are taken by the Commission in the meanwhile.

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 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 349, 31.12.1994, p. 105.

⁽³⁾ OJ L 133, 17.6.1995, p. 9.

⁽⁴⁾ OJ L 215, 1.8.1998, p. 58.

COMMISSION REGULATION (EC) No 2319/1999

of 29 October 1999

establishing the allocation of export licences for cheeses to be exported in 2000 to the United States of America under certain quotas resulting from the GATT Agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1596/1999 ⁽²⁾, and in particular Article 20(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2084/1999 ⁽³⁾ opens the procedure for the allocation of export licences for cheese to be exported in 2000 to the United States of America under certain quotas resulting from the GATT Agreements;
- (2) in the case of applications for provisional licences lodged pursuant to Regulation (EC) No 2084/1999 relating to quantities of products in each product group greater than those available, the allocation of licences may take into account the quantity of the same products exported to the United States of America by the applicant in the past and preference may be given to applicants whose designated importers are subsidiaries; whereas licences should be allocated to applicants who exported the cheeses in question to the United States of America in at least two of the preceding three years; whereas a preference should be accorded to those applicants whose designated importers are subsidiaries by fixing higher allocation coefficients for such applicants; whereas all other applications should be rejected;
- (3) the regime does not foresee the possibility for an operator to renounce the delivery of a certificate in cases where the quantity resulting from the application of the allocation coefficients is very small; whereas experience has shown that there is a risk of an operator in such circumstances being unable to fulfil his obligation to export with the consequent loss of the security; whereas it is therefore appropriate to ensure the allocation of a minimum quantity;
- (4) in the case of products groups for which the applications lodged are for quantities less than those available, it is appropriate to provide for the allocation of the remaining quantities to the applicants in proportion to

the quantities applied for; whereas the allocation of such further quantities should be conditional upon the interested operator making a request and lodging a security,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for provisional export licences lodged pursuant to Regulation (EC) No 2084/1999 in respect of the product groups and quotas identified by 16-Tokyo, 16-Uruguay, 17-, 20-, 21- and 25-Tokyo and 25-Uruguay in column 3 of the Annex hereto:

— by applicants whose designated importers are subsidiaries shall be accepted:

(a) for the quantity applied for per product code of the export refund nomenclature not exceeding that indicated in column 5 of the Annex; and

(b) for the quantity applied for per product code of the export refund nomenclature exceeding that indicated in column 5 in so far as the allocation coefficients indicated in column 6 of the Annex allow,

— by applicants other than those provided for under the first indent which show an export to the United States of America of the products in question during at least one of the preceding three years shall be accepted:

(a) for the quantity applied for per product code of the export refund nomenclature not exceeding that indicated in column 7 of the Annex; and

(b) for the quantity applied for per product code of the export refund nomenclature exceeding that indicated in column 7 in so far as the allocation coefficients indicated in column 8 of the Annex allow,

— by applicants other than those provided for under the first and second indents above shall be rejected.

2. Applications for provisional export licences lodged pursuant to Regulation (EC) No 2084/1999 in respect of the product groups and quotas identified by 18- and 22-Tokyo and 22-Uruguay in column 3 of the Annex hereto shall be accepted for the quantities requested. On the further application of the trader within 15 working days of the entry into force of this Regulation and subject to the lodging of the security applicable, provisional export licences may be issued for further quantities in so far as the coefficients in column 9 of the Annex allow.

⁽¹⁾ OJ L 20, 27.1.1999, p. 8.

⁽²⁾ OJ L 188, 21.7.1999, p. 39.

⁽³⁾ OJ L 256, 1.10.1999, p. 50.

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, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States of America		Identification of group and quota	Quantity available for 2000	Article 1(1) first indent		Article 1(1) second indent		Article 1(2)
				Quantity referred to under (a) (t)	Allocation coefficient provided for under (b)	Quantity referred to under (a) (t)	Allocation coefficient provided for under (b)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
16	Not specifically provided for (NSPF)	16-Tokyo	908,877	10	0,3820509	10	0,1910254	
		16-Uruguay	2 346,000	10	0,4141677	10	0,2070838	
17	Blue mould	17-Tokyo	300,000	10	0,3053987	10	0,1526994	
18	Cheddar	18-Tokyo	1 000,000	0	1,0000000	0	1,0000000	1,5673981
20	Edam/Gouda	20-Tokyo	1 000,000	10	0,9787234	10	0,4893617	
21	Italian type	21-Tokyo	700,000	10	0,3635460	10	0,1211820	
22	Swiss or Emmenthaler cheese other than with eye formation	22-Tokyo	393,006	0	1,0000000			1,0737869
		22-Uruguay	380,000	0	1,0000000			1,2101911
25	Swiss or Emmenthaler cheese with eye formation	25-Tokyo	4 003,172	10	0,4893127	10	0,2446563	
		25-Uruguay	1 220,000	10	0,5115207	10	0,2557604	

COMMISSION REGULATION (EC) No 2320/1999
of 29 October 1999
on the supply of split peas as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;
- (2) following the taking of a number of decisions on the allocation of food aid, the Commission has allocated split peas to certain beneficiaries;
- (3) it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs;

- (4) In order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilise either green split peas or yellow split peas,

HAS ADOPTED THIS REGULATION:

Article 1

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

Tenders shall cover either green split peas or yellow split peas. Tenders shall be rejected unless they specify the type of peas to which they relate.

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

Article 2

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

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 1529/95
2. **Beneficiary** ^(?): Peru
3. **Beneficiary's representative:** Programa Nacional de Asistencia Alimentaria (PRONAA) Avenida Argentina, 3017, El Callao, fax (511-4) 426 54 10
4. **Country of destination:** Peru
5. **Product to be mobilised:** ^(?): split peas
6. **Total quantity (tonnes net):** 1 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: —
9. **Packaging** ⁽⁵⁾: see OJ C 267, 13.9.1996, p. 1 (4.0 A 1.c, 2.c and B.4) (2.1 A 1.a, 2.a and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IV.A.(3))
 - Language to be used for the markings: Spanish
 - Supplementary markings: —
11. **Method of mobilization of the product:** the Community market
the product must originate from the Community
12. **Specified delivery stage:** free at destination ⁽⁹⁾
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** entrepôt PRONAA (see point 3)
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 23.1.2000
 - second deadline: 6.2.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 13-26.12.1999
 - second deadline: 27.12.1999-9.1.2000
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 16.11.1999
 - second deadline: 30.11.1999
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering quarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32 2) 295 14 65),
Torben Vestergaard (tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
— phytosanitary certificate (the phytosanitary certificate shall indicate that the product is free from *trogoderma granarium*, *bruchus* sp, *callosobruchus* sp.)
- (⁵) Since the goods may be rebagged the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁶) Notwithstanding OJ C 114, point IV.A(3)(c) is replaced by the following, 'the words "European Community" and point IV.A(3)(b) by the following: 'pois cassés'.
- (⁷) Tenders shall be rejected unless they specify the type of peas to which they relate.
- (⁸) Yellow or green peas (*Pisum sativum*) for human consumption of the most recent crop. The peas must not have been coloured artificially. The split peas must be steam-treated for at least two minutes or have been fumigated (*)and meet the following requirements:
— moisture: maximum 15 %,
— foreign matters: maximum 0,1 %
— broken split peas: maximum 10 % (pea fragments passing through a sieve of circular mesh of 5 mm diameter).
— percentage of discoloured seeds or of different colour: maximum 1,5 % (yellow peas), maximum 15 % (green peas),
— cooking time: maximum 45 minutes (after soaking for 12 hours).
- (⁹) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on port State control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).

(*) The successful tender shall supply to the beneficiary or its representative, on delivery a fumigation certificate.

COMMISSION REGULATION (EC) No 2321/1999
of 29 October 1999
on the supply of milk products as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;
- (2) following the taking of a number of Decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries;
- (3) it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 29 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A, B, C, D

1. **Action Nos:** 154/98 (A); 155/98 (B); 156/98 (C); 158/98 (D)
2. **Beneficiary** ^(?): UNRWA, Supply division, Amman Office, PO Box 140157, Amman-Jordan; telex: 21170 UNRWA JC; fax: (962-6) 86 41 27
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer
A and D: PO Box 19149, Jerusalem, Israel [tel. (972-2) 589 05 55; telex 26194 UNRWA IL; fax 581 65 64]
B: PO Box 947, Beirut, Lebanon [tel. (961-1) 840 46 09; telefax 60 36 83]
C: PO Box 4313, Damascus, Syria [tel. (963-11) 613 30 35; telex 412006 UNRWA SY; fax 613 30 47]
4. **Country of destination:** A, D: Israel (A: Gaza; D: West Bank); B: Lebanon; C: Syria
5. **Product to be mobilised:** whole milk powder
6. **Total quantity (tonnes net):** 466
7. **Number of lots:** 4 (A: 216 tonnes; B: 96 tonnes; C: 70 tonnes; D: 84 tonnes)
8. **Characteristics and quality of the product** ^(?) ^(?) ^(?): see OJ C 114, 29.4.1991, p. 1 (I.C. (1))
9. **Packaging** ^(?): see OJ C 267, 13.9.1996, p. 1 (6.1 A, B and C.2)
10. **Labelling or marking** ^(?): see OJ C 114, 29.4.1991, p. 1 (I.C.(3))
— Language to be used for the markings: English
— Supplementary markings: 'FOR FREE DISTRIBUTION'
11. **Method of mobilisation of the product:** the Community market
The whole milk powder must be manufactured after the award of the tender
12. **Specified delivery stage** ^(?): A, C, D: free at port of landing — FAS landed, container terminal
B: free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** A, D: Ashdod; C: Lattakia
16. **Place of destination:** B: UNRWA warehouse in Beirut
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: 9.1.2000
— second deadline: 23.1.2000
18. **Period or deadline of supply at the alternative stage:**
— first deadline: 6-19.12.1999
— second deadline: 20.12.1999-2.1.2000
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 16.1.1999
— second deadline: 30.11.1999
20. **Amount of tendering guarantee:** EUR 20 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 25.10.1999, fixed by Commission Regulation (EC) No 2223/1999 (OJ L 271, 21.10.1999, p. 6)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32 2) 295 14 65),
Torben Vestergaard (tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted to fax no: (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation, the temperature and duration in the spray-drying-tower and the expiry date for consumption,
 - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (⁶) Notwithstanding OJ C 114, point I: A (3)(c) is replaced by the following, 'the words "European Community"'.
(This block contains a horizontal line in the original document)
- (⁷) Shipment to take place in 20-foot containers: Lots A, C and D. The contracted shipping terms shall be considered full liner terms (liner in/liner out) free port of landing container yard and is understood to cover 15 days — Saturdays, and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. *Bona fide* detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.
Ashdod: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
- (⁸) Lot C: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
- (⁹) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).

COMMISSION REGULATION (EC) No 2322/1999
of 29 October 1999
amending Regulation (EC) No 1701/1999 opening an invitation to tender for the refund or the tax
for the export of barley to all third countries

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⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1701/1999⁽⁵⁾ opens an invitation to tender for the export of barley to all third countries;
- (2) prices in certain consumption areas in North America are currently higher than those applying on the world market. The export refunds awarded for barley are valid for all third countries. In order to avoid undesirable exports to markets in those countries, those destinations should not qualify for the refunds granted under the invitation to tender for the export of barley opened by Regulation (EC) No 1701/1999;

- (3) 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 1701/1999 is hereby amended as follows:

1. The title is replaced by the following:
'opening an invitation to tender for the refund or the tax for the export of barley to all third countries except the United States and Canada'.
2. Article 1(2) is replaced by the following:
'2. The invitation to tender shall cover barley for export to all third countries except the United States and Canada'.
3. The title of Annex I is replaced by the following:
'Weekly tender for the refund or the tax for the export of barley to all third countries except the United States and Canada'.

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, 29 October 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 27.

COMMISSION REGULATION (EC) No 2323/1999**of 29 October 1999****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2176/1999**

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 amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

- (1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2176/1999 ⁽³⁾;
- (2) Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

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

(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

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2176/1999 is hereby fixed on the basis of the tenders submitted from 25 to 28 October 1999 at EUR/t 217,00.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 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 267, 15.10.1999, p. 4.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2324/1999**of 29 October 1999****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2177/1999**

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⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9 (1) thereof,

- (1) Whereas Commission Regulation (EC) No 2177/1999 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;
- (2) Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

(3) Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed;

(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

No action shall be taken on the tenders submitted from 22 to 25 October 1999 in response to the invitation to tender referred to in Regulation (EC) No 2177/1999 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 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 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 267, 15.10.1999, p. 7.

COMMISSION REGULATION (EC) No 2325/1999**of 29 October 1999****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2178/1999**

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 organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/1999 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

- (1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2178/1999 ⁽³⁾;
- (2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

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

(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

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2178/1999 is hereby fixed on the basis of the tenders submitted from 25 to 28 October 1999 at 147,00 EUR/t.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1999, p. 4.

⁽³⁾ OJ L 267, 15.10.1999, p. 10.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2326/1999
of 29 October 1999

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2179/1999

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⁾, and in particular Article 13⁽³⁾ thereof,

- (1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2179/1999 ⁽³⁾;
- (2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

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

(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

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2179/1999 is hereby fixed on the basis of the tenders submitted from 25 October to 28 October 1999 at EUR/t 116,00.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 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 267, 15.10.1999, p. 13.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2327/1999**of 29 October 1999****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2180/1999**

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 organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 ⁽³⁾ thereof,

- (1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2180/1999 ⁽³⁾;
- (2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

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

(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

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2180/1999 is hereby fixed on the basis of the tenders submitted from 25 to 28 October 1999 at 94,00 EUR/t.

Article 2

This Regulation shall enter into force on 30 October 1999.

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

Done at Brussels, 29 October 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 267, 15.10.1999, p. 16.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 2328/1999
of 29 October 1999
setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 thereof,

- (1) Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;
- (2) Whereas Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, lays down common detailed rules for implementation of

the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;

- (3) Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;
- (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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 320, 11.12.1996, p. 1.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.

ANNEX

to the Commission Regulation of 29 October 1999 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

(EUR/t)

Product (CN code)	Amount of aid
Milled rice (1006 30)	114,00
Broken rice (1006 40)	25,00

COMMISSION REGULATION (EC) No 2329/1999

of 29 October 1999

setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

- (1) Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;
- (2) Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and

establishing the forecast supply balance for these products ⁽⁵⁾, as amended by Regulation (EC) No 1683/94 ⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

- (3) Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;
- (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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1999.

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

Done at Brussels, 29 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 76, 13.3.1998, p. 6.

⁽³⁾ OJ L 179, 1.7.1992, p. 6.

⁽⁴⁾ OJ L 238, 23.9.1993, p. 24.

⁽⁵⁾ OJ L 198, 17.7.1992, p. 37.

⁽⁶⁾ OJ L 178, 12.7.1994, p. 53.

