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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 68/1999
of 12 January 1999
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 January 1999.

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

Done at Brussels, 12 January 1999.

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 12 January 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	90,5
	204	57,2
	999	73,9
0707 00 05	053	105,0
	999	105,0
0709 10 00	220	68,8
	999	68,8
0709 90 70	052	112,2
	204	118,1
	999	115,1
0805 10 10, 0805 10 30, 0805 10 50	052	35,4
	204	38,6
	212	44,2
	220	37,0
	624	48,9
	999	40,8
0805 20 10	052	38,6
	204	61,7
	999	50,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	62,2
	464	90,0
	624	101,5
	999	84,6
0805 30 10	052	53,6
	600	66,3
	999	60,0
0808 10 20, 0808 10 50, 0808 10 90	052	59,6
	060	45,5
	400	78,6
	404	86,3
	720	107,4
	728	97,1
	999	79,1
0808 20 50	052	139,7
	064	61,5
	400	88,3
	720	64,1
	728	149,0
	999	100,5

⁽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 69/1999**of 12 January 1999****amending Regulation (EC) No 2486/98 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 Article 1(3) of Commission Regulation (EC) No 2486/98 ⁽⁶⁾ sets the date for the submission of contracts or declarations to the competent authorities at 15 January 1999; whereas that date and the dates resulting therefrom should be postponed to allow greater participation in the measure;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2486/98 is hereby amended as follows:

1. in the first subparagraph of Article 1(3), '15 January 1999' is replaced by '29 January 1999';
2. in the first subparagraph of Article 1(5), '29 January 1999' is replaced by '12 February 1999';
3. in the second subparagraph of Article 1(5), '5 February 1999' is replaced by '19 February 1999';
4. in the first subparagraph of Article 1(6), '28 February 1999' is replaced by '12 March 1999'.

Article 2

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

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

Done at Brussels, 12 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 8.

⁽³⁾ OJ L 241, 1. 9. 1988, p. 88.

⁽⁴⁾ OJ L 202, 24. 7. 1991, p. 16.

⁽⁵⁾ OJ L 210, 28. 7. 1998, p. 63.

⁽⁶⁾ OJ L 309, 19. 11. 1998, p. 18.

COMMISSION REGULATION (EC) No 70/1999
of 12 January 1999

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 2 (2) and Article 3 of above-mentioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; whereas, pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; whereas those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 13 January 1999.

It shall apply from 13 to 26 January 1999.

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

Done at Brussels, 12 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ L 289, 22. 10. 1997, p. 1.

ANNEX

(EUR/100 pieces)

Period from 13 to 26 January 1999				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,59	11,55	40,45	16,50
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	10,20	7,94	13,84	11,13
Morocco	14,54	13,91	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 71/1999**of 12 January 1999****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

down the detailed rules for the application of the arrangements;

Having regard to the Treaty establishing the European Community,

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (bloom) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas the quota for the products in question covers the period 1 January to 31 December 1999; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest;

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas, in between meetings of the Management Committee, the Commission must adopt such measures,

Whereas Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 650/98 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip;

HAS ADOPTED THIS REGULATION:

Article 1

Whereas Commission Regulation (EC) No 70/1999 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements;

For imports of uniflorous (bloom) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Whereas Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays

Article 2

This Regulation shall enter into force on 14 January 1999.

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 88, 24. 3. 1998, p. 8.

⁽⁵⁾ See page 4 of this Official Journal.

⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

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

Done at Brussels, 12 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 72/1999**of 12 January 1999****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

down the detailed rules for the application of the arrangements;

Having regard to the Treaty establishing the European Community,

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas the quota for the products in question covers the period 1 January to 31 December 1999; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest;

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas, in between meetings of the Management Committee, the Commission must adopt such measures,

Whereas Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 650/98 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip;

HAS ADOPTED THIS REGULATION:

*Article 1*Whereas Commission Regulation (EC) No 70/1999 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements;

For imports of multiflorous (spray) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Whereas Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays*Article 2*⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.⁽⁴⁾ OJ L 88, 24. 3. 1998, p. 8.⁽⁵⁾ See page 4 of this Official Journal.⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

This Regulation shall enter into force on 14 January 1999.

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

Done at Brussels, 12 January 1999.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 73/1999**of 12 January 1999****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

down the detailed rules for the application of the arrangements;

Having regard to the Treaty establishing the European Community,

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas the quota for the products in question covers the period 1 January to 31 December 1999; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest;

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas, in between meetings of the Management Committee, the Commission must adopt such measures,

Whereas Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 650/98 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip;

HAS ADOPTED THIS REGULATION:

Article 1

Whereas Commission Regulation (EC) No 70/1999 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements;

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Whereas Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays

Article 2

This Regulation shall enter into force on 14 January 1999.

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 88, 24. 3. 1998, p. 8.

⁽⁵⁾ See page 4 of this Official Journal.

⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

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

Done at Brussels, 12 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 74/1999**of 12 January 1999****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of large-flowered roses originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 650/98 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco, the West Bank and the Gaza Strip respectively;

Whereas Commission Regulation (EC) No 70/1999 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays

down the detailed rules for the application of the arrangements;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for large-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Whereas the quota for the products in question covers the period 1 January 1999 to 31 December 1999; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest;

Whereas, in between meetings of the Management Committee, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 14 January 1999.

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

Done at Brussels, 12 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 88, 24. 3. 1998, p. 8.

⁽⁵⁾ See page 4 of this Official Journal.

⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

COMMISSION REGULATION (EC) No 75/1999
of 12 January 1999
on the issue of import licences for garlic originating in China

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97 ⁽²⁾,

Having regard to Council Regulation (EC) No 1137/98 of 29 May 1998 concerning a protective measure applicable to imports of garlic from China ⁽³⁾, and in particular Article 1(3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93 ⁽⁴⁾, as amended by Regulation (EC) No 1662/94 ⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1(1) of Regulation (EC) No 1137/98, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1998 to 31 May 1999;

Whereas, given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 8 January 1999 is in excess of the maximum monthly quantity given in the Annex to

that Regulation for the month of January 1999; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 8 January 1999 and before 4 February 1999 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 8 January 1999 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 1,08108 % of the quantity applied for, having regard to the information available to the Commission on 12 January 1999.

For the abovementioned products applications for import licences lodged after 8 January 1999 and before 4 February 1999 shall be refused.

Article 2

This Regulation shall enter into force on 13 January 1999.

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

Done at Brussels, 12 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 157, 30. 5. 1998, p. 107.

⁽⁴⁾ OJ L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 76/1999
of 12 January 1999
on the issuing of A1 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 (EEC) 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 2(3) thereof,

Whereas Commission Regulation (EC) No 2776/98⁽³⁾ sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;

Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;

Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were issued without restriction for apples in response to

applications submitted since 8 January 1999 whereas, therefore, a percentage should be fixed for the issuing of licences for quantities applied for on 8 January 1999 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for apples for which applications were submitted on 8 January 1999 pursuant to Article 1 of Regulation (EC) No 2776/98 shall be issued for 76,7 % of the quantities applied for.

Applications for A1 export licences submitted after 8 January 1999 and before 10 March 1999 for that product shall be rejected.

Article 2

This Regulation shall enter into force on 13 January 1999.

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

Done at Brussels, 12 January 1999.

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 346, 22. 12. 1998, p. 44.

COMMISSION REGULATION (EC) No 77/1999**of 12 January 1999****determining the percentage of quantities covered by applications for export
licences for poultrymeat which may be accepted**

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

Having regard to Commission Regulation (EC) No 1372/95 of 16 June 1995 laying down detailed rules for implementing the system of export licences in the poultrymeat sector⁽¹⁾, as last amended by Regulation (EC) No 2581/98⁽²⁾, and in particular Article 3(4) thereof,

Whereas Regulation (EC) No 1372/95 provides for specific measures where applications for export licences concern quantities and/or expenditure which exceed the normal trade patterns or where there is a risk that they will be exceeded, taking account of the limit referred to in Article 8(11) of Council Regulation (EEC) No 2777/75⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95⁽⁴⁾, and/or the corresponding expenditure during the period in question;

Whereas uncertainty is a feature of the market in certain poultrymeat products; whereas the impending adjustment of the refunds applicable to those products has led to the submission of applications for export licences for specula-

tive ends; whereas there is a risk that the issue of licences for the quantities applied for from 4 and 5 January 1999 may lead to an overrun in the quantities of the products concerned normally disposed of by way of trade; whereas applications covering the products concerned in respect of which export licences have not yet been granted should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

With regard to applications for export licences for poultrymeat lodged pursuant to Regulation (EC) No 1372/95 no further action shall be taken in respect of applications pending for export licences in respect of categories 6a and 6b of Annex I to that Regulation which should have been issued from 13 January 1999.

