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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2479/98
of 12 November 1998
amending Regulation (EC) No 66/98 laying down certain conservation and
control measures applicable to fishing activities in the Antarctic

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 66/98 of 18 December 1997 laying down certain conservation and control measures applicable to fishing activities in the Antarctic and repealing Regulation (EC) No 2113/96⁽¹⁾, and in particular Article 21 thereof,

Having regard to the proposal from the Commission,

Whereas the Convention on the conservation of Antarctic marine living resources, hereinafter referred to as 'the Convention', was approved by Decision 81/691/EEC⁽²⁾ and entered into force for the Community on 21 May 1982;

Considering the statement by the chairman of the conference on the conservation of Antarctic marine living resources of 19 May 1980 attached to the Final Act of that conference, and in particular paragraph 5 thereof;

Whereas, at its annual meeting on 7 November 1997, the Commission for the conservation of Antarctic marine living resources, hereinafter referred to as the 'CCAMLR', established by the Convention, adopted on the recommendation of its Scientific Committee certain conservation and management measures in the CCAMLR convention area for the period from 7 November 1997 to 6 November 1998;

Whereas these conservation measures became binding as from 10 May 1998;

Whereas provision should be made whereby only those vessels holding a special fishing permit issued in accordance with Regulation (EC) No 1627/94⁽³⁾ are to be allowed to carry out fishing activities;

Whereas the members of CCAMLR have agreed to apply the conservation measures adopted on 7 November 1997, on a provisional basis, without waiting for them to become binding, in view of the fact that some of the conservation measures relate to fishing seasons commencing on or after 7 November 1997;

Whereas the Community, as a Contracting Party to the Convention, is bound to ensure that the measures adopted by the CCAMLR are applied to fishing vessels flying the flag of a Member State with effect from the dates fixed;

Whereas Regulation (EC) No 66/98 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 66/98 is hereby amended as follows:

1. Article 2(1) shall be replaced by the following:

'1. Only those vessels named in the list mentioned in paragraph 2 and which have a special fishing permit issued in accordance with Article 7 of Regulation (EC) No 1627/94^(*) by the Member State whose flag they fly shall have the right to carry out fishing activities in the area defined in Article 1.

^(*) OJ L 171, 6. 7. 1994, p. 7.;

⁽¹⁾ OJ L 6, 10. 1. 1998, p. 1.

⁽²⁾ OJ L 252, 5. 9. 1981, p. 26.

⁽³⁾ OJ L 171, 6. 7. 1994, p. 7.

2. Article 4 shall be amended as follows:

(a) in paragraph 3, '7 November 1997' shall be replaced by '6 November 1998';

(b) the following paragraphs shall be added:

'4. Directed fishing of *Dissostichus* spp. in FAO Antarctic sub-area 48.5 and FAO Antarctic divisions 58.4.1 and 58.4.2 shall be prohibited from 7 November 1997 until 6 November 1998.

5. Directed fishing for *Lepidonotothen squamifrons* in FAO Antarctic division 58.4.4 shall be prohibited from 7 November 1997, except for scientific research purposes.

6. Directed fishing of *Lepidonotothen squamifrons*, *Notobenia rossii*, *Channichthys rhinoceratus* or *Bathyraxa* spp. in FAO Antarctic division 58.5.2 shall be prohibited from 7 November 1997 until 6 November 1998.

7. Directed fishing of *D. Mawsoni* in FAO Antarctic sub-area 48.4 shall be prohibited, except for scientific research purposes.'

3. in Article 5:

(a) paragraphs 2 and 3 shall be replaced by the following:

'2. The TAC of *Dissostichus eleginoides* is fixed at:

(a) 3 300 tonnes, in FAO Antarctic sub-area 48.3 from 1 April to 31 August 1998; or until the catch is reached;

(b) 28 tonnes, in the FAO Antarctic sub-area 48.4 from 1 April to 31 August 1998 or until the TAC specified in (a) is reached;

(c) 3 700 tonnes, in FAO Antarctic division 58.5.2 from 7 November 1997 to 6 November 1998.

If in the course of directed fishing for *Dissostichus eleginoides* in FAO Antarctic division 58.5.2, the by-catch in any one haul of any of the species *Lepidonotothen squamifrons*, *Notobenia rossii*, *Channichthys rhinoceratus* or *Bathyraxa* spp.:

(i) is greater than 100 kg and exceeds 5 % of the total catch by weight of all the fish; or

(ii) is two tonnes or greater, then

the fishing vessel shall move to another fishing location not closer than five nautical miles away. The fishing vessel shall not return to within five nautical miles of the location in which the by-

catch exceeded 5 % for a period of at least five days.

The total number and weight of *Dissostichus eleginoides* discarded including those with "jelly-meat" condition shall be reported. These fish will count towards the TAC.

3. The TAC of *Champsocephalus gunnari* is fixed at 4 520 tonnes in FAO Antarctic sub-area 48.3 from 7 November 1997 to 31 March 1998.

Directed fishing for *Champsocephalus gunnari* in FAO Antarctic sub-area 48.3 shall be closed, if the by-catch of any species named in paragraph 5(i) below exceeds the fixed limits.

If, in the course of directed fishing for *Champsocephalus gunnari*, the by-catch in any one haul of any of the species named in paragraph 5(i) below:

(i) is greater than 100 kg and exceeds 5 % of the total catch by weight of all the fish; or

(ii) is two tonnes or greater, then

the fishing vessel shall move to another fishing location not closer than five nautical miles away. The fishing vessel shall not return within five nautical miles of the location in which the by-catch exceed 5 % for a period of at least five days.

If the by-catch of *Champsocephalus gunnari* in any one haul is greater than 100 kg and more than 10 % of the fish are smaller than 24 cm in total length, the fishing vessel shall move to another fishing location not closer than five nautical miles away. It shall not return to the location in which the catch of *Champsocephalus gunnari* being smaller than 24 cm in total length exceeded 10 % for a period of at least five days.'

(b) paragraph 4 shall be amended as follows:

(i) the words 'from 2 November 1996 to 7 November 1997' in the first and second subparagraphs shall be replaced by 'from 7 November 1997 to 6 November 1998';

(ii) the fourth subparagraph shall be replaced by the following:

'If, in the course of directed fishing for *Electrona carlsbergi*, the by-catch in any one haul of any species other than the target species named in paragraph 5(i):

(i) is greater than 100 kg and exceeds 5 % of the total catch by weight of all the species of fish, or

(ii) is two tonnes or greater,

the fishing vessel shall move to another fishing location not closer than five nautical miles away. It shall not return to within five nautical miles of the location in which the by-catch exceeded 5 % for a period of at least five days.;

(c) the following point shall be added to paragraph 5:

‘(iii) In all directed fishing in FAO Antarctic division 58.5.2 from 7 November 1997 to 6 November 1998:

- the by-catch of *Lepidonotothen squamifrons* shall not exceed 325 tonnes,
- the by-catch of *Channichthys rhinoceratus* shall not exceed 80 tonnes,
- the by-catch of *Bathyraja* spp. shall not exceed 120 tonnes.

