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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 1623/98**  
**of 20 July 1998**  
**fixing the monthly increases in the intervention price for cereals for the 1998/99**  
**marketing year**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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>, and in particular Article 3(4) thereof,

Without prejudice to the last subparagraph of Article 3(3) of Regulation (EEC) No 1766/92, for the 1998/99 marketing year, the monthly increases to be applied to the intervention price applicable for the first month of the marketing year, shall be as follows:

Having regard to the proposal from the Commission <sup>(2)</sup>,

Having regard to the opinion of the European Parliament <sup>(3)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(4)</sup>,

Whereas, when the amounts and the number of the monthly increases are fixed and the first month in which they are to apply is determined, account should be taken of the storage costs and financing charges for storing cereals in the Community and of the need to ensure that the disposal of stocks of cereals is in line with market requirements;

Whereas, under the form of the common agricultural policy, provision was made for the fixing of a single intervention price for all cereals; whereas this price has been fixed at a substantially reduced level applied in stages; whereas this fact should be taken into account in the fixing of the size of the monthly increases;

Whereas the intervention price for maize and sorghum applicable in July, August and September is to be the price valid in May of the previous marketing year, in accordance with Article 3(3) of Regulation (EEC) No 1766/92,

		<i>(in ecus per tonne)</i>
		Monthly increase in the intervention price
July	1998	—
August	1998	—
September	1998	—
October	1998	—
November	1998	1,0
December	1998	2,0
January	1999	3,0
February	1999	4,0
March	1999	5,0
April	1999	6,0
May	1999	7,0
June	1999	7,0

*Article 2*

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

It shall apply with effect from the 1998/99 marketing year.

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 923/96 (OJ L 126, 24. 5. 1996, p. 37).

<sup>(2)</sup> OJ C 87, 23. 3. 1998, p. 1.

<sup>(3)</sup> OJ C 210, 6. 7. 1998.

<sup>(4)</sup> OJ C 214, 10. 7. 1998.

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

Done at Brussels, 20 July 1998.

*For the Council*  
*The President*  
W. MOLTERER

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**COUNCIL REGULATION (EC) No 1624/98**  
**of 20 July 1998**  
**amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

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

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas for the purpose of applying the penalties provided for in Regulation (EEC) No 1765/92 <sup>(3)</sup>, Member States may apply one or more national base areas; whereas, in this case, Member States may opt to subdivide each national base area into sub-base areas and to concentrate all or part of the measures to be taken on those sub-base areas for which an overshoot has been noted;

Whereas Member States are required to notify producers and the Commission before 15 May if they plan to avail themselves of this option, stating how they intend to apply the measures;

Whereas experience gained in 1997 has shown that 15 May is not an appropriate notification date;

Whereas Regulation (EEC) No 1765/92 provides that producers are required to set aside a predetermined percentage of their arable land each year; whereas producers are eligible for compensatory payments for land set aside beyond their obligation; whereas the area fallowed may not, however, exceed that intended for arable crops for which a compensatory payment is requested; whereas the areas set aside in the form of compulsory or voluntary fallowing may be put to non-food uses, of which the planting of multiannual crops with a view to biomass production offers, in certain regions, attractive possibilities for diversification;

Whereas national authorities should be allowed to accord more favourable treatment to production of this type by adjusting the national aid systems so as to cover, in part, the costs associated with establishing these multiannual crops;

Whereas an adequate area per holding is necessary for cultivation of these energy crops to be at all viable; whereas in this case it should be made possible for the area put out to fallow, bearing multiannual crops intended for biomass production, to exceed the area intended for arable crops;

Whereas it is advisable to extend by 12 months the 60-month period during which producers having set aside land under Regulation (EEC) No 2328/91 <sup>(4)</sup> were entitled to continue with that set-aside, in order to avoid the recultivation of such land or to prevent producers who had started cultivating certain energy crops on such land from being placed in difficulty;

Whereas Regulation (EEC) No 1765/92 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1765/92 is amended as follows:

1. The fifth subparagraph of Article 2(7) shall be replaced by the following:

‘Any Member State which has decided to apply the possibilities provided for in this paragraph shall notify producers and the Commission by 15 September of its choices and the detailed rules for their application.’;

2. Article 7 shall be amended as follows:

- (a) the second subparagraph of paragraph 4 shall be replaced by the following:

‘Member States shall be authorised to pay national aid of up to 50 % of the costs associated with establishing multiannual crops intended for biomass production on set-aside land.’;

- (b) the following shall be added to the first subparagraph of paragraph 6:

‘However, when the fallow area is used for multiannual crops intended for biomass-production, Member States may authorise producers to set aside an area greater than that intended for arable crops for which a compensatory payment is requested.’;

- (c) in the second subparagraph of paragraph 6, ‘60 months’ shall be replaced by ‘72 months’.

*Article 2*

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

It shall apply from the 1998/1999 marketing year.

<sup>(1)</sup> OJ C 87, 23. 3. 1998, p. 3.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> OJ L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EC) No 2309/97 (OJ L 321, 22. 11. 1997, p. 3).

<sup>(4)</sup> OJ L 218, 6. 8. 1991, p. 1. Regulation repealed by Regulation (EC) No 950/97 (OJ L 142, 2. 6. 1997, p. 1).

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

Done at Brussels, 20 July 1998.

*For the Council*  
*The President*  
W. MOLTERER

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**COUNCIL REGULATION (EC) No 1625/98****of 20 July 1998****fixing the monthly increases in the intervention price for paddy rice for the  
1998/99 marketing year**

THE COUNCIL OF THE EUROPEAN UNION,

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>, and in particular Article 3(2) thereof,Having regard to the proposal from the Commission <sup>(2)</sup>,Having regard to the opinion of the European Parliament <sup>(3)</sup>,Having regard to the opinion of the Economic and Social Committee <sup>(4)</sup>,

Whereas, when the amounts of the monthly increases are fixed, account should be taken on the one hand of the storage costs and the financing charges for storing rice in the Community and on the other hand of the need to

ensure that the disposal of stocks of rice is in line with market requirements,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1998/99 marketing year, the monthly increases provided for in Article 3(2) of Regulation (EC) No 3072/95 shall be ECU 2 per tonne for the intervention price.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 September 1998.

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

Done at Brussels, 20 July 1998.

*For the Council**The President*

W. MOLTERER

<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.<sup>(2)</sup> OJ C 87, 23. 3. 1998, p. 4.<sup>(3)</sup> OJ C 210, 6. 7. 1998.<sup>(4)</sup> OJ C 214, 10. 7. 1998.



**COUNCIL REGULATION (EC) No 1626/98**  
**of 20 July 1998**

**fixing the amounts of aid for flax fibre and hemp and the amount withheld to  
finance measures to promote the use of flax fibre for the 1998/99 marketing year**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in flax and hemp <sup>(1)</sup>, and in particular Articles 2(3) and 4(3) thereof,

Having regard to the proposal from the Commission <sup>(2)</sup>,

Having regard to the opinion of the European Parliament <sup>(3)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(4)</sup>,

Whereas Article 4 of Regulation (EEC) No 1308/70 provides that the amounts of aid for flax grown mainly for fibre and for hemp grown in the Community are to be fixed each year;

Whereas, in accordance with Article 4(2) of that Regulation, this amount shall be fixed per hectare of area sown and harvested so as to ensure an even balance between the volume of production required in the Community and the amount that can be marketed; whereas it must be fixed, taking into account the price for fibres and flax and hemp seed on the world market;

Whereas over recent marketing years the hemp market has seen a marked and continuing trend towards increasing the area sown to hemp; whereas to curb this trend, which could unbalance the longer-term equilibrium of the market, and reduce the impact on budget expenditure, the level of aid should be adjusted accordingly;

Whereas Article 2(3) of Regulation (EEC) No 1308/70 provides that the portion of aid for financing Community measures to encourage the use of flax fibre is to be fixed when the aid is fixed for the marketing year in question in accordance with the criteria referred to in the said Article 2(3); whereas it is to be fixed in the light of trends on the market in flax, the amount of the aid for flax and the cost of the measures to be introduced; whereas account should also be taken of the financing already provided for;

Whereas application of the abovementioned criteria entails fixing the amount of aid and the portion of the aid to be used for financing measures to promote the use of flax fibre at the levels set out below,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1998/99 marketing year, the amounts of aid provided for in Article 4 of Regulation (EEC) No 1308/70 shall be:

- (a) ECU 815,86 per hectare as regards flax;
- (b) ECU 662,88 per hectare as regards hemp.

*Article 2*

For the 1998/99 marketing year, the amount of the aid for flax to be used to finance the measures to promote the use of flax fibre referred to in Article 2 of Regulation (EEC) No 1308/70 shall be ECU 0 per hectare.

*Article 3*

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

It shall apply from 1 August 1998.

<sup>(1)</sup> OJ L 146, 4. 7. 1970, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31. 12. 1994, p. 105).

<sup>(2)</sup> OJ C 87, 23. 3. 1998, p. 9.

<sup>(3)</sup> OJ C 210, 6. 7. 1998.

<sup>(4)</sup> OJ C 214, 10. 7. 1998.

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

Done at Brussels, 20 July 1998.

*For the Council*  
*The President*  
W. MOLTERER

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**COUNCIL REGULATION (EC) No 1627/98****of 20 July 1998****amending Regulation (EEC) No 822/87 on the common organisation of the market in wine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas all new planting of vines is prohibited until 31 August 1998; whereas, in view of the situation on the wine market, this prohibition should be extended until 31 August 2000, pending Council decisions on reform of the sector; whereas, on the one hand, Member States need a further marketing year in which to implement the provision adopted in 1996 permitting the authorisation of new planting on areas intended for the production of certain wines; whereas, on the other hand, in order to enable the production potential of certain wines to be adapted to increasing market demand, it is advisable to authorise again, for two marketing years, Member States to grant rights for new plantings, within well-defined limits and subject to conditions which avoid all risk of increase in potential for wines for which no adequate outlet can be guaranteed;

Whereas, to take account of the special conditions in which table wines are produced in Spain, temporary derogations should be laid down concerning blending of wines in that Member State;

Whereas, as a temporary derogation, the total acidity of table wines should be confirmed at a lower level, for certain Member States, to take account of trends in this respect;

Whereas, pending Council decisions on reform of the sector and in order to avoid any legal hiatus, certain provisions referred to in Article 39 of Regulation (EEC) No 822/87 <sup>(4)</sup>, should be extended for a further wine year;

Whereas Article 46(4) of Regulation (EEC) No 822/87 provides that campaigns to promote the consumption of grape juice may be conducted only until the 1997/98 wine year; whereas they should be continued for one wine year so that their effectiveness may be assessed;

Whereas Article 65(5) of Regulation (EEC) No 822/87 provides that, during the 1997/1998 wine year, the Commission is to submit to the Council a report on maximum sulphur dioxide levels in wine and any proposals arising therefrom; whereas the significance for the sector of the sulphur dioxide problem calls for proposals taking account in particular of the work of the International Vine and Wine Office (IWO); whereas that time limit should therefore be deferred by one wine year,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 822/87 is amended as follows:

1. in Article 6(1):

- in the first subparagraph '31 August 1998' shall be replaced by '31 August 2000',
- in the third subparagraph 'and/or 1998/99' shall be added after '1997/98',
- the following subparagraphs shall be added after the third subparagraph:

'Authorisations for new plantings may also be granted by Member States during the 1998/99 and 1999/2000 wine years.

These authorisations may not exceed, per Member State, the following limits for these two years taken together:

Germany	289 ha
Greece	208 ha
Spain	3 615 ha
France	2 584 ha
Italy	2 442 ha
Luxembourg	4 ha
Austria	139 ha
Portugal	719 ha.

These authorisations may not be granted:

- to wine from specified areas which have been the subject, over the last three wine years, of permanent abandonment premiums provided for by Regulation (EEC) No 1442/88;

<sup>(1)</sup> OJ C 87, 23. 3. 1998, p. 13.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> OJ C 214, 10. 7. 1998.

<sup>(4)</sup> OJ L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 2087/97 (OJ L 292, 25. 10. 1997, p. 1).

— to wine from administrative regions in which the total of the quantities distilled voluntarily over the last three wine years exceeded 10 % of the total production of these years.

In allocating these rights, Member States shall ensure as a matter of priority that the rights will meet the requirements of the specified areas in which plantings have been carried out over the three preceding wine years, using the replanting rights liberated by other production regions.

Should new planting rights be provided for as part of the reform, the planting rights mentioned in the fourth and fifth subparagraphs will be discounted.

Member States shall communicate to the Commission the provisions they adopt for the granting of authorisations, the list of the wines which have benefited and the corresponding areas.

2. in the third subparagraph of Article 16(5), 'between 1 September 1997 and 31 August 1998' shall be replaced by 'between 1 September 1998 and 31 August 1999'.
3. in Article 39:
  - in the first and second subparagraphs of paragraph 10, '1997/98' shall be replaced by '1998/99',

— in paragraph 11, '1997/98' shall be replaced by '1998/99'.

4. in Article 46(4), '1997/98' shall be replaced by '1998/99'.
5. in Article 65(5), '1 April 1998' shall be replaced by '1 April 1999' and '1 September 1998' by '1 September 1999'.
6. in Annex I, the third subparagraph of point 13 shall be replaced by the following:

'For the 1997/98 and 1998/99 wine years, table wines produced in France, Italy, Portugal and in the Spanish parts of winegrowing zones C other than the regions of Asturias, Baleares, Cantabria, Galicia, and the provinces of Guipúzcoa and Vizcaya, and released for consumption respectively on the market in France, Italy, Portugal and Spain may have a total acidity content of not less than 3,5 grams per litre, expressed as tartaric acid'.

#### *Article 2*

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

It shall apply from 1 September 1998.

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

Done at Brussels, 20 July 1998.

*For the Council*  
*The President*  
W. MOLTERER

**COUNCIL REGULATION (EC) No 1628/98**  
**of 20 July 1998**  
**fixing the guide price for wine for the 1998/99 wine year**

THE COUNCIL OF THE EUROPEAN UNION,

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>, and in particular Article 27(5) thereof,

Having regard to the proposal from the Commission <sup>(2)</sup>,

Having regard to the opinion of the European Parliament <sup>(3)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(4)</sup>,

Whereas, when the guide prices for the various types of table wine are fixed, account should be taken of the objectives of the common agricultural policy; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and to ensure that supplies reach consumers at reasonable prices;

Whereas, if these objectives are to be achieved, it is of prime importance that the gap between production and demand should not be opened further; whereas, to that end, the guide prices for the 1998/99 wine year should be set at the same levels as the previous year;

Whereas the guide prices, as defined in Annex III to Regulation (EEC) No 822/87, must be fixed for each type of table wine representative of Community production,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1998/99 wine year, the guide prices for table wine shall be as follows:

Type of wine	Guide price
R I	ECU 3,828/% vol/hl
R II	ECU 3,828/% vol/hl
R III	ECU 62,15/hl
A I	ECU 3,828/% vol/hl
A II	ECU 82,81/hl
A III	ECU 94,57/hl

*Article 2*

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

It shall apply from 1 September 1998.

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

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

<sup>(1)</sup> OJ L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1627/98 (see page 8 of this Official Journal).

<sup>(2)</sup> OJ C 87, 23. 3. 1998, p. 12.

<sup>(3)</sup> OJ C 210, 6. 7. 1998.

<sup>(4)</sup> OJ C 214, 10. 7. 1998.

**COUNCIL REGULATION (EC) No 1629/98**  
**of 20 July 1998**

**amending Regulation (EEC) No 2332/92 as regards sparkling wines produced in the Community and Regulation (EEC) No 4252/88 on the preparation and marketing of liqueur wines produced in the Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Articles 11 and 16 of Regulation (EEC) No 2332/92 <sup>(4)</sup> and Article 6(2) of Regulation (EEC) No 4252/88 <sup>(5)</sup> fix the maximum sulphur dioxide content of sparkling wines and of liqueur wines; whereas those Articles provide for the presentation by 1 April 1998 of a report from the Commission to the Council on those contents, together, where appropriate, with proposals; whereas the measures proposed should be consistent with others that the Commission is required to draft; whereas the above-mentioned deadline should therefore be postponed; whereas the same is true for the deadlines provided for in Article 4(2) of Regulation (EEC) No 4252/88,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2332/92 is hereby amended as follows:

1. In Article 11(3), '1 April 1998' and '1 September 1998' shall be replaced respectively by '1 April 1999' and '1 September 1999'.

