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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2435/98

of 9 November 1998

amending Regulation (EC) No 3066/95 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on agriculture concluded during the Uruguay Round Multilateral Trade Negotiations

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 3066/95 of 22 December 1995 [1] established certain concessions in the form of Community tariff quotas for certain agricultural products;

Whereas it has been noted that the classification of certain poultrymeat products poses problems arising from the fact that the definition of goose and duck breasts as provided for in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [2], does not correspond exactly to technical and commercial practices well established in trade with the CEEC; whereas, in order to maintain traditional trade, it is necessary to add to the groups of products concerned goose and duck breasts the ribs of which have been partially or completely removed, at the same preferential duty rate as for breasts with all ribs; whereas this amendment should be applicable as from 1 January 1998, the date from which the abovementioned problems have been noted,

HAS ADOPTED THIS REGULATION:

Article 1

In Annexes I to VI of Regulation (EC) No 3066/95, the concessions provided for under order numbers 09.4702, 09.5304, 09.5301, 09.4801, 09.4601, 09.4650 and 09.4659 shall be replaced by the corresponding concessions referred to in 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.*

It shall apply from 1 January 1998.

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

Done at Brussels, 9 November 1998.

For the Council
The President
W. SCHÜSSEL

[1] OJ L 328, 30. 12. 1995, p. 31. Regulation as last amended by Regulation (EC) No 1595/97 (OJ L 216, 8. 8. 1997, p. 1).
[2] OJ L 256, 7. 9. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1048/98 (OJ L 151, 21. 5. 1998, p. 1).

ANNEX

A. **Amendment of Annex I (Hungary)**

'Order No	CN code	Description	Applicable duty (% of MFN) (2)	Annual quantities				Specific provisions
				from 1. 7. 1997 to 30. 6. 1998 (tonnes)	from 1. 7. 1998 to 30. 6. 1999 (tonnes)	from 1. 7. 1999 to 30. 6. 2000 (tonnes)	from 1. 7. 2000 (tonnes)	
09.4702	ex 0207 35 15 ex 0207 36 15	Cuts of ducks, boneless, fresh, chilled or frozen	20	1 430	1 495	1 560	1 625	
	ex 0207 35 53 ex 0207 36 53	Breasts and cuts thereof of ducks, with bone-in, fresh, chilled or frozen						
	ex 0207 35 63 ex 0207 36 63	Legs and cuts thereof of ducks with bone-in, fresh, chilled or frozen						
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of ducks, the ribs of which have been partially or completely removed, fresh, chilled or frozen	20 % of MFN duty rate for CN code 0207 35 53					
09.5304	ex 0207 35 15 ex 0207 36 15	Cuts and ducks, boneless, fresh, chilled or frozen	ECU 946/tonne ECU 946/tonne	600	600	600	600	
	ex 0207 35 53 ex 0207 36 53	Breasts and cuts thereof of ducks, with bone in, fresh, chilled or frozen	ECU 546/tonne ECU 546/tonne					
	ex 0207 35 63 ex 0207 36 63	Legs and cuts thereof of ducks with bone in, fresh, chilled or frozen	ECU 513/tonne ECU 513/tonne					
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of ducks, the ribs of which have been partially or completely removed, fresh, chilled or frozen	ECU 546/tonne ECU 546/tonne					
09.5301	0207 32 51 0207 32 59 0207 33 51 0207 33 59 0207 35 11 0207 35 23 0207 35 51 0207 35 61 0207 36 11 0207 36 23 0207 36 51 0207 36 61	Geese	20	23 760	24 840	25 920	27 000	

'Order No	CN code	Description	Applicable duty (% of MFN) (2)	Annual quantities				Specific provisions
				from 1. 7. 1997 to 30. 6. 1998 (tonnes)	from 1. 7. 1998 to 30. 6. 1999 (tonnes)	from 1. 7. 1999 to 30. 6. 2000 (tonnes)	from 1. 7. 2000 (tonnes)	
	ex 0207 35 31 ex 0207 36 31	Whole wings of geese, with or without tips, fresh, chilled or frozen						
	ex 0207 35 41 ex 0207 36 41	Backs, necks, backs with necks attached, rumps and wing tips of geese, fresh, chilled or frozen						
	ex 0207 35 71 ex 0207 36 71	Goose paletots, fresh, chilled or frozen						
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of geese, the ribs of which have been partially or completely removed, fresh, chilled or frozen	20 % of MFN duty rate for CN code 0207 35 51'					

B. **Amendment of Annex II (Poland)**

'Order No	CN code	Description	Rate of duty applicable (% of MFN) (2)	Annual quantities				Special provisions
				from 1. 7. 1997 to 30. 6. 1998 (tonnes)	from 1. 7. 1998 to 30. 6. 1999 (tonnes)	from 1. 7. 1999 to 30. 6. 2000 (tonnes)	from 1. 7. 2000 (tonnes)	
09.4801	0207 32 11 0207 32 15 0207 32 19 0207 33 11 0207 33 19	Ducks	20	1 650	1 725	1 800	1 875	
	ex 0207 35 15 ex 0207 36 15	Fresh, chilled or frozen boneless cuts of ducks						
	ex 0207 35 53 ex 0207 36 53	Fresh, chilled or frozen duck breasts and cuts thereof, with bone in						
	ex 0207 35 63 ex 0207 36 63	Fresh, chilled or frozen duck legs and cuts thereof, with bone in						
	ex 0207 35 79 ex 0207 36 79	Fresh, chilled or frozen duck breasts and cuts thereof, the ribs of which have been partially or completely removed	20 % of MFN duty rate for CN code 0207 35 53					
09.5301	0105 99 20 0207 32 51 0207 32 59 0207 33 51 0207 33 59 0207 35 11 0207 35 23 0207 35 51 0207 35 61 0207 36 11 0207 36 23 0207 36 51 0207 36 61	Geese	20	19 250	20 125	21 000	21 875	
	ex 0207 35 31 ex 0207 36 31	Whole wings of geese, with or without tips, fresh, chilled or frozen						
	ex 0207 35 41 ex 0207 36 41	Backs, necks, backs with necks attached, rumps and wing tips, of geese, fresh, chilled or frozen						
	ex 0207 35 71 ex 0207 36 71	Goose paletots, fresh, chilled or frozen						
	ex 0207 35 99 ex 0207 36 90	Goose offal, other than livers, fresh, chilled or frozen						
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of geese, the ribs of which have been partially or completely removed, fresh, chilled or frozen	20 % of MFN duty rate for CN code 0207 35 51'					

C. **Amendment of Annex III (Slovak Republic)**

'Order No	CN code	Description	Rate of duty applicable (% of MFN) (2)	Annual quantities				Specific provisions
				from 1. 7. 1997 to 30. 6. 1998 (tonnes)	from 1. 7. 1998 to 30. 6. 1999 (tonnes)	from 1. 7. 1999 to 30. 6. 2000 (tonnes)	from 1. 7. 2000 (tonnes)	
09.4601	0207 32 11 0207 32 15 0207 32 19 0207 33 11 0207 33 19	Ducks	20	330	345	360	375	
	ex 0207 35 15 ex 0207 36 15	Fresh, chilled or frozen boneless cuts of duck						
	ex 0207 35 53 ex 0207 36 53	Fresh, chilled or frozen duck breasts and cuts thereof, with bone in						
	ex 0207 35 63 ex 0207 36 63	Fresh, chilled or frozen duck legs and cuts thereof, with bone in						
	ex 0207 35 79 ex 0207 36 79	Fresh, chilled or frozen duck breasts and cuts thereof, the ribs of which have been partially or completely removed	20 % of MFN duty rate for CN code 0207 35 53					
09.5301	0207 32 51 0207 32 59 0207 33 51 0207 33 59 0207 35 11 0207 35 23 0207 35 51 0207 35 61 0207 36 11 0207 36 23 0207 36 51 0207 36 61	Geese	20	330	345	360	375	
	ex 0207 35 31 ex 0207 36 31	Whole wings of geese, with or without tips, fresh, chilled or frozen						
	ex 0207 35 41 ex 0207 36 41	Backs, necks, backs with necks attached, rumps and wing tips, of geese, fresh, chilled or frozen						
	ex 0207 35 71 ex 0207 36 71	Goose paletots, fresh, chilled or frozen						
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of geese, the ribs of which have been partially or completely removed, fresh, chilled or frozen	20 % of MFN duty rate for CN code 0207 35 51'					

D. **Amendment of Annex IV (Czech Republic)**

'Order No	CN code	Description	Rate of duty applicable (% of MFN) (2)	Annual quantities				Specific provisions
				from 1. 7. 1997 to 30. 6. 1998 (tonnes)	from 1. 7. 1998 to 30. 6. 1999 (tonnes)	from 1. 7. 1999 to 30. 6. 2000 (tonnes)	from 1. 7. 2000 (tonnes)	
09.4601	0207 32 11 0207 32 15 0207 32 19 0207 33 11 0207 33 19	Ducks	20	550	575	600	625	
	ex 0207 35 15 ex 0207 36 15	Fresh, chilled or frozen boneless cuts of duck						
	ex 0207 35 53 ex 0207 36 53	Fresh, chilled or frozen duck breasts and cuts thereof, with bone in						
	ex 0207 35 63 ex 0207 36 63	Fresh, chilled or frozen duck legs and cuts thereof, with bone in						
	ex 0207 35 79 ex 0207 36 79	Fresh, chilled or frozen duck breasts and cuts thereof, the ribs of which have been partially or completely removed	20 % of MFN duty rate for CN code 0207 35 53					
09.5301	0207 32 51 0207 32 59 0207 33 51 0207 33 59 0207 35 11 0207 35 23 0207 35 51 0207 35 61 0207 36 11 0207 36 23 0207 36 51 0207 36 61	Geese	20	1 430	1 495	1 560	1 625	
	ex 0207 35 31 ex 0207 36 31	Whole wings of geese, with or without tips, fresh, chilled or frozen						
	ex 0207 35 41 ex 0207 36 41	Backs, necks, backs with necks attached, rumps and wing tips of geese, fresh, chilled or frozen						
	ex 0207 35 71 ex 0207 36 71	Goose platetots, fresh, chilled or frozen						
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of geese, the ribs of which have been partially or completely removed, fresh, chilled or frozen	20 % of MFN duty rate for CN code 0207 35 51'					

E. **Amendment of Annex V (Romania)**

'Order No	CN code	Description	Applicable rate of duty (% of MFN) (2)	Annual quantities				Specific provisions
				from 1. 7. 1997 to 30. 6. 1998 (tonnes)	from 1. 7. 1998 to 30. 6. 1999 (tonnes)	from 1. 7. 1999 to 30. 6. 2000 (tonnes)	from 1. 7. 2000 (tonnes)	
09.5301	0207 32 51 0207 32 59 0207 33 51 0207 33 59 0207 35 11 0207 35 23 0207 35 51 0207 35 61 0207 36 11 0207 36 23 0207 36 51 0207 36 61	Geese	20	330	345	360	375	
	ex 0207 35 31 ex 0207 36 31	Whole wings of geese, with or without tips, fresh, chilled or frozen						
	ex 0207 35 41 ex 0207 36 41	Backs, necks, backs with necks attached, rumps and wing tips of geese, fresh, chilled or frozen						
	ex 0207 35 71 ex 0207 36 71	Goose paletots, fresh, chilled or frozen						
	ex 0207 35 99 ex 0207 36 90	Offal of geese, other than livers, fresh, chilled or frozen						
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of geese, the ribs of which have been partially or completely removed, fresh, chilled or frozen	20 % of MFN duty rate for CN code 0207 35 51'					

F. **Amendment of Annex VI (Bulgaria)**

'Order No	CN code	Description	Rate of duty applicable (% of MFN) applicable (2)	Annual quantities				Specific provisions
				from 1. 7. 1997 to 30. 6. 1998 (tonnes)	from 1. 7. 1998 to 30. 6. 1999 (tonnes)	from 1. 7. 1999 to 30. 6. 2000 (tonnes)	from 1. 7. 2000 (tonnes)	
09.4650	0207 32 11 0207 32 15 0207 32 19 0207 33 11 0207 33 19	Ducks	20	550	575	600	625	
	ex 0207 35 15 ex 0207 36 15	Cuts of ducks, boneless, fresh, chilled or frozen						
	ex 0207 35 53 ex 0207 36 53	Breasts and cuts thereof of ducks, with bone-in, fresh, chilled or frozen						
	ex 0207 35 63 ex 0207 36 63	Legs and cuts thereof of ducks, with bone-in, fresh, chilled or frozen						
	ex 0207 35 79 ex 0207 36 79	Fresh, chilled or frozen duck breasts and cuts thereof, the ribs of which have been partially or completely removed	20 % of MFN duty rate for CN code 0207 35 53					
09.4659	0207 32 51 0207 32 59 0207 33 51 0207 33 59 0207 35 11 0207 35 23 0207 35 51 0207 35 61 0207 36 11 0207 36 23 0207 36 51 0207 36 61	Geese	20	550	575	600	625	
	ex 0207 35 31 ex 0207 36 31	Whole wings of geese, with or without tips, fresh, chilled or frozen						
	ex 0207 35 41 ex 0207 36 41	Backs, necks, backs with necks attached, rumps and wing tips of geese, fresh, chilled or frozen						
	ex 0207 35 71 ex 0207 36 71	Goose paletots, fresh, chilled or frozen						
	ex 0207 35 99 ex 0207 36 90	Offal of geese, other than livers, fresh, chilled or frozen						
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of geese, the ribs of which have been partially or completely removed, fresh, chilled or frozen	20 % of MFN duty rate for CN code 0207 35 51'					