Article 2

This Regulation shall enter into force on 13 January 1999.

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

Done at Brussels, 12 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 133, 17. 6. 1995, p. 26.

⁽²⁾ OJ L 322, 1. 12. 1998, p. 33.

⁽³⁾ OJ L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ L 305, 19. 12. 1995, p. 49.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 December 1998

adopting a multiannual framework programme for actions in the energy sector
(1998-2002) and connected measures

(1999/21/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 235 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community and, in particular, Article 203 thereof,

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

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

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

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

- (1) Whereas the Commission communicated its views on the future of Community energy policy to the Council in its White Paper 'An energy policy for the European Union' of 13 December 1995; whereas the Council adopted a resolution on this White Paper on 8 July 1996 ⁽⁵⁾;
- (2) Whereas energy is a vital factor in the economic and social development of the Community;
- (3) Whereas the Community's dependence on external energy supplies is set to increase significantly in the years to come;

(4) Whereas the competitiveness of European business is heavily influenced by the level of energy costs;

(5) Whereas it is necessary for the quality of life of citizens to ensure that the development of energy production and consumption is compatible with environmental protection objectives;

(6) Whereas, in view of the strategic challenges facing the Community, the objectives of energy actions should focus in particular on security of supply, competitiveness and protection of the environment;

(7) Whereas the balanced achievement of these objectives requires particular attention to be devoted to the transparency, coherence and coordination of all of the energy actions taken at Community level;

(8) Whereas the Council, when it adopted Regulation (EC) No 701/97 of 14 April 1997 amending a programme to promote international cooperation in the energy sector — Synergy programme ⁽⁶⁾, considered that it would be opportune for the Commission to present a communication on all the Community programmes with an energy component, which could be followed by a proposal on the establishment of a framework programme for energy;

⁽¹⁾ OJ C 46, 11. 2. 1998, p. 7.

⁽²⁾ OJ C 328, 26. 10. 1998.

⁽³⁾ OJ C 214, 10. 7. 1998, p. 44.

⁽⁴⁾ OJ C 315, 13. 10. 1998, p. 1.

⁽⁵⁾ OJ C 224, 1. 8. 1996, p. 1.

⁽⁶⁾ OJ L 104, 22. 4. 1997, p. 1. Regulation as amended by Regulation (EC) No 2598/97 (OJ L 351, 23. 12. 1997, p.16)

- (9) Whereas the Commission presented a communication 'An overall view of energy policy and actions', from which it emerges that the Community is pursuing a great many actions, but that these are scattered either between different energy policy programmes or various Community policies;
- (10) Whereas it is necessary to ensure the management, complementarity and optimum use of budget resources;
- (11) Whereas only a truly integrated and coordinated approach to Community actions in the energy field will enable the development of a coherent and effective policy which ensures that proper account is taken of all the aspects of the problems to be resolved;
- (12) Whereas this coherent and effective policy must apply both to energy policy programmes as such and to the energy components of other Community policies;
- (13) Whereas it is therefore necessary to define and establish a multiannual framework programme for the actions taken under the Community's energy policy;
- (14) Whereas this framework programme should be implemented in the form of horizontal and thematic programmes;
- (15) Whereas the horizontal programmes cover shared analyses and market monitoring, and international energy cooperation;
- (16) Whereas the thematic programmes concern the promotion of renewable energy sources, the promotion of energy efficiency, the promotion of clean and efficient use of solid fuels, and actions in the nuclear sector, relating to the safe transport of radioactive materials and to safeguards and industrial cooperation to promote certain aspects of the safety of nuclear installations in the countries currently participating in the TACIS programme;
- (17) Whereas, in view of the context and the specific structures within which energy actions relating to trans-European networks are conducted, the structures and the manner in which such actions are implemented should be maintained in the appropriate framework;
- (18) Whereas, in view of the context and the specific structures within which energy actions relating to RTD are conducted, the structures and the manner in which such actions are implemented will continue to conform with the arrangements and procedures of the RTD framework programme; whereas, however, cooperation and coordination with the other structures should be enhanced;
- (19) Whereas the principle of seeking the greatest possible coherence calls for the setting up of a single committee for the whole of the framework programme and its constituent actions;
- (20) Whereas the single committee will assist the Commission in ensuring the greatest possible transparency and the dissemination of information between all the parties concerned; whereas a summary report on energy actions undertaken under various Community policies should be presented to this committee in order to ensure greater consistency of such actions; whereas, in view of the variety and technical complexity of the questions to be addressed, the single committee and the Commission should seek the assistance of appropriate experts where necessary; whereas the single committee will ensure that duplication of work between the programmes of this framework programme as well as in relation to other programmes of the Community will be avoided;
- (21) Whereas, on the basis of key energy policy indicators, regular reports should be drawn up on the implementation of this framework programme; whereas, notwithstanding the systematic, regular evaluation of the actions, this framework programme and its specific programmes should be the subject of a mid-term review by independent experts;
- (22) Whereas, without prejudice to the role of Member States and taking into account the principle of subsidiarity and the principle of proportionality in accordance with Article 3b of the Treaty establishing the European Community, the above objectives of energy policy and the boosting and co-ordination of energy actions carried out under the energy policy proper and in the framework of other Community policies should also be implemented at Community level;
- (23) Whereas provision for the participation of third countries should be made in the specific programmes;
- (24) Whereas a financial reference amount within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995⁽¹⁾, is included in this Decision for the entire duration of this framework programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaties; whereas account should be taken of the fact that a new financial perspective will be negotiated during the course of this framework programme; whereas, once the next financial perspective is drawn up, the funding of actions carried out in the priority areas of promotion of renewables and energy efficiency could be reviewed;

⁽¹⁾ OJ C 102, 4. 4. 1996, p. 4.

(25) Whereas the Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community do not provide powers for the adoption of this Decision, the purpose of which is the coordination of all aspects of energy policy, other than those provided for in Article 235 and Article 203 of those Treaties respectively; whereas the specific programmes which will implement this framework programme will each be adopted on the appropriate legal basis,

HAS ADOPTED THIS DECISION:

Article 1

1. A multiannual framework programme for Community actions in the field of energy, hereinafter referred to as the 'framework programme', is hereby adopted for the period 1998-2002.

2. This framework programme shall primarily contribute to the balanced pursuit of the following priority objectives of energy policy:

- security of supply,
- competitiveness,
- protection of the environment.

3. This framework programme shall continue to greater transparency, coherence and coordination of all the Community's actions and other measures in the field of energy, as well as to an efficient use of financial resources, and ensure that these measures combine effectively with the actions taken in the framework of other Community policies.

Complementarity with relevant initiatives of the Member States, and Community initiatives conducted for example in the framework of research policy or trans-European networks, shall be sought.

Article 2

1. This framework programme shall be implemented through six specific programmes of a horizontal or thematic nature corresponding to the following actions:

- (a) development, in cooperation with the Member States, of a programme for regular monitoring of the evolution of the energy markets and trends, so that policy decisions relating to energy can be taken on the basis of a shared analysis;
- (b) reinforcement, within the scope of this framework programme, of international cooperation in the energy field;
- (c) promotion of renewable energy sources;
- (d) encouragement of rational and efficient use of energy resources;
- (e) promotion of the use of environmentally compatible technologies in the solid fuels sector;

(f) activities in the nuclear sector relating to safe transport of radioactive materials and also to safeguards and industrial cooperation in order to promote safety in nuclear facilities in countries included in the TACIS programme.

2. Each specific programme, the duration of which shall coincide with the period of application of this framework programme, shall set out the arrangements for its implementation.

3. Implementation of this framework programme may give rise, within its scope, to additional Community initiatives in accordance with the procedures of the Treaties. It may also lead to cooperation with third countries or international organisations.

Article 3

1. The financial reference amount for the implementation of this framework programme shall be ECU 170 million. Of this amount, ECU 68 million is for the period 1998 to 1999.

The financial reference amount for the period 2000 to 2002 shall be reviewed if the amount of ECU 102 million is not consistent with the financial perspective for that period.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Financial reference amounts shall also be established for each specific programme.

2. The detailed rules for financial participation by the Community in actions taken under this framework programme shall be laid down in accordance with the provisions of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾.

