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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 838/98
of 22 April 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 ⁽¹⁾, as last amended by Regulation (EC) No 2375/96 ⁽²⁾, 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 ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, 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 23 April 1998.

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 22 April 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	142,0
	212	108,8
	999	125,4
0709 90 70	052	81,3
	999	81,3
0805 10 10, 0805 10 30, 0805 10 50	052	48,3
	204	34,3
	212	57,6
	400	58,2
	600	67,9
	624	49,5
	999	52,6
	388	59,5
0805 30 10	600	67,7
	999	63,6
0808 10 20, 0808 10 50, 0808 10 90	060	45,1
	388	86,8
	400	97,1
	404	101,8
	504	83,1
	508	80,7
	512	82,6
	524	71,7
	528	69,2
	616	97,8
	720	146,0
	804	109,4
	999	89,3
0808 20 50	388	70,6
	512	63,7
	528	77,1
	804	137,2
	999	87,1

⁽¹⁾ 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 839/98

of 22 April 1998

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market;

whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 April 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,07	0,01	—
1703 90 00 ⁽¹⁾	8,34	—	0,00

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

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 840/98
of 22 April 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 791/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 791/98 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 791/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 April 1998.

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 114, 16. 4. 1998, p. 5.

ANNEX

to the Commission Regulation of 22 April 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	38,91 ⁽¹⁾
1701 11 90 9910	38,40 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	38,91 ⁽¹⁾
1701 12 90 9910	38,40 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4230
	— ECU/100 kg —
1701 99 10 9100	42,30
1701 99 10 9910	44,01
1701 99 10 9950	44,01
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4230

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 841/98
of 22 April 1998

fixing the maximum export refund for white sugar for the 35th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 17 (5)(b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1408/97 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 35th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 35th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 47,281 per 100 kilograms.

Article 2

This Regulation shall enter into force on 23 April 1998.

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 842/98
of 22 April 1998
amending Regulation (EEC) No 3478/92 laying down detailed rules for the
application of the premium system for raw tobacco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾, as last amended by Regulation (EC) No 2595/97 ⁽²⁾, and in particular Article 7 thereof,

Whereas, in accordance with Article 5(a) of Regulation (EEC) No 2075/92, premiums are granted on leaf tobacco from specified production areas only;

Whereas, pursuant to Article 1(2) of Commission Regulation (EEC) No 3478/92 ⁽³⁾, as last amended by Regulation (EC) No 284/98 ⁽⁴⁾, the list of such production areas is to be reviewed each year and adapted, where necessary, to quantitative and qualitative developments on the market;

Whereas such production areas are recognised depending on whether they are traditional tobacco-producing areas; whereas the Member States concerned may, with a view to sound management of production of a particular group of varieties and within their guarantee thresholds, apply for such traditional production areas to be included on a list of recognised production areas;

Whereas, following an application from Italy for Marche to be included on the list of areas producing tobacco of group IV and an application from France for Champagne-Ardenne and Ile-de-France to be included on the list of areas producing tobacco of group II and in view of the fact that the three areas concerned are traditional production areas, Annex I to Regulation (EEC) 3478/92 listing recognised production areas should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Parts II (light air-cured) and IV (fire-cured) of Annex I to Regulation (EEC) No 3478/92 are hereby replaced by the Annex hereto.

Article 2

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

It shall apply from the 1998 harvest.

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ L 351, 23. 12. 1997, p. 11.

⁽³⁾ OJ L 351, 2. 12. 1992, p. 17.

⁽⁴⁾ OJ L 28, 4. 2. 1998, p. 13.

ANNEX

RECOGNISED PRODUCTION AREAS

Group of varieties in accordance with the Annex to Regulation (EEC) No 2075/92	Member State	Production areas
II. Light air-cured	Belgium	Flanders, Hainaut, Namur, Luxembourg
	Germany	Rhine valley and adjacent valleys, Mittelfranken, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia
	Greece	Macedonia, Thessaly
	France	Aquitaine, Midi-Pyrénées, Auvergne-Limousin, Alsace-Lorraine, Rhône-Alpes, Franche-Comté, Loire Region, Centre, Poitou-Charente, Brittany, Burgundy and Languedoc-Roussillon, Champagne-Ardenne, Ile-de-France
	Italy	Veneto, Lombardy, Piedmont, Umbria, Emilia-Romagna, Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Sicily, Friuli, Tuscany, Marche
	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha
	Portugal	Beiras, Ribatejo Oeste, Entre Douro e Minho, Trás-os-Montes, Autonomous Region of the Azores
	Austria	Burgenland, Lower Austria, Upper Austria, Styria
IV. Fire-cured	Italy	Veneto, Tuscany, Umbria, Lazio, Campania, Marche
	Spain	Extremadura, Andalusia

COMMISSION REGULATION (EC) No 843/98

of 22 April 1998

amending Council Regulation (EC) No 2200/97 as regards the breakdown between the Member States of areas under apple trees, pear trees, peach trees and nectarine trees for which grubbing-up premiums can be granted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/97 of 30 October 1997 on the improvement of the Community production of apples, pears, peaches and nectarines⁽¹⁾, and in particular Article 1(2) thereof,

Whereas Article 1(2) of Regulation (EC) No 2200/97 breaks down between the Member States the area in respect of which grubbing-up premiums as provided for in Article 1(1) of that Regulation can be granted; whereas Article 1(2) of that Regulation stipulates the limit and the procedure applying to amendments to that breakdown;

Whereas, according to information received by the Commission up to 1 April 1998, applications for grubbing-up premiums in certain Member States cover areas smaller than those mentioned in Article 1(2) of the above-mentioned Regulation; whereas the total areas still available amount to 630 hectares in the case of apple trees and pear trees and 1 264 hectares in the case of peach trees and nectarine trees; whereas those areas should be allocated to Member States where the areas covered by applications exceed those mentioned in Article 1(2) of the abovementioned Regulation and, as a priority, to those Member States where withdrawals represent the highest percentages of production; whereas, however, transfers should not involve areas of less than about 50 hectares;

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

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

Article 1

The table in Article 1(2) of Regulation (EC) No 2200/97 is hereby replaced by the following.

Member States	Apples and pears (ha)	Peaches and nectarines (ha)
Belgium	118	—
Germany	894	3
Denmark	—	—
Greece	599	2 780
Spain	1 412	2 564
France	3 181	1 414
Ireland	—	—
Italy	2 389	2 994
Luxembourg	—	—
Netherlands	593	—
Austria	139	19
Portugal	325	226
Finland	5	—
Sweden	40	—
United Kingdom	305	—'

Article 2

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

⁽¹⁾ OJ L 303, 6. 11. 1997, p. 3.