COMMISSION REGULATION (EC) No 2436/98

of 12 November 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 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

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[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 12 November 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	052	99,6
	204	86,4
	999	93,0
0709 90 70	052	69,8
	204	35,6
	999	52,7
0805 20 10	204	62,8
	999	62,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	58,6
	999	58,6
0805 30 10	052	65,7
	388	41,8
	528	48,1
	999	51,9
0806 10 10	052	139,4
	400	265,7
	508	193,8
	999	199,6
0808 10 20, 0808 10 50, 0808 10 90	060	31,8
	064	40,2
	388	30,5
	400	80,5
	404	72,7
	800	143,6
	999	66,6
0808 20 50	052	82,2
	064	59,6
	400	97,6
	720	54,6
	999	73,5

(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 2437/98

of 12 November 1998

fixing the definitive aid for mandarins, clementines and satsumas for the 1997/98 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits [1], and in particular Article 6 thereof,

Whereas Article 5(1) of Regulation (EC) No 2202/96 establishes a processing threshold of 320 000 tonnes for mandarins, clementines and satsumas; whereas Article 5(2) of that Regulation provides that, for each marketing year, overrunning of the processing thresholds is to be assessed on the basis of the average quantity processed with benefit of the aid during the last three marketing years, including the current marketing year; whereas Article 5(3) of that Regulation provides that where an overrun has been established, the aid fixed for the current marketing year in the Annex to that Regulation is to be reduced by 1 % per 3 200 tonnes of the overrun;

Whereas, pursuant to Article 22(1)(b) of Commission Regulation (EC) No 1169/97 of 26 June 1997 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain fruits [2], as last amended by Regulation (EC) No 1145/98 [3], the Member States have notified the Commission of the quantities of mandarins, clementines and satsumas delivered for processing in respect of the 1997/98 marketing year pursuant to Regulation (EC) No 2202/96; whereas, on the basis of those figures and of the quantities processed with benefit of the aid in the 1995/96 and 1996/97 marketing years, an overrun in the processing threshold of 23 024 tonnes has been established; whereas the aid for mandarins, clementines and satsumas fixed in the Annex to Regulation (EC) No 2202/96 for the 1997/98 marketing year should accordingly be reduced by 7 %;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1997/98 marketing year, the aid for mandarins, clementines and satsumas fixed in the tables in the Annex to Regulation (EC) No 2202/96 shall be reduced by 7 %.

When the aid is paid, account shall be taken of advances paid in accordance with Article 15 of Regulation (EC) No 1169/97.

Article 2

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

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 297, 21. 11. 1996, p. 49.
[2] OJ L 169, 27. 6. 1997, p. 15.
[3] OJ L 159, 3. 6. 1998, p. 29.

COMMISSION REGULATION (EC) No 2438/98
of 12 November 1998
fixing the export refunds on milk and milk products

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 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

— the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,

— marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,

— the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

(a) prices ruling on third country markets;

(b) the most favourable prices in third countries of destination for third country imports;

(c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and

(d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products [3], as last amended by Regulation (EC) No 2184/98 [4], the refund granted for milk products containing added sugar is equal to the sum of the two components; whereas one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; whereas the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector [5], as last amended by Regulation (EC) No 1148/98 [6]; whereas, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community;

[1] OJ L 148, 28. 6. 1968, p. 13.
[2] OJ L 206, 16. 8. 1996, p. 21.
[3] OJ L 144, 28. 6. 1995, p. 22.
[4] OJ L 275, 10. 10. 1998, p. 21.
[5] OJ L 177, 1. 7. 1981, p. 4.
[6] OJ L 159, 3. 6. 1998, p. 38.

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 [1], as last amended by Regulation (EEC) No 222/88 [2], laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.

2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 91, 1. 4. 1984, p. 71.
[2] OJ L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 12 November 1998 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327
	* * *	—
0401 10 90 9000	970	2,327
	* * *	—
0401 20 11 9100	970	2,327
	* * *	—
0401 20 11 9500	970	3,597
	* * *	—
0401 20 19 9100	970	2,327
	* * *	—
0401 20 19 9500	970	3,597
	* * *	—
0401 20 91 9100	970	4,551
	* * *	—
0401 20 91 9500	+	—
0401 20 99 9100	970	4,551
	* * *	—
0401 20 99 9500	+	—
0401 30 11 9100	+	—
0401 30 11 9400	970	10,50
	* * *	—
0401 30 11 9700	970	15,77
	* * *	—
0401 30 19 9100	+	—
0401 30 19 9400	+	—
0401 30 19 9700	970	15,77
	* * *	—
0401 30 31 9100	+	38,32
0401 30 31 9400	+	59,85
0401 30 31 9700	+	66,00
0401 30 39 9100	+	38,32
0401 30 39 9400	+	59,85
0401 30 39 9700	+	66,00
0401 30 91 9100	+	75,22
0401 30 91 9400	+	110,55
0401 30 91 9700	+	129,01
0401 30 99 9100	+	75,22
0401 30 99 9400	+	110,55
0401 30 99 9700	+	129,01
0402 10 11 9000	+	82,50
0402 10 19 9000	+	82,50
0402 10 91 9000	+	0,8250
0402 10 99 9000	+	0,8250
0402 21 11 9200	+	82,50
0402 21 11 9300	+	100,60
0402 21 11 9500	+	105,98
0402 21 11 9900	+	114,00
0402 21 17 9000	+	82,50
0402 21 19 9300	+	100,60
0402 21 19 9500	+	105,98
0402 21 19 9900	+	114,00
0402 21 91 9100	+	114,82
0402 21 91 9200	+	115,61
0402 21 91 9300	+	117,04
0402 21 91 9400	+	125,09
0402 21 91 9500	+	127,88
0402 21 91 9600	+	138,59
0402 21 91 9700	+	144,87
0402 21 91 9900	+	151,96
0402 21 99 9100	+	114,82
0402 21 99 9200	+	115,61
0402 21 99 9300	+	117,04
0402 21 99 9400	+	125,09
0402 21 99 9500	+	127,88
0402 21 99 9600	+	138,59
0402 21 99 9700	+	144,87
0402 21 99 9900	+	151,96
0402 29 15 9200	+	0,8250
0402 29 15 9300	+	1,0060
0402 29 15 9500	+	1,0598
0402 29 15 9900	+	1,1402
0402 29 19 9200	+	0,8250
0402 29 19 9300	+	1,0060
0402 29 19 9500	+	1,0598
0402 29 19 9900	+	1,1402
0402 29 91 9100	+	1,1482
0402 29 91 9500	+	1,2509
0402 29 99 9100	+	1,1482
0402 29 99 9500	+	1,2509
0402 91 11 9110	+	—
0402 91 11 9120	+	—
0402 91 11 9310	+	11,31
0402 91 11 9350	+	13,85
0402 91 11 9370	+	16,84
0402 91 19 9110	+	—
0402 91 19 9120	+	—
0402 91 19 9310	+	11,31
0402 91 19 9350	+	13,85
0402 91 19 9370	+	16,84
0402 91 31 9100	+	—
0402 91 31 9300	+	19,91
0402 91 39 9100	+	—
0402 91 39 9300	+	19,91
0402 91 51 9000	+	—
0402 91 59 9000	+	—
0402 91 91 9000	+	63,94
0402 91 99 9000	+	63,94
0402 99 11 9110	+	—
0402 99 11 9130	+	—
0402 99 11 9150	+	—
0402 99 11 9310	+	0,2689
0402 99 11 9330	+	0,3228
0402 99 11 9350	+	0,4291
0402 99 19 9110	+	—
0402 99 19 9130	+	—
0402 99 19 9150	+	—
0402 99 19 9310	+	0,2689
0402 99 19 9330	+	0,3228
0402 99 19 9350	+	0,4291
0402 99 31 9110	+	—
0402 99 31 9150	+	0,4467
0402 99 31 9300	+	0,3832
0402 99 31 9500	+	0,6600
0402 99 39 9110	+	—
0402 99 39 9150	+	0,4467
0402 99 39 9300	+	0,3832

Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600
0402 99 91 9000	+	0,7522
0402 99 99 9000	+	0,7522
0403 10 11 9400	+	—
0403 10 11 9800	+	—
0403 10 13 9800	+	—
0403 10 19 9800	+	—
0403 10 31 9400	+	—
0403 10 31 9800	+	—
0403 10 33 9800	+	—
0403 10 39 9800	+	—
0403 90 11 9000	+	81,11
0403 90 13 9200	+	81,11
0403 90 13 9300	+	99,70
0403 90 13 9500	+	105,03
0403 90 13 9900	+	112,98
0403 90 19 9000	+	113,82
0403 90 31 9000	+	0,8111
0403 90 33 9200	+	0,8111
0403 90 33 9300	+	0,9970
0403 90 33 9500	+	1,0503
0403 90 33 9900	+	1,1298
0403 90 39 9000	+	1,1382
0403 90 51 9100	970	2,327
	* * *	—
0403 90 51 9300	+	—
0403 90 53 9000	+	—
0403 90 59 9110	+	—
0403 90 59 9140	+	—
0403 90 59 9170	970	15,77
	* * *	—
0403 90 59 9310	+	38,32
0403 90 59 9340	+	59,85
0403 90 59 9370	+	66,00
0403 90 59 9510	+	75,22
0403 90 59 9540	+	110,55
0403 90 59 9570	+	129,01
0403 90 61 9100	+	—
0403 90 61 9300	+	—
0403 90 63 9000	+	—
0403 90 69 9000	+	—
0404 90 21 9100	+	82,50
0404 90 21 9910	+	—
0404 90 21 9950	+	11,31
0404 90 23 9120	+	82,50
0404 90 23 9130	+	100,60
0404 90 23 9140	+	105,98
0404 90 23 9150	+	114,00
0404 90 23 9911	+	—
0404 90 23 9913	+	—
0404 90 23 9915	+	—
0404 90 23 9917	+	—
0404 90 23 9919	+	—
0404 90 23 9931	+	11,31
0404 90 23 9933	+	13,85
0404 90 23 9935	+	16,84
0404 90 23 9937	+	19,91
0404 90 23 9939	+	20,81
0404 90 29 9110	+	114,82
0404 90 29 9115	+	115,61
0404 90 29 9120	+	117,04
0404 90 29 9130	+	125,09
0404 90 29 9135	+	127,88
0404 90 29 9150	+	138,59
0404 90 29 9160	+	144,87
0404 90 29 9180	+	151,96
0404 90 81 9100	+	0,8250
0404 90 81 9910	+	—
0404 90 81 9950	+	0,2689
0404 90 83 9110	+	0,8250
0404 90 83 9130	+	1,0060
0404 90 83 9150	+	1,0598
0404 90 83 9170	+	1,1402
0404 90 83 9911	+	—
0404 90 83 9913	+	—
0404 90 83 9915	+	—
0404 90 83 9917	+	—
0404 90 83 9919	+	—
0404 90 83 9931	+	0,2689
0404 90 83 9933	+	0,3228
0404 90 83 9935	+	0,4291
0404 90 83 9937	+	0,4467
0404 90 89 9130	+	1,1482
0404 90 89 9150	+	1,2509
0404 90 89 9930	+	0,4601
0404 90 89 9950	+	0,6600
0404 90 89 9990	+	0,7522
0405 10 11 9500	+	165,85
0405 10 11 9700	+	170,00
0405 10 19 9500	+	165,85
0405 10 19 9700	+	170,00
0405 10 30 9100	+	165,85
0405 10 30 9300	+	170,00
0405 10 30 9500	+	165,85
0405 10 30 9700	+	170,00
0405 10 50 9100	+	165,85
0405 10 50 9300	+	170,00
0405 10 50 9500	+	165,85
0405 10 50 9700	+	170,00
0405 10 90 9000	+	176,22
0405 20 90 9500	+	155,49
0405 20 90 9700	+	161,71
0405 90 10 9000	+	216,00
0405 90 90 9000	+	170,00
0406 10 20 9100	+	—
0406 10 20 9230	037	—
	039	—
	099	22,83
	400	22,83
	* * *	37,68
0406 10 20 9290	037	—
	039	—
	099	21,24
	400	15,29
	* * *	35,05
0406 10 20 9300	037	—
	039	—
	099	9,329
	400	7,834
	* * *	15,39

Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—
	039	—
	099	30,98
	400	30,98
	* * *	51,11
0406 10 20 9620	037	—
	039	—
	099	31,42
	400	31,42
	* * *	51,83
0406 10 20 9630	037	—
	039	—
	099	35,06
	400	35,06
	* * *	57,86
0406 10 20 9640	037	—
	039	—
	099	51,54
	400	48,35
	* * *	85,03
0406 10 20 9650	037	—
	039	—
	099	42,95
	400	25,44
	* * *	70,86
0406 10 20 9660	+	—
0406 10 20 9830	037	—
	039	—
	099	15,93
	400	13,38
	* * *	26,28
0406 10 20 9850	037	—
	039	—
	099	19,31
	400	16,22
	* * *	31,87
0406 10 20 9870	+	—
0406 10 20 9900	+	—
0406 20 90 9100	+	—
0406 20 90 9913	037	—
	039	—
	099	35,62
	400	31,59
	* * *	58,77
0406 20 90 9915	037	—
	039	—
	099	47,01
	400	42,12
	* * *	77,56
0406 20 90 9917	037	—
	039	—
	099	49,94
	400	44,75
	* * *	82,41
0406 20 90 9919	037	—
	039	—
	099	55,82
	400	50,02
	* * *	92,10
0406 20 90 9990	+	—
0406 30 31 9710	037	—
	039	—
	099	9,536
	400	8,346
	* * *	17,88
0406 30 31 9730	037	—
	039	—
	099	13,99
	400	12,25
	* * *	26,24
0406 30 31 9910	037	—
	039	—
	099	9,536
	400	8,346
	* * *	17,88
0406 30 31 9930	037	—
	039	—
	099	13,99
	400	12,25
	* * *	26,24
0406 30 31 9950	037	—
	039	—
	099	20,36
	400	17,81
	* * *	38,17
0406 30 39 9500	037	—
	039	—
	099	13,99
	400	12,25
	* * *	26,24
0406 30 39 9700	037	—
	039	—
	099	20,36
	400	17,81
	* * *	38,17
0406 30 39 9930	037	—
	039	—
	099	20,36
	400	17,81
	* * *	38,17
0406 30 39 9950	037	—
	039	—
	099	23,02
	400	21,14
	* * *	43,16
0406 30 90 9000	037	—
	039	—
	099	24,15
	400	21,14
	* * *	45,28
0406 40 50 9000	037	—
	039	—
	099	81,00
	400	32,98
	* * *	90,00

Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—
	039	—
	099	83,18
	400	32,98
	* * *	92,42
0406 90 13 9000	037	—
	039	—
	099	91,46
	400	60,16
	* * *	101,62
0406 90 15 9100	037	—
	039	—
	099	94,51
	400	62,17
	* * *	105,01
0406 90 17 9100	037	—
	039	—
	099	94,51
	400	62,17
	* * *	105,01
0406 90 21 9900	037	—
	039	—
	099	92,61
	400	44,53
	* * *	102,90
0406 90 23 9900	037	—
	039	—
	099	81,32
	400	18,57
	* * *	90,36
0406 90 25 9900	037	—
	039	—
	099	80,79
	400	21,16
	* * *	89,77
0406 90 27 9900	037	—
	039	—
	099	73,17
	400	18,57
	* * *	81,30
0406 90 31 9119	037	—
	039	—
	099	67,25
	400	25,56
	* * *	74,72
0406 90 33 9119	037	—
	039	—
	099	67,25
	400	25,56
	* * *	74,72
0406 90 33 9919	037	—
	039	—
	099	61,46
	400	20,33
	* * *	68,29
0406 90 33 9951	037	—
	039	—
	099	62,08
	400	20,01
	* * *	68,98
0406 90 35 9190	037	28,95
	039	28,95
	099	95,14
	400	61,40
	* * *	105,71
0406 90 35 9990	037	—
	039	—
	099	95,14
	400	40,19
	* * *	105,71
0406 90 37 9000	037	—
	039	—
	099	91,46
	400	60,16
	* * *	101,62
0406 90 61 9000	037	40,61
	039	40,61
	099	100,80
	400	57,27
	* * *	112,00
0406 90 63 9100	037	37,12
	039	37,12
	099	100,27
	400	63,89
	* * *	111,41
0406 90 63 9900	037	29,52
	039	29,52
	099	96,40
	400	48,93
	* * *	107,11
0406 90 69 9100	+	—
0406 90 69 9910	037	—
	039	—
	099	96,40
	400	48,93
	* * *	107,11
0406 90 73 9900	037	—
	039	—
	099	83,95
	400	52,63
	* * *	93,28
0406 90 75 9900	037	—
	039	—
	099	84,51
	400	22,27
	* * *	93,90
0406 90 76 9300	037	—
	039	—
	099	76,21
	400	20,12
	* * *	84,68

Product code	Destination (*)	Amount of refund
0406 90 76 9400	037	—
	039	—
	099	85,37
	400	23,22
	* * *	94,85
0406 90 76 9500	037	—
	039	—
	099	81,22
	400	23,22
	* * *	90,24
0406 90 78 9100	037	—
	039	—
	099	78,75
	400	18,14
	* * *	87,50
0406 90 78 9300	037	—
	039	—
	099	83,50
	400	20,12
	* * *	92,78
0406 90 78 9500	037	—
	039	—
	099	82,72
	400	23,22
	* * *	91,91
0406 90 79 9900	037	—
	039	—
	099	67,52
	400	19,23
	* * *	75,02
0406 90 81 9900	037	—
	039	—
	099	85,37
	400	47,61
	* * *	94,85
0406 90 85 9910	037	28,95
	039	28,95
	099	92,19
	400	59,27
	* * *	102,43
0406 90 85 9991	037	—
	039	—
	099	92,19
	400	40,19
	* * *	102,43
0406 90 85 9995	037	—
	039	—
	099	84,51
	400	21,16
	* * *	93,90
0406 90 85 9999	+	—
0406 90 86 9100	+	—
0406 90 86 9200	037	—
	039	—
	099	77,55
	400	27,65
	* * *	86,17
0406 90 86 9300	037	—
	039	—
	099	78,67
	400	30,30
	* * *	87,41
0406 90 86 9400	037	—
	039	—
	099	83,58
	400	34,28
	* * *	92,87
0406 90 86 9900	037	—
	039	—
	099	92,19
	400	40,24
	* * *	102,43
0406 90 87 9100	+	—
0406 90 87 9200	037	—
	039	—
	099	64,63
	400	24,78
	* * *	71,81
0406 90 87 9300	037	—
	039	—
	099	72,24
	400	28,02
	* * *	80,27
0406 90 87 9400	037	—
	039	—
	099	74,12
	400	30,66
	* * *	82,36
0406 90 87 9951	037	—
	039	—
	099	83,84
	400	42,19
	* * *	93,15
0406 90 87 9971	037	—
	039	—
	099	83,84
	400	34,41
	* * *	93,15
0406 90 87 9972	099	35,72
	400	13,67
	* * *	39,68

Product code	Destination (*)	Amount of refund
0406 90 87 9973	037	—
	039	—
	099	82,31
	400	24,08
	* * *	91,46
0406 90 87 9974	037	—
	039	—
	099	89,33
	400	24,08
	* * *	99,26
0406 90 87 9979	037	—
	039	—
	099	81,32
	400	24,08
	* * *	90,36
0406 90 88 9100	+	—
0406 90 88 9105	037	—
	039	—
	099	86,64
	400	30,30
	* * *	96,27
0406 90 88 9300	037	—
	039	—
	099	63,81
	400	30,30
	* * *	70,90
2309 10 15 9010	+	—
2309 10 15 9100	+	—
2309 10 15 9200	+	—
2309 10 15 9300	+	—
2309 10 15 9400	+	—
2309 10 15 9500	+	—
2309 10 15 9700	+	—
2309 10 19 9010	+	—
2309 10 19 9100	+	—
2309 10 19 9200	+	—
2309 10 19 9300	+	—
2309 10 19 9400	+	—
2309 10 19 9500	+	—
2309 10 19 9600	+	—
2309 10 19 9700	+	—
2309 10 19 9800	+	—
2309 10 70 9010	+	—
2309 10 70 9100	+	13,85
2309 10 70 9200	+	18,47
2309 10 70 9300	+	23,09
2309 10 70 9500	+	27,70
2309 10 70 9600	+	32,32
2309 10 70 9700	+	36,94
2309 10 70 9800	+	40,63
2309 90 35 9010	+	—
2309 90 35 9100	+	—
2309 90 35 9200	+	—
2309 90 35 9300	+	—
2309 90 35 9400	+	—
2309 90 35 9500	+	—
2309 90 35 9700	+	—
2309 90 39 9010	+	—
2309 90 39 9100	+	—
2309 90 39 9200	+	—
2309 90 39 9300	+	—
2309 90 39 9400	+	—
2309 90 39 9500	+	—
2309 90 39 9600	+	—
2309 90 39 9700	+	—
2309 90 39 9800	+	—
2309 90 70 9010	+	—
2309 90 70 9100	+	13,85
2309 90 70 9200	+	18,47
2309 90 70 9300	+	23,09
2309 90 70 9500	+	27,70
2309 90 70 9600	+	32,32
2309 90 70 9700	+	36,94
2309 90 70 9800	+	40,63

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19). However:

— '099' covers all destination codes from 053 to 096 inclusive,

— '970' covers the exports referred to in Articles 34(1)(a) and (c) and 42(1)(a) and (b) of Commission Regulation (EEC) No 3665/87 (OJ L 351, 14.12.1987, p. 1).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1(2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 2439/98

of 12 November 1998

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Commission Regulation (EC) No 2993/94 [5], as last amended by Regulation (EC) No 2217/98 [6], fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 2438/98 of 12 November 1998 fixing the export refunds on milk and milk products [7], fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments;

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 Annex to Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 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 316, 9. 12. 1994, p. 11.
(6) OJ L 279, 16. 10. 1998, p. 11.

(7) See page 12 of this Official Journal.

ANNEX

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	– – Other	0401 10 90 9000		2,327
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500		5,302
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500		5,302
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	– Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400		10,50
	– Exceeding 17 %	0401 30 19 9700		15,77
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 9100		38,32
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 9400		59,85
	– Exceeding 39 %	0401 30 31 9700		66,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 39	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 39 9100		38,32
	– Exceeding 35 % but not exceeding 39 %	0401 30 39 9400		59,85
	– Exceeding 39 %	0401 30 39 9700		66,00
	– – Exceeding 45 %:			
0401 30 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 68 %	0401 30 91 9100		75,22
	– Exceeding 68 % but not exceeding 80 %	0401 30 91 9400		110,55
	– Exceeding 80 %	0401 30 91 9700		129,01
0401 30 99	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 68 %	0401 30 99 9100		75,22
	– Exceeding 68 % but not exceeding 80 %	0401 30 99 9400		110,55
	– Exceeding 80 %	0401 30 99 9700		129,01
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	– In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (7):			
	– – Not containing added sugar or other sweetening matter:			
0402 10 11	– – – In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000	(13)	82,50
0402 10 19	– – – Other	0402 10 19 9000	(13)	82,50
	– – Other:			
0402 10 91	– – – In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000	(14)	0,8250
0402 10 99	– – – Other	0402 10 99 9000	(14)	0,8250
	– In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (7):			
0402 21	– – Not containing added sugar or other sweetening matter:			
	– – – Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not exceeding 11 %	0402 21 11 9200	(13)	82,50
	– Exceeding 11 % but not exceeding 17 %	0402 21 11 9300	(13)	100,60
	– Exceeding 17 % but not exceeding 25 %	0402 21 11 9500	(13)	105,98
	– Exceeding 25 %	0402 21 11 9900	(13)	114,00
	– – – – Other:			
0402 21 17	– – – – – Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000	(13)	82,50
0402 21 19	– – – – – Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	– Not exceeding 17 %	0402 21 19 9300	(13)	100,60
	– Exceeding 17 % but not exceeding 25 %	0402 21 19 9500	(13)	105,98
	– Exceeding 25 %	0402 21 19 9900	(13)	114,00
	– – – Of a fat content, by weight, exceeding 27 %:			

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 21 91	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not 28 %	0402 21 91 9100	(13)	114,82
	– Exceeding 28 % but not exceeding 29 %	0402 21 91 9200	(13)	115,61
	– Exceeding 29 % but not exceeding 41 %	0402 21 91 9300	(13)	117,04
	– Exceeding 41 % but not exceeding 45 %	0402 21 91 9400	(13)	125,09
	– Exceeding 45 % but not exceeding 59 %	0402 21 91 9500	(13)	127,88
	– Exceeding 59 % but not exceeding 69 %	0402 21 91 9600	(13)	138,59
	– Exceeding 69 % but not exceeding 79 %	0402 21 91 9700	(13)	144,87
	– Exceeding 7 %	0402 21 91 9900	(13)	151,96
0402 21 99	– – – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 28 %	0402 21 99 9100	(13)	114,82
	– Exceeding 28 % but not exceeding 29 %	0402 21 99 9200	(13)	115,61
	– Exceeding 29 % but not exceeding 41 %	0402 21 99 9300	(13)	117,04
	– Exceeding 41 % but not exceeding 45 %	0402 21 99 9400	(13)	125,09
	– Exceeding 45 % but not exceeding 59 %	0402 21 99 9500	(13)	127,88
	– Exceeding 59 % but not exceeding 69 %	0402 21 99 9600	(13)	138,59
	– Exceeding 69 % but not exceeding 79 %	0402 21 99 9700	(13)	144,87
	– Exceeding 79 %	0402 21 99 9900	(13)	151,96
ex 0402 29	– – Other:			
	– – – Of a fat content, by weight, not exceeding 27 %:			
	– – – – Other:			
0402 29 15	– – – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not exceeding 11 %	0402 29 15 9200	(14)	0,8250
	– Exceeding 11 % but not exceeding 17 %	0402 29 15 9300	(14)	1,0060
	– Exceeding 17 % but not exceeding 25 %	0402 29 15 9500	(14)	1,0598
	– Exceeding 25 %	0402 29 15 9900	(14)	1,1402
0402 29 19	– – – – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 11 %	0402 29 19 9200	(14)	0,8250
	– Exceeding 11 % but not exceeding 17 %	0402 29 19 9300	(14)	1,0060
	– Exceeding 17 % but not exceeding 25 %	0402 29 19 9500	(14)	1,0598
	– Exceeding 25 %	0402 29 19 9900	(14)	1,1402
	– – – Of a fat content, by weight, exceeding 27 %:			
0402 29 91	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not exceeding 41 %	0402 29 91 9100	(14)	1,1482
	– Exceeding 41 %	0402 29 91 9500	(14)	1,2509
0402 29 99	– – – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 41 %	0402 29 99 9100	(14)	1,1482
	– Exceeding 41 %	0402 29 99 9500	(14)	1,2509

