

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2360/1999**  
**of 5 November 1999**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (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 6 November 1999.

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

Done at Brussels, 5 November 1999.

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

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

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

## ANNEX

**to the Commission Regulation of 5 November 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	117,2
	204	53,8
	999	85,5
0707 00 05	052	64,1
	628	134,8
	999	99,5
0709 90 70	052	65,7
	999	65,7
	0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052
464		102,0
999		80,8
0805 30 10		052
	388	55,9
	528	58,3
	600	78,6
	999	62,1
0806 10 10	052	145,6
	400	275,2
	999	210,4
0808 10 20, 0808 10 50, 0808 10 90	060	34,8
	400	77,1
	404	65,2
	804	23,6
	999	50,2
0808 20 50	052	85,2
	064	65,4
	999	75,3

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

## COMMISSION REGULATION (EC) No 2361/1999

of 5 November 1999

**amending Regulation (EC) No 1067/98 increasing to 83 302 tonnes the quantity of common wheat of breadmaking quality held by the Belgian intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 39/1999 <sup>(4)</sup>, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;
- (2) Commission Regulation (EC) No 1066/1999 <sup>(5)</sup>, as last amended by Regulation (EC) No 2050/1999 <sup>(6)</sup>, opened a standing invitation to tender for the export of 48 156 tonnes of common wheat of breadmaking quality held by the Belgian intervention agency. Belgian informed the Commission of the intention of its intervention agency to increase by 35 146 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of common wheat of breadmaking quality held by the Belgian intervention agency for which a standing invitation to tender for export has been opened should be increased to 83 302 tonnes;
- (3) this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in

store; whereas Annex I to Regulation (EC) No 1066/1999 must therefore be amended;

- (4) 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 1066/1999 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 83 302 tonnes of common wheat of breadmaking quality to be exported to all third countries with the exception of the United States of America, Canada and Mexico.

2. The regions in which the 83 302 tonnes of common wheat of breadmaking quality are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

*Article 2*

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

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

Done at Brussels, 5 November 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

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

<sup>(5)</sup> OJ L 130, 26.5.1999, p. 3.

<sup>(6)</sup> OJ L 255, 30.9.1999, p. 13.

## ANNEX

## ANNEX I

(tonnes)

Place of storage	Quantity
Hainaut	1 038
Liège	4 955
Namur	16 029
Oost-Vlaanderen	51 305
West-Vlaanderen	9 975

**COMMISSION REGULATION (EC) No 2362/1999****of 5 November 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 <sup>(1)</sup>, as amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, 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 <sup>(3)</sup>;
- (2) Whereas, Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, 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 1 to 4 November 1999 at EUR/t 213,00.

*Article 2*

This Regulation shall enter into force on 6 November 1999.

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

Done at Brussels, 5 November 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 267, 15.10.1999, p. 4.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2363/1999****of 5 November 1999****fixing the maximum subsidy on exports of husked long grain rice to Réunion pursuant to the invitation to tender 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 organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, 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 <sup>(3)</sup> as amended by Regulation (EC) No 1453/1999 <sup>(4)</sup>, and in particular Article 9 (1) thereof,

- (1) Whereas Commission Regulation (EC) No 2177/1999 <sup>(5)</sup> 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 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 subsidy;

(3) Whereas the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy; whereas successful tenderers shall be those whose bids are at or below the level of the maximum subsidy;

(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*

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 1 to 4 November 1999 at 265,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 2177/1999.

*Article 2*

This Regulation shall enter into force on 6 November 1999.

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

Done at Brussels, 5 November 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 261, 7.9.1989, p. 8.

<sup>(4)</sup> OJ L 167, 2.7.1999, p. 19.

<sup>(5)</sup> OJ L 267, 15.10.1999, p. 7.



**COMMISSION REGULATION (EC) No 2364/1999****of 5 November 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/1999 <sup>(2)</sup>, and in particular Article 13 <sup>(3)</sup> thereof,

- (1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2178/1999 <sup>(3)</sup>;
- (2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, 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 European Regulation (EC) No 2178/1999 is hereby fixed on the basis of the tenders submitted from 1 to 4 November 1999 at 120,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 6 November 1999.

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

Done at Brussels, 5 November 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 265, 30.9.1999, p. 4.

<sup>(3)</sup> OJ L 267, 15.10.1999, p. 10.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2365/1999****of 5 November 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, 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 <sup>(3)</sup>;
- (2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, 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 1 to 4 November 1999 at EUR/t 107,00.

*Article 2*

This Regulation shall enter into force on 6 November 1999.