By-catches of any species of fish not referred to in the previous subparagraph and for which no other catch restrictions apply may not exceed 50 tonnes in FAO Antarctic division 58.5.2.;

(d) paragraph 6 shall be replaced by the following:

‘6. Location in which the by-catch exceeds the rates referred to in this Article is defined as the course followed by the fishing vessel from the point where the gear was first deployed to the point where it was brought back on board.’;

4. Article 8 shall be amended as follows:

(a) in paragraph 1(i), ‘1 March 1997’ shall be replaced by 1 April 1998 and point (iii) shall be deleted;

(b) in paragraph 2(i), all references to 1997 shall be replaced by references to 1998;

5. in Article 11(1) and (2), all references to 1997 shall be replaced by references to 1998;

6. Article 12 shall be amended as follows:

(a) in paragraph 1:

(i) in point (a), the words ‘from 2 November 1996 until 31 August 1997’ shall be replaced by ‘from 7 November 1997 until 6 November 1998’ and the words ‘commencing on 1 March 1997’ shall be replaced by ‘from 1 April to 31 August 1998’;

(ii) in point (b), the words ‘from 2 November 1996 until 31 March 1997’ shall be replaced by ‘from 7 November 1997 until 31 March 1998’;

(iii) points (c) and (d) shall be deleted;

(b) paragraph 5 shall be deleted;

7. in Article 16, the following paragraph shall be added:

‘Exploratory fishing in the CCAMLR convention area shall be prohibited unless it has been authorised in accordance with Annex V.’;

8. Article 18 shall be replaced by the following:

‘Article 18

Crab fishery is defined as all commercial harvest activity where the target species is any member of the crab group (order *Decapoda*, suborder *Reptantia*).’;

9. in Article 19:

(a) point (a) shall be replaced by the following:

‘(a) crab in FAO Antarctic sub-area 48.3 from 7 November 1997 to 6 November 1998.’;

(b) in point (b), the words ‘from 1 March to 31 August 1997’ shall be replaced by ‘from 1 April 1997 to 31 August 1998’;

(c) point (c) shall be replaced by the following:

‘(c) *Champsocephalus gunnari* in FAO Antarctic sub-area 48.3 from 7 November 1997 to 31 March 1998.’;

(d) in point (d), the words ‘from 2 November 1996 until 31 August 1997’ shall be replaced by ‘from 7 November 1997 until 6 November 1998’;

(e) point (e) shall be deleted;

10. Annex I shall be replaced by the text appearing in Annex I to this Regulation;

11. Annex II shall be deleted;

12. Annex IV shall be amended in accordance with the amendments shown in Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 12 November 1998.

For the Council

The President

E. HOSTASCH

ANNEX I

ANNEX I

DATA REQUIREMENTS ON THE CRAB FISHERY IN FAO ANTARCTIC SUB-AREA 48.3

Catch and effort data

Description of voyage

voyage code, vessel code, permit number, year.

Pot description

diagrams and other information, including pot shape, dimensions, mesh size, funnel position, aperture and orientation, number of chambers, presence of an escape port.

Effort description

date, time, latitude and longitude of start of the set, compass bearing of the set, total number of pots set, spacing of pots on the line, number of pots lost, depth, soak time, bait type.

Catch description

retained catch in numbers and weight, by-catch of all species (see Table 1), incremental record number for linking with sample information.

Table 1 Information to be declared for by-catch species in the crab fishery in FAO Antarctic sub-area 48.3

Species	Data to be declared
<i>Dissostichus eleginoides</i>	Number and total estimated weight
<i>Notothenia rossii</i>	Number and total estimated weight
Other species	Total estimated weight

Biological data

For these data, crabs are to be sampled from the line hauled just prior to noon, by collecting the entire contents of a number of pots spaced at intervals along the line so that between 35 and 50 specimens are represented in the sub-sample.

Description of voyage

voyage code, vessel code, permit number.

Sample description

date, position at start of the set, compass bearing of the set, line number.

Data

species, sex, length of at least 35 individuals, presence/absence of rhizocephalan parasites, record of the destination of the crab (kept, discarded, destroyed), record of the number of the pot from which the crab comes.'

*ANNEX II***AMENDMENTS TO ANNEX IV**

1. In paragraph 2 the first sentence shall be replaced by:
‘Longlines shall be set at night only (i.e. during the hours of darkness between the times of nautical twilight; the times of twilight can be found in the tables in the nautical almanac for all latitudes and local times for all days. All the times mentioned, whether for the vessel’s operations or observers’ declarations, must be given with an indication of the difference to GMT).’;
 2. paragraph 3 shall be replaced by the following:
‘3. The dumping of offal at sea while longlines are being set shall be prohibited. The dumping of offal should be avoided while longlines are being hauled. If discharge of offal during hauling is unavoidable, this discharge shall take place on the opposite side of the vessel to that where longlines are set or hauled.’;
 3. paragraph 8 shall be deleted.
-

COUNCIL REGULATION (EC) No 2480/98
of 16 November 1998
amending Regulation (EC) No 50/98 allocating, for 1998, Community catch
quotas in Greenland waters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 50/98⁽²⁾, established, for 1998, the Community catch quota for capelin in Greenland waters on the basis of the TAC for 1997/98;

Whereas a revision of the relevant TAC in the meantime has resulted in a change in the share available to the Community;

Whereas Regulation (EC) No 50/98 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 50/98, the entry and footnote referring to capelin shall be replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 November 1998.

For the Council
The President
J. FARNLEITNER

⁽¹⁾ OJ L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ L 12, 19. 1. 1998, p. 72.

ANNEX

Allocation of Community catch quotas in Greenland waters for 1998

'Species	Geographical area	Community catch quotas (in tonnes)	Quotas allocated to Member States	Quantities allocated to Norway	Quantities allocated to Iceland	Faroeese quotas under EC/Greenland
Capelin	ICES XIV/V	109 340 ⁽⁶⁾	Community: 53 340	16 000	30 000	10 000

⁽⁶⁾ 70 % of the Greenland share of the TAC for capelin minus 10 000 tonnes to the Faroe Islands. Upon any further revision of the relevant TAC in the course of 1998, the Community quota shall be revised accordingly.'