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	– Other:			
0402 91	– – Not containing added sugar or other sweetening matter:			
	– – – Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9110	(13)	2,327
	– Exceeding 3 %	0402 91 11 9120	(13)	4,551
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9310	(13)	13,30
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 11 9350	(13)	16,29
	– Exceeding 7,4 %	0402 91 11 9370	(13)	19,81
0402 91 19	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9110	(13)	2,327
	– Exceeding 3 %	0402 91 19 9120	(13)	4,551
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9310	(13)	13,30
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 19 9350	(13)	16,29
	– Exceeding 7,4 %	0402 91 19 9370	(13)	19,81
	– – – Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:			
0402 91 31	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 31 9100	(13)	8,991
	– Of 15 % or more	0402 91 31 9300	(13)	23,42
0402 91 39	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 39 9100	(13)	8,991
	– Of 15 % or more	0402 91 39 9300	(13)	23,42
	– – – Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
0402 91 51	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 9000	(13)	10,50
0402 91 59	– – – – Other	0402 91 59 9000	(13)	10,50
	– – – Of a fat content, by weight, exceeding 45 %:			
0402 91 91	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 9000	(13)	75,22
0402 91 99	– – – – Other	0402 91 99 9000	(13)	75,22

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 99	– – Other:			
	– – – Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 99 11 9110	(14)	0,0233
	– Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9130	(14)	0,0456
	– Exceeding 6,9 %	0402 99 11 9150	(14)	0,1269
	– Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 99 11 9310	(14)	0,2689
	– Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9330	(14)	0,3228
	– Exceeding 6,9 %	0402 99 11 9350	(14)	0,4291
0402 99 19	– – – – Other:			
	– Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 99 19 9110	(14)	0,0233
	– Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9130	(14)	0,0456
	– Exceeding 6,9 %	0402 99 19 9150	(14)	0,1269
	– Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 99 19 9310	(14)	0,2689
	– Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9330	(14)	0,3228
	– Exceeding 6,9 %	0402 99 19 9350	(14)	0,4291
	– – – Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	– – – – In immediate packings not exceeding 2,5 kg:			
	– Of a fat content, by weight, not exceeding 21 %:			
	– Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 31 9110	(14)	0,0975
	– Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150	(14)	0,4467
	– Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300	(14)	0,3832
	– Of a fat content, by weight, exceeding 39 %	0402 99 31 9500	(14)	0,6600
0402 99 39	– – – – Other:			
	– Of a fat content, by weight, not exceeding 21 %:			
	– Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 39 9110	(14)	0,0975
	– Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150	(14)	0,4467
	– Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 39 9300	(14)	0,3832
	– Of a fat content, by weight, exceeding 39 %	0402 99 39 9500	(14)	0,6600

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	– – – Of a fat content, by weight, exceeding 45 %:			
0402 99 91	– – – – In immediate packings not exceeding 2,5 kg	0402 99 91 9000	(14)	0,7522
0402 99 99	– – – – Other	0402 99 99 9000	(14)	0,7522
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	– Butter:			
	– – Of a fat content, by weight, not exceeding 85 %:			
	– – – Natural butter:			
0405 10 11	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	– – – – – – Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	– – – – – – Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	– – – Recombined butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	– – – – – – Of 82 % or more	0405 10 30 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9500		176,10
	– – – – – – Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	– – – Whey butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9100		176,10
	– – – – – – Of 82 % or more	0405 10 50 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	– – – – – – Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	– – Other	0405 10 90 9000		187,10
ex 0405 20	– Dairy spreads:			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %:			
	– – – Of a fat content by weight:			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	– – – – Of 78 % or more	0405 20 90 9700		171,69
0405 90	– Other:			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	– – Other	0405 90 90 9000		180,50

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd (5):					
ex 0406 30	– Processed cheese, not grated or powdered (6):					
	– – Other:					
	– – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:					
ex 0406 30 31	– – – – Not exceeding 48 %:					
	– – – – – Of a dry matter content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %, and of a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 20 %	60		0406 30 31 9710	(5)	17,88
	– – – – – – – Of 20 % or more	60	20	0406 30 31 9730	(5)	26,24
	– – – – – – Of 43 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 20 %	57		0406 30 31 9910	(5)	17,88
	– – – – – – – Of 20 % or more but less than 40 %	57	20	0406 30 31 9930	(5)	26,24
	– – – – – – – Of 40 % or more	57	40	0406 30 31 9950	(5)	38,17
ex 0406 30 39	– – – – Exceeding 48 %:					
	– – – – – Of a dry matter, content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %	60	48	0406 30 39 9500	(5)	26,24
	– – – – – – Of 43 % or more but less than 46 %	57	48	0406 30 39 9700	(5)	38,17
	– – – – – – Of 46 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 55 %	54	48	0406 30 39 9930	(5)	38,17
	– – – – – – – Of 55 % or more	54	55	0406 30 39 9950	(5)	43,16
ex 0406 30 90	– – – Of a list content exceeding 36 %	54	79	0406 30 90 9000	(5)	45,28
ex 0406 90 23	– – – Edam	47	40	0406 90 23 9900	(5)	90,36
ex 0406 90 25	– – – Tilsit	47	45	0406 90 25 9900	(5)	89,77
ex 0406 90 27	– – – Butterkäse	52	45	0406 90 27 9900	(5)	81,30
ex 0406 90 76	– – – – – – – Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe:					
	– – – – – – – – Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	– – – – – – – – – Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	(5)	84,68
	– – – – – – – – – Of a dry matter content, by weight, of 56 % or more	46	55	0406 90 76 9400	(5)	94,85
	– – – – – – – – – Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	(5)	90,24

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 78	– – – – – – – – Gouda:					
	– – – – – – – – – Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(5)	87,50
	– – – – – – – – – Of a fat content by weight, in the dry matter of 48 % or more but less 55 %	45	48	0406 90 78 9300	(5)	92,78
	– – – – – – – – – Other	45	55	0406 90 78 9500	(5)	91,91
ex 0406 90 79	– – – – – – – – Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(5)	75,02
ex 0406 90 81	– – – – – – – – Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	45	0406 90 81 9900	(5)	94,85
ex 0406 90 86	– – – – – – – – Exceeding 47 % but not exceeding 52 %:					
	– – – – – – – – – cheeses produced from whey			0406 90 86 9100		—
	– – – – – – – – – Other, of a fat content, by weight, in the dry matter:					
	– – – – – – – – – – Of less than 5 %	52		0406 90 86 9200	(5)	86,17
	– – – – – – – – – – Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(5)	87,41
	– – – – – – – – – – Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(5)	92,87
	– – – – – – – – – – Of 39 % or more	40	39	0406 90 86 9900	(5)	102,43
ex 0406 90 87	– – – – – – – – Exceeding 52 % but not exceeding 62 %:					
	– – – – – – – – – cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	– – – – – – – – – Other, of a fat content, by weight, in the dry matter:					
	– – – – – – – – – – Of less than 5 %	60		0406 90 87 9200	(5)	71,81
	– – – – – – – – – – Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(5)	80,27
	– – – – – – – – – – Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(5)	82,36
	– – – – – – – – – – Of 40 % or more:					
	– – – – – – – – – – – Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(5)	93,15
	– – – – – – – – – – – Maasdam	45	45	0406 90 87 9971	(5)	93,15
	– – – – – – – – – – – Manouri	43	53	0406 90 87 9972	(5)	39,68
	– – – – – – – – – – – Hushallsost	46	45	0406 90 87 9973	(5)	91,46
	– – – – – – – – – – – Murukoloinen	41	50	0406 90 87 9974	(5)	99,26
	– – – – – – – – – – – Other	47	40	0406 90 87 9979	(5)	90,36

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 88	– – – – – – – – – Exceeding 62 % but not exceeding 72 %:					
	– – – – – – – – – – cheeses produced from whey			0406 90 88 9100		—
	– – – – – – – – – – Other:					
	– – – – – – – – – – – Other:					
	– – – – – – – – – – – – Of a fat content, by weight, in the dry matter:					
	– – – – – – – – – – – – – Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(5)	70,90

(5) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(6) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 have been added and, if so, the maximum content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 per 100 kilograms of finished product.

(7) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

(13) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.

(14) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the aid.

The aid on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;

(b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the maximum content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

COMMISSION REGULATION (EC) No 2440/98

of 12 November 1998

amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid

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 concerning specific measures for the Azores and Madeira relating to certain agricultural products ([1]), as last amended by Commission Regulation (EC) No 562/98 ([2]), and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92 ([3]), as last amended by Regulation (EEC) No 2596/93 ([4]), lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance ([5]), as last amended by Regulation (EC) No 2216/98 ([6]), fixes the aid for milk products;

Whereas Commission Regulation (EC) No 2438/98 of 12 November 1998 fixing the export refunds on milk and milk products ([7]), fixes the refunds on those products; whereas Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments;

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

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 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 218, 1. 8. 1992, p. 75.
([6]) OJ L 279, 16. 10. 1998, p. 5.

([7]) See page 12 of this Official Journal.

ANNEX

'ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	– – Other	0401 10 90 9000		2,327
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500		5,302
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500		5,302
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	– Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400		10,50
	– Exceeding 17 %	0401 30 19 9700		15,77
	– – Exceeding 21 % but not exceeding 45 %:			

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 9100		38,32
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 9400		59,85
	– Exceeding 39 %	0401 30 31 9700		66,00
0401 30 39	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 39 9100		38,32
	– Exceeding 35 % but not exceeding 39 %	0401 30 39 9400		59,85
	– Exceeding 39 %	0401 30 39 9700		66,00
	– – Exceeding 45 %:			
0401 30 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 68 %	0401 30 91 9100		75,22
	– Exceeding 68 % but not exceeding 80 %	0401 30 91 9400		110,55
	– Exceeding 80 %	0401 30 91 9700		129,01
0401 30 99	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 68 %	0401 30 99 9100		75,22
	– Exceeding 68 % but not exceeding 80 %	0401 30 99 9400		110,55
	– Exceeding 80 %	0401 30 99 9700		129,01
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 9000 0402 10 19 9000	(13)	82,50
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 9900 0402 21 19 9900	(13)	114,00
0402 21 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a fat content, by weight:			
	– Not exceeding 11 %	0402 21 11 9200	(13)	82,50
	– Exceeding 11 % but not exceeding 17 %	0402 21 11 9300	(13)	100,60
	– Exceeding 17 % but not exceeding 25 %	0402 21 11 9500	(13)	105,98
	– Exceeding 25 %	0402 21 11 9900	(13)	114,00
	– – – – Other:			
0402 21 19	– – – – – Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	– Not exceeding 17 %	0402 21 19 9300	(13)	100,60
	– Exceeding 17 % but not exceeding 25 %	0402 21 19 9500	(13)	105,98
	– Exceeding 25 %	0402 21 19 9900	(13)	114,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	– Butter:			
	– – Of a fat content, by weight, not exceeding 85 %:			
	– – – Natural butter:			
0405 10 11	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	– – – – – – Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	– – – – – – Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	– – – Recombined butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	– – – – – – Of 82 % or more	0405 10 30 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9500		176,10
	– – – – – – Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	– – – Whey butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9100		176,10
	– – – – – – Of 82 % or more	0405 10 50 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	– – – – – – Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	– – Other	0405 10 90 9000		187,10
ex 0405 20	– Dairy spreads:			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %:			
	– – – Of a fat content by weight:			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	– – – – Of 78 % or more	0405 20 90 9700		171,69
0405 90	– Other:			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	– – Other	0405 90 90 9000		180,50