2. In Article 16(3), '1 April 1998' and '1 September 1998' shall be replaced respectively by '1 April 1999' and '1 September 1999'.

*Article 2*

Regulation (EEC) No 4252/88 is hereby amended as follows:

1. In Article 4(2), '1 April 1998' and '1 September 1998' shall be replaced respectively by '1 April 1999' and '1 September 1999'.

2. In Article 6(2), '1 April 1998' and '1 September 1998' shall be replaced respectively by '1 April 1999' and '1 September 1999'.

*Article 3*

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

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

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

<sup>(1)</sup> OJ C 87, 23. 3. 1998, p. 15.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> OJ C 214, 10. 7. 1998.

<sup>(4)</sup> OJ L 231, 13. 8. 1992, p. 1. Regulation as last amended by Regulation (EC) No 1594/96 (OJ L 206, 16. 8. 1996, p. 35).

<sup>(5)</sup> OJ L 373, 31. 12. 1988, p. 59. Regulation as last amended by Regulation (EC) No 1594/96.

**COUNCIL REGULATION (EC) No 1630/98**  
**of 20 July 1998**

**amending Regulation (EEC) No 1442/88 on the granting, for the 1988/89 to 1997/98 wine years, of permanent abandonment premiums in respect of wine-growing areas**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

*Article 1*

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Regulation (EEC) No 1442/88 is amended as follows:

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

1. the title shall be replaced by the following:

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

‘Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/1989 to 1998/1999 wine years, of permanent abandonment premiums in respect of wine-growing areas’;

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

2. in the introductory wording to the second subparagraph of Article 1(1), the words ‘1996/97 and 1997/98 marketing years’ shall be replaced by ‘1996/1997, 1997/1998 and 1998/1999 marketing years’;

3. the following subparagraphs shall be added to Article 3:

Whereas the encouragement of the permanent abandonment of wine-growing areas by the grant of premiums is provided for in Regulation (EEC) No 1442/88 <sup>(4)</sup>;

‘However, by way of derogation from (a) in the first subparagraph, Member States may make provision for the grant of a permanent abandonment premium for areas equal to, or more than, 10 ares.

Whereas, pending adoption of the reform of the common organisation of the market in wine, the existing scheme for the grant of permanent abandonment premiums in respect of wine-growing areas should be extended, whilst limiting the total area that may be covered by it;

In this case, the amount of the premium per hectare shall be fixed on the basis of the yield according to the scales established in Article 2(1)(b).’;

Whereas Article 3(a) of Regulation (EEC) No 1442/88 excludes from the permanent abandonment premium areas of less than 25 ares, except in the special case where they constitute the whole of the cultivated wine-growing area of the holding concerned; whereas experience has shown that this threshold may prove to be too high in certain wine-growing regions a feature of which is advanced fragmentation of the growth area; whereas Member States should be allowed to fix a threshold for these regions of less than 25 but not less than 10 ares,

4. in the first subparagraph of Article 11, ‘at the earliest by 31 July 1998 and at the latest by 31 December 1999’ shall be replaced by ‘at the earliest by 31 July 1999 and at the latest by 31 December 2000’;

5. in the third subparagraph of Article 17a, ‘15 May 1998’ shall be replaced by ‘15 May 1999’.

*Article 2*

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

However Article 1(5) shall apply from 15 May 1998.

<sup>(1)</sup> OJ C 87, 23. 3. 1998, p. 16.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> OJ C 214, 10. 7. 1998.

<sup>(4)</sup> OJ L 132, 28. 5. 1988, p. 3. Regulation as last amended by Regulation (EC) No 191/98 (OJ L 20, 27. 1. 1998, p. 15).

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

Done at Brussels, 20 July 1998.

*For the Council*  
*The President*  
W. MOLTERER

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**COUNCIL REGULATION (EC) No 1631/98**  
**of 20 July 1998**  
**amending Regulation (EEC) No 2392/86 establishing a Community vineyard**  
**register**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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> and in particular Article 80 thereof,

The following sentence shall be added to the first subparagraph of Article 4(4) of Regulation (EEC) No 2392/86:

Having regard to the proposal from the Commission <sup>(2)</sup>,

‘The final date for establishment of the register shall be 31 December 1999 in Spain and 31 December 2000 in Greece and Portugal.’

Whereas the measures provided for in Regulation (EEC) No 2392/86 <sup>(3)</sup> should be sufficiently flexible to allow for adaptation to developments in the common organisation of the market in wine; whereas the technical difficulties encountered respectively by Spain, Greece and Portugal in setting up a vineyard register warrant an extension of the deadline provided for in Article 4(4) of Regulation (EEC) No 2392/86,

*Article 2*

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

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

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

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<sup>(1)</sup> OJ L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1627/98. (See page 8 of this Official Journal).

<sup>(2)</sup> OJ C 87, 23. 3. 1998, p. 17.

<sup>(3)</sup> OJ L 208, 31. 7. 1986, p. 1. Regulation as last amended by Regulation (EC) No 1596/96 (OJ L 206, 16. 8. 1996, p. 38).

## COUNCIL REGULATION (EC) No 1632/98

of 20 July 1998

fixing, for the 1998 harvest, the premiums for leaf tobacco by group of tobacco varieties

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco <sup>(1)</sup>, and in particular Article 4(1) thereof,Having regard to the proposal from the Commission <sup>(2)</sup>,Having regard to the opinion of the European Parliament <sup>(3)</sup>,Having regard to the opinion of the Economic and Social Committee <sup>(4)</sup>,

Whereas, when the premiums for raw tobacco are fixed, account should be taken of the objectives of the common agricultural policy; whereas the common agricultural policy aims in particular to guarantee a fair standard of living for the farming community and to ensure that supplies are available and that they reach consumers at

reasonable prices; whereas the premiums must take account in particular of past and foreseeable possibilities of disposal of the various tobaccos under normal conditions of competition; whereas, pursuant to these criteria, the premiums for the 1998 harvest should be kept at the same levels as those adopted for the preceding harvest,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1998 harvest, the premium referred to in Article 4 of Regulation (EEC) No 2075/92 for each group of raw tobacco varieties, and the supplementary amounts, shall be as set out in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 20 July 1998.

*For the Council**The President*

W. MOLTERER

<sup>(1)</sup> OJ L 215, 30. 7. 1992, p. 70. Regulation as last amended by Regulation (EC) No 2595/97 (OJ L 351, 23. 12. 1997, p. 11).

<sup>(2)</sup> OJ C 87, 23. 3. 1998, p. 18.

<sup>(3)</sup> OJ C 210, 6. 7. 1998.

<sup>(4)</sup> OJ C 214, 10. 7. 1998.

## ANNEX

## PREMIUMS FOR LEAF TOBACCO FROM THE 1998 HARVEST

	I Flue-cured	II Light air- cured	III Dark air-cured	IV Fire- cured	V Sun- cured	VI Basma	VII Katerini	VIII Kaba Koulak
ECU/kg	2,70965	2,16748	2,16748	2,38362	2,16748	3,75415	3,18541	2,27615

## SUPPLEMENTARY AMOUNTS

Variety	ECU/kg
Badischer Geudertheimer, Pereg, Korso	0,4238
Badischer Burley E and hybrids thereof	0,6786
Virgin D and hybrids thereof, Virginia and hybrids thereof	0,3876
Paraguay and hybrids thereof, Dragon vert and hybrids thereof, Philippin, Petit Grammont (Flobecq), Semois, Appel terre	0,3163
Nijkerk	0,1847
Misionero and hybrids thereof, Rio Grande and hybrids thereof	0,2016

**COUNCIL REGULATION (EC) No 1633/98****of 20 July 1998****amending Regulation (EEC) No 805/68 on the common organisation of the market in beef and veal**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas, by Regulation (EC) No 2222/96 <sup>(3)</sup>, the Council adjusted, on a temporary basis, for the years 1997 and 1998 the regional ceilings on the number of male bovine animals eligible for the special premium laid down in Article 4b(3) of Regulation (EEC) No 805/68 <sup>(4)</sup>; whereas long-term measures are being drawn up; whereas these adjusted regional ceilings should therefore be retained for a further year;

Whereas Regulation (EC) No 2222/96 authorises the Commission to take the necessary action on suckler cow premium rights unused by producers in 1997 and 1998 and returned to the national reserve; whereas, for the same reason as above, this authorisation should be extended for a year;

Whereas, in order to avoid too drastic a reduction in the amount of the special premium for castrated male bovine animals in those Member States whose producers benefited from the deseasonalisation premium in 1998, but for whom the conditions for the full-rate grant in 1999 are not met, provision should be made, by way of an exception, for Community financing in 1999, for grant of the reduced rate;

Whereas the restructuring as regards male cattle in the new German Länder has not yet been completed; whereas

it is desirable to provide for the continued derogation, for 1999, from the application of the limit of ninety animals,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 805/68 is amended as follows:

1. in Article 4b(3)(b), second subparagraph, 'for 1997 and 1998' shall be replaced by 'for 1997, 1998 and 1999';
2. the following subparagraph shall be inserted after the second subparagraph in Article 4c(3):  
'However, the second subparagraph shall not apply for 1999.';
3. in Article 4f(4) the second indent shall be replaced by:  
'— measures relating to individual rights not used in 1997, 1998 and 1999 which have been returned to the national reserve';
4. the following point shall be added to Article 4k(1), as applicable from 1 January 1999:  
'(d) notwithstanding point (a), for 1999 and for the new German Länder, Germany shall be authorised to derogate from applying the limit of ninety animals provided for in Article 4b(1).'

*Article 2*

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

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

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

<sup>(1)</sup> OJ C 87, 23. 3. 1998, p. 23.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> OJ L 296, 21. 11. 1996, p. 50.

<sup>(4)</sup> OJ L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 2634/97 (OJ L 356, 31. 12. 1997, p. 13).

**COUNCIL REGULATION (EC) No 1634/98**  
**of 20 July 1998**

**fixing the basic price, and the seasonal adjustments to the basic price, for sheep-  
meat for the 1999 marketing year**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organisation of the market in sheepmeat and goatmeat <sup>(1)</sup>, and in particular Article 3(1) and (2) thereof,

Having regard to the proposal from the Commission <sup>(2)</sup>,

Having regard to the opinion of the European Parliament <sup>(3)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(4)</sup>,

Whereas the basic price must be fixed in accordance with the criteria laid down in Article 3(2) of Regulation (EEC) No 3013/89;

Whereas, when the basic price for sheep carcasses is fixed, account should be taken of the objectives of the common agricultural policy; whereas the main objectives of the common agricultural policy are, in particular, to guarantee a fair standard of living for the farming community and to ensure that supplies are available and that they reach consumers at reasonable prices; whereas these factors result in the price for the 1999 marketing year being fixed at the level laid down in this Regulation;

Whereas the weekly seasonally adjusted amounts applicable to the basic price should be fixed in the light of experience gained during the 1991, 1992, 1993, 1994, 1995, 1996 and 1997 marketing years concerning private storage,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1999 marketing year, the basic price for sheepmeat is hereby fixed at ECU 504,07 for 100 kg carcass weight.

*Article 2*

The basic price referred to in Article 1 is hereby seasonally adjusted in accordance with the table set out in the Annex to this Regulation.

*Article 3*

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

It shall apply from the beginning of the 1999 marketing year.

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

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

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<sup>(1)</sup> OJ L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EC) No 1589/96 (OJ L 206, 16. 8. 1996, p. 25).

<sup>(2)</sup> OJ C 87, 23. 3. 1998, p. 24.

<sup>(3)</sup> OJ C 210, 6. 7. 1998.

<sup>(4)</sup> OJ C 214, 10. 7. 1998.

## ANNEX

## 1999 MARKETING YEAR

*(ECU/100 kilograms carcase weight)*

Week beginning	Week	Basic price
4 January 1999	1	515,06
11 January 1999	2	518,58
18 January 1999	3	522,67
25 January 1999	4	525,59
1 February 1999	5	528,51
8 February 1999	6	531,42
15 February 1999	7	534,35
22 February 1999	8	537,27
1 March 1999	9	539,61
8 March 1999	10	541,94
15 March 1999	11	543,11
22 March 1999	12	543,11
29 March 1999	13	541,94
5 April 1999	14	540,30
12 April 1999	15	538,09
19 April 1999	16	534,94
26 April 1999	17	532,60
3 May 1999	18	529,09
10 May 1999	19	525,59
17 May 1999	20	520,92
24 May 1999	21	515,08
31 May 1999	22	509,23
7 June 1999	23	502,24
14 June 1999	24	496,39
21 June 1999	25	491,72
28 June 1999	26	487,05
5 July 1999	27	483,55
12 July 1999	28	481,20
19 July 1999	29	480,01
26 July 1999	30	479,45
2 August 1999	31	478,83
9 August 1999	32	478,83
16 August 1999	33	478,83
23 August 1999	34	478,83
30 August 1999	35	478,83
6 September 1999	36	478,83
13 September 1999	37	478,83
20 September 1999	38	478,83
27 September 1999	39	478,86
4 October 1999	40	478,98
11 October 1999	41	479,10
18 October 1999	42	479,20
25 October 1999	43	479,30

*(ECU/100 kilograms carcase weight)*

Week beginning	Week	Basic price
1 November 1999	44	480,00
8 November 1999	45	480,95
15 November 1999	46	482,00
22 November 1999	47	483,20
29 November 1999	48	486,10
6 December 1999	49	490,75
13 December 1999	50	496,60
20 December 1999	51	503,85
27 December 1999	52	511,50

**COUNCIL REGULATION (EC) No 1635/98  
of 20 July 1998**

**derogating from certain provisions of Regulation (EEC) No 1765/92 establishing a  
support system for producers of certain arable crops**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas the support system for producers of certain arable crops established by Regulation (EEC) No 1765/92 <sup>(2)</sup> provides that, in order to qualify for compensatory payments under the general scheme, producers must set aside a predetermined percentage of their arable land; whereas this percentage is to be reviewed to take account of production and market developments;

Whereas, since the introduction of this system, the cereals market has achieved a better balance as a result of an increase in Community consumption; whereas this situation, together with a very low level of stocks and firm prices on the market has resulted in the rate of compulsory set-aside for the preceding marketing years being set at a level appreciably below that predetermined;

Whereas recent developments on the Community and world cereal markets has resulted in a reversal in the trend as regards the level of public stocks and prices on the world market in particular;

Whereas this situation must be taken into account when fixing the compulsory set-aside rate for the 1999/2000 marketing year; whereas this rate should be fixed at a level sufficient to prevent too high a build-up in public stocks immediately before the first marketing year in which Agenda 2000 applies;

Whereas suspension of the application of special set-aside should be continued; whereas consequently the level of sanction provided for when the ceiling for irrigated land is exceeded should be relaxed; whereas the increase laid

down in the case of transfer of the set-aside obligation should be adapted and it should not be applied in the case of transfer to environmentally-sensitive areas,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1999/2000 marketing year, notwithstanding Article 7 of Regulation (EEC) No 1765/92:

- the set-aside requirement referred to in paragraph 1 of that Article shall be set at 10 %,
- the increase referred to in the second indent of paragraph 7 of that Article shall be set at 1 percentage point. However, no increase shall apply to transfers executed to a particular area where environmental objectives are achieved.

*Article 2*

Should the base area under the 1998/99 marketing year be exceeded, the special set-aside referred to in the second indent of Article 2(6) of Regulation (EEC) No 1765/92 shall not apply.

