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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2347/98
of 30 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 31 October 1998.

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

Done at Brussels, 30 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 30 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	72,4
	999	76,5
0709 90 70	052	92,8
	999	92,8
0805 30 10	052	63,6
	388	72,8
	524	27,8
	528	50,6
	999	53,7
0806 10 10	052	123,0
	400	247,7
	999	185,3
0808 10 20, 0808 10 50, 0808 10 90	060	36,7
	064	40,6
	388	30,3
	400	88,8
	404	62,7
	999	51,8
	052	95,5
0808 20 50	064	59,7
	400	84,2
	720	121,0
	999	90,1

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

COMMISSION REGULATION (EC) No 2348/98
of 30 October 1998
fixing the production refund for olive oil used in the manufacture of certain
preserved foods

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1638/98⁽²⁾, and in particular Article 20a thereof,

Whereas Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry; whereas under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months;

Whereas by virtue of Article 20a (2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing

the export refunds for those olive oils during the reference period; whereas it is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund;

Whereas the application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of November and December 1998, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be ECU 44,00 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 November 1998.

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

Done at Brussels, 30 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

COMMISSION REGULATION (EC) No 2349/98**of 30 October 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 1148/98 ⁽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 159, 3. 6. 1998, p. 38.

⁽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 November 1998.

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

Done at Brussels, 30 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 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	47,99 ⁽²⁾
1702 60 10 9000	47,99 ⁽²⁾
1702 60 80 9100	91,18 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 95 9000	0,4799 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	47,99 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4799 ⁽¹⁾
1702 90 71 9000	0,4799 ⁽¹⁾
1702 90 99 9900	0,4799 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	47,99 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4799 ⁽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 2350/98
of 30 October 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 1148/98 ⁽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 2323/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2323/98 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 2323/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1998.

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

Done at Brussels, 30 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 290, 29. 10. 1998, p. 9.

ANNEX

to the Commission Regulation of 30 October 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	44,15 ⁽¹⁾
1701 11 90 9910	42,56 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	44,15 ⁽¹⁾
1701 12 90 9910	42,56 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4799
	— ECU/100 kg —
1701 99 10 9100	47,99
1701 99 10 9910	47,99
1701 99 10 9950	47,99
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4799

⁽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 2351/98**of 30 October 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 2094/98⁽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 November 1998.

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

Done at Brussels, 30 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 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 30 October 1998 fixing the corrective amount applicable
to the refund on cereals

(ECU/tonne)

Product code	Destination ⁽¹⁾	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
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	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	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	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	0	0	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries

02 other third countries

03 United States of America, Canada and Mexico.

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 2352/98
of 30 October 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 2072/98 ⁽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 November 1998.

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

Done at Brussels, 30 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 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 30 October 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	0,00
1001 90 99 9000	25,00
1002 00 00 9000	65,00
1003 00 90 9000	60,00
1004 00 00 9400	56,00
1005 90 00 9000	44,00
1006 30 92 9100	142,00
1006 30 92 9900	142,00
1006 30 94 9100	142,00
1006 30 94 9900	142,00
1006 30 96 9100	142,00
1006 30 96 9900	142,00
1006 30 98 9100	142,00
1006 30 98 9900	142,00
1006 40 00 9000	—
1007 00 90 9000	44,00
1101 00 15 9100	34,00
1101 00 15 9130	34,00
1102 20 10 9200	71,26
1102 20 10 9400	61,08
1102 30 00 9000	—
1102 90 10 9100	68,15
1103 11 10 9200	20,00
1103 11 90 9200	20,00
1103 13 10 9100	91,62
1103 14 00 9000	—
1104 12 90 9100	73,22
1104 21 50 9100	90,86

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 2353/98
of 30 October 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 1854/98 ⁽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 November 1998.

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

Done at Brussels, 30 October 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 241, 29. 8. 1998, p. 9.

ANNEX

to the Commission Regulation of 30 October 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)	31,00	31,00	31,00	34,00
Barley (1003 00 90)	66,00	66,00	66,00	69,00
Maize (1005 90 00)	50,00	50,00	50,00	53,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 2354/98
of 30 October 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 1852/98 ⁽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 November 1998.

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

Done at Brussels, 30 October 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 241, 29. 8. 1998, p. 5.

ANNEX

to the Commission Regulation of 30 October 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)	28,00
Barley	(1003 00 90)	63,00
Maize	(1005 90 00)	47,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	59,00

COMMISSION REGULATION (EC) No 2355/98
of 30 October 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 562/98 ⁽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 1853/98 ⁽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 November 1998.

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

Done at Brussels, 30 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 76, 13. 3. 1998, p. 6.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 241, 29. 8. 1998, p. 7.

ANNEX

to the Commission Regulation of 30 October 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)	28,00	28,00
Barley (1003 00 90)	63,00	63,00
Maize (1005 90 00)	47,00	47,00
Durum wheat (1001 10 00)	8,00	8,00

COMMISSION REGULATION (EC) No 2356/98
of 30 October 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; however, that duty may not exceed the rate of duty in the Common Customs Tariff;

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 November 1998.

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

Done at Brussels, 30 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	45,30	35,30
1001 90 91	Common wheat seed	50,84	40,84
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	50,84	40,84
	medium quality	76,45	66,45
	low quality	91,99	81,99
1002 00 00	Rye	100,22	90,22
1003 00 10	Barley, seed	100,22	90,22
1003 00 90	Barley, other ⁽³⁾	100,22	90,22
1005 10 90	Maize seed other than hybrid	103,26	93,26
1005 90 00	Maize other than seed ⁽³⁾	103,26	93,26
1007 00 90	Grain sorghum other than hybrids for sowing	100,22	90,22

⁽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 16 October 1998 to 29 October 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)	112,18	100,57	90,43	72,72	131,06 ⁽¹⁾	76,14 ⁽¹⁾
Gulf premium (ECU/tonne)	—	8,99	3,59	10,03	—	—
Great Lakes premium (ECU/tonne)	13,34	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 10,28 per tonne; Great Lakes — Rotterdam: ECU 19,93 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 2357/98
of 30 October 1998**

**fixing the maximum buying-in price and the quantities of beef to be bought in
under the 211th partial invitation to tender as a general intervention measure
pursuant to Regulations (EEC) No 1627/89 and (EC) No 2294/98**

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 1633/98 ⁽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 2304/98 ⁽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 2293/98 ⁽⁶⁾, and by Article 1 of Commission Regulation (EC) No 2294/98 of 23 October 1998 opening intervention in accordance with Article 6(4) of Council Regulation (EEC) No 805/68 ⁽⁷⁾;

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 211th 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 slaughterings, it has been decided to fix the maximum buying-price and the quantities which may be accepted into intervention;

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 211th partial invitation to tender opened pursuant to Regulation (EC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - (i) in those Member States or Member States' regions meeting the conditions of Article 6(2) of Regulation (EEC) No 805/68:
 - the maximum buying-in price shall be ECU 223,75 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 3 978 tonnes.
 - (ii) in those Member States or Member States' regions meeting the conditions of Article 6(4) of Regulation (EEC) No 805/68:
 - it has been decided not to proceed with the tendering procedure.

Article 2

This Regulation shall enter into force on 2 November 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 288, 27. 10. 1998, p. 3.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 287, 24. 10. 1998, p. 3.

⁽⁷⁾ OJ L 287, 24. 10. 1998, p. 5.

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

Done at Brussels, 30 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2358/98
of 30 October 1998
setting the amounts of aid for the supply of rice 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 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 825/98 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;

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, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these 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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1998.

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

Done at Brussels, 30 October 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 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ L 117, 21. 4. 1998, p. 5.

⁽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 30 October 1998 setting the amounts of aid for the supply
of rice products from the Community to the Canary Islands

(ECU/tonne)

Product (CN code)	Amount of aid
Milled rice (1006 30)	140,00
Broken rice (1006 40)	31,00

COMMISSION REGULATION (EC) No 2359/98

of 30 October 1998

setting the amounts of aid for the supply of rice 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 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products ⁽⁵⁾, as last amended by Regulation (EC) No 1683/94 ⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

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

Done at Brussels, 30 October 1998.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁷⁾, as last amended by Regulation (EC) No 150/95 ⁽⁸⁾, 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 ⁽⁹⁾, as last amended by Regulation (EC) No 961/98 ⁽¹⁰⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these 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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.⁽²⁾ OJ L 76, 13. 3. 1998, p. 6.⁽³⁾ OJ L 179, 1. 7. 1992, p. 6.⁽⁴⁾ OJ L 238, 23. 9. 1993, p. 24.⁽⁵⁾ OJ L 198, 17. 7. 1992, p. 37.⁽⁶⁾ OJ L 178, 12. 7. 1994, p. 53.⁽⁷⁾ OJ L 387, 31. 12. 1992, p. 1.⁽⁸⁾ OJ L 22, 31. 1. 1995, p. 1.⁽⁹⁾ OJ L 108, 1. 5. 1993, p. 106.⁽¹⁰⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 30 October 1998 setting the amounts of aid for the supply
of rice products from the Community to the Azores and Madeira

(ECU/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	140,00	140,00

COMMISSION REGULATION (EC) No 2360/98**of 30 October 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 1352/98 ⁽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 last amended by Regulation (EC) No 1982/98 ⁽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 November 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 184, 27. 6. 1998, p. 25.

⁽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 256, 18. 9. 1998, p. 9.

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

Done at Brussels, 30 October 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 30 October 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	82,50
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	80,37
	(b) On exportation of other goods	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	61,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00

COMMISSION REGULATION (EC) No 2361/98**of 30 October 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 Commission Regulation (EC) No 1148/98 ⁽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 1352/98 ⁽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 November 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 25.

⁽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, 30 October 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 30 October 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	6,03	6,03
— in all other cases	47,99	47,99

**COMMISSION REGULATION (EC) No 2362/98
of 28 October 1998**

**laying down detailed rules for the implementation of Council Regulation (EEC)
No 404/93 regarding imports of bananas into the Community**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1637/98 ⁽²⁾, and in particular Article 20 thereof,

- (1) Whereas by Regulation (EC) No 1637/98 the Council amended the rules for the import of bananas introduced by Title IV of Regulation (EEC) No 404/93; whereas, in particular, that Regulation opened an autonomous tariff quota of 353 000 tonnes at ECU 75/tonne customs duty in addition to the 2 200 000 tonnes secured under the World Trade Organisation, and abolished the operator categories defined in Article 19 in its original form; whereas all the provisions necessary to implement those rules should be adopted, including such transitional measures as are justified by the speedy entry into force of this Regulation, as well as provisions concerning imports at the common customs tariff rate;
- (2) Whereas Article 18(4) of Regulation (EEC) No 404/93 stipulates that if there is no possibility of securing the agreement of producer third countries with a substantial interest in the supply of bananas to the Community for the purposes of allocating tariff quotas and, where necessary, the traditional ACP quantity — hereinafter called 'traditional ACP bananas' — the Commission should be authorised to carry out that allocation using a single criterion; whereas the Commission's negotiations with third countries having a substantial interest in the supply of bananas to the Community in accordance with the Council's mandate have not achieved an agreement on the allocation of the tariff quotas; whereas the Commission is therefore obliged to allocate the tariff quotas on the basis of a single objective criterion, namely the exports to the Community by third countries having a substantial interest in that

supply during the years 1994, 1995 and 1996 — these being the latest three-year period for which the Community holds firm data;

- (3) Whereas Article 19 of Regulation (EEC) No 404/93 provides that tariff quotas for third-country bananas and imports of traditional ACP bananas are to be managed in accordance with the method based on taking account of traditional trade flows ('traditionals/newcomers'); whereas, however, where necessary other suitable methods may be adopted; whereas, for the purpose of implementing the new arrangements in 1999, it is advisable, in the light of available knowledge on the *de facto* patterns of importation, to determine the rights of traditional operators in accordance with their actual imports during the three-year period 1994 to 1996; whereas the choice of that reference period is in keeping with the general consensus within the Council;
- (4) Whereas actual imports should be ascertained on the basis of the documents used for placing bananas in free circulation, namely import licences and the appropriate customs documents; whereas, however, in the case of the new Member States those operations must be established on the basis of the administrative documents valid prior to accession and, for the first three quarters of 1995, by means of the authorisations issued under the transitional measures in force during that period; whereas, in view of the large number of informal communications and transfers of import documents against payment which occurred during the final period of application of the initial arrangements established by Regulation (EEC) No 404/93, actual imports can justifiably be based on proof of payment of the customs duties applicable at the time at which the goods were imported;
- (5) Whereas common administration of the tariff quotas and traditional ACP bananas seems likely to favour an increase in international trade and smoother trade flows and avoid unjustified distinctions; whereas, therefore, 'traditional operators' and

⁽¹⁾ OJ L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 28.

