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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 626/1999
of 24 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 25 March 1999.

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

Done at Brussels, 24 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 24 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	132,2
	204	42,2
	212	54,0
	999	76,1
0707 00 05	068	117,2
	999	117,2
0709 10 00	220	269,5
	999	269,5
0709 90 70	052	96,9
	204	157,1
	999	127,0
0805 10 10, 0805 10 30, 0805 10 50	052	48,2
	204	43,6
	212	48,9
	220	39,2
	600	42,8
	624	50,8
	999	45,6
0805 30 10	052	39,4
	600	81,9
	999	60,7
0808 10 20, 0808 10 50, 0808 10 90	039	106,2
	388	89,0
	400	86,2
	404	96,0
	508	81,9
	512	82,0
	524	106,6
	528	82,1
	720	95,3
	999	91,7
0808 20 50	052	133,1
	388	62,6
	400	75,4
	512	69,5
	528	77,4
	624	73,7
	720	69,3
	999	80,1

⁽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 627/1999

of 24 March 1999

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 March 1999.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 24 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

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

CN code	Amount of the representative price in EUR/100 kg net of the product in question	Amount of the additional duty in EUR/100 kg net of the product in question	Amount of the duty to be applied to imports in EUR/100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,24	0,26	—
1703 90 00 ⁽¹⁾	7,62	0,00	—

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

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

COMMISSION REGULATION (EC) No 628/1999

of 24 March 1999

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 1 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⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽³⁾, as amended by Regulation (EC) No 3290/94⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application

for the grant of export refunds in the sugar sector⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 March 1999.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 214, 8. 9. 1995, p. 16.

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

Done at Brussels, 24 March 1999.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 24 March 1999 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	45,40 ⁽¹⁾
1701 11 90 9910	45,36 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	45,40 ⁽¹⁾
1701 12 90 9910	45,36 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4935
	— EUR/100 kg —
1701 99 10 9100	49,35
1701 99 10 9910	49,35
1701 99 10 9950	49,35
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4935

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

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

**COMMISSION REGULATION (EC) No 629/1999
of 24 March 1999**

**fixing the maximum export refund for white sugar for the 32nd partial invitation
to tender issued within the framework of the standing invitation to tender
provided for in Regulation (EC) No 1574/98**

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 32nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 32nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at EUR 52,356 per 100 kilograms.

Article 2

This Regulation shall enter into force on 25 March 1999.

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

Done at Brussels, 24 March 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 206, 23. 7. 1998, p. 7.

**COMMISSION REGULATION (EC) No 630/1999
of 24 March 1999**

amending Regulation (EC) No 919/94 laying down detailed rules for the application of Council Regulation (EEC) No 404/93 as regards banana producers' organisations

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 9 thereof,

Whereas Commission Regulation (EC) No 919/94 ⁽³⁾ lays down detailed rules governing the recognition of banana producers' organisations and the way they function; whereas, in order to ensure that such organisations are stable and that they achieve their economic objectives, Article 5 of the abovementioned Regulation stipulates a minimum period for which members must undertake to belong to the organisation and a minimum period of notice where they intend to resign;

Whereas experience has shown those provisions to be too restrictive; whereas, in order to make it easier for individual producers to become members and for such producers' organisations to function better, the minimum period of membership and the period of notice prior to resignation should be shorter and provisions applying to the fresh fruit and vegetables sector should be adopted on the subject; whereas the Member States should also be granted the possibility of setting a lengthier minimum

period of membership; whereas Article 5 of the abovementioned Regulation should be amended accordingly;

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

Article 5(c) of Regulation (EC) No 919/94 is replaced by the following:

- '(c) each member must undertake to belong to the producers' organisation for at least one year and must give written notice of any intention to resign by 31 May at the latest, to take effect on 1 January of the following year. The Member States may set a lengthier minimum period of membership; in that event they shall notify the Commission. The rules of association of producers' organisations may stipulate a lengthier period of notice before resignation becomes effective.'

Article 2

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

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

Done at Brussels, 24 March 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 106, 27. 4. 1994, p. 6.

COMMISSION REGULATION (EC) No 631/1999
of 24 March 1999

amending Regulation (EC) No 1666/98 increasing to 203 081 tonnes the quantity of barley held by the Austrian intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 39/1999⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 1666/98⁽⁵⁾, as last amended by Regulation (EC) No 40/1999⁽⁶⁾, opened a standing invitation to tender for the export of 151 725 tonnes of barley held by the Austrian intervention agency; whereas, Austria informed the Commission of the intention of its intervention agency to increase by 51 356 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the Austrian intervention agency for which a standing invitation to tender for export has been opened should be increased to 203 081 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1666/98 must therefore be amended;

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

Regulation (EC) No 1666/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 203 081 tonnes of barley to be exported to all third countries, with the exception of the United States, Canada and Mexico.