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

Done at Brussels, 5 November 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 267, 15.10.1999, p. 13.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2366/1999****of 5 November 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, and in particular Article 13 <sup>(3)</sup> thereof,

- (1) Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2180/1999 <sup>(3)</sup>;
- (2) Whereas Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, 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 1 to 4 November 1999 at 98,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 6 November 1999.

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

Done at Brussels, 5 November 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 267, 15.10.1999, p. 16.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 2367/1999****of 5 November 1999****introducing preventive distillation as provided for in Article 38 of Council Regulation (EEC) No 822/87 for the 1999/2000 wine year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine <sup>(1)</sup>, as last amended by Regulation (EC) No 1677/1999 <sup>(2)</sup>, and in particular Article 38(5) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2721/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 26/92 <sup>(4)</sup>, lays down detailed rules for voluntary distillation as provided for in Articles 38, 41 and 42 of Regulation (EEC) No 822/87. Commission Regulation (EC) No 1681/1999 <sup>(5)</sup> fixes the prices, the aid and certain other factors applicable to preventive distillation for the 1999/2000 wine year;
- (2) in view of the level of end-of-year stocks, the harvest forecasts and the difficulties on certain markets, it is necessary to provide rapidly for preventive distillation. The data on supplies are however still incomplete. Preventive distillation should therefore be opened and an overall volume should be fixed for the Community and broken down by production region, without however precluding the possibility of adapting these volumes once the full data on supplies are known. The volume should be fixed at 10 000 000 hectolitres of table wine. The economic situation of wines may vary in the different production areas of a Member State. The authorities of the Member States should therefore be allowed to allocate different quantities to different production areas. In order to prevent discrimination between producers, the Commission should be informed as to how this allocation is justified by the particular conditions on the wine market in the different production areas and must be able to comment on such allocations;
- (3) given the low yields obtained in Spanish and Portuguese wine-growing areas, a different volume for products obtained from grapes harvested in Portugal and a maximum percentage of production which can be distilled in the case of products obtained from grapes harvested in the Spanish wine-growing zone C should be set so as to give comparable results in terms of a percentage of production for the entire Community. Considering that there are no data on supplies of table

wine in Austria, Germany and Luxembourg, a specific regime should be set for these countries;

- (4) to apply this Regulation it is necessary to know the areas cultivated for production in order to determine the quantity which producers may have distilled. A large number of Greek producers do not have the necessary data owing to the administration's delay in introducing the planned administrative structures. So that the above-mentioned producers are not prevented from qualifying under the measure, provision should be made for the reference areas to be determined on the basis of a flat-rate yield for Greece as a whole;
- (5) in order to increase the efficiency of this measure, application should be extended to a period long enough to take account of the time required to make wine in certain regions, and contracts or declarations should be approved rapidly up to a certain level to enable growers and distillers who so wish to start deliveries and distillation as early as possible. Proper performance of the contracts and declarations signed by the producers should also be ensured by means of a security which will guarantee delivery of wine to a distillery;
- (6) whereas Member States should be required promptly to communicate to the Commission the quantities for which contracts have been signed so that the Commission may set a single acceptance rate for contracts or declarations submitted if the overall quantity applied for throughout the Community exceeds the 10 000 000 hectolitres provided for;
- (7) with a view to the sound management of the quantities in question, it is necessary to derogate from specific provisions of Regulation (EEC) No 2721/88 and to provide that the quantities applied for in the contracts and declarations may be reduced;
- (8) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Preventive distillation of table wine and of wine suitable for yielding table wine as provided for in Article 38 of Regulation (EEC) No 822/87 is hereby introduced for the 1999/2000 wine year.

<sup>(1)</sup> OJ L 84, 27.3.1987, p. 1.

<sup>(2)</sup> OJ L 199, 30.7.1999, p. 8.

<sup>(3)</sup> OJ L 241, 1.9.1988, p. 88.

<sup>(4)</sup> OJ L 3, 8.1.1992, p. 14.

<sup>(5)</sup> OJ L 199, 30.7.1999, p. 15.

Distillation shall be restricted to 10 000 000 hectolitres.