'newcomers' should be defined according to the single criteria regardless of the third country or ACP country from which they are importing; whereas the rights of 'traditional operators' should be determined on the basis of actual imports regardless of origin and supply source and should allow imports to be made from any origin; whereas that approach should be reflected in the method of administering imports by period without differentiation according to their different origins;

- (6) Whereas a share of the tariff quotas and traditional ACP bananas must be reserved for 'newcomers'; whereas that overall allocation should be sufficient to allow operators to participate in that import trade and encourage healthy competition;
- (7) Whereas the distribution of available quantities between 'traditional operators' and 'newcomers' is likely to undergo adjustments in future, to take account of changes in the number of operators in the two groups, their imports and the number of newcomers qualifying for re-classification as traditional operators as a result of their import activities; whereas adjustment should also be possible where necessary to permit satisfactory use of the quantities available during a given year;
- (8) Whereas experience from several years of applying the Community banana import arrangements indicates the need to tighten the eligibility criteria for new operators so as to avoid the registration of purely fictitious agents and the grant of allocations in response to artificial or speculative applications; whereas, in particular, it is justifiable to demand a minimum of experience in importing comparable products — fresh products falling within Chapters 7, 8 and, under certain conditions, 9 of the Combined Nomenclature; whereas, also, to avoid applications for annual allocations which bear little relation to operators' actual capacities and which will not lead to applications for import licences for the corresponding quantities, submission of an application for an annual allocation should be subject to the requirement that a security in lieu of the import licence security be lodged; whereas that security should be released without delay in stages as operators actually use up their annual allocations; whereas, for the same purpose, the grant of an annual allocation in subsequent years should be made subject to a minimum rate of use of the previous annual allocation; whereas, lastly, the conditions under which 'newcomers' can gain access to the 'traditional operators' group should be determined;
- (9) Whereas operators should be reminded that they may form mergers or groupings on terms and conditions defined in national legislation in order to meet their obligations and exercise the rights arising under this Regulation;
- (10) Whereas the provisions applying to the registration of operators and the determination of their reference quantities or annual allocations, as the case may be, should be adopted; whereas the verifications and checks to be carried out by the competent national authorities should be specified; whereas, lastly, the action to be taken in the event that certain obligations are not fulfilled, in particular as regards registration and declarations made for the purpose of obtaining reference quantities or allocations under the import arrangements, should also be specified;
- (11) Whereas, for the purposes of implementing the tariff quota and traditional ACP banana arrangements in 1999, the administrative rules based on periods as created by Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽¹⁾, as last amended by Regulation (EC) No 1409/96 ⁽²⁾, should be maintained, with adjustments where necessary; whereas those rules relate in particular to fixing the indicative quantities for the first three quarters, the ceilings for individual applications, the frequency for the submission of licence applications and for the issue of licences, and the issue of licences for the re-use of unused quantities;
- (12) Whereas, for the application of Article 18(7) and (8) of Regulation (EEC) No 404/93, there is a need to define the items making up the balance of production, consumption, imports and exports which has to be established before an increase in the autonomous quota can be made in the event of an increase in demand or of exceptional circumstances affecting supplies to the Community market;
- (13) Whereas, except where derogations are explicitly provided for, Commission Regulation (EEC) No

⁽¹⁾ OJ L 142, 12. 6. 1993, p. 6.

⁽²⁾ OJ L 181, 20. 7. 1996, p. 13.

3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1044/98 ⁽²⁾, should apply; whereas, pursuant to Article 9 of that Regulation, rights resulting from licences may be transferred by the holder only once per licence or per extract from a licence during the term of validity thereof;

(14) Whereas the conditions for and the effects of transferring licences should be specified in the light of the definition of operator categories established by this Regulation; whereas a transfer restricted to a single transferee per licence or certificate or extract therefrom will allow trade relations to develop between the various registered operators; whereas, however, artificial trade, speculation or disturbance of normal trade should not be encouraged by permitting transfers from 'newcomers' in favour of 'traditional operators';

(15) Whereas all the necessary communications between operators, Member States and the Commission in pursuance of this Regulation should be specified, in particular as regards the establishment of operators' reference quantities and allocations, the administration of tariff quotas and traditional ACP bananas by period and market monitoring;

(16) Whereas, under the transitional measures necessitated by the application of the new arrangements on 1 January 1999, derogations should be provided for from the timetable for registering operators and from the transmission to the competent national authorities of the documentary evidence needed to establish their rights; whereas, however, applications submitted must contain a list of and precise references for all documentary evidence for the rights claimed;

(17) Whereas, further, the quantities which can be imported from the various origins for the first quarter of 1999 under the tariff quotas and as traditional ACP bananas should be determined and the ceiling for individual licence applications from

operators and a strict timetable for the submission of those applications should be fixed;

(18) Whereas the changes made by this Regulation to the arrangements for the importation of bananas into the Community, and in particular the provisions regarding the definition of operators, call for verifications and checks by the competent national authorities, acting in cooperation with the Commission; whereas such operations can, if need be, lead to corrections of operators' reference quantities or annual allocations; whereas it follows *inter alia* that reference quantities and annual allocations may not be regarded as vested rights, nor be pleaded by operators as legitimate expectations;

(19) Whereas Regulation (EEC) No 1442/93 and Commission Regulation (EC) No 478/95 of 1 March 1995 on additional rules for the application of Council Regulation (EEC) No 404/93 as regards the tariff quota arrangements for imports of bananas into the Community and amending Regulation (EEC) No 1442/93 ⁽³⁾, as amended by Regulation (EC) No 702/95 ⁽⁴⁾, should be repealed;

(20) Whereas Regulation (EC) No 1637/98 applies from 1 January 1999; whereas, in order to enable operators to enjoy the benefit of the provisions set out in that Regulation from that date onwards, transitional measures should be enacted which allow the Member States and the Commission to assemble all the requisite material for ensuring that licences are used from 1 January 1999 onwards;

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

HAS ADOPTED THIS REGULATION:

TITLE I

Introductory provisions

Article 1

This Regulation lays down detailed rules for applying the arrangements for the importation of bananas under the

⁽¹⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ L 149, 20. 5. 1998, p. 11.

⁽³⁾ OJ L 49, 4. 3. 1995, p. 13.

⁽⁴⁾ OJ L 71, 31. 3. 1995, p. 84.

tariff quotas provided for in Article 18(1) and (2) of Regulation (EEC) No 404/93 and for the importation of quantities of traditional ACP bananas as referred to in Article 16 of that Regulation, and also the arrangements outside those quotas.

The tariff quotas shall be divided up among the main supplier countries and other countries as shown in Annex I hereto.

Article 2

1. The tariff quotas and the traditional ACP quantities shall be made available as follows:

- (a) 92 % to 'traditional operators' as defined in Article 3;
- (b) 8 % to 'newcomers' as defined in Article 7.

2. The distribution given in paragraph 1 may be amended to make better use of the tariff quotas and traditional ACP quantities, in particular in line with changes in the numbers of 'traditional operators' and 'newcomers', the volumes of their imports, and the accession of 'newcomers' to the group of 'traditional operators' under Article 10 below.

3. Where the total provisional reference quantities of 'traditional operators', or the annual allocations requested by 'newcomers', is less than the total amount allowed for the relevant category of operator, the available quantity may be allotted to the other category.

TITLE II

Administration of tariff quotas and traditional ACP bananas

CHAPTER 1

Definition of operators

Section I: 'Traditional operators'

Article 3

For the purposes of this Regulation, 'traditional operators' shall mean economic agents established in the European Community during the period for determining their reference quantities, and also at the time of their registration under Article 5 below, who have actually imported a minimum quantity of third-country and/or ACP-country

bananas on their own account for subsequent marketing in the Community during a set reference period.

The minimum quantity referred to in the first paragraph shall be 100 tonnes imported in any one year of the reference period. This minimum quantity shall be 20 tonnes where the imports consist entirely of bananas with a length of 10 centimetres or less.

Article 4

1. Each traditional operator registered in a Member State in accordance with Article 5 shall receive, for each year and for all the origins listed in Annex I, a single reference quantity based on the quantities of bananas actually imported during the reference period.

2. For imports carried out in 1999 under the tariff quotas or as traditional ACP bananas, the reference period shall be made up of the years 1994, 1995 and 1996.

Article 5

1. The registration of traditional operators and the determination of their reference quantity shall be conducted on the basis of a written application submitted by operators in any one Member State of their choice.

Applications for registration shall be submitted by 1 July.

The competent authorities in each Member State are listed in Annex II.

2. For the purposes of determining their reference quantity, each operator shall send to the competent authority by 1 July each year:

- (a) a figure for the total quantity of bananas from the origins listed in Annex I actually imported during each of the years making up the reference period;
- (b) the supporting documents detailed in paragraph 3.

3. Actual imports shall be attested by both of the following:

- (a) by presenting copies of the import licences used either by the holder or, in the case of a transfer under Article 9 of Regulation (EEC) No 3719/88 duly endorsed by the competent authorities, by the transferee, in order to release the relevant quantities for free circulation; and

- (b) by presenting proof of payment of the customs duties due on the day on which customs import formalities were completed. The payment shall be made either direct to the competent authorities or via a customs agent or representative.

Operators furnishing proof of payment of customs duties, either direct to the competent authorities or via a customs agent or representative, for the release into free circulation of a given quantity of bananas without being the holder or transferee holder of the relevant import licence used for this purpose — or, where appropriate, of the proper customs documents and import permits in accordance with paragraph 4 — shall be deemed to have actually imported the said quantity provided that they have registered in a Member State under Regulation (EEC) No 1442/93 and/or that they fulfil the requirements of this Regulation for registration as a traditional operator. Customs agents or representatives may not call for the application of this subparagraph.

4. For operators established in Austria, Finland or Sweden, proof of the quantities released into free circulation in those Member States in 1994, and in 1995 up to the third quarter thereof, shall be furnished by presenting copies of the relevant customs documents and import permits issued by the competent authorities and duly used.

Article 6

1. By 30 September at the latest each year, after making the necessary checks and verifications, the competent authorities shall determine, in accordance with Articles 3, 4 and 5, a single, provisional reference quantity for each traditional operator, on the basis of the average quantities of bananas actually imported by them from the origins listed in Annex I during the reference period.

The reference quantities shall be based on a three-year average even where the operator has not imported bananas for part of that period.

2. No later than 15 October of each year, the competent authorities shall notify the Commission of the list of traditional operators they have registered and the total provisional reference quantity determined. The same notification shall contain, for each operator, the quantities of their actual banana imports during the reference period, the serial numbers of the import licences or licence extracts used, and their provisional reference quantity.

As and when required, the Commission shall forward those lists to the other Member States with a view to facilitating the detection or prevention of false claims by operators.

The Commission may publish any of the details contained in the notifications from Member States.

3. Using the information received under paragraph 2, and in light of the total volume of tariff quotas and traditional ACP bananas as referred to in Article 2, the Commission shall, where appropriate, set a single adjustment coefficient to be applied to each operator's provisional reference quantity.

4. The competent authorities shall then determine the reference quantity for each operator, applying if need be the adjustment coefficient calculated under paragraph 3, and shall notify each operator of the reference quantity allocated to him, by 15 November at the latest.

Section II: 'Newcomers'

Article 7

For the purposes of this Regulation and as regards imports under the tariff quotas and as traditional ACP bananas, 'newcomers' shall mean economic agents established in the European Community who, at the time of registration:

- (a) have been engaged independently and on their own account in the commercial activity of importing fresh fruit and vegetables falling within Chapters 7 and 8, of the Tariff and Statistical Nomenclature and the Common Customs Tariff, or products under Chapter 9 thereof if they have also imported products falling within Chapters 7 and 8 in one of the three years immediately preceding the year in respect of which registration is sought; and
- (b) by virtue of this activity, have undertaken imports to a declared customs value of ECU 400 000 or more during the period referred to in point (a).

Article 8

1. For the purposes of registering as a newcomer in the Member State of their choice, operators shall send to the relevant competent authority as listed in Annex II the following supporting documents:

- (a) proof of entry in a commercial register of the Member State or proof of any alternative registration acceptable to the said authorities;
- (b) evidence of having imported the products of the sector referred to in point (a) of Article 7, by presenting the import licences used or, in cases where such a licence was not compulsory, the relevant customs documents;

(c) a copy of an attestation from an independent, professionally registered chartered accountant certifying imports to the value required in point (b) of Article 7, or a copy of the corresponding customs declarations stamped by the customs authorities.

2. Applications for registration shall be submitted by 1 July each year.

3. Operators may submit only one application for registration in only one Member State of their choice.

4. In order to have their registration renewed, operators shall provide the competent authorities with proof that they have actually imported on their own account at least 50 % of the quantity allocated to them for the current year.

Applications for renewal shall be submitted by 1 October each year and be accompanied by copies of import licences used, proof of payment of the customs duties due on the date of the completion of customs import formalities, and a copy of the licence(s) issued for the current quarter.

5. By 10 October each year, the Member States shall notify the Commission of the list of operators who have submitted requests for registration and for renewal of registration, and in the case of renewals the serial numbers of licences or any licence extracts, used and issued.

As and when required, the Commission shall forward those lists to the other Member States with a view to facilitating the detection or prevention of false claims by operators.

The Commission may publish any of the details contained in the notifications from Member States.

Article 9

1. At the same time as the operators concerned apply for registration or renewal of their registration, they shall also request their annual quota allocation.

To be accepted, such requests:

- (a) shall not cover a quantity greater than 10 % of the total quantity allocated annually to newcomers; and
- (b) shall be accompanied by proof that a security of ECU 18 per tonne requested has been lodged in accordance with Title III of Commission Regulation (EEC) No 2220/85⁽¹⁾. This security shall be lodged against an applicant's performance of his obligation to apply for import licences for the amount of the allocation granted and actually to import the quantity allocated.

The security shall be released in stages, in proportion to the quantities actually imported.

2. By 10 October each year, the competent authorities shall send the Commission a list of the newcomer operators registered, indicating for each one the annual allocation requested.

3. The allocation requests received by the Commission shall be ranked in ascending order of quantity and an annual allocation shall then be determined for each 'newcomer' operator up to a maximum of the individual quantity requested, arrived at by a process of allocating to all operators the smallest requested quantity remaining in each round. The Commission shall determine without delay the quantities for which annual allocations are granted.