ANNEX

to the Commission Regulation of 29 October 1999 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(EUR/t)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	114,00	114,00

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 July 1999

on the state aid implemented by the Netherlands for 633 Dutch service stations located near the German border

(notified under document number C(1999) 2539)

(Only the Dutch version is authentic)

(Text with EEA relevance)

(1999/705/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽¹⁾ and having regard to their comments,

Whereas:

a new deadline of 10 February. On 16 February it sent a reminder to the Dutch authorities. On 17 February the Dutch authorities supplied some of the information requested.

- (2) Given that, after a considerable delay, the Dutch authorities' replies were still contradictory and insufficient, the Commission decided to initiate the Article 88(2) procedure on 2 April 1998. At the Dutch authorities' request, however, initiation of the procedure was postponed. At a meeting on 13 May, the Dutch authorities again requested a postponement and undertook to provide the necessary information. The request was rejected however in view of the considerable time that had elapsed since notification.

1. PROCEDURE

- (1) By letter of 14 August 1997, registered as received on 18 August, the Dutch authorities notified the Commission of their intention to grant aid to 633 Dutch service stations located near the German border. The Commission requested further information by letter of 22 September, to which the Dutch authorities replied by letter of 30 October, registered as received on 31 October. By letter dated 17 December, the Commission requested clarifications in respect of those questions which had not been answered satisfactorily. On 15 January 1998 the Dutch authorities asked for the deadline to be extended. On 22 January the Commission set

- (3) On 3 June 1998 the Commission decided to initiate the Article 88(2) procedure. This decision was communicated by letter SG(98) D/6545 of 29 July, which requested the Dutch authorities to submit their observations within one month, i.e. by 29 August.

- (4) By letter of 2 September, registered as received on 4 September, the Dutch authorities requested a further one-month delay, i.e. until 29 September. This was granted by the Commission on 9 September. By letter of 25 September, registered as received on 29 September, the Dutch authorities requested another two months

⁽¹⁾ OJ C 307, 7.10.1998, p. 10.

from the date of dispatch of the Commission letter, i.e. until 29 November. By letter dated 9 October, the Commission agreed to a final extension of one month, i.e. until 29 October, informing the Dutch authorities that, if the information had not been provided by that date, it might be obliged to adopt a negative decision purely on the basis of the available information. By letter dated 29 October, registered as received on 4 November, the Dutch authorities submitted their observations.

(5) The Commission notice inviting interested parties to submit their comments was published in the *Official Journal of the European Communities* on 7 October 1998 ^(?). By 9 November, the final deadline indicated in the notice, 10 interested parties had submitted observations. These were communicated by letter dated 21 December to the Dutch authorities, who were given the opportunity to respond.

(6) On 17 February 1999 the Commission ordered the Dutch authorities to provide the necessary information since they had failed to prove that there was no cumulation of aid. This decision was notified to the Dutch authorities by letter SG(99) D/1411 of 25 February, in which the Dutch authorities were requested to submit their observations within 15 working days of the decision being published, i.e. before 18 March.

(7) By letters dated 17 March and 6 April, registered as received on 17 March and 7 April, the Dutch authorities provided (i) a list of all the aid recipients, i.e. 633 service stations, (ii) a copy of the relevant legal basis, namely the temporary aid scheme for service stations near the German border ('Tijdelijke regeling subsidie service stations grensstreek Duitsland'), dated 21 July 1997 and amended on 15 December 1997, (iii) a copy of the agreements concluded by the Ministry of Finance and Senter on implementing the temporary aid scheme ^(?), and (iv) 574 exclusive purchasing agreements and questionnaires drawn up by Senter with regard to the eligible service stations.

(8) After the Commission had investigated these agreements, it requested additional information by letter dated 5 May 1999. The Dutch authorities provided some of the information requested by letter dated 20 May, registered as received on 21 May.

2. DETAILED DESCRIPTION OF THE MEASURE

(9) The aid is intended for 633 Dutch service stations located near the German border. Natural or legal persons, partnerships or limited partnerships on whose behalf one or more service stations are operated and their successors in title are eligible. A list of aid recipients is attached to this decision.

(10) The purpose of the aid is to compensate for the alleged decline in turnover resulting from the increase in excise duty on light oil that took effect in the Netherlands on 1 July 1997. The Dutch authorities are concerned that Dutch consumers will be tempted to fill up at German service stations in the border area as a result of this increase.

(11) The subsidy is calculated according to the quantity of light oil supplied. It decreases in proportion to the distance from the German border, i.e. service stations located within 10 kilometres of the border will receive NLG 100 (EUR 45) per 1 000 litres of light oil supplied and those located between 10 and 20 kilometres from the border will receive NLG 50 (EUR 23) per 1 000 litres of light oil supplied ⁽⁴⁾. These amounts were subsequently doubled.

(12) If excise duty on light oil in Germany is increased, the aid will be reduced by 10/11 and 5/11 respectively of the amount by which the excise duty on light oil per 1 000 litres in Germany is increased ^(?). Total aid would amount to some NLG 126 million (EUR 52,7 million ⁽⁶⁾), depending on the turnover recorded by the service stations and on whether excise duty is increased in Germany. The duration of the aid scheme is three years maximum, i.e. until 1 July 2000.

⁽⁴⁾ According to the legal basis amended by ministerial decree of 15 December 1997, Dutch Official Gazette (*Staatscourant*) No 241. The original notice stated that service stations located within 10 kilometres of the border would receive NLG 80 (EUR 36) per 1 000 litres of light oil supplied and those located between 10 and 20 kilometres from the border would receive NLG 40 (EUR 18) per 1 000 litres of light oil supplied. The original decree did not provide for the amount of the aid to be doubled.

⁽⁵⁾ Article 5 of the temporary aid scheme for service stations near the German border of 21 July 1997, amended by ministerial decree of 15 December 1997.

⁽⁶⁾ In accordance with the irrevocably fixed exchange rate between the euro and the currencies of the Member States, which entered into force on 1 January 1999.

^(?) OJ C 307, 7.10.1998, p.10.

^(?) See point 18.

- (13) In the notification ⁽⁷⁾ the Dutch authorities indicate that the aid measure should be caught by the *de minimis* rule given that a ceiling of EUR 100 000 per service station will apply for the duration of the aid measure. In their view, each service station can be regarded as a separate enterprise and the Commission should approve these measures without raising any objections.
- (14) According to the Dutch authorities, there are three categories of service station in the Netherlands:
- (15) In the first category (dealer-owned/dealer-operated — 'Do/Do'), the dealer owns the service station, operates it at his own risk and is linked to the supplier by exclusive purchasing agreements for a period of five years, with an option for a further five years, in accordance with Commission Regulation (EEC) No 1984/83 ⁽⁸⁾.
- (16) In the second category (company-owned/dealer-operated — 'Co/Do'), the dealer rents the service station, operates it at his own risk and is linked to the oil company by exclusive purchasing agreements in accordance with Regulation (EEC) No 1984/83 for as long as he rents the service station.
- (17) In the third and final category (company-owned/company-operated — 'Co/Co'), the service station is separated by employees or subsidiaries of the oil companies. The employees/subsidiaries do not operate at their own risk and are not free to choose their supplier, with the result that Regulation (EEC) No 1984/83 does not apply to this category.
- (18) The Dutch Ministry of Finance instructed Senter, an executive arm of the Ministry of Economic Affairs responsible for technology, energy and the environment, to implement the measure ⁽⁹⁾.
- (19) With a view to complying with the Commission's request for clarification, Senter sent a questionnaire to the relevant service stations. The following information was requested: (a) the name of the service station; (b) the name of the owner of the service station; (c) the enterprise's legal form; (d) the classification of the service

station (Do/Do, Co/Do or Co/Co); (e) the brand of light oil on sale; (f) whether a copy of the exclusive purchasing agreements had been transmitted to Senter; (g) the quantity of light oil sold each year; (h) whether a price management system was operational; (i) whether the oil company controls the dealer in question; and (j) whether the service station is operated on an own-risk basis.

3. GROUNDS FOR INITIATING THE PROCEDURE

- (20) The Commission's decision to initiate the Article 88(2) procedure is based on two grounds:
- (21) First, the Commission takes the view that the *de minimis* rule can apply if each service station can be regarded as a separate enterprise. In its opinion, this cannot be the case if several service stations are in the hands of one owner (as can be the case with 'company-owned/company-operated' service stations) or if the freedom of 'independent' operators is circumscribed by both rental and exclusive purchasing agreements to such an extent that they are controlled *de facto* by the large oil companies (as can be the case with 'company-owned/dealer-operated' service stations).
- (22) Second, the Commission considers that, in particular circumstances, the *de minimis* rule may be interpreted as a rebuttable presumption, namely that, even though the amount of aid involved is small and therefore falls below the *de minimis* threshold, the rule does not apply if the aid has an effect on trade and competition between the Member States.
- (23) Lastly, the Commission set out three requests in its decision with a view to acquiring a clear picture of the service stations' ownership structure and assessing whether the 'independent' operators' freedom of action was circumscribed to such an extent that they were controlled *de facto* by the oil company in question:

1. a list of the owners of the 624 ⁽¹⁰⁾ service stations, a breakdown of the 624 service stations into the three categories and updated information on the market shares of the 624 service stations, broken down by owner;

⁽⁷⁾ The notification by the Dutch authorities does not tally with the temporary aid scheme for service stations near the German border. Point 6 of the notification states that the subsidy for the total maximum duration of the aid measure (until 30 June 2000) amounts to EUR 100 000 per service station, whereas Article 4 of the temporary aid scheme, as published in Dutch Official Gazette (*Staatscourant*) No 138 of 23 July 1997, states that the subsidy per applicant may not exceed the NLG equivalent of EUR 100 000 for the period from 1 July 1997 to 30 June 2000.

⁽⁸⁾ Commission Regulation (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive purchasing agreements (OJ L 173, 30.6.1983, p. 5).

⁽⁹⁾ Agreements between the Ministry of Finance and Senter on implementing the temporary aid scheme for service stations near the German border of 17 June 1998 (ref. ZTD850161.MIM).

⁽¹⁰⁾ The Dutch authorities originally notified aid for 624 service stations. However, the list of recipients provided by the Dutch authorities comprised 633 service stations. This decision therefore concerns 633 and not 624 service stations.

2. comparable data on the ownership structure of service stations in the Netherlands as a whole and in the eligible area. If ownership in the Netherlands as a whole is different to that in the eligible area, the Dutch Government should explain why this is so; and
3. copies of all combined exclusive purchasing and rental agreements for each oil company so that the Commission can assess whether the "independent" operators' freedom of action is circumscribed to such an extent that they are controlled de facto by the oil company in question.'

4. GROUNDS FOR COMMISSION DECISION REQUESTING INFORMATION

- (24) Given that the Dutch authorities had failed to provide a satisfactory reply to the requests set out in the decision to initiate the procedure, the Commission required them to provide the information requested. The requests were virtually identical to those set out in the Commission's letter to the Dutch authorities dated 22 September 1997 and repeated in its letter dated 17 December 1997. The Commission regarded the Dutch reply as insufficient for the following reasons:
 - (25) With regard to the first request the Dutch authorities did not provide in particular a list of the 633 service stations and their owners, together with supporting documents, nor did they indicate the breakdown between the three categories. The Dutch authorities also failed to comment on the apparently contradictory data concerning this breakdown, as indicated in the Commission decision to initiate the procedure.
 - (26) With regard to the second request, the Dutch authorities did not make any specific comments but claimed in general that they were unable to provide adequate answers to questions 2 and 3. This appears to contradict the position of the industry associations, which maintain that there is no reason to suppose that the ownership structure of service stations in the border area differs substantially from that in the rest of the Netherlands.
 - (27) With regard to the third request, which concerned copies of all combined exclusive purchasing and rental agreements for each oil company, the Commission rejected the Dutch authorities' argument that the industry associations did not have access to such information.

- (28) Lastly, in the light of the comments received from third parties following its decision to initiate the procedure, the Commission required the Dutch authorities to provide it with information on the extent to which a price management system (PMS) formed part of the agreements concluded by Q8 with service stations in the eligible area. It also asked them to confirm whether the other oil companies applied a similar scheme in that area.

5. COMMENTS FROM THIRD PARTIES

- (29) After the Commission decision to initiate the Article 88(2) procedure in respect of the aid was published, the Commission received comments from 10 interested parties. Of these 10 sets of comments, (a) three originated from individual dealers (BP, BP and De Fakkel), (b) four from oil companies (Q8, Texaco, Shell and Total) and (c) three from industry associations (HOVE, BOVAG and BETA). On 12 March 1999 the Commission also received a letter from the dealer who currently chairs the VEB ('Vereniging Exploitanten Benzinestations' — Federation of Petrol Station Operators). However, it could not take that letter into consideration as it was received after the time limit laid down in the decision to initiate the procedure had expired, i.e. after 9 November 1998.
 - (30) (a) The three letters from individual dealers reproduced the information requested by Senter in its questionnaire ⁽¹¹⁾. In general, they express concern at the risk of the aid being revoked and possibly recovered. Dealers stress that the aid is necessary because their former customers have filled up in Germany since excise duty on light oil was increased in the Netherlands. De Fakkel BV notified the Commission that it had split its company into several legal entities in order to receive aid for each of its service stations near the German border (five out of 18 in total).
 - (31) (b) The four oil companies in question (Q8, Texaco, Shell and Total) maintain that the Dutch authorities could not provide the requested exclusive purchasing agreements because they have neither copies of them nor the legal powers to obtain copies. They themselves cannot provide the agreements without obtaining permission in

⁽¹¹⁾ See point 19.

each individual case from each contracting party. Total considers that it is irrelevant whether or not the agreements are provided. Texaco and Total argue that an oil company's market share in the Netherlands, expressed as the quantity of light oil sold, cannot be regarded as reflecting the ownership structure of individual service stations as turnover can vary enormously between stations. According to Texaco, Shell and Q8, Co/Do dealers operate independently and at their own risk. As evidence, Q8 produced a copy of a standard exclusive purchasing agreement for Co/Do service stations. Texaco takes the view that, under the *de minimis* rule, each service station must be regarded as a separate enterprise. Lastly, Total argues that the aid cannot be regarded as distorting competition because it provides only partial compensation to service stations for losses incurred.

(32) (c) Three industry associations submitted comments after the procedure was initiated, namely NOVE, BETA and BOVAG.

(33) NOVE (Nederlandse Organisatie voor de Energiebranche) represents 1 000 service stations and 500 oil suppliers in the Netherlands. NOVE does not agree with the correlation assumed by the Commission between a flagged brand and the ownership structure. Nor does it understand how the existence of a rental agreement can be regarded as evidence of external control. As regards the comprehensive list of owners and proof of ownership, neither the Dutch authorities nor NOVE have access to such information, which only the parties in question can provide.

(34) BETA (Belangenvereniging Tankstations) represents 850 members operating about 1 400 service stations. Only independent dealers can become members of BETA, as one of its principal activities is assisting its members in their dealings with the oil companies. Roughly half of BETA members are in the Do/Do category, the remainder being Co/Do. Both categories of service station are operated on an own-risk basis and the aid therefore benefits them alone. According to BETA, 90 % of recipients operate only one service station and should therefore be able to keep the aid. As regards the requested distribution contracts, BETA takes the view that a copy of a standard contract should be sufficient. Lastly, it considers that the measure does not distort competition, given that turnover in the eligible area has declined by 15 to 25 % since the excise duty increase.

