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- * **Commission Decision of 21 October 1998 concerning a draft Decree of the Republic of Austria on the identification of genetically modified additives and flavourings used as food ingredients ⁽¹⁾ (notified under document number C(1998) 3158)**

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⁽¹⁾ Text with EEA relevance

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL DECISION
of 26 October 1998
amending Common Position 96/635/CFSP on Burma/Myanmar
(98/612/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Whereas Common Position 96/635/CFSP of 28 October 1996, defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Burma/Myanmar ⁽¹⁾, as amended by Decision 98/107/CFSP ⁽²⁾, and extended by Decision 98/303/CFSP ⁽³⁾, expires on 29 October 1998;

Whereas Common Position 96/365/CFSP should be further extended in the light of point 6 thereof;

Whereas the internal situation in Burma continues to deteriorate, opposition activists, in particular representatives elected to Parliament, continue to be detained and the Burmese authorities have taken no steps towards democracy and national reconciliation;

Whereas, in this connection, the restrictive measures taken under Common Position 96/635/CFSP, should be strengthened,

HAS DECIDED AS FOLLOWS:

Article 1

Common Position 96/635/CFSP is hereby extended until 29 April 1999.

Article 2

Point 5(b) of Common Position 96/635/CFSP shall be amended as follows:

‘(b) introduces the following additional measures:

- (i) ban on the issuing of entry and transit visas to senior members of the State Peace and Development Council (SPDC) and their families and to Burmese authorities in the tourism sector;
- (ii) ban on the issuing of entry and transit visas to senior members of the military or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar’s transition to democracy, and their families;
- (iii) suspension of high-level bilateral government (Ministers and officials of political director level and above) visits to Burma/Myanmar.’

Article 3

This Decision shall be published in the Official Journal.

Done at Luxembourg, 26 October 1998.

For the Council

The President

W. SCHÜSSEL

⁽¹⁾ OJ L 287, 8. 11. 1996, p. 1.

⁽²⁾ OJ L 32, 6. 2. 1998, p. 13.

⁽³⁾ OJ L 138, 9. 5. 1998, p. 5.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2329/98
of 22 October 1998
amending Regulation (EEC) No 357/79 on statistical surveys of areas under vines

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas Regulation (EEC) No 357/79 ⁽³⁾ lays down the basic provisions for statistical surveys of areas under vines; whereas the survey results are used to determine the production potential and medium-term trend in production in the Community;

Whereas it is appropriate to give greater flexibility to the system established by Regulation (EEC) No 357/79, not only because of developments in techniques and computer technology but also because of the need to lighten the burden of statistical operations required of the Member States;

Whereas Regulation (EEC) No 357/79 provides that the Member States concerned are to carry out basic surveys of areas under vines every 10 years; whereas, for technical and practical reasons, certain Member States, however, consider that it would be appropriate to link up this operation with the Community survey on the structure of agriculture holdings provided for by Council Regulation (EEC) No 571/88 ⁽⁴⁾;

Whereas, as part of a flexible methodology, Member States should be afforded the possibility of using the vineyard register provided for by Regulation (EEC) No

2392/86 ⁽⁵⁾ as a source of information on the basic survey, given that developments in computer technology enable increasingly accurate and comprehensive information to be obtained from reliable data in an updated vineyard register,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 357/79 is hereby amended as follows:

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

‘If a Community survey on the structure of agricultural holdings on the basis of Regulation (EEC) No 571/88 ⁽⁶⁾ is scheduled within a maximum of 12 months in relation to the basic survey provided for in the first indent of the first subparagraph, both surveys may be carried out simultaneously. Member States shall inform the Commission in advance of their intention to make use of this provision.

⁽⁶⁾ OJ L 56, 2.3.1988, p. 1.’;

2. the following subparagraph shall be added to Article 2(3)(A):

‘However, as regards the 1999 basic survey, the Portuguese Republic may transmit information on vine varieties which together represent at least 53 % of the total area under wine grape vines.’;

⁽¹⁾ OJ C 257, 15. 8. 1998, p. 8.

⁽²⁾ OJ C 328, 26. 10. 1998.

⁽³⁾ OJ L 54, 5. 3. 1979, p. 124. Regulation as last amended by the 1994 Act of Accession.

⁽⁴⁾ OJ L 56, 2. 3. 1988, p. 1. Regulation as last amended by Commission Decision 98/377/EC (OJ L 168, 13. 6. 1998, p. 29).

⁽⁵⁾ OJ L 208, 31. 7. 1986, p. 1. Regulation as last amended by Regulation (EC) No 1596/96 (OJ L 206, 16. 8. 1996, p. 38).

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

communicating to the Commission the basic-survey information.'

'4. Member States which have completed the establishment of the vineyard register at national level or in certain regions and which update it annually, in accordance with Regulation (EEC) No 2392/86, may use the data in the vineyard register as a source for

Article 2

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

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

Done at Luxembourg, 22 October 1998.