**COMMISSION REGULATION (EC) No 844/98
of 22 April 1998**

**amending Regulation (EC) No 2479/96 laying down detailed rules for the
application of the minimum import price system for certain soft fruit
originating in Estonia, Latvia and Lithuania and fixing the minimum import
prices**

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

Having regard to Council Regulation (EC) No 1926/96 of
7 October 1996 establishing certain concessions in the
form of Community tariff quotas for certain agricultural
products and providing for the adjustment, as an auto-
nomous and transitional measure, of certain agricultural
concessions provided for in the Agreements on free trade
and trade-related matters with Estonia, Latvia and Lithu-
ania, to take account of the Agreement on Agriculture
concluded during the Uruguay Round multilateral trade
negotiations⁽¹⁾, and in particular Article 5 thereof,

Whereas the Annexes to Annexes Ia and Ib, IIb and IIIa
to Regulation (EC) No 1926/96 indicate that the
minimum import prices are fixed for each marketing
year; whereas Annex II to Commission Regulation (EC)
No 2479/96⁽²⁾, as amended by Regulation (EC) No
768/97⁽³⁾, fixes these prices for the 1997/98 marketing
year; whereas the minimum import prices for the 1998/99
marketing year should accordingly be fixed;

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

Article 2 of Regulation (EC) No 2479/96 is replaced by:

'Article 2

For the 1998/99 marketing year, the minimum import
prices shall be as set out in Annex II to this Regula-
tion.'

Article 2

This Regulation shall enter into force on 1 May 1998.

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 254, 8. 10. 1996, p. 1.

⁽²⁾ OJ L 335, 24. 12. 1996, p. 25.

⁽³⁾ OJ L 112, 29. 4. 1997, p. 13.

COMMISSION REGULATION (EC) No 845/98**of 22 April 1998****fixing, for the purposes of Regulation (EC) No 411/97, the ceiling for Community financial assistance granted to producer organisations setting up operational funds for 1997**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 411/97 of 3 March 1997 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational programmes, operational funds and Community financial assistance⁽¹⁾, as last amended by Regulation (EC) No 214/98⁽²⁾, and in particular Article 10 thereof,

Whereas Article 15(1) of Council Regulation (EC) No 2200/96⁽³⁾, as last amended by Commission Regulation (EC) No 2520/97⁽⁴⁾, provides for the granting of Community financial assistance to producer organisations setting up operational funds; whereas paragraph 5 of that Article provides that up to 1999, that financial assistance is to be capped at 4 % of the value of the marketed production of each producer organisation, provided that the total financial assistance represents less than 2 % of the total turnover of all producer organisations; whereas, as from 1999, that 4 % will be increased to 4,5 % and the percentage of the total turnover will rise from 2 % to 2,5 %;

Whereas, according to information forwarded to the Commission by the Member States pursuant to Article 10 of Regulation (EC) No 411/97, the financial assistance applied for in respect of 1997 by producer organisations amounts to ECU 199,20 million against a total turnover of all producer organisations of ECU 10 921 million; whereas the ceiling for the abovementioned Community financial assistance should therefore be set at 4 % of the value of marketed production of each producer organisation,

HAS ADOPTED THIS REGULATION:

Article 1

The Community financial assistance provided for in Article 15(1) of Regulation (EC) No 2200/96 shall be capped at 4 % of the value of marketed production of each producer organisation for aid applications in respect of 1997.

Article 2

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

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 4. 3. 1997, p. 9.

⁽²⁾ OJ L 214, 29. 1. 1998, p. 10.

⁽³⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽⁴⁾ OJ L 346, 17. 12. 1997, p. 41.

COMMISSION REGULATION (EC) No 846/98
of 22 April 1998
adapting Council Regulation (EC) No 2008/97 and repealing Regulation (EC) No 151/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2008/97 of 9 October 1997 laying down certain rules for the application of the special arrangements for imports of olive oil and certain other agricultural products originating in Turkey ⁽¹⁾, and in particular Article 8 thereof,

Whereas Decision No 1/98 of 25 February 1998 of the EC-Turkey Association Council ⁽²⁾ on the trade arrangements for agricultural products establishes, *inter alia*, the preferential arrangements for imports of olive oil originating in Turkey applicable from 1 January 1998;

Whereas Regulation (EC) No 2008/97 provides that where the conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or where a new agreement is concluded, the resultant adjustments to that Regulation may be adopted by the Commission in accordance with the procedure laid down in Article 38 of Council Regulation No 136/66/EEC ⁽³⁾, as last amended by Regulation (EC) No 1581/96 ⁽⁴⁾;

Whereas the special arrangements for imports of olive oil from Turkey provided for in Decision No 1/98 of the EC-Turkey Association Council adjust in particular the reductions in the customs duty applicable from 1 January 1998; whereas Regulation (EC) No 2008/97 should accordingly be adapted to incorporate those reductions in place of the amounts provided for pursuant to Decision No 1/77 of the EC-Turkey Association Council ⁽⁵⁾;

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

Done at Brussels, 22 April 1998.

Whereas the conditions of the special arrangements for imports of olive oil from Turkey provided for in Decision No 1/98 of the EC-Turkey Association Council make no provision for reductions in the customs duty to be subject to the application in Turkey of any special export charge; whereas Commission Regulation (EC) No 151/98 ⁽⁶⁾ should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2008/97 is hereby amended as follows:

1. In Article 2(1), the phrase 'ECU 0,7245 per 100 kilograms' is replaced by '10 %'.
2. Article 2(2) and (3) is deleted.
3. In Article 3(1) and (2) respectively, the phrases 'ECU 3,723 per 100 kilograms' and 'ECU 7,003 per 100 kilograms' are replaced by '5 %'.

Article 2

Regulation (EC) No 151/98 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*.

It shall apply from 1 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 284, 16. 10. 1997, p. 17.

⁽²⁾ OJ L 86, 20. 3. 1998, p. 1.

⁽³⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽⁴⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽⁵⁾ OJ L 278, 29. 10. 1977, p. 13.

⁽⁶⁾ OJ L 18, 23. 1. 1998, p. 6.