If the procedure in the first subparagraph results in an operator's receiving an annual allocation smaller than the amount requested, the security provided for in paragraph 1 shall be released in proportion to the reduction arrived at.

4. By 15 November each year, the competent authorities in the Member States shall determine and notify to each newcomer operator the quantity allocated to him for the following year.

Article 10

A newcomer operator shall obtain the status of traditional operators on applying for registration in accordance with Article 5, provided that he fulfils the conditions specified in Article 3 after three years of commercial activity following the date of first registration.

Applications shall be accompanied by the figures and supporting documents referred to in Article 5(2) and (3).

Article 11

1. The Member States shall be responsible for ensuring compliance with this Section.

In particular, they shall check that the operators concerned are commercially active for their own account as importers into the Community in the sector referred to in Article 7 and as independent economic units in terms of management, staffing and operations. Where there are grounds for suspecting that these conditions are not met, applications for registration and requests for annual allocations shall be accepted only subject to the operator's providing evidence of compliance which is considered satisfactory by the national competent authorities.

⁽¹⁾ OJ L 205, 3. 8. 1985, p. 5.

2. The Member States and the Commission shall exchange all information relevant to the application of this Article.

Section III: Common provisions

Article 12

1. The competent national authorities shall register as traditional operators and newcomers all economic agents who submit an appropriate application, whether physical persons or legal entities, and whether individual agents or groups thereof, provided that they are legally constituted under the national legislation governing the exercise of the commercial activities in question and that they satisfy the provisions of this Regulation.

A group of agents may be registered as either a traditional operator or a newcomer if its members jointly meet the requirements of this Regulation. The group shall stand for each of its members in exercising their rights and fulfilling their obligations.

2. Operators resulting from a merger of several other operators, each with their own rights under this Regulation, shall enjoy the same rights as those former operators.

Article 13

1. In the case of both traditional operators and newcomer operators, failure to comply with the obligation to register in only one Member State shall lead to the rejection of all applications for registration that have been submitted and the cancellation, as the case may be, of any reference quantity or of any annual allocation already granted. In addition, such failure shall result in a prohibition on the submission of any further applications in the year following detection of the irregularity.

2. Where fraudulent manipulations are undertaken or fraudulent documentation is supplied with a view to obtaining an unwarranted registration, reference quantity or, where relevant, annual allocation, such registration, reference quantity or allocation shall be cancelled, without prejudice to the application of any relevant national laws.

In addition, in such cases the operator shall be prohibited from applying for a new registration in any Member State during the two years following the year in which the irregularity is detected.

CHAPTER 2

Rules for issuing import licences

Article 14

1. For the first three quarters of the year, an indicative quantity expressed as the same percentage of available

quantities from each of the origins listed in Annex I may be fixed for the purposes of issuing import licences.

2. For the first three quarters of the year, it may be decided that applications for licences submitted by a given operator may not in total exceed a set percentage of the reference quantity fixed under Article 6(4) or the annual allocation fixed under Article 9(4).

Article 15

1. For each quarter of the year, applications for import licences shall be submitted to the competent authorities of the Member State in which operators are registered during the first seven days of the month preceding the quarter in respect of which the licences are being issued.

2. Licence applications submitted:

(a) by traditional operators shall bear the wording 'Licence application traditional operator — Regulation (EC) No 2362/98';

(b) by newcomer operators shall bear the wording 'Licence application newcomer — Regulation (EC) No 2362/98'.

3. Licence applications presented by an operator shall only be accepted where:

(a) they bear the wording shown in paragraph 2;

(b) they indicate, in Box 8, one of the origins listed in Annex I;

(c) they cover a quantity no greater than that available for the origin indicated, such quantity being published periodically before the start of the application period;

(d) they cover a total quantity no greater than the quantity resulting from applying Article 14(2) for the quarter concerned; or no greater than the operator's remaining reference quantity or annual allocation, as the case may be.

4. Licences shall include:

(a) in Box 20, one of the statements shown in paragraph 2,

(b) in Box 8, an indication of the country of origin in accordance with point (b) of paragraph 3.

Receipt of a licence carries the obligation to import from the origin indicated.

Article 16

Within two working days following either the closing date for the submission of import licence applications for the first period under Article 15(1) or the closing date fixed under point (a) of Article 18(1), the competent authorities shall notify the Commission of the quantities covered by licence applications.

This notification shall present the quantities requested, broken down according to the origins listed in Annex I and as between traditional operators and newcomers.

Article 17

Where, for a given quarter and for any one or more of the origins listed in Annex I, the quantities applied for appreciably exceed any indicative quantity fixed under Article 14, or exceed the quantities available, a percentage reduction to be applied to the amounts requested shall be fixed.

Article 18

1. Where a percentage reduction has been fixed for one or more given origins under Article 17, operators who have applied for import licences for the origin(s) concerned may:

- (a) either renounce their use of the licence by informing the relevant issuing authority accordingly within 10 working days of publication of the Regulation fixing the reduction percentage, whereupon the security lodged against the licence shall be released immediately; or
- (b) submit one or more fresh licence applications for the origins for which available quantities have been published by the Commission, up to an amount equal to or smaller than the quantity applied for but not covered by the original licence issued. Such requests shall be submitted within the time limit laid down in point (a) and shall be subject to all the conditions governing licence applications.

2. The Commission shall immediately determine the quantities for which licences can be issued for each of the origins concerned.

Article 19

1. The competent authorities shall issue import licences for the following quarter not later than the 23rd day of the last month of each quarter. Where that day is not a working day, licences shall be issued no later than the first working day following.

Where Article 18 is applied, licences shall be issued immediately after publication of the Decision referred to in Article 18(2).

2. By way of derogation from Article 21(1) of Regulation (EEC) No 3719/88, the term of validity of import licences shall run from the date on which they are actually issued and shall expire on the seventh day of the fourth month following the month in which they are issued. The date of actual issue shall be included in the term of validity of a licence.

Licences issued under Article 18 shall have a term of validity expiring on the seventh day of the month following the end of the quarter in which they have been issued.

Article 20

1. Unused quantities covered by a given licence shall be re-allocated to the same operator — whether holder or transferee — upon application, for use in a subsequent quarter but still within the year of issue of the original licence. The security shall be retained in proportion to the quantities not used up.

2. Applications for re-allocation shall be submitted within the time limit laid down in Article 15(1) and accompanied by the original or a certified copy of the unused or partly used licence(s), as well as proof that the security referred to in Article 25 has been lodged.

Applications for re-allocation and the re-allocation licences themselves shall bear the following wording in Box 20: 'Re-allocation licence — Article 20 of Regulation (EC) No 2362/98.'

3. Applications for re-allocation shall not be subject to any reduction percentage that may be set under Article 17.

4. The competent authorities shall notify the Commission of the quantities covered by any applications for re-allocation received, within the time limit laid down in Article 16.

Article 21

1. Rights arising under import licences issued in accordance with this chapter shall be transferable to a single transferee operator on the terms and conditions laid down in Article 9 of Regulation (EEC) No 3719/88, without prejudice to paragraph 2 of this Article.

2. Rights may be transferred:

- (a) between traditional operators registered under Article 5;

- (b) from traditional operators to newcomer operators registered under Article 8;
- (c) between newcomer operators.

The transfer of rights from newcomers to traditional operators shall not be permitted.

3. In the event of a transfer of rights:

- (a) between traditional operators, the quantity transferred shall be taken into account in calculating the reference quantities of the two operators for the purposes of Articles 4(1) and 6(1), in order to reduce the reference quantity of the transferor and increase that of the transferee;
- (b) between a traditional operator and a newcomer, the quantity transferred shall be taken into account by reducing the reference quantity of the transferor for the purposes of the same provisions as referred to in (a);
- (c) to newcomer operators in accordance with paragraph 2(b) or (c), the quantity transferred shall be taken into account when a newcomer applies to register as a traditional operator under Article 10.

Article 22

1. Operators shall immediately declare to the competent authorities all quantities of bananas which have been released for free circulation and then re-exported out of the Community before the term of validity of the import licence concerned expires. They shall return to the same authorities the originals of the import licences involved.

2. Within a month of the end of each quarter, the competent authorities shall notify the Commission of all quantities re-exported, specifying in each case the category of operators (traditional or newcomer) to whom the import licences had been issued and quoting the serial numbers of the relevant import licences or licence extracts.

3. One or more import licences shall be issued, up to the amount of quantities re-exported, either to the holder or to the transferee of the original licences, during a subsequent quarter but still within the year in which the original licence(s) was, or were, issued.

4. The competent authorities shall check that the quantities declared under paragraph 1 have actually been re-exported from the Community.

5. The quantities of bananas re-exported shall not be taken into account in calculating the actual imports of traditional operators or of newcomers.

The first subparagraph shall also cover re-exports carried out in 1994 from Member States to Austria, Finland or Sweden, and re-exports from the latter countries to third countries, including the Community as constituted on 31 December 1994.

TITLE III

Rules for imports of bananas outside the tariff quotas and of traditional ACP bananas

Article 23

1. Import licence applications may be submitted in any Member State.
2. Licence applications and the licences themselves shall bear the following wording in Section 20: 'Non-quota imports and traditional ACP bananas — Regulation (EC) No 2362/98, Article 23'.
3. Licences shall be issued immediately, in accordance with Article 21(1) of Regulation (EEC) No 3719/88. The term of validity of licences shall be three months.
4. Within a month of the end of each quarter, Member States shall notify the Commission of the quantities covered by licences issued under this Article.

TITLE IV

General provisions

Article 24

For the purposes of Article 18(7) and (8) of Regulation (EEC) No 404/93, the balance showing Community production and consumption and its imports and exports shall be based on:

- (a) available data on the quantities of bananas marketed in the Community during the preceding year, broken down by origin;
- (b) forecast production and sales of Community bananas;
- (c) forecast imports of bananas from all origins;
- (d) forecast consumption on the basis, in particular, of recent consumption trends and movements in market prices.

Article 25

Import licence applications from traditional operators shall be accompanied by proof that a security has been lodged in accordance with Title III of Regulation (EEC) 2220/85. This security shall amount to ECU 18 per tonne.

Where licences are issued for quantities less than those applied for, the security shall be released immediately in respect of the quantity not allocated.

Article 26

Regulation (EEC) No 3719/88 shall apply, with the exception of the fourth indent of Article 5(1) and Article 8(4) and (5) thereof, regard being had to the derogations contained in this Regulation.

By way of derogation from Article 33(5) of Regulation (EEC) No 3719/88, proof of acceptance of an import declaration for the quantity concerned shall be furnished within 30 days of expiry of the validity of an import licence, except in cases of *force majeure*.

Article 27

The Member States shall send the Commission the following statistical and commercial data:

- (a) every Wednesday: wholesale prices for yellow bananas, broken down by country of origin, as recorded the previous week on the representative markets listed in Article 3 of Commission Regulation (EC) No 3223/94⁽¹⁾;
- (b) on the 20th day of each month, in respect of the preceding month: figures for the volume and value of bananas which have been released for free circulation in their territory, broken down by country of origin;
- (c) on the 10th day of the month following expiry of the validity of import licences for each quarter: the quantities covered by import licences issued, the quantities covered by licences used and returned to the issuing body, and the quantities covered by unused licences;
- (d) on request: forecasts of production and sales.

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

TITLE V**Transitional arrangements***Article 28*

1. By way of derogation from Articles 5(1) and 8(2), operators shall submit their applications for registration for 1999 as either 'traditional operators' or as 'newcomers' in the Member State of their choice by 13 November 1998 at the latest.

To be accepted, applications shall include:

- (a) in the case of 'traditional operators':
 - (i) a figure for the total quantity of bananas actually imported in each of the years of the reference period 1994 to 1996 and the serial numbers of all the import licences and licence extracts used for these imports, or, should Article 5(4) apply, the customs documents and import permits; and
 - (ii) a list, complete with references, summarising all the documentary evidence showing that duties have been paid, in accordance with point (b) of the first subparagraph of Article 5(3);
- (b) in the case of 'newcomers':
 - (i) a request for an annual allocation under Article 9(1);
 - (ii) a list, complete with references, summarising all the documentary evidence required under Article 8(1).

Operators shall hold all the documentary evidence referred to in the second subparagraph at the disposal of the competent authorities so as to enable the checks and verifications required by them to be carried out.

2. By 30 November 1998 at the latest, the Member States shall send the Commission separate lists of the 'traditional operators' and 'newcomers' who have submitted applications for registration under the second subparagraph, together with their total provisional reference quantities and total requests for annual allocations, as appropriate. The following additional items shall be included:

- (a) for each 'traditional operator': the quantity of bananas imported by them during each year in the period 1994 to 1996, their provisional reference quantity and the serial numbers of the licences and licence extracts used, or, should Article 5(4) apply, the customs documents and import licences;

(b) for each 'newcomer' operator: a figure for the annual allocation requested.

3. In the light of the notifications received in accordance with point (a) of paragraph 2, the Commission shall if necessary fix a single adjustment coefficient as provided for in Article 6(3).

4. By way of derogation from Article 6(4), the competent authorities shall determine the reference quantity of each operator and shall notify it to them by 10 December 1998.

Article 29

If the quantities covered by applications for licences in respect of the first quarter of 1999 covering imports from one or more of the origins listed in Annex I exceed 26 % of the quantities set out in that Annex, the Commission shall fix a percentage reduction to be applied to all applications in respect of the origin(s) concerned.

Article 30

1. By way of derogation from Article 15(1), operators shall submit applications for import licences between 14 and 16 December 1998 in the Member State where they have applied for registration.