Article 4

1. The Commission shall be responsible for the implementation of this framework programme and for drafting guidelines applicable to the actions and measures to be taken under each of its specific programmes. These guidelines shall be adopted in accordance with the rules set out in paragraph 2.

The Commission shall present annually a summary report on energy actions undertaken under the various Community policies to the Committee referred to in paragraph 2.

2. The Commission shall be assisted in the management of this framework programme by a Committee composed of representatives of the Member States and chaired by the representative of the Commission.

⁽¹⁾ OJ L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC) No 2444/97 (OJ L 340, 11. 12. 1997, p. 1).

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty establishing the European Community in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

the Commission shall defer application of the measures which it has decided for a period of not more than three months from the date of such communication,

the Council, acting by qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

Article 5

1. The Commission shall examine each year the state of implementation of this framework programme and its specific programmes. It shall assess the overall effectiveness of this framework programme, the scope of which is defined in Article 2(1), including improvements in co-ordination between actions with an energy component, and its contribution to the objectives of Community policy. It shall also assess whether the objectives, priorities and financial resources are still appropriate to the changing situation. The Commission shall report on the results of this assessment to the European Parliament and the Council and, if necessary, submit proposals to adapt or supplement this framework programme and/or its specific programmes.

2. In the third year of the period of application of this framework programme and at all events before submitting its proposals for the establishment of a subsequent framework programme, the Commission shall have an external assessment conducted by independent experts of the overall implementation of the Community actions carried out under this framework programme. The Commission shall communicate the conclusions thereof, together with its comments, to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. Before sending these conclusions and comments, the Commission shall consult the Committee referred to in Article 4(2).

3. The independent experts referred to in paragraph 2 shall be appropriately qualified and chosen by the Commission in a balanced manner.

Article 6

Before the end of 2000, the Council, in accordance with the relevant provisions of the Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community, shall review this framework programme for the remaining period of its duration on the basis of a communication from the Commission taking into account the priorities of energy activities, and in particular of the SAVE ⁽¹⁾ and Altener ⁽²⁾ programmes.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the Council
The President
W. MOLTERER

⁽¹⁾ OJ L 335, 24. 12. 1996, p. 50.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 53.

COUNCIL DECISION**of 14 December 1998****adopting a multiannual programme of studies, analyses, forecasts and other related work in the energy sector (1998-2002)**

(1999/22/EC)

THE COUNCIL OF THE EUROPEAN UNION,

fore necessary to develop appropriate indicators to monitor progress in this area;

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,Having regard to the opinion of the European Parliament ⁽²⁾,

(1) Whereas the White Paper entitled 'An energy policy for the European Union' of 13 December 1995 proposed a new approach to the monitoring of energy trends based on cooperation with the Member States and which would give added benefits by establishing and encouraging the most effective methods, promoting a shared approach to studies and analyses and encouraging the exchange of know-how in the field in question;

(2) Whereas in its resolution of 8 July 1996 on the abovementioned White Paper ⁽³⁾, the Council believed that energy decision-making at Community level needed to be placed in the context of a shared analysis of the energy situation and of future trends and invited the Commission to organise cooperation between the Member States;

(3) Whereas in its conclusions of 11 May 1998 on the Kyoto Protocol, the Council welcomed the Commission's presentation on energy policy options for responding to the climate change challenge and stressed the need to prepare a shared analysis of the economic impact of the greenhouse gas emission reductions;

(4) Whereas, in its conclusions, the Cardiff European Council of 15-16 June 1998 invited the Energy Council to give effect to environmental integration and sustainable development within its policy area and invited the Council and the Commission to keep under review the organisational arrangements necessary to carry this forward; whereas it is there-

(5) Whereas forward analyses and market monitoring at Community and Member State levels are essential for the development of an adequate strategy for the medium and long term; whereas shared analyses with Member States and interested parties should be encouraged in this field;

(6) Whereas security of energy supplies is one of the key energy policy objectives; whereas in the context of growing external energy dependency of the European Community, it is necessary to monitor closely and analyse energy market trends both within the Community and at world level;

(7) Whereas, to ensure competitive energy prices, it is essential to monitor regularly at Community level the implementation process of the two key liberalisation Directives which have recently been adopted for the electricity and gas markets;

(8) Whereas this monitoring process should be based on cooperation with Member State administrations and regulators, facilitating the exchange of best practices and ensuring greater transparency along the lines of the model initiated by the Commission for the internal electricity and gas markets;

(9) Whereas provision should therefore be made within the multiannual framework programme for actions in the energy sector (1998-2002) adopted by Decision 1999/21/EC, Euratom ⁽⁴⁾, for a specific programme of studies, analyses, forecasts and other related work in the energy sector;

(10) Whereas, in order to ensure that Community aid is used efficiently and duplication of work avoided, the Commission should ensure that projects are subject to thorough prior appraisal; whereas it should systematically monitor and evaluate the progress and results of supported projects;

⁽¹⁾ OJ C 261, 19. 8. 1998, p. 6.

⁽²⁾ OJ C 328, 26. 10. 1998.

⁽³⁾ OJ C 224, 1. 8. 1996, p. 1.

⁽⁴⁾ See page 16 of this Official Journal.

- (11) Whereas some of these activities should be open to participation by international organisations responsible for energy matters, such as the International Energy Agency and the Energy Charter Secretariat, bodies representing industry, other interested parties, for example environmental organisations and consumers, and certain third countries, in accordance with the rules governing the Community's relations with those organisations and countries;
- (12) Whereas this set of actions should be coordinated with the other activities of the Community, the Member States, third countries and international organisations;
- (13) Whereas it is politically and economically desirable to open up this programme to the associated central and eastern European countries in accordance with the conclusions of the Copenhagen European Council of 21-22 June 1993 and as outlined in the Commission communication on that subject in May 1994; whereas it should also be open to Cyprus;
- (14) Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995⁽¹⁾, is included in this Decision for the entire duration of this programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty; whereas account should be taken of the fact that a new financial perspective will be negotiated during the course of this programme;
- (15) Whereas the Treaty does not provide powers for the adoption of this Decision, other than those in Article 235 thereof,
- (a) to establish a shared approach in the Community to studies, analyses, forecasts and other related work in the energy sector;
- (b) to promote coordinated analyses of energy markets and policies at the level of the Community and the Member States;
- (c) to analyse and evaluate energy market trends in Europe and the world, *inter alia* in relation to security of supply and competitiveness;
- (d) to analyse and evaluate the impact of energy production and use on the environment, including in relation to climate change;
- (e) to help identify and transfer the best analysis methods and practices;
- (f) to facilitate information networks in the energy field;
- (g) to develop an active policy for the dissemination of the results obtained;
- (h) to develop methodologies for monitoring the implementation of the energy framework programme, as set out in Article 5 of Decision 1999/21/EC, Euratom.

Article 2

The financial reference amount for the implementation of the ETAP programme shall be ECU 5 million. Of this amount, ECU 2 million is for the period 1998 to 1999.

The financial reference amount for the period 2000 to 2002 shall be reviewed if the amount of ECU 3 million is not consistent with the financial perspective for that period.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

HAS ADOPTED THIS DECISION:

Article 1

Within the multiannual framework programme for actions in the energy sector, a specific programme of studies, analyses, forecasts and other related work concerning the future development of energy policy within the Community, hereinafter referred to as 'the ETAP programme', shall be implemented by the Community for the period 1998-2002.

In addition to the priority objectives referred to in Article 1(2) of Decision 1999/21/EC, Euratom, the objectives of the ETAP programme shall be:

Article 3

In order to achieve the objectives referred to in Article 1(2), the Community may undertake and/or promote, directly or in cooperation with other interested parties, and/or contribute financially to the following measures:

- (1) observation, monitoring and the exchange of comparable information in the energy field as well as the execution of studies, analyses and forecasts on all energy aspects, including trends, markets and prices;
- (2) the provision of technical and methodological assistance to projects in order to identify and transfer the best practices in areas such as methods of analysis and forecasting, means of collecting energy data, access to and exchanges via electronic networks and any other measure which helps to achieve the general objective;

⁽¹⁾ OJ C 102, 4. 4. 1996, p. 4.

- (3) the development of links, for example between energy producers and users and academic and administrative circles, in order to promote research into the economic aspects of energy policy instruments;
- (4) the implementation of any initiative contributing to the dissemination of the results obtained, including the preparation and publication of reports and the organisation of workshops, seminars and conferences.

Article 4

1. The Commission shall be responsible for the financial execution and implementation of the ETAP programme.
2. For the purposes of implementing the ETAP programme, the Commission shall be assisted by the Committee referred to in Article 4 of Decision 1999/21/EC, Euratom.
3. The Commission shall draw up each year a draft programme of actions to be undertaken during the following year, which will be submitted to the Committee referred to in paragraph 2.