COMMISSION REGULATION (EC) No 847/98
of 22 April 1998

**amending Regulation (EEC) No 3201/90 laying down detailed rules for the
description and presentation of wines and grape musts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2087/97 ⁽²⁾, and in particular Article 72(5) thereof,

Whereas Council Regulation (EEC) No 2392/89 ⁽³⁾, as last amended by Regulation (EC) No 1427/96 ⁽⁴⁾, lays down general rules for the description and presentation of wines and grape musts;

Whereas Commission Regulation (EEC) No 3201/90 ⁽⁵⁾, as last amended by Regulation (EC) No 2543/97 ⁽⁶⁾, lays down detailed rules for the description and presentation of wines and grape musts;

Whereas Slovenia has requested changes to Annexes I and IV to Regulation (EEC) No 3201/90 as regards the terms denoting superior quality and the names of vine varieties and their synonyms used to describe Slovenian wines; whereas that request should be acceded to;

Whereas Canada has requested that it be put on the list referred to in Article 29(1)(a) of Regulation (EEC) No 2392/89 as a third country using geographical ascriptions in accordance with the Agreement on trade-related aspects of intellectual property rights (TRIPs Agreement) and on the list of third countries that can use names of vine varieties on labelling; whereas that request should be acceded to by adding Canada to Annexes II A.1 and IV to Regulation (EEC) No 3201/90;

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

Regulation (EEC) No 3201/90 is hereby amended as follows:

1. In Annex I, point 17 (SLOVENIA) is replaced by the following:

‘17. SLOVENIA

- Kakovostno vino z geografskim poreklom / kakovostno vino ZGP
- Kakovostno vino s kontroliranim in zašcitenim geografskim poreklom
- Vrhunsko vino z geografskim poreklom / vrhunsko vino ZGP
- Trgatev v polni zrelosti
- Pozna trgatev
- Izbor

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 1.

⁽³⁾ OJ L 232, 9. 8. 1989, p. 13.

⁽⁴⁾ OJ L 184, 24. 7. 1996, p. 3.

⁽⁵⁾ OJ L 309, 8. 11. 1990, p. 1.

⁽⁶⁾ OJ L 347, 18. 12. 1997, p. 24.

- Izbor grozdov
- Jagodni izbor
- Trgatev suhih jagod
- Suhi jagodni izbor
- Ledeno vino
- Staro vino
- Arhivsko vino
- Kontrolirano poreklo
- Slamnato vino, slamno vino
- Penina
- Kakovostno penece vino z geografskim poreklom
- Mlado vino
- Vino iz sušenega grozdja
- Teran
- Cvček

2. The following is added to Annex II A.1:

‘12. CANADA’.

3. Annex IV is amended as follows:

(a) Point 33 (SLOVENIA) is replaced by the following:

List of varieties accepted in the Community	Accepted synonyms
‘33. SLOVENIA	
Laški rizling	Italijanski rizling, Laski rizling, Laski riesling, Welschriesling
Renski rizling	Riesling, White Riesling, Weißer Riesling
Sauvignon	Sauvignon blanc, Weißsauvignon, Weißer Sauvignon, Fumé blanc
Beli pinot	Beli burgundec, Pinot blanc, White pinot, Weißburgunder, Weißer Burgunder, Pinot bianco
Sivi pinot	Pinot gris, Pinot grigio
Chardonnay	—
Rumeni muškat	Yellow muscat, Muskateller, Gelber Muskateller
Traminec	Rdeci traminec, Dišeci traminec, Gewürztraminer
Zeleni silvanec	Silvanec, Green Sylvaner, Grüner Silvaner, Sylvaner, Silvaner, Green silvaner
Šipon	Mosler, Furmint
Muškat Ottonel	Muscat-Ottonel, Muskat-Ottonel
Ranina	Bouvier, Bouviejeva ranina, Radgonska ranina, Bouviertraube, Bouvier ranina, Bouviejeva rana
Rizvanac	Rizvaner, Müller-Thurgau, Rivaner
Modri pinot	Pinot noir, Spätburgunder, Blauer Spätburgunder, Pinot nero
Frankinja	Modra frankinja, Frankovka, Blaufränkisch
Portugalka	Modra portugalka, Portugieser, Blauer Portugieser, Portugais bleu
Kraljevina	Rdeca kraljevina
Zametovka	Zametna crnina, Modra kaucina, Modra kavcina, Kavcina, Kaucina, Zametasta crnina, Crnina
Zlahtnina	Chasselas, Gutedel
Kerner	

List of varieties accepted in the Community	Accepted synonyms
Ranfol	Belina, Štajerska belina
Gamay	Game, Gamay noir
Šentlovrenka	St. Laurent, Saint Laurent
Zweigelt	—
Rumeni plavec	—
Rebula	Ribolla, Rebolla, Rumena rebula, Zlata rebula
Malvazija	Istrska bela malvazija, Istrska malvazija
Cabernet sauvignon	Kabernet, Cabernet, Kabernet sauvignon
Prosecco	Glera
Refošk	Refoško, Refosco, Refosko, Mondeuse
Cabernet franc	—
Pinela	Pinella
Zelen	—
Pikolit	—
Merlot	—
Barbera	Barbera nera
Malocrn	Picola nera'

(b) The following point is added:

List of varieties accepted in the Community	Accepted synonyms
'34. CANADA	
Agria	
Aligoté	
Auxerrois	
Blauburger	
Bacchus	
Baco Noir	
Cabernet Franc	Cabernet
Cabernet Sauvignon	Cabernet
Chardonnay	Pinot Chardonnay
Chardonnay Musqué	
Chasselas	Chasselas Doré, Gutedel, Weißer Gutedel
Chenin Blanc	
Colombard	Colombar
Corvina	
Dolcetto	
Dornfelder	
Dunkelfelder	
Ehrenfelser	
Faberrebe	
Furmint	
Gamay Noir	Gamay
Garganega	
Gewürztraminer	
Goldburger	

List of varieties accepted in the Community	Accepted synonyms
Grüner Veltliner	Veltliner
Helfensteiner	
Heroldrebe	
Kerner	
Lemberger	Limberger, Blaufränkisch, Kékfrankos
Madeleine Angevine	
Madeleine Sylvaner	
Malbec	Malbeck
Malvasia	Malvasia Bianca
Melon	
Merlot	
Morio-Muskat	Muscat
Müller-Thurgau	Rivaner
Mtsvane	Matsvani
Muscat Blanc	Muskateller, Gelber Muskateller, Muscat, Yellow Muscat, Muskotaly
Muscat-Ottonel	
Optima	
Oraniensteiner	
Ortega	
Perle of C'saba	Pearl of C'saba
Petite Sirah	
Petit Verdot	
Pinot Blanc	Weißburgunder, Pinot Bianco
Pinot Gris	Ruländer, Pinot Grigio, Grauer Burgunder
Pinot Meunier	Meunier, Müllerrebe, Schwarzriesling
Pinot Noir	Blauer Spätburgunder, Spätburgunder, Blauburgunder, Pinot Nero
Pinotage	
Refosco	
Riesling	White Riesling
Riesling italico	Welschriesling
Rkatsiteli	
Rotberger	
St. Laurent	
Samtrot	
Sangiovese	
Sauvignon Blanc	Fumé Blanc
Savagnin	
Scheurebe	
Schiava Grossa	Großvernatsch
Schönburger	
Sémillon	Sémillon Blanc
Sereksia Chornaya	
Siegerrebe	
Sylvaner	Silvaner
Syrah	Shiraz, Sirah
Trebbiano	Ugni Blanc
Trollinger	
Vidal Blanc	Vidal
Zefir	
Zengo	
Zinfandel	
Zweigelt	Blauer Zweigelt, Zweigeltrebe
Viognier'	

