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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 449/1999 of 1 March 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

Commission Regulation (EC) No 450/1999 of 1 March 1999 on the supply of common wheat as food aid 3

Commission Regulation (EC) No 451/1999 of 1 March 1999 amending Regulation (EC) No 286/1999 on the supply of cereals as food aid 8

★ **Commission Regulation (EC) No 452/1999 of 1 March 1999 fixing the minimum yields for the granting of aid for the production of fibre flax and hemp 11**

Commission Regulation (EC) No 453/1999 of 1 March 1999 amending the import duties in the cereals sector 13

II *Acts whose publication is not obligatory*

Council

1999/160/EC, Euratom:

★ **Council Decision of 23 February 1999 appointing a member of the Economic and Social Committee 16**

1999/161/EC:

★ **Council Decision of 22 February 1999 appointing a member of the Committee of the Regions 17**

1999/162/EC:

★ **Council Decision of 22 February 1999 appointing an alternate member of the Committee of the Regions 18**

Commission

1999/163/EC:

- ★ **Commission Decision of 17 February 1999 laying down protection measures concerning trichinosis ⁽¹⁾ (notified under document number C(1999) 331)** 19

1999/164/EC:

- ★ **Commission Decision of 17 February 1999 concerning the non-inclusion of DNOC of active substance in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance ⁽¹⁾ (notified under document number C(1999) 332)** 21

Corrigenda

Corrigendum to Commission Regulation (EC) No 422/1999 of 25 February 1999 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty (OJ L 50 of 26.2.1999) 23

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 449/1999
of 1 March 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 2 March 1999.

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

Done at Brussels, 1 March 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 1 March 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	82,9
	204	48,1
	212	103,1
	624	184,0
	999	104,5
0707 00 05	052	115,6
	068	104,9
	999	110,3
0709 10 00	220	297,7
	999	297,7
0709 90 70	052	124,5
	204	175,7
	999	150,1
0805 10 10, 0805 10 30, 0805 10 50	052	40,0
	204	50,1
	212	43,7
	600	53,5
	624	54,1
0805 30 10	999	48,3
	052	41,1
	600	61,6
0808 10 20, 0808 10 50, 0808 10 90	999	51,3
	039	80,9
	060	36,7
	388	135,9
	400	79,5
	404	79,2
	508	59,4
	512	108,7
	528	98,1
	706	107,2
	720	97,6
	728	67,1
0808 20 50	999	86,4
	388	81,7
	400	81,1
	512	72,1
	528	72,9
	624	61,2
	999	73,8

⁽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 450/1999
of 1 March 1999
on the supply of common wheat as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to Bangladesh;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 ⁽²⁾ of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs,

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of common wheat to Bangladesh in accordance with the provisions of Regulation (EC) No 2519/97 and with the conditions laid down in Annex I hereto.

The offer submitted shall be deemed to have been drawn up taking account of the charges and constraints resulting from specific clauses set out in the exchange of letters between the Commission and the recipient, published in part in Annex II. In particular, the laydays should be assessed on the basis of an average daily discharge rate of 2 400 tonnes in such a way that dispatch to be paid to the recipient by the European Community will be for the account of the supplier.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 1 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX I