This quantity shall be broken down by production region as referred to in Article 4 of Commission Regulation (EEC) No 441/88 <sup>(1)</sup> as follows:

	(hectolitres)
Region 1 (Germany)	148 000
Region 2 (Luxembourg)	8 000
Region 3 (France)	2 098 000
Region 4 (Italy)	4 000 000
Region 5 (Greece)	248 000
Region 6 (Spain)	3 050 000
Region 7 (Portugal)	300 000
Austria	148 000

The Member States may allocate the reserved quantity among the different production areas in their territory, without excluding any specific areas from application of the measure. Within one month following the entry into force of this Regulation, they shall forward to the Commission the list of production regions and the quantity allocated to each, explaining the specific production conditions which warrant this breakdown. The Commission shall, where necessary, make comments on the breakdown and inform the Member State concerned thereof within two weeks.

The quantity of table wine or of wine suitable for yielding table wine which producers may have distilled in accordance with Regulation (EEC) No 2721/88 shall be limited to 30 hectolitres per hectare.

However, for products obtained from grapes harvested in Portugal, this quantity shall be limited to 21 hectolitres per hectare and, for products obtained from grapes harvested in the Spanish wine-growing zone C, this quantity shall be limited to 40 % of the table wine produced from these products by each producer.

Notwithstanding Article 2(1) of Regulation (EEC) No 2721/88, the quantity of table wine or wine suitable for yielding table wine obtained from grapes harvested in Luxembourg, Germany and Austria that producers may have distilled shall be limited solely to a percentage of their production of table wine. This percentage is fixed at 40 %.

The quantity of table wine produced to which the percentages referred to in the preceding sixth and seventh subparagraphs apply shall be, for each producer, that resulting from the sum of the quantities appearing as wine in the table wine column of the production declaration presented pursuant to Commission Regulation (EC) No 1294/96 <sup>(2)</sup> where so required.

2. The area to be used when calculating the quantity of table wine or wine suitable for yielding table wine which greek producers may have distilled shall be obtained by dividing by 57 the quantity given as wine in the table wine column of the production declaration presented pursuant to Regulation (EC) No 1294/96.

3. Notwithstanding Article 6(1) of Regulation (EEC) No 2721/88, producers who have produced table wine or wine suitable for yielding table wine may submit, not later than 28 January 2000, a preventive distillation contract or declaration to the competent authorities of the Member State, giving the details specified in article 6(2) of that Regulation.

Contracts and declarations must be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged.

4. Notwithstanding Article 6(3) and (4) of Regulation (EEC) No 2721/88, the Member States may authorise the approval of contracts or declarations as soon as they are submitted, for a quantity not exceeding half of the quantity specified in each contract or declaration, without prejudice to the application of Article 2(2) of that Regulation. For the purposes of applying Article 8(1) of Council Regulation (EEC) No 2045/89 <sup>(3)</sup> the partial approval of contracts or declarations referred to above and partial approval as referred to in Article 1(6) of this Regulation may be treated as separate contracts and declarations. In such cases, in compliance with article 9 of Regulation (EEC) No 2046/89 and notwithstanding Article 9(2) of Regulation (EEC) No 2721/88, the Member States may authorise release of the security covering the first partial contract as soon as proof has been supplied that the producer has been paid the minimum purchase price.

5. The Member States shall inform the Commission of the total volume covered by preventive distillation contracts or declarations not later than 11 February 2000.

If the overall volume covered by contracts or declarations submitted exceeds 10 000 000 hectolitres and/or the volume established in advance for one or more regions, the Commission shall fix the single acceptance rate to be applied to all contracts and declarations for each region and shall notify each Member State thereof by fax not later than 18 February 2000. In order to ensure that maximum use is made of the overall volume of 10 000 000 hectolitres in the event that the overall volume is exceeded while all or part of the volume allocated to one or more specific regions remains unused, the Commission shall distribute the remaining available volume for that region or those regions among the other regions before fixing the single acceptance rate for each region, using the following method:

- if available, an initial instalment of not more than 25 000 hectolitres, as needed, to each region which has exceeded its volume, and
- the remainder in proportion to the quantities fixed in the third subparagraph of paragraph 1.

<sup>(1)</sup> OJ L 45, 18.2.1988, p. 15.

<sup>(2)</sup> OJ L 166, 5.7.1996, p. 14.

<sup>(3)</sup> OJ L 202, 14.7.1989, p. 14.

6. Notwithstanding Article 6(1) of Regulation (EEC) No 2721/88, Member States shall take the administrative measures necessary to approve the above contracts and declarations with the single acceptance rate not later than 10 March 2000, for the quantities not yet approved when the contracts or declarations were submitted.

Securities shall be released for quantities applied for and not accepted.

7. Quantities covered by contracts and declarations must be delivered to the distillery by 30 June 2000.

8. The security shall be released for the quantities delivered when the producer presents proof of delivery to a distillery.

If no deliveries have taken place within the time limit, the security shall be forfeited.