Article 5

Examination and internal and external assessment of the implementation of the ETAP programme shall be carried

out in accordance with the provisions in Article 5 of Decision 1999/21/EC, Euratom.

Article 6

The ETAP programme shall be open to participation by associated central and eastern European countries in accordance with the conditions, including financial provisions, laid down in the additional protocols to the Association Agreements or in the Association Agreements themselves relating to participation in Community programmes. The ETAP programme shall also be open to participation by Cyprus, on the basis of additional appropriations, under the same rules as those applied to the EFTA/EEA countries, in accordance with procedures to be agreed with that country.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the Council

The President

W. MOLTERER

COUNCIL DECISION

of 14 December 1998

adopting a multiannual programme to promote international cooperation in the energy sector (1998-2002)

(1999/23/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

(1) Whereas, for reasons of the competitiveness of Community businesses, security of supply and protection of the environment, energy matters are an important element in the Community's international activities;

(2) Whereas the Community's accession to the Energy Charter Treaty and the United Nations Framework Convention on Climate Change commits it to continue with international cooperation in the energy field;

(3) Whereas the Council conclusions of 18 November 1992 on the guidelines for cooperation with the developing countries for clean and efficient energy technology stressed that an essential objective of energy cooperation with all developing countries was the implementation of effective energy policies;

(4) Whereas, as stressed in the Council resolution of 8 July 1996 on the White Paper 'An energy policy for the European Union' ⁽⁴⁾, energy developments in the Community are increasingly influenced by external developments and efforts must therefore be made to ensure that the Community develops a coherent and consistent approach to energy matters with third countries;

(5) Whereas the Community is engaged in international energy activities under various programmes; whereas these activities should be

coordinated more closely so as to ensure that they are consistent;

(6) Whereas, in order to ensure that Community aid is used efficiently and duplication of work avoided, the Commission is to ensure that projects are subject to thorough prior appraisal; whereas it will systematically monitor and evaluate the progress and results of supported projects;

(7) Whereas coordination of the Community instruments for international action in the energy sector and other similar international programmes should be reinforced;

(8) Whereas, by reason of their wide-ranging nature, the principal objectives of this programme can be attained best at Community level;

(9) Whereas it is necessary to establish a specific legal instrument for the Community's international cooperation activities in the field of energy policy;

(10) Whereas provision should therefore be made within the multiannual framework programme for actions in the energy sector (1998-2002) adopted by Decision 1999/21/EC, Euratom ⁽⁵⁾ for a specific programme for reinforcement of international cooperation in the energy field; whereas this specific programme would replace Council Regulation (EC) No 701/97 of 14 April 1997 amending a programme to promote international cooperation in the energy sector — Synergy programme ⁽⁶⁾;

(11) Whereas, according to the resolution of 8 July 1996, political and trade relations are essential components of energy policy and, accordingly, the Community's international energy cooperation measures should be integrated more effectively in its external policy as a whole;

(12) Whereas the objectives of energy cooperation pursuant to this programme should be to improve the competitiveness of Community businesses, to

⁽¹⁾ OJ C 328, 26. 10. 1998.

⁽²⁾ OJ C 214, 10. 7. 1998, p. 44.

⁽³⁾ OJ C 315, 13. 10. 1998, p. 1.

⁽⁴⁾ OJ C 224, 1. 8. 1996, p. 1.

⁽⁵⁾ See page 16 of this Official Journal.

⁽⁶⁾ OJ L 104, 22. 4. 1997, p. 1. Regulation as amended by Regulation (EC) No 2598/98 (OJ L 351, 23. 12. 1997, p. 16).

enhance security of supply, to promote sustainable development and to improve energy efficiency; whereas such cooperation may be put into effect by cooperating in, and co-financing, projects;

- (13) Whereas such cooperation should be anchored in an indicative programme and may be the subject of agreements with the States concerned or with international networks of study and research centres;
- (14) Whereas, since the cooperation in question is external cooperation, it is governed by the special provisions laid down in Title IX of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities⁽¹⁾;
- (15) Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995⁽²⁾, is included in this Decision for the entire duration of this programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty; whereas account should be taken of the fact that a new financial perspective will be negotiated during the course of this programme;
- (16) Whereas the Treaty does not provide powers for the adoption of this Decision, other than those in Article 235 thereof,

HAS ADOPTED THIS DECISION:

Article 1

1. Within the multiannual framework programme for actions in the energy sector, a specific programme for reinforcement of international cooperation in the energy field, hereinafter referred to as 'the Synergy programme', shall be implemented by the Community for the period 1998-2002.

2. In addition to the priority objectives listed in Article 1(2) of Decision 1999/21/EC, Euratom, the objectives of the Synergy programme shall be to:

- provide assistance to third countries with the definition, formulation and implementation of energy policy,
- promote industrial cooperation between the Community and third countries in the energy sector.

Article 2

1. The financial reference amount for the implementation of the Synergy programme shall be ECU 15 million. Of this amount, ECU 6 million is for the period 1998 to 1999.

⁽¹⁾ OJ L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC) No 2444/97 (OJ L 340, 11. 12. 1997, p. 1).

⁽²⁾ OJ C 102, 4. 4. 1996, p. 4.

The financial reference amount for the period 2000 to 2002 shall be reviewed if the amount of ECU 9 million is not consistent with the financial perspective for that period.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 3

1. In order to achieve the objectives laid down in Article 1, the Community shall contribute, in particular, to the financing of activities concerning:

- energy policy advice and training,
- energy analyses and forecasting,
- closer dialogue and exchanges of information on energy policy, notably by means of organisation of conferences and seminars,
- support to regional transboundary cooperation,
- improvement of the framework for industrial cooperation on energy.

No funding may be granted to research, development and demonstration projects.

2. The Commission shall be assisted, for the purposes of implementing the Synergy programme, by the Committee referred to in Article 4 of Decision 1999/21/EC, Euratom.

3. The cooperation shall also cover costs related to the preparation, implementation, monitoring and evaluation of performance of these operations, as well as costs concerning information.

Article 4

1. Community contributions may take the form of grants which shall be released in tranches as projects materialise.

2. Synergy programme funding shall be granted only after verification that the activities cannot qualify for financing from other Community programmes, in order to avoid duplication.

3. Financing decisions and any contracts resulting therefrom shall expressly provide, *inter alia*, for acceptance by the beneficiaries of supervision by the Commission and the Court of Auditors, which may be carried out on the spot if necessary.

Article 5

1. An action programme, based on the indicative programme set out in the Annex, shall be adopted in accordance with the procedure provided for in Article 4 of Decision 1999/21/EC, Euratom. This action programme shall include a list of the main projects to be financed

within the activities referred to in Article 3 of this Decision. The content of the action programme shall be determined so as to provide Member States with the relevant information to enable the committee referred to in Article 3(2) of this Decision to give its opinion.

2. Specific agreements may be concluded with third countries and international organisations in order to define the main lines of cooperation with the countries concerned and the consultation procedures regarding implementation of the action programme.

3. Contracts may also be concluded with international networks of study and research centres in order to define the contribution of these networks to the achievement of the objectives of the action programme.

Article 6

1. The Commission shall implement operations in accordance with the action programme referred to in Article 5.

2. Service contracts shall, as a general rule, be awarded by restricted invitations to tender in conformity with Article 118 of the Financial Regulation applicable to the general budget of the European Communities.

Negotiated contracts may be awarded for operations involving an amount below ECU 50 000.

Supply contracts, where needed to supplement service contracts and limited to the objectives of the Synergy programme, shall be awarded by means of open invitations to tender, except in the cases provided for in Article 116 of the Financial Regulation.

Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons in the Member States and in the beneficiary States.

Participation by natural and legal persons from other countries for the duration of the projects, funded from the appropriations earmarked for these activities, may be authorised by the Commission on a case-by-case basis if the programmes or projects concerned require specific forms of assistance specifically available in these countries, subject to reciprocity being granted by these countries.

3. Taxes, duties and the purchase of immovable property shall not be funded by the Community.

4. In the case of co-financing, the participation of enterprises from the third countries concerned in invitations to tender and contracts may be authorised by the Commission on a case-by-case basis. The Commission

shall render account thereof in the assessment conducted pursuant to Article 8.

Article 7

1. The Commission shall, together with the Member States, ensure effective coordination of the expert assistance provided in the beneficiary States by the Community and individual Member States on the basis of the information supplied by the Member States.