LOTS A and B

1. **Action Nos:** 118/98 (A); 119/98 (B)
2. **Beneficiary** ⁽²⁾: Bangladesh
3. **Beneficiary's representative:** The Secretary, Ministry of Food, Bangladesh Secretariat, Dhaka, Bangladesh
4. **Country of destination:** Bangladesh
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 60 000
7. **Number of lots:** 2 (A: 30 000 tonnes; B: 30 000 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(1)(a))
9. **Packaging:** in bulk
10. **Labelling or marking:** —
— language to be used for the markings: —
— supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of landing — undischarged ⁽⁷⁾
13. **Alternative delivery stage:** free at port of shipment — fob stowed and trimmed
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** Chittagong
16. **Place of destination:** —
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage** ⁽⁶⁾ ⁽⁸⁾:
— first deadline: A: 9.5.1999; B: 17 — 23.5.1999
— second deadline: A: 23.5.1999; B: 31.5 — 6.6.1999
18. **Period or deadline of supply at the alternative stage:**
— first deadline: A: 29.3 — 4.4.1999; B: 5 — 11.4.1999
— second deadline: A: 12 — 18.4.1999; B: 19 — 25.4.1999
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
— first deadline: 16.3.1999
— second deadline: 30.3.1999
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/
Wetstraat 200, B-1049 Bruxelles/Brussel
telex 25670 AGREC B; fax (32 2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 28.2.1999, fixed by Commission Regulation (EC) No 218/1999 (OJ L 23, 30.1.1999, p. 16)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32 2) 295 14 65),
Torben Vestergaard (tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39) is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32 2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
— phytosanitary certificate,
— fumigation certificate.
- (⁶) See Annex II point 4, second paragraph.
- (⁷) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
- (⁸) The final subparagraph of Article 14(14) of Commission Regulation (EC) No 2519/97 (OJ L 346, 17.12.1997, p. 23) applies.
-

ANNEX II

The recipient shall unload the wheat as per the following conditions.

1. Type of vessels to be fixed

It is envisaged that two vessels (self-trimming bulk carriers) will be fixed. The vessels must have at least five hatches. Vessels to be geared and each crane/derrick to serve one or two hatches. The vessels must be capable of entering the Chittagong outer anchorage and, after necessary lighterage, be able to shift and berth at Chittagong jetties. To this end vessels should have a maximum length of 610 feet.

Charterers/shipowners must ensure that all certificated officers carry with them on board the original valid certificate of competency and that all vessels are manned strictly according to the STCW Convention 1978, failing which any delay to the vessel will be on owner's account.

2. Discharging facilities

Vessels will furnish at the discharge port, free of expenses to the recipient, winches and/or cranes and the power to drive them, gins and falls in good working condition and will also supply sufficient lights for night work, as on board, on deck and in the holds, if required. Vessels will provide winchmen at load and discharge ports at their own expense.

3. Vessels' ETA information

Master to wireless/cable nominees of the recipient, namely Movements Chittagong — telex 642237 CMS C BJ — (simultaneously informing Bengalship Chittagong — telex 66277 BSC BJ — and Movestore Dhaka — telex 642230 CMS BJ) for orders regarding discharge 10 days prior to their arrival at the discharge port, i.e. Chittagong, and state ETA and draft. Orders for discharging will be transmitted to the vessel within five days of the receipt of master's request.

Master to give the following notice to the recipient's nominees, i.e. Movements Chittagong, Bengalship Chittagong and Movestore Dhaka:

(a) upon sailing from load port vessels must state:

- (i) quantity loaded;
- (ii) arrival draft;
- (iii) TPI (tonnes per inch);

(b) 10 days beforehand ETA Chittagong port,

five days beforehand ETA Chittagong port,

72 hours, 48 hours and 24 hours beforehand ETA Chittagong port.

4. Discharging rate and discharging port time counting

The cargo is to be discharged by the recipient free of risk and expense to the vessel at the rate of 2 400 tonnes at Chittagong per weather working day of 24 consecutive hours. Time from 12 noon on Thursday or 5 p.m. on a day preceding a holiday until 9 a.m. on Saturday or next working day not to count as laytime even if used. The rate of discharge is based on five or more workable hatches. If, however, the number of workable hatches is less than the specified minimum, the discharging rate will be reduced proportionately.

Notice of readiness is to be tendered and accepted after vessel arrives at the Chittagong outer anchorage and laytime to commence 24 hours after NOR tendered during office hours, whether the vessel is in berth or not. However, in case a time period for the supply has been fixed by the Commission, laytime shall not commence before the first day of the said period. At discharge port, cost of shifting from anchorage to anchorage, anchorage to berth and berth to berth on owner's/charterer's account and time used for such shifting not to count as laytime.

Although stevedores appointed by recipients, all discharging operations to be carried out under masters' direction/approval. All necessary trimming will be at owner's time and expense.

