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Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1097/98**of 25 May 1998****amending Regulation (EC) No 3448/93 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Council Regulation (EC) No 3448/93 ⁽³⁾ laid down the trade arrangements applicable to certain goods resulting from the processing of agricultural products;

Whereas following the entry into force of the agreements resulting from the Uruguay Round multilateral negotiations, the Community negotiated various agreements (hereinafter referred to as the 'GATT agreements'); whereas several of those agreements concern agriculture, particularly the Agreement on Agriculture (hereinafter referred to as 'the Agreement'); whereas under the Agreement the Community no longer applies variable levies to imports of agricultural products or variable components; whereas as a result a number of provisions of Regulation (EC) No 3448/93 have to be adapted to this new situation to make their meaning clear; whereas other provisions are now no longer applicable;

Whereas under certain preferential agreements reductions are granted on the agricultural components within the framework of the Community's commercial policy; whereas these reductions are established with reference to the agricultural components applicable to non-preferential trade; whereas these reduced amounts must therefore be converted into national currency at the same rate as applied for conversion of the non-reduced amounts;

Whereas under certain preferential agreements concessions are granted within quota limits relating to both agri-

cultural and non-agricultural protection, or non-agricultural protection is subject to reductions as a consequence of such agreements; whereas it is essential that the management of the non-agricultural part of protection should be subject to the same rules as for the agricultural part;

Whereas, following the amendments made to the various Regulations on the common organisation of the markets in the agriculture sector by Regulation (EC) No 3290/94 ⁽⁴⁾, refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty may be granted only if they are in line with the commitments entered into by the Community pursuant to Article 228 of the Treaty; whereas the arrangements needed to ensure compliance with such commitments can be adopted under the procedure referred to in Article 16 of Regulation (EC) No 3448/93;

Whereas it is necessary therefore to amend Regulation (EC) No 3448/93,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3448/93 is hereby amended as follows:

1. in Article 1:

(a) paragraphs 1 and 2 shall be replaced by the following:

'1. This Regulation determines the trade arrangements applicable to certain goods defined in Annex B.

⁽¹⁾ OJ C 105, 11. 4. 1996, p. 8.

⁽²⁾ OJ C 347, 25. 10. 1996, p. 464.

⁽³⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105. Regulation as last amended by Regulation (EC) No 1161/97 (OJ L 169, 27. 6. 1997, p. 1).

2. For the purposes of this Regulation:

- “agricultural products” shall mean products covered by Annex II to the Treaty,
- “goods” shall mean products not covered by Annex II to the Treaty and listed in Annex B.’;

(b) the following paragraph shall be inserted:

‘2a. For the purposes of application of certain preferential agreements:

- “agricultural component” shall mean the part of the charge corresponding to the Community Customs Tariff duties applicable to the agricultural products listed in Annex A or, where appropriate, the duties applicable to agricultural products originating in the countries concerned for the quantities of these agricultural products considered to have been used, as referred to in Article 13,
- “non-agricultural component” shall mean the part of the charge corresponding to the Common Customs Tariff duties, reduced by the agricultural component defined in the first indent,
- “basic products” shall mean certain agricultural products covered by Annex A to this Regulation or assimilated to those products or resulting from their processing, for which the duties published in the Common Customs Tariff serve to determine the agricultural component of the charge applicable to the goods.’;

2. in Title I, Chapter I shall be replaced by the following:

‘CHAPTER I

Importation

Section I

Trade with non-member countries

Article 2

1. Save where otherwise provided in this Regulation, the Common Customs Tariff duties shall apply to the goods listed in Annex B.

For the goods listed in Table 1 of Annex B, the charge shall consist of an *ad valorem* duty, designated the “fixed component”, and a specific amount set in ecus, designated the “agricultural component”.

For the goods listed in Table 2 of Annex B, the agricultural component of the charge shall be part of the charge applicable to imports of such goods.

2. Subject to Articles 10 and 10a, the levying of any customs duty or charge having equivalent effect other than the charge provided for in paragraph 1 shall be prohibited.

3. The general rules for interpretation of the Combined Nomenclature and the special rules for application of the Nomenclature shall apply for the purposes of classification of the products covered by this Regulation; the tariff nomenclature resulting from application of this Regulation shall be included in the Common Customs Tariff.

4. The detailed rules for application of this Regulation shall be adopted in accordance with the procedure laid down in Article 16.

Article 3

(Deleted)

Article 4

1. Where the Common Customs Tariff lays down a maximum charge, the charge provided for in Article 2 may not exceed this maximum.

Where the maximum charge referred to in the previous subparagraph may be applied only under specific conditions, these conditions shall be determined in accordance with the procedure laid down in Article 11(1) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (*).

2. Where the maximum charge consists of an *ad valorem* duty plus an additional duty on various kinds of sugar, expressed as sucrose (AD S/Z), or on flour (AD F/M), such additional duty shall be that laid down in the Common Customs Tariff.

(*) OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 2308/97 (OJ L 321, 22.11.1997, p. 1).

Article 5

(Deleted)

Section II

Preferential trade

Article 6

1. The agricultural component applicable in the framework of preferential trade shall be the specific amount fixed in the Common Customs Tariff.

However, where the country or countries concerned satisfy the requirements of Community legislation for processed products, adopt the same basic products as the Community, cover the same goods and use the same coefficients as the Community:

- (a) this agricultural component may be determined on the basis of the quantities of basic products actually used if the Community has concluded a customs cooperation agreement covering the establishment of such quantities;
- (b) the duty applicable on importation of the basic product may be replaced by an amount established on the basis of the difference between agricultural prices in the Community and those in the country or region concerned, or by an amount offsetting a jointly established price for the region concerned;
- (c) where application of point (b) results in amounts with little impact on the goods covered, this arrangement may be replaced by a system of flat rate amounts or rates.

2. The agricultural components, with any reductions, applicable to imports under a preferential agreement shall be converted into national currency by applying the same exchange rate as applicable to non-preferential trade.

3. The *ad valorem* duties corresponding to the agricultural component of the charge for the goods in Table 2 of Annex B may be replaced by another agricultural component where provided for by a preferential agreement.

4. The detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 16.

If necessary, these detailed rules shall cover in particular:

- completion and circulation of the documents necessary for granting these arrangements,
- the measures necessary to avoid diversions of trade,
- the list of basic products.

5. Where methods of analysing the agricultural products used are necessary, the methods specified for the agricultural products in question in the case of refunds on exports to third countries shall be used.

6. The Commission shall publish the charges resulting from application of the agreements referred to in paragraphs 2 and 3.

Article 7

1. Where a preferential agreement provides for the reduction or phasing-out of the non-agricultural part of the charge, this shall be the fixed component in the case of the goods listed in Table 1 of Annex B.

2. Where a preferential agreement provides for a reduction in the agricultural component, whether or not within the limits of a tariff quota, the detailed rules for determining and managing such reduced agricultural components shall be adopted in accordance with the procedure laid down in Article 16, provided the agreement specifies:

- the products eligible for these reductions,
- the quantities of goods or value of any quotas to which these reductions apply or the method of calculating these quantities or values,
- the factors determining the reduction in the agricultural component.

3. The detailed rules necessary for initiating and managing reductions in the non-agricultural components of the charge shall be adopted in accordance with the procedure laid down in Article 16.

4. The Commission shall publish the charges resulting from application of the preferential agreements referred to in paragraphs 1 and 2;

3. the following Article shall be added after Article 10:

Article 10a

1. In order to prevent or counteract adverse effects on the Community market which may result from imports of certain goods resulting from the processing of agricultural products, listed in Annex C, importation at the rate of duty provided for in the Common Customs Tariff of one or more of such goods shall be subject to the payment of an additional import duty if the conditions set out in Article 5 of the Agreement have been fulfilled unless the imports are unlikely to disturb the Community market or where the effects would be disproportionate to the intended objective.

2. The trigger prices below which an additional import duty may be imposed shall be those forwarded to the World Trade Organisation by the Community.

The trigger quantities which must be exceeded in order for an additional import duty to be imposed shall be determined, *inter alia*, on the basis of imports into the Community in the three years preceding that in which the adverse effects referred to in paragraph 1 arise or seem likely to arise.

3. The import prices to be taken into consideration when imposing an additional import duty shall be determined on the basis of the cif import prices of the consignment concerned.

4. The detailed implementing rules shall be adopted in accordance with the procedure laid down in Article 16.

These rules shall cover in particular:

- (a) the goods to which additional import duties are applied under Article 5 of the Agreement;
- (b) the other criteria necessary for application of paragraph 1 in accordance with Article 5 of the Agreement;

4. in Article 12, paragraph 1 shall be deleted. Paragraph 3 shall be replaced by the following:

'3. The Commission shall adapt this Regulation or Regulations adopted pursuant thereto to any amendments to the Combined Nomenclature.'

5. the text of Article 13 shall be replaced by the following:

'Article 13

1. This Article shall apply to all preferential trade for which determination of the agricultural component of the charge, possibly reduced under the conditions laid down in Article 7, is not based on the actual content referred to in Article 6(1)(a) and/or for which the basic amounts are not based on the price differences referred to in Article 6(1)(b).

2. The characteristics of the basic products and the quantities of the basic products to be taken into account shall be those laid down by Commission Regulation (EC) No 1460/96 (*).

Any amendments to be made to this Regulation shall be adopted in accordance with the procedure laid down in Article 16.

(*) OJ L 187, 26.7.1996, p. 18.'

6. in Article 14, paragraph 1 shall be replaced by the following:

'1. The threshold or thresholds below which the agricultural components established in accordance with Articles 6 and 7 shall be fixed at zero may be laid down in accordance with the procedure laid down in Article 16. The non-application of these agricultural components may be made subject to special conditions, in accordance with the same procedure, in order to avoid creating artificial trade flows';

7. Article 18 shall be replaced by the following:

'Article 18

The measures necessary to adapt this Regulation to amendments made to the Regulations on the common organisation of the market in agricultural products in order to maintain the existing arrangements shall be adopted in accordance with the procedure laid down in Article 16.'

8. in Annex B, the titles under 'Table 1' and 'Table 2' shall be deleted;

9. the Annex to this Regulation is hereby added as Annex C to Regulation (EC) No 3448/93.

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, 25 May 1998.

For the Council

The President

J. CUNNINGHAM

ANNEX

ANNEX C

CN code	Description of goods
0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa
0403 10 71 to 0403 90 99	Buttermilk, curdled milk and cream, kephir and other fermented or acidified milk containing added fruit, nuts or cocoa
0710 40	Sweetcorn (uncooked or cooked by steaming or boiling in water), frozen
0711 90 30	Sweetcorn provisionally preserved (for example, by sulphur dioxide gas, in brine, sulphur water or in other preservative solutions) but unsuitable in that state for immediate consumption
1517 10 10	Margarine, excluding liquid margarine containing more than 10 % but not more than 15 % by weight of milk fats
1517 90 10	Other edible mixtures or preparations of animal or vegetable fats or oils or fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516, containing more than 10 % but not more than 15 % by weight of milk fats
1702 50 00	Chemically pure fructose
2005 80 00	Sweet corn (<i>Zea mays var. saccharata</i>) prepared or preserved otherwise than by vinegar or acetic acid, not frozen
2905 43 00	Mannitol:
	D-Glucitol (Sorbitol):
	— in aqueous solution:
2905 44 11	— — containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content
2905 44 19	— — other
	— other:
2905 44 91	— — containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content
2905 44 99	— — other
3505 10 10	Dextrin
3505 10 92	Other modified starches, excluding esterified or etherified starches, amilomers, cadexomers, crilanomers and eldexomers
	Glues based on starches or on dextrans or other modified starches:
3505 20 10	— containing, by weight, less than 25 % of starches or dextrans or other modified starches
3505 20 30	— containing, by weight, 25 % or more but less than 55 % of starches or dextrans or other modified starches
3505 20 50	— containing, by weight, 55 % or more but less than 80 % of starches or dextrans or other modified starches
3505 20 90	— containing, by weight, 80 % or more of starches or dextrans or other modified starches

CN code	Description of goods
	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs or other products and preparations (for example, dressings and mordants), of a kind used in the paper, leather or like industries, with a basis of amylaceous substances, not elsewhere specified or included:
3809 10 10	— containing by weight of such substances less than 55 %
3809 10 30	— containing by weight of such substances 55 % or more but less than 70 %
3809 10 50	— containing by weight of such substances 70 % or more but less than 83 %
3809 10 90	— containing by weight of such substances 83 % or more
	Sorbitol other than of CN code 2905 44:
	— in aqueous solution:
3824 60 11	— — containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content
3824 60 19	— — other
	— other:
3824 60 91	— — containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content
3824 60 99	— — other'