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd (3):					
ex 0406 90 23	– – – Edam	47	40	0406 90 23 9900	(3)	90,36
ex 0406 90 25	– – – Tilsit	47	45	0406 90 25 9900	(3)	89,77
ex 0406 90 76	– – – – – – – – Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe:					
	– – – – – – – – – Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	– – – – – – – – – – Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	(3)	84,68
	– – – – – – – – – – Of a dry matter content, by weight, of 56 % or more	44	45	0406 90 76 9400	(3)	94,85
	– – – – – – – – – Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	(3)	90,24
ex 0406 90 78	– – – – – – – – Gouda:					
	– – – – – – – – – Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(3)	87,50
	– – – – – – – – – Of a fat content by weight, in the dry matter of 48 % or more but less than 55 %	45	48	0406 90 78 9300	(3)	92,78
	– – – – – – – – – Other	45	55	0406 90 78 9500	(3)	91,91
ex 0406 90 79	– – – – – – – – Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(3)	75,02
ex 0406 90 81	– – – – – – – – Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	44	0406 90 81 9900	(3)	94,85
ex 0406 90 86	– – – – – – – – Exceeding 47 % but not exceeding 52 %:					
	– – – – – – – – – cheeses produced from whey			0406 90 86 9100		—
	– – – – – – – – – Other, of a fat content, by weight, in the dry matter:					
	– – – – – – – – – – Of less than 5 %	52		0406 90 86 9200	(3)	86,17
	– – – – – – – – – – Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(3)	87,41
	– – – – – – – – – – Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(3)	92,87
	– – – – – – – – – – Of 39 % or more	40	39	0406 90 86 9900	(3)	102,43
ex 0406 90 87	– – – – – – – – Exceeding 52 % but not exceeding 62 %:					
	– – – – – – – – – cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	– – – – – – – – – Other, of a fat content, by weight, in the dry matter:					
	– – – – – – – – – – Of less than 5 %	60		0406 90 87 9200	(3)	71,81
	– – – – – – – – – – Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(3)	80,27
	– – – – – – – – – – Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(3)	82,36

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 87 *(cont'd.)*	– – – – – – – – – – – Of 40 % or more:					
	– – – – – – – – – – – – Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(3)	93,15
	– – – – – – – – – – – – Maasdam	45	45	0406 90 87 9971	(3)	93,15
	– – – – – – – – – – – – Manouri	43	53	0406 90 87 9972	(3)	39,68
	– – – – – – – – – – – – Hushallsost	46	45	0406 90 87 9973	(3)	91,46
	– – – – – – – – – – – – Murukoloinen	41	50	0406 90 87 9974	(3)	99,26
	– – – – – – – – – – – – Other:	47	40	0406 90 87 9979	(3)	90,36
ex 0406 90 88	– – – – – – – – – Exceeding 62 % but not exceeding 72 %:					
	– – – – – – – – – – cheese produced from whey			0406 90 88 9100		—
	– – – – – – – – – – Other:					
	– – – – – – – – – – – Other:					
	– – – – – – – – – – – – Of a fat content, by weight, in the dry matter:					
	– – – – – – – – – – – – – Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(3)	70,90

(3) In the case of cheese presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(13) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.'

COMMISSION REGULATION (EC) No 2441/98

of 12 November 1998

on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables [1], as last amended by Regulation (EC) No 1287/98 [2], and in particular Article 5(5) thereof,

Whereas Commission Regulation (EC) No 1875/98 [3], fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for walnuts in shell and apples for destination group X will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for walnuts in shell and apples for destination group X exported after 12 November 1998 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for walnuts in shell and apples for destination group X submitted pursuant to Article 1 of Regulation (EC) No 1875/98, export declarations for which are accepted after 12 November 1998 and before 16 November 1998, are hereby rejected.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ L 292, 15. 11. 1996, p. 12.
[2] OJ L 178, 23. 6. 1998, p. 11.
[3] OJ L 243, 2. 9. 1998, p. 3.

COMMISSION REGULATION (EC) No 2442/98

of 12 November 1998

amending representative prices and additional duties for the import of certain products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1379/98 [5], as last amended by Regulation (EC) No 2399/98 [6];

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

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[1] OJ L 177, 1. 7. 1981, p. 4.
[2] OJ L 159, 3. 6. 1998, p. 38.
[3] OJ L 141, 24. 6. 1995, p. 16.
[4] OJ L 85, 20. 3. 1998, p. 5.
[5] OJ L 187, 1. 7. 1998, p. 6.
[6] OJ L 297, 6. 11. 1998, p. 22.

ANNEX

to the Commission Regulation of 12 November 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 (1)	17,69	7,46
1701 11 90 (1)	17,69	13,56
1701 12 10 (1)	17,69	7,27
1701 12 90 (1)	17,69	13,05
1701 91 00 (2)	19,18	16,98
1701 99 10 (2)	19,18	11,53
1701 99 90 (2)	19,18	11,53
1702 90 99 (3)	0,19	0,45

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

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

(3) By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2443/98

of 12 November 1998

concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 2007/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 2007/98 of 21 September 1998 on a special intervention measure for cereals in Finland and Sweden ([5]), as amended by Regulation (EC) No 2434/98 ([6]), and in particular Article 8 thereof,

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

Whereas Article 8 of Regulation (EC) No 2007/98 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 6 to 12 November 1998 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 2007/98.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

([1]) OJ L 181, 1. 7. 1992, p. 21.
([2]) OJ L 126, 24. 5. 1996, p. 37.
([3]) OJ L 147, 30. 6. 1995, p. 7.
([4]) OJ L 266, 1. 10. 1998, p. 61.
([5]) OJ L 258, 22. 9. 1998, p. 13.
([6]) OJ L 302, 12. 11. 1998, p. 30.

COMMISSION REGULATION (EC) No 2444/98

of 12 November 1998

fixing the maximum export refund on rye in connection with the invitation to tender issued in Regulation (EC) No 1746/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 6 to 12 November 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1746/98, the maximum refund on exportation of rye shall be ECU 69,75 per tonne.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

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[1] OJ L 181, 1. 7. 1992, p. 21.
[2] OJ L 126, 24. 5. 1996, p. 37.
[3] OJ L 147, 30. 6. 1995, p. 7.
[4] OJ L 266, 1. 10. 1998, p. 61.
[5] OJ L 219, 7. 8. 1998, p. 3.

COMMISSION REGULATION (EC) No 2445/98

of 12 November 1998

concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1564/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 6 to 12 November 1998 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1564/98.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

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[1] OJ L 181, 1. 7. 1992, p. 21.
[2] OJ L 126, 24. 5. 1996, p. 37.
[3] OJ L 147, 30. 6. 1995, p. 7.
[4] OJ L 266, 1. 10. 1998, p. 61.
[5] OJ L 203, 21. 7. 1998, p. 6.
[6] OJ L 288, 27. 10. 1998, p. 11.

COMMISSION REGULATION (EC) No 2446/98

of 12 November 1998

concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1078/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 6 to 12 November 1998 in response to the invitation to tender for the refund or the tax for the export of barley issued in Regulation (EC) No 1078/98.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 181, 1. 7. 1992, p. 21.
[2] OJ L 126, 24. 5. 1996, p. 37.
[3] OJ L 147, 30. 6. 1995, p. 7.
[4] OJ L 266, 1. 10. 1998, p. 61.
[5] OJ L 154, 28. 5. 1998, p. 20.

COMMISSION REGULATION (EC) No 2447/98

of 12 November 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 6 to 12 November 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2004/98, the maximum refund on exportation of common wheat shall be ECU 33,00 per tonne.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

([1]) OJ L 181, 1. 7. 1992, p. 21.
([2]) OJ L 126, 24. 5. 1996, p. 37.
([3]) OJ L 147, 30. 6. 1995, p. 7.
([4]) OJ L 266, 1. 10. 1998, p. 61.
([5]) OJ L 258, 22. 9. 1998, p. 4.

COMMISSION REGULATION (EC) No 2448/98

of 12 November 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 6 to 12 November 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1079/98, the maximum refund on exportation of common wheat shall be ECU 25,99 per tonne.

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 181, 1. 7. 1992, p. 21.
[2] OJ L 126, 24. 5. 1996, p. 37.
[3] OJ L 147, 30. 6. 1995, p. 7.
[4] OJ L 266, 1. 10. 1998, p. 61.
[5] OJ L 154, 28. 5. 1998, p. 24.
[6] OJ L 258, 22. 9. 1998, p. 8.

COMMISSION REGULATION (EC) No 2449/98

of 12 November 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals [3], as last amended by Regulation (EC) No 2094/98 [4];

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 November 1998.

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

Done at Brussels, 12 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ L 181, 1. 7. 1992, p. 21.
[2] OJ L 126, 24. 5. 1996, p. 37.
[3] OJ L 147, 30. 6. 1995, p. 7.
[4] OJ L 266, 1. 10. 1998, p. 61.

ANNEX

to the Commission Regulation of 12 November 1998 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)

Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—
1001 10 00 9400	01	0
1001 90 91 9000	—	—
1001 90 99 9000	03	16,00
	02	0
1002 00 00 9000	03	50,00
	02	0
1003 00 10 9000	—	—
1003 00 90 9000	03	47,00
	02	0
1004 00 00 9200	—	—
1004 00 00 9400	—	—
1005 10 90 9000	—	—
1005 90 00 9000	03	30,00
	02	0
1007 00 90 9000	—	—
1008 20 00 9000	—	—

(ECU / tonne)

Product code	Destination (1)	Amount of refund
1101 00 11 9000	—	—
1101 00 15 9100	01	36,00
1101 00 15 9130	01	33,50
1101 00 15 9150	01	31,00
1101 00 15 9170	01	28,50
1101 00 15 9180	01	26,50
1101 00 15 9190	—	—
1101 00 90 9000	—	—
1102 10 00 9500	01	82,00
1102 10 00 9700	—	—
1102 10 00 9900	—	—
1103 11 10 9200	01	20,00 (2)
1103 11 10 9400	—	— (2)
1103 11 10 9900	—	—
1103 11 90 9200	01	20,00 (2)
1103 11 90 9800	—	—

(1) The destinations are identified as follows:
01 All third countries,
02 Other third countries,
03 Switzerland, Liechtenstein.

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 June 1998

on additional financial measures by Spain in respect of the coal industry in 1994, 1995 and 1996

(notified under document number C(1998) 2043)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(98/635/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry [1], and in particular Article 2(1) and Articles 8 and 9 thereof,

Whereas:

I

By letter dated 22 March 1996 the Commission requested Spain to inform it of the State aid elements contained in the contract programme signed on 23 February 1996 with Hunosa and in Royal Decree 12/1995 of 28 December 1995 on urgent budgetary and financial measures [2].

By letter of 22 July 1996 Spain notified the Commission, in accordance with Article 8(4) of Decision No 3632/93/ECSC, of its intention to amend the broad objectives, relative to the objectives pursued by Decision No 3632/93/ECSC, of the 1994-97 activity reduction plans for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA, as approved by Commission Decision 94/1072/ECSC [3].

By the same letter Spain also sent notification, in accordance with Article 9(1) of Decision No 3632/93/ECSC, of the additional aid which it proposed to grant to the abovementioned undertakings for 1994, 1995 and 1996.

By letter dated 31 July 1996 the Commission asked Spain to supply information on the proposed amendments to the broad objectives of the plans previously approved and of the aid to be paid under them, so as to enable the Commission to rule on them. By letter dated 7 November 1996 the Commission reminded Spain of this request for further information.

In the absence of any reply to the requests for the further information sought in its letters of 31 July and 7 November 1996, and in order to comply with the rights of defence the Commission sent the Spanish Government a letter of formal notice under reference 97/C137/06 dated 23 April 1997 [4], giving Spain one month from receipt of the letter to submit its observations.

[1] OJ L 329, 30. 12. 1993, p. 12.
[2] Boletín Official del Estado No 312, p. 37519.
[3] OJ L 385, 31. 12. 1994, p. 31.
[4] OJ C 137, 3. 5. 1997, p. 6.

By letter of 23 May 1997 Spain informed the Commission of the amendments proposed to the broad objectives of the activity reduction plans previously approved and of the deviations occurring in the results for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA in 1994, 1995 and 1996.

By letter of 13 June 1997, Spain proposed to the Commission measures to correct the deviations in the period 1994 to 1996, in accordance with Article 9(6) of Decision No 3632/93/ECSC.

By letter of 8 November 1997, Spain announced that it intended to send the Commission additional information with the aim of reinforcing the corrective measures which it proposed to adopt before Decision No 3632/93/ECSC expired. This information was notified by letter of 20 February 1998.

Under Decision No 3632/93/ECSC, the Commission must:

(a) give an opinion as to the conformity with the general and specific aims of Decision No 3632/93/ECSC of the amendments to the broad objectives of the activity reduction plans for 1994 to 1997 for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA;

(b) rule on the following financial measures:

— additional aid of ESP 3 363 million for 1994, ESP 11 577 million for 1995 and ESP 7 806 million for 1996 to cover operating losses by Hunosa and Minas de Figaredo SA,

— additional aid of ESP 8 441 million for 1994, ESP 18 684 million for 1995 and ESP 16 180 million for 1996 to cover exceptional welfare aid paid to workers leaving Hunosa, Minas de Figaredo SA and Mina de la Camocha SA,

— additional aid of ESP 1 162 million for 1994, ESP l 241 million for 1995 and ESP 3 441 million for 1996 to cover the additional costs of closing down plants belonging to Hunosa, Minas de Figaredo SA and Mina de la Camocha SA.