At Chittagong anchorage, if a lighter vessel is required to cast off from the mother ship, due to heavy swell and/or bad weather, all time lost will not count as laytime. The time will stop counting from the time the lighter vessel casts off and will start counting again from the time the lighter ship is re-tied alongside the mother ship.

5. Lighterage at discharge port

All necessary lighterage at Chittagong outer anchorage will be carried out by the recipients at their own cost and time. For vessels unable to enter the Chittagong outer anchorage, due to excessive draft, lighterage may be carried out at Kutubdia anchorage by the charterers/owners at their expense and such lighterage to be treated as transshipment and lighters engaged to be discharged on identical terms as the mother vessel, and time used for lighterage at Kutubdia not to count as laytime. Collision damage, if any, during lighterage to be settled directly between the owners of the mother and the lighter vessels (notwithstanding whether engaged by owners/charterers for Kutubdia lighterage, or by the recipients for outer anchorage lighterage). In case of unsafe anchorage at Chittagong outer anchorage, any lighterage at Kutubdia is for recipients account.

Master of the vessel(s) at all times to extend full cooperation to the recipients and/or their nominees/agents/stevedores/lighterage contractors in order to expedite discharge. Lighter vessels to supply suitable fenders to avoid damage.

6. Demurrage/Dispatch

Should the vessel(s) not be discharged at the rate herein stipulated, demurrage shall be paid by the recipient at the rate stipulated in the charter party, subject to a maximum of USD 8 000 per day or part thereof.

For working time saved at the port of discharge, dispatch money shall be paid to the recipient at the rate of 50 % of the rate of demurrage stipulated in the charter party, subject to a maximum of USD 4 000 per day saved.

Demurrage or dispatch at the discharge port, if any, at the amounts specified above, shall be paid, as the case may be, by the recipient to the Commission or by the Commission to the recipient. Afterwards settlement of dispatch/demurrage, if any, between supplier and the Commission will take place.

Laytime at port of discharge to be non-reversible.

7. Miscellaneous

Overtime expenses, if any, on account of port and customs personnel will be for the account of the party (owner/their agents or receiver/their agents) ordering the same, but if ordered by the Port Authorities, to be on the receiver's/owner's account on 50:50 basis. Overtime expenses for vessel's crew always to be on the owner's account.

At the port of discharge opening/closing of hatches on all occasions to be for owner's account and time not to count as laytime.

First opening and last closing of hatches at port of discharge to be done by vessel's crew.

Whatever the respective destination of the goods found damaged, they must be disposed of/destroyed as per port rules prior to sailing out of the vessels.

Dock worker management board's levy or any similar levy is for owner's account.

In the case where some extra costs requested by the owner/charterer are to be pre-financed by the recipient, they may be directly paid by the Commission on the recipient's behalf to the supplier.

COMMISSION REGULATION (EC) No 451/1999
of 1 March 1999
amending Regulation (EC) No 286/1999 on the supply of cereals as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas Commission Regulation (EC) No 286/1999 ⁽²⁾ issued an invitation to tender for the supply, as food aid, of cereals; whereas some of the conditions specified in the Annex to that Regulation should be altered at the request of the beneficiary,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 286/1999 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 1 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 34, 9. 2. 1999, p. 14.