*Article 3*

For the 1998/99 marketing year, notwithstanding the sixth subparagraph of Article 3(1) of Regulation (EEC) No 1765/92, where an 'irrigated' ceiling is exceeded, the compensatory payment for the 'irrigated' rate shall in all cases be reduced proportionally to the rate of the overshoot recorded.

*Article 4*

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

<sup>(1)</sup> OJ C 210, 6. 7. 1998.

<sup>(2)</sup> OJ L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EC) No 2309/97 (OJ L 321, 22. 11. 1997, p. 3).



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

Done at Brussels, 20 July 1998.

*For the Council*  
*The President*  
W. MOLTERER

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**COUNCIL REGULATION (EC) No 1636/98****of 20 July 1998****amending Regulation (EEC) No 2075/92 on the common organisation of the market in raw tobacco**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

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

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

(1) Whereas Article 26 of Regulation (EEC) No 2075/92 <sup>(3)</sup>, requires the Commission to submit proposals on the premium and quota arrangements governing the organisation of the market in raw tobacco;

(2) Whereas the present market situation is one of mismatch of supply and demand, largely due to the poor quality of Community production; whereas that situation calls for fundamental reform of the sector to improve its economic position; whereas such reform must entail a variation of Community aid in line with product quality, greater flexibility and simplicity in the setting of quotas, stricter control procedures and improved observance of public health and environmental protection requirements;

(3) Whereas the premium for flue-cured, light air-cured and dark air-cured tobaccos grown in Belgium, Germany, France and Austria should be increased; whereas the Council will reduce, in accordance with the procedure set out in Article 43(2) of the Treaty, the guarantee thresholds of these Member States in order to ensure the maintenance of budgetary neutrality;

(4) Whereas, in order to encourage improvement of the quality and value of Community production, and at the same time to provide income support to producers, the payment of part of the premium should be linked to the value of the tobacco produced; whereas the extent of this differentiation may vary by variety and tobacco-growing Member State; whereas, if it is to be effective, differentiation should operate within a certain range; whereas, given the magnitude of the

changes made, a transitional period should be set; whereas this system should be established within the producer groups, while permitting a comparison to be made of the market prices obtained by individual producers;

(5) Whereas it is essential to reinforce control procedures in the tobacco sector; whereas the definitions of 'producer', 'first processor' and 'first processing' should be made more precise and control agencies should be allowed access to all information relevant to their task;

(6) Whereas an auction system for cultivation contracts should be established so that contract prices for tobacco truly reflect market conditions; whereas this system should be optional for the Member States, to take account of their different structures;

(7) Whereas by participating in determination of the purchase price of the tobacco delivered the processor plays a central role in determination of the premium to be paid to the individual producer; whereas first processors benefit indirectly from Community aid by acquiring a subsidised product; whereas national authorities should be allowed to take appropriate action against any first processors not complying with Community rules; whereas to that end only approved first processors should be able to sign cultivation contracts, approval being withdrawn for non-compliance;

(8) Whereas to simplify management of the sector, producer groups should be made responsible for paying the variable part of the premium to producers and for allocating production quotas to their members;

(9) Whereas transfer of production quotas between producers should be permitted to improve production structures; whereas quota buy-back arrangements should be introduced to help producers who wish to leave the sector but find no purchasers for their quotas;

(10) Whereas due account should be taken of the requirements of public health and respect for the environment; whereas to that end the premium deduction financing the Community fund for tobacco research and information should be doubled and the specific

<sup>(1)</sup> OJ C 108, 7. 4. 1998, p. 87.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> OJ L 215, 30. 7. 1992, p. 70. Regulation as last amended by Regulation (EC) No 2595/97 (OJ L 351, 23. 12. 1997, p. 11).

aid used not only to help producer groups discharge their new management functions but also to finance action aimed at increasing respect for the environment,

HAS ADOPTED THIS REGULATION:

### *Article 1*

Regulation (EEC) No 2075/92 is amended as follows:

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

‘1. From the 1999 harvest onwards, a premium scheme shall apply to tobacco, its amount being set for all the tobacco varieties shown in each of the different groups.

2. A supplementary amount shall, however, be granted on flue-cured, light air-cured and dark air-cured tobaccos grown in Austria, Belgium, France and Germany. That amount shall be equal to 65 % of the difference between the premium granted for those tobaccos in accordance with paragraph 1 and the premium applicable to the 1992 harvest.’;

2. the following Article shall be inserted:

#### *‘Article 4a*

1. The premium shall comprise a fixed part, a variable part and a specific aid.

2. The variable part of the premium shall account for 30 % to 45 % of the total premium. It shall be introduced in stages up to the 2001 harvest. It may be adjusted within that specified range, according to variety group and Member State.

3. The fixed part of the premium shall be paid either to producer groups for distribution to the members of the group or to individual producers who are not members of a group.

4. The variable part shall be paid to producer groups for distribution to each member in proportion to the purchase price paid by the first processor for his crop.

5. Specific aid, not exceeding 2 % of the total premium, shall be paid to producer groups.’;

3. Articles 6 and 7 shall be replaced by the following:

#### *‘Article 6*

1. Cultivation contracts shall be concluded between first processors of tobacco and producer

groups or individual producers who are not members of a group.

2. For the purposes of this Regulation:

— the term “producer” shall mean individual producers who are not members of a group, individual producers who are members of a group, or producer groups, all of whom deliver their crop of raw tobacco to a first processor under a cultivation contract,

— a “first processor” shall mean any approved natural or legal person who carries out first processing of raw tobacco by operation, in his own name and on his own account, of one or more first tobacco-processing establishments suitably equipped for that purpose,

— “first processing” shall mean the processing of raw tobacco delivered by a producer into a stable, storable product put up in uniform bales of a quality meeting final user (manufacturer) requirements.

3. The cultivation contract shall include:

— a commitment by the first processor to pay the producer the purchase price according to quality grade,

— a commitment by the producer to deliver to the first processor the raw tobacco meeting the quality requirements specified in the contract.

4. The Member State’s competent body shall, on submission of proof of delivery of the tobacco and of payment of the price as referred to in the first indent of paragraph 3, pay:

— the fixed part of the premium to the producer group or to the individual producer not a member of a group,

— the variable part of the premium and the specific aid to the producer group.

However, on a transitional basis and for a period not exceeding two harvests, the premium may be paid through the intermediary of the first processor.

5. The Member State may, if its structures make it appropriate, apply a cultivation contract auction scheme covering all contracts referred to in paragraph 1 that were concluded before the date on which delivery of the tobacco commences.

#### *Article 7*

Rules for the application of this Title shall be adopted in accordance with the procedure laid down in Article 23.

Their scope shall include:

- delimitation of production zones for each variety,
- quality requirements for tobacco delivered,
- other details of the cultivation contract and the closing date for its conclusion,
- any requirement of a security to be lodged by producers applying for an advance, and the terms of its provision and release,
- determination of the variable part of the premium,
- specific premium terms for cultivation contracts concluded with producer groups,
- action to be taken if the producer or first processor fails to meet his obligations,
- the cultivation-contract auction scheme, including the option for the first purchaser to match any offers.;

4. Articles 8 to 14 shall be replaced by the following:

#### *Article 8*

A maximum overall guarantee threshold of 350 600 tonnes of raw leaf tobacco per harvest shall be set for the Community.

Within that quantity the Council shall set individual guarantee thresholds for each variety group for three consecutive harvests, in accordance with the procedure laid down in Article 43(2) of the Treaty.

#### *Article 9*

1. To ensure observance of the guarantee thresholds, production quotas shall be imposed.

2. The Council, acting in accordance with the procedure laid down in Article 43(2) of the Treaty, shall allocate the quantity available for each variety group between producer Member States for three consecutive harvests.

3. On the basis of the quantities set pursuant to paragraph 2 and without prejudice to paragraphs 4 and 5, Member States shall assign production quotas to individual producers who are not members of a producer group and to producer groups, in proportion to the average quantity of tobacco of the particular variety group delivered for processing by each individual producer over the three years preceding that of the most recent harvest.

4. Before the final date for the conclusion of cultivation contracts, Member States may be authorised to transfer parts of their guarantee threshold alloca-

tions to other variety groups, in accordance with paragraph 3.

Subject to the third subparagraph, a one-tonne reduction in the allocation for one variety group shall give rise to an increase of at most one tonne in the allocation for the other variety group.

No transfer of parts of guarantee threshold allocations from one variety group to another may give rise to additional costs to the EAGGF.

The quantities authorised for transfer shall be determined in accordance with the procedure laid down in Article 23.

5. National quota reserves shall be set up, the rules of operation of which shall be adopted in accordance with the procedure laid down in Article 23.

#### *Article 10*

1. No premium may be granted on any quantity in excess of a producer's quota.

2. Notwithstanding paragraph 1, a producer may deliver excess production of up to 10 % of his quota for each variety group, this surplus being eligible for the premium granted on the following harvest, provided that he reduces his production for that harvest accordingly so that the combined quota for the two harvests is observed.

3. Member States shall keep accurate data on the production of all individual producers so that, where appropriate, production quotas can be assigned to them.

4. Production quotas may be transferred between individual producers in the same Member State.

#### *Article 11*

Rules for the application of this Title shall be adopted in accordance with the procedure laid down in Article 23.

### TITLE III

#### **Measures to convert production**

#### *Article 12*

The specific aid referred to in Article 4a shall be paid to producer groups for the purposes of improving respect for the environment, boosting production quality, strengthening management and ensuring compliance with Community rules within the group.

*Article 13*

1. A Community Tobacco Fund financed by a deduction of 2 % of the premium shall be set up.
2. The Fund shall finance action in the following areas:
  - (a) combating tobacco-smoking, in particular informing the public of the dangers of tobacco consumption,
  - (b) — research to create or develop new varieties and cultivation methods that result in less harm to human health and are better geared to market conditions and more environment-friendly,  
— the creation or development of alternative uses for raw tobacco,
  - (c) studies of the possibilities for producers of raw tobacco of switching to other crops or activities,
  - (d) the dissemination of the results obtained in the above areas to national authorities and to the sectors concerned.

*Article 14*

1. In order to facilitate the voluntary departure from the sector by individual producers, a quota buy-back programme with corresponding reduction of the guarantee thresholds referred to in Article 8 shall be set up.
2. Rural development programmes for the conversion of tobacco-growing regions in difficulty to other activities may be implemented under Community structural policies;

5. the following Article shall be inserted:

*'Article 14a*

Rules for the application of this Title shall be adopted in accordance with the procedure laid down in Article 23. Those rules shall cover:

- fixing of the specific aid amount,
- the definition of producer groups eligible for specific aid,
- terms for the recognition of groups,
- use of the specific aid, and in particular its allocation between the purposes specified in Article 12(1),
- setting the level of the quota buy-back price, which should not be such as to encourage any excessive exodus of producers from the sector,

- definition, on the basis of a proposal from the Member State, of sensitive production areas and/or groups of high-quality varieties to be exempted from the quota buy-back system, which may not affect more than 25 % of each Member State's guarantee threshold,

- definition of a period of not more than four months between the individual producer's intention to sell his quota and the actual buy-back; during that period the Member State shall make public the intention to sell so that other producers may buy the quota before it is actually bought back.';

6. the heading of Title V shall be replaced by the following:

*'TITLE V**Control measures';*

7. Article 17 shall be replaced by the following:

*'Article 17*

1. Member States shall take all necessary action to ensure and verify compliance with Community provisions concerning raw tobacco.

2. Member States shall make arrangements for granting entitlement to first processors to sign cultivation contracts.

3. Entitlement shall be withdrawn by the Member State if the processor deliberately or through serious negligence fails to comply with the Community provisions concerning raw tobacco.

4. Member States shall take the action necessary for their control bodies to be able to verify compliance with Community provisions, and in particular:

- to have access to production and processing facilities,

- to be able to acquaint themselves with first processors' accounting and stock records and with other relevant documents and take copies or extracts,

- to be able to obtain all relevant information, particularly in order to check that tobacco delivered has actually been processed,
- to obtain exact figures for the volume and purchase price of the production of all individual producers,
- to check the quality of the tobacco and payment by the processor of a purchase price to the individual producer,
- to check each year the areas planted by individual producers.

5. Rules for the application of this Title shall be adopted in accordance with the procedure laid down in Article 23.;

8. the following heading shall be inserted after Article 17:

‘TITLE VI

**General and transitional provisions’;**

9. Article 20 shall be replaced by the following:

‘Article 20

To deal with unforeseen circumstances, exceptional market support measures may be taken in accordance

with the procedure laid down in Article 23. Their scope and duration shall be strictly limited to what is necessary to support the market.’;

10. Article 26 shall be replaced by the following:

‘Article 26

Before 1 April 2002, the Commission shall submit a report to the European Parliament and to the Council on the functioning of the common organisation of the market in raw tobacco.’;

11. the following paragraph shall be added to Article 27:

‘Where transitional measures prove necessary to facilitate the application of the amendments to this Regulation introduced by Regulation (EC) No 1636/98 (\*), such measures shall be adopted in accordance with the procedure laid down in Article 23.

(\*) OJ L 210, 28.7.1998, p. 23.’

*Article 2*

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

It shall apply from the 1999 harvest.

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

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

**COUNCIL REGULATION (EC) No 1637/98**  
**of 20 July 1998**  
**amending Regulation (EEC) No 404/93 on the common organisation of the**  
**market in bananas**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

(1) Whereas a number of changes are required in the provisions on trade with third countries contained in Title IV of Regulation (EEC) No 404/93 <sup>(4)</sup>;

(2) Whereas the Community's international commitments under the World Trade Organisation (WTO) and to the other signatories of the Fourth ACP-EC Convention should be met, whilst achieving at the same time the purposes of the common organisation of the market in bananas;

(3) Whereas a basic tariff quota of 2 200 000 tonnes at the reduced duty of ECU 75 per tonne is bound in the WTO;

(4) Whereas the increase in consumption resulting from enlargement of the Community warrants opening of an autonomous tariff quota of 353 000 tonnes; whereas this autonomous tariff quota should involve reduction to ECU 75 per tonne of the customs duty applicable beyond the above bound tariff quota; whereas this reduction is warranted by the need to guarantee adequate supply of the Community;

(5) Whereas for traditional ACP bananas retention of the total quantity of 857 700 tonnes that may be imported at nil duty preserves access to the Community market for the supplier States of the traditional quantities, in line with Protocol 5 annexed to the Fourth ACP-EC Convention and with WTO rules;

(6) Whereas in view of the obligations under the Fourth ACP-EC Convention, particularly Article 168 thereof, and of the need to guarantee proper conditions of competition for non-traditional ACP bananas, application to imports of these bananas of an ECU 200 preference will allow the trade flows in question to be maintained under the new import arrangements introduced by this Regulation;

(7) Whereas for the purpose of subdividing the tariff quotas and, if the situation arises, the traditional ACP quantity, a single criterion should be used for determining those producer States with a substantial interest in the supply of bananas; whereas should there be no reasonable possibility of reaching agreement with those States, the Commission, assisted by a committee of representatives of the Member States, must have the authority to carry out allocation using that criterion;

(8) Whereas provision should be made for the autonomous tariff quota to be modified to take account of any increased Community demand found when a supply balance is drawn up; whereas provision should also be made for suitable specific action to be taken in response to exceptional circumstances liable to affect supply of the Community market;

(9) Whereas operation of this Regulation should be reviewed at the end of an adequate trial period;

(10) Whereas appropriate amendments should therefore be made to Title IV of Regulation (EEC) No 404/93,

HAS ADOPTED THIS REGULATION:

*Article 1*

Council Regulation (EEC) No 404/93 is amended as follows:

1. Articles 16 to 20 of Title IV shall be replaced by the following:

*'Article 16*

Articles 16 to 20 of this Title shall apply only to fresh products of CN code ex 0803 00 19.

For the purposes of this Title:

<sup>(1)</sup> OJ C 75, 11. 3. 1998, p. 6.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> OJ C 235, 27. 7. 1998.

<sup>(4)</sup> OJ L 47, 25. 2. 1993, p. 1. Regulation as last amended by Regulation (EEC) No 3290/94 (OJ L 349, 31. 12. 1994, p. 105).

