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I

(Acts whose publication is obligatory)

**DECISION No 372/1999/EC OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of 8 February 1999

**adopting a programme of Community action on injury prevention in the frame-
work for action in the field of public health (1999 to 2003)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular the first indent of Article
129(4) thereof,

Having regard to the proposal from the Commission ⁽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⁾,

Acting in accordance with the procedure laid down in
Article 189b of the Treaty ⁽⁴⁾,

(1) Whereas, throughout the Community, injuries
must be considered as one of the major health
scourges referred to in Article 129 of the Treaty;
whereas they are a cause of substantial public
concern;

(2) Whereas Article 129 of the Treaty expressly
provides for Community competence in this field
in so far as the Community contributes towards
ensuring a high level of human health protection
by encouraging cooperation between the Member
States and, if necessary, by lending support to their
action by promoting coordination of their policies
and programmes, and by fostering cooperation with
third countries and international organisations
competent in the field of public health; whereas
Community action should be directed towards the
prevention of diseases and the promotion of health
education and information;

(3) Whereas, in accordance with Article 3(o) of the
Treaty, Community action includes a contribution
to the attainment of a high level of health protec-
tion;

(4) Whereas, in its communication of 24 November
1993 on the framework for action in the field of
public health, the Commission identified inten-
tional and unintentional injuries and accidents as a
priority area for action in the public health field;

(5) Whereas the large number of injuries caused each
year in Europe has incalculable repercussions not
only for the individuals concerned but also in
social and economic terms;

(6) Whereas prevention, and the consequent reduction,
of injuries should be a priority in the context of
Community action in the field of public health,
particularly in view of the great social and
economic benefit to be derived from a Community
measure, the cost-benefit ratio of which is also
exceptionally favourable;

(7) Whereas in areas which do not fall within its
exclusive competence, such as action on injury
prevention, the Community takes action, in accord-
ance with the principle of subsidiarity, only if and
in so far as the objective of the proposed action
can, by reason of its scale or effects, be better
achieved by the Community;

(8) Whereas Community action on injury prevention
will yield added value by bringing together activ-
ities already undertaken in relative isolation at
national level and by enabling them to comple-
ment one another, with significant results for the
Community as a whole;

(9) Whereas an action programme should be under-
taken to help reduce the incidence of injuries;

⁽¹⁾ OJ C 202, 2. 7. 1997, p. 20, and
OJ C 154, 19. 5. 1998, p.14.

⁽²⁾ OJ C 19, 21. 1. 1998, p. 1.

⁽³⁾ OJ C 379, 15. 12. 1997, p. 44.

⁽⁴⁾ Opinion of the European Parliament of 11 March 1998 (OJ C
104, 6. 4. 1998, p. 119), Council Common Position of 23
November 1998 (OJ C 404, 23. 12. 1998, p. 21) and Decision
of the European Parliament of 16 December 1998 (not yet
published in the Official Journal). Council Decision of 25
January 1999.

- (10) Whereas the activities carried out in the framework of the Community system of information on home and leisure accidents (EHLASS), which was introduced by Decision No 3092/94/EC of the European Parliament and of the Council⁽¹⁾ and expired at the end of 1997, produced positive results; whereas they should therefore be continued;
- (11) Whereas one of the essential preconditions for the implementation of this programme is the establishment of a Community injury data-collection and information system; whereas this system should be based on strengthening and improving on the achievements of the former EHLASS system;
- (12) Whereas the implementation of the Community data collection and information exchange system necessarily presupposes compliance with legal provisions concerning the protection of individuals with regard to the processing of personal data and the introduction of arrangements to guarantee the confidentiality and security of such data; whereas in this connection the European Parliament and the Council adopted Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽²⁾;
- (13) Whereas it is of paramount importance for the epidemiology of injuries and for determining Community health indicators as referred to in Decision No 1400/97/EC of the European Parliament and of the Council of 30 June 1997 adopting a programme of Community action on health monitoring within the framework for action in the field of public health (1997-2001)⁽³⁾; whereas data is collected and information exchanged on the basis of comparable and consistent data on injuries;
- (14) Whereas, by providing support for acquiring better knowledge and understanding of, and wider dissemination of information about, injury prevention, ensuring improved comparability of information in this field and developing actions complementary to existing Community programmes and actions, while avoiding unnecessary duplication, this programme will contribute to the achievement of the Community objectives set out in Article 129 of the Treaty;
- (15) Whereas, in general, Community action on injury prevention should take into account the applications of telematics in the health sector; whereas, in particular, implementation of this programme should be closely coordinated with projects of common interest under the programme for the telematic interchange of data between administrations (IDA);
- (16) Whereas cooperation with international organisations competent in the field of public health and with third countries should be fostered;
- (17) Whereas this programme should be of five-year duration in order to allow sufficient time to achieve the objectives set;
- (18) Whereas, in order to increase the value and impact of this programme, a continuous evaluation of the actions undertaken should be carried out, with particular regard to their effectiveness and the achievement of the objectives set;
- (19) Whereas it should be possible to adjust or modify this programme in the light of its evaluation and of any developments that may take place in the general context of Community action in the field of public health;
- (20) Whereas it is important that the Commission should ensure implementation of this programme in close cooperation with the Member States;
- (21) Whereas a *modus vivendi*⁽⁴⁾ between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty was reached on 20 December 1994;
- (22) Whereas this Decision lays down, for the entire duration of this programme, a financial framework constituting the principal point of reference, within the meaning of point 1 of the Declaration of the European Parliament, the Council and the Commission of 6 March 1995⁽⁵⁾, for the budgetary authority during the annual budgetary procedure,

HAVE DECIDED AS FOLLOWS:

Article 1

Objective of the programme

1. A programme of Community action on injury prevention, hereinafter referred to as 'this programme', is hereby adopted for the period from 1 January 1999 to 31 December 2003 in the framework for action in the field of public health.

⁽¹⁾ OJ L 331, 21. 12. 1994, p. 1.

⁽²⁾ OJ L 281, 23. 11. 1995, p. 31.

⁽³⁾ OJ L 193, 22. 7. 1997, p. 1.

⁽⁴⁾ OJ C 102, 4. 4. 1996, p. 1.

⁽⁵⁾ OJ C 102, 4. 4. 1996, p. 4.

2. The aim of this programme shall be to contribute to public health activities which seek to reduce the incidence of injuries, particularly injuries caused by home and leisure accidents, by promoting:

- (a) the epidemiological monitoring of injuries by means of a Community system for the collection of data and the exchange of information on injuries based on strengthening and improving on the achievements of the former EHLASS system;
- (b) information exchanges on the use of those data to contribute to the definition of priorities and better prevention strategies.

3. The Community system referred to in paragraph 2(a) and the specific action referred to in paragraph 2(b) to be implemented under this programme are set out in the Annex.

Article 2

Implementation

- 1. The Commission shall ensure, in close cooperation with Member States, the implementation of the Community system and the specific action set out in the Annex, in accordance with Article 5.
- 2. The Commission shall cooperate with institutions and organisations active in the field of injury prevention.

Article 3

Consistency and complementarity

The Commission shall ensure that there is consistency and complementarity between the Community system and the specific action to be implemented under this programme and the actions implemented under other Community programmes, actions and initiatives, particularly in the field of industrial accidents, road safety, product safety and civil protection.

Article 4

Financing

- 1. The financial framework for the implementation of this programme for the period referred to in Article 1 is hereby set at EUR 14 million.
- 2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 5

Committee

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken concerning:

- (a) the committee's rules of procedure;
- (b) an annual work programme indicating the priorities for action;
- (c) the arrangements, procedures and specifications regarding content and finance necessary to ensure the implementation of the Community system set out in Part A of the Annex, including those relating to the participation of the countries referred to in Article 6(2);
- (d) the arrangements, criteria and procedures for selecting and financing projects for the implementation of the specific action set out in Part B of the Annex, including those involving cooperation with international organisations competent in the sphere of public health and participation of the countries referred to in Article 6(2);
- (e) follow-up and evaluation procedure;
- (f) the procedures for coordination with programmes and initiatives which are of direct relevance to achievement of the aim of this programme;
- (g) the arrangements for cooperating with the institutions and organisations referred to in Article 2(2).

The committee shall deliver its opinion on the draft measures referred to above 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 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 two months from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

3. In addition, the Commission may consult the committee on any other matter concerning the implementation of this programme.

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, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

4. The representative of the Commission shall keep the committee regularly informed of:

- financial assistance granted under this programme (amount, duration, breakdown and beneficiaries),
- Commission proposals or Community initiatives and the implementation of programmes in other fields which are of direct relevance to achievement of the objective of this programme, so as to ensure consistency and complementarity as referred to in Article 3.

Article 6

International cooperation

1. Subject to Article 228 of the Treaty, in the course of implementing this programme, cooperation with third countries and with international organisations competent in the sphere of public health shall be encouraged and implemented as regards the specific action covered by Part B of the Annex in accordance with the procedure laid down in Article 5.

2. This programme shall be open to participation by the associated countries of central and eastern Europe, in accordance with the conditions laid down in the Association Agreements or Additional Protocols relating thereto concerning participation in Community programmes.

This programme shall be open to participation by Cyprus and Malta on the basis of additional appropriations in accordance with the same rules as those applied to the countries of the European Free Trade Association (EFTA), under procedures to be agreed with those two countries.

Article 7

Monitoring and evaluation

1. In the implementation of this Decision, the Commission shall take the measures necessary to ensure the monitoring and continuous evaluation of this programme, taking account of the aim set out in Article 1.

2. The Commission shall submit an interim report to the European Parliament and to the Council during the third year of operation of this programme and a final report upon completion of this programme. It shall incorporate into these two reports information on Community financing within the framework of this programme and on consistency and complementarity with the programmes, actions and initiatives referred to in Article 3, as well as the results of the evaluation referred to in paragraph 1 of this Article. Those reports shall also be submitted to the Economic and Social Committee and the Committee of the Regions. The interim report should also take account of developments occurring within the framework for Community action in the field of public health.

3. On the basis of the interim report referred to in paragraph 2, the Commission may, if necessary, make appropriate proposals for modifications or adjustments to this programme.

Done at Brussels, 8 February 1999.

*For the European
Parliament*

The President

J. M. GIL-ROBLES

For the Council

The President

O. LAFONTAINE

*ANNEX***THE COMMUNITY SYSTEM AND THE SPECIFIC ACTION TO BE IMPLEMENTED TO ACHIEVE THE OBJECTIVE REFERRED TO IN ARTICLE 1(2)****A. COMMUNITY INJURY DATA-COLLECTION AND INFORMATION-EXCHANGE SYSTEM**

1. The objective of the Community data collection and information exchange system on injuries, hereinafter referred to as 'the system', will be to collect information on injuries, particularly those resulting from home and leisure accidents.
2. The system will be implemented by recourse principally to telematic means and in particular to the telematic network Euphin (European Union Public Health Information Network), developed under the projects of common interest within the programme for the telematic interchange of data between administrations (IDA).
3. The system will be developed on the basis of the experience acquired with, and the assessment made of, the earlier EHLASS system.
4. The data will be collected, in accordance with the collection systems submitted for that purpose by the Member States, from hospitals and/or other appropriate establishments and services, and by means of surveys. The collection and transmission of data to the information system will be carried out under the responsibility of the Member States, which shall seek to ensure the reliability of sources.
5. Special attention must be given to:
 - the methodology of the collection of data for the purposes of comparability and compatibility,
 - the criteria for the representativity of data,
 - guaranteeing the quality of data.
6. The data must be codified, using an approach based on the common criteria of the coding manual of the earlier EHLASS system.
7. The arrangements for access to the system by the various organisations and associations will be established within the framework of the implementation of this programme.

B. SPECIFIC ACTION ON EPIDEMIOLOGICAL MONITORING OF INJURIES AND EXCHANGES OF INFORMATION

The objective of this specific action is to encourage, strengthen and support the creation of Community networks concerning the epidemiology of injuries and exchanges of information devoted in particular to the following functions:

- promoting concerted approaches to all technical and methodological aspects, in particular codes and definitions and the collection of data,
 - making comparable and compatible data available to the system and communicating them to it,
 - examining the coverage provided by existing data-collection systems and, if necessary, studying measures intended to improve that coverage; contributing to the identification of survey requirements,
 - promoting the creation of a database that includes the results of the surveys,
 - carrying out the collection, processing and dissemination of information,
 - facilitating the identification of dangerous products,
 - developing new approaches to and innovative methods of dealing with problems,
 - analysing risk factors and prevention strategies.
-

COMMISSION REGULATION (EC) No 373/1999
of 19 February 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,

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 20 February 1999.

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

Done at Brussels, 19 February 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.

ANNEX

to the Commission Regulation of 19 February 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	109,8
	204	41,9
	212	117,1
	624	115,7
	999	96,1
0707 00 05	068	160,7
	999	160,7
0709 10 00	220	180,0
	999	180,0
0709 90 70	052	128,4
	204	122,8
	999	125,6
0805 10 10, 0805 10 30, 0805 10 50	052	52,1
	204	39,7
	212	37,1
	220	27,2
	600	46,5
	624	54,7
	999	42,9
0805 20 10	204	77,5
	999	77,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	59,6
	204	69,2
	464	61,8
	600	70,5
	624	74,9
	999	67,2
0805 30 10	052	60,1
	600	54,8
	999	57,4
0808 10 20, 0808 10 50, 0808 10 90	039	76,4
	060	35,6
	400	70,9
	404	69,3
	528	145,2
	706	107,2
	720	81,7
	728	66,6
	999	81,6
0808 20 50	052	132,7
	388	96,8
	400	80,7
	512	67,5
	528	77,6
	624	55,2
	999	85,1

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

COMMISSION REGULATION (EC) No 374/1999

of 19 February 1999

fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2566/98

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2566/98 ⁽³⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2566/98 is hereby fixed on the basis of the tenders submitted from 15 to 18 February 1999 at EUR 326,00 per tonne.

Article 2

This Regulation shall enter into force on 20 February 1999.

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 320, 28. 11. 1998, p. 49.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 375/1999
of 19 February 1999

**fixing the maximum export refund on wholly milled round grain, medium grain
and long grain A rice in connection with the invitation to tender issued in
Regulation (EC) No 2564/98**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2564/98 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2564/98 is hereby fixed on the basis of the tenders submitted from 15 to 18 February 1999 at EUR 110,00 per tonne.

Article 2

This Regulation shall enter into force on 20 February 1999.

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 320, 28. 11. 1998, p. 43.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 376/1999**of 19 February 1999****concerning tenders submitted in response to the invitation to tender for the export to certain third European countries of wholly milled round, medium and long grain A rice issued in Regulation (EC) No 2565/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2565/98 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 15 to 18 February 1999 in response to the invitation to tender for the export refund on wholly milled round, medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2565/98.

Article 2

This Regulation shall enter into force on 20 February 1999.