2. Coordination and cooperation with the international financial institutions and other sources of funds shall be encouraged.

3. The Commission shall examine ways of promoting co-financing by the Synergy programme, bilateral cooperation from the Member States, the programmes of other international organisations and other Community programmes. It shall, in particular, ensure closer coordination and complementarity between the contributions made by the Synergy programme and the other Community instruments for international energy cooperation in order to avoid duplication. It shall also ensure that duplication is avoided between the Synergy programme and any other programme or action of other international organisations in the field of energy.

Article 8

Examination and internal and external assessment of the implementation of the Synergy programme shall be carried out in accordance with Article 5 of Decision 1999/21/EC, Euratom.

Article 9

This Decision shall repeal and replace Regulation (EC) No 701/97.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the Council

The President

W. MOLTERER

ANNEX

INDICATIVE ACTION PROGRAMME

For the purposes of implementing the Synergy programme and drawing up the action programme, the following guidelines shall be taken into account.

The tasks of the Synergy programme are to help achieve the Community's energy objectives as set out in Article 1 of Decision 1999/21/EC, Euratom, namely:

- security of supply,
- competitiveness,
- protection of the environment.

Each of these objectives has a sizeable external component. The Synergy programme will implement actions in line with its objectives and ensure closer coordination of international cooperation activities in the field of energy policy being conducted elsewhere in the Community.

I. AREAS OF COOPERATION LINKED TO THE COMMUNITY'S ENERGY OBJECTIVES

A. *Activities pursuant to all three objectives:*

- advising third countries on energy policy,
- encouraging energy efficiency in third countries,
- developing local and, in particular, renewable energy sources,
- encouraging regional energy integration,
- promoting consistency in the implementation of Community programmes in specific regions (e.g. the Black Sea, the Caspian Sea, the Mediterranean, the Baltic Sea and the Persian Gulf regions).

B. *Competitiveness:*

- supporting the development of cooperation designed to strengthen the presence of European players on key markets in the energy sector, in particular Asia and Latin America,
- advising third countries on organisation of the energy sector,
- supporting liberalisation and opening-up of the energy sector, helping third countries to draw up energy policies in this new situation, in particular in conformity with the Energy Charter Treaty,
- favouring greater investment by European undertakings in the energy sector in third countries.

C. *Security of supply:*

- conducting dialogue with energy-producing and exporting countries: Persian Gulf, Caspian Sea, Russia, producer countries in America, Asia and Africa,
- encouraging dialogue between the European Community and the countries which have signed the Energy Charter Treaty, in particular with the transit and energy-producing transit countries, by helping to implement the provisions of the Energy Charter Treaty,
- participation in, and support for, the work of international bodies in this sector: ministerial and producer/consumer conferences, International Energy Agency,
- providing support in creating a favourable environment for investment in third countries in the production and transit of energy, in conformity with international law, particularly the Energy Charter Treaty and the disciplines agreed within the WTO.

D. *Protection of the environment:*

- training decision-makers and staff in the energy industry in third countries in environmental awareness,
- disseminating the Community's experience and information on energy and the environment,

- encouraging use of clean technology, in particular for the combustion of coal in major consumers such as China, taking the implications for energy policy into account,
- strengthening and supporting efforts to have environmental aspects taken into account in third countries' energy policy and planning,
- encouraging and helping third countries to plan and implement national energy supply and use policies in keeping with each different environmental situation.

II. GEOGRAPHICAL PRIORITIES AND CONSISTENCY WITH THE COMMUNITY'S INTERNATIONAL COOPERATION PROGRAMMES

A. *Role and priorities:*

In international relations in the energy field, the Synergy programme will:

- promote energy cooperation *vis-à-vis* third countries,
- aim at having its objectives taken into account in the external cooperation activities carried out by other Community programmes,
- facilitate the emergence of energy projects financed by other Community cooperation instruments.

B. *Geographical priority areas:*

The Synergy programme will concentrate on the geographical priorities in the Community's external relations and help achieve certain of those priorities.

The areas given priority by the Synergy programme are:

- central and eastern Europe,
 - newly Independent States (NIS),
 - Mediterranean third countries,
 - Latin America: emphasis will be placed on Mercosur, Chile, Mexico and Venezuela,
 - Asia: China, India and the ASEAN countries,
 - Africa.
-

COUNCIL DECISION**of 14 December 1998****adopting a multiannual programme of technological actions promoting the
clean and efficient use of solid fuels (1998 to 2002)**

(1999/24/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,Having regard to the opinion of the Economic and Social Committee ⁽²⁾,Having regard to the opinion of the Committee of the Regions ⁽³⁾,

- (1) Whereas solid fuels are available in the Community and the ready, abundant, diverse sources of hard coal traded worldwide ensure that such fuels are and will remain a low-cost energy source;
- (2) Whereas the promotion of clean and efficient technologies for solid fuels contributes to the diversification of primary energy resources and to the balance of Community energy policy objectives;
- (3) Whereas solid fuels will be increasingly utilised both in developed and emerging areas of the world, thereby contributing to emissions of pollutants and CO₂; whereas every effort should be made to ameliorate such emissions by the promotion of clean and efficient technologies and the application of best available technologies (BAT) to existing and new plant using solid fuels;
- (4) Whereas the manufacture and supply of equipment for the clean utilisation of coal, lignite and other forms of solid fuels, for use both within and outside the Community, can contribute to the maintenance of employment;
- (5) Whereas action by the Community relating to the environment should improve the quality of the environment and ensure a prudent and rational utilisation of natural resources, objectives which are furthered by the implementation of clean coal technologies;
- (6) Whereas the promotion of more efficient clean solid fuel technologies can make a significant contribution to the reduction of polluting emis-

sions arising from the use of fossil fuels at Community level; whereas use of cleaner technologies contributes to the objectives of the Community strategy to combat acidification;

- (7) Whereas the promotion of more efficient clean solid fuel technologies will contribute to the reduction of greenhouse gases and the danger of global climate change; whereas wide-ranging cooperation is therefore desirable in order to obtain significant results;
- (8) Whereas it is desirable that promotion of clean solid fuel technologies should be applied both to domestic and small-scale commercial and industrial boilers as well as large electrical power generation plants;
- (9) Whereas on 13 December 1995 the Commission adopted a White Paper entitled 'An energy policy for the European Union', defining the main lines of new Community energy policy objectives for coherence and convergence of the policies of the Member States; whereas this White Paper states that the contribution of new clean solid fuel technologies can enhance the use of a wide variety of fuels, so that they can continue to play a significant part in the overall energy balance sheet but with an improved environmental image;
- (10) Whereas the promotion and exploitation of clean solid fuel technologies offers economic advantages in terms of employment opportunities with companies in the Community operating on a worldwide basis;
- (11) Whereas, in order to sustain a cleaner environment, advanced clean solid fuel technologies should be developed to achieve improved BAT at costs which can be afforded;
- (12) Whereas certain countries which are expected to become members of the European Union in the coming years are very strongly dependent on the production and use of solid fuels to meet their energy requirements; whereas those countries will need to modernise and improve their energy technologies in order to comply with Community legislation;

⁽¹⁾ OJ C 328, 26. 10. 1998.⁽²⁾ OJ C 214, 10. 7. 1998, p. 44.⁽³⁾ OJ C 315, 13. 10. 1998, p. 1.