COUNCIL REGULATION (EC) No 1098/98
of 25 May 1998
introducing special temporary measures for hops

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organisation of the market in hops⁽¹⁾, and in particular Article 16a thereof,

Having regard to the proposal from the Commission,

Whereas Article 16a of Regulation (EEC) No 1696/71 provides that if surpluses arise the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate action on production potential; whereas the market in hops is at present in surplus, for both short-term and structural reasons;

Whereas the aim of producer groups is to adjust production to market requirements; whereas they may use up to 20 % of the aid on appropriate measures to that end; whereas their scope for action in this area should be extended by allowing them to have recourse to temporary resting and/or permanent grubbing-up of areas under hops; whereas these measures will be additional to the special measures listed in Article 7(1)(b) of the abovementioned Regulation;

Whereas the production and marketing conditions for hops and thus also the economic viability of the sector differ from one Member State to another; whereas, for this reason, the decision to apply or not to apply the special measures should be taken at the level of the Member State concerned;

Whereas temporary resting and/or permanent grubbing-up can be permitted only if certain requirements are met, in particular non-cumulation of aid for areas temporarily rested and an obligation to reduce areas by 2002; whereas this will entail costs; whereas these costs, and loss of income, should be met in part by payment of an amount equal to the aid per hectare for a limited period; whereas provision should be made that temporary granting of an amount equal to the aid on such unharvested areas may therefore be permitted; whereas for effectiveness of supervision the minimum size of the areas which can benefit from these measures should be specified;

Whereas for the sake of effective control of the application of these measures the responsibilities of producer groups and of the Member States' competent authorities should be defined, and the power of adopting detailed rules of application should be given to the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

In addition to the aims described in Article 7(1)(b) of Regulation (EEC) No 1696/71 producer groups may also have recourse to temporary resting and/or permanent grubbing-up as means of jointly adjusting their production to market requirements and improving it.

Article 2

1. In Member States which decide to apply temporary resting and/or permanent grubbing-up, producers which have recourse to such measures may, as from the 1998 harvest and up to the 2002 harvest, receive an amount equal to the aid on the area had it been cropped, provided that they undertake not to extend hop cultivation to other areas of their holding. They may not receive any other Community aid on areas temporarily rested.

The hop area cultivated for the 2003 harvest by producer groups applying temporary resting and/or permanent grubbing-up must be less than that cultivated for the 1997 harvest.

2. Producer groups shall determine the minimum plot size for which an aid application may be lodged. This minimum plot size may not be less than 0,3 hectares.

3. Producer groups may lay down additional specific requirements to be met by their members in cases of temporary resting and/or grubbing-up.

4. Areas put into temporary rest or grubbed up must be notified to the competent authorities by 31 May of the year of harvest. For the 1998 harvest, this data may be communicated by not later than 30 June 1998. The competent authorities shall check that the following requirements have been met:

⁽¹⁾ OJ L 175, 4. 8. 1971, p. 1. Regulation as last amended by Regulation (EC) No 1554/97 (OJ L 208, 2. 8. 1997, p. 1).

- for temporary resting, maintenance of the hop poles,
- for permanent grubbing-up, removal of the hop poles,
- permanent grassing over in order to improve soil fertility.

Article 3

The Commission shall adopt the detailed rules for implementing this Regulation in accordance with the

procedure laid down in Article 20 of Regulation (EEC) No 1696/71.

Article 4

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 the 1998 harvest up to the 2003 harvest.

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

Done at Brussels, 25 May 1998.

For the Council

The President

J. CUNNINGHAM

COUNCIL REGULATION (EC) No 1099/98**of 25 May 1998****opening a Community tariff quota for barley for malting falling within CN code 1003 00**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, in the conclusion of the GATT Article XXIV,6 negotiations, to examine problems identified if the functioning of the 'representative price' system for cereals appears to be impeding trade; whereas certain consignments of barley for malting have been subject to impediment;

Whereas in order to remedy such impediment an annual Community tariff quota for barley for malting falling within CN code 1003 00 should be opened for 1997 and 1998;

Whereas detailed rules for the application of this Regulation should be adopted pursuant to Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. An annual Community tariff quota of 50 000 tonnes is hereby opened for 1997 and 1998 for high graded barley falling within CN code 1003 00 and intended for

the production of malt to be used for the manufacture of certain beer aged in tanks containing beechwood.

2. The common customs tariff duty applicably to the quota shall be 50 % of the full rate of duty in force, without the abatement applied on imports of barley for malting, on the day of import.

Article 2

The Commission shall adopt detailed rules for the application of this Regulation in accordance with the procedure laid down in Article 23 of Regulation (EC) No 1766/92, and in particular:

- (i) provisions to guarantee the quality of the barley and, if necessary, provisions concerning recognition of documents enabling this guarantee to be verified;
- (ii) provisions to verify that the barley is used for the production of malt for the manufacture of beer in tanks containing beechwood.

Article 3

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 January 1997.

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

Done at Brussels, 25 May 1998.

For the Council

The President

J. CUNNINGHAM

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

COUNCIL REGULATION (EC) No 1100/98

of 25 May 1998

amending Regulation (EEC) No 1615/89 establishing a European forestry information and communication system (EFICS)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

Having regard to the proposal from the Commission,

Whereas the period of application of Council Regulation (EEC) No 1615/89 of 29 May 1989 establishing a European forestry information and communication system (EFICS)⁽¹⁾ expired on 31 December 1997;

Whereas several Community measures have already been undertaken to establish the system based mainly on an analysis of the reliability and comparability of the data obtained from Member States' forest inventories and on improving coordination of the statistical work undertaken by international organisations on the forest sector; whereas that work has demonstrated the timeliness of the process initiated by the Community and the benefits which the latter can expect from the continuation of that work;

Whereas the system cannot be implemented unless the Member States take appropriate measures to that end; whereas such measures must be specified in a work-programme prepared by the Commission and presented to the Standing Forestry Committee;

Whereas the implementation of Community policies, the European Union's international commitments as part of the post-Helsinki process and the special session of the United Nations General Assembly (1997) (UNGASS) and the work of the European Environmental Agency require that the measures to be taken to improve the quality of international forestry data and to improve the use of the computer and data-processing techniques most suitable for disseminating those data, should be reinforced;

Whereas, furthermore, the European Parliament Resolution of 30 January 1997 on the European Union's forestry strategy⁽²⁾ stresses that the Commission must ensure that EFICS is effectively implemented; whereas the own-initiative opinion of the Economic and Social Committee of 24 April 1997 on the situation and problems of forestry in the European Union and potential for developing forestry policies⁽³⁾ notes the importance of improving information in the forestry sector and the contribution that

EFICS could make to that, in particular by including data on forest protection;

Whereas the above Regulation should therefore be extended and amended to take account of the above requirements,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1615/89 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

In order to collect and provide objective, reliable, comparable and pertinent information on the structure and operation of the forestry sector in the Community, and thus:

- improve consideration of the interests of the forestry sector in international discussions,
- facilitate the implementation of measures in favour of the forestry sector under existing Community policies,
- facilitate implementation of Member States' policies relating to forestry or having an impact on the forestry sector,
- permit access by the general public to information on the European forestry sector,

a European forestry information and communication system (EFICS), hereinafter called "the System", is hereby set up, the objective of which is to collect, coordinate, standardise, process and disseminate information concerning the forestry sector and its development'.

2. Article 3 shall be replaced by the following:

'Article 3

The Commission shall set up the System in close cooperation with the Member States and international bodies active in the field of European forestry statistics during a period commencing 1 January 1989 and ending on 31 December 2002.

⁽¹⁾ OJ L 165, 15. 6. 1989, p. 12. Regulation as amended by Regulation (EC) No 400/94 (OJ L 54, 25. 2. 1994, p. 5).

⁽²⁾ OJ C 55, 24. 2. 1997, p. 22.

⁽³⁾ OJ C 206, 7. 7. 1997, p. 128.

To improve the comparability and completeness of the data at the European level, implementation of the System may require that Member States, after obtaining the opinion of the Standing Forestry Committee set up by Decision 89/367/EEC ⁽¹⁾, adjust or supplement their procedures for the collection of data, in particular where the evaluation of forestry resources and the monitoring of the timber and forestry products market are concerned.

The Commission shall, where appropriate, support measures undertaken by Member States and international organisations such as the United Nations Food and Agriculture Organisation (FAO) and the Economic Commission for Europe and intended to meet the specific requirements for setting up the System.

⁽¹⁾ OJ L 165, 15. 6. 1989, p. 14.

3. The following Article 3a shall be inserted:

Article 3a

1. The Commission shall present to the Standing Forestry Committee a work-programme detailing the measures which shall be taken by Member States and the Commission with a view to establishing the System.
2. The Committee shall deliver its opinion on the work-programme within a time limit to be fixed by its chairman on the basis of the urgency of the matter in question. The opinion shall be by a majority as provided for in Article 148(2) of the Treaty for the adoption of decisions which the Council is requested to take on a proposal from the Commission. Member States' votes in the Committee shall be weighted as set out in the said Article. The chairman shall not have a vote.
3. (a) The Commission shall adopt the envisaged measures where they are in accordance with the opinion of the Committee.

- (b) Where the envisaged measures are not in accordance with the opinion of the Committee, or in the absence of an opinion, the Commission shall present the Council without delay with a proposal on the measures to be taken. The Council shall decide on the proposal by qualified majority.

If the Council has failed to adopt the measures within a period of three months of being asked to do so, the Commission shall adopt the proposed measures and implement them immediately'.

4. Article 4 shall be replaced by the following:

Article 4

The financial reference amount for implementing the System shall be ECU 3 900 000 for the period 1989 to 2002.

The annual appropriations shall be authorised by the budgetary authority within the limits of the available budget'.

5. Article 5 shall be replaced by the following:

Article 5

The Commission shall report to the Council, before 1 January 2003, with an assessment of the implementation of the System and the results obtained. In the light of that report it shall, where necessary, make proposals to the Council on the future organisation and operation of the System'.

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 January 1998.

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

Done at Brussels, 25 May 1998.

For the Council

The President

J. CUNNINGHAM

COUNCIL REGULATION (EC) No 1101/98
of 25 May 1998
amending Regulation (EEC) No 1906/90 on certain marketing standards for
poultrymeat

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat⁽¹⁾, and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1906/90⁽²⁾ lays down certain marketing standards for poultrymeat;

Whereas poultrymeat is being increasingly marketed in the form of cuts; whereas the checking of the water content should therefore be extended to certain pieces of poultrymeat,

Article 1

Article 7(1) of Regulation (EEC) No 1906/90 is hereby replaced by the following:

‘1. The percentages of water absorption which are technically unavoidable and which shall not be exceeded during the preparation of fresh, frozen and quick-frozen carcasses and cuts thereof as well as the uniform methods of verifying compliance therewith shall be determined in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75’.

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, 25 May 1998.

For the Council
The President
J. CUNNINGHAM

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 77. Regulation as last amended by Regulation (EC) No 2916/95 (OJ L 305, 19. 12. 1995, p. 49).

⁽²⁾ OJ L 173, 6. 7. 1990, p. 1. Regulation as last amended by Regulation (EC) No 3204/93 (OJ L 289, 24. 11. 1993, p. 3).

COMMISSION REGULATION (EC) No 1102/98

of 29 May 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 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⁾ and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾ as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

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

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

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

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 ⁽⁵⁾, as last amended by Commission Regulation (EC) No 1126/96 ⁽⁶⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 29 May 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 29 May 1998 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	9,49	9,49
— in all other cases	44,48	44,48
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	8,73	8,73
— in all other cases	40,92	40,92
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{9,49^{(1)} \times S^{(1)}}{100}$	$\frac{9,49^{(1)} \times S^{(1)}}{100}$
— in all other cases	$\frac{44,48^{(1)} \times S^{(1)}}{100}$	$\frac{44,48^{(1)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	9,49 ⁽³⁾	9,49 ⁽³⁾
— in all other cases	44,48 ⁽³⁾	44,48 ⁽³⁾

⁽¹⁾ 'S' represents in 100 kilograms of syrup:

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

⁽²⁾ Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 1103/98

of 29 May 1998

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

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

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

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾;

Whereas Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, as amended by Regulation (EC) No 1061/98 ⁽⁸⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 June 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ L 350, 20. 12. 1997, p. 3.