The financial measures proposed by Spain for the coal industry fall within the provisions of Article l of Decision No 3632/93/ECSC and must be the subject of a Commission Decision, in accordance with Article 9, on the basis, in particular, of the general criteria and objectives laid down in Article 2 and the specific criteria set out in Articles 3 and 4 of Decision No 3632/93/ECSC. In accordance with Article 9(6) of that Decision, the Commission must assess whether the measures are in conformity with the activity reduction plans for the Spanish coal industry.

II

In Decision 94/1072/ECSC the Commission gave a favourable opinion on the conformity of the 1994-97 phase of the plans notified by Spain for modernisation, rationalisation and restructuring (Article 3 of Decision No 3632/93/ECSC) and activity reduction (Article 4 of Decision No 3632/93/ECSC).

The amendments notified by Spain on 23 May 1997, to the broad objectives of the 1994-97 activity reduction plan for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA relative to the objectives pursued by Decision No 3632/93/ECSC must be measured against the general criteria and aims laid down in Article 2(1) and the specific criteria and aims under Article 4 of Decision No 3632/93/ECSC.

In the light of those aims and criteria, the aid granted to those undertakings must help to solve the social and regional problems created by total or partial reductions in the activity of production units and, pursuant to Article 4 of Decision No 3632/93/ECSC, must form part of a closure plan with a deadline falling before 23 July 2002. The closure may be completed at a later date if the aid is justified on exceptional social and regional grounds, provided that it is part of a progressive and continuous activity reduction plan entailing a significant reduction before the abovementioned date.

According to the Spanish Government, the 1994-97 activity reduction plan notified by Spain in 1994 was intended to 'reduce production capacity, which would mean less activity in future and should lead to closures and mergers of installations, job-shedding and lower investment'. On analysis of the information on the amendments to the broad objectives and the corrective measures proposed by Spain, the Commission confirms that all three companies — Hunosa, Minas de Figaredo SA and Mina de la Camocha SA — have shed staff, from a total of 14 244 workers at the start of 1994 to 10 968 at

the end of 1996, with production falling from 3,4 million tonnes in 1993 to 2,9 million tonnes in 1996. Nevertheless, the Commission finds that those undertakings are proposing to adopt measures contrary to the activity reduction objective set in Decision No 3632/93/ECSC, such as subcontracting production to third parties in order to compensate, at least partly, for the abovementioned job losses or continuing operations beyond the closure date announced for the mines. In its letters of 23 May 1997 and 13 June 1997 Spain announced plans to increase those undertakings' production in 1997, compared with the 1995 and 1996 figures, and declared its intent to continue investments designed to slow down the reduction of activity in future.

The amendments which Spain intends to make to the broad objectives of the plans relative to the objectives of Decision No 3632/93/ECSC aim at scaling down the reduction in the undertakings' production capacity by means of long-term investments in new fields and slowing down the progressive and continuous reduction of activity provided for in the plans approved by the Commission. Consequently, they are contrary to the objectives laid down in Article 4 of Decision 3632/93/ECSC.

In accordance with Article 8(3) and (4) of Decision No 3632/93/ECSC, the Commission is unable to approve the alterations which Spain intends to make to the objectives of the 1994-97 phase of the activity reduction plans for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA. Consequently, Spain must adhere to the broad objectives of the plans approved by the Commission in Decision 94/1072/ECSC.

III

By Decisions 94/1072/ECSC, 96/591/ECSC [1] and 96/575/ECSC [2], the Commission authorised, under Article 4 of Decision No 3632/93/ECSC, aid for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA totalling ESP 71 560 million for 1994, ESP 65 997 million for 1995 and ESP 62 802 million for 1996, to cover operating losses on production of 3 187 470 tonnes in 1994, 2 800 100 tonnes in 1995 and 2 919 500 tonnes in 1996, equivalent to an average aid of ESP 28 891/tce (ECU 180/tce). The objective of this aid was to implement the activity reduction plan for 1994 to 1997 approved by the Commission in Decision 94/1072/ECSC.

The additional aid, amounting to ESP 3 363 million for 1994, ESP 11 577 million for 1995 and ESP 7 806 million for 1996 which Spain plans to grant to Hunosa and Minas de Figaredo SA is intended to compensate fully or partly for operating losses which were higher than expected.

In its assessment of these measures, the Commission must check whether they are in conformity with the activity reduction plan referred to in Article 8 and with the objectives set out in Article 2 of Decision No 3632/93/ECSC.

Hunosa and Minas de Figaredo SA have reduced the workforce as planned, from 13 153 workers at the start of 1994 to 10 146 at the end of 1996 and have been reducing production continuously, from 3 116 500 tonnes in 1993 to 2 661 500 tonnes in 1996.

However, those reductions in production and workforce have not produced the planned reduction in operating losses, owing to the unfavourable productivity trend and the changes which had to be made to operating methods in response to the accidents in 1995.

Beyond those changes, both undertakings have taken measures contrary to the goal of a progressive and continuous reduction in activity as laid down in Article 4 of Decision No 3632/93/ECSC if undertakings are to qualify for aid for the reduction of activity.

Hunosa and Minas de Figaredo SA have subcontracted operations with a view to restoring some of the activity lost with the departure of their permanent staff. They have made heavier infrastructure investment than announced with a view to continuing activities having no prospect of economic viability. In its letter dated 23 May 1997 Spain announced that the closure plan proposed for Hunosa installations in the 1994-97 phase would be extended beyond the approved deadlines.

Moreover, Hunosa has reopened installations closed down by Minas de Lieres SA as part of the 1991-93 restructuring plan — closures for which aid was authorised. Production

[1] OJ L 259, 12. 10. 1996, p. 14.
[2] OJ L 253, 5. 10. 1996, p. 15.

at those installations led to operating losses of ESP 487 million in 1994, ESP 791 million in 1995 and ESP 1 016 million in 1996. The Commission cannot approve aid to cover these operating losses.

By letter dated 20 February 1998 in reply to the request from the Commission under Article 9(6) of Decision No 3632/93/ECSC, Spain informed the Commission that it was prepared to abide by the broad objectives of the 1994-97 phase of the activity reduction plans approved by the Commission in Decision 94/1072/ECSC and, consequently, that it would proceed, before Decision No 3632/93/ECSC expired, to correct the measures contrary to the objective of reducing activity.

Following adoption of those measures the Commission confirmed that the additional aid totalling ESP 2 876 million for 1994, ESP 10 786 million for 1995 and ESP 6 790 million for 1996 which Spain proposed to grant to Hunosa and Minas de Figaredo was intended to allow them to continue their activities in the context of the progressive and continuous reduction provided for in the plan approved by the Commission. An immediate end to the companies' activities would have grave social consequences for the mining regions. The aid helps to solve the social and regional problems created by developments in the coal industry and, consequently, is in line with the second indent of Article 2(1) of Decision No 3632/93/ECSC.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

IV

By Decisions 94/1072/ECSC, 96/591/ECSC and 96/575/ECSC, the Commission authorised aid totalling ESP 4 840 million for 1994, ESP 6 745 million for 1995 and ESP 6 075 million for 1996 intended to cover compensation to be paid to employees of Hunosa, Minas de Figaredo SA and Mina de la Camocha SA who had to take early retirement or were made redundant and to implement the 1994-97 phase of the activity reduction plans for those companies.

Moreover, by Decision 93/145/ECSC [1], the Commission approved the 1991-93 modernisation, rationalisation and restructuring plan for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA. This provided for aid totalling ESP 77 483 million for accompanying social measures to continue throughout the period from 1994 to 2002. However, Spain has yet to send notification of the aid instalment for 1994, 1995 and 1996.

The notified aid totalling ESP 42 395 million for Hunosa, ESP 102 million for Minas de Figaredo SA and ESP 808 million for Mina de la Camocha SA for 1994, 1995 and 1996 is intended to cover the compensation paid to those of the companies' 6 400 employees who had to take early retirement under the 1991-93 modernisation, rationalisation and restructuring plan and the — higher than expected — compensation for their 4 400 employees who took early retirement or lost their jobs under the 1994-97 phase of the activity reduction plan.

In its assessment of these measures, the Commission must check whether they are in conformity with the activity reduction plan provided for in Article 8 and with the objectives set out in Article 2 of Decision No 3632/93/ECSC.

In view of the information provided by Spain, the Commission has no wish to penalise the workers affected by the restructuring of these companies. The extra cost is attributable to more early retirement than was envisaged and to supplies of free coal to workers affected by restructuring.

The Commission has found that the ESP 1 377,70 million for Hunosa, ESP 155,98 million for Minas de Figaredo SA and ESP 41,1 million for Mina de la Camocha SA authorised by the Commission for 1994, 1995 and 1996 as aid towards the retraining of workers, as provided for in paragraphs 1(c) and 2(b) of Article 56 of the ECSC Treaty, were deducted from the amounts notified by Spain.

This aid covers the costs arising from or having arisen from the modernisation, rationalisation and restructuring of the Spanish coal industry, as provided for by Article 5 of Decision No 3632/93/ECSC, and cannot therefore be considered to be related to current production (inherited liabilities).

[1] OJ L 57, 10. 3. 1993, p. 26.

Pursuant to Article 5 of Decision No 3632/93/ECSC, the aid mentioned explicitly in the Annex to the Decision, namely the cost of paying social welfare benefits resulting from the pensioning-off of workers before they reach statutory retirement age, other exceptional expenditure on workers who lose their jobs, and the supply of free coal to workers who lose their jobs as a result of restructuring and rationalisation, may be considered compatible with the common market provided that the amount paid does not exceed such costs.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

V

In Decisions 94/1072/ECSC, 96/591/ECSC and 96/575/ECSC the Commission authorised aid totalling ESP 2 504 million for 1994, ESP 1 574 million for 1995 and ESP 2 244 million for 1996 for Hunosa to cover the depreciation of its fixed assets and the exceptional costs occasioned by the closures planned between 1994 and 1997. The objective was to implement the 1994-97 phase of the activity reduction plan notified to the Commission for this undertaking.

Moreover, by Decision 93/145/ECSC the Commission approved the 1991-93 modernisation, rationalisation and restructuring plan for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA and approved a provision of ESP 8 734 million to cover the costs arising from exceptional intrinsic depreciation and the cost of merging installations closed down during the period 1991 to 1993.

The additional aid totalling ESP 1 162 million for 1994, ESP 1 241 million for 1995 and ESP 3 441 million for 1996 is to compensate for higher closure costs than expected for installations belonging to Hunosa, Minas de Figaredo SA and Mina de la Camocha SA. These costs break down as follows: ESP 4 576 million for Hunosa, ESP 603 million for Minas de Figaredo and ESP 665 million for Mina de la Camocha.

In its assessment of these measures, the Commission must check whether they are in conformity with the activity reduction plan for 1994 to 1997 provided for in Article 8 and with the objectives set out in Article 2 of Decision No 3632/93/ECSC.

The reductions in activity and the capacity closures made by these undertakings between 1994 and 1996 were smaller than expected. On analysis of the data supplied by Spain, the Commission finds that some of the costs associated with the installations closed down were higher than expected and can be considered compatible with Decision No 3632/93/ECSC but that ESP l 865 million of the additional aid notified for Hunosa and Minas de Figaredo SA are for depreciation of assets and costs incurred in abandoning installations at mines where normal activities are continuing and, consequently, are not a result of restructuring of the coal industry. This part of the aid cannot be considered an inherited liability.

Mina de la Camocha SA has made investments supported by State aid to prolong operations having no prospect of economic viability. Such investments are contrary to the progressive and continuous activity reduction plan notified by Spain for this company. The aid totalling ESP 665 million notified to cover 'other financial needs' is, consequently, not due to the restructuring of the coal industry and cannot be considered an inherited liability. This aid is not in line with the objectives of Decision No 3632/93/ECSC.

Consequently, the Commission is unable to authorise aid totalling ESP 2 530 million notified by Spain to cover exceptional closure costs.

VI

In accordance with the second indent of Article 3(1) and with Article 9(2) and (3) of Decision No 3632/93/ECSC, the Commission must verify that aid authorised for current production relates solely to the purposes set out in Article 4 of that Decision. To this end, it must be informed of the amounts involved and the distribution of payments.

The Commission must remind Spain that it is under an obligation to comply with Article 9(5) of Decision No 3632/93/ECSC concerning the repayment of any amounts in excess of the amounts authorised by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The amendments which Spain proposes to make to the broad objectives of the activity reduction plans for 1994 to 1997 for the companies Hunosa, Minas de Figaredo SA and Mina de la Camocha SA are not in line with the general and specific objectives of Decision No 3632/93/ECSC. Consequently, the Commission issues a negative opinion on those amendments.

Article 2

Spain is hereby authorised to grant to the companies Hunosa, Minas de Figaredo SA and Mina de la Camocha SA the following additional aid for 1994, 1995 and 1996:

(a) aid for the reduction of activity of ESP 20 452 million to cover the operating losses of Hunosa and Minas de Figaredo SA under Article 4 of Decision No 3632/93/ECSC;

(b) aid of ESP 43 305 million to cover exceptional welfare aid paid to workers who lose their jobs as a result of the measures to restructure, rationalise, modernise and reduce the activity of the Spanish coal industry, under Article 5 of Decision No 3632/93/ECSC;

(c) aid of ESP 3 296 million to cover exceptional additional costs of closing installations as a result of the measures to restructure, rationalise, modernise and reduce the activity of the Spanish coal industry, under Article 5 of Decision No 3632/93/ECSC.