ANNEX

LOT A

1. **Action No:** 105/98
2. **Beneficiary** ⁽²⁾: CICR, 19 avenue de la Paix, CH-1202 Genève; tel.: (41 22) 734 60 01; telex: 22269 CICR CH
3. **Beneficiary's representative:** ICRC Tbilissi, Dutu Megreli St. 1, 380003 Tbilissi, Georgia; tel.: (7 88 32) 93 55 11; fax: 93 55 20
4. **Country of destination:** Georgia
5. **Product to be mobilised:** common wheat flour
6. **Total quantity (tonnes net):** 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(1)(a))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.1.B(4))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(3) and IX.A(3)(a))
 - language to be used for the markings: English
 - supplementary markings: 'ICRC'
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination ⁽⁸⁾
13. **Alternative delivery stage:** free at port of shipment or ex works ⁽⁹⁾
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** ICRC warehouse, Castello St. 30A, 354341 Adler, Russian Federation; tel.: (7 86 22) 97 40 60, fax: 44 13 34
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 11.4.1999
 - second deadline: 16.5.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 15 — 28.3.1999
 - second deadline: 19.4 — 2.5.1999
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 23.2.1999
 - second deadline: 16.3.1999
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/
Wetstraat 200, B-1049 Bruxelles/Brussel
telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 28.2.1999, fixed by Commission Regulation (EC) No 218/1999 (OJ L 23, 30.1.1999, p. 16)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32 2) 295 14 65),
Torben Vestergaard (tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32 2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
— phytosanitary certificate,
— fumigation certificate.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point II.B(3)(c) is replaced by the following: 'the words "European Community"'.

(⁷) The flour is to be packed in paper sachets with a net content of 1 kg. The paper must be a minimum weight of 80 g/m² and be designed to come into contact with foodstuffs.
The sachets, maximum 20, are to be packed together:
(a) either in a plastic film with a minimum thickness of 60 microns,
(b) or in a high quality corrugated board box.
The tender shall indicate the envisaged type of outer packaging.
If glue is used for making up or sealing the packaging, it must be water-resistant. If adhesive tape is used, it must not become unstuck in a damp atmosphere.
- (⁸) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
- (⁹) In case of delivery by land only, Article 7(7)(e) of Commission Regulation (EC) No 2519/97 (OJ L 346, 17.12.1997, p. 23) applies.
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COMMISSION REGULATION (EC) No 452/1999

of 1 March 1999

fixing the minimum yields for the granting of aid for the production of fibre flax and hemp

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in flax and hemp ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾,

Having regard to Council Regulation (EEC) No 619/71 of 22 March 1971 laying down general rules for granting aid for flax and hemp ⁽³⁾, as last amended by Regulation (EC) No 1420/98 ⁽⁴⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 1164/89 of 28 April 1989 laying down detailed rules concerning the aid for fibre flax and hemp ⁽⁵⁾, as last amended by Regulation (EC) No 2814/98 ⁽⁶⁾, lays down the conditions for entitlement to the aid; whereas Regulation (EEC) No 619/71 provides that the Commission can lay down criteria covering normal cultivation work, in particular by setting a minimum yield to be achieved; whereas a minimum yield must be established in order to prevent fibre flax and hemp from being sown not for the sake of production but solely to qualify for a rate of aid higher than that for other arable crops;

Whereas Commission Regulation (EC) No 2183/97 ⁽⁷⁾, lays down the minimum yield to be achieved before aid for fibre flax production can be granted as from the 1998/99 marketing year; whereas experience gained in the course of that marketing year shows that the provisions of that Regulation should be simplified and the minimum yield set should be adjusted accordingly; whereas, for the sake of consistency, a minimum yield to be achieved before aid can be granted for hemp production should also be laid down; whereas Regulation (EC) No 2183/97 should therefore be repealed and new minimum yields to be achieved before aid is granted for fibre flax and hemp production should be laid down on the basis of common principles;

Whereas, to take account of the particular soil and climatic conditions, minimum yields for fibre flax and hemp adapted to the conditions in the main production areas of the Community and corresponding to good cul-

tivation methods should be introduced gradually; whereas, for the sake of simplification, there should be a limit on the number of different minimum yields laid down;

Whereas, to take account of existing cultivation methods, in the United Kingdom in particular, a transitional period should be laid down for that Member State with a view to the gradual introduction of minimum yields corresponding to good cultivation methods;

Whereas the areas and production on which basis the yield is to be determined should be defined;