(35) According to BOVAG (an association of dealers in private cars and trucks, companies selling cars, motor-bikes, caravans and trailers, repair outlets, carwashes, driving schools, car rental and leasing companies, and service stations), the aid granted under the *de minimis* rule provides only partial compensation to service stations for the losses incurred since excise duty was increased. BOVAG points out that the dealer operates on his own behalf and at his own risk in the case of Co/Do as well. It also considers that aid should be payable per service station even if a dealer owns more than one service station. According to BOVAG, the findings of its internal survey conducted in March 1998 among 3 300 service stations confirm the figures provided by the Dutch authorities. A list of eligible service stations can be obtained from Senter. Combined rental and distribution agreements must be obtained direct from the service stations concerned.

6. COMMENTS FROM THE DUTCH AUTHORITIES

(36) The Dutch authorities replied to the Commission decision to initiate the Article 88(2) procedure and to its request for information by four letters (dated (a) 29 October 1998, (b) 17 March 1999, (c) 6 April 1999 and (d) 20 May 1999) which are summarised below:

(37) (a) In their reply of 29 October 1998 concerning the decision to initiate the procedure, the Dutch authorities stated that the first request set out in the Commission's letter of 29 July 1998 had already been answered in part. Since the information concerned by the second and third requests had to be supplied by the industry associations, those bodies had been consulted. According to the Dutch authorities, they had claimed that they were unable to supply the information requested because (i) they did not have it and (ii) they did not understand why it was necessary.

(38) Lastly, the Dutch authorities pointed out that the flag flown by a service station (showing the brand of fuel on sale) did not provide any indication of its ownership structure. They concluded by stating their willingness at all times to discuss alternative ways of obtaining the information with the Commission.

(39) The Dutch authorities attached to their reply an opinion of the law firm De Brauw, Blackstone and Westbroek issued on behalf of the industry associations concerned. First, the firm provides a detailed analysis of the term *onderneming* ('undertaking') in EC competition law, in particular as laid down in the Merger Regulation and in Articles 81 and 82 of the EC Treaty.

- (40) The firm then comments on the requests made by the Commission. The opinion states that some of the information concerned by the first request can be obtained from Senter, chambers of commerce or the land registry office ('Kadaster').
- (41) Regarding the second request, the law firm replies that it has no reason to suppose that the ownership structure of service stations in the border area is substantially different from that in the rest of the Netherlands.
- (42) Lastly, the firm points out that it is not necessary to provide all contracts for the entire country since the aid concerns the border area only. In any event, the content of those contracts cannot be relevant since the Ministry of Finance regards each service station as a separate enterprise. In conclusion, De Brauw refers to the importance of the principle of equality in Community law.
- (43) (b) In their initial reply to the Commission's request for information dated 17 March 1999, the Dutch authorities informed the Commission that they had requested the aid recipients to provide (i) information on the ownership structure of the service stations concerned, (ii) details of the PMS and (iii) copies of any exclusive purchasing agreements which could restrict dealers' independence. Most recipients complied, and their replies were forwarded to the Commission. The Dutch authorities' reply was accompanied by a list of all the recipients indicating their legal status. Following the Commission's request for information, the Dutch authorities claimed that they had contacted the owners of service stations again with a view to obtaining the relevant information. This will be forwarded to the Commission as soon as possible.
- (44) (c) In their second reply to the Commission's request for information dated 6 April 1999, the Dutch authorities forwarded to the Commission the remaining replies from aid recipients. This letter was accompanied by (i) a copy of the agreements between the Ministry of Finance and Senter implementing the temporary aid scheme for service stations near the German border⁽¹²⁾ and (ii) a copy of the legal basis, which had been amended on 15 December 1997⁽¹³⁾. In total, the Commission received 574 exclusive purchasing agreements and questionnaires drawn up by Senter.
- (45) (d) By letter dated 5 May 1999, the Commission called on the Dutch authorities to answer urgently any questions in the request for information which had not yet been dealt with and a number of questions relating to the amended legal basis of 15 December 1997, with retroactive effect to 1 July 1997, which had not been notified to the Commission. Lastly, the Commission asked the Dutch authorities to indicate the measures the Netherlands intended to take following the increase of DEM 0,06 (EUR 0,03) per litre in excise duty on light oil introduced in Germany on 1 April 1999.
- (46) In reply to that letter, especially as regards questions not yet dealt with, the Dutch authorities provided a table showing the registration number under which the aid was granted, the name of the service station concerned, the legal form under which the service station operated, the category of the service station (Do/Do, Co/Do or Co/Co), whether the applicant for the service station concerned had provided the information requested, the brand of fuel and related articles sold in the service station concerned, and the sort and type of agreements that the Dutch authorities had received from the applicant and forwarded to the Commission. The category (Do/Do, Co/Do or Co/Co) reproduced the data submitted by the applicant. On the basis of the data available to the Dutch authorities, if the various categories are applied to all grant applicants, some 43 % are classified as Do/Do and 17 % as Co/Do. Of the applicants 13 % declared that they were owners, owner/operators or operating on their own behalf and at their own risk. One applicant (0,2 %) indicated the category Co/Co.
- (47) According to the Dutch authorities, the fuel brands and related articles indicated are also based on information provided by the aid applicants. A number of applicants (about 23 %) did not answer this question. Consequently, the information on market shares requested by the Commission had to be based on the 77 % of the service stations that replied. It should be noted that, according to the Dutch authorities, those service stations account for some 81 % of the light oil sold in the border area. The market shares calculated using available data are based on the reference period from July 1996 to June 1997 inclusive. These market shares, which thus relate solely to the Dutch-German border area and are given for guidance only, are as follows:
- | | |
|-----------------------------|---------|
| Shell | [...] % |
| BP/Mobil | [...] % |
| Esso | [...] % |
| Texaco | [...] % |
| Total | [...] % |
| Other (including own brand) | [...] % |
| Avia | [...] % |
| Fina | [...] % |
| Q8 (KPN) | [...] % |
- (48) In their reply, the Dutch authorities emphasise that these market shares cannot provide any indication of the service stations' ownership structure. The fact that a service station flies the flag of an oil company does not

⁽¹²⁾ See footnote 9.

⁽¹³⁾ See footnote 4.

mean that it is not operated wholly on the owner's own behalf and at his own risk and can therefore be classified as Do/Do or at least as Co/Do.

- (49) The Dutch authorities sent the question regarding the application of a PMS by oil companies other than Q8 to the oil companies and to the operators of the service stations concerned. They have undertaken to forward the replies to the Commission as soon as they receive them.
- (50) According to the Dutch authorities, PMS is included in the contracts concluded between Q8 and dealers in the eligible areas, with one exception. Under the contracts concluded by Q8 with its dealers, the latter set their own price for fuel sold. Dealers can thus negotiate with Q8 with a view to including PMS in the basic agreement. Under PMS, Q8 can cover part of the reduction on the recommended price offered by the dealer, in accordance with the conditions laid down in the contract. Standard tables forming part of the basic agreement indicate, for each fuel, the proportion of each cent per litre of extra pump discount that is borne by Q8 and by the dealer respectively. Some dealers prefer to bear in full the risk of additional pump discounts in return for a larger reduction in the basic agreement.
- (51) As regards the questions relating to the amended legal basis, the Dutch authorities provided the following explanation. As early as 1 July 1997 aid was restricted to a maximum of EUR 100 000 per enterprise, i.e. the natural or legal person on whose behalf and at whose risk one or more service stations were operated. The December 1997 amendment to which the Commission refers did not affect the law's objective in that respect. Conditional notification pursuant to Article 88(3) of the EC Treaty does not apply to the present scheme, but to the Dutch authorities' intention — not yet carried through — of extending its scope. This planned extension of the scheme involved application of the scheme on an individual service station basis. This prompted the Dutch authorities to ask the Commission whether aid on such a basis was admissible under the *de minimis* rule and, assuming that an extension was not allowed, to notify it as a proposed aid measure. The Dutch authorities emphasise that this proposal will not be put into effect until the Commission has taken a decision on it.
- (52) Lastly, as regards the questions regarding the consequences for the aid scheme that the Dutch authorities draw from the recent excise-duty increase in Germany, the Dutch authorities replied that, as of 1 April 1999, excise duty on light oil in Germany was increased by DEM 0,06 (EUR 0,03) per litre, equivalent to an increase of NLG 0,068 per litre, i.e. NLG 68 (EUR 31) per 1 000 litres. Pursuant to Article 5(1) of the temporary aid scheme for service stations near the

German border, the amount of NLG 100 (EUR 45) for service stations located within 10 kilometres of the German border (category 1) was reduced as of 1 May 1999 by 10/11 of NLG 68, or NLG 62 (EUR 28). The amount of NLG 50 for service stations located between 10 and 20 kilometres of the German border (category 2) was reduced by 5/11 of NLG 68, or NLG 31 (EUR 14). The new amounts came into effect on 1 May 1999 and are therefore NLG 38 (EUR 17) per 1 000 litres for category 1 service stations and NLG 19 (EUR 9) per 1 000 litres for category 2 service stations.

7. ASSESSMENT OF THE AID

7.1. Legal basis for the assessment

- (53) The Dutch authorities have indicated their intention to grant aid to 633 service stations located near the German border. According to point 6 of the notification, the aid ceiling for the entire (maximum) duration of the aid measure (until 1 July 2000) is EUR 100 000 per service station. The notification did not indicate the legal basis for this arrangement.
- (54) However, the Dutch authorities attached to the notification the Ministerial Decree on the temporary aid scheme for service stations near the German border⁽¹⁴⁾. Article 4 of the Decree states that the aid per applicant amounts to the NLG equivalent of EUR 100 000 maximum for the period from 1 July 1997 to 30 June 2000.
- (55) The Dutch authorities explained in their cover letter that the measure is less far-reaching and was introduced on 1 July 1997 pending the outcome of the procedure before the Commission. They take the view that the measure is virtually identical to the proposed one, except that it does not apply to service stations as such, but to entrepreneurs, i.e. to the natural or legal persons on whose behalf and at whose risk one or more service stations are operated and to their successors in title. They claim that this aid measure, which does not satisfy the compensation objective in full, is clearly in line with the *de minimis* rule.

⁽¹⁴⁾ See footnote 7.

- (56) In their letter dated 20 May 1999, the Dutch authorities explained that their reason for notifying the Commission was to extend the scope of the existing scheme. The extension of the scheme related to the application per service station, and not per applicant. Accordingly, they asked the Commission whether aid per service station was admissible under the *de minimis* rule. According to the Dutch authorities, this proposal has not been put into effect.
- (57) Given that the Dutch authorities had notified a proposed aid measure without a legal basis but, at the same time, had implemented a similar aid measure which did have a legal basis but had not been notified, the question arose whether the choice of aid ceiling per service station or per applicant affected the Commission's assessment.
- (58) In that connection, it should be noted that the Ministry of Finance instructed Senter to implement the temporary aid for service stations located near the German border as laid down in the relevant scheme. Following the Commission's request for information, Senter provided, via the Dutch authorities, a list of the 633 aid applicants.
- (59) Setting the aid ceiling for the existing measure at EUR 100 000 per applicant instead of per service station would seem, at first sight, to have eliminated the risk of aid cumulation in situations where the same dealer operates several service stations. However, after examining the 574 exclusive purchasing agreements and questionnaires provided by Senter and corresponding to the list of applicants which it had also provided, the Commission noted that the cumulation rule had not been complied with even when the ceiling was set per applicant, and this for three reasons. First, the same applicant appears several times in the list. Second, there is nothing to prevent an applicant from benefiting from the aid several times by splitting its company into several legal entities, as did De Fakkel BV⁽¹⁵⁾. Third, setting the aid ceiling per applicant does not take account of the actual aid recipient under PMS⁽¹⁶⁾.
- (60) Accordingly, the Commission's assessment of the aid measure under the *de minimis* rule as described below applies both to the aid measure notified and to the aid measure implemented, which is based on the Ministerial Decree on the temporary aid scheme for service stations near the German border.
- (61) As there are doubts as to whether both the original aid measure, based on the Ministerial Decree, and the notified extension fall under the *de minimis* rule, both the original aid measure and the extension should have been notified to the Commission. The Dutch authorities' argument that the notification obligation relates only to the extension of the measure's scope is not, therefore, valid. Similarly, the Dutch authorities should have notified the Commission of the amendments to the legal basis, i.e. the Ministerial Decree of 15 December 1997 on the temporary aid scheme for service stations near the German border, which has retroactive effect to 1 July 1997⁽¹⁷⁾.
- (62) Accordingly, the Dutch authorities have failed to meet their obligation under Article 88(3) of the EC Treaty, pursuant to which aid may not be granted until the Commission has made its position known.
- 7.2. Assessment of the measure in the light of the request for information**
- (63) Although the Commission called on the Dutch authorities to provide it with the information requested, it still possesses no information or only insufficient information on 250 service stations, i.e. roughly 40 % of the 633 service stations eligible for aid, with the Dutch authorities providing either no information at all (59 service stations) or insufficient information (191 service stations).
- (64) The Commission takes the view that the information is insufficient in cases where a service station merely completed the Senter questionnaire without providing copies of its exclusive purchasing agreement, with the result that its reply was not substantiated. For instance, some service stations classified themselves as falling into one of the three categories (Do/Do, Co/Do or Co/Co) without providing any supporting evidence, while others claimed to be independent but failed to substantiate this.
- (a) The Dutch authorities provided the Commission with no information at all on the following 59 service stations⁽¹⁸⁾:
- 7, 11, 13, 46, 175, 201, 202, 222, 234, 249, 252, 258, 280, 291, 297, 298, 314, 323, 350, 364, 372, 373, 382, 393, 405, 407, 411, 416, 420, 476, 491, 510, 512, 531, 533, 535, 539, 551, 552, 553, 557, 568, 580, 588, 590, 599, 604, 610, 613, 620, 621, 625, 642, 644, 658, 663, 764, 765 and 766.

⁽¹⁵⁾ See point 30.

⁽¹⁶⁾ See points 83 to 86.

⁽¹⁷⁾ See footnote 4.

⁽¹⁸⁾ The numbering is the same as that indicated by the Dutch Government.

(b) The Dutch authorities provided insufficient information on the following 191 service stations:

2, 8, 9, 20, 27, 31, 41, 42, 59, 60, 61, 66, 68, 73, 76, 78, 82, 84, 94, 101, 102, 103, 105, 106, 107, 108, 115, 116, 120, 121, 122, 124, 126, 130, 131, 134, 145, 149, 152, 154, 156, 158, 162, 164, 167, 182, 183, 184, 187, 196, 200, 205, 210, 212, 214, 216, 220, 225, 226, 227, 233, 237, 238, 240, 245, 250, 257, 267, 269, 270, 282, 286, 288, 295, 300, 307, 309, 310, 321, 327, 328, 331, 334, 340, 345, 349, 351, 353, 365, 369, 374, 375, 376, 378, 379, 380, 385, 389, 394, 399, 401, 402, 404, 418, 423, 434, 444, 447; 449, 450, 451, 455, 456, 460, 467, 471, 477, 478, 480, 481, 489, 498, 499, 500, 501, 502, 503, 504, 505, 507, 508, 509, 511, 513, 515, 516, 517, 520, 522, 526, 529, 530, 532, 534, 538, 542, 543, 546, 549, 554, 555, 556, 565, 566, 567, 571, 577, 579, 581, 585, 589, 591, 596, 602, 605, 609, 611, 612, 615, 616, 617, 618, 623, 624, 626, 629, 632, 637, 638, 639, 641, 643, 645, 646, 649, 653, 659, 662, 665, 666 and 769.