⁽⁸⁾ OJ L 152, 26. 5. 1998, p. 3.

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

Done at Brussels, 29 May 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 29 May 1998 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 68,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 2571/97 are exported (b) On exportation of other goods	64,59 102,60
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 2571/97 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	45,00 177,25 170,00

COMMISSION REGULATION (EC) No 1104/98
of 29 May 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 30 May 1998.

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

Done at Brussels, 29 May 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 29 May 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	43,7
	999	43,7
0707 00 05	052	86,9
	068	64,4
	999	75,7
0709 90 70	052	77,7
	999	77,7
0805 10 10, 0805 10 30, 0805 10 50	052	34,6
	204	40,4
	212	60,0
	388	53,1
	524	56,0
	528	53,1
	600	48,8
	624	53,5
	999	49,9
0805 30 10	382	57,7
	388	57,8
	999	57,8
0808 10 20, 0808 10 50, 0808 10 90	060	34,0
	388	76,6
	400	84,4
	404	93,7
	508	85,2
	512	77,8
	524	90,2
	528	69,7
	720	139,8
	804	107,9
	999	85,9

⁽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 1105/98
of 29 May 1998
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2092/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	6,98	0,00
1001 90 91	Common wheat seed	51,53	41,53
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	51,53	41,53
	medium quality	76,84	66,84
	low quality	92,82	82,82
1002 00 00	Rye	108,30	98,30
1003 00 10	Barley, seed	108,30	98,30
1003 00 90	Barley, other ⁽³⁾	108,30	98,30
1005 10 90	Maize seed other than hybrid	98,71	88,71
1005 90 00	Maize other than seed ⁽³⁾	98,71	88,71
1007 00 90	Grain sorghum other than hybrids for sowing	108,30	98,30

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 15 May 1998 to 28 May 1998)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	119,99	106,09	98,35	86,68	177,86 ⁽¹⁾	76,75 ⁽¹⁾
Gulf premium (ECU/tonne)	—	11,15	2,91	8,69	—	—
Great Lakes premium (ECU/tonne)	13,53	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,51 per tonne; Great Lakes — Rotterdam: ECU 20,54 per tonne.
3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96 : ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 1106/98
of 29 May 1998
fixing the import duties in the rice sector

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1403/97 ⁽⁴⁾, and in particular Article 4 (1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽⁴⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX I

Import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	130,91		202,88
1006 10 23	(7)	130,91		202,88
1006 10 25	(7)	130,91		202,88
1006 10 27	(7)	130,91		202,88
1006 10 92	(7)	130,91		202,88
1006 10 94	(7)	130,91		202,88
1006 10 96	(7)	130,91		202,88
1006 10 98	(7)	130,91		202,88
1006 20 11	318,27	154,80		238,70
1006 20 13	318,27	154,80		238,70
1006 20 15	318,27	154,80		238,70
1006 20 17	258,76	125,04	8,76	194,07
1006 20 92	318,27	154,80		238,70
1006 20 94	318,27	154,80		238,70
1006 20 96	318,27	154,80		238,70
1006 20 98	258,76	125,04	8,76	194,07
1006 30 21	(7)	251,59		399,75
1006 30 23	(7)	251,59		399,75
1006 30 25	(7)	251,59		399,75
1006 30 27	(7)	251,59		399,75
1006 30 42	(7)	251,59		399,75
1006 30 44	(7)	251,59		399,75
1006 30 46	(7)	251,59		399,75
1006 30 48	(7)	251,59		399,75
1006 30 61	(7)	251,59		399,75
1006 30 63	(7)	251,59		399,75
1006 30 65	(7)	251,59		399,75
1006 30 67	(7)	251,59		399,75
1006 30 92	(7)	251,59		399,75
1006 30 94	(7)	251,59		399,75
1006 30 96	(7)	251,59		399,75
1006 30 98	(7)	251,59		399,75
1006 40 00	(7)	78,38		123,00

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ L 84, 30.3.1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	258,76	533,00	318,27	533,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	352,25	340,58	319,90	365,27	—
(b) fob price (ECU/tonne)	—	—	—	292,67	338,04	—
(c) Sea freight (ECU/tonne)	—	—	—	27,23	27,23	—
(d) Source	—	USDA	Operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1107/98**of 29 May 1998****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (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 Article 17 (5) thereof,

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry ⁽⁴⁾, last amended by Commission Regulation (EC) No 1126/96 ⁽⁵⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to

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

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given 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,

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ L 150, 25. 6. 1996, p. 3.

HAS ADOPTED THIS REGULATION:

exported in the natural state, shall be set out in the Annex hereto.

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81,

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 29 May 1998 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	44,48 ⁽²⁾
1702 60 10 9000	44,48 ⁽²⁾
1702 60 80 9100	84,51 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 95 9000	0,4448 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	44,48 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4448 ⁽¹⁾
1702 90 71 9000	0,4448 ⁽¹⁾
1702 90 99 9900	0,4448 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	44,48 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4448 ⁽¹⁾

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

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

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

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

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EC) No 1108/98
of 29 May 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 1073/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1073/98 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 Regulation (EC) No 1073/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 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 154, 28. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 29 May 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	40,92 ⁽¹⁾
1701 11 90 9910	39,70 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,92 ⁽¹⁾
1701 12 90 9910	39,70 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4448
	— ECU/100 kg —
1701 99 10 9100	44,48
1701 99 10 9910	44,48
1701 99 10 9950	44,48
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4448

⁽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 1109/98
of 29 May 1998

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

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

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

Whereas the amounts of aid for the supply of cereals
products to the French overseas departments (FOD) has
been settled by Commission Regulation (EEC) No 391/
92 ⁽³⁾, as last amended by Regulation (EC) No 876/98 ⁽⁴⁾;
whereas, as a consequence of the changes of the rates and
prices for cereals products in the European part of the
Community and on the world market, the aid for supply

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 124, 25. 4. 1998, p. 9.

ANNEX

to the Commission Regulation of 29 May 1998 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonne)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	32,00	32,00	32,00	35,00
Barley (1003 00 90)	59,00	59,00	59,00	62,00
Maize (1005 90 00)	44,00	44,00	44,00	47,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 1110/98
of 29 May 1998
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 875/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 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 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ L 124, 25. 4. 1998, p. 7.

ANNEX

to the Commission Regulation of 29 May 1998 amending Regulation (EEC)
No 1832/92 setting the amounts of aid for the supply of cereals products from the
Community to the Canary Islands

(Ecu/tonne)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	29,00
Barley	(1003 00 90)	56,00
Maize	(1005 90 00)	41,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	48,00

COMMISSION REGULATION (EC) No 1111/98
of 29 May 1998
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 874/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 124, 25. 4. 1998, p. 5.

ANNEX

to the Commission Regulation of 29 May 1998 amending Regulation (EEC)
No 1833/92 setting the amounts of aid for the supply of cereals products from the
Community to the Azores and Madeira

(Ecu/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	29	29
Barley (1003 00 90)	56	56
Maize (1005 90 00)	41	41
Durum wheat (1001 10 00)	8	8

COMMISSION REGULATION (EC) No 1112/98

of 29 May 1998

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13(3) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national

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

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 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 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 29 May 1998 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)

Product code	Refund
1001 10 00 9400	0
1001 90 99 9000	26,00
1002 00 00 9000	35,00
1003 00 90 9000	53,00
1004 00 00 9400	45,00
1005 90 00 9000	38,00
1006 30 92 9100	137,00
1006 30 92 9900	137,00
1006 30 94 9100	137,00
1006 30 94 9900	137,00
1006 30 96 9100	137,00
1006 30 96 9900	137,00
1006 30 98 9100	137,00
1006 30 98 9900	137,00
1006 40 00 9000	—
1007 00 90 9000	38,00
1101 00 15 9100	23,00
1101 00 15 9130	23,00
1102 20 10 9200	50,29
1102 20 10 9400	43,10
1102 30 00 9000	—
1102 90 10 9100	71,75
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	64,66
1103 14 00 9000	—
1104 12 90 9100	35,80
1104 21 50 9100	95,66

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 1113/98**of 29 May 1998****fixing the export refunds on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, and in particular the second subparagraph of Article 13 (3) thereof,

Whereas Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 (4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas export possibilities exist for a quantity of 679 tonnes of rice to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation

(EC) No 444/98 ⁽⁵⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 13 (5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1998.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 154, 15. 6. 1976, p. 11.

⁽⁴⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁵⁾ OJ L 56, 26. 2. 1998, p. 12.

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

Done at Brussels, 29 May 1998.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 29 May 1998 fixing the export refunds on rice and broken rice

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination ⁽¹⁾	Amount of refunds ⁽²⁾	Product code	Destination ⁽¹⁾	Amount of refunds ⁽²⁾
1006 20 11 9000	01	24,00	1006 30 65 9900	01	30,00
1006 20 13 9000	01	24,00		04	30,00
1006 20 15 9000	01	24,00	1006 30 67 9100	05	36,00
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	24,00	1006 30 92 9100	01	30,00
1006 20 94 9000	01	24,00		02	36,00
1006 20 96 9000	01	24,00		03	41,00
1006 20 98 9000	—	—		04	30,00
1006 30 21 9000	01	24,00	1006 30 92 9900	01	30,00
1006 30 23 9000	01	24,00		04	30,00
1006 30 25 9000	01	24,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	30,00
1006 30 42 9000	01	24,00		02	36,00
1006 30 44 9000	01	24,00		03	41,00
1006 30 46 9000	01	24,00		04	30,00
1006 30 48 9000	—	—	1006 30 94 9900	01	30,00
1006 30 61 9100	01	30,00		04	30,00
	02	36,00		—	—
	03	41,00	1006 30 96 9100	01	30,00
	04	30,00		02	36,00
1006 30 61 9900	01	30,00		03	41,00
	04	30,00		04	30,00
1006 30 63 9100	01	30,00	1006 30 96 9900	01	30,00
	02	36,00		04	30,00
	03	41,00		—	—
	04	30,00	1006 30 98 9100	05	36,00
1006 30 63 9900	01	30,00	1006 30 98 9900	—	—
	04	30,00		—	—
1006 30 65 9100	01	30,00	1006 40 00 9000	—	—
	02	36,00			
	03	41,00			
	04	30,00			

⁽¹⁾ The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,
- 05 Ceuta and Melilla.

⁽²⁾ Refunds fixed under the procedure laid down in Article 7(4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 679 tonnes.

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

COMMISSION REGULATION (EC) No 1114/98

of 29 May 1998

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

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

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

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾;

Whereas possibilities exist for a quantity of 100 000 tonnes of maize to be exported to certain destinations under invitations to tender issued by the World Food Programme; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽⁵⁾, as last amended by Regulation (EC) No 444/98⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of

cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ L 56, 26. 2. 1998, p. 12.

ANNEX

to the Commission Regulation of 29 May 1998 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)			(ECU / tonne)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	23,00
1001 90 91 9000	—	—	1101 00 15 9130	01	21,75
1001 90 99 9000	03	16,00	1101 00 15 9150	01	20,00
	02	0	1101 00 15 9170	01	18,50
1002 00 00 9000	03	25,00	1101 00 15 9180	01	17,25
	02	35,00	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	40,00	1102 10 00 9500	01	47,50
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	04	31,00 ⁽³⁾	1103 11 10 9900	—	—
	03	28,00	1103 11 90 9200	01	0 ⁽²⁾
	02	—	1103 11 90 9800	—	—
1007 00 90 9000	—	—			
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein,
- 04 Tanzania, Burundi, Republic of Congo (Brazzaville), Democratic Republic of Congo.

⁽²⁾ No refund is granted when this product contains compressed meal.

⁽³⁾ Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 100 000 tonnes of maize to be exported to Tanzania, Burundi, the Republic of Congo (Brazzaville) and the Democratic Republic of Congo, under invitations to tender issued by the World Food Programme.

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

COMMISSION REGULATION (EC) No 1115/98

of 29 May 1998

fixing 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 Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; 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 961/98⁽⁸⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽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 135, 8. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 29 May 1998 fixing the corrective amount applicable to the
refund on cereals

(ECU / tonne)

Product code	Destination ⁽¹⁾	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	-7,00	-7,00	-7,00	-7,00	—	—
1101 00 15 9130	01	0	-7,00	-7,00	-7,00	-7,00	—	—
1101 00 15 9150	01	0	-7,00	-7,00	-7,00	-7,00	—	—
1101 00 15 9170	01	0	-7,00	-7,00	-7,00	-7,00	—	—
1101 00 15 9180	01	0	-7,00	-7,00	-7,00	-7,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	-7,00	-7,00	-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.