Whereas, for cases where the yield found is lower than the minimum yield, Regulation (EC) No 2183/97 provides, on the one hand, for a case-by-case consideration of any exceptional weather conditions and, on the other hand, for the possibility of a gradual reduction in the aid, subject none the less to a threshold percentage of the yield below which no aid is payable; whereas it may not be possible to achieve the minimum yield for several concomitant reasons the individual effects of which are difficult to identify; whereas, despite certain reductions in the minimum yield as a result of this Regulation, the areas in question should not be totally disqualified from the aid but should qualify for reduced aid; whereas provision should be made for a single level of reduced aid which is easy to apply and which does not constitute an incentive against the aid payable on other arable crops;

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

HAS ADOPTED THIS REGULATION:

Article 1

Aid for the production of fibre flax and aid for the production of hemp shall be granted only in respect of areas where the yield of non-deseeded flax straw or non-deseeded hemp straw is at least equal to the following minimums:

- for areas in Belgium, Denmark, Germany, France, Ireland, Luxembourg, the Netherlands, Austria, Finland, Sweden and the United Kingdom: 2,5 per hectare,
- for areas in the other Member States: 1,5 t per hectare.

⁽¹⁾ OJ L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 72, 26. 3. 1971, p. 2.

⁽⁴⁾ OJ L 190, 4. 7. 1998, p. 7.

⁽⁵⁾ OJ L 121, 29. 4. 1989, p. 4.

⁽⁶⁾ OJ L 349, 22. 12. 1998, p. 50.

⁽⁷⁾ OJ L 299, 4. 11. 1997, p. 4.

However, the minimum yield of non-deseeded flax straw shall be adjusted as follows for areas in the United Kingdom:

- (a) for the 1999/2000 marketing year: 1,5 t per hectare;
- (b) for the 2000/01 marketing year: 2 t per hectare.

Article 2

1. The yield to be used shall be the average yield of non-deseeded straw on the areas covered by aid applications or, where the applicants are growers within the meaning of Article 3a(b) of Regulation (EEC) No 619/71, the yield on the areas of each owner or farmer with whom a contract for flax growing has been concluded.

2. The average yield as referred to in paragraph 1 shall be equal to the tonnage of non-deseeded straw ready for processing weighed on entry at the processing plant, divided by the area in hectares.

However,

- where the straw is harvested separately from the seed, the weight of the seed shall be added to the weight of the straw entering the processing plant, and
- where the straw is harvested using a machine that separates the fibre from the woody parts, the weight of the straw shall be replaced by the total weight of the various products resulting from that separation. Where it is not possible to weigh the woody parts of the stalk, the Member State shall, in the light of the results corresponding to good cultivation methods, establish

the weight concerned by means of a coefficient fixed on the basis of on-the-spot checks and the technical specifications of the machine in question.

3. Compliance with the minimum yield shall be established on the basis of the information referred to in paragraphs 1 and 2 available before a date set by the Member State which is before 30 June in the marketing year in question. Where that information reveals that the minimum yield has not been complied with, the Member State shall inform the interested party and, at the latter's request, shall take account, after verification on the spot, of the estimated weight of the quantities relative to the marketing year in question which he is holding in store.

Article 3

Where the minimum yields laid down in Article 1 are not achieved, the aid payable for the areas in question shall be reduced by 65 %.

Article 4

Regulation (EC) No 2183/97 shall be repealed with effect from 1 August 1999.

Article 5

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

It shall apply from the 1999/2000 marketing year.

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

Done at Brussels, 1 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 453/1999
of 1 March 1999
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2519/98⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 425/1999⁽⁵⁾;

Whereas Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 425/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 425/1999 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 2 March 1999.

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

Done at Brussels, 1 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 315, 25. 11. 1998, p. 7.