1. "traditional imports from ACP States" means imports into the Community of bananas originating in the States listed in the Annex hereto up to a limit of 857 700 tonnes (net weight) per year; these are termed "traditional ACP bananas";
2. "non-traditional imports from ACP States" means imports into the Community of bananas originating in ACP States but not covered by definition 1; these are termed "non-traditional ACP bananas";
3. "imports from non-ACP third States" means bananas imported into the Community originating in third States other than the ACP States; these are termed "third State bananas".

#### Article 17

All importation of bananas into the Community shall be subject to submission of an import licence issued by Member States to any interested party irrespective of his place of establishment in the Community without prejudice to specific provisions adopted for the application of Articles 18 and 19.

Import licences shall be valid throughout the Community. Except where derogations are adopted under the procedure laid down in Article 27, the issue of such licences shall be subject to lodging of a security against a commitment to import on the terms of this Regulation during the period of the licence's validity. Except in cases of *force majeure* the security shall be wholly or partly forfeit if the operation is not or is only partly carried out within the time allowed.

#### Article 18

1. A tariff quota of 2 200 000 tonnes (net weight) shall be opened each year for imports of third State and non-traditional ACP bananas.

Imports of third State bananas under the tariff quota shall be subject to duty of ECU 75 per tonne, while imports of non-traditional ACP bananas shall be free of duty.

2. An additional tariff quota of 353 000 tonnes (net weight) shall be opened each year for imports of third State and of non-traditional ACP bananas.

Imports of third State bananas under this tariff quota shall be subject to duty of ECU 75 per tonne while imports of non-traditional ACP bananas shall be free of duty.

3. No duty shall be payable on imports of traditional ACP bananas.

4. Should there be no reasonable possibility of securing agreement of all WTO contracting parties with a substantial interest in the supply of bananas, the Commission may under the procedure set out in Article 27 allocate the tariff quotas provided for in paragraphs 1 and 2 and the traditional ACP quantity between those States with a substantial interest in the supply.

5. By way of derogation from Article 15 non-traditional ACP bananas imported outside the tariff quotas indicated in paragraphs 1 and 2 shall be subject to duty per tonne equal to the duty indicated in Article 15 less ECU 200.

6. The duty rates set in this Article shall be converted into national currency at the rates applicable for the products in question for the purposes of the common customs tariff.

7. The additional tariff quota provided for in paragraph 2 may be increased if demand in the Community increases as indicated by a balance sheet of production, consumption, imports and exports.

Determination of the elements of the balance sheet, its adoption and increase of the additional tariff quota shall be effected under the procedure set out in Article 27.

8. Should supply of the Community market be affected by exceptional circumstances affecting production or importation, the Commission shall adopt the specific measures necessary under the procedure set out in Article 27.

In such cases the additional tariff quota provided for in paragraph 2 may be adjusted on the basis of the balance sheet indicated in paragraph 7. The specific measures may derogate from the rules adopted under Article 19(1). They must not discriminate between supply origins.

9. Third State, traditional ACP and non-traditional ACP bananas re-exported from the Community shall not be counted against the corresponding tariff quotas.

#### Article 19

1. The tariff quotas indicated in Article 18(1) and (2) and imports of traditional ACP bananas shall be managed in accordance with the method based on taking account of traditional trade flows ("traditional/newcomers").



The Commission shall adopt the implementing arrangements required under the procedures set out in Article 27.

Where necessary, other suitable methods may be adopted.

2. The method adopted shall as appropriate take account of the supply requirements of the Community market and of the need to safeguard its equilibrium.

#### *Article 20*

The Commission shall adopt provisions to apply this Title under the procedure set out in Article 27. Their scope shall include:

- (a) guarantee of the nature, provenance and origin of the product;
- (b) recognition of the document serving to verify these guarantees;
- (c) terms of issue and period of validity of import licences;
- (d) any specific provisions needed to facilitate the switch from the import arrangements applying on and after 1 July 1993 to the present arrangements of this Title;

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

Done at Brussels, 20 July 1998.

- (e) measures needed to ensure respect for obligations stemming from agreements concluded by the Community under Article 228 of the Treaty.';

2. Article 32 shall be replaced by:

#### *'Article 32*

1. At the latest by 31 December 2004, the Commission shall submit to the European Parliament and the Council a report, accompanied if appropriate by proposals, on the operation of this Regulation and of possible alternatives, in particular as regards the import arrangements.

2. The report shall in particular analyse the marketing trends for Community, ACP and third State bananas and assess how the import arrangements have worked. In this context, special attention shall be paid to the extent to which the most vulnerable ACP suppliers have been able to maintain their position on the Community market.';

3. Article 15a shall be deleted;

4. the Annex shall be replaced by the Annex hereto.

#### *Article 2*

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

It shall apply from 1 January 1999.

*For the Council*

*The President*

W. MOLTERER

*ANNEX**ANNEX***Traditional imports from the ACP States**

Imports originating in the following supplying States, up to a limit of 857 700 tonnes (net weight) annually:

Côte d'Ivoire

Cameroon

Suriname

Somalia

Jamaica

St Lucia

St Vincent and the Grenadines

Dominica

Belize

Cape Verde

Grenada

Madagascar'.

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**COUNCIL REGULATION (EC) No 1638/98****of 20 July 1998****amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

(1) Whereas in February 1997 the Commission submitted a communication to the European Parliament and the Council on the olive and olive oil sector, concluding that the current common organisation of the market in oils and fats needed reform; whereas that communication and the options for reform set out therein have been discussed within the Community institutions; whereas opinions concur on the need for reform; whereas, however, with a view to determining the best approach, more reliable information must be obtained, in particular on the number of olive trees in the Community, the areas planted and yields; whereas, given the time required to gather and analyse such data, the Commission has undertaken to submit a proposal for reform in the course of 2000 for application from the 2001/02 marketing year;

(2) Whereas experience has shown that some adjustments need to be made in the near future to the current common organisation of the market to reduce the difficulties of operators in the sector, improve checks conducted by the national authorities and protect the Community budget better; whereas provision should be made for the necessary adjustments to the present market organisation and the relevant prices and amounts should be fixed for the marketing years from 1998/99 to 2000/01;

(3) Whereas Article 5 of 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>(4)</sup> provides for production aid fixed on a flat-rate basis for producers whose average production does not exceed 500 kg; whereas the measure was intended in particular to reduce the administrative costs connected with checking on entitlement to the aid; whereas, however, changes to the production aid scheme, and in particular the rise in the proportion of expenditure on aid paid to small producers and the increase in the level of aid, have transformed the two-tier system of aid to producers into a source of fraud; whereas the provisions relating specifically to aid for small producers should accordingly be deleted;

(4) Whereas the stabiliser mechanism for production aid is currently based on a maximum guaranteed quantity for the Community as a whole; whereas the maximum guaranteed quantity should be increased to take account, in particular, of production trends;

(5) Whereas, to encourage a reasonable level of production in each Member State, the maximum guaranteed quantity should be apportioned among the producer Member States in the form of National Guaranteed Quantities (NGQ); whereas the apportionment should essentially be based on production over a representative period, taking no account of extreme production years; whereas, however, account should be taken of the situation in the sector in the different Member States and in particular of the specific allocation of aid previously granted to small producers and of the production potential of existing olive groves in Spain and Portugal;

(6) Whereas, in order to mitigate the effects of fluctuations in production, where the actual production of a Member State is lower than its NGQ, part of the shortfall may be added to that Member State's NGQ for the following marketing year; whereas the remainder of the shortfall can offset other Member States' NGQ overruns in order to continue to ensure some solidarity between producers in the European Union;

(7) Whereas the production aid is payable to the olive growers; whereas the latter must receive the aid in full, irrespective of the various reductions provided for in the Community rules;

<sup>(1)</sup> OJ C 136, 1. 5. 1998, p. 20.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> OJ C 235, 27. 7. 1998.

<sup>(4)</sup> OJ 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1581/96 (OJ L 206, 16. 8. 1996, p. 11).

- (8) Whereas, where necessary to allow support for table olives, Member States must be able to make use of part of the resources allocated to aid for olive oil production;
- (9) Whereas consumption aid cannot be increased without a risk of fraud and is ineffective at its present level; whereas in the past it was reduced sharply without adverse effect on the consumption of olive oil in the Community; whereas abolishing it would enable checks on the production aid scheme to be stepped up, in particular by the inspection agencies provided for in Council Regulation (EEC) No 2262/84 of 17 July 1984 laying down special measures in respect of olive oil<sup>(1)</sup>; whereas Council Regulation (EEC) No 3089/78 of 19 December 1978 laying down general rules in respect of aid for the consumption of olive oil<sup>(2)</sup> must therefore be repealed;
- (10) Whereas the provisions for promoting the consumption of olive oil and table olives in the Member States and third countries should be maintained, clarified and strengthened; whereas such measures are intended to establish better balance on the market and as a consequence the relevant expenditure should be deemed intervention within the meaning of Article 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy<sup>(3)</sup>; whereas those provisions call for certain technical adaptations to Council Regulation (EEC) No 1970/80 of 22 July 1980 laying down general implementing rules for campaigns aimed at promoting the consumption of olive oil in the Community<sup>(4)</sup>; whereas that Regulation should be repealed and its provisions incorporated, with the requisite amendments, in Regulation No 136/66/EEC;
- (11) Whereas the system of public buying-in constitutes a production incentive which is liable to destabilise the market; whereas buying-in must therefore be discontinued and the references to the intervention price must be deleted or replaced;
- (12) Whereas, if the supply of olive oil is to be regulated when there is serious disturbance of the market,
- there is a need for a system of aid for private storage contracts, with priority for such contracts being given to producer groups and associations thereof recognised under Council Regulation (EC) No 952/97 of 20 May 1997 on producer groups and associations thereof<sup>(5)</sup>;
- (13) Whereas the definitions of the categories of virgin olive oil in the Annex to Regulation No 136/66/EEC refer to an organoleptic assessment based on a particular method; whereas methods of sensory analysis have improved recently, although they retain an inherent risk of some subjectivity; whereas the definitions in question should be amended to refer, where necessary, to more effective analysis methods;
- (14) Whereas, in order to improve knowledge of and checks on the production of olive oil at the level of the individual producer, special attention should be paid to work on the olive cultivation register during the 1998/99 to 2000/01 marketing years; whereas, to take account of experience gained, the method used for other crops in the context of the Integrated Administration and Control System should also be applied for the olive cultivation register; whereas the Commission must therefore determine the measures to be taken and the arrangements and criteria to be complied with to achieve the creation of a Geographical Information System; whereas it is therefore necessary to derogate from Regulation (EEC) No 154/75<sup>(6)</sup> and Regulation (EEC) No 2261/84<sup>(7)</sup>;
- (15) Whereas the options for the reform may encourage producers to plant new olive trees; whereas such new plantings would seriously jeopardise the future balance of the market, which is currently already in surplus; whereas, in order to forestall that risk, provision should be made at this stage to exclude new plantings from eligibility under any future aid scheme, unless they are part of a programme approved by the Commission; whereas, owing to the time elapsing between the presentation of the Commission's proposal and its adoption, plantings
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- <sup>(1)</sup> OJ L 208 3. 8. 1984, p. 11. Regulation as last amended by Regulation (EC) No 2599/97 (OJ L 351, 23. 12. 1997, p. 17).
- <sup>(2)</sup> OJ L 369, 29. 12. 1978, p. 12. Regulation as last amended by Regulation (EC) No 1582/96 (OJ L 206, 16. 8. 1996, p. 13).
- <sup>(3)</sup> OJ L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EC) No 1287/95 (OJ L 125, 8. 6. 1995, p. 1).
- <sup>(4)</sup> OJ L 192, 26. 7. 1980, p. 5. Regulation as amended by Regulation (EEC) No 1651/86 (OJ L 145, 30. 5. 1986, p. 10).
- <sup>(5)</sup> OJ L 142, 2. 6. 1997, p. 30.
- <sup>(6)</sup> Council Regulation (EEC) No 154/75 of 21 January 1975 on the establishment of a register of olive oil cultivation in the Member States producing olive oil (OJ L 19, 24. 1. 1975, p. 1). Regulation as last amended by Regulation (EEC) No 3788/85 (OJ L 367, 31. 12. 1985, p. 1).
- <sup>(7)</sup> Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations (OJ L 208, 3. 8. 1984, p. 3). Regulation as last amended by Regulation (EC) No 636/95 (OJ L 67, 25. 3. 1995, p. 1).

from the month following the date when operators are notified of the Commission's intention in this respect should also be ineligible;

- (16) Whereas the need for a reform of the olive oil sector stems from the ultimate impossibility of maintaining certain measures provided for in Regulation No 136/66/EEC; whereas, despite the transitional adjustments provided for herein, the measures in question should be repealed with effect from 1 November 2001,

HAS ADOPTED THIS REGULATION:

### *Article 1*

Regulation No 136/66/EEC is amended as follows:

1. In Article 2a(2), the words 'intervention price' shall be replaced by the following:

'production target price, less production aid and an amount taking account of market variations and the costs of transporting the olive oil from the areas of production to the areas of consumption,'.

2. Article 4 shall be replaced by the following:

### *Article 4*

1. A production target price shall be fixed for the Community.

That price shall be fixed at the wholesale marketing stage for ordinary virgin olive oil with a free fatty acid content expressed as oleic acid of 3,3 g/100 g.

2. For the 1998/99 to 2000/01 marketing years, the production target price provided for in paragraph 1 shall be ECU 383,77/100 kg.

3. Save as otherwise decided by the Council acting by a qualified majority on a proposal from the Commission, the olive oil marketing year shall run from 1 November to 31 October of the following year;'

3. Article 5 shall be replaced by the following:

### *Article 5*

1. Production aid shall be granted for olive oil. Such aid shall be intended to contribute towards establishing a fair income for producers.

The aid shall be granted to olive growers on the basis of the quantity of olive oil they actually produce.

Without prejudice to the different reductions provided for in the Community rules, the aid shall be paid in full to the olive growers.

2. For the 1998/99 to 2000/01 marketing years, the unit amount of the production aid provided for in paragraph 1 shall be ECU 132,25/100 kg.

3. The maximum quantity of olive oil to which the aid provided for in paragraph 1 shall apply shall be 1 777 261 tonnes per marketing year. That maximum guaranteed quantity shall be apportioned among the Member States as follows in the form of NGQs:

— Spain	760 027 tonnes
— France	3 297 tonnes
— Greece	419 529 tonnes
— Italy	543 164 tonnes
— Portugal	51 244 tonnes.

4. Under conditions to be approved by the Commission in accordance with the procedure laid down in Article 38, each Member State may allocate part of its NGQ and of its olive oil production aid to support for table olives.

In such cases, the NGQ used for applying paragraphs 5 and 6 shall be the one given in paragraph 3, reduced by a quantity corresponding to the aid granted to table olives.

5. Where actual production in any marketing year in a Member State is less than its NGQ:

- (a) 20 % of the shortfall shall be distributed among the Member States which exceeded their NGQs during the same marketing year; the distribution shall be carried out in proportion to the NGQs of the beneficiary States; and
- (b) 80 % of the shortfall shall be added, solely for the subsequent marketing year, to the NGQ of the Member State in question.

The residual quantities shall be distributed by the Commission in accordance with the procedure laid down in Article 38.

6. The aid fixed in paragraph 2 shall be granted in those Member States whose actual production recognised as eligible for the aid is lower than or equal to their NGQs, plus any increase in accordance with paragraph 5.

In the other Member States, the unit aid granted shall be equal to the amount fixed in paragraph 2, multiplied by a coefficient. That coefficient shall be arrived at by dividing the NGQ of the Member State concerned, plus any increase in accordance with paragraph 5, by the actual production recognised as eligible for the aid.

7. With a view to checks of the quantity of olive oil eligible for the aid, olive and olive oil yields shall be fixed for each marketing year per homogeneous production area.