For the Council

The President

W. MOLTERER

COUNCIL REGULATION (EC) No 2330/98**of 22 October 1998****providing for an offer of compensation to certain producers of milk and milk products temporarily restricted in carrying out their trade**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, when the additional levy scheme was introduced in 1984 in the milk and milk products sector, Community legislation, in establishing rules for the allocation of individual reference quantities, did not take account of the situation of producers who, as a result of an undertaking pursuant to Council Regulation (EEC) No 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds ⁽⁴⁾, had not delivered or sold milk during the reference year adopted by the Member State or were restricted in the level of deliveries or sales during that year;

Whereas, following the judgment of the Court of Justice of 19 May 1992 in joined cases C-104/89 and C-37/90, the Community institutions undertook to give full effect to that ruling in respect of all concerned producers whose circumstances satisfied the conditions laid down in the judgment with regard to the liability of the Community to make good the damage the said producers had suffered insofar as the original Community legislation did not provide for the allocation of an individual reference quantity to them; whereas the producers concerned were essentially those who were entitled to apply for a special reference quantity pursuant to the provisions added to Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector ⁽⁵⁾ by Regulation (EEC) No 764/89 ⁽⁶⁾ or Regulation (EEC) No 1639/91 ⁽⁷⁾; whereas Council Regulation (EEC) No 2187/93 of 22 July 1993 providing for an offer of compensation to certain producers of milk and milk products temporarily

prevented from carrying on their trade ⁽⁸⁾ introduced compensation arrangements for these producers under which an offer calculated on a flat-rate basis was made to all eligible producers who submitted applications, which could be accepted in full and final settlement or else rejected;

Whereas, on the application of two producers, the Court of First Instance, in its judgment of 9 December 1997 in joined cases T-195/94 and T-202/94, ordered the Community to make good the damage the said producers had suffered insofar as the original Community legislation establishing the additional levy scheme did not provide for the allocation of an individual reference quantity in respect of holdings subject to an undertaking pursuant to Regulation (EEC) No 1078/77 and insofar as subsequent amendments to the legislation excluded the allocation of special reference quantities to transferees of a premium granted pursuant to Regulation (EEC) No 1078/77 who had received a reference quantity by virtue of Article 2 and/or Article 6 of Regulation (EEC) No 857/84;

Whereas there is a significant number of other producers whose circumstances satisfy the conditions laid down in the judgment with regard to the liability of the Community and who have either already initiated proceedings against the Council and the Commission or addressed claims for compensation to the Community institutions; whereas the producers concerned are essentially those who were entitled to apply for a special reference quantity pursuant to Regulation (EEC) No 2055/93 ⁽⁹⁾; whereas it is therefore appropriate to adopt arrangements with a view to the settlement of these claims;

Whereas, in view of the number of potentially eligible producers it would not be possible to evaluate the claim of each producer on an individual basis; whereas it is therefore necessary to use a flat-rate approach; whereas it is appropriate to follow as far as possible the arrangements set out in Regulation (EEC) No 2187/93;

Whereas a direct link should be drawn between the acceptance of the right to a special reference quantity pursuant to Regulation (EEC) No 2055/93 and the existence of an injury consisting in the restriction in milk production contrary to the wishes of the producer

⁽¹⁾ OJ C 273, 2. 9. 1998, p. 3.

⁽²⁾ OJ C 328, 26. 10. 1998.

⁽³⁾ Opinion delivered on 15 October 1998 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 131, 26. 5. 1997, p. 1. Regulation as last amended by Regulation (EEC) No 1300/84 (OJ L 125, 12. 5. 1984, p. 23).

⁽⁵⁾ OJ L 90, 1. 4. 1984, p. 13. Regulation repealed by Regulation (EEC) No 3950/92 (OJ L 405, 31. 12. 92, p. 1).

⁽⁶⁾ OJ L 84, 29. 3. 1989, p. 2.

⁽⁷⁾ OJ L 150, 15. 6. 1991, p. 35.

⁽⁸⁾ OJ L 196, 5. 8. 1993, p. 6.

⁽⁹⁾ OJ L 187, 29. 7. 1993, p. 8.

concerned; whereas in order to ensure that a producer cannot benefit by obtaining a special reference quantity for the sole purpose of speculating on the supposed asset value of the reference quantity allocated, account should be taken of the subsequent actions of the producer during the restricted period laid down in Regulation (EEC) No 2055/93;

Whereas it is necessary to determine in the case of transferees of part of a holding subject to an undertaking pursuant to Regulation (EEC) No 1078/77 the basis on which the annual quantity should be calculated; whereas the annual quantity will generally be determined by reference to the area of land transferred as a proportion of the total area of the original holding; whereas, however, as a result of the judgment of the Court of Justice of 16 October 1997 in Case C-165/95, where the original holding was a mixed holding, the determination should be made, where the necessary proofs exist, in proportion to the part of the holding directly or indirectly given over to dairy production at the time when the undertaking was entered into pursuant to Regulation (EEC) No 1078/77; whereas the same principles should be applied in the case where the transferee of the whole of a holding subject to such an undertaking, or the transferee of part of such a holding, subsequently gave up a part of the holding prior to the allocation of a special reference quantity;

Whereas, subject to the above, the quantity to be compensated must be calculated in accordance with the principles enunciated in the grounds of the judgments of the Court of Justice of 19 May 1992 and of the Court of First Instance of 9 December 1997;

Whereas the period for which compensation is to be offered should be indicated; whereas the damage suffered by the producers concerned can, in accordance with the abovementioned principles be considered to have ended at the date of adoption of Regulation (EEC) No 2055/93, or, if earlier, the date of allocation of a special reference quantity; whereas the provisions of Article 43 of the Statute of the Court of Justice laying down the five-year time bar on claims must be applied; whereas in response to applications from producers received after the date of the judgment of the Court of First Instance of 9 December 1997, the institutions have temporarily waived their right to invoke the time bar provisions; whereas therefore it is necessary to stipulate the circumstances in which the limitation period shall start to run again;