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

COMMISSION REGULATION (EC) No 1116/98
of 29 May 1998
on the supply of white sugar as food aid

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

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

Whereas 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 white sugar 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 pursuant to Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is

necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 702/96 (A1); 703/96 (A2)
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag
(tel.: (31 70) 330 57 57; fax: 364 17 01; telex: 30960 EURON NL)
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A1: Madagascar; A2: Bolivia
5. **Product to be mobilised:** white sugar
6. **Total quantity (tonnes net):** 90
7. **Number of lots:** one in two parts (A1: 18 tonnes; A2: 72 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(1))
9. **Packaging** ⁽⁷⁾ ⁽⁸⁾: see OJ C 267, 13.9.1996, p. 1 (11.2.A(1)(b), (2)(b) and B(4))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(3))
 - Language to be used for the markings: A1: French; A2: Spanish
 - Supplementary markings: —
11. **Method of mobilisation of the product:** sugar produced in the Community in accordance with the sixth subparagraph of Article 24(1a) of Council Regulation (EEC) No 1785/81 as follows:
 - A or B sugar (points (a) and (b))
12. **Specified delivery stage:** free at port of shipment
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: 29.6 — 19.7.1998
 - second deadline: 13.7 — 2.8.1998
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: 15.6.1998
 - second deadline: 29.6.1998
20. **Amount of tendering guarantee:** ECU 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁹⁾: periodic refund applicable to white sugar on 19.5.1998, fixed by Commission Regulation (EC) No 997/98 (OJ L 142, 14.5.1998, p. 9)

Notes:

- (¹) Supplementary information: André Debongnie (Tel. (32 2) 295 14 65)
Torben Vestergaard (Tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate (A2: the certificate must be legalized by the diplomatic representation in the country of origin of the goods).
- (⁶) Notwithstanding OJ C 114, point V.A(3)(c) is replaced by the following: 'the words "European Community"'.

(⁷) 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'.
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL.

The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (⁹) The rule provided at the second indent of Article 18(2)(a) of Commission Regulation (EEC) No 2103/77 (OJ L 246, 27.9.1977, p. 12), as last amended by Regulation (EC) No 260/96 (OJ L 34, 13.2.1996, p. 16), is binding for determination of the sugar category.
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COMMISSION REGULATION (EC) No 1117/98
of 29 May 1998
on the supply of milk products as food aid

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

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

Whereas 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 milk powder 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 pursuant to Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is

necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 704/96 (A1); 705/96 (A2)
2. **Beneficiary** ^(?): Euronaid, PO Box 12, NL-2501 CA Den Haag
tel.: (31 70) 330 57 57; fax: 364 17 01; telex: 30960 EURON NL)
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A1: Bolivia; A2: Madagascar
5. **Product to be mobilised:** vitaminised skimmed-milk powder
6. **Total quantity (tonnes net):** 75
7. **Number of lots:** 1 in 2 parts (A1: 30 tonnes; A2: 45 tonnes)
8. **Characteristics and quality of the product** ^(?) ^(?): see OJ C 114, 29.4.1991, p. 1 (I.B(1))
9. **Packaging** ^(?): see OJ C 267, 13.9.1996, p. 1 (6.3.A and B(2))
10. **Labelling or marking** ^(?): see OJ C 114, 29.4.1991, p. 1 (I.B(3))
 - Language to be used for the markings: A1: Spanish; A2: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Specified delivery stage:** free at port of shipment
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: 6 — 26.7.1998
 - second deadline: 20.7 — 9.8.1998
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: 15.6.1998
 - second deadline: 29.6.1998
20. **Amount of tendering guarantee:** ECU 20 per tonne
21. **Address for submission of tenders and tendering guarantees** ^(?): 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** ^(?): refund applicable on 20.5.1998, fixed by Commission Regulation (EC) No 913/98 (OJ L 28, 30.4.1998, p. 32)

Notes:

- (¹) Supplementary information: André Debongnie (Tel.: (32 2) 295 14 65)
Torben Vestergaard (Tel.: (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation, the temperature and duration in the spray-drying-tower and the expiry date for consumption,
 - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing,
- A1: the health certificate and the veterinary certificate must be legalized by the diplomatic representation in the country of origin of the goods.
- (⁶) Notwithstanding OJ C 114, point I. A(3)(c) is replaced by the following: 'the words "European Community"'.
- (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL.
- The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
- The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
- The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
-

COMMISSION REGULATION (EC) No 1118/98
of 29 May 1998
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas 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 vegetable oil 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⁽²⁾; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs;

Whereas, in order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rape-seed oil or sunflower

oil; whereas the contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil 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 supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders shall cover either rape-seed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

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

Article 2

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

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 706/96 (A1); 707/96 (A2)
2. **Beneficiary** (?): Euronaid, PO Box 12, NL-2501 CA Den Haag
tel.: (31 70) 330 57 57; fax: 364 17 01; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A1: Bolivia; A2: Madagascar
5. **Product to be mobilised:** vegetable oil: refined rape-seed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 90
7. **Number of lots:** one in two parts (A1: 30 tonnes; A2: 60 tonnes)
8. **Characteristics and quality of the product** (?) (?) (?): see OJ C 114, 29.4.1991, p. 1 (III.A.1)(a) or (b))
9. **Packaging** (?): see OJ C 267, 13.9.1996, p. 1 (10.4.A, B and C(2))
10. **Labelling or marking** (?): see OJ C 114, 29.4.1991, p. 1 (III.A(3))
 - Language to be used for the markings: A1: Spanish; A2: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community.
Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** free at port of shipment
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: 6 — 26.7.1998
 - second deadline: 20.7 — 9.8.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 16.6.1998
 - second deadline: 30.6.1998
20. **Amount of tendering guarantee:** ECU 15 per tonne
21. **Address for submission of tenders and tendering guarantees** (!): Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (Tel. (32 2) 295 14 65)
Torben Vestergaard (Tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate (A1: the certificate must be legalized by the diplomatic representation in the country of origin of the goods).
- (⁵) Notwithstanding OJ C 114, point III.A(3)(c) is replaced by the following: ‘the words “European Community”’.
- (⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.
- (⁷) Shipment to take place in 20-foot containers, FCL/FCL. The supplier will be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The beneficiary will be responsible for all subsequent loading costs, including the cost of moving the container from the container terminal.
- The supplier must submit to the beneficiary’s agent a complete packing list of each container, specifying the number of metal canisters belonging to each action number as specified in the invitation to tender notice.
- The supplier must seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary’s representative.
-

COMMISSION REGULATION (EC) No 1119/98

of 29 May 1998

opening a standing invitation to tender for the export of barley from harvests
prior to 1997 held by the Finnish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, 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 65 863 tonnes of barley from harvests prior to 1997 held by the Finnish 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 barley 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the Finnish intervention agency issues a standing invitation to tender for the export of barley from harvests prior to 1997 held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

Article 2

1. The invitation to tender shall cover a maximum of 65 863 tonnes of barley from harvests prior to 1997 for export to third countries.

2. The regions in which the 65 863 tonnes of barley from harvests prior to 1997 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.

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⁽⁵⁾.

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 4 June 1998.

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 Finnish 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

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

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:
 - two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 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 ⁽¹⁾, 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 barley

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 barley 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 barley 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.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, the documents relating to the sale of barley 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:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ L 301, 17. 10. 1992, p. 17.

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1119/98
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1119/98
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1119/98
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1119/98
- Intervention barley without application of refund or tax, Regulation (EC) No 1119/98
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1119/98
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1119/98
- Gerst uit interventie, zonder toepassing van restitutief of belasting, Verordening (EG) nr. 1119/98
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 1119/98
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1119/98
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1119/98.

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 barley 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 Finnish 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, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Helsinki	7 236
Iisalmi	1 948
Kirkniemi (Lohja)	3 617
Kolemäki	3 937
Koria	3 906
Kouvola	2 901
Kuopio	152
Loimaa	8 617
Onttola (Joensuu)	307
Oulu	8 322
Pieksämäki	498
Raunistula (Turku)	1 440
Seinäjoki	394
Turenki	9 707
Vainikkala	10 672
Ylivieska	2 209

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
barley from harvests prior to 1997 held by the Finnish intervention agency**

(Article 6(1) of Regulation (EC) No 1119/98)

- 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 barley from harvests prior to 1997 held by the Finnish intervention agency**

(Regulation (EC) No 1119/98)

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

⁽¹⁾ 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)

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

— fax 296 49 56,
 295 25 15.

COMMISSION REGULATION (EC) No 1120/98

of 29 May 1998

opening a standing invitation to tender for the export of barley from harvests
prior to 1997 held by the Swedish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, 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 46 297 tonnes of barley from harvests prior to 1997 held by the Swedish 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 barley 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the Swedish intervention agency issues a standing invitation to tender for the export of barley from harvests prior to 1997 held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

Article 2

1. The invitation to tender shall cover a maximum of 46 297 tonnes of barley from harvests prior to 1997 for export to third countries.

2. The regions in which the 46 297 tonnes of barley from harvests prior to 1997 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.

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⁽⁵⁾.

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 4 June 1998.

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 Swedish 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

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

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:

- two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 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 ⁽¹⁾, 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 barley

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 barley 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 barley 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.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, the documents relating to the sale of barley 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:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ L 301, 17. 10. 1992, p. 17.

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1120/98
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1120/98
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1120/98
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1120/98
- Intervention barley without application of refund or tax, Regulation (EC) No 1120/98
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1120/98
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1120/98
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1120/98
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 1120/98
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1120/98
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1120/98.

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 barley 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 Swedish 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, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Djurön	20 438
Köping	25 859

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
barley from harvests prior to 1997 held by the Swedish intervention agency**

(Article 6(1) of Regulation (EC) No 1120/98)

- 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 barley from harvests prior to 1997 held by the Swedish intervention agency**

(Regulation (EC) No 1120/98)

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

⁽¹⁾ 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)

— telex: 22037 AGREC B,
22070 AGREC B (Greek characters);

— fax: 296 49 56,
295 25 15.

COMMISSION REGULATION (EC) No 1121/98

of 29 May 1998

opening a standing invitation to tender for the export of barley from harvests
prior to 1997 held by the Irish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, 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 69 919 tonnes of barley from harvests prior to 1997 held by the Irish 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 barley 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the Irish intervention agency issues a standing invitation to tender for the export of barley from harvests prior to 1997 held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

Article 2

1. The invitation to tender shall cover a maximum of 69 919 tonnes of barley from harvests prior to 1997 for export to third countries.

2. The regions in which the 69 919 tonnes of barley from harvests prior to 1997 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.

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⁽⁵⁾.

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 4 June 1998.

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 Irish 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

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

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:
 - two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 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 ⁽¹⁾, 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 barley

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 barley 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 barley 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.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, the documents relating to the sale of barley 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:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ L 301, 17. 10. 1992, p. 17.

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1121/98
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1121/98
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1121/98
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1121/98
- Intervention barley without application of refund or tax, Regulation (EC) No 1121/98
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1121/98
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1121/98
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1121/98
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 1121/98
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1121/98
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1121/98.

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 barley 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 Irish 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, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Waterford	541
Kilkenny	18 392
Wexford	30 138
Cork	3 402
Tipperary	693
Laois	506
Offaly	1 572
Carlow	4 348
Kildare	2 415
Westmeath	2 033
Wicklow	5 879

ANNEX II

Communication of refusal of lots under the standing invitation to tender for the export of barley from harvests prior to 1997 held by the Irish intervention agency

(Article 6(1) of Regulation (EC) No 1121/98)

- 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 barley from harvests prior to 1997 held by the Irish intervention agency**

(Regulation (EC) No 1121/98)

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

⁽¹⁾ 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)

- telex 22037 AGREC B,
 22070 AGREC B (Greek characters);
- fax 296 49 56,
 295 25 15.
-

COMMISSION REGULATION (EC) No 1122/98

of 29 May 1998

opening a standing invitation to tender for the export of barley from harvests
prior to 1997 held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, 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 500 000 tonnes of barley from harvests prior to 1997 held by the German 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 barley 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the German intervention agency issues a standing invitation to tender for the export of barley from harvests prior to 1997 held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of barley from harvests prior to 1997 for export to third countries.

2. The regions in which the 500 000 tonnes of barley from harvests prior to 1997 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.

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⁽⁵⁾.

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 4 June 1998.

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 German 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

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

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:
 - two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 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 ⁽¹⁾, 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 barley

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 barley 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 barley 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.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, the documents relating to the sale of barley 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:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ L 301, 17. 10. 1992, p. 17.