2. The regions in which the 203 081 tonnes of barley are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

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, 24 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 5, 9. 1. 1999, p. 64.

⁽⁵⁾ OJ L 211, 29. 7. 1998, p. 12.

⁽⁶⁾ OJ L 5, 9. 1. 1999, p. 65.

*ANNEX**'ANNEX I**(tonnes)*

Place of storage	Quantity
Niederösterreich/Wien/Burgenland	142 522
Steiermark	8 540
Oberösterreich	52 019'

COMMISSION REGULATION (EC) No 632/1999
of 24 March 1999

amending Regulation (EC) No 220/1999 determining the extent to which applications lodged in January 1999 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 can be accepted

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Regulation (EEC) No 2916/95,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT Article XXIV.6 negotiations ⁽⁶⁾,

Having regard to Commission Regulation (EC) No 1474/95 of 28 June 1995 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin ⁽⁷⁾, as last amended by Regulation (EC) No 1371/98 ⁽⁸⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin ⁽⁹⁾, as last amended by Regulation (EC) No 1370/98 ⁽¹⁰⁾, and in particular Article 5(5) thereof,

Whereas Commission Regulation (EC) No 220/1999 ⁽¹¹⁾ determines the percentages of acceptance of applications submitted during the first 10 days of January and the quantities available for applications to be submitted during the first 10 days of April 1999;

Whereas pursuant to Article 5(5) of Regulation (EC) No 1251/96 certain operators have withdrawn their applications; whereas the quantities available for applications to be submitted during the first 10 days of April 1999 should therefore be increased,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EC) No 220/1999, the quantity available for group No P3 is replaced by '118,10'.

Article 2

This Regulation shall enter into force on 25 March 1999.

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

Done at Brussels, 24 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 99.

⁽³⁾ OJ L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ L 305, 19. 12. 1995, p. 49.

⁽⁵⁾ OJ L 282, 1. 11. 1975, p. 104.

⁽⁶⁾ OJ L 146, 20. 6. 1996, p. 1.

⁽⁷⁾ OJ L 145, 29. 6. 1995, p. 19.

⁽⁸⁾ OJ L 185, 30. 6. 1998, p. 17.

⁽⁹⁾ OJ L 161, 29. 6. 1996, p. 136.

⁽¹⁰⁾ OJ L 185, 30. 6. 1998, p. 15.

⁽¹¹⁾ OJ L 23, 30. 1. 1999, p. 19.

**COMMISSION REGULATION (EC) No 633/1999
of 24 March 1999**

amending Regulation (EC) No 221/1999 determining the extent to which applications lodged in January 1999 for import licences for certain eggs and poultrymeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1899/97 of 29 September 1997 laying down detailed rules for the application in the eggs and poultrymeat sector of the arrangements provided for by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94 ⁽¹⁾, as amended by Regulation (EC) No 2719/98 ⁽²⁾, and in particular Article 4(5) thereof,

Whereas the quantities available for the period 1 April to 30 June 1999 as set out in Annex II to Regulation (EC)

No 221/1999 ⁽³⁾ were inaccurate due to incorrect information supplied by a Member State;

Whereas Annex II to the said Regulation should be replaced,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 221/1999 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 March 1999.

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

Done at Brussels, 24 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 267, 30. 9. 1997, p. 67.

⁽²⁾ OJ L 342, 17. 12. 1998, p. 16.

⁽³⁾ OJ L 23, 30. 1. 1999, p. 21.

ANNEX

ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 April to 30 June 1999
1	1 701,25
2	373,75
4	17 522,78
7	2 415,00
8	603,75
9	1 380,00
10	1 765,61
11	442,75
44	316,25
45	1 435,37
12	1 564,50
14	4 025,00
15	1 408,75
16	1 358,50
17	1 725,00
18	345,00
19	498,63
21	2 650,50
23	2 478,88
24	115,00
25	5 951,70
26	293,25
27	2 470,00
28	345,00
30	2 070,00
32	805,00
33	575,00
34	2 875,00
35	230,00
36	1 150,00
37	143,75
38	215,63
39	1 840,00
40	579,60
43	1 150,00'

COMMISSION REGULATION (EC) No 634/1999
of 24 March 1999
altering the export refunds on syrups and certain other sugar sector products
exported in the natural state

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

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

Whereas the refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 428/1999 ⁽³⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 428/1999 to the information at present available to the

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EC) No 428/1999 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 1999.