Whereas for administrative reasons it is necessary to fix a time limit for the submission of applications for compensation by producers to the competent authorities in order to be admissible, as well as the time limits for the transmission of offers and their acceptance; whereas the Commission should be empowered to extend the time

limit for the transmission of offers in appropriate circumstances;

Whereas, for the purposes of the implementation of this Regulation, the Member States shall carry out the necessary administrative tasks in accordance with its provisions, by virtue of a specific mandate limited to the execution of those tasks; whereas, given that a condition of acceptance of an offer must be the relinquishment of all claims against the Community arising out of the failure to allocate reference quantities, the offer of compensation to the producer should be made by the competent authority of the Member State in the name and on behalf of the Council and the Commission;

Whereas Regulation (EEC) No 2187/93 sets out the amounts of compensation in ecus per 100 kg of milk for each of the years 1984/85 to 1990/91 differentiated according to farm size in terms of milk production; whereas these amounts represent the global estimate per year and farm size of the difference between the income which the producers concerned would have received from marketing milk had they not been restricted from doing so and the income which they obtained, or could have obtained, by showing reasonable diligence during the same period; whereas, in the light of the experience of the application of that Regulation, it can be concluded that the objectivity of the method used for the calculation of the amounts has been demonstrated and that they constitute an acceptable assessment of the losses sustained by the producers;

Whereas it is therefore appropriate to retain the same amounts for the purposes of the compensation arrangements for producers under this Regulation; whereas, however, the differentiation according to farm size is not relevant to producers who are transferees of a non-marketing premium or of part of a holding subject to a non-marketing undertaking; whereas it can be accepted that in general such producers were operating on holdings on which the milk production was expanding and with reference quantities which were above the average; whereas it is therefore appropriate to use the figures relating to the largest farm size; whereas it is necessary to fix amounts also for the years 1991/92 to 1993/94; whereas these amounts can be calculated on the basis of the amounts for the preceding years with adjustments to take account of fluctuations in the milk price in the Member States on whose territory the majority of the producers concerned have their holdings;

Whereas failure by the producer to accept the offer made by the competent authority of the Member State in accordance with the provisions of this Regulation would constitute a refusal of the Community offer; whereas any legal proceedings continued or initiated thereafter by the producer would fall within the Community's jurisdiction;

Whereas the experience of the implementation of Regulation (EEC) No 2187/93 has shown the advisability of providing for a power to authorise the transmission of compensation offers to producers who fail to comply with certain conditions set out in the arrangements fixed in the Regulation, but whose circumstances nevertheless satisfy the conditions laid down in the judgments of the Court of Justice or Court of First Instance with regard to the liability of the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Compensation on the terms set out in this Regulation shall be granted to those producers who were transferees of the whole or part of a holding subject to an undertaking given pursuant to Regulation (EEC) No 1078/77 ('SLOM holding') and who have suffered loss as a result of a restriction in levels of deliveries or sales of milk or milk products by virtue of that undertaking during the reference year selected by the Member State concerned under the additional levy scheme in the milk and milk product sector.

Article 2

An application for compensation shall be deemed eligible if it is submitted by a producer who has been allocated a special reference quantity pursuant to Article 1(1) of Regulation (EEC) No 2055/93, or who, pursuant to Article 1(2) of that Regulation, has been allocated a share of a special reference quantity previously allocated by virtue of Article 3a of Regulation (EEC) No 857/84, or an equivalent quantity emanating from the national reserve referred to in Article 5 of Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector⁽¹⁾ where a Member State has decided pursuant to Article 1(2), third subparagraph of Regulation (EEC) No 2055/93 to fulfil the rights of the transferee in that way.

Article 3

The application shall be submitted by the person to whom the special reference quantity referred to in Article 2 has been allocated or by his or her heir or heirs, without prejudice to the application of the provisions of Member States' national law.

Article 4

By way of derogation from Article 2, an application shall not be accepted if the producer who received the special reference quantity pursuant to Regulation (EEC) No

2055/93 participated before 1 October 1996 in any measure regarding the definitive abandonment of reference quantities or sold or leased the whole of his holding before that date.

Article 5

1. The competent authority referred to in Article 9 shall determine the annual quantity in respect of which compensation is due on the basis of the quantity used to calculate the premium granted pursuant to Regulation (EEC) No 1078/77, increased by 1 % and reduced by a percentage representing the reductions applied in each Member State to the reference quantities of producers established in accordance with Articles 2 and 6 of Regulation (EEC) No 857/84.

2. For producers who were transferees of the whole of a SLOM holding the annual quantity shall be that calculated in accordance with paragraph 1 reduced, where appropriate, in accordance with paragraph 4.

3. For producers who were transferees of a part of a SLOM holding, the annual quantity shall be that calculated in accordance with paragraph 1 reduced in proportion to the area of the original SLOM holding which was not transferred. Where the original SLOM holding was a mixed holding, the reduction shall be calculated on the basis of the areas of the original SLOM holding which were used directly or indirectly for milk production provided that such use can be established to the satisfaction of the competent authority. The resulting quantity shall be further reduced, where appropriate, in accordance with paragraph 4.

4. If the producer has given up a part of the SLOM holding, or of the part of the SLOM holding transferred to him, prior to the allocation of a special reference quantity pursuant to Regulation (EEC) No 2055/93 including the period of the non-marketing undertaking, the annual quantity in respect of which compensation is due as referred to in paragraphs 2 and 3 respectively shall be reduced in proportion to the area given up. Where the original SLOM holding was a mixed holding, the reduction shall be calculated taking account only of the areas which were used directly or indirectly for milk production provided that such use can be established to the satisfaction of the competent authority.