- (13) Whereas a number of Member States have their own clean solid fuel technology programmes; and Steel Community should be continued in an appropriate form after the expiry of that Treaty in 2002;
- (14) Whereas there should be an opportunity for those programmes to be coordinated with each other and with the relevant Community programmes;
- (22) Whereas there is a need to transfer to industry the results of the research funded under the European Coal and Steel Community;
- (15) Whereas it is also important to promote the uptake of technologies developed with financing from the specific research and technical development non-nuclear energy programme;
- (23) Whereas the measures to foster industrial strategic cooperation should be designed to encourage industry to exchange experiences on, for example, how environmental standards are met;
- (16) Whereas provision should therefore be made within the multiannual framework programme for actions in the energy sector (1998 to 2002) adopted by Decision 1999/21/EC, Euratom ⁽¹⁾ for a specific programme for the promotion of clean solid fuel technologies;
- (24) Whereas the promotion, demonstration and exploitation of clean solid fuel technologies throughout the Community are likely to strengthen its economic and social cohesion, as called for by Article 130a of the Treaty;
- (17) Whereas, in order to ensure that Community aid is used efficiently and duplication of work avoided, the Commission will ensure that projects are subject to thorough prior appraisal; whereas it will systematically monitor and evaluate the progress and results of supported projects;
- (25) Whereas a financial reference amount within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995 ⁽²⁾, is included in this Decision for the entire duration of this programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty; whereas account should be taken of the fact that a new financial perspective will be negotiated during the course of this programme;
- (18) Whereas actions on solid fuels may cover projects dealing with hard coal, lignite, peat, ormulson, oilshale and the heavy fraction of petroleum products; whereas, in implementing such projects, account can also be taken of the application of clean combustion technologies to biomass and clean sorted combustible waste fractions when mixed with solid fuels;
- (26) Whereas the Treaty does not provide powers for the adoption of this Decision, other than those in Article 235 thereof,
- (19) Whereas the European Parliament and Community industry have indicated their keen interest in pursuing a policy of developing clean coal technologies for use in the Community and elsewhere in the world;
- (20) Whereas it is politically and economically desirable to open the programme to the associated Central and East European countries, in accordance with the conclusions of the Copenhagen European Council of 21 to 22 June 1993 and as outlined in the Commission communication on that subject in May 1994; whereas it should also be open to Cyprus;
- (21) Whereas the Amsterdam European Council of 16 and 17 June 1997 highlighted the importance of solid fuel research and development by its request that the research in that field currently supported under the Treaty establishing the European Coal

HAS ADOPTED THIS DECISION:

Article 1

1. Within the multiannual framework programme for actions in the energy sector, a specific programme for the promotion of clean solid fuel technologies, hereinafter referred to as the 'Carnot' programme, shall be implemented by the Community for the period 1998 to 2002.
2. In addition to the priority objectives listed in Article 1(2) of Decision 1999/21/EC, Euratom, the objectives of the Carnot programme shall be to:
 - promote the use of clean and efficient technologies to plants using solid fuels in order to limit emissions, including carbon dioxide emissions, from such use,
 - encourage the development of advanced clean solid fuel technologies in order to achieve improved BAT at affordable cost.

⁽¹⁾ See page 16 of this Official Journal.

⁽²⁾ OJ C 102, 4. 4. 1996, p. 4.

Article 2

The financial reference amount for the implementation of the Carnot programme shall be ECU 3 million. Of this amount, ECU 1,2 million is for the period 1998 to 1999.

The financial reference amount for the period 2000 to 2002 shall be reviewed if the amount of ECU 1,8 million is not consistent with the financial perspective for that period.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 3

Two categories of actions on clean solid fuel technologies shall be financed under the Carnot programme, namely:

- (a) measures to foster cooperation aimed at promoting better market and technical information between national, Community and international activities through the development of appropriate means for exchanging information, helping to remove barriers and evaluating the impact of the various actions provided for in this Article;
- (b) measures to foster industrial strategic cooperation, such as business workshops and seminars, industrial on-site visits, studies, evaluations and concertation groupings, aimed at promoting the industrial exploitation of clean technologies for energy purposes, for example combined heat and power production. This will include the promotion of exports of European clean solid fuel technology.

Article 4

The level of funding for the measures referred to in Article 3(a) shall be between 50 and 100 % of their total cost.

The level of funding for the measures referred to in Article 3(b) shall be between 30 and 50 % of their total cost.

The balance of the funding of the actions referred to in Article 3 may be made up from either public or private sources or from a combination of the two.

Article 5

The Commission shall define guidelines for the measures referred to in Article 3 each year.

Proposals for measures referred to in Article 3 and the list of bodies which are to implement them shall be submitted annually to the Commission, which shall

decide on the level and conditions of Community funding. The Commission shall sign contracts relating to the said measures with those bodies.

The committee provided for in Article 7 shall assist the Commission in the definition of these guidelines and the decisions on funding.

Article 6

The Commission shall be responsible for the implementation of the Carnot programme.

For the implementation of the actions referred to in Article 3, the Commission shall apply the procedure laid down in Article 7.

Article 7

The Commission shall be assisted, for the purposes of implementing the Carnot programme, by the committee referred to in Article 4 of Decision 1999/21/EC, Euratom.

Article 8

Examination and internal and external assessment of the implementation of the Carnot programme shall be carried out in accordance with the provisions in Article 5 of Decision 1999/21/EC, Euratom.

Article 9

The Carnot programme shall be open to associated Central and East European countries in accordance with the conditions, including financial provisions, laid down in the additional protocols to the Association Agreements or in the Association Agreements themselves relating to participation in Community programmes. The Carnot programme shall also be open to Cyprus on the basis of additional appropriations, under the same rules as those applied to the EFTA/EEA countries, in accordance with procedures to be agreed with that country.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the Council

The President

W. MOLTERER

COUNCIL DECISION

of 14 December 1998

adopting a multiannual programme (1998 to 2002) of actions in the nuclear sector, relating to the safe transport of radioactive materials and to safeguards and industrial cooperation to promote certain aspects of the safety of nuclear installations in the countries currently participating in the TACIS programme

(1999/25/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

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

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

- (1) Whereas the desire to promote safeguards for the use of nuclear materials and a high degree of safety is one of the fundamental objectives of Community energy actions in the nuclear field and these are important priority areas for the negotiations on enlargement of the European Union;
- (2) Whereas provision should therefore be made within the multiannual framework programme for actions in the energy sector (1998 to 2002) adopted by Decision 1999/21/EC, Euratom ⁽³⁾, for a specific programme of actions in the nuclear sector, relating to the safe transport of radioactive materials and to safeguards and industrial cooperation to promote certain aspects of the safety of nuclear installations in countries currently participating in the TACIS programme;
- (3) Whereas the use of nuclear energy to produce electricity and the increasing use of radioactive materials in the health sector, industry and research mean that more radioactive materials are being transported; whereas the desire to maintain and, where reasonably practical, to increase the high level of safety in the entire nuclear field at the highest reasonably achievable level must therefore lead to a review and, if necessary, harmonisation of the conditions under which radioactive materials are transported;
- (4) Whereas the Community cannot disregard the situation prevailing in the nuclear sector in the countries participating in the TACIS programme;

whereas it can help to improve nuclear safeguards in those countries by passing on the benefits of its experience and to promote a high degree of safety in the design and operation of nuclear equipment by encouraging industrial cooperation;

- (5) Whereas, in order to ensure that Community aid is used efficiently and duplication of work avoided, the Commission should ensure that projects are subject to thorough prior appraisal; whereas it should systematically monitor and evaluate the progress and results of supported projects;
- (6) Whereas it is politically and economically desirable to open up this programme to the associated central and east European countries, in accordance with the conclusions of the Copenhagen European Council of 21 and 22 June 1993 and as outlined in the Commission communication on that subject in May 1994; whereas it should also be open to Cyprus;
- (7) Whereas it is important to improve public information in the areas covered by this programme and to inform the European Parliament and the Council regularly on its implementation;
- (8) Whereas a financial reference amount within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995 ⁽⁴⁾ is included in this Decision for the entire duration of this programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty; whereas account should be taken of the fact that a new financial perspective will be negotiated during the course of this programme;
- (9) Whereas the Treaty does not provide powers for the adoption of this Decision, other than those in Article 203 thereof,

⁽¹⁾ OJ C 261, 19. 8. 1998, p. 8.

⁽²⁾ OJ C 328, 26. 10. 1998.

⁽³⁾ See page 16 of this Official Journal.

⁽⁴⁾ OJ C 102, 4. 4. 1996, p. 4.

HAS ADOPTED THIS DECISION:

Article 1

1. Within the multiannual framework programme for actions in the energy sector, a specific programme of actions in the nuclear sector, relating to the safe transport of radioactive materials and to safeguards and industrial cooperation to promote certain aspects of the safety of nuclear installations in countries participating in the TACIS programme, hereinafter referred to as 'SURE', shall be implemented by the Community for the period 1998 to 2002.

2. In addition to the priority objectives listed in Article 1(2) of Decision 1999/21/EC, Euratom, the objectives of the SURE programme shall be:

- (a) to review and, if necessary, harmonise safety practice in the transport of radioactive materials in the Community;
- (b) to help to establish in countries participating in the TACIS programme an effective and reliable system of safeguards through cooperation measures;
- (c) to promote industrial cooperation and cooperation among regulatory bodies with those countries and the exchange of know-how within the nuclear industry to help them achieve high safety standards that are consistent with internationally recognised principles of nuclear safety for nuclear equipment and installations.

Article 2

The financial reference amount for the implementation of the SURE programme shall be ECU 9 million. Of this amount, ECU 3,6 million is for the period 1998 to 1999.