(65) Since not all the requested information has been provided, the Commission cannot rule out the fact that the aid has an appreciable effect on trade and competition between Member States within the meaning of the Commission notice on the *de minimis* rule for state aid and in accordance with its provisional decision. It will therefore have to take a final decision on the service stations listed above.

7.3. Assessment of the measure in the light of the *de minimis* rule

7.3.1. Assessment in the light of the second ground for initiating the procedure

(66) The Commission notice on the *de minimis* rule for state aid⁽¹⁹⁾ stipulates that the *de minimis* rule 'sets a threshold figure below which Article 92(1) can be said not to apply, so that a measure need no longer be notified in advance to the Commission under Article 93(3)'.

(67) On the basis of this wording, the Commission took the view in its decision to initiate the procedure that, considering the particular circumstances of the case, the *de minimis* rule might be interpreted as a rebuttable presumption; in other words, although the amount of the aid is small and therefore falls below the threshold laid down in the *de minimis* rule, that rule does not apply

if the aid has an effect on trade and competition between Member States.

(68) However, after further consideration, the Commission has come to the conclusion that such a rebuttable presumption would undermine the absolute character of the *de minimis* rule. The idea underpinning the rule is that, in so far as the aid ceiling is complied with, the aid is deemed not to have any appreciable effect on trade and competition and therefore does not fall within the scope of Article 87(1). To derogate from this principle on account of the special circumstances of the case would give rise to legal uncertainty as regards the scope and application of the *de minimis* rule in general.

(69) Accordingly, the Commission's assessment cannot be based on a possible abuse of the *de minimis* rule but must be made in the light of the first ground for initiating the procedure, namely the risk of aid cumulation under the *de minimis* rule, either because one owner possesses several service stations or because the supplier has de facto control over the dealer by virtue of an exclusive purchasing agreement.

7.3.2. Assessment in the light of the first ground for initiating the procedure

(70) According to the amended *de minimis* rule⁽²⁰⁾, 'the ceiling for aid covered by the *de minimis* rule will now be ECU 100 000 over a three-year period beginning when the first *de minimis* aid is granted.' The notice further stipulates that:

'The Commission has a duty to satisfy itself that Member States are not giving their enterprises aid which is incompatible with the common market. The Member States are under an obligation to facilitate the achievement of this task by establishing machinery to ensure that, where aid is given to the same recipient under separate measures all of which are covered by the *de minimis* rule, the total amount of the aid does not exceed ECU 100 000 over a period of three years. In particular, any decision granting *de minimis* aid or the rules of any scheme providing for aid of this kind must include an explicit stipulation that any additional aid granted to the same recipient under the *de minimis* rule must not raise the total *de minimis* aid received by the enterprise to a level above the ceiling of ECU 100 000 over a period of three years.'

(71) In its decision to initiate the procedure, the Commission took the view that the *de minimis* rule could apply only if each service station could be seen as a separate enterprise. A service station cannot be regarded as a separate

⁽¹⁹⁾ OJ C 68, 6.3.1996, p. 9.

⁽²⁰⁾ See footnote 19.

enterprise if one owner possesses several service stations, which may be the case with company-owned/company-operated service stations (Co/Co) or where the freedom of 'independent' operators is circumscribed to such an extent by exclusive purchasing and rental agreements that they are controlled de facto by the large oil companies, as in the case of company-owned/dealer-operated service stations (Co/Do).

(72) On the basis of the wording of the *de minimis* notice quoted above ('any additional aid granted [...] must not raise the total *de minimis* aid received by the enterprise to a level above the ceiling of ECU 100 000 over a period of three years') and that of the Commission's first ground — described above ⁽²¹⁾ — for initiating the procedure, the comments of third parties (Texaco, Shell, Q8, BETA, BOVAG) and of the Dutch authorities focused on whether the dealers in a Do/Do or Co/Do structure could be regarded as independent and whether it followed that they operated the service station concerned at their own risk.

(73) It follows from the comments of third parties and, in particular, from the arguments put forward by the law firm De Brauw, Blackstone and Westbroek on behalf of the industry associations concerned and attached to the Dutch authorities' reply to the decision to initiate the procedure that their reasoning is based on EC competition law, and in particular on the concept of 'undertaking' as laid down in the Merger Regulation and in Articles 81 and 82 of the EC Treaty ⁽²²⁾.

(74) However, the concept of 'undertaking' within the meaning of the competition rules does not lend itself to interpreting the *de minimis* rule for state aid. This is because the principles underlying the respective rules are different. In the competition field, the concept of 'undertaking' is used, in particular, to identify anti-competitive collusion between firms. Under those rules, 'undertaking' is a broad concept, with the degree of control being a determining factor. However, the *de minimis* rule is concerned ultimately with determining who the actual aid recipient is and whether the *de minimis* threshold has been complied with for each recipient, irrespective of whether the oil companies control the dealers.

(75) After having examined in greater depth the 574 exclusive purchasing contracts and questionnaires provided by the Dutch authorities, the Commission identified elements of aid cumulation under the *de*

minimis rule even where the dealers were not controlled within the meaning of the competition rules ⁽²³⁾.

7.3.2.1. Classification of the 633 service stations following the examination of the exclusive purchasing agreements and the Senter questionnaires

(76) As the Commission has examined each of the 383 exclusive purchasing and rental agreements and can therefore draw direct conclusions from them, some of the information which it previously requested is no longer needed.

(77) For instance, it is no longer necessary to compare the ownership structure of services in the eligible area with that in the Netherlands as a whole. However, the Commission would point out that the Dutch authorities have failed to provide a coherent explanation of the differences as requested. Nor is it necessary to check whether the market shares of the oil companies concerned reflect the ownership structure. Instead of identifying the ownership structure on the basis of the market share of a given oil company, the Commission has opted to determine the 'flag shares' of certain oil companies, in line with the view of the Dutch authorities and of most third parties. An oil company's 'flag share' gives the number of service stations marketing its brand.

(78) By letter dated 20 May 1999, the Dutch authorities submitted a list of the 'flag shares' of service stations in the border area. According to them, this list is based on information provided by the applicants (77 % of service stations replied, representing 81 % of sales in the border area).

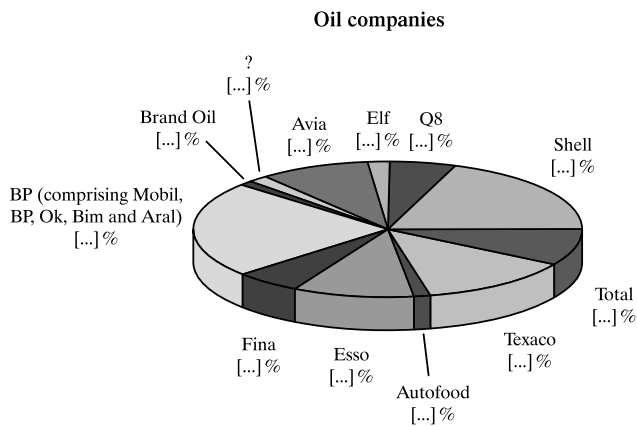
Shell	[...] %
BP/Mobil	[...] %
Esso	[...] %
Texaco	[...] %
Total	[...] %
Other (incl. own brands)	[...] %
Avia	[...] %
Fina	[...] %
Q8 (KPN)	[...] %

(79) On the basis of the individual analysis of the 383 combined exclusive purchasing and rental agreements provided by the Dutch authorities, the Commission arrived at the following breakdown of 'flag shares':

⁽²³⁾ The Commission does not take the view (Press release IP/86/631 of 19 December 1986) that a discount scheme operated to support the margins of dealers that have to reduce their pump prices in order to compete on their local market involves indirect resale price maintenance.

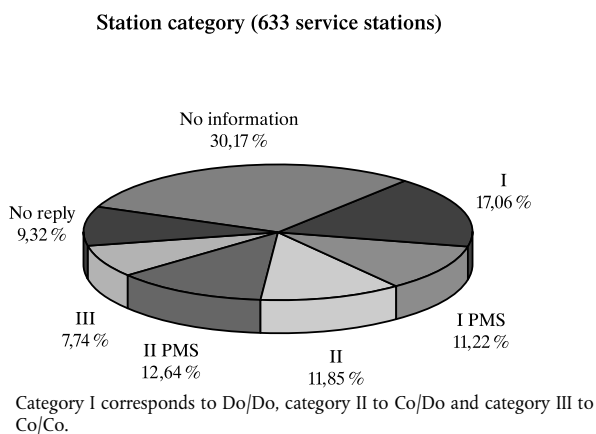
⁽²¹⁾ See point 21.

⁽²²⁾ See point 39.



(80) There are some notable discrepancies between the findings of the Dutch authorities and those of the Commission in respect of a number of brands, such as BP, Esso and Avia. These discrepancies can be attributed to the different sources of information. As the Commission examined the contracts individually whereas the Dutch authorities based their list on the information supplied by the applicants without supporting evidence, the Commission has decided that in future it will base its assessment of the measures on its own statistics.

(81) In addition, on the basis of the 574 exclusive purchasing agreements and Senter questionnaires, of which 191 did not contain sufficient information for classification purposes, and since 59 service stations did not provide any information at all, the Commission has established the following classification of the 633 eligible service stations:



7.3.2.2. Company-owned/company-operated (Co/Co) service stations

(82) On the basis of the 574 exclusive purchasing agreements and questionnaires, the Commission has concluded that there is cumulation of aid in the Co/Co category given that the same company owns and operates several

service stations (pure Co/Co). Although, strictly speaking, not a Co/Co service station, the situation in which the same dealer has applied for aid more than once and therefore appears several times in the list of eligible recipients (de facto Co/Co) also belongs to that category because of similar cumulation effects. Of the 633 eligible service stations 49 (8 %) belong to the pure/de facto Co/Co category. The cumulation of aid occurs either at the level of the oil company (pure Co/Co) or at the level of the service station (de facto Co/Co).

(a) The Commission has identified the following service stations as pure 'Co/Co':

- 39, 147, 217, 218, 221, 276, 281, 287, 301, 319, 409, 414, 433, 457, 469, 486, 488, 541, 564, 575, 593, 614, 648, 655, 752, 760, 763 and 768.

(b) It has identified the following Do/Do and Co/Do service stations as de facto Co/Co service stations because the cumulation effect is almost identical to that described above:

- 111, 112, 170, 174, 272, 273, 274, 333, 339, 347, 348, 359, 360, 362, 363, 395, 396, 432, 586, 587 and 754.

7.3.2.3. Do/Do and Co/Do service stations with a PMS clause in their exclusive purchasing agreements

7.3.2.3.1. Dealer-owned/dealer-operated (Do/Do) service stations

(83) After examining the Co/Co category, the Commission turned its attention to the Do/Do category of service station. On the basis of their exclusive purchasing agreements, it found that there was a risk of aid cumulation for some service stations at the level of the oil company because of the inclusion of a PMS clause. Of the 179 Do/Do contracts, this is the case for 71 (11 % of the 633 eligible service stations).

(84) The purpose of a PMS clause is to protect the dealer's turnover against competing petrol outlets in the immediate vicinity of his service station. The clause usually stipulates that the oil company may bear part of the cost of the forecourt discount granted by the dealer in so far as domestic and/or international market conditions make a temporary or long-term adjustment of these discounts desirable or necessary. Consultations between the parties are often necessary before such reductions are introduced. The actual aid provided by the supplier is determined by means of a distribution table or participation arrangements. Its amount is normally indicated on the invoice.

(85) The PMS clause obliges the supplier to compensate the dealer, at least in part, for losses incurred as a result of extraordinary market conditions, including market conditions deriving from legal obligations such as increases in excise duty. By granting aid to dealers as compensation for losses of income resulting from increases in excise duty on light oil in the Netherlands, the Dutch Government is, in fact, compensating the supplier in full or in part for its obligation under the PMS clause. If this aid were not granted, the supplier would have to compensate the dealer. Where the supplier has concluded distribution agreements with several dealers, it will benefit a corresponding number of times over.

(a) The Commission has designated the following as Do/Do service stations without a PMS clause:

3, 4, 10, 14, 17, 19, 21, 23, 24, 29, 32, 33, 47, 51, 52, 53, 62, 65, 69, 70, 75, 80, 83, 85, 92, 93, 95, 118, 119, 128, 129, 137, 138, 148, 151, 157, 173, 177, 181, 188, 191, 194, 204, 209, 213, 223, 229, 231, 232, 235, 239, 243, 247, 253, 260, 261, 262, 264, 275, 277, 285, 289, 303, 306, 311, 316, 322, 324, 335, 342, 354, 370, 381, 391, 397, 398, 406, 415, 421, 424, 425, 426, 458, 466, 470, 472, 487, 518, 521, 524, 525, 528, 558, 570, 582, 594, 597, 607, 619, 627, 628, 636, 650, 652, 656, 657, 660 and 750.

(b) It has designated the following as Do/Do service stations with a PMS clause:

1, 26, 34, 40, 54, 56, 63, 79, 81, 86, 97, 113, 114, 135, 142, 155, 159, 160, 165, 166, 168, 172, 176, 179, 185, 206, 207, 208, 224, 241, 242, 244, 259, 263, 283, 284, 299, 308, 318, 320, 329, 337, 344, 352, 357, 368, 377, 383, 417, 419, 422, 429, 438, 440, 442, 454, 459, 461, 463, 473, 474, 483, 485, 497, 514, 606, 640, 661, 751, 753 and 755.

7.3.2.3.2. Company-owned/dealer-operated (Co/Do) service stations

(86) Lastly, the Commission examined the remaining stations, which fall into the Co/Do category. As with the Do/Do category, it found that there was a risk of aid cumulation for some service stations at the level of the oil company because of the inclusion of a PMS clause. Of the 155 Co/Do contracts, this is the case for 80 (or 13 % of the 633 eligible service stations). The conclusion is the same as for Do/Do service stations. This figure includes contracts containing a PMS clause as well as clauses guaranteeing the dealer a minimum income since the latter have the same effect as a PMS clause.

(a) The Commission has designated the following as Co/Do service stations without a PMS clause:

15, 36, 43, 44, 48, 50, 67, 77, 87, 88, 89, 90, 91, 110, 132, 133, 139, 140, 141, 144, 146, 163, 186, 189, 192, 193, 197, 199, 215, 219, 251, 278, 290, 292, 294, 302, 304, 305, 312, 313, 317, 326, 330, 336, 338, 341, 343, 358, 361, 384, 388, 400, 413, 430, 437, 439, 445, 448, 453, 462, 482, 492, 493, 496, 537, 559, 562, 563, 574, 603, 622, 647, 756, 757 and 767.