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 320, 28. 11. 1998, p. 46.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 377/1999

of 19 February 1999

determining the loss of income and the premiums applicable per ewe and per female goat in the Member States and the payment of the specific aid for sheep and goat farming in certain less-favoured areas of the Community for the 1998 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2467/98 of 3 November 1998 on the common organisation of the market in sheepmeat and goatmeat ⁽¹⁾, and in particular Article 5(6) thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽²⁾, as last amended by Regulation (EC) No 2348/96 ⁽³⁾, and in particular Article 13 thereof,

Whereas Article 5(1) and (5) of Regulation (EC) No 2467/98 provides for a premium to be granted to compensate for any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat; whereas those areas are defined in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goatmeat producers is granted ⁽⁴⁾, as amended by Regulation (EEC) No 3519/86 ⁽⁵⁾;

Whereas, pursuant to Article 5(6) of Regulation (EC) No 2467/98, the Member States were authorised by Commission Regulation (EC) No 1213/98 ⁽⁶⁾ to pay an initial advance and by Commission Regulation (EC) No 2233/98 ⁽⁷⁾ to pay a second advance to sheepmeat and goatmeat producers; whereas the definitive premiums to be paid in respect of the 1998 marketing year must thus be fixed;

Whereas, pursuant to Article 5(2) of Regulation (EC) No 2467/98, the premium payable to producers of heavy lambs in respect of the 1998 marketing year is obtained by multiplying the loss of income by a coefficient expressing the annual average production of heavy lamb meat per ewe producing such lambs, expressed in terms of 100 kg carcase weight; whereas, in accordance with the abovementioned Regulation, the premium per ewe for producers of light lambs and per female goat for the 1998

marketing year should be 80 % of the premium for producers of heavy lambs;

Whereas, pursuant to Article 13 of Regulation (EC) No 2467/98, the premium must be reduced by the impact on the basic price of the coefficient provided for in Article 13(2) of that Regulation; whereas that coefficient is fixed at 7 % by Article 13(4) of the said Regulation;

Whereas it is opportune to foresee that the aid provided for in Council Regulation (EEC) No 1323/90 of 14 May 1990 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community ⁽⁸⁾, as last amended by Regulation (EC) No 193/98 ⁽⁹⁾, or the balance of this aid, resulting from the application of Article 4 of Regulation (EC) No 1213/98, should be granted before a certain date and under what conditions;

Whereas Regulation (EEC) No 1601/92 provides for the application from 1 July 1992 of specific measures with regard to agricultural production in the Canary Islands; whereas those measures involve the granting of a supplement to the premium payable to producers of light lambs and female goats on the same terms as those laid down for the granting of the premium provided for in Article 5 of Regulation (EC) No 2467/97; whereas those terms provided for Spain to be authorised to pay the supplement to the premium;

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

HAS ADOPTED THIS REGULATION:

Article 1

It is hereby noted that the difference between the basic price less the impact of the coefficient provided for in Article 13(2) of Regulation (EC) No 2467/98 and the Community market price during the 1998 marketing year was EUR 143,456 per 100 kilograms.

Article 2

The coefficient provided for in Article 5(2) of Regulation (EC) No 2467/98 is hereby fixed at 15,68 kilograms.

⁽¹⁾ OJ L 312, 20. 11. 1998, p. 1.

⁽²⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽³⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽⁴⁾ OJ L 97, 12. 4. 1986, p. 25.

⁽⁵⁾ OJ L 325, 20. 11. 1986, p. 17.

⁽⁶⁾ OJ L 167, 12. 6. 1998, p. 5.

⁽⁷⁾ OJ L 281, 17. 10. 1998, p. 4.

⁽⁸⁾ OJ L 132, 23. 5. 1990, p. 17.

⁽⁹⁾ OJ L 20, 27. 1. 1998, p. 18.

Article 3

1. The premium payable per ewe in respect of the 1998 marketing year shall be as follows:

(EUR)

Premium payable per ewe	
Producers of heavy lambs	Producers of light lambs
22,494	17,995

2. The premium payable per female of the caprine species and per region in areas listed in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Regulation (EEC) No 1065/86 in respect of the 1998 marketing year shall be as follows:

(EUR)

Premium payable per female of the caprine species
17,995

Article 4

The specific aid which Member States are authorised to pay to producers of sheepmeat and goatmeat in less-favoured areas pursuant to Article 1(1) of Regulation

(EEC) No 1323/90, within the limits and at the rates provided for in Article 5(7) and the second indent of the second subparagraph of Article 5(8) of Regulation (EC) No 2467/98 or, should it be the case, the balance of this aid, in the event of Article 4 of Regulation (EC) No 1027/97 being applied, shall be paid before 15 October 1999. The conversion rate applicable to the amount of this specific aid is that of the last day of the 1998 marketing year.

Article 5

Pursuant to Article 13(3) of Regulation (EEC) No 1601/92, the supplement to the premium for the 1998 marketing year to be granted to producers of light lambs and female goats located in the Canary Islands, within the limits and at the rates laid down in Article 5(7) and the second indent of the second subparagraph of Article 5(8) of Regulation (EC) No 2467/98 shall be as follows:

- EUR 5,163 per ewe in the case of producers as referred to in Article 5(3) of that Regulation,
- EUR 5,163 per female goat in the case of producers as referred to in Article 5(5) of that Regulation.

Article 6

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

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 378/1999

of 19 February 1999

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

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

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, as last amended by Commission Regulation (EC) No 1068/97⁽²⁾, and in particular Article 6(3) and (4) thereof,

Whereas, pursuant to Article 5 of Regulation (EEC) No 2081/92, Greece, Spain and France have sent the Commission applications for the registration of a number of names as designations of origin;

Whereas, pursuant to Article 6(1) of Regulation (EEC) No 2081/92, those applications have been found to meet all the requirements laid down therein and in particular to contain all the information required pursuant to Article 4 thereof;

Whereas no statement of objection has been received by the Commission pursuant to Article 7 of Regulation (EEC) No 2081/92 for any of the names given in the Annex hereto following their publication in the *Official Journal of the European Communities*⁽³⁾;

Whereas those names should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and hence be protected throughout the Community as protected designations of origin;

Whereas the Annex hereto supplements the Annex to Commission Regulation (EC) No 2400/96⁽⁴⁾, as last amended by Regulation (EC) No 38/1999⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex hereto are added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

Article 2

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

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24. 7. 1992, p. 1.

⁽²⁾ OJ L 156, 13. 6. 1997, p. 10.

⁽³⁾ OJ C 207, 3. 7. 1998, p. 2; OJ C 201, 27. 6. 1998, p. 2; OJ C 172, 6. 6. 1998, p. 9; OJ C 120, 18. 4. 1998, p. 12.

⁽⁴⁾ OJ L 327, 18. 12. 1996, p. 11.

⁽⁵⁾ OJ L 5, 9. 1. 1999, p. 62.

*ANNEX***PRODUCTS LISTED IN ANNEX II TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION****Fresh meat and offal**

SPAIN

Cordero Manchego (PDO)

Cheese

SPAIN

Queso Majorero (PDO)

Fruit and vegetables

FRANCE

Muscat du Ventoux (PDO)

Olives cassées de la Vallée des Baux de Provence (PDO)

Olives noires de la Vallée des Baux de Provence (PDO)

SPAIN

Avellana de Reus (PDO)

Chufa de Valencia (PDO)

OTHER PRODUCTS LISTED IN ANNEX II

FRANCE

Cidres

Cornouaille (PDO)

Pays d'Auge/Pays d'Auge Cambremer (PDO)

GREECE

Κρόκος Κοζάνης (Krokos Kozanis) (PDO)

COMMISSION REGULATION (EC) No 379/1999
of 19 February 1999
amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and
olive-residue oil and on the relevant methods of analysis

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1638/98⁽²⁾, and in particular Article 35a thereof,

Whereas Commission Regulation (EEC) No 2568/91⁽³⁾, as last amended by Regulation (EC) No 2248/98⁽⁴⁾, defined the characteristics of olive oil and olive-residue oil and the relevant methods of analysis;

Whereas, in order to harmonise the conditions for preparing samples of olive oil for analysis as provided for in Regulation (EEC) No 2568/91, that Regulation should require the international standard EN ISO 5555 to be used in addition to standard EN ISO 661, which already applies;

Whereas in order to allow a period of adjustment to the new standards and to give time for introducing the means of applying them, the applicability of this Regulation should be deferred;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(3) of Regulation (EEC) No 2568/91 is replaced by the following:

‘3. Samples for determining the characteristics of oil as provided for in Annex I shall be taken in accordance with international standards EN ISO 661 on the preparation of test samples and EN ISO 5555 on sampling.’

Article 2

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

It shall apply from the first day of the fourth month following its entry into force.

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

⁽³⁾ OJ L 248, 5. 9. 1991, p. 1.

⁽⁴⁾ OJ L 282, 20. 10. 1998, p. 55.

COMMISSION REGULATION (EC) No 380/1999**of 19 February 1999****setting the final reference amounts for producers of soya beans, rape or colza seed and sunflower seed for the 1998/99 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agri-monetary arrangements for the euro ⁽³⁾, and in particular Article 3(2) thereof,

Whereas Article 5(1)(d) of Regulation (EEC) No 1765/92 provides that the Commission is to calculate a final regional reference amount based on the observed reference price for oilseeds, by substituting the observed reference price for the projected reference price; whereas the Commission has determined the observed reference price using the data provided, pursuant to Commission Regulation (EC) No 3405/93 ⁽⁴⁾;

Whereas Article 5(1)(e) of Regulation (EEC) No 1765/92 specifies that if the area of land for which the crop specific oilseed compensatory payment is made, after the application of Article 2(6) of that Regulation, exceeds the maximum guaranteed area (MGA), the final regional reference amounts shall be reduced;

Whereas Article 5(1)(f) of Regulation (EEC) No 1765/92 specifies that the final regional reference amounts shall be reduced by one percent for every one percent by which the MGA has been exceeded; whereas the reduction of final regional reference amounts shall be restricted to those Member States which have exceeded their national reference area (NRA), reduced by 10 %; whereas the weighted average reduction applied in these Member States shall be equal to the reduction necessary at the level of the MGA; whereas the reductions applied in Member States should reflect their contribution towards the total overshoot of the MGA;

Whereas the maximum guaranteed area has been exceeded for two consecutive marketing years; whereas Article 5(1)(h) of Regulation (EEC) No 1765/92 specifies that the relevant reference amounts for the following

marketing year is reduced by the same percentage if the compensatory payment has been reduced in the previous year in accordance with the provisions of subparagraphs (f) and (g) of Article 5 of Regulation (EEC) No 1765/92;

Whereas Article 5(1)(f) of Regulation (EEC) No 1765/92 specifies that in the case of Germany, the appropriate additional reduction may be adjusted at its request, in whole or in part, according to the regional base area; whereas Germany requested the adjustment in whole of the additional reduction according to the regional base area;

Whereas the ceiling applicable to irrigated soya in France laid down in Article 7 of Commission Regulation (EC) No 658/96 ⁽⁵⁾, as last amended by Regulation (EC) No 2308/98 ⁽⁶⁾, has been exceeded by 2,926 % in zone II; whereas the irrigated base area has been exceeded by 4,6 %; whereas in accordance with Article 7(5) of Commission Regulation (EC) No 658/96 only the higher of the two reductions provided for, respectively, in the first indent of the first subparagraph of Article 2(6) of Regulation (EEC) No 1765/92 and in the first sentence of the sixth subparagraph of Article 3(1) of that same Regulation (EEC) No 1765/92 shall be made;

Whereas, pursuant to Article 3(6) of Regulation (EEC) No 1765/92 the compensatory payments for the 1998/99 marketing year are to be multiplied by a coefficient of 0,993 in the case of France as laid down in Commission Regulation (EC) No 1499/98 ⁽⁷⁾;

Whereas the producers received an advance payment at the level established in Article 2 of Commission Regulation (EC) No 1500/98 ⁽⁸⁾;

Whereas the date of the operative event of the final regional reference amounts for the 1998/99 marketing year for producers of oilseeds is the first day of that marketing year; whereas it is convenient to express these amounts in ecu and to convert them in national currency with the agricultural conversion rate applicable on 1 July 1998;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for cereals, oils and fats and dried fodder,

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 3.

⁽³⁾ OJ L 349, 24. 12. 1998, p. 1.

⁽⁴⁾ OJ L 310, 14. 12. 1993, p. 10.

⁽⁵⁾ OJ L 91, 12. 4. 1996, p. 46.

⁽⁶⁾ OJ L 288, 27. 10. 1998, p. 10.

⁽⁷⁾ OJ L 198, 15. 7. 1998, p. 5.

⁽⁸⁾ OJ L 198, 15. 7. 1998, p. 6.

HAS ADOPTED THIS REGULATION:

Article 1

1. A succinct explanation of the calculation of the final regional reference amounts referred to in Article 5(3) of Regulation (EEC) No 1765/92 is set out in Annex I.
2. The final regional reference amounts for the 1998/99 marketing year shall be as set out in Annex II.
3. In calculating the compensatory payment to be made to producers of oilseeds referred to in Article 11(4)

of Regulation (EEC) No 1765/92, the competent authority shall take account of:

- any reduction in the producer's eligible area and the level of the compensatory payment,
- any advance payment made in accordance with Article 2 of Regulation (EC) No 1500/98.

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, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Succinct explanation of the calculation of the corrected final regional reference amount for producers of oilseeds in the 1998/99 marketing year**I. Adjustment of support payments pursuant to Article 5(1)(d) of Regulation (EEC) No 1765/92. Final regional reference amounts.**

1. The observed reference price for oilseeds, which represents the average price recorded on the markets during the 1998/99 marketing year, has been assessed at EUR 226,816 per tonne. This observed reference price has been calculated on the basis of offers and prices reported by Member States in accordance with Regulation (EC) No 3405/93.
2. The level of the observed reference price is such that it is necessary to reduce the projected level of compensatory payments by 7 %, pursuant to Article 5 of Regulation (EEC) No 1765/92. The final regional reference amounts will be established at a level 7 % lower than the projected regional reference amounts laid down in Regulation (EC) No 1500/98.

II. Adjustment of support payments pursuant to Article 5(1)(e) of Regulation (EEC) No 1765/92. Correction of final regional reference amounts.

1. After the application of Article 2(6) of Regulation (EEC) No 1765/92, the areas of land for which crop specific oilseed payments have been made are such that the MGA has been overshoot by 8 %.
2. The reductions applied to the final regional reference amounts as a consequence of the overshoot of the national reference areas less 10 % are as follows:

(%)

Member State	1997/99	1998/99	Total
Germany (*)		2,70	2,70
Greece	0,56	16,75	17,22
France	2,89	7,88	10,54
Ireland	3,35	16,93	19,71
Italy	10,23	21,30	29,35
Luxembourg		13,58	13,58
UK	6,62	18,32	23,73

(*) Detailed adjustment according to regional base area given below:

(%)

Germany	1998/99
Schleswig-Holstein	0
Hamburg	0
Bremen	0
Niedersachsen	0
Nordrhein-Westfalen	2,19
Hessen	0
Rheinland-Pfalz	0
Baden-Württemberg	0
Bayern	1,03
Saarland	8,69
Berlin	9,74
Brandenburg	0,64
Mecklenburg-Vorpommern	2,95
Sachsen	11,58
Sachsen-Anhalt	9,03
Thüringen	3,10

3. The weighted average reduction of support in the MGA covering Community production for the 1998/99 marketing year is as follows:

	A Percentage reduction of support applied for	B Area benefiting from crop specific compensatory payments	C = A × B Reduction of support expressed in hectare equivalents of support
Germany	2,70	876 380	23 662
Greece	16,75	32 750	5 486
France	7,88	1 798 557	141 726
Ireland	16,93	6 325	1 071
Italy	21,30	765 839	163 124
Luxembourg	13,58	2 342	318
UK	18,32	503 816	92 299
Total			427 686

4. The total reduction in support necessary pursuant to Article 5(1)(f) in the MGA covering Community production, expressed in hectare equivalents of support, is:
- percentage overshoot of MGA: 8 %,
 - area benefiting from crop specific compensatory payments within the MGAs: 5 345 897 ha,
 - total reduction of support necessary, expressed in hectare equivalents of support: 8 % of 5 345 897 ha = 427 672 ha.
5. The aggregate reduction in support given in point II(4) is equal to the total reduction of support necessary to respect the conditions of Article 5(1)(f) of Regulation (EEC) No 1765/92.