To be accepted, applications for licences submitted by a single operator must not exceed a total quantity greater than:

(a) 26 % of the reference quantity of a 'traditional operator';

(b) 26 % of the annual allocation of a 'newcomer' operator.

2. Member States shall notify the Commission of the total quantities covered by applications for import licences, broken down by the origins listed in Annex I and separately for the two categories of operator, by 18 December 1998 at the latest.

3. The Commission shall determine immediately the quantities for which licences may be issued in respect of the origins concerned.

4. The competent national authorities shall issue import licences by 31 December 1998 at the latest.

Import licences shall be issued with a view to release for free circulation as from 1 January 1999.

Licence applications and the licences themselves shall bear the wording, in Box 24: 'Issued with a view to free circulation as from 1 January 1999'.

TITLE VI

Final provisions

Article 31

Regulations (EEC) No 1442/93 and (EC) No 478/95 are hereby repealed as from 1 January 1999.

Article 32

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

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

Done at Brussels, 28 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***Distribution of the tariff quotas and the traditional ACP quantity**

Tariff quotas (Article 18(1) and (2) of Regulation (EC) No 404/93) — 2 200 000 t/353 000 t

Ecuador:	26,17 %
Costa Rica:	25,61 %
Colombia:	23,03 %
Panama:	15,76 %

Subtotal:	(90,57 %)
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Other:	9,43 %
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Traditional ACP quantity: 857 700 tonnes.

ANNEX II

The authorities of the Member States competent for compiling the lists of operators and of quantities marketed are as follows:

— **Belgium**

Bureau d'Intervention et de Restitution belge/Belgisch Interventie- en Restitutiebureau
Rue de Trèves, 82/Trierstraat 82
B-1040 Bruxelles/Brussel

— **Denmark**

EU-Direktoratet
Kampmannsgade 3
DK-1780 København V

— **Germany**

Bundesanstalt für Landwirtschaft und Ernährung
Referat 322
Adickesallee, 40
D-60322 Frankfurt am Main

— **Greece**

Ministry of Agriculture
GEDIDAGEP
Directorate Fruits and Vegetables, Wine and Industrial Products
241, Acharnon
GR-10446

— **Spain**

Ministerio de Economía y Hacienda
Secretaría General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid

— **France**

Office de Développement de l'économie agricole des Départements d'Outre-Mer (ODEADOM)
28, Boulevard de Grenelle
F-75737 Paris Cedex 15

— **Ireland**

Department of Agriculture and Food Horticulture Division
Agriculture House (7W)
Kildare Street
IRL-Dublin 2

— **Italy**

Ministero del Commercio con l'Estero
DG Politica Commerciale e Gestione Regime Scambi — Div. II
Viale Boston 25
I-00144 Roma

— **Luxembourg**

Ministère de l'Agriculture
Administration des Services Techniques de l'Agriculture
Service de l'Horticulture
16, Route d'Esch
Boîte Postale 1904
L-1014 Luxembourg

— **Netherlands**

Produktschap Tuinbouw
Bezuidenhoutseweg 153
Postbus 93099
NL-2594 AG Den Haag

— **Austria**

Bundesministerium für Land- und Forstwirtschaft
Abteilung III A 5 — Handelspolitik und Außenhandel
Stubenring 12
A-1012 Wien

— **Portugal**

Ministério da Economia
Direcção-Geral das Relações Económicas Internacionais
Direcção de Serviços de Licenciamento do Comércio Externo
Avenida da República, 79
P-1094 Lisboa Codex

— **Finland**

Maa-ja Metsätalousministeriö
Mariankatu 23
P.O. Box 232
SF-00171 Helsinki

— **Sweden**

Jordbruksverket
Vallgatan 8
S-551 82 Jönköping

— **United Kingdom**

Intervention Board
External Trade Division
Lancaster House
Hampshire Court
UK-Newcastle Upon Tyne, NE4 7YE

**COMMISSION REGULATION (EC) No 2363/98
of 30 October 1998**

**fixing the maximum aid for concentrated butter for the 191st special invitation
to tender opened under the standing invitation to tender provided for in Regula-
tion (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 191st 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 31 October 1998.

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

Done at Brussels, 30 October 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 2364/98
of 30 October 1998**

**fixing the minimum selling prices for butter and the maximum aid for cream,
butter and concentrated butter for the 19th 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 Article 6(3) and (6) and Article 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 last amended by Regulation (EC) No 1982/98 ⁽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 applying for the 19th 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.

No award shall be made as regards the sale of butter from intervention stocks.

Article 2

This Regulation shall enter into force on 31 October 1998.

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

Done at Brussels, 30 October 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 256, 18. 9. 1998, p. 9.

ANNEX

to the Commission Regulation of 30 October 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 18th 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	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		109	105	—	105
	Butter < 82 %		104	100	—	—
	Concentrated butter		134	130	134	—
	Cream		—	—	46	44
Processing security	Butter		120	—	—	—
	Concentrated butter		148	—	148	—
	Cream		—	—	51	—

COMMISSION REGULATION (EC) No 2365/98
of 30 October 1998
amending Regulation (EC) No 1445/95 on rules of application for import and
export licences in the beef sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 9(2) thereof,

Whereas Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EC) No 759/98 ⁽⁴⁾, lays down, in Article 12a, detailed rules for licences for certain products to be exported to Canada;

Whereas those rules provide in particular for monthly applications and allocations of export licences; whereas the experience shows that such a periodical system is no longer needed; whereas Regulation (EC) No 1445/95 should be amended accordingly;

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

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

Done at Brussels, 30 October 1998.

Article 1

Article 12a of Regulation (EC) No 1445/95 shall be amended as follows:

1. paragraph 6 shall be deleted;
2. paragraph 7 shall be replaced by the following text:
'(7) No later than three working days following the lodging of licence applications Member States shall send the Commission a list of applicants and of the product quantities applied for.';
3. paragraph 8 shall be replaced by the following text:
'(8) If the quantities for which licences have been applied for exceed those available the Commission shall set a single acceptance percentage applying to quantities requested.';
4. paragraph 9 shall be replaced by the following text:
'(9) Licences shall be issued on the 10th working day following the day of application.'

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 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁴⁾ OJ L 105, 4. 4. 1998, p. 7.

COMMISSION REGULATION (EC) No 2366/98
of 30 October 1998

**laying down detailed rules for the application of the system of production aid for
olive oil for the 1998/99, 1999/2000 and 2000/01 marketing years**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats, and in particular Articles 2(4) and 4 thereof,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations⁽³⁾, as last amended by Regulation (EC) No 1639/98⁽⁴⁾, and in particular Article 19 thereof,

Whereas Article 3 of Regulation (EEC) No 2261/84 provides for the lodging of a crop declaration; whereas certain concepts such as that of 'olive tree in production' should be precisely defined, and the content and schedule of producers' notifications should be laid down, to ensure up-to-date knowledge of the oil-producing sector and to improve such knowledge before the start of the 2001/02 production year, when it is planned to introduce a reform;

Whereas to avoid seriously endangering market equilibrium, Article 4 of Regulation (EC) No 1638/98 provides that no aid under any scheme in force from 1 November 2001 may be paid in respect of olive trees planted after 1 May 1998 except in connection with the conversion of an old olive plantation or with a programme approved by the Commission; whereas the concept of 'additional olive trees' and 'new plantings' must therefore be defined, as must the relevant arrangements for declaration, identification and approval; whereas programmes for additional plantings should specify the number of dead or burnt

olive trees that can be replaced without leading to an increase in overall production;

Whereas pending in-depth examination of the methods at present used by the Member States, it is necessary to prolong application into the 1998/99 crop year of the provisions of Commission Regulation (EEC) No 3061/84 laying down detailed rules for the application of the system of production aid for olive oil⁽⁵⁾, last amended by Regulation (EC) No 2455/97⁽⁶⁾;

Whereas for the purposes of approval, Article 13(1) of Regulation (EEC) No 2261/84 requires mill-owners to comply with certain conditions; whereas the conditions for approval introduced should be such as to ensure effective control arrangements; whereas mills should be equipped for automatic weighing of batches of olives entering the mill; whereas the information recorded should include particulars of the destination of oil leaving the mill;

Whereas in accordance with Article 14 of Regulation (EEC) No 2261/84, each producer Member State must apply a system of checks to ensure that the product in respect of which aid is granted is eligible for such aid; whereas consequently aid applications must include the particulars required for such a system to be applied; whereas to that end, certain obligations should be laid upon olive-growers and upon producer organisations and associations thereof;

Whereas olive-growers can have their olives pressed in a Member State other than the Member State of production; whereas with a view to the correct application of the aid scheme, provision should be made for administrative collaboration between the Member State where the oil is obtained and the Member State of origin of the olives;

Whereas the factors to be taken into consideration to determine the quantity eligible for aid should be defined; whereas rules should be laid down for determining the quantity eligible for aid in cases where the quantity for which aid is requested and/or the number of trees indicated in the crop declaration cannot be checked or cannot be accepted when checks are carried out;

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

⁽³⁾ OJ L 208, 3. 8. 1984, p. 3.

⁽⁴⁾ OJ L 210, 28. 7. 1998, p. 38.

⁽⁵⁾ OJ L 288, 1. 11. 1984, p. 52.

⁽⁶⁾ OJ L 340, 11. 12. 1997, p. 26.

Whereas pending in-depth examination of the scheme at present in force, it is necessary to prolong application of the provisions of Commission Regulation (EEC) No 3061/84 concerning recognition of producers' organisations and associations thereof, and the arrangements for financing them on the basis of aid withheld in accordance with Article 20d of Regulation No 136/66/EEC;

Whereas Article 2 of Regulation (EC) No 1638/98 provides that, during the 1998/99 to 2000/01 marketing years, work on the olive cultivation register provided for in Commission Regulation (EEC) No 2276/79 of 16 October 1979 laying down detailed rules for the drawing-up of a register of olive cultivation in the Member States producing olive oil⁽¹⁾, last amended by Regulation (EEC) No 1279/89⁽²⁾, should focus on the creation, updating and utilisation of a geographic information system (GIS); whereas consequently, with a view to ensuring compatibility with the databases of the integrated administration and control system provided for in Council Regulation (EEC) 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽³⁾, last amended by Regulation (EC) No 820/97⁽⁴⁾ and in Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes⁽⁵⁾, last amended by Commission Regulation (EC) No 1678/98⁽⁶⁾, the information to be included in the oil cultivation GIS should be specified along with centralisation methods, arrangements, criteria and technical tolerances; whereas with a view to Community financing it is necessary to determine in what conditions the oil cultivation GIS of a Member State or region shall be deemed to have been completed;

Whereas the oil cultivation GIS must enable information in crop declarations to be verified; whereas it is necessary to provide for a procedure for the examination of discrepancies between those declarations and the estimates of the oil cultivation GIS; whereas in cases where the discrepancy cannot be resolved, the consequences for the quantity of olive oil eligible for aid must be determined;

Whereas, in case the GIS has not been completed, provision should be made for a minimum number of on-the-spot checks of crop declarations; whereas, for the 1998/99 marketing year, the oil cultivation GIS must be set up in

all the Member States and whereas efforts should therefore concentrate on that task;

Whereas arrangements must be laid down for on-the-spot controls, specifying in particular the number of declarations that should be checked on the spot in areas where the oil cultivation GIS has not been completed; whereas, to check consistency between information in applications for aid and information in the stock records of mills, in-depth controls of a representative proportion of mills should be organised, with penalties for consignees of oil who refuse to be inspected or are unable to prove that they have taken delivery of the oil;

Whereas the measures provided for in this Regulation should be taken into account in the work schedule of control agencies provided for in Commission Regulation (EEC) No 27/85 of 4 January 1985 laying down detailed rules for the application of Regulation (EEC) No 2262/84 laying down special measures in respect of olive oil⁽⁷⁾, last amended by Regulation (EEC) No 3602/92⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

CHAPTER 1

Crop declarations

Article 1

1. For the purposes of granting aid for the production of olive oil as provided for in Article 5 of Regulation 136/66/EEC, before 1 December of each marketing year olive growers shall lodge crop declarations covering their olive trees in production and details of the olive groves they manage as at 1 November of the marketing year to which the declarations correspond.

2. For the purposes of this Regulation:

- (a) 'olive tree in production' means a living olive tree of a species classed as domestic, permanently established, irrespective of age or condition, possibly possessing several trunks separated from one another at the base by less than two metres;

⁽¹⁾ OJ L 262, 18. 10. 1979, p. 11.

⁽²⁾ OJ L 127, 11. 5. 1989, p. 24.

⁽³⁾ OJ L 355, 5. 12. 1992, p. 1.

⁽⁴⁾ OJ L 117, 7. 5. 1997, p. 1.

⁽⁵⁾ OJ L 391, 31. 12. 1992, p. 36.

⁽⁶⁾ OJ L 212, 30. 7. 1998, p. 23.

⁽⁷⁾ OJ L 4, 5. 1. 1985, p. 5.

⁽⁸⁾ OJ L 366, 15. 12. 1992, p. 31.

(b) 'olive-growing parcel' means:

- a parcel of olive-trees as defined by the Member State concerned, or, if no such definition exists,
- a continuous tract of land covered, over an area greater than that referred to in the second indent of Article 24(1), by olive trees in production each of which is less than 20 metres from another olive tree;

(c) 'scattered olive trees' means olive trees in production which do not fulfil the conditions necessary to constitute a group of trees on an olive-growing parcel;

(d) 'area under olive trees' means the area of an olive-growing parcel, or, for each scattered olive tree, an area of 1 are;

(e) 'farmer' and 'holding' mean the concepts as defined for the integrated system provided for in Article 1(4) of Council Regulation (EEC) No 3508/92.