The financial reference amount for the period 2000 to 2002 shall be reviewed if the amount of ECU 5,4 million is not consistent with the financial perspective for that period.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 3

In order to achieve the objectives referred to in Article 1, the Community shall contribute in particular to the funding of actions which:

- 1. in the field of the safe transport of radioactive materials:

- help to raise safety standards and facilitate the functioning of the internal market by identifying those harmonisation measures which are called for,
- help to improve legislation further by developing experimentation and know-how,
- evaluate technical aspects of incidents which have occurred during transport and learn the lessons for the future,
- make emergency procedures relating to transport more consistent and give those involved more training,
- enhance an efficient system of reporting in the event of an incident,
- cooperate with countries participating in the TACIS programme to help them improve transport safety in these countries,
- help to improve cooperation and the exchange of information between the relevant bodies in the Community and in the countries participating in the SURE programme as provided for in Article 7,
- improve public information, comprehension and awareness in this area;

- 2. in the field of safeguards in countries participating in the TACIS programme, relate to:

- training, familiarisation, adding to experience, retraining and technological updating of experts from those countries in the matter of nuclear safeguards,
- cooperation on the implementation of accounting and control systems for nuclear materials,
- installation of modern logistical, evaluation and control equipment and the training relating thereto;

- 3. in the field of industrial cooperation with the countries participating in the TACIS programme:

- analyse the industrial, administrative, legal and financial context specific to each of them,
- encourage industrial cooperation measures capable of transferring European nuclear safety technology and cooperation among regulatory bodies,
- facilitate the cooperation of partners from the Community and countries participating in the TACIS programme in order to promote safety in nuclear installations, *inter alia*, in the development of joint industrial projects.

Article 4

The level of funding for the actions and measures referred to in Article 3 shall be between 80 and 100 % of their total cost.

Article 5

1. The Commission shall be responsible for the financial execution and implementation of the SURE programme.
2. For the purposes of financial execution and of implementing the SURE programme, the Commission shall be assisted by the Committee referred to in Article 4 of Decision 1999/21/EC, Euratom.

Article 6

The examination and internal and external assessment of the implementation of the SURE programme shall be carried out in accordance with Article 5 of Decision 1999/21/EC, Euratom.

Article 7

The SURE programme shall be open to participation by associated central and east European countries in accordance with the conditions, including financial provisions,

laid down in the additional protocols to the Association Agreements or in the Association Agreements themselves relating to participation in Community programmes. The SURE programme shall also be open to participation by Cyprus, on the basis of additional appropriations, under the same rules as those applied to EFTA/EEA countries, in accordance with procedures to be agreed with that country.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the Council

The President

W. MOLTERER

COMMISSION

COMMISSION RECOMMENDATION

of 22 December 1998

concerning a coordinated programme for the official control of foodstuffs for 1999

(notified under number C(1998) 4501)

(1999/26/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs⁽¹⁾, and in particular Article 14(3) thereof,

After consultation with the Standing Committee for Foodstuffs,

Whereas it is necessary, with a view to the sound operation of the internal market, to arrange for coordinated food inspection programmes at Community level;

Whereas such programmes place emphasis on compliance with Community legislation, the protection of public health, consumer interests and fair trade practices;

Whereas simultaneous implementation of national programmes and coordinated programmes can provide information and experience on which to base future control activities,

HEREBY RECOMMENDS:

During 1999 Member States should take samples and/or carry out inspections, undertaking laboratory analyses where indicated, for:

(a) Ochratoxin A in coffee,

(b) Additives in foodstuffs.

1. Although sampling rates have not been set, Member States should ensure that the number of samples taken is sufficient to provide an overview of the subject

under consideration in each Member State. Suggestions will be made for the methods of analysis.

2. Member States should provide information as requested following the format of the record sheets provided in the Annex to help enhance the comparability of results.

3. Ochratoxin A in coffee

The aim of this element of the programme is to survey the enforcement actions taken by Member States when unacceptable amounts of a toxic substance are found for which no specific maximum limit exists. However according to Community and national food legislation, food intended for human consumption must be safe and, notably, Article 2 of Council Regulation (EEC) No 315/93⁽²⁾, prohibits the selling of foodstuffs with excessive amounts of contaminants from the public health viewpoint and in particular at a toxicological level.

Ochratoxin A is considered to be a potent nephrotoxic agent, a carcinogen and having genotoxic properties. No specific maximum limit for ochratoxin A in coffee has been fixed in the European Community at Community level nor, for most of the Member States, at national level.

Available scientific data do not clearly indicate the effects of different processes like roasting on the reduction of the ochratoxin contents. Furthermore raw coffee is sold to a limited extent directly to the consumer. Therefore all types of coffee (raw; roasted; ground; instant; etc.) should be controlled for ochratoxin A contamination.

⁽¹⁾ OJ L 186, 30. 6. 1989, p. 23.

⁽²⁾ OJ L 37, 13. 2. 1993, p. 1.

Sampling should be executed following the provisions laid down for the official control of aflatoxins in groundnuts and derived products by Commission Directive 98/53/EC⁽¹⁾.

4. Additives in foodstuffs

Several Directives regulate the use of additives in foodstuffs (Directive 94/35/EC of the European Parliament and of the Council⁽²⁾, amended by Directive 96/83/EC⁽³⁾, dealing with the use of sweeteners; Directive 94/36/EC of the European Parliament and of the Council⁽⁴⁾, dealing with the use of colours; Directive 95/2/EC of the European Parliament and of the Council⁽⁵⁾, as last amended by Directive 96/85/EC⁽⁶⁾, dealing with the use of additives other than colours and sweeteners).

The aim of this element of the programme is to measure the degree of compliance with the aforementioned Directives in Member States following the recent harmonisation of usage conditions of these substances; furthermore to survey the enforcement actions taken by Member States in case of non-compliance with legislation.

The control should include inspections in food processing establishments (checking the recipes) and analyses of samples taken from the market or in food processing establishments.

The results of the inspections and of the analyses should be recorded accordingly in the sheets provided in the Annex. These record sheets follow the format of

the statistical return forms for the annual inspection programmes of the Member States.

The inquiry should focus on a limited number of additives because of practical reasons. As the selection criterion, Member States should select additives for which exposure assessments, undertaken in the Member States as part of the scientific cooperation, underscore that there are risks of the acceptable daily intake being exceeded.

The presented list should be used as a guideline to select the priority for the present study. Nevertheless other additives may be of particular relevance for specific Member States and could be added to the report.

As the selection criterion for the categories of products within which these additives are to be sought, the categories presented in the Annex should be selected as they are the main contributors for the intake of the additives under consideration. However other products are not excluded.

Done at Brussels, 22 December 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 201, 17. 7. 1998, p. 93.

⁽²⁾ OJ L 237, 10. 9. 1994, p. 3.

⁽³⁾ OJ L 48, 19. 2. 1997, p. 16.

⁽⁴⁾ OJ L 237, 10. 9. 1994, p. 13.

⁽⁵⁾ OJ L 61, 18. 3. 1995, p. 1.

⁽⁶⁾ OJ L 295, 4. 11. 1998, p. 18.

ANNEX

1. OCHRATOXIN A IN COFFEE

Table 1.1. — Type of product: green coffee beans (raw coffee)

Member State:

Total number of samples analysed:

Total number of samples rejected:

PRODUCT IDENTIFICATION	ORIGIN/PLACE OF SAMPLING (*)	ANALYTICAL RESULTS FOR OCHRATOXIN A CONTENT					ACTIONS TAKEN (***) NUMBER							
		Not detected (**) Number of samples	< 3µg/kg Number of samples	> or = 3µg/kg Individual values detected	Average value of positive samples (µg/kg)	Median value of positive samples (µg/kg)	None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
Total:														

Legal basis to determine the conformity of the goods and their eventual rejection:

(*) At point of import: I; Wholesale Trade: W; Retail Trade: R

Method of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limit of determination) (if different from the proposed method):

(**) The limit of detection of the method used should be indicated:

(***) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

Total number of samples rejected:

Total:

Other details, indications, difficulties encountered:

Table 1.3. — Type of product: instant coffee (normal or decaffeinated)

Member State:

Total number of samples analysed:

Total number of samples rejected:

PRODUCT IDENTIFICATION	ORIGIN / PLACE OF SAMPLING (*)	ANALYTICAL RESULTS FOR OCHRATOXIN A CONTENT			ACTIONS TAKEN (***) NUMBER									
		Not detected (**) Number of samples	< 3µg/kg Number of samples	> or = 3µg/kg Individual values detected	Average value of positive samples (µg/kg)	Median value of positive samples (µg/kg)	None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
Total:														