ANNEX II

PROJECTED REGIONAL REFERENCE AMOUNTS — 1998/99

Member State	Region	Reference	Yield (t/ha)	Projected reference amount (ECU/ha)
België/Belgique:	Polders/Polders	Oilseeds	2,40	409,99
	Leemstreek/Limoneuse	Oilseeds	3,31	565,44
	Zandleemstreek/Sablo-limoneuse	Oilseeds	3,12	532,98
	Condroz/Condroz	Oilseeds	3,07	524,44
	Weidestreek/Herbagère	Oilseeds	3,03	517,61
	Zandstreek/Sablonneuse	Oilseeds	2,85	486,86
	Kempen/Campine	Oilseeds	2,72	464,65
	Famenne/Famenne	Oilseeds	2,97	507,36
	Fagnes/Fagnes	Oilseeds	3,15	538,11
	Ardenennen/Ardenne	Oilseeds	2,99	510,78
	Jurastreek/Jurassique	Oilseeds	3,38	577,40
	Hen. Kempen/Campine-Hennuyère	Cereals	6,44	564,42
	Hoge Ardenennen/Haute Ardenne	Cereals	3,77	330,41
Danmark:		Oilseeds	2,70	461,24
Deutschland:	Schleswig-Holstein	Oilseeds	3,380	577,40
	Hamburg	Oilseeds	3,070	524,44
	Bremen	Oilseeds	3,130	534,69
	Niedersachsen			
	— Regionen 1-9	Oilseeds	3,060	522,73
	— Region 10	Oilseeds	3,440	587,65
	Nordrhein-Westfalen	Oilseeds	3,110	519,64
	Hessen	Oilseeds	3,100	529,57
	Rheinland-Pfalz	Oilseeds	2,850	486,86
	Baden-Württemberg	Oilseeds	2,970	507,36
	Bayern	Oilseeds	3,180	537,64
	Saarland	Oilseeds	2,700	421,16
	Berlin	Oilseeds	2,680	413,23
	Brandenburg			
	— Region 1	Oilseeds	3,440	583,89
	— Region 2	Oilseeds	2,680	454,89
	Mecklenburg-Vorpommern	Oilseeds	3,440	570,31
	Sachsen	Oilseeds	2,960	447,10
	Sachsen-Anhalt	Oilseeds	2,670	414,92
	Thüringen	Oilseeds	2,870	475,08
Ellada:	Region 1	Oilseeds	1,900	268,68
	Region 2	Oilseeds	2,200	311,11
España:	Secano	1 Cereals	0,900	78,88
		2 Cereals	1,200	105,17
		3 Cereals	1,500	131,46
		4 Cereals	1,800	157,76
		5 Cereals	2,000	175,28
		6 Cereals	2,200	192,81
		7 Cereals	2,500	219,11
		8 Cereals	2,700	236,63

Member State	Region	Reference	Yield (t/ha)	Projected reference amount (ECU/ha)
	Regadío	9 Cereals 10 Cereals 11 Cereals 1 Cereals 2 Cereals 3 Cereals 4 Cereals 5 Cereals 6 Cereals 7 Cereals 8 Cereals 9 Cereals 10 Cereals 11 Cereals 12 Cereals 13 Cereals 14 Cereals 15 Cereals 16 Cereals 17 Cereals 18 Cereals 19 Cereals 20 Cereals 21 Cereals 22 Cereals 23 Cereals 24 Cereals 25 Cereals 26 Cereals 27 Cereals 28 Cereals 29 Cereals 30 Cereals 31 Cereals 32 Cereals 33 Cereals 34 Cereals 35 Cereals 36 Cereals	3,200 3,700 4,100 3,000 3,100 3,200 3,400 3,500 3,600 3,700 3,800 3,900 4,000 4,100 4,200 4,300 4,400 4,500 4,600 4,700 4,800 4,900 5,000 5,100 5,200 5,300 5,400 5,500 5,700 5,800 5,900 6,100 6,200 6,300 6,400 6,600 7,100 8,200 8,300	280,46 324,28 359,33 262,93 271,69 280,46 297,98 306,75 315,51 324,28 333,04 341,81 350,57 359,33 368,10 376,86 385,63 394,39 403,16 411,92 420,68 429,45 438,21 446,98 455,74 464,50 473,27 482,03 499,56 508,33 517,09 534,62 543,38 552,15 560,91 578,44 622,26 718,67 727,43
France:	Zone I Soja — Non irrigué — Irrigué Navette/Colza/Tournesol Zone II Soja — Non irrigué — Irrigué Navette/Colza/Tournesol	Cereals Cereals Cereals Cereals Cereals Cereals Cereals	5,930 8,120 6,023 4,680 8,770 5,554	464,94 636,65 472,23 366,93 687,61 435,46
Ireland:		Oilseeds	3,300	452,62
Italia:	Torino montagna interna Torino collina interna Torino pianura Vercelli-Biella montagna interna	Cereals Oilseeds Oilseeds Cereals	2,224 3,612 4,399 4,853	137,71 435,93 530,92 300,49

Member State	Region	Reference	Yield (t/ha)	Projected reference amount (ECU/ha)
	Vercelli-Biella collina interna	Oilseeds	4,233	510,88
	Vercelli-Biella pianura	Oilseeds	4,826	582,45
	Novara-Verbanò-Cuseo-oss. montagna interna	Cereals	3,731	231,02
	Novara-Verbanò-Cuseo-oss. collina interna	Oilseeds	3,744	451,86
	Novara pianura	Oilseeds	4,488	541,66
	Cuneo montagna interna	Oilseeds	3,762	454,04
	Cuneo collina interna	Oilseeds	3,877	467,92
	Cuneo pianura	Oilseeds	4,187	505,33
	Asti collina interna	Oilseeds	3,254	392,73
	Asti pianura	Oilseeds	3,409	411,43
	Alessandria montagna interna	Oilseeds	3,550	428,45
	Alessandria collina interna	Oilseeds	3,384	408,42
	Alessandria pianura	Oilseeds	3,359	405,40
	Aosta montagna interna	Cereals	2,328	144,15
	Varese montagna interna	Oilseeds	3,950	476,73
	Varese collina interna	Oilseeds	3,437	414,81
	Varese pianura	Oilseeds	3,244	391,52
	Como-Lecco subz. 1 montagna interna	Cereals	6,652	411,89
	Como-Lecco subz. 1 collina interna	Oilseeds	3,541	427,36
	Como pianura	Oilseeds	4,167	502,92
	Sondrio montagna interna	Cereals	4,793	296,78
	Milano collina interna	Oilseeds	4,349	524,88
	Milano-Lodi pianura	Oilseeds	4,662	562,66
	Bergamo-Lecco subz. 2 montagna interna	Cereals	3,817	236,35
	Bergamo-Lecco subz. 2 collina interna	Oilseeds	4,375	528,02
	Bergamo pianura	Oilseeds	5,000	603,45
	Brescia montagna interna	Cereals	5,469	338,64
	Brescia collina interna	Oilseeds	5,000	603,45
	Brescia pianura	Oilseeds	5,000	603,45
	Pavia montagna interna	Oilseeds	3,377	407,57
	Pavia collina interna	Oilseeds	3,578	431,83
	Pavia pianura	Oilseeds	4,194	506,17
	Cremona pianura	Oilseeds	4,737	571,71
	Mantova collina interna	Oilseeds	4,620	557,59
	Mantova pianura	Oilseeds	5,000	603,45
	Bolzano montagna interna	Cereals	1,848	114,43
	Trento montagna interna	Cereals	4,374	270,84
	Verona montagna interna	Oilseeds	5,000	603,45
	Verona collina interna	Oilseeds	4,715	569,05
	Verona pianura	Oilseeds	4,972	600,07
	Vicenza montagna interna	Oilseeds	4,439	535,74
	Vicenza collina interna	Oilseeds	5,000	603,45
	Vicenza pianura	Oilseeds	4,817	581,36
	Belluno montagna interna	Oilseeds	3,499	422,30
	Treviso collina interna	Oilseeds	4,422	533,69
	Treviso pianura	Oilseeds	4,640	560,00
	Venezia pianura	Oilseeds	4,688	565,80
	Padova collina interna	Oilseeds	4,044	488,07
	Padova pianura	Oilseeds	4,300	518,97
	Rovigo pianura	Oilseeds	4,502	543,35
	Udine montagna interna	Cereals	4,320	267,49
	Udine collina interna	Oilseeds	4,159	501,95
	Udine pianura	Oilseeds	4,552	549,38
	Gorizia collina interna	Oilseeds	4,049	488,67
	Gorizia pianura	Oilseeds	4,517	545,16
	Trieste pianura	Cereals	4,879	302,10

Member State	Region	Reference	Yield (t/ha)	Projected reference amount (ECU/ha)
	Pordenone montagna interna	Oilseeds	3,012	363,52
	Pordenone collina interna	Oilseeds	3,570	430,86
	Pordenone pianura	Oilseeds	4,150	500,86
	Imperia montagna interna	Cereals	3,372	208,79
	Imperia collina interna	Cereals	3,372	208,79
	Imperia collina litoranea	Cereals	3,372	208,79
	Savona montagna interna	Cereals	3,372	208,79
	Savona montagna litoranea	Cereals	3,372	208,79
	Savona collina interna	Cereals	3,372	208,79
	Savona collina litoranea	Cereals	3,372	208,79
	Genova montagna interna	Cereals	3,372	208,79
	Genova montagna litoranea	Cereals	3,372	208,79
	Genova collina interna	Cereals	3,372	208,79
	Genova collina litoranea	Cereals	3,372	208,79
	La Spezia montagna interna	Cereals	3,372	208,79
	La Spezia collina interna	Cereals	3,372	208,79
	La Spezia collina litoranea	Cereals	3,372	208,79
	Piacenza montagna interna	Cereals	3,676	227,62
	Piacenza collina interna	Oilseeds	3,607	435,33
	Piacenza pianura	Oilseeds	3,895	470,09
	Parma montagna interna	Oilseeds	3,631	438,23
	Parma collina interna	Oilseeds	3,693	445,71
	Parma pianura	Oilseeds	3,808	459,59
	Reggio-Emilia montagna interna	Cereals	3,188	197,40
	Reggio-Emilia collina interna	Oilseeds	2,989	360,74
	Reggio-Emilia pianura	Oilseeds	4,124	497,73
	Modena montagna interna	Cereals	3,834	237,40
	Modena collina interna	Oilseeds	3,599	434,36
	Modena pianura	Oilseeds	4,209	507,99
	Bologna montagna interna	Cereals	4,360	269,97
	Bologna collina interna	Oilseeds	3,277	395,50
	Bologna pianura	Oilseeds	3,890	469,49
	Ferrara pianura	Oilseeds	4,590	553,97
	Ravenna collina interna	Oilseeds	3,366	406,24
	Ravenna pianura	Oilseeds	3,644	439,80
	Forlì-montagna interna	Cereals	2,828	175,11
	Forlì-Rimini collina interna	Oilseeds	3,190	385,00
	Forlì-Rimini collina litoranea	Oilseeds	3,125	377,16
	Forlì-Rimini pianura	Oilseeds	3,426	413,48
	Massa-Carrara montagna interna	Cereals	5,659	350,40
	Massa-Carrara montagna litoranea	Cereals	7,970	493,50
	Massa-Carrara collina interna	Cereals	5,952	368,54
	Lucca montagna litoranea	Cereals	5,320	329,41
	Lucca montagna interna	Cereals	3,437	212,82
	Lucca pianura	Oilseeds	3,135	378,36
	Pistoia montagna interna	Oilseeds	3,536	426,76
	Pistoia collina interna	Oilseeds	3,495	421,81
	Firenze-Prato montagna interna	Oilseeds	2,971	358,57
	Firenze-Prato collina interna	Oilseeds	2,695	325,26
	Firenze pianura	Oilseeds	2,873	346,74
	Livorno collina litoranea	Oilseeds	3,089	372,81
	Pisa collina interna	Oilseeds	2,850	343,97
	Pisa collina litoranea	Oilseeds	2,848	343,73
	Pisa pianura	Oilseeds	2,947	355,67
	Arezzo montagna interna	Oilseeds	2,967	358,09
	Arezzo collina interna	Oilseeds	2,816	339,86

Member State	Region	Reference	Yield (t/ha)	Projected reference amount (ECU/ha)
	Siena montagna interna	Oilseeds	2,560	308,97
	Siena collina interna	Oilseeds	3,027	365,33
	Grosseto montagna interna	Oilseeds	2,478	299,07
	Grosseto collina interna	Oilseeds	3,013	363,64
	Grosseto collina litoranea	Oilseeds	2,961	357,36
	Grosseto pianura	Oilseeds	3,040	366,90
	Perugia montagna interna	Oilseeds	2,964	357,73
	Perugia collina interna	Oilseeds	3,003	362,43
	Terni montagna interna	Oilseeds	3,837	463,09
	Terni collina interna	Oilseeds	3,103	374,50
	Pesaro-Urbino montagna interna	Oilseeds	2,979	359,54
	Pesaro-Urbino collina interna	Oilseeds	3,005	362,67
	Pesaro-Urbino coll. litoranea	Oilseeds	3,066	370,04
	Ancona montagna interna	Oilseeds	3,099	374,02
	Ancona collina interna	Oilseeds	3,122	376,79
	Ancona collina litoranea	Oilseeds	3,160	381,38
	Macerata montagna interna	Oilseeds	3,075	371,12
	Macerata collina interna	Oilseeds	3,218	388,38
	Macerata collina litoranea	Oilseeds	3,207	387,05
	Ascoli Piceno montagna interna	Cereals	3,446	213,37
	Ascoli Piceno collina interna	Oilseeds	3,054	368,59
	Ascoli Piceno coll. litoranea	Oilseeds	3,067	370,16
	Viterbo collina interna	Oilseeds	3,027	365,33
	Viterbo pianura	Oilseeds	3,239	390,92
	Rieti montagna interna	Oilseeds	3,352	404,55
	Rieti collina interna	Oilseeds	3,186	384,52
	Roma montagna interna	Oilseeds	3,016	364,00
	Roma collina interna	Oilseeds	3,114	375,83
	Roma collina litoranea	Oilseeds	3,138	378,73
	Roma pianura	Oilseeds	3,133	378,12
	Latina montagna interna	Oilseeds	2,662	321,28
	Latina collina interna	Oilseeds	3,637	438,95
	Latina collina litoranea	Cereals	4,697	290,84
	Latina pianura	Oilseeds	3,398	410,11
	Frosinone montagna interna	Oilseeds	2,401	289,78
	Frosinone collina interna	Oilseeds	3,305	398,88
	L'Aquila montagna interna	Oilseeds	3,038	366,66
	Teramo montagna interna	Oilseeds	2,849	343,85
	Teramo collina interna	Oilseeds	3,003	362,43
	Teramo collina litoranea	Oilseeds	3,104	374,62
	Pescara montagna interna	Cereals	3,323	205,76
	Pescara collina interna	Oilseeds	2,976	359,17
	Pescara collina litoranea	Oilseeds	3,108	375,11
	Chieti montagna interna	Cereals	2,443	151,27
	Chieti collina interna	Oilseeds	2,850	343,97
	Chieti collina litoranea	Oilseeds	3,098	373,90
	Campobasso montagna interna	Oilseeds	2,875	346,98
	Campobasso collina interna	Oilseeds	2,981	359,78
	Campobasso collina litoranea	Oilseeds	2,983	360,02
	Isernia montagna interna	Cereals	3,005	186,07
	Isernia collina interna	Cereals	3,788	234,55
	Caserta montagna interna	Oilseeds	4,000	482,76
	Caserta collina interna	Oilseeds	2,712	327,31
	Caserta collina litoranea	Oilseeds	3,237	390,67
	Caserta pianura	Oilseeds	3,176	383,31
	Benevento collina interna	Oilseeds	2,763	333,47