3. Crop declarations shall be lodged with the competent agency of the Member State or, where applicable, the producer organisation of which the olive grower concerned is a member.

Article 2

From the 1998/99 marketing year, crop declarations shall include at least:

- (a) the surname, forenames and address of the olive grower;
- (b) the location or locations of the holding;
- (c) the total number of olive-trees in production, including scattered olive trees;
- (d) the land register references of the olive-growing parcels of the holding or, where no land register is kept, a full description of the holding and of the olive-growing parcels;
- (e) for each olive-growing parcel: the number of olive trees in production, the principal variety, and details of any irrigation or associated crops present.

Article 3

1. Where a crop declaration has already been lodged with the competent body, the crop declaration for the current crop year shall simply indicate the references to the previous declaration and any changes which have occurred since then. For the 1998/99 and 1999/2000 marketing years, any changes shall be taken into account having regard to the definitions in force and the information required for crop declarations under Regulation (EEC) No 3061/84 for 1997/98.

If there is no change in the information in question, the crop declarations shall be lodged at the same time as the aid applications and shall simply state that there is no change as compared with the previous declaration.

2. Declarations made under Regulation (EEC) No 3061/84 shall be replaced by a full crop declaration in accordance with Articles 1 and 2 in the course of the 1999/2000 and 2000/01 marketing years.

Article 4

1. To constitute a basis for the payment of aid to olive growers under the common organisation of the market in oils and fats in force from 1 November 2001, additional olive trees planted after 1 May 1998 must be identified geographically and included in a national or regional programme approved by the Commission under the procedure laid down in Article 38 of Regulation No 136/66/EEC.

Olive trees shall be deemed to be identified geographically where they appear in the graphical reference database provided for in Article 24 or, failing this, where the competent agency of the Member State has cartographical information allowing the trees to be located.

2. For the purposes of Article 4 of Regulation (EC) No 1638/98, 'additional olive tree' means an olive tree planted after 1 May 1998, other than one replacing an olive tree grubbed after 1 May 1998:

- in the geographical area covered by a conversion programme, or
- if grubbing and replacements are recorded individually, on the holding of the olive grower in question.

The grubbed olive tree referred to in the preceding subparagraph must not be one that has already been recorded as having been replaced by another tree; and must be one which, before grubbing, was an olive tree in production identified geographically.

3. Programmes covering additional olive trees submitted to the Commission for approval must contain the following information in particular:

- (a) the total number of olive trees in production and the corresponding areas in the geographical zone concerned at the date of presentation of the programme,
- (b) the number of olive trees planted and grubbed, as provided for in the programme, and the corresponding areas,
- (c) where applicable, the number of dead or burnt olive trees to be replaced, with a description of the circumstances,

- (d) the geographical locations of the olive trees grubbed, dead or burnt.

- a reference to the programme approved by the Commission under which the planting in question is being carried out.

Article 5

1. New planting from 1 November 1995 to 31 October 1998 shall be covered by a declaration before 1 April 1999 including the information referred to in Article 2 or, where applicable, references to an earlier declaration containing the same information. The declaration of new planting shall be accompanied by documents proving to the satisfaction of the Member State either that:

- all or some of the trees were planted prior to 1 May 1998; or that:
- planting was carried out after 1 May 1998 and before 1 November 1998, and was accompanied by grubbing in that period of a number (to be specified) of olive trees in production.

Proof may take the form of sales invoices from nurseries, delivery documents for young plants or any other documents recognised by the Member State.

2. From 1 November 1998, the olive growers concerned shall lodge prior declarations of intention to plant, indicating the number and location of the olive trees in question and, where applicable, the number and location of olive trees to be grubbed, or which have been grubbed and not replaced after 1 May 1998.

No later than the end of the second month following that in which the declarations as referred to in the first subparagraph are lodged, the Member States shall inform the growers concerned whether:

- the planned planting involves the replacing of grubbed trees and cannot therefore be deemed to involve additional olive trees within the meaning of Article 4(2),
- the planned planting involves additional olive trees covered by a programme approved under Article 4 and therefore qualifies for aid after 31 October 2001,
- the planned planting involves additional olive trees not constituting a basis for the payment of aid after 31 October 2001.

3. In the context of crop declarations as referred to in Article 2, any olive trees planted must be specified, along with:

- (a) a reference to the prior declaration referred to in paragraph 2, and
- (b) as, appropriate:
 - an indication of the number of olive trees in production that have been grubbed and which the new trees replace, or

CHAPTER 2

Yields

Article 6

1. For the purposes of fixing the olive yields and oil yields referred to in Article 18 of Regulation (EEC) No 2261/84 for the 1998/99 marketing year, producer Member States shall provide the Commission with data on homogeneous production zones, taking account in particular of:

- the geographical location and the agronomic characteristics of the terrain,
- the predominant varieties, the most common type of shape pruning and the age of the olive trees.

The homogeneous production zones may be altered only on presentation of convincing justifications. Such alterations shall be made on the Commission's initiative or at the request of a Member State.

2. The data on each production zone as referred to in paragraph 1 shall include at least the following:

- (a) the geographical boundaries of the zone;
- (b) the estimated area under olive trees;
- (c) the estimated average number of olive trees per hectare of land used for olive growing;
- (d) the average olive production per tree;
- (e) the average production of virgin olive oil per 100 kilograms of olives.

3. Before 1 August 1999 at the latest, the Member States shall forward the data referred to in paragraph 2(b) to (e), together with a short report on production conditions recorded in each zone during the marketing year.

4. For the purposes of establishing oil yields for the 1998/99 marketing year, producer Member States shall determine, at mills equipped in various ways and representative of pressing capacity in the zone in question at various stages of the harvest, the olive-oil yield in each production zone.

For the purposes of establishing olive yields, the Member States shall determine, at least for the largest production zones and at the beginning of the marketing year, the olive yields from trees representative of production conditions in the zone.

CHAPTER 3

Approved mills

Article 7

From the 1998/99 marketing year, for the purposes of granting approval to mills:

- (a) the information referred to in Article 13(1)(a) of Regulation (EEC) No 2261/84 must include the following:
 - oil storage capacity,
 - actual pressing capacity per eight-hour working day,
 - a description of the technical equipment installed or operating at the mill, with details of the type, make, model and hourly capacity of each unit;
- (b) among the means of inspection for mills which have produced more than 20 tonnes of oil in the previous marketing year, the facilities must include an automatic system for weighing olives and recording the weights and an electricity meter specifically for the pressing equipment.

However, from the 1999/2000 marketing year, point (b) shall apply to mills with a capacity, as referred to in the second indent of (a), greater than 2 tonnes of oil per eight-hour working day. That provision shall apply to other mills from the 2000/01 marketing year.

In addition, as soon as the information concerned is available, mills must issue olive growers with certificates as provided for in Article 12(1) and must comply with the inspection conditions laid down by the Member State.

Without prejudice to national penalties which may be applicable, Article 13(4) of Regulation (EEC) No 2261/84 shall apply, in the light of the risks induced for quantities eligible for aid, to compliance with the conditions provided for in this Article and for Articles 8 and 9.

Article 8

Under the inspection arrangements provided for in Article 14 of Regulation (EEC) No 2261/84, the Member States shall make provision:

- (a) in particular by analysis of samples, for verifying that the oil matches the descriptions and definitions in point 1 of the Annex to Regulation No 136/66/EEC and that it is not contaminated by undesirable substances, in particular solvents;
- (b) from the 1998/99 marketing year:
 - for stock records linked to the financial accounts to be kept, containing at least the information specified in Article 9(1) and, where applicable, references to analyses carried out,

- for monthly statements of this information to be sent before the tenth day of the month following the month concerned to the competent agency and, where applicable, to the agency responsible for checks; however, for mills that have produced less than 20 tonnes of oil in the previous marketing year, the monthly statement shall include only the quantitative information indicated in Article 9(1)(b), (c), (d) and (f),

- for checking of the method of disposing of waste water;

- (c) from the 1999/2000 marketing year, for supplies of olive oil to meet one of the following requirements:

- either, quantity sold is less than 50 litres or where no sale has taken place, that it has been supplied against issue of a receipt showing at least the quantity concerned, and the references and signature of the consignee;

- or, where the oil has been sold, that it has been supplied in reusable immediate packings of a maximum capacity of 200 litres, fitted with a sealing device that cannot be resealed and bearing a serial number, the approval number of the mill and the marketing year; or

- or where the oil has been sold, that it has been supplied against the issue of an invoice and a bank record of the payment.

Article 9

1. Stock records as provided for in Article 8(b) shall include, in respect of each day:

- (a) the quantities of olives entering the mill batch by batch, with the name of the producer or the owner of each batch;

- (b) the quantities of olives pressed;

- (c) the quantities of oil obtained;

- (d) the quantities of oil purchased or obtained from 1 December 1998, indicating the consignor; quantities relating to November 1998 shall be indicated as an aggregate;

- (e) the quantities of olive residue obtained, determined on a flat-rate basis;

- (f) the quantities of oil leaving the mill batch by batch, with the name of the consignee and an indication whether the consignee is a producer covered by the first indent of paragraph (c) of Article 8;

- (g) the quantities of olive residue leaving the mill:
- batch by batch, with the name of the consignee in the case of sale to an extraction establishment,
 - determined on a flat-rate basis, with the name of the consignee in other cases,
 - weighed batch by batch, where the mill has a weighbridge.

2. At the request of the authorities responsible for checking the stock records, the mill shall present:

- (a) from 1 July and from the 1998/99 marketing year, the quantity of olive oil pressed since the beginning of the marketing year, broken down by batch of olives entering the mill and by producer concerned;
- (b) from the 1999/2000 or 2000/01 marketing year in accordance with the second paragraph of Article 7, automatically recorded weights of batches of olives entering the mill;
- (c) from the 1999/2000 marketing year, a register of quantities supplied, broken down in accordance with the three indents of Article 8(c), indicating the references of the consignee of the oil;
- (d) where the oil and/or olive residue obtained is sold, the sales invoice for each batch and, from the 1999/2000 marketing year, the bank statements showing payment for the oil.

3. Quantities of olive residue as referred to in paragraph 1 may be determined on a flat-rate basis by multiplying the quantity of olives pressed by a coefficient shown in the technical specifications of the mill or, failing this, the following indicative coefficients:

- 0,35 for mills with a traditional production cycle,
- 0,45 for mills with a continuous three-stage production cycle,
- 0,70 for mills with a continuous two-stage production cycle.

Article 10

1. For the purposes of control, olive growers referred to in Article 9(1)(f) having received more than 200 litres of oil shall keep until the end of the marketing year following that in question a record of the destination of the oil produced from their olives, or where appropriate a sales invoice or other documentary evidence.

Moreover, the grower shall present to the competent body in the Member State or where appropriate to the producers' organisation of which he is a member, from the 1999/2000 marketing year and before 1 December, a

declaration of the quantities for each main destination of the oil obtained in the preceding marketing year, and a statement of the stock situation on 1 November.

Producers' organisations shall notify the information in the second subparagraph to the competent body in the Member State, or where appropriate the control agency, before 1 January. The Member States shall notify the Commission thereof before 15 January.

2. The main consignees of oil as referred to in Article 9(1)(f) other than those referred to in paragraph 1 shall hold at the disposal of the control authorities the documents necessary to enable the authorities to check that the said consignees did indeed take delivery of the oil in question. The definition of 'main consignee' and the determination of the necessary documents shall be a matter for the Member State.

Article 11

1. Producer Member States shall notify the Commission:

- before 1 September, of the quantity of olive oil produced by mills in respect of the marketing year in progress at 30 June;
- before 1 December, of the quantity of olive oil produced by mills in respect of the previous marketing year.

2. In cases as referred to in Article 13(6) of Regulation (EEC) No 2261/84, in order to obtain approval of mills under special control arrangements, the Member State concerned shall present a reasoned request to the Commission, specifying the type of controls it undertakes to apply to the mill concerned. Within 30 days the Commission shall decide whether or not to grant approval and shall notify the Member State concerned of its decision.

CHAPTER 4

Applications for and grant of aid

Article 12

1. Aid applications may be lodged by any olive grower who has lodged a crop declaration. They shall include at least the following information:

- (a) the surname, forenames and address of the olive grower;
- (b) the quantity of virgin olive oil produced;

- (c) the location(s) of the holding and of the parcels on which the olives were harvested, with a reference to the crop declaration;
- (d) the approved mill(s) at which the oil was produced, with details of the quantities of olives used and of oil produced by each mill;
- (e) where appropriate, from the 1999/2000 crop year, the quantity of olives supplied to a table olive processing firm, indicating the firm's references.

Aid applications must be accompanied by a certificate from the mill, the form and content of which shall be decided by the Member States, corroborating the details referred to under (d).

2. Where olive growers have sold some or all of their olives, the aid applications shall include, in addition to the information specified in paragraph 1:

- (a) the surname, first names and address of the purchaser;
- (b) a copy of the invoice for the sale of the olives;
- (c) a copy of the certificate from the mill confirming the details referred to in paragraph 1(d).

3. Aid applications shall be submitted by olive growers before 1 July of each marketing year:

- to the producer organisation, where olive growers are members of such an organisation,
- to the competent authorities of the Member State concerned, where olive growers are not members of a producer organisation.

Except in cases of *force majeure*, where applications are submitted late, the aid to which the olive growers would have been entitled had their applications been submitted on time shall be reduced by 1 % per working day. Applications submitted more than 25 days late shall be inadmissible.