Article 3

Spain shall notify the Commission, by 30 September 1998 at the latest, of the amount of aid actually paid to Hunosa, Minas de Figaredo SA and Mina de la Camocha SA in respect of 1994, 1995 and 1996.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 3 June 1998.

For the Commission

Christos PAPOUTSIS

Member of the Commission

COMMISSION DECISION

of 3 June 1998

on financial measures by Spain in respect of the coal industry in 1997

(notified under document number C(1998) 2044)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(98/636/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry [1], and in particular Article 2(1) and Article 9 thereof,

Whereas:

I

By letter of 25 March 1997 Spain notified the Commission, pursuant to Article 9(1) of Decision No 3632/93/ECSC, of the financial measures which it intended to take in respect of the coal industry in 1997.

By letters of 4 September 1997, 20 February 1998 and 31 March 1998, Spain also provided the additional information requested by the Commission in its letters of 23 April 1997 and 24 October 1997.

Pursuant to Decision No 3632/93/ECSC, the Commission must rule on the following financial measures relating to 1997:

(a) aid of ESP 130 738 million to cover operating losses by coal undertakings;

(b) aid of ESP 51 244 million to cover exceptional welfare aid paid to workers who lose their jobs as a result of the measures to modernise, rationalise, restructure and reduce the activity of the coal industry;

(c) aid of ESP 9 113 million to cover the technical costs of closing down mining installations as a result of the measures to modernise, rationalise, restructure and reduce the activity of the coal industry.

The financial measures proposed by Spain for the coal industry fall within the provisions of Article 1 of Decision No 3632/93/ECSC and must be approved by the Commission, in accordance with Article 9, on the basis, in particular, of the general criteria and objectives laid down in Article 2 and the specific criteria established by Articles 3 and 4 of that Decision. In accordance with Article 9(6) of that Decision, the Commission must assess whether the measures are in conformity with the 1994 to 1997 phase of the plans to modernise, rationalise, restructure and reduce the activity of the Spanish coal industry, as provided for in Decision 94/1072/ECSC [2].

II

The aid of ESP 130 738 million consists of ESP 116 877 million intended to compensate in full or in part for operating losses suffered by coal producers and ESP 13 861 million to help with marketing coal.

The aid of ESP 116 877 million to cover operating losses subdivides into operating aid of ESP 47 347 million pursuant to Article 3 of Decision No 3632/93/ECSC and aid of ESP 69 530 million to reduce activity pursuant to Article 4 thereof.

Of the operating aid of ESP 47 347 million for coal production totalling 14,6 million tonnes, ESP 46 347 million will be covered by the specific costs included in the payments for the activities of the national electricity system, while the remaining ESP 1 000 million will be charged to the public budgets.

Spain proposed to the Commission that part of the aid to the coal industry for 1997 be entered in mechanisms considered strictly equivalent to entry in the public

[1] OJ L 329, 30. 12. 1993, p. 12.

[2] OJ L 385, 31. 12. 1994, p. 31.

budgets, as provided for by Article 2(2) of Decision No 3632/93/ECSC. This mechanism would consist in inserting a clause into Law 12/1996 of 30 December 1996 on the general State budgets for 1997 [1] stipulating that the specific costs associated with coal mining will be included in the electricity tariff and setting a value of 4,864 % of the amount invoiced by the electricity distributors. The Commission considers that entry of the aid in the public budgets offers better guarantees of transparency and notes Spain's undertaking to amend accordingly the mechanisms proposed as strictly equivalent and applied in 1997.

The Spanish coal producers which receive operating aid must reduce their production costs by 2 % per year, at constant prices, which will contribute to a trend towards a reduction in production costs at 1992 prices, as provided for by Article 3(2) of Decision No 3632/93/ECSC. This reduction, although not very sharp, is in line with the objective of degression of aid. A sharper reduction would endanger the survival of the undertakings, which would have grave social consequences since the mines are in isolated, economically backward regions.

The inclusion of those measures in the 1994 to 1997 phase of the modernisation, rationalisation, restructuring and activity-reduction plan approved by the Commission meets the objectives of the first and second indents of Article 2(1) of Decision No 3632/93/ECSC, namely to help to solve the social and regional problems created by developments in the coal industry in a context of further progress towards economic viability with the aim of degression of aid.

Of the aid of ESP 69 530 million to reduce activity, pursuant to Article 4 of that Decision, ESP 20 235 million will be covered by the specific costs charged to the national electricity system, while ESP 49 295 million will be borne by the public budgets.

The aid totalling ESP 49 295 million from the general State budget is intended for Hunosa, Minas de Figaredo SA and Mina de la Camocha SA, all of which lie in the central Asturian coalfield, for a production of 2,43 million tonnes of coal. In the case of Hunosa and Minas de Figaredo, this aid will be paid via the public-sector shareholder in the undertakings, the Agencia Industrial del Estado (AIE), of which the revenue and expenditure estimates have been entered in the general State budgets for 1997. In 1997 those undertakings cut production by 7,6 % compared with 1996, in keeping with the principle of progressive and continuous activity reduction provided for in Article 4 of Decision No 3632/93/ECSC.

The remaining ESP 20 235 million covered by the specific costs charged to the national electricity system is intended for the same undertakings and for others in the coalfields in north-west, north-east and southern Spain, which must close before Decision No 3632/93/ECSC expires.

This aid will help to solve the social and regional problems created by developments in the coal industry. It forms part of a closure plan and is therefore in line with the provisions of Article 4 of Decision No 3632/93/ECSC.

Spain authorised a premium of 10 % on world market prices to support the marketing of Community coal in 1997. This measure constitutes support by public authorities linked to marketing of coal which gives an economic advantage to coal undertakings by reducing the costs which they would normally have to bear. This support totals ESP 13 861 million. It constitutes aid pursuant to Article 1(2) of Decision No 3632/93/ECSC.

The measure is justified by the need for a gradual transition from the old system of regulated prices to prices freely agreed in the light of the conditions prevailing on the world market.

In view of the gradual reduction of this premium from 25 % in 1994 to 17 % in 1995, 14 % in 1996 and 10 % in 1997 and of its complete disappearance with effect from 1 January 1998, this marketing aid scheme can be considered Community aid and, as such, compatible with the proper functioning of the common market.

The Commission notes Spain's undertaking to take the necessary measures to ensure that by 31 December 1997 at the latest the selling price of Spanish coal will be agreed freely between the contracting parties, in the light of conditions on the world market.

In its notification, Spain confirmed that the aid to be granted will not exceed, for each undertaking or production unit, the difference between production costs and foreseeable revenue.

[1] Boletín Oficial del Estado No 315, 31. 12. 1996, p. 38 918.

The amount of aid notified by Spain for 1997 is 1,5 % lower than the aid approved by the Commission for 1996, after comparison with selling prices, taking account of conditions on the world market. Spain has notified the Commission that this will be reduced by 4 % per year from 1998 onwards.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

III

The aid of ESP 51 244 million which Spain proposes to grant will cover compensation for those of the 7 300 workers in Spanish coal undertakings who have to take early retirement or who lose their jobs under the 1994 to 1997 modernisation, rationalisation, restructuring and activity reduction plan for the Spanish coal industry and for early retirement, outside the statutory system, for workers who lost their jobs as a result of the restructuring before 31 December 1993.

Part of this aid, amounting to ESP 33 316 million, is to be granted to Hunosa, Minas de Figaredo SA and Mina de la Camocha SA and will be charged to the general State budgets. The payments to Hunosa and Minas de Figaredo will be made via the AIE.

The remaining ESP 17 928 million of aid are intended for the other undertakings affected by modernisation, rationalisation, restructuring or activity reduction measures and will be covered by the specific costs charged to the national electricity system.

Those financial measures relate to action necessitated by the modernisation, rationalisation and restructuring of the Spanish coal industry and cannot therefore be considered to be related to current production (inherited liabilities).

Pursuant to Article 5 of Decision No 3632/93/ECSC, the aid mentioned explicitly in the Annex to the Decision, namely the cost of paying social-welfare benefits resulting from the pensioning-off of workers before they reach statutory retirement age and other exceptional expenditure on workers who lose their jobs as a result of restructuring and rationalisation, may be considered compatible with the common market, provided that the amount paid does not exceed such costs.

The Commission notes Spain's undertaking to enter this aid in the public budgets with effect from 1 January 1998.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

IV

The aid of ESP 9 113 million which Spain proposes to grant is intended to cover part of the loss of value of the fixed assets of coal undertakings which have to close down totally or partially, and other exceptional costs resulting from the progressive closures under the 1994 to 1997 modernisation, rationalisation, restructuring and activity reduction plan for the Spanish coal industry.

Part of this aid, totalling ESP 5 538 million, is to be granted to Hunosa and Minas de Figaredo SA and will be covered by the general State budget via the AIE. The remaining ESP 3 575 million of aid are intended for the other undertakings restructuring or reducing their activity and will be covered by the specific costs charged to the national electricity system.

These financial measures relate to obligations imposed by the modernisation, rationalisation and restructuring of the Spanish coal industry and cannot therefore be considered to be related to current production (inherited liabilities).

Pursuant to Article 5 of Decision No 3632/93/ECSC, the aid mentioned explicitly in the Annex to the Decision, namely exceptional intrinsic depreciation, may, provided that it results from the restructuring of the industry (without taking account of any revaluation which has occurred since 1 January 1986 and which exceeds the rate of inflation) and other additional work and residual costs arising from closures of installations, be considered compatible with the common market on condition that the amount paid does not exceed such costs.

The Commission notes Spain's undertaking to enter this aid in the public budgets with effect from 1 January 1998.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

V

Spain will ensure that the aid granted under this Decision gives rise to no discrimination between producers, purchasers and users on the Community coal market.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

In accordance with the second indent of Article 3(1) and with Article 9(2) and (3) of Decision No 3632/93/ECSC, the Commission must verify that the aid authorised relates solely to the purposes set out in Articles 3, 4 and 5 of the Decision. To this end, it must be informed of the amounts involved and the distribution of payments,

HAS ADOPTED THIS DECISION:

Article 1

Spain is hereby authorised to pay the following aid in respect of 1997:

(a) operating aid of ESP 47 347 million pursuant to Article 3 of Decision No 3632/93/ECSC;

(b) aid for the reduction of activity of ESP 69 530 million pursuant to Article 4 of Decision No 3632/93/ECSC;

(c) aid of ESP 51 244 million to cover exceptional welfare aid paid to workers who lose their jobs as a result of the measures to modernise, rationalise, restructure and reduce the activity of the Spanish coal industry, pursuant to Article 5 of Decision No 3632/93/ECSC;

(d) aid of ESP 9 113 million to cover the exceptional technical costs of closing down mining installations as a result of the measures to modernise, rationalise, restructure and reduce the activity of the Spanish coal industry, pursuant to Article 5 of Decision No 3632/93/ECSC.

Article 2

In accordance with Article 86 of the ECSC Treaty, Spain shall adopt all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising under this Decision. It shall ensure that the aid authorised is used exclusively for the purposes intended and that any unspent, overestimated or incorrectly used aid for any item covered by this Decision is repaid to it.

Article 3

Spain shall notify the Commission, by 30 September 1998 at the latest, of the amount of aid actually paid in respect of 1997.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 3 June 1998.

For the Commission

Christos PAPOUTSIS

Member of the Commission

COMMISSION DECISION

of 3 June 1998

on the granting by Spain of aid to the coal industry in 1998

(notified under document number C(1998) 2045)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(98/637/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry [1], and in particular Article 2(1), and Articles 8 and 9 thereof,

Whereas:

I

By Decision 94/1072/ECSC [2] the Commission gave an opinion as to the conformity of the 1994-1997 phase of the modernisation, rationalisation, restructuring and activity-reduction plan for the coal industry notified by Spain with the general and specific objectives of Decision No 3632/93/ECSC.

By letter of 15 October 1997, Spain notified the Commission of the second phase (1998-2002) of the modernisation, rationalisation, restructuring and activity-reduction plan for the coal industry.

By letters of 17 December 1997, 20 February 1998 and 31 March 1998 Spain provided additional information, in response to the requests contained in the Commission's letters of 14 November and 22 December 1997.

By letter of 31 March 1998, pursuant to Article 9(1) of Decision No 3632/93/ECSC, Spain notified the Commission of the financial measures it intended to take in respect of the coal industry in 1998.

Under Decision No 3632/93/ECSC, the Commission must:

(a) give an opinion as to the conformity of the 1998-2002 phase of the modernisation, rationalisation, restructuring and activity-reduction plan for the Spanish coal industry with the general and specific objectives of the Decision;

(b) rule on the following financial measures relating to 1998:

— aid of ESP 126 855 million to cover operating losses by coal undertakings,

— aid of ESP 54 967 million to cover exceptional welfare aid paid to workers who lose their jobs as a result of the measures to modernise, rationalise, restructure and reduce the activity of the coal industry,

— aid of ESP 11 995 million to cover the technical costs of closing down mining installations as a result of the measures to modernise, rationalise, restructure and reduce the activity of the coal industry.