COMMISSION REGULATION (EC) No 2481/98
of 18 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 19 November 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 18 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	204	47,2
	624	145,6
	999	96,4
0709 90 70	052	64,2
	204	35,6
	999	49,9
0805 20 10	204	66,4
	999	66,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	53,8
	999	53,8
0805 30 10	052	58,5
	528	59,5
	600	75,9
	999	64,6
	052	137,5
0806 10 10	400	246,2
	504	280,1
	508	193,8
	604	107,9
	999	193,1
	060	23,7
0808 10 20, 0808 10 50, 0808 10 90	064	46,7
	388	21,0
	400	83,0
	404	88,6
	999	52,6
	052	90,6
	064	60,4
0808 20 50	400	53,4
	720	55,2
	999	64,9

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

COMMISSION REGULATION (EC) No 2482/98

of 18 November 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 November 1998.

⁽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. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,32	0,24	—
1703 90 00 ⁽¹⁾	7,75	0,00	—

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

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

COMMISSION REGULATION (EC) No 2483/98
of 18 November 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2421/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2421/98 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2421/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 November 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 300, 11. 11. 1998, p. 8.

ANNEX

to the Commission Regulation of 18 November 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	42,07 ⁽¹⁾
1701 11 90 9910	40,76 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	42,07 ⁽¹⁾
1701 12 90 9910	40,76 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4573
	— ECU/100 kg —
1701 99 10 9100	45,73
1701 99 10 9910	45,73
1701 99 10 9950	45,73
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4573

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

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

**COMMISSION REGULATION (EC) No 2484/98
of 18 November 1998**

**fixing the maximum export refund for white sugar for the 16th partial invitation
to tender issued within the framework of the standing invitation to tender
provided for in Regulation (EC) No 1574/98**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1574/98 of 22 July 1998 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1574/98 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 16th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 16th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at ECU 48,916 per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 November 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 206, 23. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 2485/98
of 18 November 1998
on issuing A2 export licences for 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 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 3(4) thereof,

Whereas Commission Regulation (EC) No 2379/98 ⁽³⁾ sets the indicative refund rates and the indicative quantities for A2 export licences, other than those applied for in the context of food aid;

Whereas, for, oranges, lemons, table grapes and apples for destination group XY in view of the economic situation in the various destination groups indicated in the Annex to Regulation (EC) No 2379/98 and taking account of information received by operators via their applications for A2 licences, the definitive refund rates should be set at a different rate from the indicative rates; whereas the percentages for the issuing of licences for the quantities applied for should also be set; whereas the definitive rates may not be more than double the indicative rates;

Whereas, pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications for rates in excess of the cor-

responding definitive rates shall be considered null and void,

HAS ADOPTED THIS REGULATION:

Article 1

1. For A2 export licences for which applications have been submitted pursuant to Article 1 of Regulation (EC) No 2379/98, the actual date of application referred to in the second subparagraph of Article 3(1) of Regulation (EC) No 2190/96 is hereby set at 19 November 1998.

2. The licences referred to in the first paragraph shall be issued at the definitive refund rates and at the percentages for the quantities applied for as indicated in the Annex to this Regulation.

3. Pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications referred to in the first paragraph for rates in excess of the corresponding definitive rates set out in the Annex shall be considered null and void.

Article 2

This Regulation shall enter into force on 19 November 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 178, 23. 6. 1998, p. 11.

⁽³⁾ OJ L 295, 4. 11. 1998, p. 15.

ANNEX

Product	Destination or group of destinations ⁽¹⁾	Definitive refund rates (ECU/tonne net)	Percentages for the issuing of licences
Tomatoes	F	20	100 %
Oranges	XYC	50	100 %
Lemons	F	40	100 %
Table grapes	F	50	100 %
Apples	XY	50	100 %

⁽¹⁾ The destination codes are defined as follows:

X: Norway, Iceland, Greenland, Faeroes, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta.

Y: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87, as amended.

C: Switzerland, Czech Republic, Slovakia.

E: All destinations except Switzerland.

F: All destinations.

COMMISSION REGULATION (EC) No 2486/98**of 18 November 1998****introducing preventive distillation as provided for in Article 38 of Council Regulation (EEC) No 822/87 for the 1998/99 wine year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1627/98 ⁽²⁾, and in particular Article 38(5) thereof,

Whereas Commission Regulation (EEC) No 2721/88 ⁽³⁾, as last amended by Regulation (EEC) No 2181/91 ⁽⁴⁾, lays down detailed rules for voluntary distillation as provided for in Articles 38, 41 and 42 of Regulation (EEC) No 822/87; whereas Commission Regulation (EC) No 1648/98 ⁽⁵⁾ fixes the prices, the aid and certain other factors applicable to preventive distillation for the 1998/99 wine year;

Whereas, in view of the level of end-of-year stocks, the harvest forecasts and the difficulties on certain markets, it is necessary to provide rapidly for preventive distillation; whereas the data on supplies are however still incomplete; whereas, therefore, preventive distillation should be opened and an overall volume should be fixed for the Community and broken down by production region, without however precluding the possibility of adapting these volumes once the full data on supplies are known; whereas the overall volume should be fixed at 8 000 000 hectolitres of table wine; whereas the economic situation of wines may vary in the different production areas of a Member State; whereas, therefore, the authorities of the Member States should be allowed to allocate different quantities to different production areas; whereas, in order to prevent discrimination between producers, the Commission should be informed as to how this allocation is justified by the particular conditions on the wine market in the different production areas and must be able to comment on such allocations;

Whereas, given the low yields obtained in Spanish and Portuguese wine-growing areas, a different volume for products obtained from grapes harvested in Portugal and a maximum percentage for the production which can be distilled from products obtained from grapes harvested in

the Spanish wine-growing zone C should be set so as to give comparable results in terms of a percentage of production for the entire Community; whereas, considering that there is no data on supplies of table wine in Austria, a specific regime should be set for that country;

Whereas, with a view to applying this Regulation, it is necessary to know the areas cultivated for production in order to determine the quantity which producers may have distilled; whereas a large number of Greek producers do not have the necessary data owing to the administration's delay in introducing the planned administrative structures; whereas, so that the abovementioned producers are not prevented from qualifying under the measure, provision should be made for the reference areas to be determined on the basis of a flat-rate yield for Greece as a whole;

Whereas, in order to increase the efficiency of this measure, application should be extended to a period long enough to take account of the time required to make wine in certain regions, and contracts or declarations should be approved rapidly up to a certain level to enable growers and distillers who so wish to start deliveries and distillation as early as possible; whereas proper performance of the contracts and declarations signed by the producers should also be ensured by means of a security which will guarantee delivery of wine to a distillery;

Whereas Member States should be required promptly to communicate to the Commission the quantities for which contracts have been signed so that the Commission may set a single acceptance rate for contracts or declarations submitted if the overall quantity applied for throughout the Community exceeds the 8 000 000 hectolitres provided for;

Whereas, with a view to the sound management of the quantities in question, it is necessary to derogate from specific provisions of Regulation (EEC) No 2721/88 and to provide that the quantities applied for in the contracts and declarations may be reduced;

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

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ L 186, 16. 7. 1998, p. 9.