Article 2

This Regulation shall enter into force on the seventh 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, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 848/98**of 22 April 1998****amending Regulation (EC) No 1261/97 adopting the balance and fixing the aid for the supply of breeding rabbits to the Canary Islands under the arrangements provided for in Article 4 of Council Regulation (EEC) No 1601/92**

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

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

Whereas Commission Regulation (EC) No 1261/97 ⁽³⁾ fixed the quantities for the supply to the archipelago, of breeding rabbits originating in the rest of the Community;

Whereas that balance can be revised during the course of the year in line with the Canary Islands' needs; whereas information supplied by the competent authorities justifies an increase in the quantity of breeding rabbits for the

1997/98 marketing year; whereas, therefore, the forecast balance for the supply to the Canary Islands of that product should be adjusted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1261/97 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 May 1998.

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 174, 2. 7. 1997, p. 15.

*ANNEX***Supply to the Canary Islands of breeding rabbits originating in the Community for the period
1 July 1997 to 30 June 1998**

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
ex 0106 00 10	Breeding rabbits:		
	— pure-bred and grand-parents	1 500	30
	— parents	3 000	24

COMMISSION REGULATION (EC) No 849/98
of 22 April 1998
altering the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 13 (8) thereof,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 565/98 ⁽³⁾, as last amended by Regulation (EC) No 800/98 ⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as last amended by Regulation (EC) No 150/95 ⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁷⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁸⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 April 1998.

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

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 76, 13. 3. 1998, p. 14.

⁽⁴⁾ OJ L 114, 16. 4. 1998, p. 30.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 22 April 1998 altering the corrective amount applicable to the refund on cereals

(ECU / tonne)

Product code	Destination ⁽¹⁾	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9	6th period 10
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	03	0	+ 3,00	+ 3,00	- 5,00	- 5,00	—	—
	02	0	0	0	- 5,00	- 5,00	—	—
1002 00 00 9000	01	0	0	0	- 5,00	- 5,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	- 15,00	- 15,00	- 15,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	- 7,00	- 7,00	—	—
1101 00 15 9130	01	0	0	0	- 7,00	- 7,00	—	—
1101 00 15 9150	01	0	0	0	- 7,00	- 7,00	—	—
1101 00 15 9170	01	0	0	0	- 7,00	- 7,00	—	—
1101 00 15 9180	01	0	0	0	- 7,00	- 7,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	- 7,00	- 7,00	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Algeria.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30. 7. 1992, p. 20).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 April 1998

amending for the third time Decision 97/285/EC concerning certain protection measures relating to classical swine fever in Spain

(Text with EEA relevance)

(98/271/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas outbreaks of classical swine fever have occurred in Spain;

Whereas in view of the trade in live pigs, semen, embryos and ova, these outbreaks are liable to endanger the herds of other Member States;

Whereas Spain has taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980, introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

Whereas, as a result of the disease situation the Commission adopted Decision 97/285/EC of 30 April 1997 concerning protection measures relating to classical swine fever in Spain⁽⁴⁾;

Whereas, as a result of the disease evolution the Commission adopted Decision 97/446/EC⁽⁵⁾ and Decision 98/93/EC⁽⁶⁾, amending Decision 97/285/EC;

Whereas Spain has implemented the national serosurveillance programme for classical swine fever adopted by Commission Decision 98/176/EC⁽⁷⁾;

Whereas in the light of the evolution of the disease it is necessary to amend for the third time measures adopted by Commission Decision 97/285/EC;

Whereas during the implementation of the national serosurveillance programme no antibodies against classical swine fever virus were detected in pigs kept in the provinces of Segovia, Madrid and Toledo; whereas therefore it appears justified that pigs for breeding and production can be sent from these provinces to the rest of Spain if measures are enforced to prevent the spread of disease;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 114, 1. 5. 1997, p. 47.

⁽⁵⁾ OJ L 190, 19. 7. 1997, p. 48.

⁽⁶⁾ OJ L 18, 23. 1. 1998, p. 35.

⁽⁷⁾ OJ L 65, 5. 3. 1998, p. 26.

HAS ADOPTED THIS DECISION:

Article 1

Decision 97/285/EC is amended as follows:

1. The following paragraph is inserted in Article 1:

‘5. Notwithstanding the provisions of paragraph 4, Spain shall not send pigs for breeding and production from the areas described in Annex II to other parts of Spain unless:

- (a) these pigs come from a holding of dispatch where
 - they have been kept during at least 30 days or since birth if younger than 30 days old,
 - serological checks for classical swine fever have been carried out in accordance with Annex IV of Council Directive 80/217/EEC with a negative result within the 30 days prior to dispatch,
 - an inspection of all pigs on the holding and a clinical examination of the pigs to be moved, including the taking of temperature of a proportion thereof have been carried out by the official veterinarian within 24 hours of dispatch;
- (b) each of these pigs is marked by an eartag which allows the identification of the holding of dispatch;
- (c) these pigs are transported directly from the holding of dispatch to the holding of destination in officially sealed vehicles;

(d) these pigs remain at the holding of destination for at least 30 days and no pig can leave this holding during this period unless sent directly for slaughter.’

- 2. In Article 5 paragraph 1 the words ‘Annex II’ are replaced by ‘Annex III’.
- 3. Annex I is replaced by Annex I and Annex II of this Decision.
- 4. Annex II becomes Annex III.