Article 6

If part of the holding of the producer was sold or leased after the allocation of the special reference quantity and before 1 October 1996, the annual quantity in respect of which compensation is due, determined in accordance with Article 5, shall be reduced by the amount of the special reference quantity returned to the national reserve.

⁽¹⁾ OJ L 405, 31. 12. 1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 903/98 (OJ L 127, 29. 4. 1998, p. 8).

Article 7

1. Compensation shall only be offered for the period for which the right to compensation is not time-barred.
2. For the purpose of determining the period for which compensation shall be offered:
 - (a) the date of interruption of the five-year time bar laid down by Article 43 of the State of the Court of Justice shall be the earliest of the following events:
 - in the case of an action brought before the Court of Justice or the Court of First Instance, the date on which the application is entered in its register,
 - in the case of an application addressed to a Community institution, the date of reception of such application by the Council or the Commission (whichever was the earlier) provided either that the applicant subsequently brought an action before the Court of First Instance within the two-month delay stipulated in Article 43 of the Statute of the Court of Justice, or that the Community institution accepted in writing that such application interrupted the time bar;
 - (b) the starting date of the compensation period shall be five years before the date of interruption of the time bar, but not before 2 April 1984 nor before the date on which the non-marketing or conversion undertaking expired;
 - (c) the closing date of the compensation period shall be 1 August 1993 or the date when the producer received a special reference quantity if earlier.

Article 8

If during the compensation period, and prior to the allocation of the special reference quantity, production was increased by the producer in excess of the reference quantity available to him, the quantity in respect of which compensation is due shall be reduced for the period concerned by the quantities delivered or sold directly which exceed that reference quantity. The quantities delivered or sold directly, and the reference quantity available, for a part of a twelve month period, shall be determined as a proportion of the total deliveries or direct sales, and the reference quantity available, for the whole of the twelve month period. The reference quantities referred to in the second subparagraph of Article 2 of Regulation (EEC) No 2055/93 are not taken into account for the purposes of determining the reference quantity available.

Article 9

Each application for compensation must be addressed to the competent authority designated for that purpose in each Member State concerned using a form drawn up in

accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68⁽¹⁾. It must be received by the competent authority by 31 January 1999 at the latest in order to be admissible.

Article 10

The competent authority referred to in Article 9 shall check the accuracy of the information provided by the producer and shall calculate the amount of the compensation on the basis of the quantity and the period in respect of which compensation is due, using the amounts specified in the Annex.

Article 11

Interest shall be added to the amount of the compensation at the rate of 6 % per year from 9 December 1997 to the date of payment of the compensation. However, in the event that payment of compensation is delayed because of a failure by the producer to provide information or documents relating to the application for compensation requested by the competent authority, or the proof of the withdrawal of the proceedings referred to in Article 13(3) second subparagraph, interest shall not be paid for the period of the delay.

Article 12

The total amount of compensation shall be converted into national currency using the agricultural conversion rate applicable on the date on which this Regulation enters into force.

Article 13

1. Within four months of receipt of an application for compensation, the competent authority referred to in Article 9 shall transmit an offer of compensation calculated in accordance with this Regulation to the applicant, accompanied by a receipt in full and final settlement. This period may be extended by the Commission in accordance with the procedure referred to in Article 16 at the duly justified request of a Member State. The offer shall be made in the name and on behalf of the Council and the Commission.

2. Where the applicant is the transferee of part of a SLOM holding and the special reference quantity allocated pursuant to Articles 1(1) or 1(2) of Regulation (EEC) No 2055/93 is subject to re-assessment by the national authorities, the time limit in paragraph 1 shall be four months from the date of the final decision of the national authorities on the re-assessment of the special reference quantity, where that decision is later than the receipt of the application for compensation.

⁽¹⁾ Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products (OJ L 148, 28. 6. 1968, p. 13). Regulation as last amended by Regulation (EC) No 1587/96 (OJ L 206, 16. 8. 1996, p. 21).

3. The offer shall be accepted by the return to the competent authority of the duly signed receipt. It must be received by the competent authority not later than three months following the date of transmission of the offer in order to be binding.

The compensation shall be paid on acceptance of the offer. However, in the case of producers who have instituted proceedings against the Community institutions, proof of the withdrawal of the proceedings must also be presented to the competent authority before payment of the compensation.

Failure to accept the offer within the time limit laid down shall mean that it shall cease to be binding on the Council and Commission.

Acceptance of the offer shall imply the relinquishment of any claim of whatever nature against the Community in respect of any loss within the meaning of Article 1, including interest and costs.

Article 14

The limitation period pursuant to Article 43 of the Statute of the Court of Justice shall start to run again from 1 February 1999 for all producers referred to in Article 1 who have not presented an application for compensation in accordance with Article 9 unless it was interrupted by the institution of proceedings which are still pending.

For producers who have received an offer of compensation by virtue of Article 13(1) or (2), the limitation period shall start to run again on the day following the expiry of the period for acceptance of the offer set out in Article 13(3) unless it was interrupted by the institution of proceedings which are still pending.

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

Done at Luxembourg, 22 October 1998.