⁽³⁾ OJ L 241, 1. 9. 1988, p. 88.

⁽⁴⁾ OJ L 202, 25. 7. 1991, p. 16.

⁽⁵⁾ OJ L 210, 28. 7. 1998, p. 63.

HAS ADOPTED THIS REGULATION:

Article 1

1. Preventive distillation of table wine and of wine suitable for yielding table wine as provided for in Article 38 of Regulation (EEC) No 822/87 is hereby introduced for the 1998/99 wine year. Distillation shall be restricted to 8 000 000 hectolitres.

This quantity shall be broken down by production region as referred to in Article 4 of Commission Regulation (EEC) No 441/88⁽¹⁾ as follows:

– Region 1 (Germany):	70 000 hl
– Region 3 (France):	1 000 000 hl
– Region 4 (Italy):	4 000 000 hl
– Region 5 (Greece):	200 000 hl
– Region 6 (Spain):	2 700 000 hl
– Region 7 (Portugal):	–
– Austria:	30 000 hl.

The Member States may allocate the reserved quantity among the different production areas in their territory, without excluding any specific areas from application of the measure. Within one month following the entry into force of this Regulation, they shall forward to the Commission the list of production regions and the quantity allocated to each, explaining the specific production conditions which warrant this breakdown. The Commission shall, where necessary, make comments on the breakdown and inform the Member State concerned thereof within two weeks.

The quantity of table wine or of wine suitable for yielding table wine which producers may have distilled in accordance with Regulation (EEC) No 2721/88 shall be limited to 25 hectolitres per hectare.

However, for products obtained from grapes harvested in Portugal, this quantity shall be limited to 21 hectolitres per hectare and, for products obtained from grapes harvested in the Spanish wine-growing zone C, this quantity shall be limited to 40 % of the table wine produced from these products by each producer.

Notwithstanding Article 2(1) of Regulation (EEC) No 2721/88, the quantity of table wine or wine suitable for yielding table wine obtained from grapes harvested in Austria that producers may have distilled shall be limited solely to a percentage of their production of table wine. This percentage is fixed at 15 %.

The quantity of table wine produced to which the percentages referred to in the preceding fifth and sixth subparagraphs apply shall be, for each producer, that resulting from the sum of the quantities appearing as wine in the table wine column of the production declara-

tion presented pursuant to Commission Regulation (EC) No 1294/96⁽²⁾ where so required.

2. The area to be used when calculating the quantity of table wine or wine suitable for yielding table wine which Greek producers may have distilled shall be obtained by dividing by 57 the quantity given as wine in the table wine column of the production declaration, presented pursuant to Regulation (EC) No 1294/96.

3. Notwithstanding Article 6(1) of Regulation (EEC) No 2721/88, producers who have produced table wine or wine suitable for yielding table wine may submit, not later than 15 January 1999, one or more preventive distillation contracts or declarations to the competent authorities of the Member State, giving the details specified in Article 6(2) of that Regulation.

Contracts and declarations must be accompanied by proof that a security equal to ECU 5 per hectolitre has been lodged.

4. Notwithstanding Article 6(3) and (4) of Regulation (EEC) No 2721/88, the Member States may authorise the approval of contracts or declarations as soon as they are submitted, for a quantity not exceeding half of the quantity specified in each contract or declaration, without prejudice to the application of Article 2(2) of that Regulation. For the purposes of applying Article 8 of Regulation (EEC) No 2046/89 and Article 9(2) of Regulation (EEC) No 2721/88, the partial approval of contracts or declarations referred to above and partial approval as referred to in Article 1(6) of this Regulation shall be treated as separate contracts and declarations.

5. The Member States shall inform the Commission of the total volume covered by preventive distillation contracts or declarations not later than 29 January 1999.

If the overall volume covered by contracts or declarations submitted exceeds 8 000 000 hl and/or the volume established in advance for one or more regions, the Commission shall fix the single acceptance rate to be applied to all contracts and declarations for each region and shall notify each Member State thereof by fax not later than 5 February 1999. In order to ensure that maximum use is made of the overall volume of 8 000 000 hl in the event that the overall volume is exceeded while all or part of the volume allocated to one or more specific regions remains unused, the Commission shall distribute the remaining available volume for that region or those regions among the other regions before fixing the single acceptance rate for each region, using the following method:

- if available, an initial instalment of not more than 25 000 hl, as needed, to each region which has exceeded its volume, and
- the remainder in proportion to the quantities fixed in the second subparagraph of paragraph 1.

⁽¹⁾ OJ L 45, 18. 2. 1988, p. 15.

⁽²⁾ OJ L 166, 5. 7. 1996, p. 14.

6. Notwithstanding Article 6(1) of Regulation (EEC) No 2721/88, Member States shall take the administrative measures necessary to approve the above contracts and declarations with the single acceptance rate not later than 28 February 1999, for the quantities not yet approved when the contracts or declarations were submitted.

Securities shall be released for quantities applied for and not accepted.

7. Quantities covered by contracts and declarations must be delivered to the distillery by 30 June 1999.

8. The security shall be released for the quantities delivered when the producer presents proof of delivery to a distillery.

If no deliveries have taken place within the time limit, the security shall be forfeited.

9. Member States may restrict the number of contracts or declarations a producer may sign for the distillation operation concerned.

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, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2487/98**of 18 November 1998****fixing the coefficients applicable to cereals exported in the form of Irish whiskey
for the period 1998/99**

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

Having regard to Commission Regulation (EEC) No 2825/93 of 15 October 1993 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks⁽¹⁾, as amended by Regulation (EC) No 3098/94⁽²⁾, and in particular Article 5 thereof,

Whereas Article 4(1) of Regulation (EEC) No 2825/93 provides that the quantities of cereals eligible for the refund are to be the quantities placed under control and distilled, weighted by a coefficient to be fixed annually for each Member State concerned; whereas that coefficient expresses the ratio between the total quantities exported and the total quantities marketed of the spirituous beverage concerned on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirituous beverage in question; whereas, in view of the information provided by Ireland on the period 1 January to 31 December 1997, the average ageing period in 1997 was five years for Irish whiskey; whereas the coefficients for the period 1 July 1998 to 30 June 1999 should be fixed;

Whereas Article 10 of Protocol 3 to the Agreement on the European Economic Area⁽³⁾ precludes the grant of refunds for exports to Liechtenstein, Iceland and Norway; whereas, therefore, pursuant to Article 7(2) of Regulation (EEC) No 2825/93, account should be taken of this in the calculation of the coefficient for 1998/99;

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 the period 1 July 1998 to 30 June 1999, the coefficients provided for in Article 4 of Regulation (EEC) No 2825/93 applying to cereals used in Ireland for manufacturing Irish whiskey shall be as set out in the Annex.