Article 2

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I****Comarcas in the province of Lleida***

Pla d'Urgell

Urgell

Noguera

Segrià

Garrigues

Segarra

Comarcas veterinarias in the province of Segovia

Cuéllar

Carbonero el Mayor

Cantalejo

Santa María la Real de Nieva

Sepúlveda

Segovia

Comarcas veterinarias in the province of Madrid

Madrid

Parla

Aranjuez

Navalcarnero

Colmenar Viejo

Buitrago

Comarcas veterinarias in the province of Toledo

Toledo

Yuncos

Torrijos

*ANNEX II****Comarcas veterinarias in the province of Segovia***

Cuéllar
Carbonero el Mayor
Cantalejo
Santa María la Real de Nieva
Sepúlveda
Segovia

Comarcas veterinarias in the province of Madrid

Madrid
Parla
Aranjuez
Navalcarnero
Colmenar Viejo
Buitrago

Comarcas veterinarias in the province of Toledo

Toledo
Yuncos
Torrijos

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 45/98/COL

of 4 March 1998

on the 13th amendment to the procedural and substantive rules in the field of State aid

THE EFTA SURVEILLANCE AUTHORITY,

has amended the procedural and substantive rules in the field of State aid⁽¹⁾, adopted on 19 January 1994⁽²⁾, as last amended on 17 December 1997⁽³⁾, as follows.

The following rules on short-term export-credit insurance and list of marketable risk countries (for the purpose of application of the rules in Chapter 17A on short-term export-credit insurance) shall be added to the State aid Guidelines as a new chapter, Chapter 17A, and a new Annex IX, respectively:

‘17A. SHORT-TERM EXPORT-CREDIT INSURANCE⁽¹⁾

17A.1. *Introduction*

- (1) Export subsidies directly affect competition in the market place between rival potential suppliers of goods and services. Recognising their pernicious effects, the European Commission and the EFTA Surveillance Authority have consistently condemned export aid in intra-EEA trade⁽²⁾. However, although EEA States’ support for their exports outside the EEA can also affect competition within the EEA⁽³⁾, neither the Commission nor the EFTA Surveillance Authority have systematically intervened in this field under the respective State aid rules of the EC Treaty (Articles 92, 93 and 94) or the EEA Agreement (Article 61 and Article 1 of Protocol 3 to the Surveillance and Court Agreement). There have been several reasons for this. First, within the European Community this area is partly governed by the provisions of the EC Treaty relating to external trade (Articles 112 and 113). Secondly, it is not only competition within the Community or the EEA that is affected by aid for exports to third countries, but also the competitiveness of EEA exporters *vis-à-vis* those of the EEA States’ trading partners, which give similar aid. Finally, progress in controlling aid has been achieved in the OECD and WTO.

⁽¹⁾ Hereinafter referred to as the State aid Guidelines.

⁽²⁾ OJ L 231, 3. 9. 1994, p. 1; EEA Supplement to OJ 32, 3. 9. 1994.

⁽³⁾ OJ C 38, 5. 2. 1998, p. 19; EEA Supplement to OJ 5, 5. 2. 1998, p. 214.

- (2) While the Commission has, until the adoption of the communication corresponding to the present rules, refrained from exercising its State aid control powers in the areas of export credits and export-credit insurance, work by the European Council's Export Credits Group ⁽⁴⁾ and cases before the Court of Justice of the European Communities ⁽⁵⁾ have, in the Commission's opinion, shown that in one area at least, that of short-term export-credit insurance, the actual or potential distortions of competition in the Community may justify action by the Commission under the State aid rules without waiting for progress on other fronts.
- (3) The EEA Agreement does not provide for a common trade policy *vis-à-vis* third countries and consequently does not contain provisions corresponding to those in Articles 112 and 113 of the EC Treaty. The Agreement therefore does not restrict the freedom of the EFTA States, in the same way as the EC Treaty does for EC Member States, to promote trade with third countries, provided such measures do not affect trade between the Contracting Parties to the EEA Agreement. However, as stated above, measures of this kind can affect competition and trade within the EEA. Furthermore, distortions of competition can occur not only between exporters in different EEA States in their trade within and outside the EEA, but also between export-credit insurers offering their services within the EEA. The Authority therefore considers that as concerns applicability of Article 61 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement to short-term export-credit insurance, the situation is similar as for the application of Articles 92 and 93 of the EC Treaty. In other words the actual or potential distortion of competition and trade within the EEA calls for action by the Authority under the State aid rules.
- (4) The purpose of these rules is to remove distortions of competition due to State aid in that sector of the export-credit insurance business in which there is competition between public or publicly supported export-credit insurers and private export-credit insurers. This commercial sector of export-credit insurance relates to the insurance of short-term export-credit risks on trade within the EEA and with many countries outside it. Such risks are termed "marketable" and will be defined in Section 17A.2. The definition currently comprises only so-called "commercial", as opposed to "political", risks in trade within the EEA and with the majority of OECD countries, listed in Annex IX to these guidelines. While EFTA States have made considerable efforts to eliminate aid from the commercial sector of export-credit insurance, the good functioning of the EEA Agreement requires safeguards to ensure a level playing field in all circumstances.
- (5) The present rules do not deal with the insurance of medium and long-term export-credit risks which are largely non-marketable at the present time. In that area, the factors which have led the Commission and the EFTA Surveillance Authority to refrain from extensive use of its State aid control powers still militate against such action.
- (6) Section 17A.2 of these rules describes the structure of the export-credit insurance market. As for the commercial or market sector, in which private insurers operate and which is covered by these rules, it distinguishes between, on the one hand, private export-credit insurers and, on the other hand, public or publicly supported insurers. It also explains why and to what extent the State aid provisions of the EEA Agreement apply. Finally, in Section 17A.4, the Authority states what action it considers necessary to ensure that any remaining State aid of the types listed in Section 17A.3 is removed from the market sector and requests the EFTA States pursuant to Article 1(1) of Protocol 3 to the Surveillance and Court Agreement to take such action, if required.