(b) It has designated the following as Co/Do service stations with a PMS clause:

5, 6, 12, 16, 18, 22, 25, 28, 30, 35, 37, 38, 45, 49, 55, 58, 64, 71, 72, 74, 96, 99, 100, 104, 117, 123, 125, 127, 136, 143, 150, 153, 161, 169, 171, 178, 180, 190, 195, 198, 203, 211, 228, 230, 236, 246, 248, 254, 255, 265, 266, 268, 271, 279, 296, 315, 325, 332, 355, 367, 371, 387, 427, 428, 436, 441, 443, 446, 452, 464, 484, 494, 506, 519, 523, 536, 578, 584, 608 and 762.

7.3.2.4. Do/Do and Co/Do service stations which do not have similar effects to Co/Co service stations and have not concluded exclusive distribution agreements containing a PMS clause:

(87) It follows from the above that there is no cumulation of aid where Do/Do or Co/Do service stations do not have similar effects to Co/Co service stations and that there is no cumulation of aid at the level of the oil company in the absence of a PMS clause. Accordingly, this aid is covered by the *de minimis* rule and Article 87(1) does not therefore apply.

(a) The Commission has designated the following as Do/Do service stations which do not have similar effects to Co/Co service stations and have not concluded exclusive distribution agreements containing a PMS clause:

3, 4, 10, 14, 17, 19, 21, 23, 24, 29, 32, 33, 47, 51, 52, 53, 62, 65, 69, 70, 75, 80, 83, 85, 92, 93, 95, 118, 119, 128, 129, 137, 138, 148, 151, 157, 173, 177, 181, 188, 191, 194, 204, 209, 213, 223, 229, 231, 232, 235, 239, 243, 247, 253, 260, 261, 262, 264, 275, 277, 285, 289, 303, 306, 311, 316, 322, 324, 335, 342, 354, 370, 381, 391, 397, 398, 406, 415, 421, 424, 425, 426, 458, 466, 470, 472, 487, 518, 521, 524, 525, 528, 558, 570, 582, 594, 597, 607, 619, 627, 628, 636, 650, 652, 656, 657, 660 and 750.

(b) It has designated the following as Co/Do service stations which do not have similar effects to Co/Co service stations and have not concluded exclusive distribution agreements containing a PMS clause:

15, 36, 43, 44, 48, 50, 67, 77, 87, 88, 89, 90, 91, 110, 132, 133, 139, 140, 141, 144, 146, 163, 186, 189, 192, 193, 197, 199, 215, 219, 251, 278, 290, 292, 294, 302, 304, 305, 312, 313, 317, 326, 330, 336, 338, 341, 343, 358, 361, 384, 388, 400, 413, 430, 437, 439, 445, 448, 453, 462, 482, 492, 493, 496, 537, 559, 562, 563, 574, 603, 622, 647, 756, 757 and 767.

7.4. Assessment of the compatibility of the measures constituting aid within the meaning of Article 87(1)

7.4.1. Aid within the meaning of Article 87(1)

- (88) The Commission examined the aid granted to (a) pure Co/Co service stations, (b) de facto Co/Co service stations and (c) Co/Do and Do/Do service stations with an exclusive purchasing agreement containing a PMS clause in the light of Article 87(1) of the EC Treaty, which states that aid granted by a Member State or through state resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with the common market in so far as it affects trade between Member States.
- (89) The aid granted constitutes aid within the meaning of Article 87(1) for the following reasons:
- (90) First, the aid was granted using state resources since the Dutch Ministry of Finance instructed Senter, an arm of the Ministry of Economic Affairs responsible for technology, energy and the environment, to implement the measure.
- (91) Second, the aid favours service stations located near the border with Germany over those elsewhere in the Netherlands and in neighbouring Member States, such as Germany and Belgium.
- (92) Third, since these service stations receive compensation for the excise-duty differential on light oil between Germany and the Netherlands, Dutch consumers have an incentive to fill up in the Netherlands instead of in Germany, distorting competition on the light oil market in the border area.
- (93) Lastly, the measure is likely to affect trade between Member States for three reasons. First, the eligible service stations are located near the border with Germany. Second, the very purpose of the measure is to compensate the owners of these service stations for the alleged decline in turnover resulting from Dutch consumers filling up at German service stations as a consequence of the increase in excise duty on light oil in the Netherlands. Third, the aid is conditional on rising duty in Germany.
- 7.4.2. Compatibility of the aid measures
- (94) The aid constitutes operating aid because it is designed to avoid losses which the eligible service stations would have to incur in the course of their normal daily business. Its sole purpose is to compensate the owners of the service stations concerned for the alleged decline in turnover resulting from Dutch consumers filling up at German service stations following the increase in excise duty on light oil that took effect in the Netherlands on 1 July 1997. However, the Commission would point out that the state aid rules are not an appropriate instrument for harmonising excise-duty differentials between Member States. In that connection, it would also point to the artificial nature of the aid measure, given that the German Government increased excise duty on light oil by 6 pfennigs (EUR 0,03) per litre with effect from 1 April 1999.
- (95) In addition, strong doubts remain as to the need for the aid, especially as regards service stations which have concluded an exclusive purchasing agreement with a PMS clause. If no state aid had been forthcoming, these service stations would, under the PMS clause, have turned to their respective suppliers with a view to obtaining at least partial compensation for the losses incurred. As described above ⁽²⁴⁾, by granting the aid in question, the Dutch authorities indirectly assisted the suppliers, given that they paid something that would normally have been paid by the suppliers. It is difficult to accept that multinational oil companies should need state aid to cope with an increase in excise duty on light oil in the Netherlands.
- (96) In the light of the above and in the absence of any compensatory effects, operating aid of this kind qualifies for one of the derogations set out in Article 87 of the EC Treaty or Article 61 of the EEA Agreement only in exceptional circumstances.
- (97) The derogations set out in Article 87(2) of the EC Treaty do not apply in this case in view of the aid's characteristics and since the aid is not designed in such a way as to comply with the conditions governing the application of those derogations.

⁽²⁴⁾ See points 84 and 85.

- (98) Operating aid may be granted on an exceptional and temporary basis to offset operating losses in Article 87(3)(a) regions. However, the derogation from that Article does not apply here given that the eligible area, namely that part of the Netherlands located no more than 20 kilometres from the German border, is not recognised as an area with an abnormally low standard of living or serious underemployment.
- (99) Nor can the aid in question be regarded as compatible with the common market under the derogation set out in Article 87(3)(c) of the EC Treaty as aid to facilitate the development of certain economic areas which does not adversely affect trading conditions to an extent contrary to the common interest.
- (100) The aid is clearly not intended to promote the execution of an important project of common European interest within the meaning of Article 87(3)(b).
- (101) Lastly, the aid measures do not promote culture and heritage conservation within the meaning of Article 87(3)(d).
- (102) Accordingly, the aid granted to (a) pure Co/Co service stations, (b) de facto Co/Co service stations and (c) Co/Do and Do/Do service stations with an exclusive purchasing agreement comprising a PMS clause does not qualify for eligibility for one of the derogations under Article 87(3) of the Treaty.
- (104) The Commission adopts a negative decision regarding the aid granted to these service stations (in total 450 of the 633 eligible service stations) because these measures are not compatible with the common market and the functioning of the EEA Agreement.
- (105) As regards the other service stations, which are not de facto or pure Co/Co and have not concluded exclusive purchasing agreements with a PMS clause, namely 183 of the 633 eligible service stations, the Commission finds that the aid given to them is covered by the *de minimis* rule and therefore does not constitute aid within the meaning of Article 87(1) of the EC Treaty.
- (106) Given that the Dutch authorities granted the aid to the categories referred to in 103(a), (b) and (c) above in some cases before the Commission had taken a final decision under the Article 88(2) procedure, this aid must be repaid. Pure and de facto Co/Co service stations which have failed to provide any information must repay the aid. In the case of Do/Do and Co/Do service stations which have concluded an exclusive purchasing agreement containing a PMS clause, the aid must be repaid by the actual recipients, i.e. the eight oil companies concerned. These companies are indicated in the annexed list of the 633 eligible service stations,

HAS ADOPTED THIS DECISION:

8. CONCLUSION

Article 1

- (103) In the light of the above and, in particular, considering that:
- (a) in spite of the request for information, the Dutch authorities have failed to provide all the requested information in respect of 250 service stations;
- (b) there is cumulation of aid as regards pure Co/Co service stations given that the same company owns and operates several service stations and as regards de facto Co/Co service stations given that the same dealer has applied for aid more than once and therefore appears several times on the list of eligible recipients (49 service stations);
- (c) by granting the aid, the Dutch Government can be seen as in practice compensating the supplier, in full or in part, for its obligation under the PMS clause with regard to Do/Do service stations, thereby giving rise to cumulation of aid at the level of the supplier (nine suppliers (Shell, BP (including Aral, Mobil, OK and Bim), Elf, Esso, Texaco, Total, Fina, Q8 and Avia) for 151 service stations).

The aid which the Netherlands has implemented for 183 service stations located near the German border, amounting to EUR 100 000 per service station, is covered by the *de minimis* rule and does not therefore constitute aid within the meaning of Article 87(1) of the EC Treaty. The service stations concerned are listed below. The numbers correspond to the list of applicants provided in the letter from the Dutch Government dated 7 April 1999. The list is annexed to this decision.

- (a) Dealer-owned/dealer-operated (Do/Do) service stations:

3, 4, 10, 14, 17, 19, 21, 23, 24, 29, 32, 33, 47, 51, 52, 53, 62, 65, 69, 70, 75, 80, 83, 85, 92, 93, 95, 118, 119, 128, 129, 137, 138, 148, 151, 157, 173, 177, 181, 188, 191, 194, 204, 209, 213, 223, 229, 231, 232, 235, 239, 243, 247, 253, 260, 261, 262, 264, 275, 277, 285, 289, 303, 306, 311, 316, 322, 324, 335, 342, 354, 370, 381, 391, 397, 398, 406, 415, 421, 424, 425, 426, 458, 466, 470, 472, 487, 518, 521, 524, 525, 528, 558, 570, 582, 594, 597, 607, 619, 627, 628, 636, 650, 652, 656, 657, 660 and 750.

(b) Company-owned/dealer-operated (Co/Do) service stations:

15, 36, 43, 44, 48, 50, 67, 77, 87, 88, 89, 90, 91, 110, 132, 133, 139, 140, 141, 144, 146, 163, 186, 189, 192, 193, 197, 199, 215, 219, 251, 278, 290, 292, 294, 302, 304, 305, 312, 313, 317, 326, 330, 336, 338, 341, 343, 358, 361, 384, 388, 400, 413, 430, 437, 439, 445, 448, 453, 462, 482, 492, 493, 496, 537, 559, 562, 563, 574, 603, 622, 647, 756, 757 and 767.

Article 2

The aid which the Netherlands has implemented for 450 service stations located near the German border, amounting to more than EUR 100 000 per recipient over a three-year period, is incompatible with the common market and with the functioning of the EEA Agreement. The service stations concerned are listed below. The numbers correspond to the list of applicants provided in the letter from the Dutch Government dated 7 April 1999. The list is annexed to this decision.

(a) Service stations for which the Dutch authorities provided no information or insufficient information:

'no information': 7, 11, 13, 46, 175, 201, 202, 222, 234, 249, 252, 258, 280, 291, 297, 298, 314, 323, 350, 364, 372, 373, 382, 393, 405, 407, 411, 416, 420, 476, 491, 510, 512, 531, 533, 535, 539, 551, 552, 553, 557, 568, 580, 588, 590, 599, 604, 610, 613, 620, 621, 625, 642, 644, 658, 663, 764, 765 and 766;

'insufficient information': 2, 8, 9, 20, 27, 31, 41, 42, 59, 60, 61, 66, 68, 73, 76, 78, 82, 84, 94, 101, 102, 103, 105, 106, 107, 108, 115, 116, 120, 121, 122, 124, 126, 130, 131, 134, 145, 149, 152, 154, 156, 158, 162, 164, 167, 182, 183, 184, 187, 196, 200, 205, 210, 212, 214, 216, 220, 225, 226, 227, 233, 237, 238, 240, 245, 250, 257, 267, 269, 270, 282, 286, 288, 295, 300, 307, 309, 310, 321, 327, 328, 331, 334, 340, 345, 349, 351, 353, 365, 369, 374, 375, 376, 378, 379, 380, 385, 389, 394, 399, 401, 402, 404, 418, 423, 434, 444, 447, 449, 450, 451, 455, 456, 460, 467, 471, 477, 478, 480, 481, 489, 498, 499, 500, 501, 502, 503, 504, 505, 507, 508, 509, 511, 513, 515, 516, 517, 520, 522, 526, 529, 530, 532, 534, 538, 542, 543, 546, 549, 554, 555, 556, 565, 566, 567, 571, 577, 579, 581, 585, 589, 591, 596, 602, 605, 609, 611, 612, 615, 616, 617, 618, 623, 624, 626, 629, 632, 637, 638, 639, 641, 643, 645, 646, 649, 653, 659, 662, 665, 666 and 769.

(b) Company-owned/company operated (Co/Co) service stations:

'pure': 39, 147, 217, 218, 221, 276, 281, 287, 301, 319, 409, 414, 433, 457, 469, 486, 488, 541, 564, 575, 593, 614, 648, 655, 752, 760, 763 and 768;

'de facto': 111, 112, 170, 174, 272, 273, 274, 333, 339, 347, 348, 359, 360, 362, 363, 395, 396, 432, 586, 587 and 754.

(c) Dealer-owned/dealer-operated (Do/Do) service stations with a price management system (PMS):

1, 26, 34, 40, 54, 56, 63, 79, 81, 86, 97, 113, 114, 135, 142, 155, 159, 160, 165, 166, 168, 172, 176, 179, 185, 206, 207, 208, 224, 241, 242, 244, 259, 263, 283, 284, 299, 308, 318, 320, 329, 337, 344, 352, 357, 368, 377, 383, 417, 419, 422, 429, 438, 440, 442, 454, 459, 461, 463, 473, 474, 483, 485, 497, 514, 606, 640, 661, 751, 753 and 755.

(d) Company-owned/dealer-operated (Co/Do) service stations with a price management system (PMS):

5, 6, 12, 16, 18, 22, 25, 28, 30, 35, 37, 38, 45, 49, 55, 58, 64, 71, 72, 74, 96, 99, 100, 104, 117, 123, 125, 127, 136, 143, 150, 153, 161, 169, 171, 178, 180, 190, 195, 198, 203, 211, 228, 230, 236, 246, 248, 254, 255, 265, 266, 268, 271, 279, 296, 315, 325, 332, 355, 367, 371, 387, 427, 428, 436, 441, 443, 446, 452, 464, 484, 494, 506, 519, 523, 536, 578, 584, 608 and 762.

The actual recipients in categories (c) and (d) are the oil companies with which these service stations concluded exclusive purchasing agreements. The annexed list indicates the oil company concerned in each individual case.

Article 3

1. The Netherlands shall take all necessary measures to recover from the recipients the aid referred to in Article 2 and unlawfully made available to them.