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 with effect from 1 July 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 258, 16. 10. 1993, p. 6.

⁽²⁾ OJ L 328, 20. 12. 1994, p. 12.

⁽³⁾ OJ L 1, 3. 1. 1994, p. 1.

*ANNEX***Coefficients applicable in Ireland**

Period of application	Coefficient applicable	
	to barley used for the manufacture of Irish whiskey, category B ⁽¹⁾	to cereals used for the manufacture of Irish whiskey, category A
1 July 1998 to 30 June 1999	0,108	0,225

⁽¹⁾ Including barley processed into malt.

COMMISSION REGULATION (EC) No 2488/98**of 18 November 1998****fixing the coefficients applicable to cereals exported in the form of Scotch
whisky for the period 1998/99**

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

Having regard to Commission Regulation (EEC) No
2825/93 of 15 October 1993 laying down certain detailed
rules for the application of Council Regulation (EEC) No
1766/92 as regards the fixing and granting of adjusted
refunds in respect of cereals exported in the form of
certain spirit drinks⁽¹⁾, as amended by Regulation (EC)
No 3098/94⁽²⁾, and in particular Article 5 thereof,

Whereas Article 4(1) of Regulation (EEC) No 2825/93
provides that the quantities of cereals eligible for the
refund are to be the quantities placed under control and
distilled, weighted by a coefficient to be fixed annually for
each Member State concerned; whereas that coefficient
expresses the ratio between the total quantities exported
and the total quantities marketed of the spirituous
beverage concerned on the basis of the trend noted
in those quantities during the number of years corres-
ponding to the average ageing period of the spirituous
beverage in question; whereas, in view of the information
provided by the United Kingdom on the period 1
January to 31 December 1997, the average ageing period
in 1997 was eight years for Scotch whisky; whereas the
coefficients for the period 1 July 1998 to 30 June 1999
should be fixed;

Whereas Article 10 of Protocol 3 to the Agreement on the
European Economic Area⁽³⁾ precludes the grant of
refunds for exports to Liechtenstein, Iceland and Norway;
whereas, therefore, pursuant to Article 7(2) of Regulation
(EEC) No 2825/93, account should be taken of this in the
calculation of the coefficient for 1998/99;

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 the period 1 July 1998 to 30 June 1999, the coeffi-
cients provided for in Article 4 of Regulation (EEC) No
2825/93 applying to cereals used in the United Kingdom
for manufacturing Scotch whisky shall be as set out in the
Annex.

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 with effect from 1 July 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 258, 16. 10. 1993, p. 6.

⁽²⁾ OJ L 328, 20. 12. 1994, p. 12.

⁽³⁾ OJ L 1, 3. 1. 1994, p. 1.

*ANNEX***Coefficients applicable in the United Kingdom**

Period of application	Coefficient applicable	
	to barley processed into malt used in the manufacture of malt whisky	to cereals used in the manufacture of grain whisky
1 July 1998 to 30 June 1999	0,562	0,648

COMMISSION REGULATION (EC) No 2489/98**of 18 November 1998****fixing the coefficients applicable to cereals exported in the form of Spanish
whisky for the period 1998/99**

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

Having regard to Commission Regulation (EEC) No
2825/93 of 15 October 1993 laying down certain detailed
rules for the application of Council Regulation (EEC) No
1766/92 as regards the fixing and granting of adjusted
refunds in respect of cereals exported in the form of
certain spirit drinks⁽¹⁾, as amended by Regulation (EC)
No 3098/94⁽²⁾, and in particular Article 5 thereof,

Whereas Article 4(1) of Regulation (EEC) No 2825/93
provides that the quantities of cereals eligible for the
refund are to be the quantities placed under control and
distilled, weighted by a coefficient to be fixed annually for
each Member State concerned; whereas that coefficient
expresses the ratio between the total quantities exported
and the total quantities marketed of the spirituous
beverage concerned on the basis of the trend noted
in those quantities during the number of years corres-
ponding to the average ageing period of the spirituous
beverage in question; whereas, in view of the information
provided by Spain on the period 1 January to 31
December 1997, the average ageing period in 1997 was
four years for Spanish whisky; whereas the coefficients for
the period 1 July 1998 to 30 June 1999 should be fixed;

Whereas Article 10 of Protocol 3 to the Agreement on the
European Economic Area⁽³⁾ precludes the grant of
refunds for exports to Liechtenstein, Iceland and Norway;
whereas, therefore, pursuant to Article 7(2) of Regulation
(EEC) No 2825/93, account should be taken of this in the
calculation of the coefficient for 1998/99;

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 the period 1 July 1998 to 30 June 1999, the coeffi-
cients provided for in Article 4 of Regulation (EEC) No
2825/93 applying to cereals used in Spain for manufac-
turing Spanish whisky shall be as set out in the Annex.

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 with effect from 1 July 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 258, 16. 10. 1993, p. 6.

⁽²⁾ OJ L 328, 20. 12. 1994, p. 12.

⁽³⁾ OJ L 1, 3. 1. 1994, p. 1.

*ANNEX***Coefficients applicable in Spain**

Period of application	Coefficient applicable to cereals used for the manufacture of Spanish whisky, category A
1 July 1998 to 30 June 1999	0,0054

COMMISSION REGULATION (EC) No 2490/98**of 18 November 1998****amending Regulation (EC) No 1981/98 laying down detailed rules for the application of Council Regulation (EEC) No 1765/92 with regard to the set-aside scheme**

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

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1624/98 ⁽²⁾, and in particular Article 12 thereof,

Whereas Commission Regulation (EC) No 762/94 ⁽³⁾, as last amended by Regulation (EC) No 1981/98 ⁽⁴⁾, lays down detailed rules for the application of Regulation (EEC) No 1765/92 as regards the set-aside scheme and provides in particular that areas set aside must have been farmed by the applicant during the two years preceding the application; whereas that condition was done away with by Regulation (EC) No 1981/98;

Whereas, for the sake of clarity, the scope of that amendment should be made clear;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is added after the first paragraph of Article 2 of Regulation (EC) No 1981/98:

‘It shall apply to areas set aside in respect of 1999/2000 and the following marketing years.’

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 with effect from 18 September 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 3.

⁽³⁾ OJ L 90, 7. 4. 1994, p. 8.

⁽⁴⁾ OJ L 256, 18. 9. 1998, p. 8.