Member State	Region	Reference	Yield (t/ha)	Projected reference amount (ECU/ha)
	Benevento montagna interna	Oilseeds	2,941	354,95
	Napoli collina interna	Oilseeds	3,560	429,66
	Napoli collina litoranea	Cereals	5,316	329,16
	Napoli pianura	Cereals	8,209	508,30
	Avellino montagna interna	Oilseeds	2,901	350,12
	Avellino collina interna	Cereals	3,809	235,85
	Salerno montagna interna	Cereals	1,842	114,06
	Salerno collina interna	Oilseeds	3,760	453,80
	Salerno collina litoranea	Cereals	2,087	129,23
	Salerno pianura	Oilseeds	3,656	441,24
	Foggia montagna interna	Oilseeds	2,898	349,76
	Foggia collina interna	Oilseeds	2,897	349,64
	Foggia collina litoranea	Cereals	2,485	153,87
	Foggia pianura	Oilseeds	2,901	350,12
	Bari collina interna	Oilseeds	2,916	351,93
	Bari pianura	Cereals	1,535	95,05
	Taranto collina litoranea	Oilseeds	3,121	376,67
	Taranto pianura	Oilseeds	2,783	335,88
	Brindisi collina litoranea	Cereals	1,154	71,45
	Brindisi pianura	Oilseeds	3,970	479,14
	Lecce pianura	Oilseeds	3,637	438,95
	Potenza montagna interna	Cereals	1,611	99,75
	Potenza montagna litoranea	Cereals	1,601	99,13
	Potenza collina interna	Oilseeds	2,458	296,66
	Matera montagna interna	Oilseeds	2,444	294,97
	Matera collina interna	Oilseeds	2,508	302,69
	Matera pianura	Oilseeds	2,788	336,48
	Cosenza montagna interna	Oilseeds	4,000	482,76
	Cosenza montagna litoranea	Cereals	1,632	101,05
	Cosenza collina interna	Oilseeds	2,758	332,86
	Cosenza collina litoranea	Cereals	1,451	89,84
	Cosenza pianura	Oilseeds	3,185	384,40
	Catanzaro-Crotone-Vibo val. montagna interna	Oilseeds	3,375	407,33
	Catanzaro-Crotone-Vibo val. collina interna	Cereals	2,074	128,42
	Catanzaro-Crotone-Vibo val. collina litoranea	Cereals	1,861	115,23
	Catanzaro-Crotone pianura	Cereals	1,664	103,03
	Reggio Calabria montagna interna	Cereals	1,702	105,39
	Reggio Calabria montagna litoranea	Cereals	1,612	99,81
	Reggio Calabria collina litoranea	Cereals	1,697	105,08
	Reggio Calabria pianura	Cereals	2,678	165,82
	Trapani collina interna	Cereals	1,706	105,63
	Trapani collina litoranea	Cereals	1,606	99,44
	Trapani pianura	Cereals	1,606	99,44
	Palermo montagna interna	Cereals	1,918	118,76
	Palermo montagna litoranea	Cereals	1,610	99,69
	Palermo collina interna	Cereals	1,584	98,08
	Palermo collina litoranea	Cereals	1,556	96,35
	Palermo pianura	Cereals	1,507	93,31
	Messina montagna interna	Cereals	1,278	79,13
	Messina montagna litoranea	Cereals	1,222	75,67
	Messina collina litoranea	Cereals	1,289	79,81
	Agrigento montagna interna	Cereals	1,669	103,34
	Agrigento collina interna	Cereals	1,512	93,62
	Agrigento collina litoranea	Cereals	1,333	82,54
	Agrigento pianura	Cereals	1,667	103,22
	Caltanissetta collina interna	Cereals	1,333	82,54

Member State	Region	Reference	Yield (t/ha)	Projected reference amount (ECU/ha)
	Caltanissetta collina litoranea	Cereals	1,080	66,87
	Caltanissetta pianura	Cereals	1,027	63,59
	Enna montagna interna	Cereals	1,100	68,11
	Enna collina interna	Oilseeds	2,397	289,29
	Catania montagna interna	Oilseeds	2,922	352,66
	Catania montagna litoranea	Cereals	5,000	309,60
	Catania collina interna	Oilseeds	2,326	280,73
	Catania collina litoranea	Oilseeds	2,575	310,78
	Catania pianura	Oilseeds	2,509	302,81
	Ragusa collina interna	Cereals	2,200	136,22
	Ragusa collina litoranea	Cereals	2,584	160,00
	Ragusa pianura	Cereals	3,590	222,29
	Siracusa collina interna	Cereals	1,362	84,33
	Siracusa collina litoranea	Oilseeds	2,700	325,86
	Siracusa pianura	Oilseeds	2,625	316,81
	Sassari montagna interna	Cereals	1,750	108,36
	Sassari collina interna	Cereals	1,667	103,22
	Sassari collina litoranea	Cereals	1,752	108,48
	Sassari pianura	Oilseeds	3,999	482,64
	Nuoro montagna interna	Cereals	1,350	83,59
	Nuoro collina interna	Cereals	1,536	95,11
	Nuoro collina litoranea	Cereals	1,772	109,72
	Cagliari collina interna	Oilseeds	4,000	482,76
	Cagliari collina litoranea	Oilseeds	4,000	482,76
	Cagliari pianura	Oilseeds	3,904	471,17
	Oristano collina interna	Oilseeds	2,991	360,98
	Oristano pianura	Oilseeds	4,000	482,76
Luxembourg:		Oilseeds	2,700	398,60
Nederland:		1 Cereals	7,100	622,26
		2 Cereals	5,000	438,21
Österreich:		Oilseeds	2,74	468,07
Portugal:	Sequeiro	S-C.1 Cereals	1,550	135,85
		S-C.2 Cereals	1,100	96,41
		S-C.3 Cereals	2,150	188,43
		S-C.4 Cereals	3,500	306,75
		S-C.5 Cereals	2,750	241,02
		S-M.1 Cereals	2,000	175,28
		S-A.1 Cereals	3,800	333,04
	Regadio	R-C.1 Cereals	8,500	744,96
		R-C.2 Cereals	7,000	613,50
		R-C.3 Cereals	4,400	385,63
		R-C.4 Cereals	2,400	210,34
		R-C.5 Cereals	7,200	631,03
		R-C.6 Cereals	5,200	455,74
		R-C.7 Cereals	5,800	508,33
		R-C.8 Cereals	4,600	403,16
		R-C.9 Cereals	3,300	289,22
		R-M.1 Cereals	4,400	385,63

Member State	Region	Reference	Yield (t/ha)	Projected reference amount (ECU/ha)
Suomi/Finland:		Oilseeds	1,59	271,62
Sverige:		Zone 1 Oilseeds Zone 2 Oilseeds Zone 3 Cereals Zone 4 Cereals Zone 5 Cereals	2,674 2,259 4,147 3,626 2,875	456,80 385,90 363,45 317,79 251,97
United Kingdom:	England Wales Northern Ireland Scotland (LFA) Scotland (remainder)	Oilseeds Oilseeds Oilseeds Oilseeds Oilseeds	3,080 3,140 2,920 2,840 3,450	401,30 409,11 380,45 370,03 449,50

COMMISSION REGULATION (EC) No 381/1999
of 19 February 1999
amending Regulation (EEC) No 3846/87 establishing an agricultural product
nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(14) thereof,

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 2742/98 ⁽⁴⁾, establishes, on the basis of the Combined Nomenclature, an agricultural product nomenclature for export refunds; whereas it lays down the requirements relating to the product codes for cheeses on which refunds are granted, in particular as regards their maximum water and minimum fat content; whereas the requirements for certain cheeses should be amended in order to reflect better the situation of the product exported;

Whereas the footnotes in Section 9 of the Annex to the Regulation contain the rules to be applied to the grant and calculation of the refunds on milk and milk products; whereas the rules provide that refunds are not to be granted in respect of non-lactic matter other than sucrose; whereas very small quantities of such matter are required for the manufacture and/or preservation of certain products; whereas, in order to avoid practical difficulties when determining these added quantities, they should not be taken into account up to a certain content; whereas the footnotes should be amended accordingly;

Whereas the wording of footnote 1 has resulted in differing interpretations and applications for liquid products falling within CN codes 0401, 0403 and 0404 since 1 April 1998; whereas the wording should be clarified to ensure uniform application to all liquid milk products and to enable interested parties who so request to make use of the clarification retroactively;

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

HAS ADOPTED THIS REGULATION:

Article 1

Section 9 of the Annex to Regulation (EEC) No 3846/87 is amended as follows:

1. the description for CN code 0401 reads as follows:

‘Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁵⁾’;

2. the data concerning CN codes ex 0406 90 87 and ex 0406 90 88 are replaced by the data contained in Annex I;

3. footnotes 1, 2, 4, 13 and 14 are replaced by the footnotes shown in Annex II;

4. the following footnote 15 is added:

‘⁽¹⁵⁾ The products referred to may contain small amounts of additives required for their manufacture or preservation. Where these additives do not exceed 0,5 % by weight of the whole product, they are to be taken into account for the purposes of calculating the refund. However, where these additives exceed in total 0,5 % by weight of the whole product, they are not to be taken into account for the purposes of calculating the refund.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not products have been added and, where this is the case, the maximum additive content.’

Article 2

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

However, at the request of the applicant, point 3 of Article 1 shall apply with effect from 1 April 1998 in respect of the application of footnote 1.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ L 348, 23. 12. 1998, p. 1.

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

CN code	Description of goods	Additional requirements for using the product code		Product code
		Maximum water content in product weight (%)	Minimum fat content in dry weight (%)	
'ex 0406 90 87	— — — — — Exceeding 52 % but not exceeding 62 %:			
	— — — — — Cheese produced from whey, except for Manouri			0406 90 87 9100
	— — — — — Other, of a fat content, by weight, in the dry matter:			
	— — — — — — Of less than 5 %	60		0406 90 87 9200
	— — — — — — Of 5 % or more but less than 19 %	55	5	0406 90 87 9300
	— — — — — — Of 19 % or more but less than 40 %	53	19	0406 90 87 9400
	— — — — — — Of 40 % or more:			
	— — — — — — Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk	45	45	0406 90 87 9951
	— — — — — — Maasdam	45	45	0406 90 87 9971
	— — — — — — Manouri	43	53	0406 90 87 9972
	— — — — — — Hushållsost	46	45	0406 90 87 9973
	— — — — — — Murukoloinen	41	50	0406 90 87 9974
	— — — — — — Gräddost	39	60	0406 90 87 9975
	— — — — — — Other	47	40	0406 90 87 9979
ex 0406 90 88	— — — — — Exceeding 62 % but not exceeding 72 %:			
	— — — — — Cheeses produced from whey			0406 90 88 9100
	— — — — — Other:			
	— — — — — — Of a fat content, by weight, in the dry matter:			
	— — — — — — Of 10 % or more but less than 19 %	60	10	0406 90 88 9300'

ANNEX II

- (¹) Where the product falling within this subheading contains added whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504, the added whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 must not be taken into account in the calculation of the refund.

The products referred to may contain small quantities of added non-lactic matter required for their manufacture or preservation. Where these additives do not exceed 0,5 % by weight of the whole product, they are to be taken into account for the purposes of calculating the refund. However, where these additives exceed in total 0,5 % by weight of the whole product, they are not to be taken into account for the purposes of calculating the refund.

If the product falling within this subheading consists of permeate, no export refund is payable.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether the product consists of permeate or whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:

- the maximum content by weight of non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product,
- and in particular,
- the lactose content of the added whey.

- (²) Where the product falling within this subheading contains added whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504, the added whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 must not be taken into account in the calculation of the refund.

The products referred to may contain small quantities of added non-lactic matter required for their manufacture or preservation. Where these additives do not exceed 0,5 % by weight of the whole product, they are to be taken into account for the purposes of calculating the refund. However, where these additives exceed in total 0,5 % by weight of the whole product, they are not to be taken into account for the purposes of calculating the refund.

If the product falling within this subheading consists of permeate, no export refund is payable.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether the product consists of permeate or whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinate and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:

- the maximum content by weight of non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product,
- and in particular,
- the lactose content of the added whey.'

- (⁴) The refund per 100 kilograms of product falling within this subheading is equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of the lactic matter contained in 100 kilograms of product. The products referred to may contain small quantities of added non-lactic matter required for their manufacture or preservation. Where these additives do not exceed 0,5 % by weight of the whole product, they are to be taken into account for the purposes of calculating the refund. However, where these additives exceed in total 0,5 % by weight of the whole product, they are not to be taken into account for the purposes of calculating the refund.

Where whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added to the product, the amount per kilogram shown is to be multiplied by the weight of the lactic matter other than whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of product;

- (b) a component calculated in accordance with Article 16(3) of Commission Regulation (EC) No 174/1999 (OJ L 20, 27.1.1999, p. 8).

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether the product consists of permeate or whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:

- the maximum content by weight of sucrose and/or other non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

If the lactic matter in the product consists of permeate, no export refund is payable.'

- '⁽¹³⁾ The products referred to may contain small quantities of added non-lactic matter required for their manufacture or preservation. Where these additives do not exceed 0,5 % by weight of the whole product, they are to be taken into account for the purposes of calculating the refund. However, where these additives exceed in total 0,5 % by weight of the whole product, they are not to be taken into account for the purposes of calculating the refund.

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

- (¹⁴) The refund per 100 kilograms of product covered by this subheading is equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of the lactic matter contained in 100 kilograms of product. The products referred to may contain small quantities of added non-lactic matter required for their manufacture or preservation. Where these additives do not exceed 0,5 % by weight of the whole product, they are to be taken into account for the purposes of calculating the refund. However, where these additives exceed in total 0,5 % by weight of the whole product, they are not to be taken into account for the purposes of calculating the refund;

- (b) a component calculated in accordance with Article 16(3) of Commission Regulation (EC) No 174/1999 (OJ L 20, 27.1.1999, p. 8).