Article 15

The Commission may decide in accordance with the procedure referred to in Article 16 to authorise the transmission of offers of compensation to producers whose circumstances are such as to satisfy the requirements for establishing the liability of the Community, but who have not obtained compensation pursuant to Regulation (EEC) No 2187/93 or under the preceding provisions of this Regulation. The amount of compensation offered shall be calculated in accordance with the provisions of Regulation (EEC) No 2187/93 or of this Regulation or in accordance with the criteria which may be laid down in the judgment on damages by the Court of Justice in joined cases C-104/89 and C-37/90, as appropriate. The rate of interest to be added and the period for which it is to be calculated may be adapted to take account of specific circumstances. The necessary time limits relating to the offers of compensation and their acceptance shall also be fixed.

Article 16

Detailed rules for the application of this Regulation, and in particular the provisions regarding payment of the costs of producers' agents, shall be adopted by the Commission in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68.

Article 17

The financing of the payments made pursuant to this Regulation shall be deemed to be intervention within the meaning of Article 3 of Regulation (EEC) No 729/70 ⁽¹⁾.

Article 18

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

For the Council

The President

W. MOLTERER

⁽¹⁾ Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (OJ L 94, 28. 4. 1970, p. 13). Regulation as last amended by Regulation (EC) No 1287/95 (OJ L 125, 8. 6. 1995, p. 1).

*ANNEX***COMPENSATION TO BE OFFERED PURSUANT TO ARTICLE 10**

(ecus per 100 kg of milk)

Year	Amount
1984/1985	9,2
1985/1986	10,5
1986/1987	9,7
1987/1988	10,0
1988/1989	12,3
1989/1990	12,9
1990/1991	11,7
1991/1992	11,8
1992/1993	12,4
1993/1994	12,4

COUNCIL REGULATION (EC) No 2331/98
of 22 October 1998
amending Regulation (EC) No 950/97 on improving the efficiency of agricultural structures

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

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

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

Whereas special provisions have been adopted for application of the compensatory allowances provided for in Regulation (EC) No 950/97 ⁽³⁾ in less-favoured areas in Portugal; whereas, in view of the situation as regards agricultural structures in that country, the provisions on improving that situation should be extended in an appropriate manner,

Article 1

Article 39 of Regulation (EC) No 950/97 shall be replaced by the following:

Article 39

Compensatory allowances as provided for in Article 17 may be granted until 31 December 1999 to farmers farming at least one hectare of utilised agricultural area in mainland Portugal.

Article 2

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

It shall apply from 1 January 1998.

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

Done at Luxembourg, 22 October 1998.

For the Council

The President

W. MOLTERER

⁽¹⁾ OJ C 281, 10. 9. 1998, p. 12.

⁽²⁾ OJ C 328, 26. 10. 1998.

⁽³⁾ OJ L 142, 2. 6. 1997, p. 1.

COMMISSION REGULATION (EC) No 2332/98
of 29 October 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 1498/98 ⁽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 Commission 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 October 1998.

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

Done at Brussels, 29 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽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 October 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	060	80,7
	204	76,0
	999	78,3
0709 90 70	052	93,9
	999	93,9
0805 30 10	052	62,6
	388	62,1
	524	27,8
	528	48,8
	999	50,3
0806 10 10	052	119,9
	400	246,3
	999	183,1
0808 10 20, 0808 10 50, 0808 10 90	060	36,7
	064	38,0
	388	32,7
	400	93,6
	404	62,7
	999	52,7
0808 20 50	052	97,3
	064	60,2
	400	84,2
	720	121,0
	999	90,7

⁽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 2333/98**of 29 October 1998****amending Regulation (EC) No 1903/98 fixing the maximum moisture content of cereals offered for intervention in certain Member States during 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 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, following the United Kingdom's request of 21 September 1998 pursuant to Article 2(4) of 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 1612/98⁽⁴⁾, that Member State should be included on the list of countries applying a moisture content of 15 % in respect of cereals offered for intervention during the 1998/99 marketing year; whereas

Commission Regulation (EC) No 1903/98⁽⁵⁾ should be amended accordingly;

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 to Regulation (EC) No 1903/98 is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 July 1998.

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

Done at Brussels, 29 October 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 209, 25. 7. 1998, p. 25.

⁽⁵⁾ OJ L 248, 8. 9. 1998, p. 5.

*ANNEX**'ANNEX***Maximum moisture content of cereals offered for intervention during the 1998/99 marketing year**

Member State	Cereal
Austria	All cereals except durum wheat, maize and grain sorghum
Belgium	All cereals except durum wheat, maize and grain sorghum
Denmark	All cereals except durum wheat, maize and grain sorghum
Germany	All cereals except durum wheat, maize and grain sorghum
Ireland	All cereals except durum wheat, maize and grain sorghum
France	All cereals except maize and grain sorghum
Netherlands	All cereals except durum wheat, maize and grain sorghum
United Kingdom	All cereals except durum wheat, maize and grain sorghum'

COMMISSION REGULATION (EC) No 2334/98
of 29 October 1998

**laying down special measures derogating from Regulations (EEC) No 3665/87,
(EEC) No 3719/88 and (EC) No 1372/95 as regards poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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⁾, as last amended by Commission Regulation (EC) No 2916/95⁽²⁾, and in particular Articles 8(12) and 15 thereof,

Whereas Council Regulation (EEC) No 565/80⁽³⁾, as amended by Regulation (EEC) No 2026/83⁽⁴⁾, lays down general rules on the advance payment of export refunds in respect of agricultural products;

Whereas Commission Regulation (EEC) No 3665/87⁽⁵⁾, as last amended by Regulation (EC) No 604/98⁽⁶⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products;