17A.2. *Market and non-market sectors of short-term export-credit insurance*

- (1) The report of the Council's Export-Credit Group referred to in a footnote to paragraph 17A.1(2) (hereinafter referred to as "the report"), complaints to the Commission by private export-credit insurers and cases before the Court of Justice of the European Communities, have shown that in some Member States the same "official" export-credit agencies that insure the medium and long-term risks of exporters for the account or with the guarantee ⁽⁶⁾ of the State also operate for the account or with the guarantee of the State in parts of the short-term export-credit insurance market where they are in competition with private export-credit insurers that have no such links with the State. Preliminary examination by the EFTA Surveillance Authority indicates that this is also the case in two of the three EFTA States parties to the EEA Agreement, namely Norway and Iceland. The "official" export-credit agencies in question may be government departments, State-owned or State-controlled companies or wholly privately-owned and controlled companies. For the purposes of these rules, such agencies will be termed "public or publicly supported export-credit insurers". As well as the "official" agencies operating in both the medium/long and short-term fields, some privately owned and controlled export-credit insurers that only provide short-term insurance may be supported by their governments through guarantees or equivalent reinsurance arrangements for some segments of their business. These insurers, too, must be categorised as "public or publicly supported". On the other hand, export-credit insurers mainly or exclusively engaged in the short term that do not operate for the account or with the guarantee ⁽⁷⁾ of the State for any of their business will be termed "private export-credit insurers".
- (2) The report showed that when public or publicly supported export-credit insurers operated for the account of or with the guarantee of the State on parts of the short-term market where they were in competition with private insurers, they enjoyed certain financial advantages which could distort competition against private insurers. In no country did public or publicly supported export-credit insurers have a monopoly for short-term business.
- (3) One of the most difficult areas dealt with by the report was the provision of reinsurance by the State, either directly or indirectly. The report identified reinsurance arrangements which provide 100 % cover and are equivalent to guarantees as a subsidy. It is now recognised that reinsurance facilities whereby the State only participates in or supplements a private-sector reinsurance treaty may also give insurers benefiting from them an advantage over private insurers not receiving such cover, thereby distorting competition.
- (4) Despite the recent improvements made, with public or publicly supported export-credit insurers increasingly hiving off their short-term business to separate companies or introducing separate accounting, it has been noted above that action is still needed to create the desired level playing field. The first task is to identify the sector in which a competitive market exists. The report used as the decisive criterion for distinguishing the market sector, whether or not private reinsurance was available generally, rather than only in individual cases. It was observed that the answer was generally "yes" for commercial risks on non-public buyers, but that for political risks (including risks on public buyers, currency transfer risks and non-commercial, catastrophe risks) the capacity available was so inadequate that cover for such risks was clearly not to be regarded as a market activity. On the basis of an analysis of the private reinsurance market by reference to the three criteria of duration, location and nature of risks insured, the report considered "marketable" risks to involve commercial risks with a risk period of normally a maximum of three years for exports worldwide.

- (5) Subsequent comments from EC Member States, EFTA States, business associations and insurers indicated that generally speaking that definition was too broad. Most of those submissions agreed with the report that political risks should be excluded because the private reinsurance market was not large enough, and they preferred a maximum risk period of two years for commercial risks. Also, it appeared to be very difficult to reinsure on the private market the commercial risk of protracted default in non-OECD countries.
- (6) In view of the close links between protracted default and insolvency, protracted default risks being liable to turn into insolvency, and the resulting need to classify both risks in the same category (marketable or non-marketable), it is prudent to exclude all commercial risks on non-OECD countries from the definition of marketable risks and from the scope of these rules for the time being. Finally, it appears that at present there are still difficulties in obtaining private reinsurance of commercial risk in some OECD countries.
- (7) In view of the above, "marketable" risks are defined for the purposes of these rules as commercial risks on non-public debtors⁽⁸⁾ established in the countries listed in Annex IX to these guidelines. For such risks the maximum risk period (that is, manufacturing period plus credit period with normal Berne Union starting point and usual credit term) is less than two years.
- (8) All other risks (that is, political, catastrophe⁽⁹⁾ risks and commercial risks on public buyers and on countries not listed in Annex IX) are considered not yet to be marketable.
- (9) "Commercial risks" are defined for the purposes of these rules as:
- arbitrary repudiation of a contract by a debtor, that is, any arbitrary decision by a non-public debtor to interrupt or terminate the contract without legitimate reason,
 - arbitrary refusal by a non-public debtor to accept the goods covered by the contract without legitimate reason,
 - insolvency of a non-public debtor or his guarantor,
 - non-payment by a non-public debtor or by a guarantor of a debt resulting from the contract, that is, protracted default.
- (10) The capacity of the private reinsurance market varies. This means that the definition of marketable risks is not immutable and may change over time; for example, it might be extended to cover political risks. The definition will therefore have to be reviewed regularly (namely, at least once a year) by the Authority. The Authority will consult the EFTA States and, if appropriate, other interested parties on such reviews. In so far as necessary, changes to the definition will have to take account of the scope of EEA legislation governing export-credit insurance, in order to avoid any conflict or legal uncertainty.

17A.3. *Factors distorting competition between private and public or publicly supported export-credit insurers*

- (1) The factors that may distort competition in favour of public or publicly supported export-credit insurers insuring marketable risks include⁽¹⁰⁾:
- *de jure* or *de facto* State guarantees of borrowing and losses. Such guarantees enable insurers to borrow at rates lower than the normal market rates or make it possible for them to borrow money at all. Furthermore, they obviate the need for insurers to reinsure themselves on the private market,

- any difference in obligations, compared with private insurers, to maintain adequate provisions. It should be noted that when Council Directive 73/239/EEC⁽¹¹⁾ was amended by Directive 87/343/EC⁽¹²⁾ it was understood that the exclusion of export-credit insurance operations for the account of or guaranteed by the State (Article 2(2)(d) of the original Directive) did not include operations in the field of short-term commercial risks which public or publicly supported export-credit insurers effected for their own account and not guaranteed by the State⁽¹³⁾. This means that to insure short-term commercial risks, public or publicly supported insurers must have a certain amount of own funds (solvency margin, including guarantee fund) and technical provisions (notably an equalisation reserve) and must have obtained authorisation in accordance with Article 6 et seq. of Directive 73/239/EEC,
 - relief or exemption from taxes normally payable (such as company taxes and taxes levied on insurance policies),
 - awards of aid or provisions of capital by the State. With regard to the latter, the principle should be observed that, unless the State is acting as would a private investor in a market economy, capital injections involve State aid⁽¹⁴⁾; provision by the State of services in kind, such as access to and use of State infrastructure, facilities or privileged information (for instance, information about debtors gathered by embassies) on terms not reflecting their cost, and reinsurance by the State, either directly, or indirectly via a public or publicly-supported export-credit insurer, on terms more favourable than those available from the private reinsurance market, which leads either to under-pricing of the reinsurance or to the artificial creation of capacity that would not be forthcoming from the private market.
- (2) The types of treatment listed in paragraph 17A.3(1) give, or may give, the export-credit insurers that receive them a financial advantage over other export-credit insurers. Such financial advantages granted to certain enterprises distort competition and constitute State aid within the meaning of Article 61(1) of the EEA Agreement.
- (3) Article 61(1) is applicable to all measures which grant a financial or economic advantage to certain enterprises or products and involve a charge on, or a loss to public funds, whether actual or contingent, and for which nothing or little is required from the beneficiary concerned, in so far as such measures affect trade between Contracting Parties and distort or threaten to distort competition by favouring certain undertakings or the production of certain goods⁽¹⁵⁾.
- (4) The financial advantages listed in paragraph 17A.3(1) in respect of marketable risks as defined in paragraphs 17A.2(7) to (9) affect intra-EEA trade in services. Moreover, they lead to variations in the insurance cover available for marketable risks in different EEA States, thereby distorting competition between companies in EEA States and having secondary effects on intra-EEC trade regardless of whether intra-EEA exports outside the territories of the Contracting Parties are concerned⁽¹⁶⁾. The exceptions provided for in Article 61 of the EEA Agreement do not apply to aid for the insurance of marketable risks. The distorting effects of such aid within the EEA outweigh any possible national or common EEA interest in supporting exports. That view has been confirmed by the judgment of the European Court of Justice in Case C-63/89, which was directly concerned with the issue addressed by the present rules. The Court held that although the Directive on partial harmonisation of equalisation reserves for insurance companies,