4. Olive growers wishing to receive the advance on the aid provided for in Article 12 of Regulation (EEC) No 2261/84 must submit an application for the advance with their aid applications.

5. The Member States shall notify the Commission before 1 September of each marketing year of the number of aid applications and the quantities of olive oil concerned.

Article 13

Where part or all of an olive grower's production is pressed at an approved mill located in a Member State other than that in which the olives were harvested, the aid application shall be submitted to the competent agency of the Member State where the oil was produced.

In such cases, after checking the mill concerned, the latter Member State shall forward the aid application and the information concerning the check at the mill to the Member State of origin of the olives. After checking that all the requirements for the grant of the aid have been met, the Member State where the olives were harvested shall pay the production aid.

Article 14

1. Olive growers shall be eligible for aid in respect of the quantity of virgin olive oil they actually produce, plus the flat-rate quantity of olive-residue oil provided for in paragraph 2.

However, the quantity on which aid may be paid in respect of crop declarations and aid applications for the 1998/99, 1999/2000 and 2000/01 marketing years in the cases referred to in Article 15 of Regulation (EEC) No 2261/84 and Article 2(3) of Regulation (EC) No 1638/98 shall be determined in accordance with Article 15.

2. The quantity of olive-residue oil on which the aid may be paid shall be equal to 8 % of the quantity of virgin olive oil produced from the olives from which the residue has come and in respect of which entitlement to aid has been recognised in accordance with Article 2(4) of Regulation (EEC) No 2261/84.

3. For the purposes of determining the quantity of virgin olive oil actually produced, as from the 1998/99 marketing year the competent agency shall take account in particular of:

- the basic data in the register of olive cultivation or the geographical information system (GIS) for olive cultivation as regards production potential. In areas not currently covered by the olive cultivation register or the GIS, the information contained in crop declarations shall be used;
- the information from the computerised files referred to in Article 27;

- evidence of pressing provided by approved mills;
- the results of checks carried out.

4. For the purposes of fixing actual production as referred to in Article 17a(2) of Regulation (EEC) No 2261/84, the Member States concerned shall inform the Commission before 1 April following each marketing year of the quantity on which the aid is payable.

Article 15

1. In cases as provided for in Article 15(2) and (3) of Regulation (EEC) No 2261/84 where the quantity covered by aid applications is not confirmed by the approved mill, the quantity of oil from that mill on which each olive grower concerned is eligible for aid shall be determined by the Member State in accordance with Article 15(4) of that Regulation.

However, without prejudice to any claims which the olive growers concerned might make against the mill, the quantity on which aid is payable may not exceed 75 % of the quantity covered by each aid application submitted or 75 % of the quantity obtained by multiplying the average yields for the homogeneous production zone by the number of olive trees concerned. The number of trees shall be established *pro rata* as a function of the quantity of oil concerned in cases where aid is requested for oil obtained in several mills.

2. Where the number of trees shown in the crop declaration is greater than that actually found, the quantity on which aid is payable and, where applicable, any other penalties shall be determined on the basis of the percentage by which the number of trees declared exceeds the actual number in accordance with Article 28(4):

- where that percentage in excess is 55 % or less, the aid shall be granted on the quantity referred to in the first subparagraph of Article 14(1), less a corrective amount; the corrective amount shall be equal to the quantity in question multiplied by the percentage and by a coefficient given by the following scale:

Percentage in excess	Coefficient
greater than 0 but not greater than 5	0
greater than 5 but not greater than 15	0,005
greater than 15 but not greater than 25	0,0075
greater than 25 but not greater than 35	0,010
greater than 35 but not greater than 45	0,0125
greater than 45 but not greater than 55	0,015

- where the percentage in excess is greater than 55 % but not greater than 75 %, the olive grower and the parcels concerned shall not be eligible under the aid scheme for the marketing year in question,
- where the percentage in excess is greater than 75 %, the olive grower and the parcels concerned shall not be eligible under the aid scheme for the marketing year in question or the following marketing year.

Article 16

1. Subject to the results of checks carried out, in particular as referred to in Article 28, the Member States shall pay the advance provided for in Article 12 of Regulation (EEC) No 2261/84 from 16 October of each marketing year.

2. After carrying out all the requisite checks and subject to the results thereof, the Member States shall pay the balance of the aid to producers within 90 days of the fixing by the Commission of actual production for the marketing year concerned and of the unit amount of production aid as provided for in Article 17a(2) of Regulation (EEC) No 2261/84.

CHAPTER 5

Producer organisations and associations thereof

Article 17

Without prejudice to the other conditions laid down in Article 20c of Regulation No 136/66/EEC, Chapters 3 and 4 of Regulation (EEC) No 2261/84 and this Regulation, producer organisations and associations thereof may not be recognised unless they have given an undertaking:

- (a) to have the administrative structure required for the performance of the tasks with which they are entrusted;
- (b) to have the qualified staff required for the performance of such tasks;
- (c) to draw up quarterly reports on their work and to keep records relating to their management activities;
- (d) subject to observance of the time limit laid down in Article 12(3),
 - in the case of organisations which are nonmembers of an association, to submit to the competent authority each month the aid applications forwarded to them by their members during the preceding month,

- in the case of organisations which are members of an association, to forward to the association each month the aid applications submitted to them by their members during the preceding month,
- in the case of associations of producer organisations, to submit to the competent authority each month the aid applications forwarded to them during the preceding month by their member organisations.

Recognition shall depend on observance of all the conditions set out in this Article.

Article 18

For the purposes of verifying compliance with the condition laid down in Article 4(2) of Regulation (EEC) No 2261/84, producer organisations shall require their members to provide copies of the title deeds, contracts or other documents on the basis of which they manage their olive groves. Those copies shall be annexed to the producer organisation's register of members.

Article 19

1. Producer organisations which make up an association must represent at least one third of the economic regions referred to in Article 4(3) of Regulation (EEC) No 2261/84.

2. The verification provided for in the first indent of Article 10 of Regulation (EEC) No 2261/84 shall cover 5 % of the checks carried out by the association's member producer organisations. Associations shall prepare a detailed report on each check carried out and shall immediately forward a copy thereof to the Member State concerned, and to the control agency if necessary.

Article 20

1. Before 1 January of each marketing year, producer organisations or, where appropriate, associations thereof shall submit their members' crop declarations and any amendments thereto to the competent agency of the Member State concerned.

2. Producer organisations or, where appropriate, associations thereof shall submit the aid applications for the marketing year in progress to the competent agency of the Member State concerned before 1 August of each marketing year. However, aid applications lodged late by olive growers may be submitted by the organisation or association by 14 August of each marketing year.

3. After conducting the checks provided for in Article 8(1) of Regulation (EEC) No 2261/84, producer organisations shall forward their members' applications for

advances to the competent agency of the Member State concerned.

Article 21

1. Before 31 April of each marketing year, the following amounts shall be fixed on the basis of forecasts for the overall aid withheld in accordance with Article 20d of Regulation No 136/66/EEC and within the ceiling of the foreseeable resources for each Member State:

- (a) the unit amount to be allocated to associations for each of their member producer organisations;
- (b) the unit amount to be allocated to producer organisations for each individual aid application submitted.

In order to determine the number of members of producer organisations to be taken into consideration for the purposes of applying point (a), only members who have submitted at least one application to the organisation during the period covering the current and the three previous marketing years shall be taken into account.

The balance of the aid withheld in accordance with Article 20d of Regulation No 136/66/EEC shall be divided among the producer organisations on the basis of the quantity of olive oil on which the aid is granted through each organisation.

Without prejudice to Article 11(3) of Regulation (EEC) No 2261/84, in cases where associations have discharged all their responsibilities under Community rules and have not used the entire sum raised by the financing arrangement provided for in point (a), they must divide the balance among their member producer organisations on the basis of the number of members of such organisations.

2. However, where the aid withheld in accordance with Article 20d(1) of Regulation No 136/66/EEC is not sufficient to grant the amounts resulting from the application of paragraph 1(a) and (b) to the producer organisations and associations thereof, the Member States concerned may contribute towards the payment of certain costs arising from the checks carried out by such bodies.

In such cases, the Member States may grant amounts which differ from those specified in paragraph 1 (a) and (b) to the producer organisations and associations thereof, but in no circumstances may the latter amounts be exceeded.

3. Advances as provided for in Article 11(4) of Regulation (EEC) No 2261/84 may not exceed:

- in the case of associations, 70 % of the sum obtained by multiplying the unit amount fixed for the preceding marketing year pursuant to paragraph 1(a) by the number of members of their member producer organisations, or
- in the case of producer organisations, 70 % of the sum obtained by multiplying the unit amount fixed for the preceding marketing year pursuant to paragraph 1(b) by the number of foreseeable applications.

CHAPTER 6

Geographical information system for olive cultivation

Article 22

The geographical information system for olive cultivation provided for in Article 2(1) of Regulation (EC) No 1638/98, hereinafter referred to as the 'olive cultivation GIS', shall cover olive growers who have submitted crop declarations as provided for in Article 1 of this Regulation and aid applications as provided for in Article 12.

Article 23

1. A computerised alphanumerical database shall be established to record the following information relating to each agricultural holding or parcel, as the case may be:
 - the information from crop declarations and aid applications, with any amendments thereto,
 - the quantities of olive oil and, where applicable, of table olives on which aid has been paid,
 - the information referred to in Article 10(1),
 - the results of on-the-spot checks.

2. The alphanumerical system for identifying agricultural parcels shall be the same as that used for the integrated administration and control system (IACS), supplemented, where necessary, to cover areas under olive trees.

Article 24

1. A computerised graphical reference database containing the parcels covered by a significant number of declarations shall be established for the administrative units designated by the Member States. It shall comprise the following three sets of graphical information:

- digital orthophotographs,
- the boundaries of the administrative units and of the parcels as shown in the land register or, where none exists, in the parcel identification system established by the Member State,
- the location of the individual olive trees.

The Member State shall fix the minimum size of olive-growing parcels below which no boundaries shall be determined. That minimum size may not be greater than 10 ares.

For administrative units not included in the graphical reference database, the Member States shall set up an alternative system to ensure that declarations are valid.

2. The graphical reference database shall apply a homogeneous projection system to the whole country and shall ensure that the different layers of information are geometrically consistent over space and time.

The graphical reference database shall be updated periodically to ensure that it contains the most recent information available and that the orthophotographs are no more than five years old.

3. The digital orthophotographs shall comply with the geometrical standards for mapmaking on a 1:10 000 scale and, from the radiometric point of view, shall have a maximum pixel size of one metre. They shall comply with market standards as regards mosaicking and tone.

Parcel boundaries shall be in raster or vector format, as available, complying with the standards for map making on a 1:10 000 scale. In all cases, the system introduced shall possess the topological properties needed to provide easy access to parcels, monitoring of boundary fluctuations over the four previous marketing years and access to the characteristics of parcels in the alphanumerical database.

4. Olive growers who have lodged crop declarations may access the information in the graphical reference base and may, on application, receive a copy of the alphanumerical and graphical information concerning them.

Article 25

1. The area of agricultural parcels and the number of olive trees in the graphical reference base shall be determined by any suitable means as defined by the competent body, in particular by photo-interpretation of recent, very high resolution aerial or satellite photographs. However, on-the-spot inspections must be conducted where clear results cannot be obtained by photo-interpretation.

Scattered olive trees shall be identified, and their location plotted approximately.

The Member States, shall lay down technical tolerances regarding the accuracy of area measurements and tree counting, taking account of official documents available and the local situation.

2. Numbers of olive trees in each as determined by reference to the graphical reference database shall be compared with the information in crop declarations included in the alphanumerical database.

Where the declared number of olive trees on the holding differs by more than 3 % from the number determined in accordance with paragraph 1, the crop declaration shall be deemed to contain a discrepancy.

3. The olive growers concerned shall be notified where their declarations contain discrepancies. The growers concerned shall be granted a period of grace of up to three months, at the Member State's discretion, in which to provide justifications for the discrepancy or, when first informed thereof, to amend their declarations.

At the grower's request, where the justifications provided are insufficient for the Member State to accept the declared data, amended where applicable, a check shall be carried out in the presence of both parties, the cost of which is to be borne by the grower should the declared data, whether or not amended pursuant to the first subparagraph, not be confirmed.

4. The number of olive trees determined for each parcel shall correspond:

- to the data from the declaration, where applicable as amended pursuant to paragraph 3, where no discrepancies are found or where any discrepancies are smaller than those determined in accordance with paragraph 1,
- to the data determined in accordance with paragraph 1, where the olive grower has failed to reply within the period of grace allowed on notification of a discrepancy,
- to the data recorded after the check provided for in the second subparagraph of paragraph 3, in other cases.

5. The areas calculated in accordance with paragraph 1 and the numbers of olive trees determined for each parcel, and the totals per holding, shall be recorded in the alphanumerical database.

Article 26

1. The olive cultivation GIS of a Member State or region shall be deemed to have been completed once, for the zone in question:

- (a) the alphanumerical database as provided for in Article 23(1) includes the information on all crop declarations and aid applications for the most recent marketing year;
- (b) the graphical reference database as provided for in the first and second subparagraphs of Article 24(1) gives the location of all the parcels covered by the database and included in the alphanumerical database;
- (c) the numbers of olive trees on parcels in the database referred to at (a) and those in the database referred to at (b) have been compared pursuant to Article 25(2) and the number of declarations containing discrepancies making it impossible to determine the data to be recorded pursuant to Article 25(4) represents less than 5 % of all crop declarations.