8. Recognised producer organisations and associations thereof may be associated in the work of determining actual production as referred to in paragraph 5 and of establishing yields as referred to in paragraph 7.

9. A percentage of the production aid allocated to all or some producers shall be used to finance regional measures to improve the quality of oil production and its environmental impact in each producer Member State.

For the 1998/99 to 2000/01 marketing years, the percentage referred to in the first subparagraph shall amount to 1,4 % of the production aid allocated to olive oil producers.

10. Acting by a qualified majority on a proposal from the Commission, the Council shall lay down general rules for applying this Article.

11. The yields referred to in paragraph 7 and the detailed rules for applying this Article shall be determined in accordance with the procedure laid down in Article 38 of this Regulation and, where applicable, the procedure laid down in Article 13 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (\*).

(\*) OJ L 94, 28.4.1970, p. 13. Regulation as last amended by Regulation (EC) No 1287/95 (OJ L 125, 8. 6. 1995, p. 1).;

4. Articles 5a, 7 and 8 shall be deleted;

5. Article 11 shall be replaced by the following:

*'Article 11*

1. The Community may undertake measures directly or indirectly to provide information or to promote, in Member States or third countries, the consumption of olive oil and table olives produced in the Community.

The measures referred to in the first subparagraph may entail the following:

- (a) dissemination of existing knowledge, in particular regarding the nutritional qualities of olive oil;
- (b) market studies to expand the market for olive oil;
- (c) publicity, public relations and promotional campaigns to encourage the consumption of olive oil, in particular with a view to stressing its quality, and of products prepared with olive oil;

(d) research work, in particular covering scientific study of the nutritional aspects of olive oil;

(e) study to assess the results of promotional campaigns.

2. The Commission shall send the Council a programme of the measures it contemplates undertaking during the following marketing year(s). With a view to drawing up the programme, the Commission may in particular consult bodies specialising in market studies and publicity campaigns and research institutes.

3. The Commission shall decide on the measures listed in paragraph 1 after consulting the Management Committee for Oils and Fats in accordance with the procedure laid down in Article 39.

4. Expenditure incurred on measures referred to in paragraph 1 may be financed at a rate of 100 % by the Community and shall be deemed intervention within the meaning of Article 3 of Regulation (EEC) No 729/70.

5. Detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 38.;

6. the first paragraph of Article 11a shall be replaced by the following:

'The individual Member States shall take the necessary steps to penalise infringements of the aid scheme provided for in Article 5. Where infringements are reported by the inspection agencies provided for in Council Regulation (EEC) No 2262/84 of 17 July 1984 laying down special measures in respect of olive oil (\*), the Member States shall decide on action to be taken within 12 months of the report.

(\*) OJ L 208, 3.8.1984, p. 11. Regulation as last amended by Regulation (EC) No 2599/97 (OJ L 351, 23. 12. 1997, p. 17).;

7. Article 12 shall be deleted;

8. Article 12a shall be replaced by the following:

*'Article 12a*

In the event of serious disturbance of the market in certain regions of the Community, in order to regularise the market, a decision may be taken in accordance with the procedure laid down in Article 38 to authorise bodies offering sufficient guarantees, and approved by the Member States, to conclude contracts for the storage of olive oil that they market. Among the bodies concerned, priority shall be given to producer groups and associations thereof recognised in accordance with Regulation (EC) No 952/97 (\*).

The measures referred to in the first paragraph may be implemented *inter alia* when the average price recorded on the market during a representative period is less than 95 % of the intervention price applicable during the 1997/98 marketing year.

The amount of the aid granted for the performance of contracts and the detailed rules for implementing this Article, in particular the quantities, qualities and duration of storage of the oils concerned, shall be established by the procedure laid down in Article 38 in such a way as to ensure a significant impact on the market. The aid may be granted by means of tenders.

(\*) OJ L 142, 2.6.1997, p. 30.’;

9. Article 20(2) shall be deleted;
10. the last subparagraph of Article 20a(2) and Article 20a(4) shall be deleted;
11. Article 20d(1) shall be replaced by the following:

‘1. A percentage of the production aid shall be withheld from the amount paid to recognised producer groups and associations thereof under this Regulation. The resulting amount shall help finance activities under Article 5(7) and Article 20c.

For the 1998/99 to 2000/01 marketing years, the percentage of the production aid referred to in the first subparagraph shall be 0,8 %.’;

12. Article 20d(3) shall be deleted;
13. point 1 of the Annex shall be replaced by the following:

‘1. Virgin olive oils:

Oils obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions, particularly thermal conditions, that do not lead to alterations in the oil, which have not undergone any treatment other than washing, decantation, centrifugation and filtration, to the exclusion of oils obtained using solvents or re-esterification processes and any mixture with oils of other kinds.

Virgin olive oils are classified and described as follows:

(a) Extra virgin olive oil:

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 1 g per 100 g, the other characteristics of which comply with those laid down for this category.

(b) Virgin olive oil (the expression “fine virgin oil” may be used at the production and wholesale stage):

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 2 g per 100 g, the other characteristics of which comply with those laid down for this category.

(c) Ordinary virgin olive oil:

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 3,3 g per 100 g, the other characteristics of which comply with those laid down for this category.

(d) Lampante virgin olive oil:

Virgin olive oil having a free acidity, in terms of oleic acid, of more than 3,3 g per 100 g and/or the other characteristics of which comply with those laid down for this category.’

## Article 2

1. Notwithstanding Regulation (EEC) No 154/75, work on the olive cultivation register during the 1998/99 to 2000/01 marketing years shall focus on the creation, updating and utilisation of a geographic information system (GIS).

The GIS shall be created using the data from the olive cultivation register. Additional data shall be supplied from the crop declarations attached to the aid applications. The information in the GIS shall be geographically situated using computerised aerial photographs.

2. Member States shall verify that the information in the crop declarations corresponds to the information in the GIS. If this information does not correspond, the Member State shall carry out verifications and on-the-spot checks.

The Commission shall determine the detailed rules and criteria for ensuring correspondence as referred to in the first subparagraph and the acceptable tolerance. It shall also lay down the detailed rules and intensity for the verifications and on-the-spot checks to be carried out during each of the three marketing years from 1998/99 to 2000/01.

3. If, during the verifications and checks referred to in paragraph 2, the information in the crop declaration is found to be incorrect, particularly as regards the number of olive trees, the Member State shall apply, for one or more marketing years, and depending on the size of the discrepancies observed:

- a reduction in the quantity of olive oil eligible for aid, or
- exclusion of the olive trees concerned from eligibility for the aid,

in accordance with rules and criteria to be laid down by the Commission.

4. The Commission shall adopt the measures to be taken and the detailed rules, criteria and intensity of checks to be laid down under this Article for the 1998/99 to 2000/01 marketing years, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

5. The measures provided for in this Article shall apply by way of derogation from those laid down in Regulation (EEC) No 2261/84 as regards crop declarations and their links with the aid.

#### *Article 3*

1. In accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, the Commission may adopt the measures required for a smooth changeover from the arrangements in force for the 1997/98 marketing year to those resulting from the measures introduced by this Regulation.

2. On a proposal from the Commission to be presented in 2000, the Council shall decide on the common organisation of the market in oils and fats which is to replace, as from 1 November 2001, the one established by Regulation No 136/66/EEC.

#### *Article 4*

No aid under the common organisation of the market in oils and fats in force from 1 November 2001 may be paid to olive growers in respect of additional olive trees or the

relevant areas planted after 1 May 1998 and those not covered by a cultivation declaration at a date to be determined.

However:

- additional olive trees in connection with the conversion of an old olive plantation, or
- new plantings

on areas covered by a programme approved by the Commission may be taken into account within certain limits to be determined. For Greece, France and Portugal, the areas provided for by the programmes to be approved by the Commission during the period running until 1 November 2001 shall be 3 500 ha, 3 500 ha and 30 000 ha respectively.

Detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

#### *Article 5*

Articles 5, 11a, 12a, 13 and 20a of Regulation No 136/66/EEC are hereby repealed with effect from 1 November 2001.

Regulations (EEC) Nos 3089/78 and 1970/80 are hereby repealed.

#### *Article 6*

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

It shall apply from 1 November 1998.

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

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER



## COUNCIL REGULATION (EC) No 1639/98

of 20 July 1998

amending Regulation (EEC) No 2261/84 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations

THE COUNCIL OF THE EUROPEAN UNION,

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>, and in particular Article 5(8) thereof,

Having regard to the proposal from the Commission<sup>(2)</sup>,

Whereas Regulation (EC) No 1638/98 deletes from Article 5 of Regulation No 136/66/EEC the special production aid provisions for producers of less than 500 kg of olive oil; whereas it is therefore necessary to amend accordingly Regulation (EEC) No 2261/84<sup>(3)</sup> and to strengthen the checks on production aid;

Whereas Regulation (EC) No 1638/98 introduces in Article 5 of Regulation No 136/66/EEC a national allocation of the maximum guaranteed quantity and specifies the implications of an overrun of any of these national guaranteed quantities for production aid in that Member State; whereas it is necessary to specify, on the basis of experience, what data must be determined or notified for the operation of these provisions,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2261/84 is hereby amended as follows:

1. paragraphs 4 and 5 of Article 2 shall be replaced by the following:

‘4. The aid shall be granted, in accordance with Article 5(1) of Regulation No 136/66/EEC, on the quantity of oil actually produced at an approved mill.’;

<sup>(1)</sup> OJ 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1638/98 (OJ L 210, 28. 7. 98, p. 32).

<sup>(2)</sup> OJ C 136, 1. 5. 1998, p. 25.

<sup>(3)</sup> OJ L 208, 3. 8. 1984, p. 3. Regulation as last amended by Regulation (EC) No 636/95 (OJ L 67, 25. 3. 1995, p. 1).

2. the second indent of Article 8(1) shall be replaced by the following:

‘— that the figures supplied by each grower for quantities of olives pressed and of oil obtained correspond to the quantities of olives and oil stated in the evidence of pressing.’;

3. Article 12(1) shall be replaced by the following:

‘1. Each olive oil grower may receive an advance on the amount of the aid applied for.’;

4. the following subparagraph shall be added to Article 13(1):

‘(e) have undertaken to submit to the competent authorities, before dates to be determined, monthly stock record summaries.’;

5. in Article 14:

(a) in paragraph 3a the introductory phrase shall be replaced by:

‘For the purposes of paying aid to olive growers, Member States shall check.’;

(b) paragraph 4 shall be deleted;

(c) the second subparagraph of paragraph 5 shall be replaced by the following:

‘These files shall be used to guide the checking required under paragraphs 1, 2 and 3.’;

6. in Article 15(3) the words ‘whose average production is at least 500 kg of oil per marketing year and’ shall be deleted;

7. Article 17a shall be replaced by the following:

*‘Article 17a*

1. In accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, the Commission shall determine before 1 October, for each producer Member State for the current marketing year:

— estimated production qualifying for the aid,

— a single rate for advances on the production aid; this must be such that, given the production forecast for the marketing year in question, any risk of undue payment to growers is avoided.

2. No later than eight months after the end of the marketing year, the Commission shall, in accordance with the procedure referred to in paragraph 1, determine for each producer Member State for that marketing year:

- actual production for which entitlement to aid is recognised,
- a single production aid rate, possibly weighted by a coefficient as provided for in Article 5(6) of Regulation No 136/66/EEC.

3. Member States shall notify to the Commission, by 5 September of the marketing year concerned, their olive oil production estimates for that marketing year.

The Commission may make use of other sources of information and if appropriate have studies or surveys of olive oil production carried out.;

8. in Article 18, the words 'mentioned in the second indent of the first subparagraph of Article 5(2)' shall be replaced by 'mentioned in Article 5(7)'.

#### *Article 2*

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

It shall apply from 1 November 1998.

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

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

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**COMMISSION REGULATION (EC) No 1640/98**  
**of 27 July 1998**  
**on the supply of cereals 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 <sup>(1)</sup>, and in particular Article 24(1)(b) thereof,

Whereas 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;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries;

Whereas 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 <sup>(2)</sup>; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Cereals 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, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 166, 5. 7. 1996, p. 1.

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<sup>(2)</sup> OJ L 346, 17. 12. 1997, p. 23.

## ANNEX

## LOT A

1. **Action No:** 171/97
2. **Beneficiary** <sup>(2)</sup>: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma;  
tel. (39-6) 65 13 29 88; fax 65 13 28 44/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Liberia
5. **Product to be mobilised:** common wheat flour
6. **Total quantity (tonnes net):** 7 650
7. **Number of lots:** one
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(3)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.B(1)(a))
9. **Packaging** <sup>(7)</sup>: see OJ C 267, 13.9.1996, p. 1 (2.2, A(1)(d), (2)(d) and (B)(1))
10. **Labelling or marking** <sup>(6)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.B(3))
  - Language to be used for the markings: English
  - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment — fob stowed
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —  
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
  - port or warehouse of transit: —
  - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
  - first deadline: 14.9 — 4.10.1998
  - second deadline: 28.9 — 18.10.1998
18. **Period or deadline of supply at the alternative stage:**
  - first deadline: —
  - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
  - first deadline: 11.8.1998
  - second deadline: 25.8.1998
20. **Amount of tendering guarantee:** ECU 5 per tonne
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: 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** <sup>(4)</sup>: refund applicable on 24.7.1998, fixed by Commission Regulation (EC) No 1345/98 (OJ L 184, 27.6.1998, p. 10)

*Notes:*

- (<sup>1</sup>) Supplementary information: André Debongnie (tel. (32 2) 295 14 65).  
Torben Vestergaard (tel. (32 2) 299 30 50).
- (<sup>2</sup>) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) 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.
- (<sup>4</sup>) 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.
- (<sup>5</sup>) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:  
— phytosanitary certificate.
- (<sup>6</sup>) Notwithstanding OJ C 114, point II.B(3)(c) is replaced by the following: 'the words "European Community"'.
- (<sup>7</sup>) 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'.
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## COMMISSION REGULATION (EC) No 1641/98

of 27 July 1998

opening a standing invitation to tender for the export of rye held by the Austrian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as last amended by Regulation (EC) No 2193/96<sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, given the current market situation, a standing invitation to tender should be opened for the export of 26 334 tonnes of rye held by the Austrian intervention agency;

Whereas special procedures must be laid down to ensure that the operations and their monitoring are properly effected; whereas, to that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, where removal of the rye is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation;

Whereas Article 7(2a) of Regulation (EEC) No 2131/93 provides for the possibility of reimbursing the successful tenderer for the lowest transport costs between the place of storage and the actual place of exit; whereas, in view of Austria's geographical position, that provision should be applied;

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

*Article 1*

Subject to the provisions of this Regulation the Austrian intervention agency issues a standing invitation to tender for the export of rye held by it in accordance with Regulation (EEC) No 2131/93.

*Article 2*

1. The invitation to tender shall cover a maximum of 26 334 tonnes of rye for export to third countries.
2. The regions in which the 26 334 tonnes of rye are stored are set out in Annex I.

*Article 3*

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.
2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.
3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.
4. In application of Article 7(2a) of Regulation (EEC) No 2131/93, the successful tenderer shall be reimbursed for the lowest transport costs between the place of storage and the actual place of exit.

*Article 4*

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.
2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 44 of Commission Regulation (EEC) No 3719/88<sup>(5)</sup>.

*Article 5*

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 30 July 1998.

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ L 293, 16. 11. 1996, p. 1.

<sup>(5)</sup> OJ L 331, 2. 12. 1988, p. 1.

2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.

3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 27 May 1999.

4. Tenders shall be lodged with the Austrian intervention agency.

#### Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:
  - one kilogram per hectolitre as regards specific weight, which must not, however, be less than 68 kg/hl,
  - one percentage point as regards moisture content,
  - half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92<sup>(1)</sup>, and
  - half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

(c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:

- accept the lot as established, or
- refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

(d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the rye is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

<sup>(1)</sup> OJ L 74, 20. 3. 1992, p. 18.