which exempted export-credit insurance operations for the account of or guaranteed by the State, was not unlawful, the factors distorting competition between private and public or publicly supported export-credit insurers "might justify recourse to legal action to penalise infringement of the provisions" (i.e. of Article 92 of the EC Treaty) ⁽¹⁷⁾. In its judgment in Case C-44/93, the Court assumed that the advantages in question constitute State aid and confirmed that the Commission might take action to secure their withdrawal.

17A.4. *Action required to eliminate distortions of competition in short-term export-credit insurance with respect to marketable risks*

- (1) State aid of the types listed in paragraph 17A.3(1), which is enjoyed by publicly supported export-credit insurers for the marketable risks defined in paragraphs 17A.2(7) to (9), may distort competition and would therefore be ineligible for exemption under the State aid rules of the EEA Agreement.
- (2) The EFTA States are therefore requested within the meaning of Article 1(1) of Protocol 3 to the Surveillance and Court Agreement to amend, where necessary, their export-credit insurance systems for marketable risks in such a way that the granting of State aid of the following types to public or publicly supported export-credit insurers in respect of such risks is ended before 1 January 1999:
 - (a) State guarantees for borrowing or losses;
 - (b) exemption from the requirement to constitute adequate reserves and the other requirements listed in the second indent of paragraph 17A.3(1);
 - (c) relief or exemption from taxes or other charges normally payable;
 - (d) award of aid or provisions of capital or other forms of finance in circumstances in which a private investor acting under normal market conditions would not invest in the company or on terms a private investor would not accept;
 - (e) provision by the State of services in kind, such as access to and use of State infrastructure, facilities or privileged information (for instance, information about debtors gathered by embassies), on terms not reflecting their cost;
 - (f) reinsurance by the State, either directly, or indirectly via a public or publicly-supported export-credit insurer, on terms more favourable than those available from the private reinsurance market, which leads either to under-pricing of the reinsurance cover or to the artificial creation of capacity that would not be forthcoming from the private market.
- (3) However, pending the outcome of the review mentioned in paragraph 17A.4(6), existing complementary State reinsurance arrangements remain permissible for an interim period, provided that:
 - the State reinsurance is a minority element in the insurer's overall reinsurance package,
 - where the reinsurance treaties of the insurer combine marketable and non-marketable risks, and any State reinsurance thus unavoidably attaches to marketable risk, the level of State reinsurance for marketable risks must not exceed that which would have been available from the private reinsurance market if reinsurance had been sought for those risks in isolation,
 - the State reinsurance does not act so as to enable the insurer to insure business on individual buyers beyond the limits set by the participating private-market reinsurers,
 - the premium for State reinsurance demonstrably reflects the risk, is calculated using commercial market techniques and, where an equivalent market premium rate is available, is at least equal to that rate,
 - the State reinsurance for marketable risks is open to all credit insurers who are able to satisfy the common eligibility criteria.

- (4) For the purposes of complying with paragraphs 17A.4(2) to (3), public or publicly-supported export-credit insurers will, at the very least, have to keep a separate administration and separate accounts for their insurance of marketable risks and non-marketable risks for the account or with the guarantee of the State, demonstrating that they do not enjoy State aid in their insurance of marketable risks. The accounts for business insured on the insurer's own account should comply with the act referred to in point 12b of Annex IX to the EEA Agreement⁽¹⁸⁾.
- (5) Furthermore, an EFTA State providing reinsurance cover to an export-credit insurer by way of participation or involvement in private sector reinsurance treaties covering both marketable and non-marketable risks will have to demonstrate that its arrangements do not involve State aid within the meaning of paragraph 17A.4(2)(f).
- (6) For this purpose the EFTA Surveillance Authority, in close liaison with the EFTA States, will continuously, as from the publication of these rules, monitor such arrangements on the basis of six-monthly reports submitted by EFTA States concerned and by February 1999 will carry out a complete review of such arrangements. The review will take into account all the knowledge and experience acquired in the mean time about the operation of the short-term export-credit insurance market, and EFTA States' intervention therein, from the reports on implementation supplied under paragraph 17A.4(14) from the first of the annual reviews to be undertaken under paragraph 17A.4(15) and from any notifications of use of the escape clause under paragraphs 17A.4(8) to (13). Should the review find that the arrangements in an EFTA State involve State aid, the EFTA State will be required to terminate them by the end of 1999 at the latest.
- (7) The principle that export-credit insurance for marketable risks should be provided by public or publicly supported export-credit insurers only if the financial advantages listed in paragraphs 17A.4(2), subject to paragraph 17A.4(3), are withdrawn from them may be departed from in the circumstances set out in paragraphs (8) to (13) (escape clause).
- (8) In certain countries, cover for marketable export-credit risks may be temporarily unavailable from private export-credit insurers or from public or publicly-supported export-credit insurers operating for their own account, owing to a lack of insurance or reinsurance capacity. Therefore those risks are temporarily considered to be non-marketable.
- (9) In such circumstances, those temporarily non-marketable risks may be taken on to the account of a public or publicly-supported export-credit insurer for non-marketable risks insured for the account of or with the guarantee of the State. The insurer should, as far as possible, align its premium rates for risks with the rates charged elsewhere by private export-credit insurers for the type of risk in question.
- (10) An EFTA State intending to use the escape clause should immediately notify the EFTA Surveillance Authority of its draft decision. That notification should contain a market report demonstrating the unavailability of cover for the risks in the private insurance market by producing evidence thereof from two large, well-known international private export-credit insurers as well as a national credit insurer, thus justifying the use of the escape clause. Alternatively, evidence of unavailability of cover in the private insurance market may possibly be demonstrated by means of a market report by an independent consultant which the Authority considers reliable and impartial. The notification should, moreover, contain a description of the conditions which the public or publicly supported export-credit insurer intends to apply in respect of such risks.
- (11) Within two months of the receipt of such notification, the Authority will examine whether the use of the escape clause is in conformity with the above conditions and compatible with the EEA Agreement.