COMMISSION REGULATION (EC) No 2491/98**of 18 November 1998****amending Council Regulation (EC) No 3448/93 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as amended by Regulation (EC) No 1097/98 ⁽²⁾, and in particular Article 12(3) thereof,

Whereas, since this Regulation was adopted, the Community's Tariff and Statistical Nomenclature (Combined

Nomenclature) had been amended; whereas the Annexes to the Regulation should therefore be updated,

HAS ADOPTED THIS REGULATION:

Article 1

Annex B to Regulation (EC) No 3448/93 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 18 November 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ L 157, 30. 5. 1998, p. 1.

ANNEX

ANNEX B

TABLE 1

CN code	Description
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:
0403 10 51 to 0403 10 99	— Yoghurt, flavoured or containing added fruit, nuts or cocoa
0403 90 71 to 0403 90 99	— Other, flavoured or containing added fruit, nuts or cocoa
0405 20 10 to 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more but not exceeding 75 %
0710 40 00	Sweet corn (uncooked or cooked by steaming or boiling in water), frozen
0711 90 30	Sweet corn provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
ex 1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516:
1517 10 10	— Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats
1517 90 10	— Other, containing more than 10 % but not more than 15 % by weight of milk fats
1702 50 00	Chemically pure fructose
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10
1806	Chocolate and other food preparations containing cocoa
ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, excluding goods falling within CN code 1901 90 91
ex 1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30; couscous, whether or not prepared
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included

CN code	Description
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
2001 90 30	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>), prepared or preserved by vinegar or acetic acid
2001 90 40	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, prepared or preserved by vinegar or acetic acid
2004 10 91	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006
2004 90 10	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006
2005 20 10	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006
2005 80 00	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006
2008 99 85	Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) otherwise prepared or preserved, not containing added spirit or added sugar
2008 99 91	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, otherwise prepared or preserved, not containing added spirit or added sugar
2101 12 98	Preparations with a basis of coffee
2101 20 98	Preparations with a basis of tea or maté
2101 30 19	Roasted coffee substitutes excluding roasted chicory
2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory
2102 10 31 and 2102 10 39	Bakers' yeast, dried or not
2105 00	Ice cream and other edible ice, whether or not containing cocoa
ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92, and other than flavoured or coloured sugar syrups
2202 90 91 and 2202 90 95 and 2202 90 99	Waters, including mineral and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009, containing products of heading Nos 0401 to 0404 or fat obtained from products of heading Nos 0401 to 0404
2905 43 00	Mannitol
2905 44	d-Glucitol (sorbitol)
ex 3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:
3302 10 29	Other, of a kind used in the drink industries, containing all flavouring agents characterising a beverage, other than of an actual alcoholic strength by volume not exceeding 0,5 %, other than those of CN code 3302 10 21

CN code	Description
ex 3501	Caseins, caseinates and other casein derivatives
ex 3505 10	Dextrins and other modified starches, excluding esterified or etherified starches of CN code 3505 10 50
3505 20	Glues based on starches, dextrins or other modified starches
3809 10	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile paper, leather or like industries, with a basis of amylaceous substances, not elsewhere specified or included
3824 60	Sorbitol other than that of subheading 2905 44

TABLE 2

CN code	Description
ex 0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers:
0505 10 90	— Feathers of a kind used for stuffing; down, other than raw
0505 90	— Other
0509 00 90	Natural sponges of animal origin, other than raw
1212 20 00	Seaweeds and other algae, fresh, chilled, frozen or dried, whether or not ground
ex 1302	Vegetable saps and extracts of liquorice, hops, pyrethrum or of the roots of plants containing rotenone
1302 19 30	Intermixtures of vegetable extracts, for the manufacture of beverages or of food preparations
1302 19 91	Other, medicinal
ex 1302 20	Pectates
1302 31 00	Agar-agar, whether or not modified
1302 32 10	Mucilages and thickeners, whether or not modified, derived from locust beans or locust bean seeds
1505	Wool grease and fatty substances derived therefrom (including lanolin)
1506	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified
1515 60	Joboba oil and its fractions, whether or not refined, but not chemically modified
1516 20 10	Hydrogenated castor oil, so called " <i>opal-wax</i> "
1517 90 93	Edible mixtures or preparations of a kind used as mould release preparations
ex 1518	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included; excluding the oils of CN codes 1518 00 31 and 1518 00 39
1520 00 00	Glycerol, crude; glycerol waters and glycerol lyes
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured
1522 00 10	Degras
1702 90 10	Chemically pure maltose
1704 90 10	Liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances
1803	Cocoa paste, whether or not defatted
1804 00 00	Cocoa butter, fat and oil
1805 00 00	Cocoa powder, not containing added sugar or other sweetening matter
2001 90 60	Palm hearts, prepared or preserved by vinegar or acetic acid

CN code	Description
ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
2008 11 10	— Peanut butter
2008 91 00	— Palm hearts
ex 2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products; roasted chicory, extracts, essences or concentrates thereof other than preparations of CN codes 2101 12 98, 2101 20 98, 2101 30 19 and 2101 30 99
2102 10	Active yeasts:
2102 10 10	— Culture yeast
2102 10 90	— Other, excluding bakers' yeast
2102 20	Inactive yeasts; other single-cell micro-organisms, dead
2102 30 00	Prepared baking powders
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard
2104	Soups and broths and preparations therefor; homogenised composite food preparations
ex 2106	Food preparations not elsewhere specified or included:
2106 10	— Protein concentrates and textured protein substances:
2106 10 20	— — Containing no milk fats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch
2106 90	— Other:
2106 90 20	— — Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages
2106 90 92	— — Other preparations containing no milk fats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch
2201 10	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured
2202 10 00	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
2202 90 10	Other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009, not containing products of heading Nos 0401 to 0404 or fat obtained from products of heading Nos 0401 to 0404
2203 00	Beer made from malt
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
ex 2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength other than obtained from agricultural products listed in Annex II to the EEC Treaty
ex 2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol, not obtained from agricultural products listed in Annex II to the EEC Treaty; spirits, liqueurs and other spirituous beverages
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes

CN code	Description
2403	Other manufactured tobacco and manufactured tobacco substitutes; "homogenised" or "reconstituted" tobacco; tobacco extracts and essences
3301 90 21	Extracted oleoresins of liquorice and hops
3301 90 29	Extracted oleoresins of pyrethrum or of roots of plants containing rotenone; intermixtures of vegetables extracts, for the manufacture of beverages or of food preparations
3301 90 31	Other extracted oleoresins: medicinal
ex 3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as a raw material in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:
3302 10 21	Of a kind used in the food and drink industries containing all flavouring agents characterising a beverage other than of an alcoholic strength by volume not exceeding 0,5 %, containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols'