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

COMMISSION REGULATION (EC) No 382/1999

of 19 February 1999

fixing certain indicative quantities and individual ceilings for issuing licences for the import of bananas into the Community in the second quarter of 1999

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 14(1) of Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community ⁽³⁾ provides that, for each of the first three quarters of the year, an indicative quantity expressed as the same percentage of available quantities from each of the origins listed in Annex I may be fixed for the purposes of issuing import licences;

Whereas analysis of the data on quantities of bananas marketed in the Community in 1998, in particular actual imports during the second quarter of that year, and on supply and consumption forecasts for the Community market during the same quarter of 1999 indicates that, in order to guarantee a satisfactory level of supplies to the whole of the Community, an indicative for each of the origins listed in Annex I to Regulation (EC) No 2362/98 should be fixed at 34 % of the quantity allocated to that origin;

Whereas the same data indicate that, in application of Article 14(2) of Regulation (EC) No 2362/98, a maximum quantity in respect of which each operator may submit licence applications for the second quarter of 1999 should be fixed;

Whereas this Regulation should enter into force without delay, before the start of the period for the submission of licence applications for the second quarter of 1999;

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

HAS ADOPTED THIS REGULATION:

Article 1

The indicative quantity referred to in Article 14(1) of Regulation (EC) No 2362/98 for the import of bananas under tariff quotas and of traditional ACP bananas as provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 is hereby fixed, for the second quarter of 1999, at 34 % of the quantities laid down for each of the origins listed in Annex I to Regulation (EC) No 2362/98.

Article 2

The quantity authorised for each traditional operator and newcomer as referred to in Article 14(2) of Regulation (EC) No 2362/98 is hereby fixed, for the second quarter of 1999, at 36 % of the quantity allocated to that operator pursuant to Articles 6(4) and 9(4) of that Regulation.

Article 3

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

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 28.

⁽³⁾ OJ L 293, 31. 10. 1998, p. 32.

COMMISSION REGULATION (EC) No 383/1999

of 19 February 1999

on the sale at prices fixed in advance of beef held by certain intervention agencies
and repealing Regulation (EC) No 1683/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 7(3) thereof,

Whereas the application of intervention measures in respect of beef has created stocks in several Member States; whereas, in order to prevent an excessive prolongation of storage, part of these stocks should be sold;

Whereas subject to certain special exceptions, the sale should be made subject to the rules laid down by Commission Regulation (EEC) No 2173/79 ⁽³⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁴⁾, and in particular Titles I and III thereof;

Whereas, to ensure economic management of stocks, the intervention agencies should give priority to selling the meat which has been stored the longest;

Whereas provision should be made for derogations from Article 2(2) of Regulation (EEC) No 2173/79, in view of the administrative difficulties which application of this point creates in the Member States concerned;

Whereas Commission Regulation (EC) No 1683/98 ⁽⁵⁾, as last amended by Regulation (EC) No 153/1999 ⁽⁶⁾, should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The sale shall take place of products bought into intervention under Article 6 of Regulation (EEC) No 805/68 amounting to:

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽⁵⁾ OJ L 212, 30. 7. 1998, p. 41.

⁽⁶⁾ OJ L 18, 23. 1. 1999, p. 13.

- approximately 600 tonnes of bone-in hindquarters held by the Danish intervention agency,
- approximately 600 tonnes of bone-in hindquarters held by the German intervention agency,
- approximately 600 tonnes of bone-in hindquarters held by the Spanish intervention agency,
- approximately 600 tonnes of bone-in hindquarters held by the French intervention agency,
- approximately 600 tonnes of bone-in hindquarters held by the Italian intervention agency,
- approximately 600 tonnes of bone-in hindquarters held by the Dutch intervention agency,
- approximately 600 tonnes of bone-in hindquarters held by the Austrian intervention agency, and stored in Germany,
- approximately 451 tonnes of boneless beef held by the French intervention agency,
- approximately 3 000 tonnes of boneless beef held by the Irish intervention agency,
- approximately 7 000 tonnes of boneless beef held by the United Kingdom intervention agency.

Detailed information concerning quantities and their selling prices is given in Annex I.

2. Subject to the provisions of this Regulation the products referred to in paragraph 1 shall be sold in accordance with Regulation (EEC) No 2173/79, in particular Titles I and III thereof.

Article 2

1. Interested parties may obtain details of the quantities available and the places where the products are stored from the addresses listed in Annex II to this Regulation.

2. For each product mentioned in Annex I the intervention agencies concerned shall sell first the meat which has been stored the longest.

3. Notwithstanding Article 2(2) of Regulation (EEC) No 2173/79, purchase applications shall not indicate in which cold store or stores the products are held.

Article 3

The security provided for in Article 15(1) of Regulation (EEC) No 2173/79 shall be EUR 120 per tonne.

Article 4

Regulation (EC) No 1683/98 is hereby repealed.

Article 5

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

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I

Estado miembro	Productos ⁽¹⁾	Cantidad aproximada (toneladas)	Precio de venta expresado en euros por tonelada
Medlemsstat	Produkter ⁽¹⁾	Tilnærmet mængde (tons)	Salgspriser i EUR/ton
Mitgliedstaat	Erzeugnisse ⁽¹⁾	Ungefähre Mengen (Tonnen)	Verkaufspreise, ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα ⁽¹⁾	Κατά προσέγγιση ποσότητα (τόνοι)	Τιμές πώλησης εκφραζόμενες σε Ευρώ ανά τόνο
Member State	Products ⁽¹⁾	Approximate quantity (tonnes)	Selling prices expressed in EUR per tonne
État membre	Produits ⁽¹⁾	Quantité approximative (tonnes)	Prix de vente exprimés en euros par tonne
Stato membro	Prodotti ⁽¹⁾	Quantità approssimativa (tonnellate)	Prezzi di vendita espressi in euro per tonnellata
Lidstaat	Producten ⁽¹⁾	Hoeveelheid bij benadering (ton)	Verkoopprijzen uitgedrukt in euro per ton
Estado-membro	Produtos ⁽¹⁾	Quantidade aproximada (toneladas)	Preço de venda expresso em euros por tonelada
Jäsenvaltio	Tuotteet ⁽¹⁾	Arvioitu määrä (tonneina)	Myyntihinta euroina tonnilta
Medlemsstat	Produkter ⁽¹⁾	Ungefärlig kvantitet (ton)	Försäljningspris i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DANMARK	— Bagfjerdinger	600	1 700
DEUTSCHLAND	— Hinterviertel	600	1 700
ESPAÑA	— Cuartos traseros	600	1 800
FRANCE	— Quartiers arrière	600	1 700
ITALIA	— Quarti posteriori	600	1 800
NEDERLAND	— Achtervoeten	600	1 700
ÖSTERREICH	— Hinterviertel	600	1 700

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

FRANCE	— Semelle (INT 14)	100	2 400
	— Faux filet (INT 17)	1	3 000
	— Tranche (INT 13)	60	2 500
	— Entrecôte (INT 19)	290	2 400
IRELAND	— Intervention thick flank (INT 12)	500	2 500
	— Intervention topside (INT 13)	500	3 000
	— Intervention silverside (INT 14)	500	2 400
	— Intervention rump (INT 16)	500	3 000
	— Intervention striploin (INT 17)	500	5 300
	— Intervention forerib (INT 19)	500	2 900
UNITED KINGDOM	— Intervention thick flank (INT 12)	1 000	2 500
	— Intervention topside (INT 13)	1 000	3 200
	— Intervention silverside (INT 14)	1 000	2 700
	— Intervention fillet (INT 15)	1 000	6 500
	— Intervention rump (INT 16)	1 000	3 000
	— Intervention striploin (INT 17)	1 000	4 500
	— Intervention forerib (INT 19)	1 000	2 700

- (¹) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4. 9. 1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n° 2812/98 (DO L 349 de 24. 12. 1998, p. 47).
- (¹) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4. 9. 1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24. 12. 1998, s. 47).
- (¹) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4. 9. 1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24. 12. 1998, S. 47).
- (¹) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4. 9. 1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24. 12. 1998, σ. 47).
- (¹) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2812/98 (OJ L 349, 24.12.1998, p. 47).
- (¹) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4. 9. 1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2812/98 (JO L 349 du 24. 12. 1998, p. 47).
- (¹) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24. 12. 1998, pag. 47).
- (¹) Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24.12.1998, blz. 47).
- (¹) Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4. 9. 1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24. 12. 1998, p. 47).
- (¹) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4. 9. 1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2812/98 (EYVL L 349, 24.12.1998, s. 47), liitteet V ja VII.
- (¹) Se bilaga V och VII i förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2812/98 (EGT L 349, 24.12.1998, s. 47).

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

BUNDESREPUBLIK DEUTSCHLAND

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Postfach 180203, D-60083 Frankfurt am Main
Adickesallee 40
D-60322 Frankfurt am Main
Tel.: (49) 69 15 64-704/772; Telex: 411727; Telefax: (49) 69 15 64-790/791

DANMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
EU-direktoratet
Kampmannsgade 3
DK-1780 København V
Tlf. (45) 33 92 70 00; telex 151317 DK; fax (45) 33 92 69 48, (45) 33 92 69 23

ESPAÑA

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Teléfono: (34) 913 47 65 00, 913 47 63 10; télex: FEGA 23427 E, FEGA 41818 E; fax: (34) 915 21 98 32,
915 22 43 87

FRANCE

OFIVAL
80, avenue des Terroirs-de-France
F-75607 Paris Cedex 12
Téléphone: (33 1) 44 68 50 00; télex: 215330; télécopieur: (33 1) 44 68 52 33

ITALIA

AIMA (Azienda di Stato per gli interventi nel mercato agricolo)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91; telex 61 30 03; telefax: 445 39 40/445 19 58

IRELAND

Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
Dublin 2
Ireland
Tel. (01) 678 90 11, ext. 2278 and 3806;
telex 93292 and 93607, telefax (01) 661 62 63, (01) 678 52 14 and (01) 662 01 98

NEDERLAND

Ministerie van Landbouw, Natuurbeheer en Visserij, Voedselvoorzieningsin- en verkoopbureau
p/a LASER, Zuidoost
Slachthuisstraat 71
Postbus 965
6040 AZ Roermond
Tel.: (31-475) 35 54 44; telex: 56396 VIBNL; telefax: (31-475) 31 89 39.

ÖSTERREICH

AMA-Agrarmarkt Austria
Dresdner Straße 70
A-1201 Wien
Tel.: (431) 33 15 12 20; Telefax: (431) 33 15 1297

UNITED KINGDOM

Intervention Board Executive Agency
Kings House
33 Kings Road
Reading RG1 3BU
Berkshire
United Kingdom
Tel. (01-189) 58 36 26
Fax (01-189) 56 67 50

COMMISSION REGULATION (EC) No 384/1999**of 19 February 1999****on a sale by tender of beef held by certain intervention agencies and intended for processing within the Community and repealing Regulation (EC) No 2759/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1633/98⁽²⁾, and in particular Article 7(3) thereof,

Whereas the application of intervention measures in respect of beef has resulted in a build up of stocks in several Member States; whereas, in order to prevent storage being prolonged excessively, part of these stocks should be put up for sale by tender for processing in the Community;

Whereas the sale should be made subject to the rules laid down by Commission Regulations (EEC) No 2173/79⁽³⁾, as last amended by Regulation (EC) No 2417/95⁽⁴⁾, (EEC) No 3002/92⁽⁵⁾, as last amended by Regulation (EC) No 770/96⁽⁶⁾, and (EEC) No 2182/77⁽⁷⁾, as last amended by Regulation (EC) No 2417/95, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas, in order to ensure that the sales by tender are conducted properly and uniformly, measures in addition to those provided for in Article 8(1) of Regulation (EEC) No 2173/79 should be adopted;

Whereas provision should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of this point is creating in the Member States concerned;

Whereas, in order to ensure that stocks are managed economically, the intervention agencies should sell first beef that has been in storage the longest time;

Whereas, in order to ensure optimum monitoring of the destination of beef from intervention stocks, control measures should be adopted, in addition to the measures

provided for in Regulation (EEC) No 3002/92, which are based on physical inspection of quantities and qualities;

Whereas Commission Regulation (EC) No 2759/98⁽⁸⁾, as amended by Regulation (EC) No 154/1999⁽⁹⁾, should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The following approximate quantities of intervention products shall be put up for sale:

- 2 000 tonnes of bone-in quarters held by the French intervention agency,
- 1 500 tonnes of bone-in quarters held by the German intervention agency,
- 1 380 tonnes of bone-in quarters held by the Danish intervention agency,
- 2 000 tonnes of bone-in quarters held by the Italian intervention agency,
- 811 tonnes of bone-in quarters held by the Austrian intervention agency,
- 234 tonnes of bone-in quarters held by the Netherlands intervention agency,
- 1 000 tonnes of bone-in quarters held by the Spanish intervention agency,
- 388 tonnes of bone-in quarters held by the Irish intervention agency,
- 5 500 tonnes of boned beef held by the United Kingdom intervention agency,
- 5 500 tonnes of boned beef held by the Irish intervention agency,
- 1 350 tonnes of boned beef held by the French intervention agency,

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽⁵⁾ OJ L 301, 17. 10. 1992, p. 17.

⁽⁶⁾ OJ L 104, 27. 4. 1996, p. 13.

⁽⁷⁾ OJ L 251, 1. 10. 1997, p. 60.

⁽⁸⁾ OJ L 345, 15. 12. 1998, p. 41.

⁽⁹⁾ OJ L 18, 23. 1. 1999, p. 16.

- 30 tonnes of boned beef held by the Spanish intervention agency,
- 273 tonnes of boned beef held by the Danish intervention agency.

Detailed information concerning the beef is given in Annex I.

2. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulation (EEC) No 2173/79, and in particular Titles II and III thereof, and Regulations (EEC) No 2182/77 and (EEC) No 3002/92.

Article 2

1. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, this Regulation shall serve as a general notice of invitation to tender.

The intervention agencies concerned shall draw up notices of invitation to tender for each sale, setting out in particular:

- (a) the quantities of beef put up for sale; and
- (b) the deadline and place for the submission of tenders.

2. Particulars of the quantities and the places where the products are stored may be obtained by the parties concerned at the addresses set out in Annex II. The intervention agencies shall, in addition, display the notices referred to in paragraph 1 at their head offices and may also publish them in other ways.

3. The intervention agencies shall sell first beef as referred to in Annex I which has been in storage the longest time.

4. Only tenders reaching the intervention agencies by 12 noon on 23 February 1999 shall be considered.

5. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, tenders must be submitted to the intervention agency concerned in sealed envelopes bearing a reference to this Regulation. The sealed envelopes must not be opened by the intervention agency before the deadline for submission as referred to in paragraph 4 has expired.

6. Notwithstanding Article 8(2)(b) of Regulation (EEC) No 2173/79, tenders shall not specify the store or stores where the products are held.

Article 3

1. Not later than the working day following the closing date for the submission of tenders, the Member States shall send the Commission details of tenders received.

2. Following scrutiny of the tenders, a minimum selling price shall be set for each product or no award shall be made.

Article 4

1. Tenders shall be valid only if presented by or on behalf of a natural or legal person who, during the 12 months preceding the entry into force of this Regulation, has been engaged in the manufacture of processed products containing beef and who is entered in a national VAT register. In addition, tenders shall be presented by or on behalf of a processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC⁽¹⁾.

2. Notwithstanding Article 3(1) and (2) of Regulation (EEC) No 2182/77, tenders shall be accompanied by:

- a written undertaking by the tenderer to process the meat into the products specified in Article 5 within the period referred to in Article 5(1) of Regulation (EEC) No 2182/77,
- precise details of the establishment or establishments where the meat which has been purchased is to be processed.

3. Tenderers as referred to in paragraph 1 may instruct an agent in writing to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the bids of the tenderers whom he represents together with the written instruction referred to above.

4. Notwithstanding Article 18(1) of Regulation (EEC) No 2173/79, the delivery period shall run for two months from the date of the notification as referred to in Article 11 of that Regulation.

5. The purchasers and agents referred to in the preceding paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view in particular to ensuring that the quantities of products purchased and manufactured tally.