Legal basis to determine the conformity of the goods and their eventual rejection:

(*) At point of import: I; Wholesale Trade: W; Retail Trade: R

Method of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limit of determination) (if different from the proposed method):

(**) The limit of detection of the method used should be indicated:

(***) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

2. ADDITIVES IN FOODSTUFFS

Table 2.1. — Inspections in establishments for the use of additives

Member State:

Total number of product inspections:

Total number of infringements:

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRI- ORITY	ADDIT- IVES SOUGHT	NUMBER OF PRODUCT INSPEC- TIONS	NUMBER OF INFRINGE- MENTS	ACTIONS TAKEN (*) NUMBER							
						None	Verbal warning	Written warning	Improved in-house control required (4)	Sales prohibition	Adminis- trative penalty	Court action	Other
						(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Dairy products — <i>Unripened cheeses</i>	E200, E202, E203											
2	Eggs and egg products												
3	Meat and meat products, game and poultry — <i>Delicatessen and meat-curing products</i> — <i>Meat products having undergone heat treat- ment</i>	E249, E250, E251, E252 E473, E474											
4	Fish, shellfish and molluscs — <i>Shellfish and cephalo- pods</i>	E200, E202, E203 E210 to E213 E220 to E228											
5	Fats and oils												

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRI- ORITY	ADDIT- IVES SOUGHT	NUMBER OF PRODUCT INSPEC- TIONS	NUMBER OF INFRINGE- MENTS	ACTIONS TAKEN (*) NUMBER							
						None	Verbal warning	Written warning	Improved in-house control required (4)	Sales prohibition	Adminis- trative penalty	Court action	Other
						(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
6	Soups, broths and sauces — <i>Sauces and season- ings</i> — <i>Emulsified and non- emulsified sauces</i>	E100 E200, E202, E203 E210 to E213											
7	Cereals and bakery prod- ucts — <i>Fine baker's wares (biscuits, pastry, Vien- nese breads and buns)</i>	E160b E100 E481, E482 E473, E474											
8	Fruit and vegetables — <i>Dried fruits</i>	E200, E202, E203 E220 to E228											
9	Herbs and spices												
10	Non-alcoholic beverages	E952											
11	Wine												
12	Alcoholic beverages (other than wine)												
13	Ices and desserts — <i>Desserts</i> — <i>Desserts with a low energy value or without added sugar</i>	E160b E100 E481, E482 E473, E474 E952											

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRI- ORITY	ADDIT- IVES SOUGHT	NUMBER OF PRODUCT INSPEC- TIONS	NUMBER OF INFRINGEMENTS	ACTIONS TAKEN (*) NUMBER							
						None	Verbal warning	Written warning	Improved in-house control required (4)	Sales prohibition	Adminis- trative penalty	Court action	Other
						(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
14	Cocoa and cocoa pre- parations, coffee and tea — <i>Powders for preparing hot beverages</i>	E473, E474 E481											
15	Confectionery — <i>Jams, jellies and marmalades with a low energy value or without added sugar, and similar products</i>	E952 E200, E202, E203 E210 to E213											
16	Nuts and nut products, snacks												
17	Prepared dishes												
18	Foodstuffs intended for special nutritional uses — <i>Fine baker's wares for special dietary uses</i>	E952											
19	Others												

Methods of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limits of detection and determination) (if different from the proposed methods):

(*) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

Table 2.2. — Samples and analyses for additives

Member State:

Total number of samples taken:

Total number of infringements:

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADDITIVES SOUGHT	NUMBER OF SAMPLES TAKEN	NUMBER OF SAMPLES ANALYSED	NUMBER OF INFRINGEMENTS (*)	ACTIONS TAKEN (**) NUMBER							
							None	Verbal warning	Written warning	Improved in-house control required	Sales prohibition	Adminis- trative penalty	Court action	Other
							(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Dairy products — <i>Unripened cheeses</i>	E200, E202, E203												
2	Eggs and egg products													
3	Meat and meat products, game and poultry — <i>Delicatessen and meat- curing prod- ucts</i>	E249, E250, E251, E252												
4	Fish, shellfish and molluscs — <i>Shellfish and cephalopods</i>	E200, E202, E203 E210 to E213 E220 to E228												

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADDITIVES SOUGHT	NUMBER OF SAMPLES TAKEN	NUMBER OF SAMPLES ANALYSED	NUMBER OF INFRINGEMENTS (*)	ACTIONS TAKEN (**) NUMBER							
							None	Verbal warning	Written warning	Improved in-house control required (4)	Sales prohibition	Adminis- trative penalty	Court action	Other
							(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
5	Fats and oils													
6	Soups, broths and sauces — <i>Emulsified and non- emulsified sauces</i>	E200, E202, E203 E210 to E213												
7	Cereals and bakery products — <i>Fine baker's wares (biscuits, pastry, Vien- nese breads and buns)</i>	E160b												
8	Fruit and veget- ables — <i>Dried fruits</i>	E200, E202, E203 E220 to E228												
9	Herbs and spices													
10	Non-alcoholic beverages	E952												

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADDITIVES SOUGHT	NUMBER OF SAMPLES TAKEN	NUMBER OF SAMPLES ANALYSED	NUMBER OF INFRINGEMENTS (*)	ACTIONS TAKEN (**) NUMBER							
							None	Verbal warning	Written warning	Improved in-house control required (4)	Sales prohibition	Adminis- trative penalty	Court action	Other
							(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
11	Wine													
12	Alcoholic beverages (other than wine)													
13	Ices and desserts — <i>Desserts</i> — <i>Desserts with a low energy value or without added sugar</i>	E160b E952												
14	Cocoa and cocoa preparations, coffee and tea													
15	Confectionery — <i>Jams, jellies and marmalades with a low energy value or without added sugar, and similar products</i>	E952 E200, E202, E203 E210 to E213												

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADDITIVES SOUGHT	NUMBER OF SAMPLES TAKEN	NUMBER OF SAMPLES ANALYSED	NUMBER OF INFRINGEMENTS (*)	ACTIONS TAKEN (**) NUMBER							
							None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Adminis- trative penalty (6)	Court action (7)	Other (8)
16	Nuts and nut products, snacks													
17	Prepared dishes													
18	Foodstuffs intended for special nutritional uses — <i>Fine baker's wares for special dietary uses</i>	E952												
19	Others													

Methods of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limits of detection and determination) (if different from the proposed methods):

(*) Values detected should be indicated.

(**) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2261/98 of 26 October 1998 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff*(Official Journal of the European Communities L 292 of 30 October 1998)*

On page 364, against CN codes 4802 52 20 and 4802 52 80, column 4:

for: '4',
read: '3,4';

and against CN codes 4802 60 91 and 4802 60 99, column 4:

for: '4',
read: '3'.

On page 365, against CN codes 4803 00 31 to 4803 00 90, column 4 and on page 367, against CN code 4805 40 00 column 4:

for: '4',
read: '3,4'.

On page 368, against CN code 4805 70 90, column 4:

for: '4',
read: '3';

and against CN code 4805 80 90, column 4:

for: '4',
read: '3,4'.

On page 369, against CN codes 4810 11 91 and 4810 11 99, column 4:

for: '4',
read: '3,4';

and against CN code 4810 21 00, column 4:

for: '6',
read: '5'.

On page 370, against CN codes 4810 99 10 and 4811 31 00, column 4:

for: '5,8',
read: '5';

against CN codes 4811 21 00 and 4811 90 90, column 4:

for: '4',
read: '3,4';

and against CN code 4811 39 00, column 4:

for: '6',
read: '5'.

On page 371, against CN code 4816 90 00, page 372, against CN code 4819 40 00, page 373, against CN codes 4821 10 10 to 4821 90 90 and page 374, against 4823 11 90, 4823 40 00 and 4823 90 50, column 4:

for: '4',
read: '3,4'.

On page 374, against CN code 4823, column 4:

for: '7,5',
read: '7'.

On page 795, against CN code 0805 20 90 'From 1 January to end February', fourth entry in column 4:

for: '17,3+1,7 ...',

read: '17,3+1,8 ...',

and against 'From 1 November to 31 December', fourth entry in column 4:

for: '16,7+1,8',

read: '16,7+1,7'.

On page 811, against CN code 0809 10 00, 'From 1 August to 31 December', column 4:

for: '23,7',

read: '20,8'.

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Subject: Changes to the Official Journal of the European Communities in 1999

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