COMMISSION REGULATION (EC) No 2492/98
of 18 November 1998

**laying down detailed rules for the application of Decision No 2/98 of the EC/
Denmark-Faroe Islands Joint Committee (98/549/EC) as regards the administra-
tion of an annual tariff quota for fish feed falling within CN codes ex 2309 90 10,
ex 2309 90 31 and ex 2309 90 41 and originating in the Faroe Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part ⁽¹⁾, and in particular Article 34(1) thereof,

Whereas, following the abovementioned Agreement, all Community importers should be guaranteed access to an annual tariff quota for fish feed originating in the Faroe Islands as provided for in Protocol 4 of the abovementioned Agreement;

Whereas Decision No 2/98 of the EC/Denmark-Faroe Islands Joint Committee of 31 August 1998 amending Protocol 4 of the Agreement ⁽²⁾ (98/549/EC) amends in particular the annual tariff quota quantity in question;

Whereas the administration of that tariff quota calls for close cooperation between the Member States and the Commission, which must in particular be able to monitor the utilisation of the tariff quotas and inform the Member States thereof;

Whereas provision should be made for the particulars to appear on applications and licences, notwithstanding Articles 8 and 21 of Commission Regulation (EEC) No 3719/88 ⁽³⁾, as last amended by Regulation (EC) No 1044/98 ⁽⁴⁾;

Whereas, with a view to ensuring that the arrangements laid down are administered efficiently, provision should be made, notwithstanding Article 10 of Commission Regulation (EC) No 1162/95 ⁽⁵⁾, as last amended by Regulation (EC) No 444/98 ⁽⁶⁾, for the security covering import licences under those arrangements to be fixed at ECU 25 per tonne;

Whereas provision should be made for licences covering imports of the products in question to be issued after a period for reflection and subject, where appropriate, to the fixing of a single percentage reduction in the quantities applied for;

Whereas the origin of the products should be made certain by making their release for free circulation subject to presentation of proof of origin issued or established in the Faroe Islands;

Whereas Commission Regulation (EC) No 955/97 ⁽⁷⁾, as amended by Regulation (EC) No 1295/97 ⁽⁸⁾, should be repealed;

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

Products falling within CN codes ex 2309 90 10, ex 2309 90 31 and ex 2309 90 41 and originating in the Faroe Islands shall be imported into the Community under an annual tariff quota subject to zero customs duty as fixed in the Annex, in accordance with this Regulation.

Article 2

When they are released for free circulation, the goods must be accompanied by proof of origin comprising an EUR.1 movement certificate or an invoice declaration for the products in question, issued or drawn up in the Faroe Islands in accordance with Annex IV to Protocol 3 of the abovementioned Agreement.

Article 3

Applications for import licences and licences shall show:

- (a) the words 'Faroe Islands' in box 8. Licences shall carry with them an obligation to import from that country;

⁽¹⁾ OJ L 53, 22. 2. 1997, p. 2.

⁽²⁾ OJ L 263, 26. 9. 1998, p. 37.

⁽³⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ L 149, 20. 5. 1998, p. 11.

⁽⁵⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ L 56, 26. 2. 1998, p. 12.

⁽⁷⁾ OJ L 139, 30. 5. 1997, p. 8.

⁽⁸⁾ OJ L 176, 4. 7. 1997, p. 27.

(b) one of the following in box 24:

- Derecho de aduana cero [artículo 1 del Reglamento (CE) n° 2492/98]
- Toldsatsen 0 ECU/t (artikel 1 i förordning (EF) nr. 2492/98)
- Zollfrei (Artikel 1 der Verordnung (EG) Nr. 2492/98)
- Τελεωνειακός δασμός «μηδέν» [άρθρο 1 του κανονισμού (ΕΚ) αριθ. 2492/98]
- Zero duty (Article 1 of Regulation (EC) No 2492/98)
- Droit de douane «zéro» [article 1^{er} du règlement (CE) n° 2492/98]
- Dazio doganale «0» [articolo 1 del regolamento (CE) n. 2492/98]
- Nulrecht (artikel 1 van Verordening (EG) nr. 2492/98)
- Direito aduaneiro zero (artigo 1º do Regulamento (CE) n° 2492/98)
- Arvotulli 0 ecua/t (asetus (EY) N:o 2492/98, 1 artikla)
- Tullsatsen 0 ecu/t (artikel 1 i förordning (EG) nr 2492/98).

Article 4

1. Applications for import licences shall be lodged by 13.00 hours (Brussels time) with the competent authorities of any Member State on the first working day of each week. Licence applications must cover at least five tonnes in product weight but not more than 1 000 tonnes.

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

Done at Brussels, 18 November 1998.

2. The Member States shall forward the licence applications to the Commission by telex or fax by 18.00 hours (Brussels time) on the day of lodging.

3. By no later than the Friday following the day of lodging of applications, the Commission shall notify the Member States by telex or fax of the percentage of the quantities covered by licence applications which may be granted.

4. The Member States shall issue the import licences immediately. Notwithstanding Article 21(1) of Regulation (EEC) No 3719/88, the term of validity of the licences shall be calculated from the day of their actual issue.

5. Notwithstanding Article 8(4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that shown in boxes 17 and 18 of the import licences. The figure '0' shall be entered to that effect in box 19 of the licences.

Article 5

Notwithstanding Article 10 of Regulation (EC) No 1162/95, the security for import licences shall equal ECU 25 per tonne.

Article 6

Regulation (EC) No 955/97 is hereby repealed.

Article 7

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

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Annual quantities for import under the tariff quota

Serial number	CN code	TARIC subheading	Description	Rate of duty	Tariff quota (tonnes)	
09.4516	ex 2309 90 10	10	Fish feed	0	1 January to 31 December 1998	5 375 ⁽¹⁾
	ex 2309 90 31	30			1 January to 31 December 1999	8 000
	ex 2309 90 41	20			1 January 2000 onwards	10 000

⁽¹⁾ This quantity is the result of the adjustment *pro rata temporis* of the increase in the tariff quota for 1998 depending on the date of entry into force of Decision No 2/98 of the EC/Denmark-Faroe Islands Joint Committee.

COMMISSION REGULATION (EC) No 2493/98
of 18 November 1998

amending Regulation (EC) No 2125/95 opening and providing for the administration of tariff quotas for preserved mushrooms

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in processed fruit and vegetable products⁽¹⁾, as amended by Regulation (EC) No 2199/97⁽²⁾, and in particular Article 15(1) thereof,

Whereas Article 4 of Commission Regulation (EC) No 2125/95⁽³⁾, as last amended by Regulation (EC) No 2405/97⁽⁴⁾, provides for an allocation of quotas between traditional and new importers and defines these two categories of operator; whereas several years' experience of implementing the system demonstrates the uselessness of maintaining these provisions in the case of Bulgaria, Poland and Romania, given that demand for products from these countries of origin remains below the quota quantities; whereas, for the other countries of origin, the quantities for traditional importers should be increased;

Whereas, to facilitate trade transactions and to stabilise the market, the length of validity of the licences should be extended, certain now outdated provisions of Regulation (EC) No 2125/95 should be repealed and the Annex thereto should be updated;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2125/95 is hereby amended as follows:

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ L 303, 6. 11. 1997, p. 1.