The financial measures proposed by Spain for the coal industry fall within the provisions of Article 1 of Decision No 3632/93/ECSC and must be approved by the Commission, in accordance with Article 9, on the basis, in particular, of the general criteria and objectives laid down in Article 2 and the specific criteria established by Articles 3 and 4 of that Decision. In accordance with Article 9(6) of the Decision, the Commission must assess whether the measures are in conformity with the plans notified.

II

The measures taken to implement the 1994-1997 phase of Spain's modernisation, rationalisation, restructuring and activity-reduction plan deviated from the plans notified to and approved by the Commission.

In its evaluation of this phase of the plan the Commission found that the undertakings or production units granted operating aid under Article 3 had made limited progress towards improving their economic viability, relative to coal prices on international markets. Broadly speaking, those undertakings had not made all the efforts

[1] OJ L 329, 30. 12. 1993, p. 12.
[2] OJ L 385, 31. 12. 1994, p. 31.

announced on modernisation, rationalisation and restructuring. When approving the aid, the Commission recognised the priority need to attenuate, as far as possible, the social and regional impact of restructuring and to provide coal undertakings with a medium-term outlook so that they could complete their restructuring. Nevertheless, those undertakings will have to step up their restructuring efforts in the next phase, from 1998 to 2002.

The undertakings or production units receiving aid for the reduction of activity under Article 4 adopted a series of measures over this period, conflicting with the obligation progressively to reduce their production capacity by means of total or partial closures. Those measures resulted in a significant increase in aid. In accordance with Article 9(6) of Decision No 3632/93/ECSC the Commission requested Spain to explain these deviations and to propose the necessary corrective measures.

Between 1 January 1994 and 31 December 1997 Spain gradually brought the aid arrangements for the coal industry, particularly the contracts between coal and electricity producers, into line with Decision No 3632/93/ECSC, as provided for by Article 9(7).

In response to the Commission's letter dated 14 November 1997 Spain made amendments to the modernisation, rationalisation, restructuring and activity-reduction plans for 1998 to 2002 originally notified in its letter of 15 October 1997.

The 1998-2002 phase of the definitive plan, notified by Spain by letter dated 31 March 1998, aims at stepping up the modernisation, rationalisation and restructuring measures which coal undertakings must implement to reduce their production costs in order to receive the operating aid provided for in Article 3 of Decision No 3632/93/ECSC. Undertakings which are unable to reduce their production costs or which, despite reducing them, would still be far from achieving economic viability will have to step up their activity-reduction plan, as provided for by Article 4 of Decision No 3632/93/ECSC.

For the undertakings receiving operating aid under Article 3, Spain has set a target of a minimum net reduction in production of 1,9 million tonnes between 1 January 1998 and 23 July 2002, which by the time that the plan is completed will take their maximum production level down to 12,7 million tonnes, compared with 14,6 million tonnes in 1997.

In order to confirm the trend towards a reduction in those undertakings' production costs at 1992 prices, Spain must notify the Commission of 1997 production by 30 September 1998 at the latest. If production cost trends over the period 1994 to 1997 show that certain undertakings or production units fail to meet the conditions laid down in Article 3(2) of Decision No 3632/93/ECSC, Spain will submit proposals to the Commission to subject them to a closure plan before 23 July 2002 or, where appropriate, to a progressive and continuous activity-reduction plan, as provided for by Article 4 of the same Decision.

Throughout the period from 1998 to 2002 Spain must monitor production cost trends at each of the coal undertakings and, should they prove unable to generate a downward trend, will propose the necessary corrective measures to the Commission.

In view of the difficult geological conditions in Spain's coalfields, certain undertakings or production units must be subject to a closure plan before 23 July 2002 or, where appropriate, a progressive and continuous activity-reduction plan in order to qualify for the aid for the reduction of activity (Article 4 of Decision No 3632/93/ECSC).

The company Endesa's underground production capacity of 0,315 million tonnes will be subject to a closure plan to be completed before 23 July 2002.

Given the exceptional social and regional conditions in the Asturias coalfields, Hunosa, Minas de Figaredo SA and Mina de la Camocha SA will be subject to a progressive and continuous activity-reduction plan.

Production by Hunosa and Minas de Figaredo SA fell from a combined total of 3,12 million tonnes in 1993 to 2,66 million tonnes in 1996 and 2,42 million tonnes in 1997. Further reductions will have to be made to take production down to a maximum of 1,8 million tonnes in 2001, representing a 42 % reduction since 1993. The number of mineworkers will have to be reduced from 9 337 on 1 January 1998 to 6 500 by 31 December 2001 - 51 % down on 1 January 1994.

The mines taken over by Hunosa from Minas de Lieres SA will have to close down definitively by 31 December 1999. Hunosa has given a commitment to make no further investment in preparing new reserves from this mine, and Spain will undertake to grant no aid to cover production costs between 1 January 1998 and the closure date.

Mina de la Camocha reduced production from 0,278 million tonnes in 1993 to 0,248 million tonnes in 1997. Further reductions will have to be made to take produc-

tion down to a maximum of 0,183 million tonnes in 2001, down by 34 % since 1993. The number of mineworkers fell from 1 091 on 1 January 1994 to 754 on 31 December 1997 and should be no more than 400 by 31 December 2001.

The 1998-2002 plan for the modernisation, rationalisation, restructuring and activity-reduction of the coal industry, notified by Spain, is in line with Article 2(1) of Decision No 3632/93/ECSC, particularly with the objective of solving the regional and social problems created by total or partial reductions in the activity of production units. In view of its social and regional aspects, the plan notified to the Commission will be accompanied by conversion programmes for the mining regions, entailing aid to restore industrial activity in the region wherever this is compatible with the Treaties.

The plan notified by Spain for 1998 to 2002 provides for an annual reduction in aid to current production of 4 % for underground mines and 6 % for open-cast mines. This will help to achieve the objective of degression of aid. The aid to cover the production costs of the undertakings or production units, i.e. the aid under Article 3 and/or Article 4, is intended to cover all or part of the difference between production costs and the selling price freely agreed between the contracting parties in the light of the conditions prevailing on the world market.

In accordance with Article 2(2) of Decision No 3632/93/ ECSC, all the aid which Spain plans to grant to the coal industry under that Decision for the period 1998 to 2002 will be entered in national, regional or local public budgets. Part of the aid to Hunosa and Minas de Figaredo SA could be channelled via SEPI (Sociedad Estatal de Participaciones Industriales), a public undertaking for which the expenditure and revenue estimates are entered in the general State budgets.

In view of the above, the plan submitted by Spain is in line with the general objectives laid down in Article 2 and with the specific objectives established in Articles 3 and 4 of Decision No 3632/93/ECSC, provided that all the conditions laid down in that Decision are complied with, and particularly the condition relating to non-discrimination between producers, purchasers and users of coal in the Community.

III

The aid of ESP 126 855 million which Spain plans to grant the coal industry in 1998 is intended to compensate in full or in part for operating losses suffered by coal undertakings.

It is intended to cover the difference between production costs and the selling price freely agreed between the contracting parties in the light of the conditions prevailing on the world market.

The sum notified subdivides into operating aid of ESP 59 443 million under Article 3 of Decision No 3632/93/ ECSC and aid of ESP 67 412 million to reduce activity under Article 4 of that Decision.

The operating aid of ESP 59 443 million is intended to cover the operating losses suffered by 73 undertakings producing a total of 14,5 million tonnes in 1998. Spain will send notification of those undertakings' 1997 production costs by 30 September 1998 at the latest, to show trends between 1994 and 1997.

Of the aid of ESP 67 412 million to reduce activity, ESP 61 054 million is intended to cover the operating losses of Hunosa and Minas de Figaredo SA, ESP 5 361 million the operating losses of Mina de la Camocha SA and ESP 997 million the operating losses of the underground workings of Endesa on production totalling 3 million tonnes.

Of the aid of ESP 61 054 million to Hunosa and Minas de Figaredo SA, ESP 44 429 million will be granted via SEPI.

The amount of aid notified by Spain for 1998 is 3 % lower than the aid authorised by the Commission for 1997, after comparison with the selling prices in the light of the conditions prevailing on the world market. Spain sent notification of the Council of Ministers' decision on the company-by-company allocation of this aid.

The aid to cover the operating losses suffered by coal undertakings is entered in the general State budgets for 1998.

The inclusion of those measures in the modernisation, rationalisation, restructuring and activity-reduction plan notified by Spain and the degression of the aid and quantities planned for 1998 are in line with the objectives of the first and second indents of Article 2(1) of the Decision, particularly the objective of solving the social and regional problems created by developments in the coal industry.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

IV

The aid of ESP 54 967 million which Spain is proposing to grant will cover compensation for workers who will lose their jobs or have to take early retirement under the modernisation, rationalisation, restructuring and activity-reduction plan for the Spanish coal industry.

Part of this aid, amounting to ESP 44 872 million, will be granted to Hunosa and Minas de Figaredo SA to cover the costs for the workers who took early retirement before 1 January 1998 or will take early retirement in 1998. This part of the aid will be granted to Hunosa and Minas de Figaredo via SEPI.

The remaining ESP 10 095 million of aid is intended to cover compensation for workers from the other undertakings affected by modernisation, rationalisation and restructuring measures who will lose their jobs in 1998.

The aid to cover exceptional costs arising from restructuring is entered in the general State budgets for 1998.

The financial measures relate to action necessitated by the modernisation, rationalisation and restructuring of the Spanish coal industry and cannot therefore be considered to be related to current production (inherited liabilities).

Pursuant to Article 5 of Decision No 3632/93/ECSC, the aid mentioned explicitly in the Annex to the Decision, namely the cost of paying social-welfare benefits resulting from the pensioning-off of workers before they reach statutory retirement age and other exceptional expenditure on workers who lose their jobs as a result of restructuring and rationalisation, may be considered compatible with the common market, provided that the amount paid does not exceed such costs.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

V

The aid of ESP 11 995 million which Spain proposes to grant is intended to cover part of the loss of value of the fixed assets of coal undertakings which have to close down totally or partially and other exceptional costs resulting from the progressive closures connected with the restructuring of the coal industry.

Part of this aid, totalling ESP 1 670 million, is to be granted to Hunosa and Minas de Figaredo SA via SEPI. The remaining ESP 10 325 million of aid is intended for the other undertakings restructuring or reducing their activity.

The aid to cover exceptional costs arising from restructuring is entered in the general State budgets for 1998.

These financial measures relate to action made necessary by the modernisation, rationalisation and restructuring of the Spanish coal industry and cannot therefore be considered to be related to current production (inherited liabilities).

Pursuant to Article 5 of Decision No 3632/93/ECSC, the aid mentioned explicitly in the Annex to the Decision, namely exceptional intrinsic depreciation, may, provided that it results from the restructuring of the industry (without taking account of any revaluation which has occurred since 1 January 1986 and which exceeds the rate of inflation) and other additional work and residual costs arising from closures of installations, be considered compatible with the common market on condition that the amount paid does not exceed such costs.

Spain must ensure that the aid granted to undertaking to cover exceptional costs is in line with the categories of costs defined in the Annex to Decision No 3632/93/ECSC.

In view of the above and on the basis of the information provided by Spain, this aid is compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

VI

Spain must ensure that the aid to current production granted under this Decision gives rise to no discrimination between producers, purchasers and users on the Community coal market.

In view of the above and on the basis of the information provided by Spain, the aid and measures planned for the coal industry are compatible with the objectives of Decision No 3632/93/ECSC and with the proper functioning of the common market.

This Decision applies without prejudice to the compatibility with the Treaties of any contracts concluded between Spanish coal and electricity producers.

In accordance with the second indent of Article 3(1) and with Article 9(2) and (3) of Decision No 3632/93/ECSC, the Commission must verify that the aid relates solely to the purposes set out in Articles 3, 4 and 5 of the Decision. To this end, it must be informed of the amounts involved and the distribution of payments,

HAS ADOPTED THIS DECISION:

Article 1

Spain is hereby authorised to pay the following aid in respect of 1998:

(a) operating aid of ESP 59 443 million under Article 3 of Decision No 3632/93/ECSC;

(b) aid for the reduction of activity of ESP 67 412 million under Article 4 of Decision No 3632/93/ECSC;

(c) aid of ESP 54 967 million to cover exceptional welfare aid paid to workers who lose their jobs as a result of the measures to modernise, rationalise, restructure and reduce the activity of the Spanish coal industry under Article 5 of Decision No 3632/93/ECSC;

(d) aid of ESP 11 995 million to cover the exceptional technical costs of closing down mining installations as a result of the measures to modernise, rationalise, restructure and reduce the activity of the Spanish coal industry under Article 5 of Decision No 3632/93/ECSC.

Article 2

In accordance with Article 86 of the ECSC Treaty, Spain shall adopt all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising under this Decision. It shall ensure that the aid authorised is used for the purposes intended and that any unspent, overestimated or incorrectly used aid for any item covered by this Decision is repaid to it.

Article 3

Spain shall notify the Commission, by 30 June 1999 at the latest, of the amount of aid actually paid in respect of 1998.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 3 June 1998.

For the Commission

Christos PAPOUTSIS

Member of the Commission