Article 5

1. Meat purchased in accordance with this Regulation shall be processed into products which comply with the definition of 'A' products set out in paragraph 2.

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 85.

2. An 'A' product means a processed product falling within CN codes 1602 10, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 % ⁽¹⁾ and containing by weight at least 20 % ⁽²⁾ of lean meat excluding offal ⁽³⁾ and fat, with meat and jelly accounting for at least 85 % of the total net weight.

The product must be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product, which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

Article 6

1. Member States shall set up a system of physical and documentary supervision to ensure that all meat is processed in accordance with Article 5.

The system must include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors must at any time be able to demonstrate the identity and use of the meat through appropriate production records.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's recipe Member States shall undertake representative sampling and analysis of the product. The costs of such operations shall be borne by the processor concerned.

2. Member States may, at the request of the processor, authorise the boning of forequarters and hindquarters in an establishment other than that provided for in respect of processing provided the relevant operations take place in the same Member State under appropriate supervision.

3. Article 1 of Regulation (EEC) No 2182/77 shall not apply.

⁽¹⁾ Determination of collagen content: the collagen content shall be taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content shall be determined in accordance with ISO method 3496-1978.

⁽²⁾ The lean bovine meat content, excluding fat, shall be determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1. 8. 1986, p. 39).

⁽³⁾ Offal includes heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus gland with pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (uteri, ovaries, testes), thyroid glands, pituitary glands.

Article 7

1. The security provided for in Article 15(1) of Regulation (EEC) No 2173/79 shall be EUR 12 per 100 kilograms.

2. The security provided for in Article 4(1) of Regulation (EEC) No 2182/77 shall be equal to:

- the difference in euro between the price tendered per tonne and EUR 1 300 for bone-in forequarters,
- the difference in euro between the price tendered per tonne and EUR 2 000 for bone-in hindquarters,
- the difference in euro between the price tendered per tonne and EUR 2 500 for boned beef.

3. Notwithstanding Article 5(3) of Regulation (EEC) No 2182/77, the processing of all beef purchased into finished products as referred to in Article 5 shall constitute a principal requirement.

Article 8

Notwithstanding Article 9 of Regulation (EEC) No 2182/77, in addition to the entries provided for in Regulation (EEC) No 3002/92:

- Box 104 of T 5 control copies shall contain one or more of the following:
 - Para transformación [Reglamentos (CEE) n° 2182/77 y (CE) n° 384/1999]
 - Til forarbejdning (forordning (EØF) nr. 2182/77 og (EF) nr. 384/1999)
 - Zur Verarbeitung bestimmt (Verordnungen (EWG) Nr. 2182/77 und (EG) Nr. 384/1999)
 - Για μεταποίηση [κανονισμοί (ΕΟΚ) αριθ. 2182/77 και (ΕΚ) αριθ. 384/1999]
 - For processing (Regulations (EEC) No 2182/77 and (EC) No 384/1999)
 - Destinés à la transformation [règlements (CEE) n° 2182/77 et (CE) n° 384/1999]
 - Destinate alla trasformazione [Regolamenti (CEE) n. 2182/77 e (CE) n. 384/1999]
 - Bestemd om te worden verwerkt (Verordeningen (EEG) nr. 2182/77 en (EG) nr. 384/1999)
 - Para transformação [Regulamentos (CEE) n.º 2182/77 e (CE) n.º 384/1999]
 - Jalostettavaksi (Asetukset (ETY) N:o 2182/77 ja (EY) N:o 384/1999)
 - För bearbetning (Förordningarna (EEG) nr 2182/77 och (EG) nr 384/1999),
- Box 106 of T 5 control copies shall contain the date of conclusion of the contract of sale.

Article 9

Regulation (EC) No 2759/98 is hereby repealed.

Article 10

This Regulation shall enter into force on 23 February 1999.

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

*ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I*

Estado miembro	Productos (1)	Cantidad aproximada (toneladas)
Medlemsstat	Produkter (1)	Tilnærmet mængde (tons)
Mitgliedstaat	Erzeugnisse (1)	Ungefähre Mengen (Tonnen)
Κράτος μέλος	Προϊόντα (1)	Κατά προσέγγιση ποσότητα (τόνοι)
Member State	Products (1)	Approximate quantity (tonnes)
État membre	Produits (1)	Quantité approximative (tonnes)
Stato membro	Prodotti (1)	Quantità approssimativa (tonnellate)
Lidstaat	Producten (1)	Hoeveelheid bij benadering (ton)
Estado-membro	Produtos (1)	Quantidade aproximada (toneladas)
Jäsenvaltio	Tuotteet (1)	Arvioitu määrä (tonneina)
Medlemsstat	Produkter (1)	Ungefärlig kvantitet (ton)

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

FRANCE	— Quartiers avant	1 000
	— Quartiers arrière	1 000
DEUTSCHLAND	— Vorderviertel	500
	— Hinterviertel	1 000
DANMARK	— Forfjerdinger	880
	— Bagfjerdinger	500
ITALIA	— Quarti anteriori	1 000
	— Quarti posteriori	1 000
ÖSTERREICH	— Vorderviertel	311
	— Hinterviertel	500
NEDERLAND	— Voorvoeten	34
	— Achtervoeten	200
ESPAÑA	— Cuartos delanteros	500
	— Cuartos traseros	500
IRELAND	— Forequarters	388

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

FRANCE	— Jarret arrière d'intervention (INT 11)	77
	— Avant d'intervention (INT 24)	129
	— Flanchet d'intervention (INT 18)	500
	— Jarret avant d'intervention (INT 21)	100
	— Épaule d'intervention (INT 22)	544

UNITED KINGDOM	— Intervention shank (INT 11)	500
	— Intervention thick flank (INT 12)	500
	— Intervention topside (INT 13)	500
	— Intervention silverside (INT 14)	500
	— Intervention rump (INT 16)	500
	— Intervention flank (INT 18)	500
	— Intervention forerib (INT 19)	500
	— Intervention shin (INT 21)	500
	— Intervention shoulder (INT 22)	500
	— Intervention brisket (INT 23)	500
	— Intervention forequarter (INT 24)	500
IRELAND	— Intervention shank (INT 11)	500
	— Intervention flank (INT 18)	500
	— Intervention shin (INT 21)	500
	— Intervention shoulder (INT 22)	500
	— Intervention brisket (INT 23)	500
	— Intervention forequarter (INT 24)	500
	— Intervention thick flank (INT 12)	500
	— Intervention topside (INT 13)	500
	— Intervention silverside (INT 14)	500
	— Intervention rump (INT 16)	500
ESPAÑA	— Palda (INT 18)	30
	— Interventionsbryst (INT 23)	273

(¹) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4. 9. 1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n° 2812/98 (DO L 349 de 24. 12. 1998, p. 47).

(²) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4. 9. 1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24. 12. 1998, s. 47).

(³) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4. 9. 1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24. 12. 1998, S. 47).

(⁴) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4. 9. 1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24. 12. 1998, σ. 47).

(⁵) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2812/98 (OJ L 349, 24.12.1998, p. 47).

(⁶) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4. 9. 1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2812/98 (JO L 349 du 24. 12. 1998, p. 47).

(⁷) Cfr. allegato V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24. 12. 1998, pag. 47).

(⁸) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4. 9. 1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24. 12. 1998, blz. 47).

(⁹) Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4. 9. 1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24. 12. 1998, p. 47).

(¹⁰) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2812/98 (EYVL L 349, 24.12.1998, s. 47) liitteet V ja VII.

(¹¹) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2812/98 (EGT L 349, 24.12.1998, s. 47).

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

BUNDESREPUBLIK DEUTSCHLAND

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Postfach 180203, D-60083 Frankfurt am Main
Adickesallee 40
D-60322 Frankfurt am Main
Tel.: (49) 69 1564-704/772; Telex: 411727; Telefax: (49) 69 15 64-790/791

DANMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
EU-direktoratet
Kampmannsgade 3
DK-1780 København V
Tlf. (45) 33 92 70 00; telex 151317 DK; fax (45) 33 92 69 48, (45) 33 92 69 23

ESPAÑA

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Tel.: (34) 913 47 65 00 / 913 47 63 10; télex: FEGA 23427 E / FEGA 41818 E; fax: (34)
915 21 98 32 / 915 22 43 87

ITALIA

AIMA (Azienda di Stato per gli interventi nel mercato agricolo)
Via Palestro, 81
I-00185 Roma
Tel. 49 49 91; telex 61 30 03; telefax: 445 39 40/445 19 58

NEDERLAND

Ministerie van Landbouw, Natuurbeheer en Visserij, Voedselvoorzienings- en verkoopbureau
p/a LASER, Zuidoost
Slachthuisstraat 71
Postbus 965
6040 AZ Roermond
Tel. (31-475) 35 54 44; telex: 56396 VIBNL; fax (31-475) 31 89 39

ÖSTERREICH

AMA-Agrarmarkt Austria
Dresdner Straße 70
A-1201 Wien
Tel.: (431) 33 15 12 20; Telefax: (431) 33 15 1297

UNITED KINGDOM

Intervention Board Executive Agency
Kings House
33 Kings Road
Reading RG1 3BU
Berkshire
United Kingdom
Tel. (01189) 58 36 26
Fax (01189) 56 67 50

FRANCE

OFIVAL

80, avenue des Terroirs-de-France

F-75607 Paris Cedex 12

Téléphone: (33 1) 44 68 50 00; télex: 215330; télécopieur: (33 1) 44 68 52 33

IRELAND

Department of Agriculture, Food and Forestry

Agriculture House

Kildare Street

Dublin 2

Ireland

Tel. (01) 678 90 11, ext. 2278 and 3806

Telex 93292 and 93607, telefax (01) 661 62 63, (01) 678 52 14 and (01) 662 01 98

COMMISSION REGULATION (EC) No 385/1999**of 19 February 1999****on the submission of tenders for the award of contracts to supply agricultural products to Russia in application of Council Regulation (EC) No 2802/98 and postponing the deadlines for such supplies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2802/98 of 17 December 1998 on a programme to supply agricultural products to the Russian Federation⁽¹⁾, and in particular Article 4(2) thereof,

Whereas, for the purpose of applying Regulation (EC) No 2802/98, the Commission opened invitations to tender to establish the costs of supplying wholly milled rice, skimmed-milk powder, beef, pigmeat, and common wheat and rye of bread-making quality by Regulations (EC) No 155/1999⁽²⁾, (EC) No 156/1999⁽³⁾, (EC) No 157/1999⁽⁴⁾, (EC) No 158/1999⁽⁵⁾, (EC) No 190/1999⁽⁶⁾ and (EC) No 159/1999⁽⁷⁾ respectively;

Whereas, by Regulation (EC) No 282/1999⁽⁸⁾, the Commission decided not to award contracts on the basis of the tenders mentioned above during the period ending on 2 February 1999; whereas it postponed the second period for the submission of tenders as originally provided for and the two periods set for the invitation to tender for the supply of pigmeat;

Whereas the additional measures taken in cooperation with the Russian authorities to ensure the successful execution of the operations have been completed and it is now possible to set new periods for the submission of tenders under the above invitations to tender and therefore to postpone the deadlines initially set for supplying the products to the sea-ports and frontier points of destination; whereas, also, information has been disseminated designed to improve operators' awareness of the conditions governing the admissibility of the tenders;

Whereas the relevant management committees have not delivered opinions within the time limits set by their chairmen,

1. In respect of the invitations to tender opened by Regulations (EC) No 155/1999 and (EC) No 156/1999 (wholly milled rice), (EC) No 157/1999 (skimmed-milk powder), (EC) No 158/1999 (beef) and (EC) No 159/1999 (common wheat and rye of bread-making quality), the initial period for the submission of tenders shall end at 12 noon, Brussels time, on 2 March 1999.

The deadlines set for the supply of the various lots in the above Regulations are postponed by four weeks.

2. If no contract is awarded for a lot at the end of the first period a second period for the submission of tenders shall be opened and shall end at 12 noon, Brussels time, on 16 March 1999.

In that case the deadline for the supply of the lot pursuant to the second subparagraph of paragraph 1 is postponed by two weeks.

Article 2

1. In respect of the invitation to tender for the mobilisation of pigmeat on the Community market opened by Regulation (EC) No 190/1999, the initial period for the submission of tenders shall end at 12 noon, Brussels time, on 8 March 1999.

The deadlines set for the supply of the various lots in Regulation (EC) No 190/1999 are postponed by four weeks.

2. If no contract is awarded for a lot at the end of the first period a second period for the submission of tenders shall be opened and shall end at 12 noon, Brussels time, on 22 March 1999.

In that case the deadline for the supply of the lot pursuant to the second subparagraph of paragraph 1 is postponed by two weeks.

⁽¹⁾ OJ L 349, 24. 12. 1998, p. 12.

⁽²⁾ OJ L 18, 23. 1. 1999, p. 19.

⁽³⁾ OJ L 18, 23. 1. 1999, p. 24.

⁽⁴⁾ OJ L 18, 23. 1. 1999, p. 28.

⁽⁵⁾ OJ L 18, 23. 1. 1999, p. 33.

⁽⁶⁾ OJ L 21, 28. 1. 1999, p. 14.

⁽⁷⁾ OJ L 18, 23. 1. 1999, p. 42.

⁽⁸⁾ OJ L 33, 6. 2. 1999, p. 18.

Article 3

The successful tenderer shall ensure that the special stamp shown in the Annex hereto is inserted in the transport documents established in accordance with the invitations to tender opened by Regulations (EC) No 156/1999, (EC) No 157/1999, (EC) No 158/1999 and (EC) No 159/1999.

Article 4

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

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

Done at Brussels, 19 February 1999.

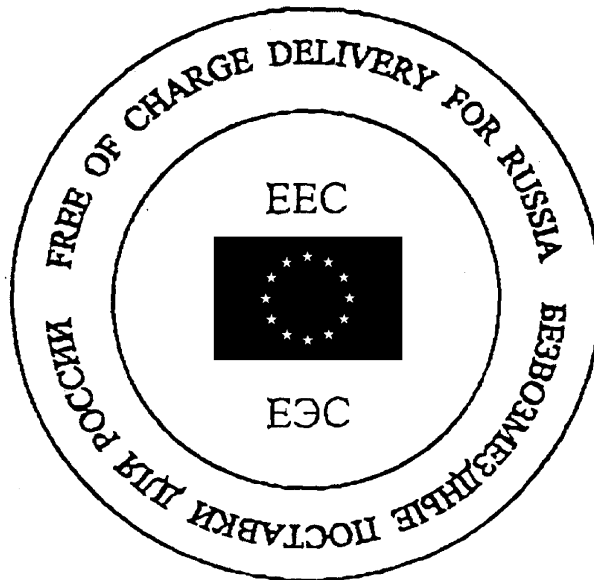
For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Special stamp to seal in transport documents



COMMISSION REGULATION (EC) No 386/1999
of 19 February 1999
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

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

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1379/98⁽⁵⁾, as last amended by Regulation (EC) No 208/1999⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 February 1999.

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 85, 20. 3. 1998, p. 5.

⁽⁵⁾ OJ L 187, 1. 7. 1998, p. 6.

⁽⁶⁾ OJ L 22, 29. 1. 1999, p. 57.