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1122/98
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1122/98
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1122/98
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1122/98
- Intervention barley without application of refund or tax, Regulation (EC) No 1122/98
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1122/98
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1122/98
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1122/98
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 1122/98
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetukset (EY) N:o 1122/98
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1122/98.

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 barley 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 German 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, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	152 959
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	21 499
Berlin/Brandenburg/ Mecklenburg-Vorpommern	86 021
Sachsen/Sachsen-Anhalt/Thüringen	239 517

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
barley from harvests prior to 1997 held by the German intervention agency**

(Article 6(1) of Regulation (EC) No 1122/98)

— 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 barley from harvests prior to 1997 held by the German intervention agency**

(Regulation (EC) No 1122/98)

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

⁽¹⁾ 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)

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

— fax 296 49 56,
 295 25 15.

COMMISSION REGULATION (EC) No 1123/98**of 29 May 1998****opening a standing invitation to tender for the export of rye from harvests prior to 1997 held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, 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 500 000 tonnes of rye from harvests prior to 1997 held by the German 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the German intervention agency issues a standing invitation to tender for the export of rye from harvests prior to 1997 held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of rye from harvests prior to 1997 for export to third countries.

2. The regions in which the 500 000 tonnes of rye from harvests prior to 1997 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.

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⁽⁵⁾.

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 4 June 1998.

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 German 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

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

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 ⁽¹⁾, 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.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, 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:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ L 301, 17. 10. 1992, p. 17.

- Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1123/98
- Rug fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1123/98
- Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1123/98
- Σίκαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1123/98
- Intervention rye without application of refund or tax, Regulation (EC) No 1123/98
- Seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1123/98
- Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1123/98
- Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1123/98
- Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 1123/98
- Interventioruista, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1123/98
- Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1123/98.

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 15 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 German 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, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	176 880
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	10 880
Berlin/Brandenburg/ Mecklenburg-Vorpommern	146 107
Sachsen/Sachsen-Anhalt/Thüringen	166 118

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
rye from harvests prior to 1997 held by the German intervention agency**

(Article 6(1) of Regulation (EC) No 1123/98)

— 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 from harvests prior to 1997 held by the German intervention agency**

(Regulation (EC) No 1123/98)

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

⁽¹⁾ 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):

- telex: 22037 AGREC B,
22070 AGREC B (Greek characters),
- fax: 296 49 56,
295 25 15.

COMMISSION REGULATION (EC) No 1124/98
of 29 May 1998

**fixing the minimum selling prices for butter and the maximum aid for cream,
butter and concentrated butter for the 10th individual invitation to tender under
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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

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

Whereas the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as amended by Regulation (EC) No 1061/98 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter; whereas it is further stipulated that the price or aid may vary according to the intended

use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; whereas the amount(s) of the processing securities must be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities and the minimum selling prices, applying for the 10th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 May 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 350, 20. 12. 1997, p. 3.

⁽⁴⁾ OJ L 152, 26. 5. 1998, p. 3.

ANNEX

to the Commission Regulation of 29 May 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 10th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(ECU/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	227	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	120		—	
		Concentrated	—		—	
Maximum aid	Butter ≥ 82 %		109	105	—	105
	Butter < 82 %		—	100	—	100
	Concentrated butter		134	130	134	130
	Cream		—	—	46	44
Processing security	Butter		120	—	—	—
	Concentrated butter		148	—	148	—
	Cream		—	—	51	—

COMMISSION REGULATION (EC) No 1125/98
of 29 May 1998

**fixing the maximum aid for concentrated butter for the 182nd special invitation
to tender opened under the standing invitation to tender provided for in
Regulation (EEC) No 429/90**

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

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

Whereas, in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 417/98 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; whereas Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

Whereas, in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 182nd special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

— maximum aid:	ECU 134/100 kg
— end-use security:	ECU 148/100 kg.

Article 2

This Regulation shall enter into force on 30 May 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 45, 21. 2. 1990, p. 8.

⁽⁴⁾ OJ L 52, 21. 2. 1998, p. 18.

COMMISSION REGULATION (EC) No 1126/98

of 29 May 1998

imposing provisional anti-dumping and countervailing duties on certain imports
of farmed Atlantic salmon originating in Norway, and amending Decision
97/634/EC

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Article 8(10) thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidized imports from countries not members of the European Community⁽³⁾, and in particular Article 13(10) thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 31 August 1996, the Commission announced, by two separate notices published in the *Official Journal of the European Communities*, the initiation of both an anti-dumping proceeding⁽⁴⁾ and an anti-subsidy proceeding⁽⁵⁾ in respect of imports of farmed Atlantic salmon originating in Norway.
- (2) The Commission sought and verified all information that it deemed necessary for the purpose of its definitive findings. As a result of this examination, it was established that definitive anti-dumping and countervailing measures should be adopted in order to eliminate the injurious effects of dumping and subsidization. All interested parties were informed of the results of the investigation and were given the opportunity to comment thereon.
- (3) On 26 September 1997, the Commission adopted Decision 97/634/EC⁽⁶⁾, as last amended by Regulation (EC) No 651/98⁽⁷⁾, accepting undertakings offered in connection with the two abovementioned proceedings, by the exporters mentioned in the Annex to that Decision and terminating the investigations in their respect.

(4) On the same day the Council, by Regulation (EC) No 1890/97⁽⁸⁾, as last amended by Regulation (EC) No 772/98⁽⁹⁾, imposed an anti-dumping duty of ECU 0,32 per kilo on imports of farmed Atlantic salmon originating in Norway. Imports of farmed Atlantic salmon exported by companies from which an undertaking had been accepted were exempted from that duty pursuant to Article 1(2) of the Regulation.

(5) On the same day, the Council, by Regulation (EC) No 1891/97⁽¹⁰⁾, as last amended by Regulation (EC) No 772/98, also imposed a countervailing duty of 3,8 % on imports of farmed Atlantic salmon originating in Norway. Imports of farmed Atlantic salmon exported by companies from which an undertaking had been accepted were exempted from that duty pursuant to Article 1(2) of that Regulation.

(6) The abovementioned Regulations set out the definitive findings and conclusions on all aspects of the investigations.

B. APPARENT FAILURE TO COMPLY WITH THE UNDERTAKING

(7) In order to ensure the effective implementation and monitoring of the undertakings accepted, the exporters undertook to report to the Commission, on a quarterly basis, all their sales of farmed Atlantic salmon to unrelated customers in the Community.

(8) The text of the undertakings specifically provides that failure to comply with the reporting obligations and, in particular, failure to submit the quarterly report within the prescribed time limit except in case of *force majeure*, would be construed as a breach of the undertaking.

(9) Certain Norwegian exporters have failed to comply with their obligation to present a report within the prescribed time limit or have not submitted any report at all.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 288, 21. 10. 1997, p. 1.

⁽⁴⁾ OJ C 253, 31. 8. 1996, p. 18.

⁽⁵⁾ OJ C 253, 31. 8. 1996, p. 20.

⁽⁶⁾ OJ L 267, 30. 9. 1997, p. 81.

⁽⁷⁾ OJ L 88, 24. 3. 1998, p. 31.

⁽⁸⁾ OJ L 267, 30. 9. 1997, p. 1.

⁽⁹⁾ OJ L 111, 9. 4. 1998, p. 10.

⁽¹⁰⁾ OJ L 267, 30. 9. 1997, p. 19.

Those exporters were informed of the consequences of late reporting, and in particular that, should the Commission have reason to believe that an undertaking was being infringed, a provisional anti-dumping and countervailing duty might be imposed pursuant to Article 8(10) of Regulation (EC) No 384/96 and Article 13(10) of Regulation (EC) No 2026/97, respectively.

These exporters were also called upon to provide, where appropriate, evidence of any *force majeure* justifying such late submission or lack of reports, but have so far failed to provide conclusive evidence of such *force majeure*.

C. PROVISIONAL MEASURES

- (10) Under these circumstances, there is reason to believe that the undertakings accepted by the Commission from the Norwegian exporters mentioned in the Annex to this Regulation are being infringed.
- (11) In view of the difficult economic situation facing the Community industry, it is considered imperative that, pending further investigation of these apparent breaches, provisional duties be imposed.

D. RATE OF DUTY

- (12) In accordance with Article 8(10) of Regulation (EC) No 384/96, the rate of the anti-dumping duty should be established on the basis of the best information available.

Under the present circumstances and bearing in mind that no dumping margin had been individually determined for the exporters concerned, it is considered appropriate that the rate of the provisional anti-dumping duty be set at the level of the definitive duty imposed by the Council in Regulation (EC) No 1890/97.

- (13) In accordance with Article 13(10) of Regulation (EC) No 2026/97, the rate of the countervailing duty must be established on the basis of the best information available.
- (14) Under the present circumstances it is considered appropriate that the rate of the provisional countervailing duty be set at the level of the definitive duty imposed by the Council in Regulation (EC) No 1891/97.

E. FINAL PROVISIONS

- (15) Decision 97/634/EC should therefore be amended accordingly.
- (16) In the interests of sound administration, a period should be fixed in which interested parties may make known their views in writing and request a hearing. Furthermore, it should be noted that all findings made for the purpose of this Regulation are based on the exporters' quarterly reports or

absence thereof and are therefore provisional, and may have to be reconsidered for the purpose of any definitive duties which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (TARIC code: 0302 12 00*19), ex 0304 10 13 (TARIC code: 0304 10 13*19), ex 0303 22 00 (TARIC code: 0303 22 00*19) and ex 0304 20 13 (TARIC code: 0304 20 13*19) originating in Norway and exported by the companies listed in the Annex.

2. The rate of duty applicable shall be ECU 0,32/kg net product weight.

Article 2

1. A provisional countervailing duty is hereby imposed on imports of farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (TARIC code: 0302 12 00*19), ex 0304 10 13 (TARIC code: 0304 10 13*19), ex 0303 22 00 (TARIC code: 0303 22 00*19) and ex 0304 20 13 (TARIC code: 0304 20 13*19) originating in Norway and exported by the companies listed in the Annex.

2. The rate of duty applicable to the net free-at-Community-frontier price, before duty, shall be 3,8 %.

Article 3

1. The duties referred to in Articles 1 and 2 shall not apply to wild Atlantic salmon (TARIC codes 0302 12 00*11, 0304 10 13*11, 0303 22 00*11, 0304 20 13*11). For the purpose of this Regulation, wild Atlantic salmon shall be that in respect of which the competent authorities of the Member State of landing are satisfied, by way of all customs and transport documents to be provided by interested parties, that it was caught at sea.

2. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 4

The parties concerned may make their views known in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 5

The companies listed in the Annex to this Regulation are hereby deleted from the Annex to Decision 97/634/EC.

Article 6

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

It shall apply for a period of four months.

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

Done at Brussels, 29 May 1998.

For the Commission

Leon BRITTAN

Vice-President

ANNEX

No	Company	TARIC additional code
19	A/S Nortraders Ltd	8117
45	Fader Martin A/S	8142
55	Gigante Fiskekroken A/S	8152
59	Gunnar Klo A/S	8301
71	Inter Road A/S	8173
95	Melands Røkeri Eftf. A/S	8199
106	Niscan Corporation A/S	8212
109	Nor-Trade International	8215
125	Norway Seafarms A/S	8313
136	Oster Sea Products A/S	8241
138	Pero Food A/S	8243
186	Vest Agentur A/S	8320

COMMISSION REGULATION (EC) No 1127/98

of 29 May 1998

amending Regulation (EC) No 613/97 laying down rules for the application of
Council Regulation (EC) No 3072/95 as regards the conditions for granting
compensatory payments under the aid scheme for rice producers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽¹⁾, as amended by Regulation (EC) No 192/98⁽²⁾, and in particular Articles 8(d), 21 and 25(5) thereof,

Whereas, pursuant to Article 1 of Regulation (EC) No 3072/95, the compensatory payment system also applies to rice intended for sowing that qualifies for seed production aid pursuant to Council Regulation (EC) No 2358/71⁽³⁾, as last amended by Regulation (EC) No 192/98; whereas Article 2 of Commission Regulation (EC) No 613/97⁽⁴⁾, as amended by Regulation (EC) No 1305/97⁽⁵⁾, should accordingly be amended;

Whereas Regulation (EC) No 613/97 stipulates that, to qualify for the compensatory payment, sowing must have finished before certain dates; whereas these dates have been fixed for the 1997/98 marketing year; whereas these dates should be maintained for subsequent marketing years without limiting the length of application, given that they take into account weather factors and correspond to the sowing calendar practised in the various production regions in the Community;

Whereas the provisions on the integrated administration and control systems for certain Community aid schemes as laid down by Council Regulation (EC) No 3508/92⁽⁶⁾, as last amended by Regulation (EC) No 820/97⁽⁷⁾, and Commission Regulation (EEC) No 3887/92⁽⁸⁾, as last amended by Regulation (EC) No 2015/95⁽⁹⁾, do not contain specific rules on the final date for submitting surface aid applications for the rice sector; whereas pending their amendment, the abovementioned date

should be established on a transitory basis to manage the compensatory payment system;

Whereas, pursuant to Article 6(5) of Regulation (EC) No 3072/95, as amended, the producer Member States determine the reduction to be applied to the compensatory payment where the base area or areas laid down for their territory is exceeded; whereas Article 6 of Regulation (EC) No 613/97 should therefore be amended as a result and, to ensure uniform application of the system, the methods for calculating surface aid applications and for establishing the rates of overrun of base areas should be specified; whereas provision should lastly be made for the administrative notifications needed to ensure satisfactory monitoring of the system as applied;

Whereas the measures provided for in this Regulation must take effect immediately to allow management of the compensatory payment system in the 1998/99 marketing year;

Whereas the Management Committee for Cereals has not delivered its opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 613/97 is hereby amended as follows:

1. the first subparagraph of Article 2 is replaced by the following:

‘Any given cultivated parcel shall not be the subject of more than one application for compensatory payment pursuant to Regulation (EC) No 3072/95, and shall not be the subject of any other aid application, with the exception, however, of seed production aid pursuant to Council Regulation (EC) No 2358/71^(*).