⁽³⁾ OJ L 212, 7. 9. 1995, p. 16.

⁽⁴⁾ OJ L 332, 4. 12. 1997, p. 32.

1. Article 1(3) is deleted;

2. in Article 3(2), 'six' is replaced by 'nine';

3. the first sentence of Article 4(1) is replaced by the following:

'The total quantity allocated to China and countries other than Bulgaria, Poland and Romania, pursuant to Annex I, shall be distributed as follows:';

4. Article 4(1); in point (a) '85' is replaced by '95' and in point (b) '15' is replaced by '5';

5. the following is added at the start of the first sentence of Article 4(5):

'For countries other than Bulgaria, Poland and Romania,';

6. Article 5 is replaced by the following:

'Article 5

1. Licence applications presented by the traditional importers referred to in Article 4(1)(a) may not relate in any six-month period to a quantity exceeding 75 % of the average annual quantity of imports originating in countries other than Bulgaria, Poland and Romania and effected under this Regulation in the preceding three calendar years.

2. Licence applications presented by the new importers referred to in Article 4(1)(b) may not relate in any six-month period to a quantity exceeding 8 % of the quantity allocated under the said Article 4(1)(b).';

7. Annex I is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 1999.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX**ANNEX I***Allocation referred to in Article 2 (net drained weight in tonnes)**

Supplier countries	From 1 January to 31 December 1999	From 1 January to 31 December 2000	From 1 January to 31 December of subsequent years
Bulgaria	1 645	1 715	1 750
Poland	40 890	42 630	43 500
Romania	470	490	500
China	22 750	22 750	22 750
Others	3 290	3 290	3 290
Reserve	1 000	1 000	1 000
Total	70 045	71 875	72 790'

COMMISSION REGULATION (EC) No 2494/98**of 18 November 1998****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas the rates of the refunds applicable from 1 November 1998 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 2361/98 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 2361/98 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2361/98 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 November 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 293, 31. 10. 1998, p. 30.

ANNEX

to the Commission Regulation of 18 November 1998 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,77	3,77
— in all other cases	45,73	45,73

COMMISSION REGULATION (EC) No 2495/98
of 18 November 1998
altering the export refunds on syrups and certain other sugar sector products
exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas the refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 2349/98 ⁽³⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 2349/98 to the information at present available to the Commis-

sion that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2349/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 November 1998.

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

Done at Brussels, 18 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 293, 31. 10. 1998, p. 4.

ANNEX

to the Commission Regulation of 18 November 1998 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	45,73 ⁽²⁾
1702 60 10 9000	45,73 ⁽²⁾
1702 60 80 9100	86,89 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 95 9000	0,4573 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	45,73 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4573 ⁽¹⁾
1702 90 71 9000	0,4573 ⁽¹⁾
1702 90 99 9900	0,4573 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	45,73 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4573 ⁽¹⁾

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

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

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

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 November 1998

on additional Community financial aid towards the eradication of classical swine fever in Spain

(notified under document number C(1998) 3357)

(only the Spanish text is authentic)

(98/649/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EC ⁽²⁾, and in particular Article 3(3) thereof,

Whereas outbreaks of classical swine fever occurred in Spain in 1997; whereas the appearance of the disease represents a serious danger to Community pig stocks; whereas with a view to contributing towards the speedy eradication of the disease the Community is able to contribute to expenditure incurred by the Member States for losses suffered;

Whereas the Commission adopted Decision 98/63/EC ⁽³⁾ on Community financial aid towards the eradication of classical swine fever in Spain; whereas an initial tranche by way of an advance payment of ECU 4 million has been paid under that Decision;

Whereas on 8 June 1998 Spain presented an application for reimbursement of all the expenditure incurred within the country in 1997; whereas the available appropriations

in the current financial year cannot cover all the eligible expenditure; whereas only an additional tranche of ECU 3 million can be granted at this stage;

Whereas further tranches may be granted at a later stage once the Commission has verified the information provided in the application for reimbursement;

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

HAS ADOPTED THIS DECISION:

Article 1

Spain may obtain an additional tranche of ECU 3 million in financial assistance from the Community for eligible expenditure incurred under eradication measures relating to outbreaks of classical swine fever which occurred in the course of 1997.

Article 2

The amount of the tranche referred to in Article 1 shall be paid to Spain as soon as this Decision has been adopted.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ L 16, 21. 1. 1998, p. 43.

Article 3

1. The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the application of measures and expenditure in receipt of support.

The Commission shall inform the Member States of the result of the checks carried out.

2. Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾ shall apply *mutatis mutandis*.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 9 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 94, 28. 4. 1970, p. 13.

COMMISSION DECISION

of 9 November 1998

on additional Community financial aid towards the eradication of classical swine fever in Germany

(notified under document number C(1998) 3358)

(only the German text is authentic)

(98/650/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EC ⁽²⁾, and in particular Article 3(3) thereof,

Whereas outbreaks of classical swine fever occurred in Germany in 1997; whereas the appearance of the disease represents a serious danger to Community pig stocks; whereas with a view to contributing towards the speedy eradication of the disease the Community is able to contribute to expenditure incurred by the Member States for losses suffered;

Whereas the Commission adopted Decision 98/60/EC on Community financial aid towards the eradication of classical swine fever in Germany ⁽³⁾; whereas an initial tranche by way of an advance payment of ECU 5 million has been paid under that Decision;

Whereas on 26 May 1998 Germany presented an application for reimbursement of all the expenditure incurred within the country in 1997; whereas the available appropriations in the current financial year cannot cover all the eligible expenditure; whereas only an additional tranche of ECU 2 million can be granted at this stage;

Whereas further tranches may be granted at a later stage once the Commission has verified the information provided in the application for reimbursement;

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

Article 1

Germany may obtain an additional tranche of ECU 2 million in financial assistance from the Community for eligible expenditure incurred under eradication measures relating to outbreaks of classical swine fever which occurred in the course of 1997.

Article 2

The amount of the tranche referred to in Article 1 shall be paid to Germany as soon as this Decision has been adopted.

Article 3

1. The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the application of measures and expenditure in receipt of support.

The Commission shall inform the Member States of the result of the checks carried out.

2. Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁴⁾ shall apply *mutatis mutandis*.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 9 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ L 16, 21. 1. 1998, p. 37.

⁽⁴⁾ OJ L 94, 28. 4. 1970, p. 13.