- (12) If the Authority finds that the conditions for the use of the escape clause are fulfilled, its decision on compatibility is limited to two years from the date of the decision, provided that the market conditions justifying the use of the escape clause do not change during that period.
- (13) Furthermore, the Authority may, in consultation with the EFTA States, revise the conditions for the use of the escape clause; it may also decide to discontinue it or replace it with another appropriate system.
- (14) These rules will apply from 1 January 1998 until the end of the year 2002. The EFTA States are requested to inform the EFTA Surveillance Authority within two months of notification of these rules, whether they accept its recommendations. Furthermore, by 1 January 1999 at the latest, the EFTA States must inform the Authority of the action they have taken to comply herewith. Should it appear either through those reports or otherwise that the systems in operation in the EFTA States still involve State aid, the Authority will assess such aid pursuant to Article 61 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, in accordance with the policy set out above.
- (15) In cooperation with the EFTA States and interested parties, the Authority will review the definition of marketable risks and the operation of the present rules in the light of market developments and possible EEA-relevant legislation. All information received by the Authority from EFTA States and interested parties in connection with such reviews will, with the permission of the supplier of the information, be made available to all the other participants in the review.

(¹) This chapter corresponds to the communication of the Commission to the Member States pursuant to Article 93(1) of the EC Treaty applying Articles 92 and 93 of the Treaty to short-term export-credit insurance (OJ C 281, 17.9.1997, p. 4).

(²) In its Seventh report on competition policy (1977), point 242, the European Commission stated that export aids in intra-Community trade "cannot qualify for derogation whatever their intensity, form, grounds or purpose".

(³) See judgment of the Court of Justice in Case C-142/87 *Belgium v. Commission* [1990] ECR I-959. See also Case C-44/93 *Assurances du Crédit v. OND and Belgium* [1994] ECR I-3829, paragraph 30.

(⁴) "L'assurance crédit et le marché unique 1992 (court-terme)", report presented to the coordination group, rapporteur P. Callut.

(⁵) See Case C-63/89 *Assurances du Crédit and Cobac v. Council and Commission* [1991] ECR I-1799, and Case C-44/93 *Assurances du Crédit v. OND and Belgium* [1994] ECR I-3829.

(⁶) In some cases, medium and long-term business may be conducted not under a guarantee, but under a comprehensive reinsurance agreement with the government.

(⁷) Or with equivalent reinsurance arrangements.

(⁸) Or non-public guarantors. A public debtor or guarantor is a debtor or guarantor who, in one form or another, represents the public authority itself and cannot either judicially or administratively be declared insolvent. For the purposes of these rules, publicly-owned or publicly-controlled companies resident in the countries listed in Annex IX to these guidelines as a marketable risk country and subject to the normal provisions of private company law are considered to be non-public debtors/guarantors.

(⁹) That is, war, revolution, natural disasters, nuclear accidents, and so forth, not so-called "commercial, catastrophe risks" (catastrophic accumulations of loss on individual buyers or countries) which may be covered by excess of loss reinsurance and are commercial risks.

- (¹⁰) The tying by a public or publicly supported export-credit insurer of insurance of non-marketable risks to the acceptance of cover for marketable risks might infringe Article 54 of the EEA Agreement. Such action could both be the subject of proceedings by the EFTA Surveillance Authority or the Commission and challenged in the courts and before national competition authorities.
- (¹¹) First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ L 228, 16.8.1973, p. 3), see point 2 of Annex IX to the EEA Agreement.
- (¹²) Council Directive 87/343/EEC of 22 June 1987 amending Directive 73/239/EEC on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ L 185, 4.7.1987, p. 72), see third indent of point 2 of Annex IX to the EEA Agreement.
- (¹³) See judgment of the Court of Justice in Case C-63/89, *Assurances du Credit and Cobac v. Council and Commission*, cited in footnote 5, p. 1848 (paragraph 22).
- (¹⁴) See Chapters 19 and 20 of the present State aid Guidelines.
- (¹⁵) See judgments of the Court of Justice in Case 30/59 *Steenkolenmijnen v. High Authority* [1961] ECR pp. 1 to 19; Case 173/73 *Italy v. Commission* [1974] ECR, p. 709, Case 730/79 *Philip Morris v. Commission* [1980] ECR, p. 2671.
- (¹⁶) In its judgment in Case C-142/87 *Belgium v. Commission*, cited in a footnote to paragraph 17 A.1(1), the European Court of Justice held that not only aid for intra-Community exports, but also aid for exports outside the Community can influence intra-Community competition and trade. Both types of operation are insured by export-credit insurers and aid with respect to both can therefore have effects on intra-Community competition and trade.
- (¹⁷) See paragraph 24 of the Judgment by the European Court of Justice in Case C-63/89 cited in a footnote to paragraph 17 A.1(3). Advocate-General Tesauro, in his opinion in the case, considered that when there is competition between private and public or publicly backed export-credit insurers, "it is highly doubtful whether the States can legitimately provide financial backing for public operators. To do so might be incompatible with the rules on public aid..." ([1991] ECR I-1835, point 15).
- (¹⁸) Council Directive 91/674/EEC of 19 December 1991 on the annual accounts and consolidated accounts of insurance undertakings (OJ L 374, 31.12.1991, p. 7), as adapted for the purpose of the EEA Agreement by EEA Joint Committee Decision No 7/94 (OJ L 160, 28.6.1994; EEA Supplement to OJ 17, 28.6.1994).'

'ANNEX IX

LIST OF MARKETABLE RISK COUNTRIES FOR THE PURPOSE OF APPLICATION OF THE RULES IN CHAPTER 17A ON SHORT-TERM EXPORT-CREDIT INSURANCE

Countries which are Contracting Parties to the EEA Agreement

Austria

Belgium

Denmark

Finland
France
Germany
Greece
Ireland
Italy
Luxembourg
Netherlands
Portugal
Spain
Sweden
United Kingdom

Iceland
Liechtenstein
Norway

Other countries which are members of the OECD and which are considered to be marketable risk countries

Australia
Canada
Japan
New Zealand
Switzerland
United States of America'

Done at Brussels, 4 March 1998.

For the EFTA Surveillance Authority

Knut ALMESTAD

The President