Whereas Commission Regulation (EEC) No 3719/88⁽⁷⁾, as last amended by Regulation (EC) No 1044/98⁽⁸⁾, lays down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products;

Whereas Commission Regulation (EC) No 1372/95⁽⁹⁾, as last amended by Regulation (EC) No 1009/98⁽¹⁰⁾, lays down detailed rules for implementing the system of export licences in the poultry sector;

Whereas the problems prevailing on the market in Russia since the second half of August 1998 have seriously damaged the economic interests of exporters and whereas the situation thus created has adversely affected export possibilities provided for in Regulations (EEC) No 565/80, (EEC) No 3665/87 and (EEC) No 3719/88;

Whereas it is accordingly necessary to limit such damaging consequences by adopting special measures and extending certain time limits laid down in the Regulations applicable to refunds so that export operations

which have not been completed on account of the above-mentioned circumstances can be regularised;

Whereas only those operators who can prove, in particular on the basis of the documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89⁽¹¹⁾, as last amended by Regulation (EC) No 3235/94⁽¹²⁾, that the licences were requested with a view to exports to Russia should benefit from the derogations;

Whereas, in the light of developments, this Regulation should enter into force immediately and should be applicable from 1 August 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to the products listed in Article 1(1) of Regulation (EEC) No 2777/75 for which export licences have been issued in accordance with Regulation (EC) No 1372/95 containing in box 7 the indication 'Russia' or another country in the same refund zone as Russia as defined in the Annex to Commission Regulation (EC) No 1516/98⁽¹³⁾.

2. In the latter case this Regulation shall apply only where the operator can demonstrate to the satisfaction of the issuing body that the licences were requested with a view to exports to Russia.

The issuing body's appraisal shall be based in particular on the commercial documents referred to in Article 1(2) of Regulation (EEC) No 4045/89.

Article 2

On application by the holder, the validity of the export licences issued pursuant to Regulation (EC) No 1372/95 and applied for before 29 August 1998, excluding those whose validity lapsed before 1 August 1998, shall be extended by 60 days.

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ L 305, 29. 12. 1995, p. 49.

⁽³⁾ OJ L 62, 7. 3. 1980, p. 5.

⁽⁴⁾ OJ L 199, 22. 7. 1983, p. 12.

⁽⁵⁾ OJ L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ L 80, 18. 3. 1998, p. 19.

⁽⁷⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁸⁾ OJ L 149, 20. 5. 1998, p. 11.

⁽⁹⁾ OJ L 133, 17. 6. 1995, p. 26.

⁽¹⁰⁾ OJ L 145, 15. 5. 1998, p. 8.

⁽¹¹⁾ OJ L 388, 30. 12. 1989, p. 18.

⁽¹²⁾ OJ L 338, 28. 12. 1994, p. 16.

⁽¹³⁾ OJ L 200, 16. 7. 1998, p. 26.

Article 3

The 15 and 20 % increases referred to in Article 23(1) and the second subparagraph of Article 33(1) respectively of Regulation (EEC) No 3665/87 shall not apply to exports carried out under cover of licences applied for before 29 August 1998, provided that customs formalities for release for consumption in the third country are completed after that date.

Article 4

On application by the exporter and in respect of products for which customs export formalities were completed before 29 August 1998 or which were placed under any of the arrangements referred to in Articles 4 and 5 of Regulation (EEC) No 565/80 before that date, the 60-day time

limit referred to in Article 30(1)(b)(i) of Regulation (EEC) No 3719/88 and in Article 4(1) and Article 32(1) of Regulation (EEC) No 3665/87 shall be increased to 150 days.

Article 5

Each Thursday Member States shall notify the Commission of the quantities of products covered during the preceding week by each of the measures referred to above.

Article 6

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

It is applicable from 1 August 1998.

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

Done at Brussels, 29 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2335/98**of 29 October 1998****fixing the rates of the refunds applicable to certain cereal and rice-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 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 (3) thereof,

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

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

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⁽⁵⁾, as last amended by Regulation (EC) No 1352/98⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

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, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

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 Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1011/98⁽⁹⁾, 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 October 1998.

⁽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 265, 30. 9. 1998, p. 4.

⁽⁵⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ L 184, 27. 6. 1998, p. 25.

⁽⁷⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ L 145, 15. 5. 1998, p. 11.

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

Done at Brussels, 29 October 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 29 October 1998 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,910
	— in other cases	1,400
1001 90 99	Common wheat and meslin:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	1,528
	— in other cases:	
	— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	—
	— — in other cases	2,350
1002 00 00	Rye	4,906
1003 00 90	Barley	5,944
1004 00 00	Oats	3,661
1005 90 00	Maize (corn) used in the form of:	
	— starch:	
	— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	1,626
	— — in other cases	5,090
	— glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ :	
	— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	0,941
	— — in other cases	4,405
	— other (including unprocessed)	5,090
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:	
	— where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	1,626
	— in other cases	5,090
ex 1006 30	Wholly-milled rice:	
	— round grain	—
	— medium grain	—
	— long grain	—
1006 40 00	Broken rice	3,100
1007 00 90	Sorghum	5,944

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1. 7. 1993, p. 112).

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

COMMISSION REGULATION (EC) No 2336/98
of 29 October 1998
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Commission Regulation (EC) No 1148/98⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽³⁾, as last amended by Regulation (EC) No 624/98⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1379/98⁽⁵⁾, as last amended by Regulation (EC) No 1942/98⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 85, 20. 3. 1998, p. 5.