9. Member States may restrict the number of contracts or declarations a producer may sign for the distillation operation concerned.

#### *Article 2*

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

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

Done at Brussels, 5 November 1999.

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

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**COMMISSION REGULATION (EC) No 2368/1999**  
**of 5 November 1999**  
**amending 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 organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>,

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 2519/98 <sup>(4)</sup>, and in particular Article 2 (1) thereof,

Whereas:

(1) the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2299/1999 <sup>(5)</sup>;

(2) Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made; such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1872/1999,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 2299/1999 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 6 November 1999.

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

Done at Brussels, 5 November 1999.

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

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

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

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 315, 25.11.1998, p. 7.

<sup>(5)</sup> OJ L 280, 30.10.1999, p. 12.

## 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 <sup>(2)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	31,79	21,79
	medium quality <sup>(1)</sup>	41,79	31,79
1001 90 91	Common wheat seed	38,65	28,65
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	38,65	28,65
	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 <sup>(3)</sup>	78,32	68,32
1005 10 90	Maize seed other than hybrid	101,67	91,67
1005 90 00	Maize other than seed <sup>(3)</sup>	101,67	91,67
1007 00 90	Grain sorghum other than hybrids for sowing	78,32	68,32

<sup>(1)</sup> 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.

<sup>(2)</sup> 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.

<sup>(3)</sup> 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 29 October to 4 November 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)	114,58	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)	16,17	—	—	—	—	—	—

(\*) 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).

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 20 October 1999

on the granting of aid for the production of table olives in France

(notified under document number C(1999) 3368)

(Only the French version is authentic)

(1999/715/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1638/98 <sup>(2)</sup>, and in particular Article 5(4) thereof,

Whereas:

- (1) Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive oil production aid to support for table olives on conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of the said Regulation;
- (2) France has presented a request in respect of the 1999/2000 marketing year and detailed rules should be laid down for the granting of the aid;
- (3) provision should be made for the aid to be granted to growers of processed table olives from olive groves in France and the conditions governing the granting of the aid should be specified;
- (4) the processing period should be defined as running from 1 September 1999 to 31 August 2000. Olives which have undergone initial treatment in brine lasting at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making

them fit for human consumption should be deemed to be processed olives;

- (5) the weight of processed table olives for which aid is payable and the equivalence between processed table olives and olive oil should be determined for the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities;
- (6) undertakings processing table olives must be approved in accordance with conditions to be determined. Account should be taken of the fact that processing undertakings located within the area covered by a registered designation of origin must maintain stock records, irrespective of the type of olives processed;
- (7) provisions should be laid down for checks on aid for table olives. Those provisions must in particular cover crop declarations by table olive growers, notifications by processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding controls. Provision should be made for penalties on table olive growers where their declarations conflict with the results of checks;
- (8) the information needed for calculating the aid to be granted to growers of processed table olives should be determined. An advance on the aid may be granted on certain conditions;
- (9) France must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid;

<sup>(1)</sup> OJ 172, 30.9.1966, p. 3025/66.

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

(10) the measures provided for in this Decision are in accordance with the opinion of the Management Committee for oils and fats,

HAS ADOPTED THIS DECISION:

#### Article 1

For the 1999/2000 olive oil marketing year, France is authorised to grant aid for the production of table olives in accordance with this Decision.

#### Article 2

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in France and are sent to approved processing undertakings for processing into table olives.

2. For the 1999/2000 olive oil marketing year, aid shall be granted for table olives processed between 1 September 1999 and 31 August 2000.

3. Within the meaning of this Decision, 'processed table olives' means olives that have undergone for at least 15 days initial treatment in brine and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption.

#### Article 3

1. For the purposes of calculating the unit aid for table olives and of administering the national guaranteed quantities of olive oil, 100 kg of processed table olives shall be deemed to be equivalent to 13 kg of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.

2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

#### Article 4

1. Approval numbers shall be allocated to undertakings which:

- submit an application for approval by 31 October 1999, accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
- market processed table olives, with or without additional preparation,
- have plants capable of processing at least five tonnes of olives per year in the Department of Corsica and in the case of olives harvested within the area covered by a registered designation of origin and ten tonnes of olives elsewhere.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table olive preparations marketed, indicating the average weight of processed table olives required for one kilogram of each type of prepared product,

— details of stocks of table olives at various stages of preparation, by form of preparation, as at 1 September 1999.