2. Recovery shall be effected in accordance with the procedures of national law. The aid to be recovered shall include interest from the date on which it was made available to the recipients until the date of its recovery. Interest shall be calculated on the basis of the reference rate used for calculating the grant equivalent of regional aid.

Article 4

The Netherlands shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 5

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 20 July 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

ANNEX

List of applicants under the temporary aid scheme for service stations near the German border. The numbers tally with the list of applicants given in the letter from the Dutch Government dated 7 April 1999

No	Applicant	Oil company/Label contract	Oil company/Label group
1	Auto Schmitz B.V.	[...]	[...]
2	T.E.M. Twente B.V.	[...]	[...]
3	Autobedrijf G.H.V. B.V.	[...]	[...]
4	Van Lin Velden B.v.	[...]	[...]
5	M.J.J. Verbiesen	[...]	[...]
6	W.H. Merx	[...]	[...]
7	Autoservice Fermans Exclusive B.V.	[...]	[...]
8	Autobedrijf J; Meyknecht	[...]	[...]
9	Garage Knops B.V.	[...]	[...]
10	Autocentrum Merjenburgh B.V.	[...]	[...]
11	H. Boxem	[...]	[...]
12	Henk Santing Emmen B.V.	[...]	[...]
13	Service Station Valkenhuizen Jo Brouwers B.V.	[...]	[...]
14	H.J.M. Ras-Bosman	[...]	[...]
15	V.O.F. Paul Janssen Esso Velperbroek	[...]	[...]
16	Hendrixx-Maes V.O.F.	[...]	[...]
17	Hendrix Automobielbedrijf B.V.	[...]	[...]
18	V.O.F. Zelftankstation J. Hilgers	[...]	[...]
19	Autoservice Bedrijf Fransen B.V.	[...]	[...]
20	B.E.M. Stationair B.V.	[...]	[...]
21	Automobielbedrijf G+H B.V.	[...]	[...]
22	J.H.M. Huntjes	[...]	[...]
23	Garage Vencken B.V.	[...]	[...]
24	J.H.M. Wiertz	[...]	[...]
25	V.O.F. Muzzers-Mertens	[...]	[...]
26	Mennink-Veldboom B.V.	[...]	[...]
27	Gebr. Wismans	[...]	[...]
28	H.J.W. Roerdinkholder	[...]	[...]
29	RoVo Exploitatie B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
30	B.V. Automobielfbedrijf Veenhuis	[...]	[...]
31	Ter Huurne's Handelsmaatschappij B.V.	[...]	[...]
32	Tankstation van Donkelaar B.V.	[...]	[...]
33	V.O.F. Garage Borgers	[...]	[...]
34	Jansen-van Maasacker V.O.F.	[...]	[...]
35	J.D. Kok Service Stations B.V.	[...]	[...]
36	Th. A. Hegeman B.V.	[...]	[...]
37	V.O.F. Shell Station Baexem	[...]	[...]
38	V.O.F. Hermans	[...]	[...]
39	Makro Zelfbedieningsgroothandel C.V.	[...]	[...]
40	Firma Jan Cox	[...]	[...]
41	Auto Quick Service B.V.	[...]	[...]
42	Autobedrijf G.J. Arentsen B.V.	[...]	[...]
43	V.O.F. Peters-Kersten	[...]	[...]
44	Jansen V.O.F.	[...]	[...]
45	Benzinestation Den Oordt B.V.	[...]	[...]
46	J.L.M. Palmen	[...]	[...]
47	Kooiker en Zoon V.O.F.	[...]	[...]
48	Tank- en Servicestation Jansema B.V.	[...]	[...]
49	Atol Tankstation B.V.	[...]	[...]
50	V.O.F. Service Station van Steenwijk	[...]	[...]
51	Autobedrijf De Jong Hardenberg B.V.	[...]	[...]
52	Automobielfbedrijf Peeten B.V.	[...]	[...]
53	Autobedrijf Veders B.V.	[...]	[...]
54	Van Remmen-Gademan B.V.	[...]	[...]
55	A.J.A. Boosten	[...]	[...]
56	Makkinga B.V.	[...]	[...]
58	V.O.F. Peters-Jaspers	[...]	[...]
59	Kok V.O.F.	[...]	[...]
60	Technische Handelsonderneming van Dooren B.V.	[...]	[...]
61	B.V. Garage van Ameln	[...]	[...]
62	Autocenter Hegeman B.V.	[...]	[...]
63	Garagebedrijf Venderbosch B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
64	Autobedrijf van Gool B.V.	[...]	[...]
65	A. Platvoet Handelsmaatschappij B.V.	[...]	[...]
66	Platvoet Exploitiemaatschappij B.V.	[...]	[...]
67	Esso 'St. Vitusholt'	[...]	[...]
68	Vos-Meekes B.V.	[...]	[...]
69	Autobedrijf Olde Monnikhof B.V.	[...]	[...]
70	F.M. Trip	[...]	[...]
71	V.O.F. P. van Oosterbaan	[...]	[...]
72	V.O.F. Holtslag	[...]	[...]
73	Autobedrijf De Jong	[...]	[...]
74	R.P.A. van Gestel	[...]	[...]
75	Fa. Geerlings Teunissen	[...]	[...]
76	D.A. Gaikhorst	[...]	[...]
77	Shell Servicebedrijf Herman Ten Thij V.O.F.	[...]	[...]
78	H. Peeters Service B.V.	[...]	[...]
79	V.O.F. Garage Hans Gerritsen	[...]	[...]
80	Tankstation J. Klein Gunnewiek V.O.F.	[...]	[...]
81	Tankservice Haarhuis V.O.F.	[...]	[...]
82	Autobedrijf Jansen	[...]	[...]
83	Fa. Mos-Luttikhuis	[...]	[...]
84	W.A.M. Litmaath	[...]	[...]
85	Krabbenborg Transport B.V.	[...]	[...]
86	Service Station Vehof V.O.F.	[...]	[...]
87	W.S. Trumpi h.o. Shell Zwartewater	[...]	[...]
88	Vollenhoven Olie B.V.	[...]	[...]
89	Autobedrijf Ger Bemelmans V.O.F.	[...]	[...]
90	Weijers V.O.F.	[...]	[...]
91	Esso Overmaat V.O.F.	[...]	[...]
92	Autoservice Besouw B.V.	[...]	[...]
93	Autocentrum Biermans B.V.	[...]	[...]
94	Tankstation Lux B.V.	[...]	[...]
95	Autobedrijf J. Pinner	[...]	[...]
96	B.V. Automobielbedrijf van Straten & Zoon	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
97	V.O.F. J. Köster	[...]	[...]
99	B.H.O.	[...]	[...]
100	Tankstation Mekers-De Geulekamp B.V.	[...]	[...]
101	Mastebroek B.V.	[...]	[...]
102	Autorijschool en Tankstation Oudeboon	[...]	[...]
103	Auto-en Carrosseriebedrijf Ambting B.V.	[...]	[...]
104	P.C Spakman B.V.	[...]	[...]
105	Autobedrijf van Boven Erica B.V.	[...]	[...]
106	Firma Gebroeders Pelgrom	[...]	[...]
107	Garage Grooten B.V.	[...]	[...]
108	V.O.F. Suntjes-Wolters	[...]	[...]
110	Autobedrijf Bloo Neede B.V.	[...]	[...]
111	F.J Rolink B.V.	[...]	[...]
112	Rolink B.V.	[...]	[...]
113	V.O.F. M.C. Bagchus en Zn.	[...]	[...]
114	V.O.F. Garage Jansen	[...]	[...]
115	Oliehandel Kuster B.V.	[...]	[...]
116	Auto ter Riet B.V.	[...]	[...]
117	Van Gerven Venray V.O.F.	[...]	[...]
118	Garage Gommans B.V.	[...]	[...]
119	Service Garage de Pont B.V.	[...]	[...]
120	Autobedrijf Ueffing C.V.	[...]	[...]
121	Gebroeders Klein Gunnewiek V.O.F.	[...]	[...]
122	Poelen auto's Mook V.O.F.	[...]	[...]
123	Esso Etten Bosman V.O.F.	[...]	[...]
124	Automobilbedrijf Ruesink Ruurlo B.V.	[...]	[...]
125	Tankstation Gebr. Bruynen Kessel B.V.	[...]	[...]
126	Rijmar B.V.	[...]	[...]
127	Service Station R. Bolhaar B.V.	[...]	[...]
128	Autoservice Wim van de Biesebos	[...]	[...]
129	J.W. van der Sluis	[...]	[...]
130	Haagmans Taxicentrale voor Valkenburg e.o B.V.	[...]	[...]
131	Garage Veger B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
132	Auto Roeloffzen B.V.	[...]	[...]
133	P.N.W. de Jong	[...]	[...]
134	Autobedrijf Egberink V.O.F.	[...]	[...]
135	Tankstation Gerrit Smit	[...]	[...]
136	G. Runherd	[...]	[...]
137	Autobedrijf Demmer B.V.	[...]	[...]
138	Service Garage J. Boermans	[...]	[...]
139	Fa. Gebr. J. en F. Tielemans	[...]	[...]
140	Th. Van de Weijer en Zn. V.O.F.	[...]	[...]
141	J.A. Louwman	[...]	[...]
142	Automobielbedrijf J.G. Lesscher B.V.	[...]	[...]
143	Automobielbedrijf Lo Vugleveen B.V.	[...]	[...]
144	Schiphorst B.V.	[...]	[...]
145	H.B. Mensink B.V.	[...]	[...]
146	V.O.F. Knol	[...]	[...]
147	A.C.M. Olie B.V.	[...]	[...]
148	Taxi B. Jansen B.V.	[...]	[...]
149	Auto Smeets Echt B.V.	[...]	[...]
150	V.O.F. Molendijk	[...]	[...]
151	B.P. Henk van der Wielen V.O.F.	[...]	[...]
152	Autobedrijf de Groot V.O.F.	[...]	[...]
153	R. Dekker	[...]	[...]
154	Autoschade Timmermans B.V.	[...]	[...]
155	L. Schaars	[...]	[...]
156	D.C.B. Gennep B.V.	[...]	[...]
157	J.H. Metting	[...]	[...]
158	Witvoet Olieprodukten B.V.	[...]	[...]
159	Garage Hartgerink B.V.	[...]	[...]
160	Tankstation/Garage Staring B.V.	[...]	[...]
161	Shell „zelftank” Larenstein (Bhegani)	[...]	[...]
162	Schreurs Wessem B.V.	[...]	[...]
163	A.J.M. Schiepers	[...]	[...]
164	Vluggen Automaterialen B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
165	Automobilbedrijf P. Janssen	[...]	[...]
166	Mobil Service de Grens	[...]	[...]
167	L. Huisman	[...]	[...]
168	V.O.F. Esso tholen	[...]	[...]
169	Franssen-Kleijkers V.O.F.	[...]	[...]
170	Service Station Beurgens B.V.	[...]	[...]
171	V.O.F. Texaco Toussaint-Meijs	[...]	[...]
172	Autobedrijf Brilman B.V.	[...]	[...]
173	Autobedrijf Schuurhuis V.O.F.	[...]	[...]
174	Automobielservice Beurgens B.V.	[...]	[...]
175	Autobedrijf Evers	[...]	[...]
176	Autobedrijf De Vossenbrink B.V.	[...]	[...]
177	Automobilbedrijf Wedsterdiep B.V.	[...]	[...]
178	Texaco Benzinstation M. Rijks B.V.	[...]	[...]
179	Garage Bergsteyn B.V.	[...]	[...]
180	Doevendans Handelonderneming C.V.	[...]	[...]
181	V.O.F. De Rooij-Geers	[...]	[...]
182	V.O.F. Autobedrijf G. Heikens	[...]	[...]
183	Hoogendijk A.T.W. B.V.	[...]	[...]
184	Automobilbedrijf Joosten Oploo B.V.	[...]	[...]
185	Otoskoop B.V.	[...]	[...]
186	Automobilbedrijf S.M. Duivelaar V.O.F.	[...]	[...]
187	V.O.F. Sjoerd Olde Monnikhof	[...]	[...]
188	Garage Vroomen V.O.F.	[...]	[...]
189	Th. M. Tijssens	[...]	[...]
190	Exploitatiemaatschappij L. Zdrojewski B.V.	[...]	[...]
191	J.H. Thelen	[...]	[...]
192	M. Mengels	[...]	[...]
193	V.O.F. Esso Worseling	[...]	[...]
194	G. Kruit Handelonderneming B.V.	[...]	[...]
195	Service Station Tonny Wessels V.O.F.	[...]	[...]
196	H.B. Willemsen	[...]	[...]
197	VéBé van Steijn B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
198	E.H. Reink	[...]	[...]
199	Automobielbedrijf Nabuurs B.V.	[...]	[...]
200	Automobiel en Garagebedrijf Kock B.V.	[...]	[...]
201	Self Service Tankstation Hondsiep B.V.	[...]	[...]
202	Tankshop Boxmeer B.V.	[...]	[...]
203	V.O.F. Shell Hattem-Gravesteyn	[...]	[...]
204	Texaco Self Service Olde Nordkamp	[...]	[...]
205	Auto Berendsen B.V.	[...]	[...]
206	Heron automaterialen B.V.	[...]	[...]
207	J.H.F. van Sante	[...]	[...]
208	Cillekens Brandstoffen B.V.	[...]	[...]
209	Smeets & Geelen Tankstations B.V.	[...]	[...]
210	Bouw-en Handelonderneming J; Peeters B.V.	[...]	[...]
211	V.O.F. M.J.C. Plum en Zn.	[...]	[...]
212	Automobielbedrijf Th. Wenting B.V.	[...]	[...]
213	Autocentrum Cents B.V.	[...]	[...]
214	Tankstation Jagt B.V.	[...]	[...]
215	M.W.N. Touw	[...]	[...]
216	Auto Vencken B.V.	[...]	[...]
217	Nijol Exploitatie Tankstations B.V.	[...]	[...]
218	Nijol Oliemaatschappij B.V.	[...]	[...]
219	Bossewinkel V.O.F.	[...]	[...]
220	V.O.F. W.J. Wenmaekers	[...]	[...]
221	Groothandel en Exploitiemaatschappij Noord-	[...]	[...]
222	Esso Brunssum V.O.F.	[...]	[...]
223	Fa. J.W. Winkelhorst en Zonen	[...]	[...]
224	Automobielbedrijf A.J.H. Jetten B.V.	[...]	[...]
225	Autobedrijf Jan Bootink B.V.	[...]	[...]
226	Direcks Service Station Bocholtz B.V.	[...]	[...]
227	Correct Monnereau B.V.	[...]	[...]
228	Mobil Selfservice stations Oldenzaal-Twello	[...]	[...]
229	Firma Autobedrijf Wiefferink	[...]	[...]
230	J. Kram	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
231	Morsink V.O.F.	[...]	[...]
232	Firma J.W. Oonk	[...]	[...]
233	Jac. Van Egmond B.V.	[...]	[...]
234	Roeleveld-Rolink B.V.	[...]	[...]
235	Garage V.O.F Rikhof	[...]	[...]
236	Service Station Christophe V.O.F.	[...]	[...]
237	A. Prulm-van Rossum	[...]	[...]
238	V.O.F. Ooink	[...]	[...]
239	Brandstof Exploitatie Bellingwolde B.V.	[...]	[...]
240	Handelsmaatschappij H. Knol Almelo B.V.	[...]	[...]
241	Europa Garage Hardenberg B.V.	[...]	[...]
242	Euro-Autohuis B.V.	[...]	[...]
243	Roba Rijssen B.V.	[...]	[...]
244	V.O.F. Hidding	[...]	[...]
245	Autobedrijf J. van Hinsberg B.V.	[...]	[...]
246	Thijs Reijnen B.V.	[...]	[...]
247	Autobedrijf Gebr. Van Tienen	[...]	[...]
248	B. ledema V.O.F.	[...]	[...]
249	Garage Braakhuis Almelo B.V.	[...]	[...]
250	Fa. Jos Cranssen	[...]	[...]
251	Diepemaat Tankstation B.V.	[...]	[...]
252	A. Lenters V.O.F.	[...]	[...]
253	Tankstation „de Witte” V.O.F.	[...]	[...]
254	Herinx V.O.F.	[...]	[...]
255	Th. W.J. Vermeulen	[...]	[...]
257	Pilar B.V.	[...]	[...]
258	V.O.F. Esso Servicestation Franssen	[...]	[...]
259	Autobedrijf Cortenbach V.O.F.	[...]	[...]
260	Tankstation Wikkerink B.V.	[...]	[...]
261	Autobedrijven J. Hoiting Dalen Emmen	[...]	[...]
262	Autobedrijf De Jong Slagharen	[...]	[...]
263	Garage W. Godeke V.O.F.	[...]	[...]
264	Hoegen Dijkhof B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
265	V.O.F. Zelftankservice Oldenboom	[...]	[...]
266	Tankstation Overstegen B.V.	[...]	[...]
267	Autobedrijf Sanders B.V.	[...]	[...]
268	J. Borggreve en J.J. Knobben V.O.F.	[...]	[...]
269	Fa. A.M. Kleinsman en Zoon	[...]	[...]
270	Autobedrijf Louis Petit B.V.	[...]	[...]
271	Service Station Rene Prevoo V.O.F.	[...]	[...]
272	Shell Hengelo Zuid B.V.	[...]	[...]
273	Self Service de Bleek B.V.	[...]	[...]
274	Self Service Station Weghorst B.V.	[...]	[...]
275	V.O.F. Garage Bogers-Vissers	[...]	[...]
276	Schreurs Oliemaatschappij B.V.	[...]	[...]
277	De Heikant Wessem B.V.	[...]	[...]
278	J. van Helmond B.V.	[...]	[...]
279	V.O.F. Duyn	[...]	[...]
280	V.O.F. Achten	[...]	[...]
281	Vissers Oliehandel B.V.	[...]	[...]
282	Schimmel Mill B.V.	[...]	[...]
283	J.G.N. van der Vleden	[...]	[...]
284	Autobedrijf Gendringen V.O.F.	[...]	[...]
285	Esso Station Lindenheuvel	[...]	[...]
286	CAV Ulestraten-Schimmert-Hulsberg	[...]	[...]
287	Kaptien's Oliehandel B.V.	[...]	[...]
288	Esso Service Dordsebrug	[...]	[...]
289	Servicestation Middel	[...]	[...]
290	V.O.F. Autobedrijf Jo Rutten Wijchen	[...]	[...]
291	Servicestation Gebr. Frissen B.V.	[...]	[...]
292	V.O.F. Total servicestation 't Meertje	[...]	[...]
294	J.W. Mengels	[...]	[...]
295	Salland Oliemaatschappij B.V.	[...]	[...]
296	V.O.F. de Boer	[...]	[...]
297	Weghorst-Oliko B.V.	[...]	[...]
298	Automobielbedrijf Chris Blij	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
299	Autobedrijf Postema V.O.F.	[...]	[...]
300	Garage Grijsen	[...]	[...]
301	Servauto Nederland B.V.	[...]	[...]