*Article 7*

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92<sup>(1)</sup>, the documents relating to the sale of rye in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

- Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1641/98
- Rug fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1641/98
- Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1641/98
- Σίκαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1641/98
- Intervention rye without application of refund or tax, Regulation (EC) No 1641/98
- Seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1641/98
- Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1641/98
- Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1641/98
- Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 1641/98
- Interventioruista, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1641/98
- Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1641/98.

*Article 8*

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. The obligation to export to the third countries shall be covered by a security amounting to ECU 50 per tonne of which ECU 30 per tonne shall be lodged when the export licence is issued, with the balance of ECU 20 per tonne being lodged before removal of the cereals.

Article 15(2) of Regulation (EEC) No 3002/92 notwithstanding:

- the amount of ECU 30 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the rye removed has left the customs territory of the Community,
- the amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies the proof referred to in Article 17(3) of Regulation (EEC) No 2131/93.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to ECU 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

*Article 9*

Within two hours of the expiry of the time limit for the submission of tenders, the Austrian intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

*Article 10*

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, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 301, 17. 10. 1992, p. 17.



## ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Niederösterreich	9 657
Oberösterreich	16 677

## ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of rye held by the Austrian intervention agency**

(Article 6(1) of Regulation (EC) No 1641/98)

— Name of successful tenderer:

— Date of award of contract:

— Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

### ANNEX III

### Standing invitation to tender for the export of rye held by the Austrian intervention agency

(Regulation (EC) No 1641/98)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) <sup>(1)</sup>	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

<sup>(1)</sup> This price includes the increases or reductions relating to the lot to which the tender refers.

## ANNEX IV

The only numbers to use to call Brussels are (DG VI-C-1):

— fax 296 49 56,  
295 25 15,

— telex 22037 AGREC B,  
22070 AGREC B (Greek characters).

**COMMISSION REGULATION (EC) No 1642/98****of 27 July 1998****on the issue of import licences for rice against applications submitted during  
the first 10 working days of July 1998 pursuant to Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice <sup>(1)</sup>, as amended by Regulation (EC) No 648/98 <sup>(2)</sup>, and in particular Article 5(2) thereof,

Whereas, pursuant to Article 5(2) of Regulation (EC) No 327/98, within 10 days of the closing date for notification by the Member States of licence applications, the Commission must decide to what extent the applications may be accepted and fix the quantities available under the following tranche;

Whereas examination of the quantities for which applications have been submitted shows that licences should be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licences for rice against applications submitted during the first 10 working days of July 1998 pursuant to Regulation (EC) No 327/98 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

2. The quantities available under the following tranche shall be as set out in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 37, 11. 2. 1998, p. 5.

<sup>(2)</sup> OJ L 88, 24. 3. 1998, p. 3.

## ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for July 1998 and quantities available for the following tranche:

(a) quantity referred to in Article 2: semi-milled and wholly-milled rice falling within CN code 1006 30

Origin	Reduction (%)	Quantity available for the September 1998 tranche (in tonnes)
United States of America	0 (%)	284
Thailand	0 (%)	109,71
Australia	0 (%)	761

(%) Issue for the quantity applied for.

(b) quantity referred to in Article 2: husked rice falling within CN code 1006 20

Origin	Reduction (%)	Quantity available for the September 1998 tranche (in tonnes)
Australia	0 (%)	10 364,50
United States of America	0 (%)	100
Thailand	0 (%)	153,50
Other origins	0 (%)	116

(%) Issue for the quantity applied for.

(c) quantity referred to in Article 2: broken rice falling within CN code 1006 40 00

Origin	Reduction (%)
Thailand	0 (%)
Australia	75
Guyana	0 (%)
United States of America	0 (%)
Other origins	13,5109

(%) Issue for the quantity applied for.

**COMMISSION REGULATION (EC) No 1643/98**  
**of 27 July 1998**  
**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,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy <sup>(3)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(4)</sup>, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 July 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ L 198, 15. 7. 1998, p. 4.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 27 July 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0707 00 05	052	71,6
	999	71,6
0709 90 70	052	47,7
	999	47,7
0805 30 10	382	60,5
	388	72,9
	524	67,2
	528	57,4
	999	64,5
0806 10 10	052	130,6
	400	292,6
	412	187,0
	600	98,2
	624	164,9
0808 10 20, 0808 10 50, 0808 10 90	999	174,7
	388	71,3
	400	77,2
	508	132,2
	512	76,1
	524	61,6
	528	84,5
	720	167,0
	800	210,4
	804	109,4
0808 20 50	999	110,0
	052	108,0
	388	96,1
	512	103,4
	528	93,7
0809 10 00	999	100,3
	052	164,2
	064	121,7
	066	95,7
0809 20 95	999	127,2
	052	413,6
	061	260,9
	400	302,1
	404	365,2
0809 40 05	616	297,8
	999	327,9
	052	137,0
	064	83,3
	066	95,8
	624	206,5
	999	130,7

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 1644/98****of 27 July 1998****on the issue of import licences on 30 July 1998 for sheepmeat and goatmeat products pursuant to GATT-WTO non-country specific tariff quotas for the third quarter of 1998**

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organisation of the market in sheepmeat and goatmeat <sup>(1)</sup>, as last amended by Regulation (EC) No 1589/96 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2498/96 <sup>(4)</sup>, and in particular Article 16(4) thereof,

Whereas Regulation (EC) No 1439/95 laid down, in Title II B, detailed rules, in respect of imports of products falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 pursuant to GATT/WTO non-country specific tariff quotas; whereas provision should be made, pursuant to Article 16(4) of Regulation (EC) No 1439/95, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the third quarter of 1998;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the

quantities which may be imported pursuant to Article 15 of Regulation (EC) No 1439/95, such quantities should be reduced by a single percentage figure in accordance with Article 16(4)(b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence applications have been lodged do not exceed the quantities provided for in Regulation (EC) No 1439/95;

Whereas applications relating to products originating in the Federal Republic of Yugoslavia have been lodged in Greece,

HAS ADOPTED THIS REGULATION:

*Article 1*

Greece shall, on 30 July 1998, issue the import licences provided for in Title II B of Regulation (EC) No 1439/95 and applied for from 1 to 10 July 1998. For products falling within CN code 0204, the quantities applied for originating in the Federal Republic of Yugoslavia shall be granted in full.

*Article 2*

This Regulation shall enter into force on 29 July 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 25.

<sup>(3)</sup> OJ L 143, 27. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 338, 28. 12. 1996, p. 53.

**COMMISSION REGULATION (EC) No 1645/98****of 27 July 1998****increasing the volume of the tariff quota for imports of bananas provided for in  
Article 18 of Council Regulation (EEC) No 404/93 for 1998****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Articles 18(1) and 30 thereof,

Whereas Article 18(1) of Regulation (EEC) No 404/93 provides that, where Community demand is determined on the basis of the supply balance referred to in Article 16 increases, the volume of the quota is to be increased in consequence;

Whereas, by Regulation (EC) No 1502/98 <sup>(3)</sup>, the Commission established the forecast balance for production and consumption in the Community and for imports and exports; whereas that balance indicates an increase in Community demand in particular as a result of the accession to the Community of Austria, Finland and Sweden;

Whereas, in order to meet the demand on the Community market, the tariff quota for 1998 should be increased on the basis of the forecast balance;

Whereas the Court of Justice, in its ruling dated 26 November 1996 in case C 68/95, rightly stated that 'Article 30 of Regulation (EEC) No 404/93 authorizes and, depending on the circumstances, requires the Commission to lay down rules catering for cases of hardship arising from the fact that importers of third-country bananas or non-traditional ACP bananas meet difficulties threatening their existence when an exceptionally low quota has been allocated to them on the basis of the reference years to be taken into consideration under Article 19(2) of that Regulation, where those difficulties are inherent in the transition from the national arrangements existing before the entry into force of the Regula-

tion to the common organisation of the market and are not caused by a lack of care on the part of the traders concerned';

Whereas, as a result of that ruling, a number of traders submitted to the Commission applications for additional allocations claiming cases of hardship; whereas, in order to accede during 1998 to applications which appear justified in the light of the principles handed down by the Court of Justice, a special reserve should be created within the tariff quota;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The tariff quota for imports of third-country and non-traditional ACP bananas provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be 2 553 000 tonnes for 1998.

Within that tariff quota, a maximum quantity of 16 500 tonnes shall be reserved to allow the adoption of special measures pursuant to Article 30 of that Regulation with a view to settling cases of hardship encountered by certain traders, following the entry into force of the common organisation of the market in bananas. That quantity shall not be taken into account for the allocation of import licences to operators in categories A, B and C pursuant to Article 19(1) and (2) of that Regulation.

*Article 2*

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

<sup>(1)</sup> OJ L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ L 198, 15. 7. 1998, p. 17.



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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1646/98****of 27 July 1998****fixing the quantities of banana imports for supply to the Community for the fourth quarter of 1998****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Article 20 thereof,

Whereas Article 9(1) of Commission Regulation (EEC) No 1442/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 1409/96 <sup>(4)</sup>, provides that indicative quantities, expressed where necessary as percentages of the shares allocated to the various countries or groups of countries listed in Annex I to Commission Regulation (EC) No 478/95 <sup>(5)</sup>, as last amended by Regulation (EC) No 702/95 <sup>(6)</sup>, or of the quantities of those quotas available are to be fixed using data and forecasts relating to the Community market, for the purposes of issuing import licences for each quarter;

Whereas the tariff quota quantities available for imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 for the fourth quarter of 1998 should be determined taking account on the one hand of the import licences issued during the first three quarters and on the other hand of the tariff quota provided for in Article 18 of Regulation (EEC) No 404/93 plus the quantity laid down in Commission Regulation (EC) No 1645/98 <sup>(7)</sup>;

Whereas, with a view to achieving the same objectives, the indicative quantities provided for in Article 14(1) of Regulation (EEC) No 1442/93 should be fixed for the purposes of issuing licences for traditional banana imports from the African, Caribbean and Pacific (ACP) States;

Whereas this Regulation must enter into force immediately so that licence applications can be lodged in respect of the fourth quarter of 1998;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The quantities available for import in respect of the fourth quarter of 1998 under the tariff quota arrangements for banana imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 shall be as set out in Annex I hereto.

2. Applications for import licences in respect of the fourth quarter of 1998 from individual operators may not cover a quantity exceeding the difference between the quantity allocated to the operator pursuant to Article 4(4) and Article 6 of Regulation (EEC) No 1442/93 and the total quantity covered by import licences issued to him in respect of the first three quarters. Import licence applications shall be accompanied by copies of any import licences issued to the operator in respect of the preceding quarters.

*Article 2*

Pursuant to Article 14(1) of Regulation (EEC) No 1442/93, quantities available for traditional imports of bananas from the ACP States for the fourth quarter of 1998 shall be as set out in Annex II hereto.

*Article 3*

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

<sup>(1)</sup> OJ L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ L 142, 12. 6. 1993, p. 6.

<sup>(4)</sup> OJ L 181, 20. 7. 1996, p. 13.

<sup>(5)</sup> OJ L 49, 4. 3. 1995, p. 13.

<sup>(6)</sup> OJ L 71, 31. 3. 1995, p. 84.

<sup>(7)</sup> See page 53 of this Official Journal.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

**Tariff quota quantities available for bananas imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 in respect of the fourth quarter of 1998**

TABLE 1

*(tonnes net weight)*

Country	Quantity
Colombia	116 298,190
Costa Rica	135 490,207
Nicaragua	48 536,916
Venezuela	27 338,679

TABLE 2

*(tonnes en weight)*

Country	Quantity
Non-traditional imports from ACP States:	
Dominican Republic	9 228,302
Belize	7 950,000
Côte d'Ivoire	1 105,513
Cameroon	4 950,000
Other ACP States	853,664

TABLE 3

*(tonnes net weight)*

Country	Quantity
Other	272 517,342

## ANNEX II

**Quantities available for traditional imports of bananas from the ACP States in respect of the fourth quarter of 1998**

<i>(tonnes net weight)</i>	
Country	Quantity
Traditional imports from ACP States:	
Côte d'Ivoire	26 750
Cameroon	38 206
Suriname	14 915
Somalia	52 724
Jamaica	54 619
Windward Islands	189 309
Belize	8 272
Cape Verde	4 800
Madagascar	5 900

## COMMISSION REGULATION (EC) No 1647/98

of 27 July 1998

amending Regulation (EC) No 411/97 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational programmes, operational funds and Community financial assistance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables<sup>(1)</sup>, as amended by Commission Regulation (EC) No 2520/97<sup>(2)</sup>, and in particular Article 48 thereof,

Whereas Article 4(2) of Commission Regulation (EC) No 411/97<sup>(3)</sup>, as last amended by Regulation (EC) No 214/98<sup>(4)</sup>, lists operations and expenditure which may not be covered by operational programmes; whereas, after one year's experience of application of the system, it is necessary, for reasons of legal certainty, to replace those provisions by a more specific and detailed list of ineligible operations and expenditure; whereas certain ineligible operations and expenditure should be permitted temporarily or within certain limits;

Whereas it is necessary to stipulate in Article 5(2) of that Regulation laying down the criteria for approval of operational programmes that the competent national authorities must verify the eligibility of the proposed operations and expenditure, taking account, *inter alia*, of the aforementioned list, thus providing them with the possibility of introducing additional national criteria and rejecting proposed operations on the basis of an assessment which takes account of the particular circumstances of each case;

Whereas this Regulation must apply to all operational programmes to be implemented from 1999; whereas, however, in the case of programmes already approved, the deadline for submission of requests for changes to programmes should be extended from 15 September 1998 to 15 October 1998 to allow producer organisations to justify the need for such changes; whereas, however, it is appropriate to allow Member States the option of maintaining operational programmes approved before the entry into force of this Regulation, if adjustments are

inappropriate given their advanced state of implementation;

Whereas the Management Committee for Fruit and Vegetables has not delivered an opinion within the time limit set by its chairperson,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 411/97 is hereby amended as follows:

1. Article 4(2) is replaced by the following:

'2. Proposed operational programmes shall not cover operations or expenditure on the non-exhaustive list of ineligible operations and expenditure given in the Annex.;

2. the following point (b)a is added to Article 5(2):

'(b)a eligibility of the operations and the expenditure proposed, account being taken of the non-exhaustive list of ineligible operations and expenditure in the Annex.'

*Article 2*

Operational programmes approved by the Member States before the entry into force of this Regulation, implementation of which continues in 1999, shall comply with the provisions of this Regulation. Where necessary, producer organisations shall submit a request for changes to their programme by 15 October 1998.

However, Member States shall be permitted to maintain operational programmes approved before the entry into force of this Regulation, if adjustments are inappropriate given their advanced state of implementation.

*Article 3*

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

It shall apply to programmes implemented from 1999.

<sup>(1)</sup> OJ L 297, 21. 11. 1996, p. 1.

<sup>(2)</sup> OJ L 346, 17. 12. 1997, p. 41.

<sup>(3)</sup> OJ L 62, 4. 3. 1997, p. 9.

<sup>(4)</sup> OJ L 22, 29. 1. 1998, p. 10.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## INELIGIBLE OPERATIONS AND EXPENDITURE

## 1. General production costs, in particular:

- seeds and plants, except for perennial crops (perennials, trees and shrubs),
- plant protection products, including biological or integrated control materials, fertilisers and other inputs,
- packing costs, storage costs, packaging costs, even as part of new processes,
- costs of collection or transport, whether or not within the producer organisation,
- operating costs (in particular electricity, fuel and maintenance).

However, in the case of organic, integrated or experimental/pilot products<sup>(1)</sup>, and as part of environmental measures (including recyclable packaging) or quality improvement measures (including certified seeds and plants), the specific production costs are eligible for the duration of a single operational programme. In the case of short-duration programmes in accordance with Article 15(1) of this Regulation giving rise to an undertaking to present programmes of normal duration, such costs may be eligible for five years.