⁽⁵⁾ OJ L 187, 1. 7. 1998, p. 6.

⁽⁶⁾ OJ L 252, 12. 9. 1998, p. 16.

ANNEX

to the Commission Regulation of 29 October 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	16,20	8,30
1701 11 90 ⁽¹⁾	16,20	14,61
1701 12 10 ⁽¹⁾	16,20	8,07
1701 12 90 ⁽¹⁾	16,20	14,09
1701 91 00 ⁽²⁾	17,50	18,16
1701 99 10 ⁽²⁾	17,50	12,71
1701 99 90 ⁽²⁾	17,50	12,71
1702 90 99 ⁽³⁾	0,18	0,46

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 2337/98
of 29 October 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 2094/98⁽⁴⁾;

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 30 October 1998.

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

Done at Brussels, 29 October 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 266, 1. 10. 1998, p. 61.

ANNEX

to the Commission Regulation of 29 October 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	01	0	1101 00 15 9100	01	34,00
1001 90 91 9000	—	—	1101 00 15 9130	01	32,00
1001 90 99 9000	03	15,00	1101 00 15 9150	01	29,50
	02	0	1101 00 15 9170	01	27,25
1002 00 00 9000	03	50,00	1101 00 15 9180	01	25,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	50,00	1102 10 00 9500	01	82,00
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	20,00 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	03	34,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	20,00 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein.

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

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 2338/98
of 29 October 1998

**fixing the maximum export refund on common wheat in connection with the
invitation to tender issued in Regulation (EC) No 2004/98**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2094/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2004/98 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

For tenders notified from 23 to 29 October 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2004/98, the maximum refund on exportation of common wheat shall be ECU 31,00 per tonne.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 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 266, 1. 10. 1998, p. 61.

⁽⁵⁾ OJ L 258, 22. 9. 1998, p. 4.

COMMISSION REGULATION (EC) No 2339/98
of 29 October 1998

**fixing the maximum export refund on common wheat in connection with the
invitation to tender issued in Regulation (EC) No 1079/98**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2094/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries with the exception of certain ACP States was opened pursuant to Commission Regulation (EC) No 1079/98 ⁽⁵⁾, as amended by Regulation (EC) No 2005/98 ⁽⁶⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

For tenders notified from 23 to 29 October 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1079/98, the maximum refund on exportation of common wheat shall be ECU 24,95 per tonne.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 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 266, 1. 10. 1998, p. 61.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 24.

⁽⁶⁾ OJ L 258, 22. 9. 1998, p. 8.

**COMMISSION REGULATION (EC) No 2340/98
of 29 October 1998**

**fixing the maximum export refund on oats in connection with the invitation to
tender issued in Regulation (EC) No 2007/98**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2094/98 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 2007/98 of 21 September 1998 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, and in particular Article 8 thereof,

Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 2007/98;

Whereas Article 8 of Regulation (EC) No 2007/98 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid

down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund;

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

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

For tenders notified from 23 to 29 October 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2007/98, the maximum refund on exportation of oats shall be ECU 56,25 per tonne.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 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 266, 1. 10. 1998, p. 61.

⁽⁵⁾ OJ L 258, 22. 9. 1998, p. 13.

COMMISSION REGULATION (EC) No 2341/98
of 29 October 1998

**fixing the maximum export refund on barley in connection with the invitation to
tender issued in Regulation (EC) No 1078/98**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2094/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1078/98 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

For tenders notified from 23 to 29 October 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1078/98, the maximum refund on exportation of barley shall be ECU 59,94 per tonne.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 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 266, 1. 10. 1998, p. 61.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 20.

**COMMISSION REGULATION (EC) No 2342/98
of 29 October 1998**

**fixing the maximum export refund on barley in connection with the invitation to
tender issued in Regulation (EC) No 1564/98**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2094/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund for the export of barley exported from Spain to all third countries was opened pursuant to Commission Regulation (EC) No 1564/98 ⁽⁵⁾, as amended by Regulation (EC) No 2309/98 ⁽⁶⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of

the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund;

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

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

For tenders notified from 23 to 29 October 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1564/98, the maximum refund on exportation of barley shall be ECU 65,94 per tonne.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 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 266, 1. 10. 1998, p. 61.

⁽⁵⁾ OJ L 203, 21. 7. 1998, p. 6.

⁽⁶⁾ OJ L 288, 27. 10. 1998, p. 11.

COMMISSION REGULATION (EC) No 2343/98
of 29 October 1998
concerning tenders notified in response to the invitation to tender for the export
of rye issued in Regulation (EC) No 1746/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2094/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1746/98 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No

1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund or minimum tax should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 23 to 29 October 1998 in response to the invitation to tender for the refund or the tax for the export of rye issued in Regulation (EC) No 1746/98.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 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 266, 1. 10. 1998, p. 61.

⁽⁵⁾ OJ L 219, 7. 8. 1998, p. 3.

COMMISSION REGULATION (EC) No 2344/98**of 29 October 1998****fixing the export refunds on products processed from cereals and rice**

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 (3) thereof,

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

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 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 cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Commission Regulation (EC) No 1518/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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 certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽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 265, 30. 9. 1998, p. 4.