302	F. Thijssen BIM Tankstation V.O.F.	[...]	[...]
303	Garagebedrijf G. Slots B.V.	[...]	[...]
304	Fa. Autobedrijf Coenjaerts	[...]	[...]
305	G.M. Janssen	[...]	[...]
306	Esso Midwolda V.O.F. Jansen	[...]	[...]
307	Firma Reuvekamp V.O.F.	[...]	[...]
308	Hein Overbeek V.O.F.	[...]	[...]
309	Minli Strijthagen B.V.	[...]	[...]
310	Minli Heerlen B.V.	[...]	[...]
311	Hessels Autobedrijf	[...]	[...]
312	M. Loeffen	[...]	[...]
313	Autobedrijf de Grote Emmen B.V.	[...]	[...]
314	De Grote Rijksweg Emmen B.V.	[...]	[...]
315	t Singraven B.V.	[...]	[...]
316	Autobedrijf te Brake V.O.F.	[...]	[...]
317	V.O.F. van der Vegt	[...]	[...]
318	Garage Nieuwenhuizen B.V.	[...]	[...]
319	Vlutters Handelonderneming B.V.	[...]	[...]
320	G. van der Haar	[...]	[...]
321	M.T.M. Van Daal Haps B.V.	[...]	[...]
322	Handelonderneming Gebr. Jans B.V.	[...]	[...]
323	V.O.F. BP Tankstation Nijenhuis	[...]	[...]
324	Servicestation Huben V.O.F.	[...]	[...]
325	V.O.F. Esso Self Service „De Kluis“	[...]	[...]
326	BP Station „De Hasseler Es“	[...]	[...]
327	T.E.M. Zwolle B.V.	[...]	[...]
328	V.O.F. J. en M. Lucassen-de Mulder	[...]	[...]
329	Alg. Service-en Verkoopm. Arnhemse Poort B.V.	[...]	[...]
330	Sparu B.V.	[...]	[...]
331	Autobedrijf Zwijnenberg V.O.F.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
332	V.O.F. Bisselink	[...]	[...]
333	Autoservice J. van Deursen B.V.	[...]	[...]
334	Garage Schel B.V.	[...]	[...]
335	Autobedrijf Jansen Binnenmars	[...]	[...]
336	V.O.F. Shell Service „De Ijzeren Klap”	[...]	[...]
337	J.J.H. Jansen	[...]	[...]
338	Esso Self Service V.O.F. „Drempt”	[...]	[...]
339	Tankstation 't Heukske V.O.F.	[...]	[...]
340	V.O.F. City Autoservice	[...]	[...]
341	Autobedrijf Hans Berndes B.V.	[...]	[...]
342	Garage Oomen B.V.	[...]	[...]
343	Van de Berg's Rotonde V.O.F.	[...]	[...]
344	J. Bron	[...]	[...]
345	H. Schollen	[...]	[...]
347	Autobedrijf Nijland Duiven B.V.	[...]	[...]
348	Gebroeders Nijland B.V.	[...]	[...]
349	J. Potze B.V.	[...]	[...]
350	H.H. Albers	[...]	[...]
351	Auto Caubo Valkenburg B.V.	[...]	[...]
352	Tankstation en automobielbedrijf Tromp C.V.	[...]	[...]
353	Zuid-Drents Oliecentrum B.V.	[...]	[...]
354	V.O.F. Kort Vatthermond	[...]	[...]
355	Autoservice Hoogland V.O.F.	[...]	[...]
357	Autoverhuur van der Weerdt B.V.	[...]	[...]
358	J. Janssen	[...]	[...]
359	R.G.M. Stapper	[...]	[...]
360	M.M.J. Stapper-v.d. Bosch	[...]	[...]
361	Metaro B.V.	[...]	[...]
362	Self Service Station Borne B.V.	[...]	[...]
363	Self Service Hasselerbaan B.V.	[...]	[...]
364	Van Lent-Spiekerman V.O.F.	[...]	[...]
365	Firma H. Th. J. van Londen	[...]	[...]
367	S.W.M. Baltussen	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
368	V.O.F. Evers	[...]	[...]
369	Gebr. Derks Beers B.V.	[...]	[...]
370	Autobedrijf Rutten B.V.	[...]	[...]
371	Tankstation Caberg	[...]	[...]
372	V.O.F. Postulart-van Cleef	[...]	[...]
373	Oliecentrum Strijbosch B.V.	[...]	[...]
374	Tankstation Bekhuis	[...]	[...]
375	Garage van den Berg Plasmolen B.V.	[...]	[...]
376	V.O.F. Auto Service Center Lichtenvoorde	[...]	[...]
377	Automobilbedrijf Brunlink B.V.	[...]	[...]
378	V.O.F. Gebroeders Helnen	[...]	[...]
379	Autobedrijf Saak en Vorenholt V.O.F.	[...]	[...]
380	Strijbosch en Zn. B.V.	[...]	[...]
381	Garage Kruiter	[...]	[...]
382	Autobedrijf Bakker en Zoon V.O.F.	[...]	[...]
383	Garage-Tankservice D.H. van Aalderen	[...]	[...]
384	Tankstation Frazer V.O.F.	[...]	[...]
385	Theo's Tankshop	[...]	[...]
387	V.O.F. Bastings	[...]	[...]
388	R. Timmerman Tankstation Mobil V.O.F.	[...]	[...]
389	J.M. Spoolder-Dooren	[...]	[...]
391	Vos Maasbracht B.V.	[...]	[...]
393	Handelsonderneming Sjaak Arns B.V.	[...]	[...]
394	F.K. Frings	[...]	[...]
395	Ufkes Hoogebrug B.V.	[...]	[...]
396	Ufkes Parkzicht B.V.	[...]	[...]
397	V.O.F. Tankstation Heuthorst	[...]	[...]
398	Wikkering-Winterswijk B.V.	[...]	[...]
399	Automobilbedrijf A.B. Willemsen	[...]	[...]
400	BP-station van Wijk	[...]	[...]
401	Autobedrijf Boerrigter	[...]	[...]
402	G&G Exploitatiemaatschappij B.V.	[...]	[...]
404	Auto Jipp B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
405	Olie Centrum Nederland B.V.	[...]	[...]
406	J.A.A. Peters	[...]	[...]
407	V.O.F. Nijenhuis	[...]	[...]
409	De Haan Minerale Oliën B.V.	[...]	[...]
411	Van der Molen V.O.F.	[...]	[...]
413	Auto Langwerden	[...]	[...]
414	Post Exploitatie Maatschappij B.V.	[...]	[...]
415	Autobedrijf Lennaerts B.V.	[...]	[...]
416	V.O.F. Seubers	[...]	[...]
417	Autobedrijf Leo Martens B.V.	[...]	[...]
418	Firma Overbeek	[...]	[...]
419	H. Heijligers V.O.F.	[...]	[...]
420	Garage Snippe	[...]	[...]
421	Autobedrijf Huiskes B.V.	[...]	[...]
422	Autobedrijf De Kock V.O.F.	[...]	[...]
423	W.F. Milder	[...]	[...]
424	Autobedrijf J.J. Scheppink	[...]	[...]
425	H.M. Geurts Holding B.V.	[...]	[...]
426	V.O.F. H.J. Dieperink & Zoon	[...]	[...]
427	Borrekuil B.V.	[...]	[...]
428	Shell Ganzeweide V.O.F.	[...]	[...]
429	Autoservice Het Ambacht Westervoort B.V.	[...]	[...]
430	Esso Biljoen Rob Bosman	[...]	[...]
432	Top Zwartemeer B.V.	[...]	[...]
433	A.J.J. Kolkman	[...]	[...]
434	Van Huët V.O.F.	[...]	[...]
436	Mobil Selfservice Andre Florack	[...]	[...]
437	V.O.F. Trip	[...]	[...]
438	Blekkink Aalten B.V.	[...]	[...]
439	BIM Velswijk	[...]	[...]
440	Autobedrijf Reizigersberg	[...]	[...]
441	Kap Tankstation V.O.F.	[...]	[...]
442	V.O.F. Kroezen	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
443	J. Vermeulen	[...]	[...]
444	Esso Dieren V.O.F.	[...]	[...]
445	Autobedrijf Schipdam B.V.	[...]	[...]
446	E.C.G. Geervliet	[...]	[...]
447	A. Gezel	[...]	[...]
448	Tank-en service station Beulen-Slangen V.O.F.	[...]	[...]
449	T.E.M. Nijmegen B.V.	[...]	[...]
450	Roadrunner Service B.V.	[...]	[...]
451	Beheersmaatschappij Gebr. Van Kleef B.V.	[...]	[...]
452	P.J. Pont Almelo B.V.	[...]	[...]
453	Auto Hobby van der Werff B.V.	[...]	[...]
454	M.G.W. Ruypers	[...]	[...]
455	Autobedrijf Hukkelhoven	[...]	[...]
456	V.O.F. J.W. Lensink en T.W. Heinen	[...]	[...]
457	Gebr. Jongste B.V.	[...]	[...]
458	Autobedrijf Brouwer B.V.	[...]	[...]
459	V.O.F. G. Nelissen St. Geertuid	[...]	[...]
460	V.O.F. Autobedrijf Theo van Huet	[...]	[...]
461	Autobedrijf Roelofs V.O.F.	[...]	[...]
462	Pek V.O.F.	[...]	[...]
463	Tankstation Schasfoort B.V.	[...]	[...]
464	R.A.J. Maes	[...]	[...]
466	V.O.F. Autobedrijf Freke en Zoon	[...]	[...]
467	Tankstation Westsingel B.V.	[...]	[...]
469	B.V. B.E.M.	[...]	[...]
470	C.M.J. van der Aa-Lammerink	[...]	[...]
471	Tankstation De Holz B.V.	[...]	[...]
472	Autobedrijf Bleumink B.V.	[...]	[...]
473	Garage Vosseveld	[...]	[...]
474	Automobilbedrijf Johnny Peterman B.V.	[...]	[...]
476	Demarol B.V.	[...]	[...]
477	Brand Oil Servicestation B.V.	[...]	[...]
478	Firma Fieten	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
480	P. Molema	[...]	[...]
481	V.O.F. Autobedrijf Webbink	[...]	[...]
482	Auto Reinders B.V.	[...]	[...]
483	Braam Autoservice B.V.	[...]	[...]
484	Garagebedrijf B. Hendriksen B.V.	[...]	[...]
485	Vakgarage Voortman V.O.F.	[...]	[...]
486	Oliehandel Fr. Hopmans B.V.	[...]	[...]
487	Autobedrijf Renkens	[...]	[...]
488	NedOil Tankstations B.V.	[...]	[...]
489	Anac Tank-en Service Station V.O.F.	[...]	[...]
491	Jeurissen B.V.	[...]	[...]
492	Auto Maessen V.O.F.	[...]	[...]
493	Esso Station „Het Anker” V.O.F.	[...]	[...]
494	Q8 Servicestation Jansen V.O.F.	[...]	[...]
496	Westerhof V.O.F.	[...]	[...]
497	G.B. Selfservicestation Kessel-Adriaans B.V.	[...]	[...]
498	Snijders Cuyk B.V.	[...]	[...]
499	V.O.F. Heimans-Coenen	[...]	[...]
500	Garage Mestrom Groesbeek B.V.	[...]	[...]
501	Autobedrijf Vloet Mill B.V.	[...]	[...]
502	Garage Lammerts B.V.	[...]	[...]
503	Automobilbedrijf Gerard Tap	[...]	[...]
504	V.O.F. Roosenboom	[...]	[...]
505	F. Tjisse Claase B.V.	[...]	[...]
506	Opgenoot Tankservice B.V.	[...]	[...]
507	V.O.F. Gebrs. Mertens en Zn.	[...]	[...]
508	Van Beek V.O.F.	[...]	[...]
509	Diesel Oil Company B.V.	[...]	[...]
510	Autobedrijf Klaas Snippe	[...]	[...]
511	H.A.T. Bens	[...]	[...]
512	De Vrije Pomp Coevorden B.V.	[...]	[...]
513	T.E.M. Arnhem B.V.	[...]	[...]
514	Auto Heersmink B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
515	I.L. Pierik-Bomers	[...]	[...]
516	W. Witvoet	[...]	[...]
517	Garage Tankstation Milder V.O.F.	[...]	[...]
518	Tankstation J.G. Blokzijl V.O.F.	[...]	[...]
519	V.O.F. Kremer	[...]	[...]
520	C.J.G. Heerink	[...]	[...]
521	Auotbedrijf Hondebrink B.V.	[...]	[...]
522	Texaco Tankstaion J.A. Holland	[...]	[...]
523	M.J.M. Philipsen	[...]	[...]
524	Autoedrijf Ben van der Aa B.V.	[...]	[...]
525	Garage-en Autoschadeschadebedrijf Herbers	[...]	[...]
526	V.O.F. Keupink	[...]	[...]
528	Coöperatie Tuinbouwcentrum Lent B.A.	[...]	[...]
529	Oosterveen's Hobbycentrum B.V.	[...]	[...]
530	Overijsselse Olie Combinatie B.V.	[...]	[...]
531	Fa. S. Brakke	[...]	[...]
532	H.J.A.A. Bodelier	[...]	[...]
533	T en H Beheer B.V.	[...]	[...]
534	A.C. Lohmann	[...]	[...]
535	Autobedrijf J.B. Heijnen V.O.F.	[...]	[...]
536	V.O.F. Kengen-Gilissen	[...]	[...]
537	J.A.N. Beuken	[...]	[...]
538	J.H.M. Feijts	[...]	[...]
539	Actomat B.V.	[...]	[...]
541	F.L.M. Krauth	[...]	[...]
542	H. Benerink-Folbert	[...]	[...]
543	J. Benërink	[...]	[...]
546	W. Smit-Ten Donkelaar	[...]	[...]
549	Wed. L. Dalhuisen B.V.	[...]	[...]
551	V.O.F. W.H. Heyenrath	[...]	[...]
552	Tankstation De Grens	[...]	[...]
553	Zijm's Boulevard Garage B.V.	[...]	[...]
554	V.O.F. J. Derks en Zn.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
555	J.G.J. Engels	[...]	[...]
556	J.J.L. Alofs	[...]	[...]
557	V.O.F. van der Woey	[...]	[...]
558	Bean Exploitatiemaatschappij B.V.	[...]	[...]
559	Automobielbedrijf Van de Weem B.V.	[...]	[...]
562	Garage Binnenmars B.V.	[...]	[...]
563	R. Leus	[...]	[...]
564	De Fakkel B.V.	[...]	[...]
565	V.O.F. Autobedrijf van Haren	[...]	[...]
566	TEM Peelland B.V.	[...]	[...]
567	J. Kleine	[...]	[...]
568	Johannes Willem Dijs	[...]	[...]
570	H. Wermke	[...]	[...]
571	V.O.F. Sahil	[...]	[...]
574	V.O.F. Bosserhof	[...]	[...]
575	Van Gelder Aardolie B.V.	[...]	[...]
577	V.V. Tankstation U.S.A.	[...]	[...]
578	Tankstation 't Klinkertje	[...]	[...]
579	Autobedrijf Diepenmaat V.O.F.	[...]	[...]
580	Garage Hofkamp V.O.F.	[...]	[...]
581	A.J.B.M. Scholten	[...]	[...]
582	Firma Bos-Niers	[...]	[...]
584	Emos B.V.	[...]	[...]
585	OK Nederland B.V.	[...]	[...]
586	Grooters Rekken B.V.	[...]	[...]
587	Grooters Eibergen B.V.	[...]	[...]
588	Total de Laares V.O.F.	[...]	[...]
589	Veka B.V.	[...]	[...]
590	Autobedrijf Buursink B.V.	[...]	[...]
591	Driessen Oosterbeek B.V.	[...]	[...]
593	GeHa Krediettank B.V.	[...]	[...]
594	Albert M. Kaspers	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
596	Aardappelhandel van Melis B.V.	[...]	[...]
597	E.J.A. Geerdink	[...]	[...]
599	Schadeherstel Twente B.V.	[...]	[...]
602	Service Station v/h J.P. Veger	[...]	[...]
603	Fokko Meijer B.V.	[...]	[...]
604	Autobedrijf Belderink B.V.	[...]	[...]
605	T.E.M. Salland B.V.	[...]	[...]
606	V.O.F. de la Roy	[...]	[...]
607	Zegam Zevenaar B.V.	[...]	[...]
608	V.O.F. Bongers	[...]	[...]
609	V.O.F. W. Pierik Konstruktiebedrijf	[...]	[...]
610	Autobedrijf Vrugink	[...]	[...]
611	Erkens Servicestation en verhuurbedrijf	[...]	[...]
612	Autorijschool Kruidhof B.V.	[...]	[...]
613	Fa. D.W. Westerveld en Zn.	[...]	[...]
614	M.H.H. Körver	[...]	[...]
615	Th. Rutten en Zn. Autobedrijf B.V.	[...]	[...]
616	BP Jans Vording	[...]	[...]
617	V.O.F. H.J. Rensing en Zoon	[...]	[...]
618	J.H.W. Plagge	[...]	[...]
619	Garage Looman B.V.	[...]	[...]
620	A.E.M. Rouleaux	[...]	[...]
621	De Wit's Autocenter Vlagtwedde B.V.	[...]	[...]
622	Stegehuis V.O.F.	[...]	[...]
623	W.E. van Gessel B.V.	[...]	[...]
624	AutoRent Bastiaans	[...]	[...]
625	Autobedrijf Schiphorst-Bloemendal B.V.	[...]	[...]
626	T.G.N. Strijbosch	[...]	[...]
627	Fa. J.H. & W.D. Bouwmeester	[...]	[...]
628	Autobedrijf Berenpas B.V.	[...]	[...]
629	Fa. De Jonge V.O.F.	[...]	[...]
632	Ellerie T.T.T. V.O.F.	[...]	[...]
636	V.O.F. Bovee	[...]	[...]
637	Autobedrijf Chr. Kerres B.V.	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
638	Rekrea Service Engelage V.O.F.	[...]	[...]
639	Autobedrijf Krabbe	[...]	[...]
640	Autobedrijf Wessels Dedemsvaart B.V.	[...]	[...]
641	Garage Kerkdijk	[...]	[...]
642	Tankstation Erik Derks	[...]	[...]
643	V.O.F. Autobedrijf Geve	[...]	[...]
644	Johan Henk Gankema	[...]	[...]
645	J. Hijnekamp	[...]	[...]
646	E. Gottschall	[...]	[...]
647	Van den Bosch en Jansen B.V.	[...]	[...]
648	Oliehandel van den Belt B.V.	[...]	[...]
649	J.B.H. Wildenborg	[...]	[...]
650	Tankservice Amby B.V.	[...]	[...]
652	H.M. Olde Heuvelt	[...]	[...]
653	V.O.F. Gebr. Th.J. en W.J. Tangelder	[...]	[...]
655	Oliehandel de Croon Twello B.V.	[...]	[...]
656	Automobilbedrijf Eef Wessels	[...]	[...]
657	Keulen Kerensheide B.V.	[...]	[...]
658	V.O.F. Overberg	[...]	[...]
659	V.O.F. Weghorst Service	[...]	[...]
660	V.O.F. Shell Centrum Wijchen	[...]	[...]
661	Autobedrijf Mattijssen B.V.	[...]	[...]
662	J.H. Nijland	[...]	[...]
663	Autobedrijf A.B. Lesscher B.V.	[...]	[...]
665	Autobedrijf Haarhuis	[...]	[...]
666	L.M.A. Geelen	[...]	[...]
750	Service Station Tatelaar B.V.	[...]	[...]
751	B.F.H. Auto's B.V.	[...]	[...]
752	Sakko B.V.	[...]	[...]
753	Autobedrijf Magnus	[...]	[...]
754	Top Zwartemeer	[...]	[...]
755	V.O.F. F. en H.W. Voortman	[...]	[...]
756	S.H.J. Bos	[...]	[...]