⁽⁵⁾ OJ L 52, 27. 2. 1999, p. 6.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	55,72	45,72
	medium quality ⁽¹⁾	65,72	55,72
1001 90 91	Common wheat seed	60,36	50,36
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	60,36	50,36
	medium quality	87,59	77,59
	low quality	107,63	97,63
1002 00 00	Rye	95,20	85,20
1003 00 10	Barley, seed	95,20	85,20
1003 00 90	Barley, other ⁽³⁾	95,20	85,20
1005 10 90	Maize seed other than hybrid	103,94	93,94
1005 90 00	Maize other than seed ⁽³⁾	103,94	93,94
1007 00 90	Grain sorghum other than hybrids for sowing	95,20	85,20

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(for 26 February 1999)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	104,63	93,50	82,96	75,42	135,29 (**)	125,29 (**)	95,81 (**)
Gulf premium (EUR/t)	25,93	9,92	0,42	11,65	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: 11,57 EUR/t; Great Lakes — Rotterdam: 22,29 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
: 0,00 EUR/t (SRW2).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 February 1999

appointing a member of the Economic and Social Committee

(1999/160/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 194 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to Council Decision 98/545/EC, Euratom of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Nikolaos Lerios, of which the Council was informed on 8 February 1999;

Having regard to the nominations submitted by the Greek Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Nikolaos Vassilaras is hereby appointed a member of the Economic and Social Committee in place of Mr Nikolaos Lerios for the remainder of his term of office, which runs until 20 September 2002.

Done at Brussels, 23 February 1999.

For the Council

The President

K.-H. FUNKE

⁽¹⁾ OJ L 257, 19. 9. 1998, p. 37.

COUNCIL DECISION
of 22 February 1999
appointing a member of the Committee of the Regions

(1999/161/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to Council Decision 98/110/EC of 26 January 1998 ⁽¹⁾, appointing members and alternate members of the Committee of the Regions,

Whereas a seat as a member of the Committee has become vacant following the resignation of Mr Peter J. Peacock, notified to the Council on 4 January 1999;

Having regard to the proposal from the United Kingdom Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Lewis Smith is hereby appointed a member of the Committee of the Regions in place of Mr Peter J. Peacock for the remainder of his term of office, which runs until 25 January 2002.

Done at Luxembourg, 22 February 1999.

For the Council

The President

H.-F. von PLOETZ

⁽¹⁾ OJ L 28, 4. 2. 1998, p. 19.

COUNCIL DECISION
of 22 February 1999
appointing an alternate member of the Committee of the Regions

(1999/162/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to Council Decision 98/110/EC of 26 January 1998 ⁽¹⁾, appointing members and alternate members of the Committee of the Regions,

Whereas a seat as an alternate member of the Committee has become vacant following the resignation of Mr Arnold Vaatz, alternate member, notified to the Council on 29 January 1999;

Having regard to the proposal from the German Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Mathias Rössler is hereby appointed an alternate member of the Committee of the Regions in place of Mr Arnold Vaatz for the remainder of the latter's term of office, which runs until 25 January 2002.

Done at Luxembourg, 22 February 1999.

For the Council
The President
H.-F. von PLOETZ

⁽¹⁾ OJ L 28, 4. 2. 1998, p. 19.

COMMISSION

COMMISSION DECISION

of 17 February 1999

laying down protection measures concerning trichinosis

(notified under document number C(1999) 331)

(Text with EEA relevance)

(1999/163/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18 thereof,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, as last amended by Directive 96/43/EC, and in particular Article 19 thereof,

(1) Whereas recently cases of human trichinosis have appeared in the territory of the Community; whereas epidemiological investigations have shown that these cases were related to imports of slaughter horses originating in the Federal Republic of Yugoslavia;

(2) Whereas Community legislation lays down that horse meat must be submitted to a systematic control for the detection of the possible presence of larvae of *Trichinella spiralis*;

(3) Whereas, according to information collected and brought to the attention of the Commission during a Community inspection carried out on the spot, doubts might be raised with regard to the appropriateness of the methods of detection and their application;

priateness of the methods of detection and their application;

(4) Whereas, awaiting a scientific opinion on this question, measures should be taken in order to ensure that horses intended for slaughter and horse meat originating in the Federal Republic of Yugoslavia do not constitute a hazard to human health;

(5) Whereas this can be ensured by ensuring that horse meat has been submitted to a cold treatment sufficient to destroy larvae, possibly present;

(6) Whereas Council Directive 77/96/EEC of 21 December 1976 on the examination for trichinae (*Trichinella spiralis*) upon importation from third countries of fresh meat derived from domestic swine ⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden lays down the detection methods and methods of destruction of *Trichinella spiralis* in swine meat and horse meat;

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

HAS ADOPTED THIS DECISION:

Article 1

Member States shall ensure that meat from horses which are imported from the Federal Republic of Yugoslavia for being slaughtered in the Community, is submitted to a cold treatment as referred to in Annex IV to Directive 77/96/EEC before it is placed on the market for human consumption.