⁽⁵⁾ OJ L 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 29 October 1998 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	71,26	1104 23 10 9100	76,35
1102 20 10 9400 ⁽¹⁾	61,08	1104 23 10 9300	58,54
1102 20 90 9200 ⁽¹⁾	61,08	1104 29 11 9000	23,97
1102 90 10 9100	68,15	1104 29 51 9000	23,50
1102 90 10 9900	46,34	1104 29 55 9000	23,50
1102 90 30 9100	65,90	1104 30 10 9000	5,88
1103 12 00 9100	65,90	1104 30 90 9000	12,73
1103 13 10 9100 ⁽¹⁾	91,62	1107 10 11 9000	41,83
1103 13 10 9300 ⁽¹⁾	71,26	1107 10 91 9000	80,87
1103 13 10 9500 ⁽¹⁾	61,08	1108 11 00 9200	47,00
1103 13 90 9100 ⁽¹⁾	61,08	1108 11 00 9300	47,00
1103 19 10 9000	49,06	1108 12 00 9200	81,44
1103 19 30 9100	70,42	1108 12 00 9300	81,44
1103 21 00 9000	23,97	1108 13 00 9200	81,44
1103 29 20 9000	46,34	1108 13 00 9300	81,44
1104 11 90 9100	68,15	1108 19 10 9200	47,12
1104 12 90 9100	73,22	1108 19 10 9300	47,12
1104 12 90 9300	58,58	1109 00 00 9100	0,00
1104 19 10 9000	23,97	1702 30 51 9000 ⁽²⁾	92,06
1104 19 50 9110	81,44	1702 30 59 9000 ⁽²⁾	70,48
1104 19 50 9130	66,17	1702 30 91 9000	92,06
1104 21 10 9100	68,15	1702 30 99 9000	70,48
1104 21 30 9100	68,15	1702 40 90 9000	70,48
1104 21 50 9100	90,86	1702 90 50 9100	92,06
1104 21 50 9300	72,69	1702 90 50 9900	70,48
1104 22 20 9100	58,58	1702 90 75 9000	96,47
1104 22 30 9100	62,24	1702 90 79 9000	66,96
		2106 90 55 9000	70,48

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1. 11. 1975, p. 20), amended.

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 2345/98

of 29 October 1998

fixing the export refunds on cereal-based compound feedingstuffs

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 (3) 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 within the Community may be covered by an export refund;

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the

quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

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

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 compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 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. 51.

ANNEX

to the Commission Regulation of 29 October 1998 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefiting from export refund⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	50,90
Cereal products ⁽²⁾ excluding maize and maize products	34,47

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

COMMISSION REGULATION (EC) No 2346/98
of 29 October 1998
fixing production refunds on cereals and rice

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 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 7 (2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EC) No 1011/98 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated

must be fixed once a month and may be altered if the price of maize and/or wheat changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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 refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be ECU 56,91 per tonne.

Article 2

This Regulation shall enter into force on 30 October 1998.

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

Done at Brussels, 29 October 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 265, 30. 9. 1998, p. 4.

⁽⁵⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁶⁾ OJ L 145, 15. 5. 1998, p. 11.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 October 1998

concerning a draft Decree of the Republic of Austria on the identification of genetically modified additives and flavourings used as food ingredients

(notified under document number C(1998) 3158)

(Only the German text is authentic)

(Text with EEA relevance)

(98/613/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer⁽¹⁾, as last amended by Directive 97/4/EC of the European Parliament and of the Council⁽²⁾, and in particular Articles 16 and 17 thereof,

Whereas, in accordance with the procedure laid down in Article 16(2) of Directive 79/112/EEC, the Austrian authorities have notified the Commission of a draft Decree on the identification of additives and flavourings produced by genetic engineering;

Whereas paragraph 2 of the draft Decree specifies that foodstuffs with additives or flavourings containing or produced from genetically modified organisms may not be marketed unless the labelling clearly states that such additives or flavourings have been modified by genetic engineering;

Whereas, in accordance with Article 16(2) of Directive 79/112/EEC, the Commission has consulted the other Member States through the Standing Committee on Foodstuffs;

Whereas, the Member States and the Commission have recognised that, as consumers are already informed about the presence of ingredients containing or produced from genetically modified organisms, it is important for them also to be informed about the use of additives or flavourings genetically modified or produced by genetic engineering;

Whereas, therefore, it would be useful to make it compulsory for the labelling of the products concerned to carry a particular comment making it clear that the additives or flavourings used have been produced by genetic engineering, according to the same principles as applied to the labelling of ingredients containing or produced from genetically modified organisms;

Whereas, however, such a measure applied unilaterally in Austria would be sure to hinder intra-Community trade;

Whereas this finding has prompted the Commission to deliver a negative opinion in accordance with the second indent of Article 16(2) of Directive 79/112/EEC;

⁽¹⁾ OJ L 33, 8. 2. 1979, p. 1.

⁽²⁾ OJ L 43, 14. 2. 1997, p. 21.

Whereas the most satisfactory solution to the problem posed by the draft Austrian regulations will be to draw up a Community labelling provision; whereas the Commission will do all it can to reach a satisfactory solution such as this within the time period laid down in Article 1 of this Decision;

Whereas it is therefore necessary to suspend any national initiative in this field for an appropriate period of time;

Whereas the measures provided for in this Decision are in conformity with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DECISION:

Article 1

The Republic of Austria is hereby required to suspend, for a period of 12 months from the date of notification of this Decision, the adoption of its draft Decree on labelling

provisions to identify additives and flavourings containing or produced from genetically modified organisms and used as food ingredients.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 21 October 1998.

For the Commission

Martin BANGEMANN

Member of the Commission