No	Applicant	Oil company/Label contract	Oil company/Label group
757	M.J.A. van der Loo	[...]	[...]
760	Vissers Tankstations B.V.	[...]	[...]
762	L.L. Boekestijn-Van Lier	[...]	[...]
763	Retail Operating Company B.V.	[...]	[...]
764	Shell ZT TEO B.V.	[...]	[...]
765	Snelgas Nederland B.V.	[...]	[...]
766	Robing Tankstations B.V.	[...]	[...]
767	Visschedijk	[...]	[...]
768	Vissers Tankstations B.V.	[...]	[...]
769	Auto Service 't Heukske	[...]	[...]

COMMISSION DECISION**of 30 September 1999****fixing the amounts available in 1999 under the special framework of assistance for traditional ACP suppliers of bananas (Council Regulation (EC) No 856/1999)***(notified under document number C(1999) 3097)*

(1999/706/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 856/1999 of 22 April 1999 establishing a special framework of assistance for traditional ACP suppliers of bananas ⁽¹⁾, and in particular Article 7 thereof,

- (1) Whereas Council Regulation (EC) No 856/1999 establishes a special framework for technical and financial assistance to assist traditional ACP suppliers of bananas to adapt to new market conditions following the amendments made to the common market organisation;
- (2) Whereas Article 7 of the said Regulation provides for the Commission to fix, on an annual basis, the maximum amount available for each traditional ACP supplier of bananas on the basis of the competitiveness gap observed taking into account the importance of bananas for the country concerned;
- (3) Whereas Commission Regulation No 1609/1999 ⁽²⁾, and in particular Articles 3 and 4 thereof, sets down the precise method for calculating the competitiveness gap observed and the importance of bananas to the ACP country concerned;
- (4) Whereas Article 7 of Commission Regulation No 1609/1999 provides for the Commission to reallocate funds where any traditional ACP supplier has not presented a request for financial and technical assistance within the deadline set out in Article 1(1) of the Regulation or where the programmes presented are not in compliance with the long-term strategy defined in Article 1(2) of the Regulation;
- (5) Whereas the Member responsible for Development is authorised to sign, on behalf of the Commission, a financing agreement for the precise funds concerned by this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

The amount of funds available to each traditional ACP supplier will be those as listed in the Annex to this Decision. These are indicative amounts and do not represent a commitment to the ACP traditional supplier concerned.

Article 2

The Member responsible for Development is authorised, on behalf of the Commission, to reallocate the amounts set down in the Annex to this Decision in compliance with the provisions laid down in Article 7 of Regulation (EC) No 1609/1999.

⁽¹⁾ OJ L 108, 27.4.1999, p. 2.

⁽²⁾ OJ L 190, 23.7.1999, p. 14.

Article 3

The Member responsible for Development is authorised to sign, on behalf of the Commission, a financing agreement with each traditional ACP supplier on the precise level of funds to be allocated, on the basis of an annual action plan of investments.

Done at Brussels, 30 September 1999.

For the Commission
Poul NIELSON
Member of the Commission

ANNEX

The indicative amounts available for each traditional ACP supplier of bananas for 1999

	<i>(EUR million)</i>
Belize	3,1
Cameroon	6,2
Cap Verde	0,5
Côte d'Ivoire	4,1
Dominica	6,5
Grenada	0,5
Jamaica	5,3
Madagascar	0,5
Somalia	0,6
St Lucia	8,5
St Vincent	6,1
Suriname	3,1
Total	45

COMMISSION DECISION
of 29 October 1999
on certain protection measures with regard to equidae coming from the United States of America

(notified under document number C(1999) 3614)

(Text with EEA relevance)

(1999/707/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,

Whereas:

- (1) in the United States of America cases of West Nile Fever have been reported in humans and horses in the State of New York, the virus was confirmed in birds in New York City, New York State, Connecticut and New Jersey and in vector insects in New York City and Connecticut;
- (2) the presence of this disease is liable to constitute a danger for humans and Community equidae;
- (3) it is necessary to adopt rapidly protection measures at Community level with regard to imports of equidae from the United States of America;
- (4) pending further information from the American authorities, supplementary conditions should be applied for the temporary admission of registered horses, the re-entry after temporary export or registered horses, and the importation of equidae from the United States of America,

HAS ADOPTED THIS DECISION:

Article 1

1. A supplementary certificate signed by the central competent veterinary authorities of the United States shall be required for the temporary admission of registered horses, the

re-admission after temporary export of registered horses, and the import of equidae, coming from the United States of America.

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

- the equidae have not been resident in New York City and the States of New York, Connecticut and New Jersey during the preceding 15 days,
- the equidae have not been in contact with equidae which have been resident on infected holdings during the preceding 15 days.

Article 2

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

They shall inform the Commission thereof.

Article 3

This Decision shall apply until 31 January 2000.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 October 1999.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 162, 1.7.1996, p. 1.

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 162/1999/COL

of 9 July 1999

releasing Norway from the obligation to apply to certain species the Act referred to in Point 1.4 of Chapter III of Annex I to the Agreement on the European Economic Area, on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC)

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the agreement on the European Economic Area, in particular Article 17 and Protocol 1(4)(d) thereof,

Having regard to the Act referred to in Point 1.4 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC), and in particular Article 22 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a surveillance authority and a court of justice, as adjusted by the Protocol adjusting the agreement between the EFTA States on the establishment of a surveillance authority and a court of justice, and in particular Article 5(2)(d) and Protocol 1, Article 1(c) thereof,

Having regard to a request by Norway,

Whereas seed of hemp and opium poppy is not normally reproduced and marketed in Norway;

Whereas as long as those conditions obtain, Norway should be released from the obligation to apply the provisions of the aforementioned Act to the species in question;

Whereas such release shall be without prejudice to the marketing in Norway of seeds produced, in accordance with the Act, in another contracting party to the EEA Agreement;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Plants and Animal Feedingstuffs Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. Norway is hereby released from the obligation to apply the Act referred to in point 1.4 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC), with the exception of the provisions of Article 13(1), to the following species:

Cannabis sativa L. — Hemp

Papaver somniferum L. — Opium poppy

2. This Decision shall enter into force on 19 July 1999.

3. This Decision is addressed to Norway.
4. This Decision shall be authentic in the English language.

Done at Brussels, 9 July 1999.

For the EFTA Surveillance Authority

Hannes HAFSTEIN

College Member