ANNEX

to the Commission Regulation of 19 February 1999 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	14,87	9,24
1701 11 90 ⁽¹⁾	14,87	15,54
1701 12 10 ⁽¹⁾	14,87	9,01
1701 12 90 ⁽¹⁾	14,87	15,02
1701 91 00 ⁽²⁾	19,55	16,72
1701 99 10 ⁽²⁾	19,55	11,27
1701 99 90 ⁽²⁾	19,55	11,27
1702 90 99 ⁽³⁾	0,20	0,44

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

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

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 February 1998

on development aid granted by Germany for the construction of a dredger sold to Indonesia

(notified under document number C(1998) 583)

(Only the German text is authentic)

(Text with EEA relevance)

(1999/142/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93(2) thereof,

Having regard to Council Directive 90/684/EEC of 21 December 1990 on aid to shipbuilding ⁽¹⁾, as extended by Council Regulation (EC) No 3094/95 of 22 December 1995 on aid to shipbuilding ⁽²⁾, as last amended by Regulation (EC) No 2600/97 ⁽³⁾, and in particular Article 4(7) thereof,

Having, in accordance with Article 93 of the EC Treaty, given notice to the parties concerned to submit their comments, and having regard to those comments,

Whereas:

I

By letter dated 3 January 1996, the European Dredging Association lodged a complaint concerning the sale of three dredgers by Germany to Indonesia. The Association suspected that the aid granted in connection with the sale was in breach of Council Directive 90/684/EEC (Seventh Directive on aid to shipbuilding). According to the letter,

the aid appeared to enable the supplier to charge a price below the market price in Taiwan and Thailand where the supplier participated in international tenders in competition with other companies supplying dredging services.

By letter SG(94) D/6533 of 17 May 1994 to Germany, the Commission had approved the granting of development aid in connection with the sale of three dredgers by Volkswerft Stralsund to the Indonesian public corporation Pengerukan ('Rukindo'). Rukindo is a State limited-liability corporation, 100 % of its shares being owned by the Ministry of Finance. The development aid was granted in the form of a loan from the Reconstruction Loan Corporation (Kreditanstalt für Wiederaufbau). The loan covered 90 % of the contract value for a period of 11 years at an interest rate of 3,5 %. The OECD aid equivalent was 25,35 %. The borrower was the Republic of Indonesia, represented by the Ministry of Finance.

In the German notification of the proposed aid submitted on 24 March 1994, it was stipulated in which locations in Indonesia the dredgers were to be used. In its letter to Germany approving the aid, the Commission stated that the dredgers were to be used only in Indonesia ('Die neuen Bagger sollen allein in Indonesien eingesetzt werden, ...').

⁽¹⁾ OJ L 380, 31. 12. 1990, p. 27.

⁽²⁾ OJ L 332, 30. 12. 1995, p. 1.

⁽³⁾ OJ L 351, 23. 12. 1997, p. 18.

II

Since the use of the dredgers appeared to differ from the conditions under which the aid was approved and since no amendments had been notified by Germany, the Commission sent a letter to the German Government on 31 July 1996 requesting information on the use made of the vessels, the level of aid granted and the financial situation of the Indonesian company.

Following an extension of the time limit, the German Government provided the relevant information by letter dated 6 November 1996. The letter confirmed that one dredger had been used outside Indonesian territorial waters, in Malaysia. The letter did not mention any operations in Taiwan or Thailand, as reported by European Dredging Association.

The German Government claimed that the dredger could not operate optimally in Indonesian waters due to delays in a number of large harbour-building projects for which the dredger had originally been acquired. Furthermore, the use of the dredger in Malaysia formed part of a subcontracting order for an Indonesian firm, and Rukindo had not participated directly in international invitations to tender. Furthermore, the German authorities undertook that they would draw the Indonesian government's attention to the fact that the use of the dredgers must be in accordance with the purpose for which they had originally been acquired.

The German Government could not provide information on Rukindo's financial situation since this subordinated body did not draw up any certified and informative annual reports and since no direct loan relationships existed with the company.

III

In the light of the answer given by the German Government, the Commission took the view that the manner in which the dredgers had been used did not comply with the approval given by the Commission in its letter of 17 May 1994 and with the development aid conditions laid down in Article 4(7) of the Seventh Directive on aid to shipbuilding. At that stage it was not clear whether the project had a development content.

Accordingly, the Commission decided to initiate Article 93(2) proceedings in order to allow it to examine whether the aid had been granted and used in line with its approval of 17 May 1994, and in particular whether the development content of the aid project and its overall

compatibility with the common market were still in evidence. The German Government was informed of this by letter dated 15 April 1997.

IV

Following publication of a notice on the initiation of proceedings⁽¹⁾, the Danish Government and European Dredging Association submitted their comments. They took the view that the use of the dredgers was not in accordance with the conditions laid down in the Commission's approval and was in breach of the Seventh Directive on aid to shipbuilding.

The comments were transmitted to the German Government by letter dated 25 August 1997 in order to give the German Government the opportunity to submit a reply.

V

The German Government reacted to the initiation of proceedings by letter dated 18 June 1997 and to the comments of the Danish Government and the European Dredging Association by letter dated 9 October 1997. Germany's comments can be summarised as follows:

The dredgers were purchased primarily for deepening the harbours at Tanjung Priok, Batam, Bojonogara, Surabaya, Belawan, Semarang, Panjang and Ujung Pandang. The harbour-deepening projects were delayed because of financing problems, with the result that dredging work could be carried out only in the harbours of Belawan, Tanjung Priok and Surabaya. Neither Rukindo nor the Kreditanstalt für Wiederaufbau could be held responsible for the delays.

The dredger KK Aru II was employed in Malaysia for 173 days in 1995 and for 156 days in 1996, although the actual operational time was considerably less than the overall time spent in Malaysian waters on account of damage to the dredging pumps and the sea valves. In 1996 KK Aru II was the only one of PT Rukindo's fleet of 32 dredgers employed abroad.

In initiating the proceedings, the Commission referred to information that one vessel had been used in Thailand. In the German Government's view, the vessel involved was none of the three dredgers in question, but rather the KK Irian Jaya, which had been employed in Thailand for 31 days between 21 April and 29 May 1994.

The German Government stated that the dredgers were designed specially for the work in Indonesia, which required a deeper draught than the dredgers in service at the time. To be able to work effectively, the dredgers need a water depth of about eight metres. It was argued that the greater draught of these dredgers restricted the possibilities for alternative use in other Indonesian harbours and waterways. In order to limit periods of inactivity as far as possible and to recoup at least a portion of the fixed costs (personnel costs, capital costs, etc.), Rukindo saw no option but to tender the services of the dredgers to other

⁽¹⁾ OJ C 192, 24. 6. 1997, p. 9.

dredging firms which then used the vessels outside Indonesia. This action did not run counter to the primary objective of developing the Indonesian transport infrastructure. Furthermore, the German Government stated that the completion of work on domestic projects continued to have absolute priority. Periods of use abroad were only during slack periods when harbour extension projects were delayed. The leasing-out of the dredgers for use abroad should rather be seen as an effort to make efficient use of the development aid by generating additional capital for the project in the form of foreign currency. It was also argued that the temporary deployment of the dredgers in foreign waters provided experience which could help to increase efficiency and improve competitiveness in the domestic market.

The German Government also emphasised that Rukindo was not involved directly in any international tendering procedures, so that it was never in direct competition with other international dredging companies. Only twice had Rukindo requested tender documents, but in neither case had it participated in the tender. The vessels were hired out on a subcontract basis and only during slack periods when they would otherwise have been idle. Rukindo thus had no direct influence on the pricing of services by the main tendering contractor, especially since the usual practice was for the main contractor not to enter into negotiations with the various dredging companies until after being awarded the contract.

Finally, the German Government said it would take the necessary steps to make clear to the Indonesian Government the problems involved in using the vessels abroad.

VI

According to Article 4(7) of the Seventh Directive on aid to shipbuilding, aid granted as development assistance to a developing country is not subject to the ceiling set by the Commission under Article 4(2). It may be deemed compatible with the common market if it complies with the terms laid down for that purpose by OECD Working Party No 6 in its Agreement concerning the interpretation of Articles 6 to 8 of the Understanding on Export Credits for Ships or with any corrigendum to the said Agreement⁽¹⁾. The Commission must be given prior

notification of any such individual aid proposal. It is required to verify the particular development content of the proposed aid and satisfy itself that it falls within the scope of the Agreement.

The Court of Justice held in Case C-400/92 that 'it is precisely the examination of this particular content which enables the Commission to ensure that aid based on Article 4(7) and intended to reduce the cost of vessels for certain developing countries pursues, in the light of the specific conditions of its application, a genuine development objective and does not, despite the fact that it complies with the OECD criteria, constitute aid in favour of a shipyard in a Member State which must be subject to the ceiling ...'⁽²⁾.

At this stage the Commission is taking a decision only regarding the vessel KK Aru II. The manner in which the two other vessels CD Bantang Anai and FF Bali II were used is still under investigation. The German Government has confirmed that KK Aru II has not been deployed exclusively in Indonesia, but has been used for more than 300 days outside Indonesia since it was delivered. Consequently, the vessel has not been used in accordance with the Commission's approval of the development project⁽³⁾ and the aid has therefore been misused.

The vessel has been employed commercially in Malaysia under contracts put out to tender. It should be noted that Malaysia is not on the list of countries eligible for development aid.

Germany put forward a range of arguments to show that the development content of the aid was intact and that the aid had not been misused. The use outside Indonesia did not run counter to the primary objective of developing Indonesia's infrastructure. The deeper draught restricted the possibilities for alternative employment in other Indonesian harbours and waterways. The use outside Indonesia served to limit periods of inactivity and recoup a portion of the fixed costs. Such use occurred only during slack periods when the vessel would otherwise have been idle and was thus an effort to employ development funds as efficiently as possible.

Such arguments could perhaps have been accepted if it had been proven that the use outside Indonesia was absolutely exceptional, both in terms of the period of time covered and the commercial factors involved, and that it was due to developments beyond the control of the government and unforeseeable at the time when the aid was granted. However, KK Aru II has been employed outside Indonesia for more than 300 days since 1994. Such use cannot be considered to be exceptional. Furthermore, the vessel was utilised on a purely commercial basis

⁽¹⁾ Commission letters to Member States SG(89) D/311 and SG(97) D/4341.

⁽²⁾ [1994] ECR I-4701, at paragraph 21.

⁽³⁾ Letter SG(94) D/6533.

in a country which is not eligible for development aid, and there is no clear link between the employment outside Indonesia and the use of the vessel for the development of Indonesia. Furthermore, the substantial use of the vessel outside Indonesia may have generated considerable financial returns which in themselves would make the aid unnecessary. In addition, had the Commission known at the time of the notification that the vessel would be used on a commercial basis in Malaysia, it would not have approved the aid. For all these reasons, the Commission considers that the development aid is unnecessary.

The German authorities further argue that the vessels were hired out on a subcontracting basis. Rukindo was not involved directly in any international tendering procedures and was never in direct competition with other dredging companies. Rukindo had no direct influence on the pricing of services by the main tendering contractor. The German Government would take the necessary steps to make clear to Indonesia the problems involved in using the vessels abroad.

The Commission considers that these arguments are irrelevant since the commercial use of the vessel in a country which is not eligible for development aid is unacceptable regardless of the fact that Rukindo was not directly involved in such activity. Furthermore, it must be borne in mind that the German Government does not contest the fact that the vessels were provided at below market price. The conclusion remains that the use of the vessel does not justify development aid.

On these grounds, the Commission considers that the aid granted in relation to the construction of the dredger KK Aru II by Volkswerft Stralsund and its sale to Rukindo has been misused. Furthermore, the aid cannot be considered to be genuine development aid within the meaning of Article 4(7) of the Seventh Directive. The aid distorts or threatens to distort competition within the common market and affects trade between Member States in relation to shipbuilding to an extent contrary to the common interest within the meaning of Article 92(3) of the EC

Treaty and in particular to Article 4(7) of the Seventh Directive,

HAS ADOPTED THIS DECISION:

Article 1

The aid granted by Germany for the construction of the dredger KK Aru II by Volkswerft Stralsund and its sale to Rukindo is incompatible with the common market since it has been misused in breach of the approval given by the Commission in its letter SG(94) D/6533. The aid cannot be considered to be genuine development assistance within the meaning of Article 4(7) of Directive 90/684/EEC.

Article 2

Germany shall revoke the aid referred to in Article 1 and shall ensure that it is recovered. Recovery shall be made in accordance with the procedures and provisions of German law with interest, based on the interest rate used as reference rate in the assessment of regional aid schemes, running from the date on which the aid was granted until such time as it is actually recovered.

Article 3

Germany shall inform the Commission, within two months of the date of notification of this Decision, of the measures taken to comply therewith.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 25 February 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 14 July 1998

on State aid in favour of Fabricantes Vascos de Herramientas SA (Favahe SA) and its successors

(notified under document number C(1998) 2362)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(1999/143/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93(2) thereof,

Having given the parties concerned the opportunity to submit their comments, in accordance with Article 93,

Whereas:

I

By letter dated 19 November 1996 (SG(96) D/9851), the Commission informed the Spanish Government of its decision to initiate Article 93(2) proceedings against aid in favour of the group Fabricantes Vascos de Herramientas SA (Favahe), a Basque manufacturer of hand tools.

Favahe's headquarters and production plants were located in the Basque Country (Vitoria and Irún), which is an area eligible for regional aid within the meaning of Article 92(3)(c).

The group was created in 1982 with a view to rationalising the supply of various hand tool producers in the Basque Country and adapting it to demand. However, the expected positive results did not materialise. The group undertook various restructuring measures up to 1991, but failed to improve the financial situation. In 1990 the enterprise made losses of ESP 457 million and in 1991 the losses rose to ESP 686 million.

In 1992 a new strategic plan was drafted, envisaging positive results for the group by 1994. The plan included, among other measures, the optimisation of the supply of the various companies in the group, coordination of the companies' administrative structures, the reorganisation and rationalisation of production activities (with each company concentrating on only one sector of the market), and a reduction of the workforce, from 1 153 in 1992 to 714 in 1994.

In order to finance the restructuring measures, Favahe applied for a guarantee from the Basque Autonomous Government under Decree No 628/91, to cover bank loans totalling ESP 825 million, which would be used to implement the restructuring plan.

Decree No 628/91 established an aid scheme under which restructuring aid could be granted to firms located in the region. The aid was to be given in the form of guarantees covering an amount proportionate to the firm's difficulties. By letter dated 28 April 1992, the Commission informed the Spanish authorities that it had decided to raise no objections to the aid scheme, but that the Commission would have to be notified of guarantees given to firms with more than 250 employees.

The guarantee in favour of Favahe was granted in December 1992 for a period of seven years with a two-year grace period. The Spanish Government, however, had failed to notify the granting of the aid, despite the fact that the Favahe companies had more than 250 employees.

Since the restructuring plan did not have the expected results, and the company went on making losses of some ESP 580 million in 1994, Favahe filed for voluntary bankruptcy on 7 April 1995.

The Commission received several complaints regarding possible aid in the context of the bankruptcy procedure. According to the complainants, Favahe's assets had been transferred to a newly created company, Herramientas Eurotools SA, which had several Favahe executives on its Board of Directors. The new firm, Herramientas Eurotools SA, was later acquired by the American multinational Snap-on, which paid ESP 1 200 million to the Basque Regional Government and to the Guipúzcoa and Alava provincial councils. This company marketed hand tools under the brand names originally used by Favahe, namely 'Acesa', 'Irimo' and 'Palmera'.