2. Without prejudice to the results of verifications made in the course of clearance of EAGGF accounts, expenditure on setting up the olive cultivation GIS and the periodical updating of the graphical reference database shall be eligible for Community financing for the 1998/99, 1999/2000 and 2000/01 marketing years.

3. The Member States shall inform the Commission of national measures taken pursuant to Articles 23 to 26.

Before 1 January 1999 the Member States shall present a report to the Commission on the situation of the olive cultivation GIS as at 1 November 1998.

By 1 November 1999 the Commission shall determine whether the olive cultivation GIS for any region or Member State has been completed on the basis of a report from the Member State concerned in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

CHAPTER 7

Controls

Article 27

1. The permanent computerised files of olive and olive-oil production data provided for in Article 16 of Regulation (EEC) No 2261/84 shall include:

- (a) the alphanumerical database and the graphical reference database of the olive cultivation GIS provided for in Articles 23 and 24 and the results of the checks provided for in Article 25;
- (b) the files of new planting containing the information referred to in Article 5 and the results of the checks provided for in Article 29;
- (c) the files of producer organisations and associations thereof containing the information referred to in Article 16(2)(b) of Regulation (EEC) No 2261/84;

(d) the files of mills containing information on the conditions for approval referred to in Article 7, the stock records provided for in Article 8 and the results of the checks provided for in Article 30;

(e) the files of the homogeneous production zones containing the information referred to in Article 6.

2. The files referred to in paragraph 1, with the exception of the graphical reference database, shall enable the data of the current and four previous marketing years at least to be consulted directly and immediately.

The Member States may establish decentralised files provided the latter are of homogeneous design, are compatible with each other and are accessible centrally at the paying agency and the control agency. The olive cultivation GIS databases must be compatible with those of the integrated system.

The identification codes of olive growers, producer organisations and associations thereof, mills and homogeneous production zones shall be either assigned to the individual persons or bodies concerned once and for all or automatically convertible to enable aggregates and searches over the five marketing years referred to in the first subparagraph to be conducted immediately.

Without prejudice to the checks to be carried out, in particular cross-checks between files, and the results to be notified, the files shall contain archives of the historical data available for the marketing years prior to those referred to in the first subparagraph and, from 31 October 2001 at the latest, shall allow the information contained in them:

- to be automatically aggregated at regional and Member State level,
- to be automatically compared between files.

Article 28

1. From the 1998/99 marketing year,

(a) checks of crop declarations shall comprise at least:

- comparisons with the data in the graphical reference database and, where applicable, adjustments in accordance with Article 25,
- cross-checks to show that parcels declared actually exist and to prevent any duplication of aid granted under this scheme or other aid schemes involving declarations of areas;

(b) checks of aid applications shall comprise the verifications referred to in the second and third indents of Article 14(3a) of Regulation (EEC) No 2261/84.

Checks to ensure that the crop declarations and aid applications tally shall in particular take account of:

- the olive and oil yields fixed in accordance with Article 18 of that Regulation for the zone in which the holding or holdings of origin of the olives pressed are located;
- the average olive and oil yields in municipalities where the holding or holdings of origin of the olives pressed are located, if such yields are available in the Member States.

In cases where the checks made under the first subparagraph reveal inconsistencies, the procedure laid down in Article 25(2) and (3) for the number of olive trees shall apply *mutatis mutandis* to the other anomalous or missing information. However, the quantity of oil for which aid has been requested may not be changed.

2. Notwithstanding the first subparagraph of paragraph 1, in regions where the olive cultivation GIS has not yet been completed, on-the-spot inspections shall be conducted on 1 % of all crop declarations in the 1998/99 marketing year, 5 % in 1999/2000 and 10 % in 2000/01.

At least two thirds of the declarations referred to in the first subparagraph shall be declarations that have not been checked on the spot during the previous two marketing years.

3. During the on-the-spot checks, all the information in crop declarations and aid applications shall be verified, and in particular:

- the location of each parcel and the number of olive trees therein,
- the destination of the oil in the case referred to in Article 10(1),
- consistency between the olive trees on holdings and the quantity of oil covered by aid applications.

Aid applications specifying an inconsistent quantity of oil shall be rejected.

4. For each marketing year from 1998/99, a percentage shall be established, where applicable, for the number of trees declared over and above the number of trees determined in accordance with Article 25(4) or found during the checks referred to in paragraphs 1 and 2.

That percentage in relation to the number of trees determined shall be equal to the difference between the number of trees declared and the number determined, where that difference is greater than zero, multiplied by 100.

Article 29

1. Where there is insufficient proof or where there is doubt, the Member States shall conduct on-the-spot checks before 1 November 1999 of declarations as provided for in Article 5(1).

Planting and grubbing operations carried out in the period from 1 May to 31 October 1998 shall be determined on the basis of all the information to be supplied by the growers, at the request of the competent agency of the Member State, and of the situation found on the spot, particularly as regards the size of trees. Once all the checks have been made, growers shall be given the benefit of the doubt.

2. At least 10 % of declarations as provided for in Article 5(2) and (3) in respect of each marketing year shall be checked before the end of the following marketing year.

Article 30

1. From the 1998/99 marketing year, the checks as provided for in Article 14(3) of Regulation (EEC) No 2261/84 shall include an in-depth check of the consistency of the information and data supplied for each marketing year by at least 30 % of approved mills selected on the basis of risk analysis. However, the number of checks in each Member State shall not be less than the number of checks on mills carried out under the 1997/98 marketing year.

In addition, to establish that the information is recorded and the conditions for approval are met, cursory checks shall be conducted at the following percentages of the mills at least:

- 5 % in 1998/99,
- 10 % in 1999/2000,
- 20 % in 2000/01.

2. In-depth checks shall comprise:

- (a) an on-the-spot inspection of equipment, quantities and types of product in stock, accounts and other relevant documents;
- (b) comparisons between the various data provided by the mills or available from other sources, in particular with supplies, the destination of oil and olive residue, electricity and water consumption and labour employed;

(c) comparisons between the quantities in the stock records and the overall quantities in the aid applications lodged by the olive growers concerned;

(d) the other checks referred to in Article 8; the sample analyses referred to in Article 8(a) shall be carried out for at least 25 % of the samples taken.

3. Moreover, for at least 10 % of in-depth checks, the Member State shall check the suppliers of goods or services or the consignees of the oil or of the olive residue referred to in Article 10 or in Article 9(1)(g) respectively.

If the consignee of the oil or of the olive residue refuses to submit to the check, or if the competent body has evidence showing that delivery was not taken of the oil or olive residue in question:

- in the case referred to in Article 10(1), he shall be liable to pay the Member State an amount double that of the aid for the quantity of oil concerned,
- in the case referred to in Article 10(2), the Member State shall apply a penalty commensurate with the quantity of oil concerned.

Amounts collected by the Member State shall be deducted from the expenditure of the European Agricultural Guidance and Guarantee Fund by the paying bodies or departments in the Member State.

Article 31

Where an agency is entrusted with the task of carrying out checks as provided for in this Regulation, such checks shall be shown in the agency's work schedule drawn up in accordance with Articles 3 and 4 of Regulation (EEC) No 27/85.

Notwithstanding Article 4(1) and (2) of Regulation (EEC) No 27/85, the work schedule for the 1998/99 marketing year shall be adjusted as necessary and presented to the Commission before 1 December 1998 for approval before 1 January 1999. The adjusted schedule and the corresponding budget shall be approved definitively by the Member State concerned by 15 January 1999 at the latest.

CHAPTER 8

General

Article 32

Producer Member States shall take all measures necessary to inform the olive growers, the mills and the other

operators concerned of the penalties provided for in or pursuant to the Community regulations, in particular for cases where crop declarations or aid applications do not correspond to the truth.

Producer Member States shall forward provisions adopted pursuant to this Regulation to the Commission immediately.

Before 1 January 2000 and 1 January 2001, producer Member States shall present a summary report of the number of checks carried out under Articles 28, 29 and 30, the number of cases where adjustment was required, with an indication of the information or quantities concerned, and the penalties imposed or under considera-

tion, along with a brief assessment of the control arrangements set up and any difficulties encountered.

Article 33

Regulation (EEC) No 2276/79 is repealed with effect from 1 November 1999.

Regulation (EEC) No 3061/84 shall continue to apply solely to measures relating to marketing years prior to 1998/99 until 31 October 1999. It is repealed with effect from 1 November 1999.

Article 34

This Regulation shall enter into force on 1 November 1998.

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

Done at Brussels, 30 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2367/98
of 30 October 1998

**introducing transitional measures in the olive oil sector with a view to the
application of the scheme for the marketing years 1998/99 to 2000/01**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats, and in particular Article 3(1) thereof,

Whereas Regulation (EC) No 1638/98 introduces major changes in the common organisation of the market in oils and fats from 1 November 1998; whereas public buying in and consumption aid have been abolished, the private storage aid scheme has been overhauled and the control mechanisms and priorities have had a change of focus; whereas it is accordingly necessary to introduce transitional measures to ensure smooth passage between the schemes in force before and after 1 November 1998;

Whereas Council Regulation (EEC) No 3089/78 of 19 December 1978 laying down general rules in respect of aid for the consumption of olive oil⁽³⁾, as last amended by Regulation (EC) No 1582/96⁽⁴⁾, is repealed from 1 November 1998; whereas the rules need to be laid down as regards applying for, checking and granting consumption aid in respect of quantities entitled to such aid before that date;

Whereas the checks on the quantities eligible for consumption aid before 1 November 1998, laid down by Commission Regulation (EEC) No 2677/85 of 24 September 1985 laying down implementing rules in respect of the system of consumption aid for olive oil⁽⁵⁾, as last amended by Regulation (EC) No 887/96⁽⁶⁾, may continue for a certain period after the abolition of this aid and relate to increasingly smaller quantities and sums; whereas, to redirect olive oil controls towards oil mills, the extent of each check on consumption aid applications should be reduced; whereas the checks on consumption

aid can be done to a great extent using the stock records of the approved plants; whereas the securities for imported olive oil can be released from 1 November 1998 once it is demonstrated that the quantity in question did not also benefit from consumption aid;

Whereas Commission Regulation (EC) No 94/98 of 14 January 1998 on the storage contracts for olive oil for the 1997/98 marketing year⁽⁷⁾, as last amended by Regulation (EC) No 597/98⁽⁸⁾, includes a definition of oil placed on the market which must be adjusted in the light of the abolition of the consumption aid scheme;

Whereas Regulation (EC) No 1638/98 deletes Article 12 of Regulation No 136/66/EEC, with effect from 1 November 1998, relating in particular to the conditions under which olive oil is bought in and the period in which a tender can be submitted; whereas, with a view to clarity, the buying-in arrangements laid down in Commission Regulation (EEC) No 3472/85 of 10 December 1985 on the buying in and storage of olive oil by intervention agencies⁽⁹⁾, as last amended by Regulation (EC) No 2187/98⁽¹⁰⁾, should apply to olive oils offered for intervention in the period in question;

Whereas Commission Regulation (EC) No 2366/98 of 30 October 1998 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99, 1999/2000 and 2000/01 marketing years⁽¹¹⁾ provides for several mechanisms to improve the level of information on and checking of olive oil production and its component parts; whereas it is necessary to specify clearly the situation as regards stocks of olive oil from preceding marketing years still held by producers and mills;

Whereas Regulation (EEC) No 2677/85 and Commission Regulation (EEC) No 683/85⁽¹²⁾ should be repealed because they are no longer applicable;

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

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

⁽³⁾ OJ L 369, 29. 12. 1978, p. 12.

⁽⁴⁾ OJ L 206, 16. 8. 1996, p. 13.

⁽⁵⁾ OJ L 254, 25. 9. 1985, p. 5.

⁽⁶⁾ OJ L 119, 16. 5. 1996, p. 16.

⁽⁷⁾ OJ L 9, 15. 1. 1998, p. 25.

⁽⁸⁾ OJ L 79, 17. 3. 1998, p. 13.

⁽⁹⁾ OJ L 333, 11. 12. 1985, p. 5.

⁽¹⁰⁾ OJ L 275, 10. 10. 1998, p. 29.

⁽¹¹⁾ See page 50 of this Official Journal.

⁽¹²⁾ OJ L 75, 16. 3. 1985, p. 7.

HAS ADOPTED THIS REGULATION:

Article 1

The measures laid down in Articles 9(3), 10 and 11 of Regulation (EEC) No 2677/85 shall apply to consumption aid applications submitted before 1 November 1998.

The deadlines for recognising entitlement to the aid in the case of the applications referred to in the preceding paragraph and laid down in Articles 9(3) and 11(2) of Regulation (EEC) No 2677/85 are hereby extended by one month if they expire in November or December 1998.

Article 2

In the case of quantities of olive oil for which no consumption aid application was submitted before 1 November 1998 aid applications shall be submitted no later than 31 December 1998 and the measures laid down in Article 9(2) and (3) of Regulation (EEC) No 2677/85 shall apply, except for the on-the-spot checks provided for in Article 9(3).

Article 3

1. The olive oil packaging plants approved in accordance with Regulation (EEC) No 3089/78 that have made consumption aid applications before 1 November 1998 but have not been checked on the spot before that date shall send the competent body in their Member State, or the inspection agency as appropriate, before 1 December 1998:

- (a) a copy of their stock records for September and October 1998;
- (b) a monthly stock-records statement for the period running from the month to which the aid application relates to August 1998.

2. The plants referred to in paragraph 1 shall continue to keep the stock records laid down in Article 3 of Regulation (EEC) No 2677/85 until 30 November 1998.