## 2. Overheads including in particular:

- management costs,
- personnel costs; however, personnel costs are not considered as overheads if resulting from measures to improve or maintain a high level of quality, marketing or environmental protection, implementation of which essentially involves the use of qualified personnel; if, in such cases, the producer organisation uses its own employees or member producers, the time worked must be documented by time sheets,
- the costs involved in preparing the operational programme and monitoring its implementation,
- the cost of preparing the annual reports, final report and the evaluation study referred to in Article 11,
- the costs of keeping accounts and the separate bank account referred to in Article 4(3)(b).

These expenses are met by means of the payment of a lump sum equal to 2 % of the operational fund and up to a maximum of ECU 60 000. However, the Member States may restrict funding to the real costs, in which case they should define the eligible costs.

## 3. Income or price supplements.

## 4. Insurance costs including individual or group insurance premiums and the creation of insurance funds within a producer organisation.

## 5. Reimbursement (especially in the form of annual payments) of loans taken out for an operation carried out in full or in part before the beginning of the operational programme.

6. Purchase of land not built on, except where purchase is necessary to carry out an investment included in the programme<sup>(2)</sup>.

## 7. Payments to producers participating in training courses, other than daily allowances covering transport and accommodation costs, where appropriate, on a flat-rate basis.

## 8. Operations or costs relating to the quantities produced by the members of the producer organisation outside the Community.

<sup>(1)</sup> The competent national authority must lay down the eligibility criteria for an experimental/pilot operation taking account of the newness of the procedure or concept and the risk involved.

<sup>(2)</sup> The competent national authority should set additional conditions for the acceptance of this type of expenditure in order to avoid all speculation; these conditions may include in particular forbidding the sale of the investment/land during a minimum period and the setting of a maximum correlation between the value of the land and the value of the investment.



9. Operations that could distort competition in the other economic activities of the producer organisation; operations or measures which profit directly or indirectly other economic activities of the producer organisation should be financed in proportion to their use by the sectors or products for which the producer organisation is recognised.
  10. Second-hand equipment, except in exceptional cases and provided that it has not already received aid.
  11. Investment in means of transport to be used for marketing or distribution trips by the producer organisation, except for such investments relating to cold-storage or controlled-atmosphere transport.
  12. Hire as an alternative to purchase, unless economically justified; the operating cost of the goods hired.
  13. Leasing, where the amount exceeds the net market value of the item; expenditure linked to leasing contracts (taxes, interest, insurance costs, etc.) and operating costs; if the total duration of the leasing contract exceeds that of the operational programme, the amounts (rental payments) paid after the end of the programme.
  14. Promotion of individual commercial labels; generic promotion and/or promotion of collective labels is not eligible where geographical names other than those covered by Council Regulation (EEC) No 2081/92 <sup>(1)</sup> are used on publicity, except where these are secondary to the principal message and are not reserved for the use of the producer organisation concerned.
  15. Subcontracting contracts relating to the operations or expenditure mentioned in this list.
  16. Taxes and other national charges, except for charges linked to wages.
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<sup>(1)</sup> OJ L 208, 24. 7. 1992, p. 1.

**COMMISSION REGULATION (EC) No 1648/98****of 27 July 1998****fixing the buying-in prices, aids and certain other amounts applicable for the  
1998/99 wine year to intervention measures in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 149(1) thereof,

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 2087/97 <sup>(2)</sup>, and in particular Articles 35(8), 36(6), 38(5), 41(10), 44, 45(9) and 46(5) thereof,

Whereas Article 4 of Commission Regulation (EC) No 3299/94 of 21 December 1994 on transitional measures applicable in Austria in the wine-growing sector <sup>(3)</sup>, as amended by Regulation (EC) No 670/95 <sup>(4)</sup>, provides for Title III of Regulation (EEC) No 822/87 to apply in its entirety in Austria from the 1995/96 wine year; whereas, however, Austria should, in the interests of administrative clarity, be considered to form part of the wine-growing zone B provided for in Annex IV to Regulation (EEC) No 822/87;

Whereas Council Regulation (EC) No 1628/98 <sup>(5)</sup> fixes the guide prices for wine for the 1998/99 wine year; whereas the prices, aids and other amounts for the various intervention measures to be adopted for that wine year should accordingly be fixed on that basis;

Whereas this Regulation applies to Austria and Portugal; whereas, however, since wine-growing zones have not been delimited in those countries, the oenological practices authorized in accordance with the rules laid down under Title II of Regulation (EEC) No 822/87 should be defined for the 1998/99 wine year pending the adoption of definitive rules;

Whereas, since enrichment is an exceptional practice, the same reduction in the buying-in price for wine provided for in Article 44 of Regulation (EEC) No 822/87 and laid down in Annex VIII should be applied as in wine-

growing zone C; whereas, in the light of experience the derogations in force for 'vinho verde' should be extended;

Whereas the aid for the use in wine-making of concentrated grape must and rectified concentrated grape must as provided for in Article 45(1) of Regulation (EEC) No 822/87 must be fixed taking into account the difference between the cost of enrichment achieved using concentrated grape must and using sucrose; whereas, in the light of the data available to the Commission, the amount of the aid should be varied with the product used for enrichment;

Whereas distillers may, in accordance with Articles 35(6) and 36(4) of Regulation (EEC) No 822/87, either receive aid for the product to be distilled or deliver the product obtained from distillation to the intervention agency; whereas the amount of the aid must be fixed on the basis of the criteria laid down in Article 16 of Council Regulation (EEC) No 2046/89 <sup>(6)</sup>, as last amended by Regulation (EC) No 2468/96 <sup>(7)</sup>;

Whereas the price of wine to be distilled under Articles 38 and 41 of Regulation (EEC) No 822/87 does not normally allow the marketing at market prices of products obtained from distillation; whereas provision must therefore be made for aid, the amount of which is to be fixed on the basis of the criteria laid down in Article 8 of Regulation (EEC) No 2046/89, account also being taken of the present uncertainty of prices on the market for distillation products;

Whereas some wine delivered for one of the distillation operations may be processed into wine fortified for distillation; whereas the amounts applicable to distillation in accordance with the rules laid down in Article 26 of Regulation (EEC) No 2046/89 should be adjusted accordingly;

Whereas experience gained in sales by invitation to tender of alcohol held by intervention agencies shows that the difference between prices which may be obtained for neutral spirits and raw alcohol does not justify the take-over of the former; whereas, moreover, quantities of neutral spirits currently available are sufficient to satisfy,

<sup>(1)</sup> OJ L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ L 292, 25. 10. 1997, p. 1.

<sup>(3)</sup> OJ L 341, 30. 12. 1994, p. 37.

<sup>(4)</sup> OJ L 70, 30. 3. 1995, p. 1.

<sup>(5)</sup> See page 10 of this Official Journal.

<sup>(6)</sup> OJ L 202, 14. 7. 1989, p. 14.

<sup>(7)</sup> OJ L 335, 24. 12. 1996, p. 7.

at least for one wine year, any demand for that product; whereas under these circumstances the possibility provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 should be used by producing for the buying in of all alcohol at the price for raw alcohol;

Whereas Article 4 of Commission Regulation (EEC) No 3105/88 <sup>(1)</sup>, as last amended by Regulation (EC) No 194/98 <sup>(2)</sup>, laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87 sets a standard natural alcohol strength by volume to be applied in the various wine-growing zones for the purpose of determining the volume of alcohol to be delivered for distillation under Article 35 of Regulation (EEC) No 822/87; whereas it has not been possible to fix this standard natural alcoholic strength in Portugal because the wine-growing zones in that country have not yet been delimited; whereas, therefore, a provisional standard natural alcohol strength should be fixed;

Whereas Article 46(3) of Regulation (EEC) No 822/87 lays down criteria for fixing the aid provided for in that Article; whereas, as regards the aid for the use of grapes, grape must and concentrated grape must for the manufacture of grape juice, paragraph 4 of that Article stipulates that a part of the aid should be set aside for the organisation of campaigns to promote the consumption of grape juice; whereas the aid may be increased to that end; whereas, having regard to the criteria laid down and of the need to finance those campaigns, the aid should be fixed at a level permitting sufficient quantities to be obtained for the effective promotion of the product;

Whereas the reduction in the buying-in price for wine provided for in Article 44 of Regulation (EEC) No 822/87 depends on the average increase in the natural alcoholic strength in each wine-growing zone; whereas experience shows that that increase corresponds on average to half the maximum increase authorized; whereas the reduction in the buying-in price must accordingly correspond to the added alcoholic strength as a percentage of the alcoholic strength of wine delivered for distillation;

Whereas Commission Regulation (EEC) No 3800/81 of 16 December 1981 determining the classification of vine varieties <sup>(3)</sup>, as last amended by Regulation (EC) No 1231/98 <sup>(4)</sup>, establishes the list of vine varieties recommended and authorized in Portugal; whereas, in assessing the production of wine in Portugal, reference should be made to those vine varieties;

Whereas 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*

This Regulation fixes the buying-in prices, the aids and certain other amounts applicable for the 1998/99 wine year to intervention measures in the wine sector in the Community. As regards the measures provided for in Articles 38 and 41 of Regulation (EEC) No 822/87, those amounts shall be fixed subject to a subsequent decision on the activating of those measures.

#### *Article 2*

1. The buying-in prices of the products and of wine delivered during the 1998/99 wine year for compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87 and, for those products:

- aid to distillers,
- aid to fortifiers of wine of distillation,
- the buying-in prices of alcohol obtained, delivered to an intervention agency,
- the contribution from the European Agricultural Guidance and Guarantee Fund towards the taking over of that alcohol,

shall be as set out in Annexes I and II hereto.

2. In accordance with the second subparagraph of Article 35(6), the second subparagraph of Article 36(4) and the second subparagraph of Article 39(7), the intervention agency shall pay the raw alcohol price for the alcohol delivered to it.

#### *Article 3*

The buying-in prices for wine delivered during the 1998/99 wine year for voluntary distillation as provided for in Articles 38 and 41 of Regulation (EEC) No 822/87 and, for those products:

- aid to distillers,
- aid to fortifiers of wine for distillation,

shall be as set out respectively in Annexes III and IV.

#### *Article 4*

The aid for utilization during the 1998/99 wine year of concentrated grape must and rectified concentrated grape must as provided for in Article 45(1) and in the first subparagraph of Article 46(1) of Regulation (EEC) No 822/87 shall be as set out respectively in Annexes V, VI and VII hereto.

<sup>(1)</sup> OJ L 277, 8. 10. 1988, p. 21.

<sup>(2)</sup> OJ L 20, 27. 1. 1998, p. 19.

<sup>(3)</sup> OJ L 381, 31. 12. 1981, p. 1.

<sup>(4)</sup> OJ L 168, 13. 6. 1998, p. 24.

*Article 5*

The reductions provided for in Article 44 of Regulation (EEC) No 822/87 applicable to the buying-in prices for wine delivered during the 1998/99 wine year for distillation as provided for in Article 36, 38, 39 or 41 of that Regulation and, for that wine:

- to the aid to the distiller,
- to the buying-in prices of alcohol obtained, delivered to an intervention agency,
- to the contribution from the European Agricultural Guidance and Guarantee Fund to the taking over of that alcohol,

shall be as set out in Annex VIII hereto.

For the purposes of this Article, Portugal shall be considered to form part of wine-growing zone C, and Austria of wine-growing zone B.

*Article 6*

For the application of the rules governing oenological practices and processes laid down in Title II of Regulation (EEC) No 822/87, Austria shall be considered to form part of wine-growing zone B for the 1998/99 wine year.

*Article 7*

1. The rules governing oenological practices and processes laid down in Title II of Regulation (EEC) No 822/87 shall apply to Portugal during the 1998/99 wine year subject to the following conditions:

- (a) increase in alcoholic strength shall be limited to 2 % vol. Products eligible under this measure shall have a natural alcoholic strength by volume of at least 7,5 % vol, before enrichment and total alcoholic strength by volume of not more than 13 % after enrichment.

However, products upstream of table wine originating in the 'Vinho verde' region must have an alcoholic strength by volume of at least 7 % before enrichment.

The addition of concentrated grape must or rectified concentrated grape must shall not have the effect of increasing the initial volume of fresh crushed grapes, grape must, grape must in fermentation or new wine still in fermentation by more than 6,5 %;

- (b) fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be the subject of acidification or deacidification.

2. The wine varieties which may be used to produce table wine shall be those listed in the Annex to Regulation (EEC) No 3800/81.

'Vinho verde' may:

- be marketed with a minimum total alcoholic strength by volume of 8,5 % for wines which have not been subject to enrichment,
- possess a total content of sulphine dioxide no greater than 300 milligrams per litre for white 'Vinho verde' wines with a residual sugar content not less than 5 g/l.

3. The quantity of alcohol which producers of table wine in Portugal must deliver for distillation in accordance with Article 35 of Regulation (EEC) No 822/87 shall be calculated on the basis of a standard natural alcoholic strength, to be taken into consideration for the assessment of the volume of alcohol contained in the wine produced, equal to 9 % by volume, with the exception of wines produced in the delimited 'Vinho verde' region, for which the alcoholic strength to be taken into consideration shall be 8,5 %.

*Article 8*

This Regulation shall enter into force on 1 September 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX I

## DISTILLATION AS PROVIDED FOR IN ARTICLE 35 OF REGULATION (EEC) No 822/87

1998/99 WINE YEAR

	(ECU/% vol/bl)
1. Buying-in price to be paid to the producer by the distiller	0,9902
2. Aid:	
(a) for distillation:	
1. neutral spirits:	
— flat-rate	0,6279
— of marc	0,8453
— of wine and lees	0,4106
2. spirits distilled from marc	0,3985
3. spirits distilled from wine	0,2777
4. raw spirits:	
— flat-rate	0,4951
— of marc	0,7124
— of wine and lees	0,2777
(b) for the fortification of wine for distillation	0,2657
3. Prices of raw spirits delivered <sup>(1)</sup> :	
— flat-rate	1,654
— spirits distilled from marc	1,872
— spirits distilled from wine and lees	1,437
4. EAGGF contribution for spirits <sup>(2)</sup>	0,4951

<sup>(1)</sup> If the distiller has received the aid under 2, these prices are to be reduced by an amount equal to the aid (third subparagraph of Article 18(2) of Regulation (EEC) No 2046/89).

<sup>(2)</sup> For quantities of alcohol delivered to the intervention agency in respect of which aid has been paid to the distiller, this contribution is to be reduced by the amount of the flat-rate aid paid.

## ANNEX II

## DISTILLATION AS PROVIDED FOR IN ARTICLE 36 OF REGULATION (EEC) No 822/87

1998/99 WINE YEAR

	(ECU/% vol/bl)
1. Buying-in price to be paid to the producer by the distiller	1,340
2. Aid:	
(a) for distillation:	
1. neutral spirits	0,7728
2. spirits distilled from wine and raw spirits	0,6401
(b) for the fortification of wine for distillation	0,6158
3. Prices of raw spirits delivered <sup>(1)</sup>	1,799
4. EAGGF contribution for spirits <sup>(2)</sup>	0,6401

<sup>(1)</sup> If the distiller has received the aid under 2, these prices are to be reduced by an amount equal to the aid (third subparagraph of Article 18(2) of Regulation (EEC) No 2046/89).

<sup>(2)</sup> For quantities of alcohol delivered to the intervention agency in respect of which aid has been paid to the distiller, this contribution is to be reduced by the amount of the flat-rate aid paid.

## ANNEX III

## DISTILLATION AS PROVIDED FOR IN ARTICLE 38 OF REGULATION (EEC) No 822/87

1998/99 WINE YEAR

	(ECU/% vol/bl)
1. Buying-in price to be paid to the producer by the distiller:	
— type A I, R I and R II <sup>(1)</sup>	2,487
— type A II	5,385
— type A III	6,146
— type R III	3,852
2. Aid:	
(a) for distillation:	
1. neutral spirits:	
— type A I, R I and R II	1,884
— type A II	4,818
— type A III	5,603
— type R III	3,272
2. spirits distilled from wine and raw spirits:	
— type A I, R I and R II	1,751
— type A II	4,685
— type A III	5,470
— type R III	3,140
(b) for the fortification of wine for distillation:	
— type A I, R I and R II	1,715
— type A II	4,613
— type A III	5,373
— type R III	3,079

<sup>(1)</sup> And table wine in a close economic relationship with these types of table wine, or wines suitable for yielding table wine.