^(*) OJ L 246, 5.11.1971, p. 1.’;

2. Article 4 is replaced by the following:

‘Article 4

1. To qualify for the payment, the area must be sown by 31 May preceding the harvest in question at the latest, except in Spain and Portugal where the final date shall be 30 June.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 246, 5. 11. 1971, p. 1.

⁽⁴⁾ OJ L 94, 9. 4. 1997, p. 1.

⁽⁵⁾ OJ L 177, 5. 7. 1997, p. 11.

⁽⁶⁾ OJ L 355, 5. 12. 1992, p. 1.

⁽⁷⁾ OJ L 117, 7. 5. 1997, p. 1.

⁽⁸⁾ OJ L 391, 31. 12. 1992, p. 36.

⁽⁹⁾ OJ L 197, 22. 8. 1995, p. 2.

In French Guiana, the areas must be sown for each of the two sowing cycles, no later than 31 December and 30 June preceding the harvests in question. France shall undertake a thorough check of the areas sown in the December cycle.

2. The dates referred to in paragraph 1 shall be deemed the final dates for presenting applications for the 1998/99 marketing year, for the application of Article 6(2) and (4) of Regulation (EEC) No 3508/92 and Article 4(2)(a) of Regulation (EC) No 3887/92;

3. Article 6 is replaced by the following:

Article 6

1. To establish whether the base area referred to in Article 6(5) of Regulation (EC) No 3072/95 has been exceeded, the competent authority in the Member State shall take into account the base area laid down in Article 6(4) of the aforementioned Regulation and the total of the areas for which aid applications have been submitted for the base area in question.

2. In establishing the total area for which aid applications have been submitted, account shall not be taken of applications or parts of applications that an administrative check has shown to be clearly unjustified.

Where appropriate, the area actually determined in the course of on-the-spot checks pursuant to Article 6 of Regulation (EEC) No 3887/92 shall be counted.

3. If an overrun is observed, the Member States shall establish by 30 September at the latest the percentage overrun, calculated to two decimal places. However, it shall notify the Commission beforehand of the overrun.

Where an overrun can be foreseen, the Member State shall inform the producers forthwith.

The rate of overrun shall be used for calculating the reduction in the compensatory payment, in accordance with the first indent of Article 6(5) of Regulation (EC) No 3072/95.

4. The rate of overrun referred to in paragraph 3 can, however, be corrected by the Member States after 30 December but no later than 15 January of the following year. In such cases, they shall inform the Commission forthwith, and justify the correction.

The Member States concerned shall implement the amended rates of reduction, as appropriate, by paying the producers in question or recovering from them the difference between the initial compensatory payment and the payment resulting from the application of the amended rate of reduction. Recovery shall be effected in accordance with Article 14 of Regulation (EEC) No 3887/92.

If an additional compensatory payment falls due as a result of a corrected notification from a Member State, it must be paid before the following 1 April.

5. The Member States shall send the Commission:

- before 1 October following the start of each marketing year, the data listed in the table in the Annex hereto,
- before the following 15 March or, where a correction has been made, 15 May, the areas for which a compensatory payment has been paid.

Article 2

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

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

TABLE OF DATA

Member State: Year:

Production area	Variety	Number of applications	Hectares	Total hectares
1.				
2.				
3.				
Total				

COMMISSION REGULATION (EC) No 1128/98

of 29 May 1998

deferring the final date for sowing certain arable crops in certain regions in the
1998/99 marketing year

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

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 2309/97 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10(2) of Regulation (EEC) No 1765/92 stipulates that, to qualify for the compensatory payments for cereals, protein crops and linseed under the support system for certain arable crops, producers must have sown the seed at the latest by 15 May preceding the relevant harvest;

Whereas Article 9 of Commission Regulation (EC) No 658/96 of 9 April 1996 on certain conditions for granting compensatory payments under the support system for producers of certain arable crops ⁽³⁾, as last amended by Regulation (EC) No 760/98 ⁽⁴⁾, fixes 15 May as the final date for oilseeds;

Whereas, because of the particular weather conditions this year, the final dates for sowing seeds fixed for Germany, Austria, Belgium, Denmark, Ireland, Greece, the Netherlands, Portugal, France, the United Kingdom and Sweden cannot be complied with in all cases; whereas, in conse-

quence, the time limit for sowing cereals and/or oilseeds, and/or protein crops and/or linseed for the 1998/99 marketing year should, where necessary, be deferred for certain specific regions; whereas to do so Regulations (EEC) No 1765/92 and (EC) No 658/96 should be waived as permitted by the seventh indent of Article 12 of Regulation (EEC) No 1765/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

The final dates for crop sowings for the 1998/99 marketing year are fixed in the Annex hereto for the crops the Member States and regions indicated therein.

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 15 May 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ L 321, 22. 11. 1997, p. 3.

⁽³⁾ OJ L 91, 12. 4. 1996, p. 46.

⁽⁴⁾ OJ L 105, 4. 4. 1998, p. 8.

ANNEX

Final date for sowing crops for the 1998/99 marketing year

Crops	Member State	Region	Final date
Maize, sunflower, sorghum, soya, buck-wheat	France	The entire country	31 May 1998
Cereals, oilseeds, protein crops and linseed	Belgium Denmark Ireland Netherlands United Kingdom	The entire country	31 May 1998
Maize, sunflower, soya	Greece	The entire country	31 May 1998
Maize	Germany	The entire country	31 May 1998
Maize, soya	Austria	The entire country	31 May 1998
Maize, sunflower, sorghum	Portugal	The entire country	15 June 1998
Cereals, oilseeds, protein crops and linseed	Sweden	Stockholm Uppsala Södermanland Östergötland Jönköping Kronoberg Kalmar Gotland Blekinge Skåne Halland Västergötland Örebro Västmanland	15 June 1998

COMMISSION REGULATION (EC) No 1129/98

of 29 May 1998

amending Regulation (EC) No 1600/95 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 779/98 of 7 April 1998 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95 ⁽¹⁾, and in particular Article 1 thereof,

Whereas Protocol 1 to Decision No 1/98 (98/223/EC) of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products ⁽²⁾, establishes the system of preferences applicable to imports into the Community of agricultural products originating in Turkey; whereas, for certain milk products, the duties are eliminated within the limit of tariff quotas; whereas rules are laid down on proof of origin; whereas it is necessary, therefore, to amend Commission Regulation (EC) No 1600/95 ⁽³⁾, as last amended by Regulation (EC) No 2432/97 ⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1600/95 is amended as follows:

1. Articles 18 and 19 are replaced by the following:

Article 18

1. This Article shall apply to imports of milk products from Norway under the Agreement on the European Economic Area.

2. The products and the duties applicable shall be as set out in Annex III.

3. Articles 7 and 8 shall apply.

Article 19

1. This Article shall apply to milk products imported under the tariff quotas referred to in Annex I to Protocol 1 to Decision No 1/98 of the EC-Turkey Association Council (98/223/EC).

2. The products and the duties applicable shall be as set out in Annex IIIA.

3. The quantities set out in Annex IIIA for each year shall be divided into two equal parts for the half-year periods commencing on 1 January and 1 July.

However, in the case of the half-year period 1 July to 31 December 1998, the quantity shall be 1 500 tonnes.

4. The period of validity of licences may not extend beyond 31 December following their date of issue within the meaning of Article 21(1) of Regulation (EEC) No 3719/88. Import licences issued under this Article may be transferred only to the natural or legal persons referred to in Article 13(a).

5. Articles 13, 14, 16 and 17 shall apply *mutatis mutandis*.

However:

— notwithstanding Article 13(b), licence applications must be for a minimum of 10 tonnes and a maximum equivalent to the quantity available for each period referred to in paragraph 3,

— notwithstanding Article 13(e), the entry in Section 20 of licence applications and licences shall refer to Article 19 of this Regulation,

⁽¹⁾ OJ L 113, 15. 4. 1998, p. 1.

⁽²⁾ OJ L 86, 20. 3. 1998, p. 1.

⁽³⁾ OJ L 151, 1. 7. 1995, p. 12.

⁽⁴⁾ OJ L 337, 9. 12. 1997, p. 9.

- notwithstanding Article 14(3), the Member States shall notify the Commission on the fifth working day following the end of the application period of the applications submitted in respect of each of the products set out in Annex IIIA. The notification shall comprise the list of applicants and the quantities applied for by Combined Nomenclature code. All notifications, including notification of no applications, shall be made by telex or fax on the working day stipulated, in accordance with the specimen in Annex X²;
2. Article 22a is amended as follows:
- (a) paragraph 1 is replaced by the following:

‘1. Article 22 notwithstanding, this Article shall apply to:

 - imports coming from Switzerland under the special arrangement concluded between that country and the Community,
 - imports of the milk products referred to in Annex I to Protocol 1 to Decision No 1/98 of the EC-Turkey Association Council (98/223/EC), with the exception of those referred to in Article 19(1).’;
 - (b) paragraph 5 is replaced by the following:

‘5. The reduced rate of duty shall be applied only on presentation of the declaration of release

for free circulation accompanied by the import licence and the proof of origin issued under:

 - Protocol 3 of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards imports from Switzerland,
 - Protocol 3 of Decision No 1/98 of the EC-Turkey Association Council (98/223/EC) as regards imports from Turkey.’;

3. in Annex III, the title ‘Norway’ is inserted below the title:

‘Tariff quotas pursuant to other international agreements’;

4. Annex I to this Regulation is inserted after Annex III as Annex IIIA;

5. in Annex VII, the entry for ‘Turkey’ is deleted;

6. Annex II to this Regulation is added as Annex X.

Article 2

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

Article 1, point 2, shall apply only to import licences for which application is made as from the date of entry into force of this Regulation.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ANNEX IIIA

TARIFF QUOTAS PURSUANT TO OTHER INTERNATIONAL AGREEMENTS

TURKEY

(Calendar year)

Serial number	CN code	Description	Country of origin	Quota (quantity in tonnes)		Import duty (in ecus per 100 kg net weight)
				annual	half-yearly	
13	0406 90 29	Kashkaval cheese	Turkey	1 500	750	0'
	ex 0406 90 31	Cheese made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles				
	0406 90 50	Other cheese made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles				
	ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Tulum Peyniri, made from sheep's milk or buffalo milk, in individual plastic or other packaging of less than 10 kg				

ANNEX II

'ANNEX X

APPLICATION OF ARTICLE 19

Commission of the European Communities

DG VI/D/1 — Milk and milk products

IMPORT LICENCE APPLICATIONS

Member State:

Period:

CN code	Applicant (name and address)	Quantity (in tonnes)	Country of origin
			Turkey'
Total in tonnes:			

COMMISSION REGULATION (EC) No 1130/98

of 29 May 1998

derogating from Regulations (EEC) No 1589/87, (EEC) No 429/90, (EEC) No 1158/91, (EEC) No 3398/91 and (EC) No 2571/97 as regards the time limit set for submitting tenders for the month of August 1998

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 6(6), Article 7(5), Article 7a(1), first subparagraph, and (3) and Article 12(3) thereof,

Whereas Commission Regulations (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies ⁽³⁾, as last amended by Regulation (EC) No 455/95 ⁽⁴⁾, (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽⁵⁾, as last amended by Regulation (EC) No 417/98 ⁽⁶⁾, (EEC) No 1158/91 of 3 May 1991 on the buying in by tender of skimmed-milk powder to intervention agencies ⁽⁷⁾, as last amended by Regulation (EC) No 569/96 ⁽⁸⁾, (EEC) No 3398/91 of 20 November 1991 on the sale by invitation to tender of skimmed-milk powder for the manufacture of compound feedingstuffs and amending Regulation (EEC) No 569/88 ⁽⁹⁾, as last amended by Regulation (EC) No 2080/96 ⁽¹⁰⁾ and (EC) No 2571/97 of 15 December 1997 on the sale by butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽¹¹⁾, lay

down the detailed rules for the tendering procedures under these different regulations; whereas, because of the slowdown in economic activity in August 1998, the time limits for submitting tenders under these Regulations should be amended for practical reasons;

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding the first sentence of Article 2 of Regulation (EEC) No 1589/87, Article 3(2) of Regulation (EEC) No 429/90, the first sentence of Article 2 of Regulation (EEC) No 1158/91, the first sentence of Article 4(3) of Regulation (EEC) No 3398/91 and the first sentence of Article 14(2) of Regulation (EC) No 2571/97, the time limit for submitting tenders shall expire on the fourth Tuesday of the month at 12 noon for the month of August 1998.