Article 4

Aid applications that have not been checked on the spot by 1 November 1998 in accordance with Article 12 of Regulation (EEC) No 2677/85 shall be checked for consistency with the information sent by the plants pursuant to Article 3.

Where, following the check referred to in the first paragraph, the competent body in the Member State has doubts as to the veracity of the information contained in

the aid application, and in the case of plants approved during the 1997/98 marketing year that have not been checked on the spot, it shall apply the provisions of Article 12 of Regulation (EEC) No 2677/85 using the information that can be requested up to 30 November 1998.

Article 5

The security referred to in Article 9 of Regulation (EEC) No 3089/78 shall be released on or after 1 November 1998 if it is demonstrated to the satisfaction of the Member State that the oil in question did not qualify for consumption aid or for the production refund for preserves applying until 31 October 1998.

Article 6

The words 'packaging plant approved' in Article 5(2) of Regulation (EC) No 94/98 are replaced by 'packaging plants approved on 31 October 1998'.

Article 7

The detailed rules on the buying in of olive oil by intervention agencies laid down in Regulation (EEC) No 3472/85 shall apply to virgin olive oils for which the date of the offer referred to in Article 4(1) of that Regulation lies between 1 July and 31 October 1998.

Article 8

Before 1 February 1999, the approved mills and oil producers who submitted a production aid application not lower than 100 kg for the 1997/98 marketing year shall send the competent body in the Member State or, as appropriate, the producer organisation of which they are a member, a written declaration of the stocks of olive oil from previous years that they held on 1 November 1998. This requirement shall be waived for those oil producers or mills with less than 50 litres in stock on that date.

Before 1 March 1999, producer organisations shall notify the competent body in the Member State, or the inspection agency as appropriate, of the stocks declared by their members. The Member States shall inform the Commission of the stocks as declared in the preceding paragraph before 15 March 1999.

The declarations referred to in the first paragraph shall be checked by the Member States as part of the controls pursuant to Articles 28 and 30 of Regulation (EC) No 2366/98. Notwithstanding the results of the other controls laid down in that Regulation, where a declaration is not made:

- the quantity eligible for aid for the 1998/99 marketing year in the case of the oil producer concerned shall be reduced by 5 %,
- notwithstanding any applicable national penalties, Article 13(4) of Regulation (EEC) No 2261/84 shall apply to compliance with the conditions laid down in this Article, due regard being had to the risks relating to the quantities eligible for aid.

Article 9

Regulations (EEC) No 2677/85 and (EEC) No 683/85 are hereby repealed.

Article 10

The Regulation shall enter into force on 1 November 1998.

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

Done at Brussels, 30 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2368/98
of 29 October 1998
concerning the stopping of fishing for common sole by vessels flying the flag of
France

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2635/97 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 783/98 ⁽⁴⁾, provides for common sole quotas for 1998;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES divisions VII f and g by vessels flying the flag of France or registered in France have reached the quota

allocated for 1998; whereas France has prohibited fishing for this stock as from 5 August 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES divisions VII f and g by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1998.

Fishing for common sole in the waters of ICES divisions VII f and g by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 5 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

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 113, 15. 4. 1998, p. 8.

COMMISSION REGULATION (EC) No 2369/98
of 29 October 1998
concerning the stopping of fishing for common sole by vessels flying the flag of
France

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2635/97 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 783/98 ⁽⁴⁾, provides for common sole quotas for 1998;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES divisions II and IV by vessels flying the flag of France or registered in France have reached the quota

allocated for 1998; whereas France has prohibited fishing for this stock as from 5 August 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES divisions II and IV by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1998.

Fishing for common sole in the waters of ICES divisions II and IV by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 5 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

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 113, 15. 4. 1998, p. 8.

COMMISSION REGULATION (EC) No 2370/98
of 30 October 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, 30 October 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

LOTS A, B, C, D, E

1. **Action Nos:** 54/98 (A); 55/98 (B); 56/98 (C); 57/98 (D); 58/98 (E)
2. **Beneficiary⁽²⁾:** UNRWA, Supply division, Amman Office, PO Box 140157, Amman, Jordan
telex 21170 UNRWA JC; fax (962-6) 86 41 27
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer
A and E: PO Box 19149, Jerusalem, Israel (tel. (972-2) 589 05 55;
telex 26194 UNRWA IL; fax 581 65 64)
B: PO Box 947, Beirut, Lebanon (tel. (961-1) 840 46 09;
telefax 603 683)
C: PO Box 4313, Damascus, Syria (tel. (963-11) 613 30 35;
telex 412006, UNRWA SY; fax 61 33 04 7)
D: PO Box 484, Amman, Jordan (tel. (962-6) 74 19 14/77 22 26;
telex 23402 UNRWA JFO JO; telefax 74 63 61)
4. **Country of destination:** A and E: Israel (A: Gaza; E: West Bank); B: Lebanon; C: Syria; D: Jordan
5. **Product to be mobilized:** whole milk powder
6. **Total quantity (tonnes net):** 576
7. **Number of lots:** 5 (A: 216 tonnes; B: 96 tonnes; C: 72 tonnes; D: 108 tonnes; E: 84 tonnes)
8. **Characteristics and quality of the product⁽³⁾⁽⁴⁾⁽⁵⁾:** see OJ C 114, 29.4.1991, p. 1 (I.C.(1))
9. **Packaging⁽⁷⁾:** OJ C 267, 13.9.1996, p. 1 (6.1 A, B and C(2))
10. **Labelling or marking⁽⁶⁾:** OJ C 114 29.4.1991, p. 1 (I.C.(3))
 - Language to be used for the markings: English
 - Supplementary markings: 'FOR FREE DISTRIBUTION'
lot D: 'Expiry date: ' (date of manufacture plus 9 months)
11. **Method of mobilization of the product:** the Community market
The whole milk powder must be manufactured after the award of the tender
12. **Specified delivery stage:** A, C and E: free at port of landing — container terminal ⁽⁸⁾;
B and D: free at destination ⁽⁹⁾
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port shipment:** —
b) **Loading address:** —
15. **Port of landing:** A and E: Ashdod; C: Lattakia
16. **Place of destination:** UNRWA warehouse in Beirut (B) and Amman (D)
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: A, C and E: 10.1.1999; B: 7.3.1999; D: 14.2.1999
 - second deadline: A, C and E: 24.1.1999; B: 21.3.1999; D: 28.2.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: A, C and E: 14 to 27.12.1998; B: 1 to 14.2.1999; D: 4 to 17.1.1999
 - second deadline: A, C and E: 28.12.1998 to 10.1.1999; B: 15 to 28.2.1999; D: 18 to 31.1.1999

19. Deadline for the submission of tenders (at 12 noon, Brussels time):

- first deadline: 16.11.1998
- second deadline: 30.11.1998

20. Amount of tendering guarantee: ECU 20 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⁽⁴⁾: refund applicable on 23.10.1998, fixed by Commission Regulation (EC) No 2218/98 (OJ L 279, 16.10.1998, p. 21)*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.
 The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32 2) 296 20 05).
- (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.
- (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: Lots A, C and E: The contracted shipping terms shall be considered full liner terms (liner in/liner out) free port of landing container yard and is understood to cover 15 days — Saturdays, and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
 After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.
 Ashdod: consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net.
- (⁸) Lot C: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
- (⁹) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).

COMMISSION REGULATION (EC) No 2371/98
of 30 October 1998
amending Regulation (EC) No 2237/98 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 Commission Regulation (EC) No 2237/98 ⁽²⁾ issued an invitation to tender for the supply, as food aid, of milk products; whereas some of the conditions specified in the Annex to that Regulation should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2237/98 is replaced by the Annex to this Regulation.

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, 30 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 281, 17. 10. 1998, p. 11.

ANNEX

LOT A

1. **Action Nos:** 283/97 (A1); 289/97 (A2); 290/97 (A3)
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland
tel.: (31-70) 33 05 757; fax: 364 17 01; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A1: Democratic Republic of Congo; A2: Niger; A3: Sudan
5. **Product to be mobilised:** vitaminised skimmed-milk powder
6. **Total quantity (tonnes net):** 145
7. **Number of lots:** 1 in 3 parts (A1: 15 tonnes; A2: 60 tonnes; A3: 70 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽³⁾: see OJ C 114, 29.4.1991, p. 1 (I.B(1))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (6.3.A and B(2))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (I.B(3))
 - Language to be used for the markings: A1 and A2: French; A3: English
 - 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: From 7 to 27.12.1998
 - second deadline: From 21.12.1998 to 10.1.1999
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: 16.11.1998
 - second deadline: 30.11.1998
20. **Amount of tendering guarantee:** ECU 20 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** ⁽⁴⁾: refund applicable on 23.10.1998, fixed by Commission Regulation (EC) No 2218/98 (OJ L 279, 16.10.1998, p. 21)

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.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32 2) 296 20 05).
- (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.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, 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 (each containing maximum 15 tonnes net).

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.
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COMMISSION REGULATION (EC) No 2372/98
of 30 October 1998
determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 ⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton ⁽⁴⁾, as last amended by Regulation (EC) No 1664/98 ⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers and quotations;

whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3a), first sentence, of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1844/98 ⁽⁶⁾ determined estimated production for the 1998/99 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 22,106 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3a), first sentence, of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 48,477 per 100 kilograms in Spain,
- ECU 47,414 per 100 kilograms in Greece,
- ECU 84,194 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 1 November 1998.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 190, 4. 7. 1998, p. 4.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 211, 29. 7. 1998, p. 9.

⁽⁶⁾ OJ L 240, 28. 8. 1998, p. 3.

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

Done at Brussels, 30 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

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

COMMON POSITION
of 30 October 1998
defined by the Council on the basis of Article J.2 of the Treaty on European
Union, concerning Nigeria

(98/614/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas the Council defined Common Position 95/515/CFSP on Nigeria ⁽¹⁾ on 20 November 1995 and Common Position 95/544/CFSP on Nigeria on 4 December 1995 ⁽²⁾;

Whereas Common Position 95/544/CFSP was extended until 1 November 1998 by Decision 97/821/CFSP ⁽³⁾;

Whereas the European Union attaches great importance to the relationship between the Union and Nigeria in recognition of the pivotal regional and international role of this country, especially its contribution to peace-keeping activities, e.g. in Liberia and Sierra Leone, which the Union continues to support;

Whereas the European Union is mindful of developments in the past, in particular in 1993, when free elections were annulled and a military government was installed, and notes that the situation in Nigeria is still unstable;

Whereas the European Union recalls its declaration of 18 September 1998 in which it warmly welcomed recent developments in Nigeria;

Whereas the European Union encourages the Administration under General Abubakar to continue to implement the transition programme and the commitment to hand over power to an accountable civilian government in May 1999 after free and fair elections;

Whereas the European Union welcomes the release of the political prisoners, while urging a swift clarification of remaining pending cases;

Whereas the European Union welcomes General Abubakar's commitment to economic reform, including policies aimed at poverty reduction, and his undertaking to re-

professionalise the armed forces and to ensure the military's return to barracks by 29 May 1999;

Whereas the European Union is prepared to strengthen a constructive political dialogue with Nigeria and will consider concrete measures to support the election process in Nigeria;

Whereas the measures adopted in 1995 should be modified in light of the current situation,

HAS DEFINED THIS COMMON POSITION:

Article 1

Common Position 95/515/CFSP is hereby repealed, subject to the provisions set out in Article 2 and in Article 3(2).

Article 2

The following measures referred to in part 3 of Common Position 95/515/CFSP shall continue to apply:

- (a) suspension of military cooperation;
- (b) cancellation of training courses for all Nigerian military personnel, except for non-combative courses to encourage respect for human rights and to prepare the military for the democratic control by a civilian government of the armed forces; and
- (c) an embargo on arms, munitions and military equipment which covers weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment as well as spare parts, repairs, maintenance and transfer of military technology. Contracts entered into before the date of entry into force of Common Position 95/515/CFSP are not affected.

⁽¹⁾ OJ L 298, 11. 12. 1995, p. 1.

⁽²⁾ OJ L 309, 21. 12. 1995, p. 1.

⁽³⁾ OJ L 338, 9. 12. 1997, p. 8.

Article 3

1. A dialogue on development cooperation with Nigeria, including relevant studies and preparatory measures, may be resumed with the Nigerian authorities, with a view to re-engagement after the installation of a democratically elected civilian government.

2. In the meantime, development cooperation with Nigeria may continue only for actions in support of human rights and democracy, as well as those concentrating on poverty alleviation and, in particular, the provision of basic needs for the poorest section of the population, in the context of decentralised cooperation through local civilian authorities and non-governmental organisations.

Article 4

1. This Common Position shall be monitored by the Council, to which the Presidency and the Commission shall regularly report. It shall be reviewed no later than 1 June 1999 in the light of further developments in

Nigeria, in particular with regard to the establishment of a democratically elected civilian government.

2. Should there be any deterioration in the respect for human rights or the democratic processes in Nigeria, the Council shall immediately review this Common Position with a view to adopting additional measures.

Article 5

This Common Position shall take effect on 1 November 1998.

Article 6

This Common Position shall be published in the Official Journal.

Done at Brussels, 30 October 1998.

For the Council

The President

W. SCHÜSSEL

CORRIGENDA

Corrigendum to the table of contents to *Official Journal of the European Communities*
L 288 of 27 October 1998

On page 2 of the cover the title of Decision 98/602/EC should read as follows:

'Commission Decision of 15 October 1997 declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement (Case No IV/M.938 — Guinness/Grand Metropolitan)⁽¹⁾ (notified under document number C(1997) 3169)'.