The Commission considered that the guarantee given by the Basque Government constituted aid within the meaning of Article 92(1) of the Treaty and Article 61(1) of the EEA Agreement, and that it was unlawful, since in granting it the Spanish Government did not comply with the obligation, imposed by the Commission in its authorisation of 28 April 1992, of notifying the granting of guarantees to firms with more than 250 employees, in accordance with Article 93(3) of the Treaty.

At the time, the Commission had been unable to obtain information from the Spanish Government enabling it to determine whether, after the conditions of the approved scheme had not been satisfied, any action was taken in relation to the aid, and whether the guarantee was mobilised at the time of the firm's bankruptcy. Neither could the Commission, on the basis of the information available, determine the existence of any possible new aid involved in the bankruptcy of Favahe, the creation of Herramientas Eurotools and its acquisition by Snap-on.

The Commission therefore felt that it was necessary to carry out an in-depth analysis, pursuant to Article 93(2) of the Treaty, of the guarantee given to Favahe, and of any possible new aid element that might have been present in subsequent events, in order to determine whether the aid could be considered compatible with the common market, on the basis of the derogations contained in Article 92(3) of the Treaty and Article 61(3) of the EEA Agreement.

II

The letter to the Spanish Government was published in the *Official Journal of the European Communities*⁽¹⁾ and invited the other Member States and interested parties to submit their comments on the measures. The Commission received comments from two of Favahe's competitors (one German, one British) as well as from the Italian and the French hand tool manufacturers' associations. Those comments stated that the aid received by the companies had given them an unfair competitive advantage which helped them to sell their products at lower-than-market prices.

The British competitor considered that Favahe had received aid from the regional authorities which had enabled it to sell its products cheaply and to consolidate its supply on the market. According to this competitor, this had given the acquirer Snap-on, an unfair competitive advantage in comparison with other European and British hand tool manufacturers.

The German competitor mentioned its offer to acquire Herramientas Eurotools, which never obtained an answer.

According to the Italian association Assoutensili (Associazione Nazionale Industrie degli Utensili a Mano e Strumenti di Misura), its members, the leading Italian manufacturers of the same type of products as Favahe, had had to face aggressive competition from Favahe, which was probably due to the aid it had received. The association also mentioned that there had been no invitation to bid for the purchase of Favahe and that a 'selected' purchaser had been able to benefit from a 'favour' which distorted competition.

The French Federation of Mechanical Engineering argued that the creation of Herramientas Eurotools had been an 'artificial' operation aimed at transferring Favahe's assets to Eurotools while the company's tax and social debts were not included in the transfer. Hence Eurotools was able to compete aggressively in various Member States, distorting competition and selling at prices lower than those of the rest of the market.

It also provided information on the prices of various competitors located in several Member States (e.g. Spain, Italy, Germany, France and the United Kingdom), in comparison with Palmera and Acesa prices, as well as the quantities (in tonnes) of various types of 'standard' hand tool exported and imported in 1995 from and to Germany, France, Italy, the United Kingdom and Spain.

III

The Spanish authorities sent their comments on the proceedings by letters dated 24 July 1997, 9 October 1997, 20 October 1997 and 30 October 1997.

In those letters they again emphasised the difficult financial situation that Favahe had had to face in the early 1990s.

The 'Strategic Plan' was drafted in 1992 with the object of resolving that situation. That plan, a copy of which was submitted to the Commission included, among other measures, an overhaul of all production lines, a strategy for improving marketing, the introduction of a total quality system and continuation of the search for a partner to strengthen the group's strategic position in the medium and the long term. On the other hand, however, the plan contained no information on the market situation within the specific industrial sector in which the firm was operating, nor on the foreseeable development of supply and demand on that market on the basis of different scenarios using optimistic, pessimistic and average assumptions.

Favahe did not manage to finance the restructuring on its own, and therefore requested a guarantee from the Basque Government under Decree No 628/91, to cover loans totalling ESP 825 million to finance the implementation of the strategic plan.

⁽¹⁾ OJ C 71, 7. 3. 1997, p. 2.

The Basque Government studied the plan and concluded that it fulfilled the requirement of restoring the viability of the enterprise in the long term, and re-establishing its solvency within a reasonable period. For that reason, it decided to grant the guarantees in December 1992.

As regards the possibility that the aid granted was considered unlawful, the Spanish authorities admitted that they failed to fulfil their obligation to notify the measure, but stated that this was because the strategic plan required the measures to be implemented immediately, as a year had passed since aid had been requested and the plan presented.

The Spanish authorities also acknowledged that the restoration of viability had failed because the market had weakened more than foreseen in the plan, and the overall economic developments since 1991 had had negative effects on Favahe. The group's sales plummeted and losses increased. Subsequently, on 27 April 1995, the courts declared the group bankrupt.

The Spanish authorities then pointed out that Herramientas Eurotools was created before the bankruptcy proceedings and in accordance with normal commercial practice. The companies in the Favahe group contributed some of their assets but also their liabilities of the time to Eurotools' expansion; the company's capital was increased to make up for the difference between the two. All this was reflected in the accounts of the companies in the Favahe group. The charges on the assets were maintained. After the bankruptcy, holdings in Eurotools were included in the bankruptcy assets, just like any other asset, to meet the company's debts.

The courts declared the bankruptcy voluntary (under Spanish law, this happens when the court concludes that no fraud has occurred).

When Favahe's bankruptcy became known, the American company Snap-on expressed its interest in acquiring Eurotools shares which were included in the assets of the bankruptcy as well as any other assets. Snap-on made a bid to the receivers of the various companies to purchase all the shares at a combined price of ESP 1 200 million.

Snap-on also offered to finance the financial reconstruction of Eurotools and the agreement existing with the companies' trade union representatives with the purpose of paying the amounts owing in respect of reduction of the workforce, amounts which in any case have the nature of privileged and preferential debts with an independent right of execution under Spanish law. The additional

financial contributions offered by Snap-on amounted to ESP 1 800 million, bringing its total contribution to some ESP 3 000 million. This reduced the increase in the liabilities of the bankrupt companies, without which it would have been impossible for the creditors, which included the Basque Government itself, to recover anything.

Once the receivers had approved Snap-on's bid, it was submitted to the courts which, after ruling that the bankruptcies had been involuntary, formalised the sale of the shares. In accordance with the applicable legislation, the companies forming part of the group were later dissolved.

As to the existence or otherwise of other definite documented bids presented by other possible buyers apart from Snap-on, the Spanish Government maintains that the shares were sold in accordance with the bankruptcy procedure, with no intervention by the bankrupt companies. At the time, the Favahe receivers told the courts that other companies, in addition to Snap-on, had shown interest. One firm had expressed its initial interest but did not make a definitive offer. Talks also took place with other companies, but they did not end in a definite proposal. Most of these companies wanted to pay only a token price for the assets i.e. ESP 1. The receivers chose the Snap-on offer as the most advantageous.

IV

The Article 93(2) proceedings have clarified Favahe's situation and the circumstances in which the firm received public financial assistance. As regards the measures which gave rise to the initiation of Article 93(2) proceedings, the following conclusions may accordingly be drawn.

- (a) The information provided by the Spanish authorities shows that the bankruptcy took place in accordance with the legislation in force and that the sale of the company's assets was the solution which enabled Favahe's creditors to recover the greatest amount possible. The Basque Government included its debt in the assets of the bankruptcy and recovered the maximum possible under the bankruptcy proceedings. There was no scaling down of debts and a national court ruled that the bankruptcy proceedings were completely lawful and the Basque authorities had received no special treatment.
- (b) The Spanish authorities have given their written assurance that Eurotools received no aid of any kind.

(c) The ESP 825 million guarantee which was granted in 1992 undoubtedly constitutes aid within the meaning of Article 92(1) of the Treaty and Article 61(1) of the EEA Agreement. The aid element deriving from such a guarantee is generally equal to the difference between the interest rate on a loan raised on normal market terms and the actual interest rate secured by virtue of the guarantee. The Commission has consistently taken the view that whenever, because of an undertaking's severe financial circumstances, no credit institution would be prepared to lend to it without a State guarantee, the whole amount of the loan is to be regarded as aid (see Commission Decision 94/696/EC, Olympic Airways ⁽²⁾).

Since the guarantee was a precondition for the banks' financial involvement in Favahe (they provided the loans to finance its restructuring), it contains an obvious aid element which, because of the very high risk of the guarantee, fully matches the banks' financial involvement.

The aid could distort competition and affect trade between Member States. Goods in the hand tool industry are traded between Spain and other Member States. According to the information provided by Eurostat ⁽³⁾, in 1996 Spain exported 11 262 tonnes of hand tool products worth ECU 10,2 million to other Member States and imported 263 tonnes of hand tools worth ECU 0,9 million. In 1997, Spanish exports rose to 17 345 tonnes worth ECU 14,5 million and imports totalled 277 tonnes worth ECU 0,8 million. Favahe participated in this market, as the third parties' observations demonstrate and as the Spanish authorities admit. Thus, any aid could improve Favahe's position in the common market in comparison with other competitors, which received no State aid of any kind.

The guarantee was awarded unlawfully, as the Spanish Government did not notify that it was being granted despite the fact that the regional scheme under which the guarantees were granted to Favahe in 1992 required individual notification for guarantees to companies with more than 250 employees.

The guarantee cannot be considered compatible with the derogations set out in Article 92(2) and (3) of the Treaty.

⁽²⁾ OJ L 273, 25. 10. 1994, p. 22.

⁽³⁾ Product No 4417; Declarant: Spain.

As regards the possibility that the aid may conform to the derogations in Article 92(2) of the Treaty, it must be pointed out that these do not apply in this case in view of its characteristics and the fact that it does not claim to satisfy the conditions required for these derogations to apply.

It must also be noted that Favahe is not situated in an area eligible for regional aid under Article 92(3)(a) of the Treaty.

Moreover, even though the Favahe headquarters and production plants were located in a declining area within the meaning of Article 92(3)(c) of the Treaty, the objective of the aid was to assist a firm in economic difficulties to continue its activities on the market rather than to facilitate the economic development of a declining area.

Finally, the guarantee does not conform to the derogation provided for in Article 92(3)(c) of the Treaty in relation to the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽⁴⁾.

When Favahe obtained the loan in 1992, it was undoubtedly a firm in difficulties within the meaning of the guidelines (point 2.1), unable to recover through its own resources.

The objective of the guarantee granted by the Basque authorities was to help finance the restructuring plan devised by the group. However, according to point 3.2.2(i) of the guidelines, the *sine qua non* for the approval of such restructuring aid is the existence of a suitable restructuring plan, presented to the Commission, which enables the restoration of viability within a reasonable time-scale and, in particular, on the basis of realistic assumptions as to its future operating conditions. Thus, the restructuring plan must take account of:

- (a) the circumstances giving rise to the firm's difficulties;
- (b) the market situation within the specific industrial sector in which the firm operates;
- (c) the expected development of market supply and demand, comprising different scenarios based on optimistic, pessimistic and average assumptions;
- (d) the specific strengths and weaknesses of the firm.

⁽⁴⁾ OJ C 368, 23. 12. 1994, p. 12.

The Favahe restructuring plan presented to the Commission in particular made no reference to the market situation in the hand tool sector, nor to its development on the basis of different scenarios. If this had been the case, the plan would have had to take account of the steady deterioration in the hand tool market. According to the information available to the Commission⁽⁵⁾, this deterioration consisted in a 10 % fall in annual production in the Community hand tool industry in 1990 and 1994, compared with a 9,1 % increase in annual production from 1985 to 1990.

This economic development in the hand tool market was foreseeable when the restructuring plan was designed in 1992, and thus in the middle of the market's recession. With the short period, in the very near future, on which the plan had to base its assumptions (1992 to 1994), the prospects for an industrial market can be developed fairly accurately.

However, neither the restructuring plan itself nor the Basque authorities, in examining the possibilities of restoring Favahe's viability, took these circumstances in the industry into account.

The Commission, in its turn, and in applying the rules for approving restructuring aid, would have done so if it had had the opportunity of examining the guarantee before it was granted, and would not have approved the proposed guarantee without a detailed analysis of how the firm could survive in a declining market with steadily declining prospects.

In any case, bearing in mind that the Commission would not have approved the restructuring plan and the proposed guarantee in 1992, it could not do so now, in 1998, under the Community guidelines for rescuing and restructuring firms in difficulty.

The Commission must therefore conclude that the ESP 825 million guarantee granted to Favahe does not comply with any of the derogations in Article 92(2) and (3) of the Treaty and that this guarantee is incompatible with the Community rules on State aid.

V

In cases where aid is deemed incompatible with the common market, the Commission requires the Member State to reclaim the aid from the recipient (Commission

communication of 24 November 1983⁽⁶⁾; see also judgments of the Court of Justice of the European Communities in Case 70/72 Commission v. Germany⁽⁷⁾ and Case 310/85 Deufil v. Commission⁽⁸⁾). Since this applies to the measures in favour of Favahe SA which are the subject of the present Decision, the aid must be recovered. Nor does the fact that Favahe SA went bankrupt and disappeared from the market make any difference to this assessment.

The recovery of the aid must take place in accordance with Spanish law, including the rules on interest due for late payment of amounts owing to the State; interest runs from the date on which the aid was granted (Letter from the Commission to the Member States SG(91) D/4577 of 4 March 91; see also Case C-142/87 Belgium v. Commission⁽⁹⁾). In accordance with the case-law of the Court of Justice, the provisions relevant for the recovery of aid are to be applied in such a way that the recovery required by Community law is not rendered practically impossible. Any procedural or other difficulties in regard to the implementation of the measure cannot have any influence on its lawfulness⁽¹⁰⁾.

HAS ADOPTED THIS DECISION:

Article 1

The ESP 825 million guarantee granted by the Basque Government to Fabricantes Vascos de Herramientas SA and its successors is unlawful since it was granted by the Basque Government in breach of the Spanish authorities' obligation to inform the Commission, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid, as set out in Article 93(3) of the Treaty.

In accordance with Article 92(1) of the Treaty, the aid is incompatible with the common market, since it meets none of the conditions under which derogations can be granted contained in Article 92(2) and (3) of the Treaty.

Article 2

Spain shall ensure that the aid referred to in Article 1 is abolished and recovered in full within two months of the date of notification of this Decision.

The aid shall be recovered in accordance with the procedures and provisions of Spanish law, and include interest, from the date on which the aid was granted until the date it is actually repaid, with the rate applied being the reference rate used to calculate the net grant equivalent of regional aid in Spain.

⁽⁶⁾ OJ C 318, 24. 11. 1983, p. 3.

⁽⁷⁾ [1973] ECR 813.

⁽⁸⁾ [1987] ECR 901.

⁽⁹⁾ [1990] ECR I-959.

⁽¹⁰⁾ Cited in note 9, paragraphs 58 to 63.

⁽⁵⁾ *Panorama of EU Industry* 1997, Chapter 12.26.

These provisions shall be applied in such a way that the recovery required by Community law is not rendered practically impossible. Any procedural or other difficulties in regard to the implementation of the measure shall not have any influence on its lawfulness.

Article 3

The Spanish Government shall inform the Commission within two months of notification of this Decision of the measures it has taken to comply with it.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 14 July 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 332/98 of 12 February 1999 amending the export
refunds on pigmeat**

(Official Journal of the European Communities L 40 of 13 February 1999)

In the title on page 28 and in the contents:

for: '... Regulation (EC) No 332/98 ...',

read: '... Regulation (EC) No 332/1999 ...'.