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ L 373, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ L 26, 31. 1. 1977, p. 67.

Article 2

This Decision shall apply until 31 March 1999.

Article 3

The Member States shall alter the measures they apply in trade in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 17 February 1999

concerning the non-inclusion of DNOC of active substance in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance

(notified under document number C(1999) 332)

(Text with EEA relevance)

(1999/164/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 97/73/EC ⁽²⁾,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 1199/97 ⁽⁴⁾, and in particular Article 7(3a)(b) thereof,

Whereas Commission Regulation (EC) No 933/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾ has laid down the active substances of plant protection products, designated by the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92 and identified the notifiers for each active substance;

Whereas DNOC is one of the 90 active substances covered by the first stage of the work programme provided for in Article 8(2) of Council Directive 91/414/EEC;

Whereas in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92, France, being the designated rapporteur Member State, submitted on 30 September 1996 to the Commission, the report of its assessment of the information submitted by the notifiers in accordance with the provisions of Article 6(1) of this Regulation;

Whereas on receipt of the report of the rapporteur Member State, the Commission undertook consultations with experts of the Member States as well as with the

main notifier (Elf Atochem Agri SA) as provided for in Article 7(3) of Regulation (EEC) No 3600/92;

Whereas the submitted report has been reviewed by the Member States and the Commission within the standing Committee on plant health; whereas this review has been finalised on 1 December 1998 in the format of the Commission review report for DNOC, in accordance with the provisions of Article 7(6) of Regulation (EC) No 3600/92;

Whereas it has appeared from the assessments made that the submitted information has not demonstrated that plant protection products containing the active substance concerned satisfy the requirements laid down in Articles 5(1)(a) and (b) and 5(2)(b) of Directive 91/414/EEC, in particular with regard to acceptable operator exposure and the exposure of non-target organisms;

Whereas, therefore, it is not possible to include this active substance in Annex I to Directive 91/414/EEC;

Whereas a limited period of grace for disposal, storage, placing on the market and use of existing stocks in accordance with the provisions of Article 4(6) of Directive 91/414/EEC has to be provided;

Whereas this Decision does not prejudice any action the Commission may undertake at a later stage for this active substance within the framework of Council Directive 79/117/EEC ⁽⁷⁾;

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

HAS ADOPTED THIS DECISION:

Article 1

DNOC is not included as active substance in Annex I to Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ L 353, 24. 12. 1997, p. 26.

⁽³⁾ OJ L 366, 15. 12. 1992, p. 10.

⁽⁴⁾ OJ L 170, 28. 6. 1997, p. 19.

⁽⁵⁾ OJ L 107, 28. 4. 1994, p. 8.

⁽⁶⁾ OJ L 225, 22. 9. 1995, p. 1.

⁽⁷⁾ OJ L 33, 8. 2. 1979, p. 36.

Article 2

The Member States shall ensure:

1. that authorisations for plant protection products containing DNOC are withdrawn within a period of six months from the date of notification of the present Decision;
2. that from the date of notification of the present Decision no authorisations for plant protection products containing DNOC will be granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

Article 3

Member States shall grant a period of grace for disposal, storage, placing on the market and use of existing stocks in accordance with the provisions of Article 4(6) of Direc-

tive 91/414/EEC, which is as short as possible and not longer than 15 months from the date of notification of the present Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 422/1999 of 25 February 1999 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(Official Journal of the European Communities L 50 of 26 February 1999)

On page 25 in the Annex against CN code ex 0402 10 19, entry (b), third column:

for: '90,50',

read: '90,00'.