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, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 146, 6. 6. 1987, p. 27.

⁽⁴⁾ OJ L 46, 1. 3. 1995, p. 31.

⁽⁵⁾ OJ L 45, 21. 2. 1990, p. 8.

⁽⁶⁾ OJ L 52, 21. 2. 1998, p. 18.

⁽⁷⁾ OJ L 112, 4. 5. 1991, p. 65.

⁽⁸⁾ OJ L 80, 30. 3. 1996, p. 48.

⁽⁹⁾ OJ L 320, 22. 11. 1991, p. 16.

⁽¹⁰⁾ OJ L 279, 31. 10. 1996, p. 15.

⁽¹¹⁾ OJ L 350, 20. 12. 1997, p. 3.

COMMISSION REGULATION (EC) No 1131/98
of 29 May 1998
applying a special intervention measure for maize and sorghum at the end of the
1997/98 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 6 thereof,

Whereas the intervention period for maize and sorghum ends on 30 April in the south and 31 May in the north; whereas this situation, in view of uncertainties as regards outlets, is likely to encourage operators to offer substantial quantities of maize and sorghum for intervention at the end of May in the north, although certain market outlets may be found after the end of the intervention period; whereas this situation may be remedied by allowing buying in of those cereals until 15 August 1998;

Whereas the conditions for the buying in of cereals are laid down in the Commission Regulation (EEC) No 689/92 of 19 March 1992 fixing the procedure and conditions for the taking over of cereals by intervention agencies⁽³⁾, as last amended by Regulation (EC) No 23/98⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In accordance with Article 6 of Regulation (EEC) No 1766/92, the intervention agencies of the Member States other than Italy, Spain, Greece and Portugal shall buy in quantities of maize and sorghum offered to them between 1 June and 15 August 1998.

2. The price to be paid shall be the intervention price provided for in Article 3(3) of Regulation (EEC) No 1766/92.

3. Buying in shall be carried out in accordance with Regulation (EEC) No 689/92.

Notwithstanding the third subparagraph of Article 3(3) of Regulation (EEC) No 689/92, the final delivery of the quantities offered for intervention pursuant to this Regulation must be made by 15 September 1998 at the latest.

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, 29 May 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 74, 20. 3. 1992, p. 18.

⁽⁴⁾ OJ L 4, 8. 1. 1998, p. 48.

COMMISSION REGULATION (EC) No 1132/98

of 29 May 1998

extending the validity of certain export licences for common wheat flour

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Articles 9 and 13 thereof,

Whereas significant numbers of export licences for common wheat flour have been issued since 1 February 1998 with advance fixing of the refunds; whereas most of these licences are due to expire on 30 June 1998; whereas failure to export by that date would lead to the forfeit of the security; whereas recourse to pre-financing on 30 June 1998 is the only way of avoiding forfeit of the security; whereas such recourse to pre-financing is one of the rights associated with the export licences;

Whereas the greater overall volume than in previous years of stocks of various cereals already placed in intervention or anticipated carry-over stocks on the open market on 30 June 1998 creates a shortfall in storage capacity in certain regions; whereas the pre-financing system will be difficult or impossible to apply in practice as a result;

Whereas the situation as described above means that recourse cannot be had to the pre-financing system; whereas additional quantities of wheat may be offered for intervention as a result and will be added to the existing significant quantities already offered for intervention at the end of this marketing year;

Whereas arrangements should therefore be made to ensure that the operators can fully use their licences;

Whereas the planned measure must be non-discriminatory through being applied in the same way in all Member States by the operators who choose not to use pre-financing on 30 June 1998; whereas extending the validity of the export licences for common wheat flour is one measure that will meet this objective; whereas, under the circumstances and as an exceptional measure, the validity of these licences should be extended for one and half months at the request of the interested party;

Whereas, in order to ensure that this measure is fully effective, the refund fixed in advance must not be adjusted by the break in the marketing year; whereas provision should therefore be made to waive Article 12 of Commission Regulation (EC) No 1162/95 ⁽³⁾, as last amended by Regulation (EC) No 444/98 ⁽⁴⁾, as regards the break in the marketing year;

Whereas in order to avoid any undue advantage or penalty, the interested party applying for an extension should confirm the value of the refund at 30 June 1998 for the quantity in question, which value will remain unchanged until 15 August 1998; whereas any negative correcting factors applying in July and August 1998 to refunds fixed in advance on or after 1 February 1998 should therefore be cancelled; whereas there are no grounds under the circumstances for granting the monthly increase for the month of August; whereas the interested party must therefore agree to forego this increase;

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

HAS ADOPTED THIS REGULATION:

Article 1

At the request of the interested party, the validity of the export licences for common wheat flour issued on or after 1 February 1998 with advance fixing of the export refund shall be extended to 15 August 1998.

Moreover, at the request of the interested party, the negative correcting factors applying in July and August 1998 and the adjustment for the price break provided for in Article 12(3) of Regulation (EC) No 1162/95 shall be cancelled for the export licences for flour issued on or after 1 February 1998.

These applications shall be valid only if submitted no later than five working days after the publication of this Regulation in the *Official Journal of the European Communities* and if the interested party agrees to forego the monthly increase in the refund for August 1998.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ L 56, 26. 2. 1998, p. 12.

Article 2

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

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1133/98
of 29 May 1998

**fixing the maximum buying-in price and the quantities of beef to be bought in
under the 203rd partial invitation to tender as a general intervention measure
pursuant to Regulation (EEC) No 1627/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2634/97 ⁽²⁾, and in particular Article 6(7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef ⁽³⁾, as last amended by Regulation (EC) No 2602/97 ⁽⁴⁾, an invitation to tender was opened pursuant to Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EC) No 1047/98 ⁽⁶⁾;

Whereas, in accordance with Article 13(1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 13(2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 203rd partial invitation to tender have been considered and taking account, pursuant to Article 6(1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, it has been decided not to proceed with

the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13(3) of Regulation (EEC) No 2456/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 203rd partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - the maximum buying-in price shall be ECU 232 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 780 tonnes,
 - the quantities offered at a price less than or equal to ECU 232 shall be multiplied by a coefficient of 10 %, in accordance with Article 13(3) of Regulation (EEC) No 2456/93.

Article 2

This Regulation shall enter into force on 1 June 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 351, 23. 12. 1997, p. 20.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 149, 20. 5. 1998, p. 19.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1134/98**of 29 May 1998****on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 213/98 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas Commission Regulation (EC) No 983/98 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for lemons will shortly be exceeded; whereas this overrun will

prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for lemons, exported after 30 May 1998 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B licences for lemons, submitted pursuant to Article 1 of Regulation (EC) No 983/98, export declarations for which are accepted after 30 May 1998 and before 1 July 1998, are hereby rejected.

Article 2

This Regulation shall enter into force on 30 May 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 22, 29. 1. 1998, p. 8.

⁽³⁾ OJ L 137, 9. 5. 1998, p. 12.

COMMISSION REGULATION (EC) No 1135/98

of 29 May 1998

amending Regulation (EC) No 1066/95 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the raw tobacco quota system for the 1995, 1996, 1997 and 1998 harvests

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 9(5) thereof,

Whereas Article 9 of Regulation (EEC) No 2075/92 introduces a quota system for the various groups of tobacco varieties; whereas the individual quotas have been distributed among producers on the basis of the guarantee thresholds for 1998 fixed by Article 1 of Council Regulation (EC) No 415/96 ⁽³⁾; whereas pursuant to Article 9(5) of Regulation (EEC) No 2075/92 the Commission may authorise Member States to transfer guarantee threshold quantities; whereas these quantities remain available in some Member States following distribution of the quotas pursuant to Article 8 of Commission Regulation (EC) No 1066/95 ⁽⁴⁾, as last amended by Regulation (EC) No 261/98 ⁽⁵⁾; whereas the proposed transfers do not give rise to additional expenditure for the EAGGF and do not entail an increase in the total guarantee threshold for each Member State;

Whereas this Regulation should apply before the deadline for registering contracts concluded following the allocation of the additional quantities set in the second subparagraph of Article 3(1) of Commission Regulation (EEC) No 3478/92 ⁽⁶⁾, as last amended by Regulation (EC) No 842/98 ⁽⁷⁾;

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

Regulation (EC) No 1066/95 is amended as follows:

1. Article 11a is replaced by:

'Article 11a

1. For the 1998 harvest, Member States are authorised to transfer to another group of varieties, before 31 May 1998, threshold quantities of tobacco remaining available following the distribution of quotas pursuant to Article 8 of this Regulation.

2. The quantities referred to in paragraph 1 shall be limited to those set out in the Annex hereto.';

2. the Annex to this Regulation replaces the Annex to Regulation (EC) No 1066/95.

Article 2

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

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

Done at Brussels, 29 May 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 59, 8. 3. 1996, p. 3.

⁽⁴⁾ OJ L 108, 13. 5. 1995, p. 5.

⁽⁵⁾ OJ L 25, 31. 1. 1998, p. 49.

⁽⁶⁾ OJ L 351, 2. 12. 1992, p. 17.

⁽⁷⁾ OJ L 120, 23. 4. 1998, p. 8.

ANNEX

ANNEX

Guarantee threshold quantities which each Member State is authorised to transfer from one group of varieties to another

Member State	Group of varieties from which transfer is made	Group of varieties to which transfer is made
Germany	119 t of light air-cured (group II)	130 t of dark air-cured (group III)
	1 329 t of light air-cured (group II)	1 220 t of flue-cured (group I)
Italy	300 t of sun-cured (group V)	300 t of light air-cured (group II)
	300 t of sun-cured (group V)	300 t of dark air-cured (group III)
	300 t of sun-cured (group V)	240 t of flue-cured (group I)
France	1 979 t of dark air-cured (group III)	300 t of flue-cured (group I)
		1 400 t of light air-cured (group II)

COMMISSION REGULATION (EC) No 1136/98
of 29 May 1998
amending Regulation (EC) No 1350/72 on rules for granting aid to hop
producers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organisation of the market in hops⁽¹⁾, as last amended by Regulation (EC) No 1554/97⁽²⁾, and in particular Article 13(4) thereof,

Having regard to Council Regulation (EC) No 1098/98 of 25 May 1998 introducing special temporary measures for hops⁽³⁾, and in particular Article 3 thereof,

Whereas Regulation (EC) No 1098/98 provides for compensation to be granted for areas put into temporary rest and/or grubbed up; whereas those areas should be declared on the same basis as planted areas; whereas for the 1998 harvest the data have to be communicated not later than 30 June 1998; whereas the new provisions should therefore be incorporated into Commission Regulation (EEC) No 1350/72⁽⁴⁾, as last amended by Regulation (EC) No 317/98⁽⁵⁾;

Whereas Article 1(1) of Regulation (EEC) No 1350/72 lays down that areas planted must be declared not later than 31 May of the year of harvest; whereas that poses problems in the United Kingdom because of developments in production methods whereby propagated plants can be harvested within the same year as planting (for the first time); whereas such planting will not be completed in May but in June; whereas the harvesting of propagated hops by this method is expected to be limited to a small percentage of the total hop area in the United Kingdom; whereas discrimination against the producers concerned in the form of loss of aid should nevertheless be avoided; whereas to that end provision should be made for a derogation for the United Kingdom by postponing the date for declaring areas until 30 June of the year of harvest;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1350/72 is amended as follows:

1. in Article 1:

— paragraph 1 is replaced by the following:

‘1. All hop producers shall declare the areas which they have planted and the areas which are the subject of special temporary measures for resting and/or grubbing-up provided for in Regulation (EC) No 1098/98 not later than 31 May of the year of harvest or, in the case of the United Kingdom, not later than 30 June 1998.’,

— paragraph 2 is replaced by the following:

‘2. The declaration shall include at least:

(a) the name and address of the person making the declaration;

(b) for each variety or experimental strain:

— the area planted or subject to special resting and/or grubbing-up measures;

— the land-register reference for the area or, if no such reference is available for the area in question, an equivalent official indication and, if necessary, a further indication making it possible to locate the variety or the experimental strain;

(c) the name of the recognised hop producers’ group if the person making the declaration belongs to such a group.’;

2. Article 2 is replaced by the following:

Article 2

1. The application for aid in those Member States that decide to apply temporary resting and/or definitive grubbing up for compensation within the

⁽¹⁾ OJ L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ L 208, 2. 8. 1997, p. 1.