## ANNEX IV

## DISTILLATION AS PROVIDED FOR IN ARTICLE 41 OF REGULATION (EEC) No 822/87

1998/99 WINE YEAR

	(ECU/% vol/bl)
1. Buying-in price to be paid to the producer by the distiller:	
— type A I, R I and R II <sup>(1)</sup>	3,140
— type A II	6,798
— type A III	7,752
— type R III	4,854
2. Aid:	
(a) for distillation:	
1. neutral spirits:	
— type A I, R I and R II	2,548
— type A II	6,255
— type A III	7,233
— type R III	4,287
2. spirits distilled from wine and raw spirits:	
— type A I, R I and R II	2,415
— type A II	6,122
— type A III	7,100
— type R III	4,154
(b) for the fortification of wine for distillation:	
— type A I, R I and R II	2,367
— type A II	6,025
— type A III	6,979
— type R III	4,081

<sup>(1)</sup> And table wine in a close economic relationship with these types of table wine.



## ANNEX V

**AID FOR THE USE IN WINE-MAKING OF CONCENTRATED GRAPE MUST AND  
RECTIFIED CONCENTRATED GRAPE MUST (ARTICLE 45(1) OF REGULATION (EEC)  
No 822/87)**

1998/99 WINE YEAR

	<i>(ECU/% vol/bl)</i>
Amount of the aid:	
(a) concentrated grape must:	
— wine-growing zones C III(a) and C III(b)	1,699
— others, including Portugal	1,446
(b) rectified concentrated grape must:	
— wine-growing zones C III(a) and C III(b)	2,206
— others, if production commenced before 30 June 1982 (EUR 10) or before 1 January 1986 (Spain)	2,206
— others, including Portugal	1,953

## ANNEX VI

**AID FOR THE USE OF GRAPE MUST AND CONCENTRATED GRAPE MUST FOR THE  
PURPOSE OF MANUFACTURING CERTAIN PRODUCTS IN THE UNITED KINGDOM  
AND IN IRELAND (SECOND AND THIRD INDENTS OF ARTICLE 46(1) OF REGULATION  
(EEC) No 822/87)**

1998/99 WINE YEAR

	<i>(ECU/kg)</i>
Flat-rate amount of the aid:	
1. Products referred to in the second indent of Article 46(1) of Regulation (EEC) No 822/87	0,2379
2. Products referred to in the third indent of Article 46(1) of Regulation (EEC) No 822/87	0,3103

## ANNEX VII

**AID FOR THE USE OF GRAPES, GRAPE MUST AND CONCENTRATED GRAPE MUST FOR  
THE PURPOSE OF MANUFACTURING GRAPE JUICE (FIRST INDENT OF ARTICLE 46(1)  
OF REGULATION (EEC) No 822/87)**

1998/99 WINE YEAR

	<i>(ECU)</i>
Flat-rate amount of the aid:	
(a) grapes (per 100 kg)	6,603
(b) grape must (per hl)	8,257
(c) concentrated grape must (per hl)	28,873
Percentage of the amount of the aid withheld for the financing of the promotion campaign	25

## ANNEX VIII

**REDUCTION IN THE BUYING-IN PRICE OF WINE AS PROVIDED FOR IN ARTICLE 44 OF  
REGULATION (EEC) No 822/87**

1998/99 WINE YEAR

<i>(ECU/% vol/hl)</i>		
Zone A	Zone B	Zone C and Portugal
0,3623	0,3019	0,1811

**COMMISSION REGULATION (EC) No 1649/98****of 27 July 1998****fixing for the 1998/99 marketing year the buying-in price to be paid by storage  
agencies for unprocessed dried grapes**

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

Having regard to Council Regulation (EC) No 2201/96 of  
28 October 1996 on the common organization of the  
markets in processed fruit and vegetable products <sup>(1)</sup>, as  
amended by Regulation (EC) No 2199/97 <sup>(2)</sup>, and in  
particular Article 9(8) thereof,

Whereas the criteria for fixing the prices at which storage  
agencies buy dried grapes are laid down in Article 9(2)(b)  
of Regulation (EC) No 2201/96; whereas the buying-in  
price for unprocessed dried grapes should be set for the  
1998/99 marketing year at the same level as for the 1997/  
98 marketing year given the stability of the minimum  
import price;

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

Committee for Products Processed from Fruit and  
Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1998/99 marketing year, the buying-in price  
referred to in Article 9(2) of Regulation (EC) No 2201/96  
for unprocessed dried grapes shall be ECU 46,91 per 100  
kg net.

*Article 2*

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

It shall apply from 1 September 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 297, 21. 11. 1996, p. 29.

<sup>(2)</sup> OJ L 303, 6. 11. 1997, p. 1.

**COMMISSION REGULATION (EC) No 1650/98**  
**of 27 July 1998**  
**amending for the 14th time Regulation (EC) No 913/97 adopting exceptional**  
**support measures for the pigmeat market in Spain**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Spain, the Commission adopted Regulation (EC) No 913/97 <sup>(3)</sup>, as last amended by Regulation (EC) No 1489/98 <sup>(4)</sup>, to introduce exceptional support measures for the pigmeat market in that Member State;

Whereas, because the veterinary and trade restrictions continue to apply, the number of animals which may be delivered to the competent authorities should be increased so that the exceptional measures can continue from 15 July 1998 and the list of eligible areas laid down in Annex II to Regulation (EC) No 913/97 should be adjusted in line with the current veterinary and health situation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 913/97 is hereby amended as follows:

1. Annex I is replaced by Annex I hereto;
2. Annex II is replaced by Annex II hereto.

*Article 2*

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

It shall apply with effect from 15 July 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ L 131, 23. 5. 1997, p. 14.

<sup>(4)</sup> OJ L 196, 14. 7. 1998, p. 5.

## ANNEX I

## 'ANNEX I

Total maximum number of animals from 6 May 1997:

Pigs for fattening	675 000 head
Piglets	370 000 head
Cull sows	11 000 head
Pigs of the Iberian breed for fattening	9 000 head'

## ANNEX II

## 'ANNEX II

## Part 1

- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the order of the *Diputación General de Aragón* of 25 March 1998, published in the Official Journal of the *Comunidad* of 27 March 1998, page 1411.
- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the order of the *Diputación General de Aragón* of 28 April 1998, published in the Official Journal of the *Comunidad* of 4 May 1998, page 1999.
- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the order of the *Diputación General de Aragón* of 22 May 1998, published in the Official Journal of the *Comunidad* of 29 May 1998, page 2421.
- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the order of the *Diputación General de Aragón* of 9 June 1998, published in the Official Journal of the *Comunidad* of 12 June 1998, page 2641.
- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the order of the *Diputación General de Aragón* of 10 June 1998, published in the Official Journal of the *Comunidad* of 17 June 1998, page 2737.
- In the province of Seville, the protection and surveillance zones as defined in Annexes I and II to the order of the *Junta de Andalucía* of 23 April 1998, published in the Official Journal of the *Junta* of 28 April 1998, page 4951.

## Part 2

The veterinary districts (*comarcas*) of the provinces of Zaragoza and Seville listed in Annex I to Decision 98/339/EC.'

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## COMMISSION REGULATION (EC) No 1651/98

of 27 July 1998

**fixing the reduction coefficients for the determination of the quantity of bananas to be allocated to each operator in category C from the tariff quota for 1998**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>,Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community <sup>(3)</sup>, as last amended by Regulation (EC) No 1409/96 <sup>(4)</sup>, and in particular Article 4(4) thereof,Whereas, pending the adaptation of the volume of the tariff quota as a result of the accession of Austria, Finland and Sweden, Commission Regulation (EC) No 2154/97 <sup>(5)</sup>, for the purposes of implementing Article 4(4) of Regulation (EEC) No 1442/93, provisionally fixes the reduction coefficient to be applied to the annual allocation requested by each operator in category C on the basis of a tariff quota volume of 2 200 000 tonnes for 1998;Whereas the volume of the tariff quota was subsequently fixed at 2 553 000 tonnes for 1998 by Commission Regulation (EC) No 1645/98 <sup>(6)</sup>; whereas, however, the special quantity of 16 500 tonnes reserved for cases of extreme hardship must not be taken into account for the calculation of the reduction coefficient in question;

Whereas, on that basis, the new coefficient for 1998 should be determined; whereas, for the sake of clarity, Regulation (EC) No 2154/97 should be repealed;

Whereas the provisions of this Regulation must enter into force immediately, given the time limits laid down in Regulation (EEC) No 1442/93;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantity to be allocated to each operator in category C in respect of 1998 within the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be calculated by applying to the quantity applied for by each operator in accordance with Article 4(4) of Regulation (EEC) No 1442/93, a reduction coefficient of 0,000368.

*Article 2*

Regulation (EC) No 2154/97 is hereby repealed.

*Article 3*

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, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ L 142, 12. 6. 1993, p. 6.

<sup>(4)</sup> OJ L 181, 20. 7. 1996, p. 13.

<sup>(5)</sup> OJ L 297, 31. 10. 1997, p. 120.

<sup>(6)</sup> See page 53 of this Official Journal.

## COMMISSION REGULATION (EC) No 1652/98

of 27 July 1998

determining the extent to which applications lodged in July 1998 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted

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

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 <sup>(1)</sup>, as amended by Regulation (EC) No 618/98 <sup>(2)</sup>, and in particular Article 4(5) thereof,

Whereas the applications for import licences lodged for the third quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas, it is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 July to 30 September 1998 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1998 applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 28 July 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 267, 30. 9. 1997, p. 58.

<sup>(2)</sup> OJ L 82, 19. 3. 1998, p. 35.

## ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1998
1	100,0
2	100,0
3	100,0
4	100,0
H1	100,0
H2	100,0
5	100,0
6	100,0
7	100,0
8	100,0
9	100,0
10/11	100,0
12/13	100,0
14	100,0
15	100,0
16	100,0
17	100,0

## ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 October to 31 December 1998
1	2 949
2	351
3	920
4	10 006,1
H1	1 200
H2	250
5	1 725
6	1 129,6
7	5 153
8	805
9	5 865
10/11	3 032,5
12/13	1 322,5
14	172,5
15	517,5
16	943,5
17	7 187,5



**COMMISSION REGULATION (EC) No 1653/98****of 27 July 1998****determining the extent to which applications lodged in July 1998 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia<sup>(1)</sup>, and in particular Article 4(4) thereof,

Whereas the applications for import licences lodged for the second quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 July to 30 September 1998 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex 1.
2. During the first 10 days of the period 1 October to 31 December 1998 applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II of this Regulation.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 28 July 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 85, 27. 3. 1997, p. 56.

*ANNEX I*

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1998
23	100,00
24	100,00

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1998
23	44,7
24	109,4

**COMMISSION REGULATION (EC) No 1654/98**  
**of 27 July 1998**

**determining the extent to which applications lodged in July 1998 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2068/96 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas the applications for import licences lodged for the third quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for prod-

ucts which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 July to 30 September 1998 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1998 applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 28 July 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 156, 23. 6. 1994, p. 14.

<sup>(2)</sup> OJ L 277, 30. 10. 1996, p. 12.

*ANNEX I*

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1998
1	100,00

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1998
1	3 958

**COMMISSION REGULATION (EC) No 1655/98**  
**of 27 July 1998**

**establishing the quantity of certain pigmeat products available for the fourth quarter of 1998 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia of the other part**

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

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part <sup>(1)</sup>, as last amended by Regulation (EC) No 691/97 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 July to 30 September 1998 should be added to the quan-

ties available for the period 1 October to 31 December 1998,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantity available for the period 1 October to 31 December 1998 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 July 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 233, 30. 9. 1995, p. 45.

<sup>(2)</sup> OJ L 102, 19. 4. 1997, p. 12.

*ANNEX**(tonnes)*

Groupe	Total quantity available for the period 1 October to 31 December 1998
18	575
19	575
20	115
21	575
22	287

## COMMISSION REGULATION (EC) No 1656/98

of 27 July 1998

determining the extent to which applications lodged in July 1998 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 July to 30 September 1998

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1390/98<sup>(2)</sup>, and in particular Article 5(5) thereof,

Whereas the applications for import licences lodged for the third quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined,

*Article 1*

1. Applications for import licences for the period 1 July to 30 September 1998 submitted pursuant to Regulation (EC) No 1486/95 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 October to 31 December 1998 applications may be lodged pursuant to Regulation (EC) No 1486/95 for import licences for a total quantity as referred to in Annex II.

*Article 2*

This Regulation shall enter into force on 28 July 1998.

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

Done at Brussels, 27 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 145, 29. 6. 1995, p. 58.

<sup>(2)</sup> OJ L 187, 1. 7. 1998, p. 28.

*ANNEX I*

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1998
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1998
G2	9 690,6
G3	1 501,5
G4	843,5
G5	1 760,0
G6	4 500,0
G7	1 567,5



**COMMISSION REGULATION (EC) No 1657/98****of 27 July 1998****determining the percentage of quantities which may be allowed in respect of import licence applications lodged in July 1998 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Commission Regulation (EC) No 1279/98 of 19 June 1998, laying down rules for the application of the tariff quotas for beef and veal provided for by Council Regulation (EC) No 3066/95 for the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania<sup>(1)</sup>, and in particular Article 3(4) thereof,

Whereas Article 1 and Article 2 of Regulation (EC) No 1279/98 fixes the quantities of fresh, chilled or frozen beef and veal originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria, and, in the case of Poland, the equivalent of the quantity of meat expressed as weight of processed products which may be imported on special terms in respect of the period 1 July to 30 September 1998; whereas the quantities of fresh, chilled or frozen beef and veal originating in Hungary, the Czech Republic, Slovakia, Romania and Bulgaria, covered by import licence applications submitted are such that applications may be accepted in full; whereas, however, quantities covered by applications in respect of beef and veal originating in Poland and processed products must be reduced proportionately in accordance with Article 4(4) of that Regulation;

Whereas Article 2 of Regulation (EEC) No 1279/98 states that if for the quota period the quantities for which applications for import licences have been submitted for the first, second or third period specified in the preceding subparagraph are less than the quantities available, the remaining quantities are to be added to the quantities in respect of the first period, the quantities available for the six countries concerned for the second period running from 1 October to 31 December 1998 should accordingly be determined,

1. The following percentages of quantities covered by import licence applications submitted in respect of the period 1 July to 30 September 1998 under the quotas referred to in Regulation (EC) No 1279/98 may be allowed:

- (a) 100 % of quantities covered by applications in respect of products falling within CN codes 0201 and 0202 originating in Hungary, the Czech Republic, Slovakia, Romania and Bulgaria;
- (b) 36,856 % of quantities covered by applications in respect of products falling within CN codes 0201, 0202, 1602 50 31 and 1602 50 39 originating in Poland.

2. The quantities available for the period referred to in Article 2 of Regulation (EC) No 1279/98 running from 1 October to 31 December 1998 shall amount to:

- (a) beef and veal falling within CN codes 0201 and 0202:
  - 4 071,5 tonnes for meat originating in Hungary,
  - 1 511,0 tonnes for meat originating in the Czech Republic,
  - 766,0 tonnes for meat originating in Slovakia,
  - 115,0 tonnes for meat originating in Bulgaria,
  - 862,5 tonnes for meat originating in Romania;
- (b) 2 760 tonnes for beef and veal falling within CN codes 0201 and 0202 originating in Poland, or 1 289,7 tonnes for processed products falling within CN codes 1602 50 31 and 1602 50 39 originating in Poland.

*Article 2*

<sup>(1)</sup> OJ L 176, 20. 6. 1998, p. 12.

This Regulation shall enter into force on 28 July 1998.

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

Done at Brussels, 27 July 1998.

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

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