3. For the purposes of approval, processors shall undertake to:

- keep table olives for which aid is payable separate from table olives originating in third countries and those for which aid is not payable when taking delivery of, processing and storing them,
- keep stock records covering table olives, linked to the financial accounts and indicating, for each day:

- (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each;
- (b) the quantities of olives sent for processing and the quantities of table olives processed within the meaning of Article 2(3);
- (c) the quantities of table olives for which the process of preparation has been completed;
- (d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,

— provide the grower as referred to in Article 2(1) and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,

— submit to all checks provided for under this Decision.

4. Approval shall be refused or immediately withdrawn where undertakings:

- fail to comply or no longer comply with the conditions for approval, or
- are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC, or
- have been penalised for an infringement to that Regulation within the past 24 months.

5. Before final approval is granted, an on-site inspection of the facilities shall be carried out in order to verify the information submitted by the undertaking.

#### Article 5

For the purposes of granting the aid for the production of table olives, by 31 December 1999 growers shall lodge a crop attestation confirming that the declaration laid down for olive oil production aid also covers table olives or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil and has not been subject to modification, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.

### Article 6

1. During the month following delivery of the final consignment of olives and no later than 30 June 2000, approved undertakings shall issue growers as referred to in Article 2(1) with a certificate of delivery showing the net weight of olives entering the undertaking.

The certificate must be supported by all the documentation relating to the weight of the consignments of olives delivered.

2. Approved undertakings shall notify the competent body and the control agency:

- (a) by the tenth day of each quarter, of:
- the quantities of olives received, sent for processing and processed within the meaning of Article 2(3) in the course of the previous quarter,
  - the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous quarter,
  - the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous quarter;
- (b) before 1 July 2000, of the names of growers as referred to in Article 2(1) for the processing period referred to in Article 2(2) and of the quantities covered by certificates issued to them in accordance with paragraph 1;
- (c) before 1 June 2001, of the total quantities delivered for the processing period referred to in Article 2(2) and of the corresponding total quantities processed.

### Article 7

1. Before 1 July 2000, table olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:

- the name and address of the grower,
- a reference to the relevant crop declaration,
- the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1).

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting of a reduction of 1 % of the amount to which the grower would have been entitled had the application been lodged by the due date, for each working day of delay. Applications lodged more than 25 working days late shall be refused.

### Article 8

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:

- the quantities of table olives covered by certificates of delivery,
- the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid for both table olives and olive oil.

2. France shall see that all the necessary controls are in place to ensure that:

- entitlement to table olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by France, no aid shall be granted to growers as referred to in Article 2(1) whose declarations as provided for in Article 5 or whose aid applications in accordance with Article 7 proves to conflict with the results of checks. However, Article 15 of Commission Regulation (EC) No 2366/98 <sup>(1)</sup> shall apply *mutatis mutandis*.

### Article 9

1. Growers as referred to in Article 2(1) may receive an advance on the aid requested. The advance shall be equal to the unit amount referred to in Article 17a(1) of Council Regulation (EEC) No 2261/84 <sup>(2)</sup>, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be established by the competent body on the basis of the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October 2000 to growers applying therefor in accordance with Article 7(1).

### Article 10

1. Without prejudice to the reductions provided for in Article 20d of Regulation No 136/66/EEC, the aid shall be equal to the unit amount referred to in Article 17a(2) of Regulation (EEC) No 2261/84 multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

<sup>(1)</sup> OJ L 293, 31.10.1998, p. 50.

<sup>(2)</sup> OJ L 208, 3.8.1984, p. 3.

For the purposes of granting the aid to growers as referred to in Article 2(1), the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the other information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery on the other hand, in respect of the olive oil marketing year concerned.

Where the quantity of processed olives corresponding to the aid as set out in the certificate of delivery cannot be established, the quantities of table olives processed for the growers concerned shall be calculated using the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

2. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid shall be paid to the grower in full within 90 days of the Commission fixing the unit amount thereof.

#### *Article 11*

France shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August 2000, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,
- before 16 June 2001, of the quantities of olive oil equivalent to the actual output of table olives processed and of the processing coefficients adopted.

#### *Article 12*

This Decision is addressed to the French Republic.

Done at Brussels, 20 October 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**CORRIGENDA****Corrigendum to Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products**

*(Official Journal of the European Communities L 141 of 4 June 1999)*

On page 20, Recital 8:

*for:* 'including agricultural products as defined by the second sentence of Article 32 of the Treaty and those listed in Annex II to the said Treaty';

*read:* 'including agricultural products as defined by the second sentence of Article 32(1) of the Treaty and those listed in Annex I to the said Treaty';

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