⁽³⁾ See page 7 of this Official Journal.

⁽⁴⁾ OJ L 148, 30. 6. 1972, p. 11.

⁽⁵⁾ OJ L 33, 7. 2. 1998, p. 10.

meaning of Article 2 of Regulation (EC) No 1098/98 shall be made by the individual producer not later than 31 October of the year of harvest or through the producer group by a date set by the Member State.

2. Aid or compensation shall be granted only for areas that for the harvest in question

(a) were planted, as regards the areas referred to in Article 1(3)(a), at a uniform density of at least:

- 1 500 plants per hectare in the case of double staking,
- 2 000 plants per hectare in the case of single staking,
- or were in production in 1997 and have been the subject of special resting and/or grubbing-up measures,

(b) have been declared in conformity with the provisions of Article 1,

(c) in the case of the areas referred to in the first indent of (a) above, were cultivated and harvested in the normal way; this excludes hop plants cultivated principally as nursery products.;

3. in Article 3:

(a) paragraph 1 is replaced by the following:

‘1. The aid application or compensation shall include for the area in question at least the information required under Article 1(2) and, in case of the areas referred to in the first indent of paragraph 2(a) above, a statement that the crop has been harvested.’;

(b) paragraph 2 is replaced by the following:

‘2. Member States may lay down that the application for aid or compensation shall comprise a copy of the declaration referred to in Article 1, together with the declaration that the areas for which aid is sought have been harvested.’;

(c) paragraph 3 is replaced by the following:

‘3. The following Articles of Regulation (EEC) No 3887/92 shall apply:

- the last subparagraph of Article 6(3) in cases where significant irregularities are noted in a region or part of a region,

— the first subparagraph of Article 8(1) in cases where the area declaration and/or the application for aid or compensation is lodged late,

— Article 11 in cases of *force majeure*,

— Article 12 on the report of the inspection visit,

— Article 13 on refusal of the farmer to receive an on-the-spot visit,

— Article 14 on undue payments.’;

4. in Article 4:

(a) paragraph 1 is replaced by the following:

‘1. Each Member State shall notify to the Commission the names and addresses of the bodies designated under the second subparagraph of Article 13(1) of Regulation (EEC) No 1696/71 and its measures for operation of the aid and compensation scheme. Administrative and on-the-spot checks shall be carried out that properly verify compliance with the terms on which aid or compensation is granted. The administrative checks shall also include cross-checks on the hop parcels declared, including checks against the database provided for in Article 2 of Regulation (EEC) No 3508/92 (*), in order to forestall any double payment of the aid or compensation for the harvest in question. For the 1998 harvest, however, cross-checks may be effected on a sample basis. Checks on the spot, effected following a risk analysis, shall cover a significant sample of declarations and applications amounting to at least 5 % of the area declarations and 5 % of the aid and compensation applications.

(*) OJ L 355, 5. 12. 1992, p. 1’;

(b) paragraph 2 is replaced by the following:

‘2. Member States shall each year send the Commission in respect of the recognised producer groups located in their territory all relevant information on their management of the aid and compensation paid to them, including, if appropriate, full details of measures as referred to in Article 7(1)(e) of Regulation (EC) No 1696/71. Notifications shall be made not later than 31 December of the year following that of the harvest in question.’;

5. Article 4a is replaced by the following:

'Article 4a

1. If the actual area is found to be larger than that stated in the area declaration, the declared area shall be used for calculating the aid or compensation.

2. If the area declared is larger than the area determined, the latter shall be used for calculating the aid or compensation. It shall, however, except in cases of *force majeure*, be reduced by twice the difference found, should that be more than two hectares or 3 % and no more than 20 % of the actual area.

If the difference is more than 20 % of the area determined, no area-related aid or compensation shall be granted.

If a false declaration was made deliberately or by serious negligence:

- the applicant shall be excluded from the aid and compensation scheme for the harvest in question, and
- if the false declaration was made deliberately, for the following harvest also.

The above reductions shall not be applied if the application shows that for determining the area he used information recognised by the competent authority.

For the purposes of this Article, the "area determined" is that for which all regulatory requirements have been met.'

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, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1137/98

of 29 May 1998

adopting a protective measure applying to imports of garlic originating in China

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⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 37(2) thereof,

Whereas Commission Regulation (EEC) No 1859/93 of 12 July 1993 on the application of the system of import licences for garlic imported from third countries⁽³⁾, as amended by Regulation (EC) No 1662/94⁽⁴⁾, stipulates that the release for free circulation in the Community of garlic imported from third countries is subject to the presentation of import licences;

Whereas on 1 and 6 April 1998 the French Republic and the Kingdom of Spain respectively requested the Commission to take protective measures against imports of garlic;

Whereas in 1993 the Commission recorded a very sharp rise in imports of garlic originating in China as compared with preceding years; whereas, given their price, further imports could have brought about such serious disturbance of the Community market as to jeopardise the objectives of Article 39 of the EC Treaty and in particular to damage Community producers; whereas the Commission accordingly adopted a protective measure by Commission Regulation (EC) No 1213/94⁽⁵⁾, as last amended by Regulation (EC) No 2815/94⁽⁶⁾, to limit the quantity covered by import licences issued for garlic originating in China for the 1994/95 marketing year to a given quantity per month; whereas this measure was renewed by Commission Regulation (EC) No 1153/95⁽⁷⁾, as last amended by Regulation (EC) No 2944/95⁽⁸⁾, for the period 1 June 1995 to 31 May 1996, by Commission Regulation (EC) No 885/96⁽⁹⁾ for the period 1 June 1996 to 31 May 1997 and by Commission Regulation (EC) No 903/97⁽¹⁰⁾ for the period 1 June 1997 to 31 May 1998;

Whereas each month import licence applications in respect of garlic originating in China have covered quantities far exceeding the monthly quantity fixed by Regulation (EC) No 903/97; whereas, moreover, the number of applications submitted on the first day of each monthly period led throughout the whole marketing year concerned to import licences being issued for quantities equal to less than 1 % of the quantities applied for and to the rejection of applications submitted thereafter; whereas this systematic overrun shows that there is continuing pressure on the market for this product and that, unless protective measures are adopted, the Community market in garlic could be seriously disturbed by huge quantities imported from China; whereas it is therefore vital for the protective measure applying to garlic originating in China to be renewed;

Whereas import licences issued should be limited to a given quantity by period from 1 June 1998 to 31 May 1999 and the issuing thereof should be suspended once that quantity has been attained;

Whereas certain criteria as to the status of applicants and the use of licences issued should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 June 1998 to 31 May 1999, import licences for garlic (CN code 0703 20 00) originating in China shall be issued for up to 12 000 tonnes only, subject to a maximum quantity for each period as set out in the Annex and to the conditions laid down in this Regulation.

2. The maximum quantity for each period as referred to in paragraph 1 shall be equal to the sum of:

- (a) the quantity set out in the Annex;
- (b) quantities not applied for from the preceding period;
- and
- (c) unused quantities from licences issued previously of which the Commission has been informed.

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 170, 13. 7. 1993, p. 10.

⁽⁴⁾ OJ L 176, 9. 7. 1994, p. 1.

⁽⁵⁾ OJ L 133, 28. 5. 1994, p. 36.

⁽⁶⁾ OJ L 298, 19. 11. 1994, p. 26.

⁽⁷⁾ OJ L 116, 23. 5. 1995, p. 23.

⁽⁸⁾ OJ L 308, 21. 12. 1995, p. 17.

⁽⁹⁾ OJ L 119, 16. 5. 1996, p. 12.

⁽¹⁰⁾ OJ L 130, 22. 5. 1997, p. 6.

3. Where the Commission establishes, on the basis of information forwarded to it by the Member States pursuant to Article 4 of Regulation (EEC) No 1859/93, that there is a risk that the maximum quantity for any period may be exceeded, it shall lay down the conditions under which licences may be issued.

Article 2

1. Applications for import licences for garlic originating in China may be lodged only by importers of fruit and vegetables within the meaning of paragraph 2.

2. Importers of fruit and vegetables means traders, natural or legal persons, individuals or groups that have imported and/or exported at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 in each of the previous two years. Compliance with this condition shall be certified by registration in a trade register held by the Member State or by any other proof accepted by the Member State and by proof of import and/or export. When importers in this category have obtained import licences under Regulation (EEC) No 1859/93 in the previous calendar year, they must show proof of having put in free circulation, on their own

account, be it as a natural or legal person, at least 50 % of the quantity allocated to them.

3. Importers within the meaning of paragraph 2 may lodge no more than two licence applications, at an interval of at least five days, for each of the periods referred to in the Annex to this Regulation. Each of the applications may cover a quantity of no more than 50 % of the quantity mentioned in the Annex for the period in question.

4. Importers within the meaning of paragraph 2 shall provide, in support of their applications, information permitting verification to the satisfaction of the competent national authorities of the conditions referred to in that paragraph.

5. By derogation from Article 9 of Regulation (EC) No 3719/88, the rights arising from import licences allocated for the products referred to in Article 1(1) of this Regulation shall not be transferable.

Article 3

This Regulation shall enter into force on 1 June 1998.

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

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

<i>(tonnes)</i>		
Period	Period for lodging applications	Quantity
June	1 June to 2 July 1998	1 000
July	3 July to 6 August 1998	1 000
August	7 August to 3 September 1998	1 000
September	4 September to 1 October 1998	1 000
October	2 October to 5 November 1998	1 000
November	6 November to 3 December 1998	1 000
December	4 December 1998 to 7 January 1999	1 000
January	8 January to 4 February 1999	1 000
February	5 February to 4 March 1999	1 000
March	5 March to 1 April 1999	1 000
April	2 April to 6 May 1999	1 000
May	7 May to 31 May 1999	1 000

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 May 1998

setting the date on which dispatch from Northern Ireland of bovine products under the Export Certified Herds Scheme may commence by virtue of Article 6(5) of Council Decision 98/256/EC

(Text with EEA relevance)

(98/351/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⁾,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽³⁾, as last amended by Directive 92/118/EEC,

Having regard to Council Decision 98/256/EC of 16 March 1998 concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC⁽⁴⁾ and in particular Article 6(5) thereof,

Whereas Article 6(5) of Decision 98/256/EC requires the Commission to set the date on which dispatch of products referred to in this Article may commence, after

having carried out Community inspections and after having informed the Member States;

Whereas inspections carried out by the Commission services in Northern Ireland from 20 to 22 April 1998, in particular to assess the system of veterinary checks pursuant to Articles 6 and 7 of Decision 98/256/EC, have shown that the conditions are complied with satisfactorily;

Whereas at the time of adoption of Decision 98/256/EC, the Commission undertook to present, in accordance with its normal practice for inspection reports, to the Member States convened in the Veterinary Standing Committee, the results of the inspection referred to in Article 6(5) and the consequences it draws from them; whereas this presentation has taken place; whereas therefore, the date is set at 1 June 1998,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 6(5) of Decision 98/256/EC shall be 1 June 1998.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 395, 30. 12. 1989, p. 13.

⁽⁴⁾ OJ L 113, 15. 4. 1998, p. 32.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission