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

Done at Brussels, 24 March 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 52, 27. 2. 1999, p. 13.

ANNEX

to the Commission Regulation of 24 March 1999 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— EUR/100 kg dry matter —
1702 40 10 9100	49,35 ⁽²⁾
1702 60 10 9000	49,35 ⁽²⁾
1702 60 80 9100	93,77 ⁽⁴⁾
	— EUR/1 % sucrose × 100 kg —
1702 60 95 9000	0,4935 ⁽¹⁾
	— EUR/100 kg dry matter —
1702 90 30 9000	49,35 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
1702 90 60 9000	0,4935 ⁽¹⁾
1702 90 71 9000	0,4935 ⁽¹⁾
1702 90 99 9900	0,4935 ⁽¹⁾ ⁽³⁾
	— EUR/100 kg dry matter —
2106 90 30 9000	49,35 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
2106 90 59 9000	0,4935 ⁽¹⁾

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

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

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

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

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

**COMMISSION REGULATION (EC) No 635/1999
of 24 March 1999**

**altering the rates of the refunds applicable to certain products from the sugar
sector exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the rates of the refunds applicable from 1 March 1999 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 421/1999 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 421/1999 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 421/1999 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 1999.

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

Done at Brussels, 24 March 1999.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 50, 26. 2. 1999, p. 22.

ANNEX

to the Commission Regulation of 24 March 1999 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4(5)(b) of Regulation (EC) No 1222/94	5,18	5,18
— in all other cases	49,35	49,35

COMMISSION REGULATION (EC) No 636/1999

of 24 March 1999

fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75;

Whereas, in accordance Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 1999.

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

Done at Brussels, 24 March 1999.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 99.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

ANNEX

to the Commission Regulation of 24 March 1999 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(EUR / 100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	16,00
		03	14,00
		04	8,00
	b) On exportation of other goods	01	8,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	58,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	27,00
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	27,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	43,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	11,00

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

COUNCIL DIRECTIVE 1999/20/EC**of 22 March 1999**

amending Directives 70/524/EEC concerning additives in feedingstuffs, 82/471/EEC concerning certain products used in animal nutrition, 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

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

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

Whereas Articles 13 to 16 of Directive 70/524/EEC ⁽⁴⁾, as amended by Directive 96/51/EC ⁽⁵⁾, lay down certain provisions on the distribution and incorporation in feedingstuffs of additives and premixtures and the labelling of additives, premixtures and compound feedingstuffs;

Whereas Directive 82/471/EEC ⁽⁶⁾ makes provision in Article 3 and in the Annex for certain measures for the distribution and labelling of those products;

Whereas the deadline of 1 April 1998 laid down for implementation by the Member States of the amendments to Directives 70/524/EEC and 82/471/EEC, introduced respectively by Directive 96/51/EC and Directive 95/69/EC ⁽⁷⁾ is incompatible with the dates laid down by Directive 95/69/EC for the completion of approval procedures (1 April 2001) and registration procedures (1 September 1998) for certain establishments and intermediaries operating in the animal feed sector; whereas the provisions in question apply without prejudice to the deadlines laid down in Directive 95/69/EC; whereas Directives 70/524/EEC and 82/471/EEC must nevertheless be amended for reasons of legal consistency;

Whereas Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition ⁽⁸⁾ must cover all products and substances used in animal feedingstuffs in the Community;

Whereas, in order to achieve that objective, Directive 96/25/EC should be included in the list of legislation to which Directive 95/53/EC applies; whereas the reference to Council Directive 77/101/EEC of 23 November 1976 on the marketing of straight feedingstuffs ⁽⁹⁾ should be deleted from that list, as it has since been repealed by Directive 96/25/EC;

Whereas Directive 95/69/EC lays down that each year Member States must send the other Member States a list of approved establishments; whereas the procedures for the approval of establishments must be completed by 1 April 2001; whereas, in the mean time, it is therefore necessary, with a view to official inspections in the field of animal nutrition, in particular on trade within the Community, that the communication should also include establishments which, although not yet approved, can, in accordance with the conditions laid down by the Directive, continue to carry out their activities;

Whereas Directives 70/524/EC, 82/471/EEC, 95/53/EC and 95/69/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/524/EEC is hereby amended as follows:

1. in Article 13, the following paragraph shall be added:

‘6. Paragraphs 1 to 3 shall apply without prejudice to Article 4(2) and Article 9(2) of Directive 95/69/EC’.

⁽¹⁾ OJ C 266, 25. 8. 1998, p. 14.

⁽²⁾ OJ C 328, 26. 10. 1998, p. 80.

⁽³⁾ OJ C 40, 15. 2. 1999, p. 10.

⁽⁴⁾ OJ L 270, 14. 12. 1970, p. 1. Directive as last amended by Directive 98/92/EC (OJ L 346, 22. 12. 1998, p. 49).

⁽⁵⁾ OJ L 235, 17. 9. 1996, p. 39.

⁽⁶⁾ OJ L 213, 21. 7. 1982, p. 8. Directive as last amended by Directive 96/25/EC (OJ L 125, 23. 5. 1996, p. 35).

⁽⁷⁾ OJ L 332, 30. 12. 1995, p. 15. Directive as amended by Directive 98/92/EC.

⁽⁸⁾ OJ L 265, 8. 11. 1995, p. 17.

⁽⁹⁾ OJ L 32, 3. 2. 1977, p. 1. Directive repealed by Directive 96/25/EC (OJ L 125, 23. 5. 1996, p. 35).

2. The following Article shall be inserted:

Article 16a

Articles 14 to 16 referring to the approval and registration numbers provided for in Directive 95/69/EC shall apply from 1 April 2001'.

Article 2

Directive 82/471/EEC is hereby amended as follows:

1. in Article 3, the following paragraph shall be added:

'4. Paragraph 3 shall apply without prejudice to Article 4(2) of Directive 95/69/EC'.

2. In the Annex, for the products referred to in Chapter 1, point 1(a) of Directive 95/69/EC, in column 7 ('special provisions'), the final indent in the details to be given on the packaging of the product, on the container or on a label affixed thereto shall be replaced by the following text:

'— as from 1 April 2001: approval number'.

Article 3

In Directive 95/53/EC, in Article 2(1)(a), the third indent shall be replaced by the following:

'— Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC'.

Article 4

In Directive 95/69/EC in Article 6(2), the second and third sentences shall be replaced by the following:

'Before 31 December each year, Member States shall send to the other Member States a list of the establishments referred to in Article 2(2)(a) and (b) and of the intermediaries approved in accordance with Article 3(1) and a list of corresponding establishments and intermediaries referred to in Article 4(2) which have

submitted applications for approval on which the Member States have not yet taken a decision.

On request, the Member States shall send the other Member States all, or part of the list of establishments referred to in Article 2(2)(c) to (f) and all or part of the list of corresponding establishments referred to in Article 4(2) which have submitted applications for approval on which the Member States have not yet taken a decision'.

Article 5

1. By 30 September 1999, Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof. The Member States shall apply the measures from 1 October 1999.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

3. Member States shall send the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 22 March 1999.

For the Council

The President

G. VERHEUGEN

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 February 1999

relating to the procedures whereby officials and employees of the European Commission may be allowed access to classified information held by the Commission

(notified under document number C(1999) 423)

(1999/218/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 162(2) thereof,

Whereas the Treaty on European Union introduced a common foreign and security policy encompassing all matters relating to the security of the European Union, including the eventual framing of a common defence policy, which might in time lead to a common defence;

Whereas, under Article J.4 of the said Treaty, the Western European Union (WEU) is an integral part of the development of the European Union, which requests the WEU to elaborate and implement decisions and actions of the Union which have defence implications;

Whereas, the common security policy of the Union may be developed further following the entry into force of the Treaty of Amsterdam; whereas, by virtue of Protocol No 1 on the new Article 17 of the Treaty on European Union, steps will be taken by the European Union to enhance cooperation between the European Union and the WEU;

Whereas, by virtue of Article J.9 of the Treaty on European Union, the Commission is fully associated with work carried out in the common foreign and security policy field; whereas the Commission accordingly receives and produces documents containing information of a

sensitive nature the divulging of which might jeopardise the interests of the European Union, the Community and its Member States and those of international organisations such as the WEU and NATO;

Whereas, by Decision C(94) 3282 of 30 November 1994, the Commission adopted a decision on the security measures applicable to classified information produced or transmitted in connection with European Union activities;

Whereas, under Article 6(3) of the said Decision, information received from the WEU or NATO is governed by special rules;

Whereas the security rules must cover not only the physical protection of classified information held by the Commission but also the authorisation of officials and other servants of the Commission to have access to such information;

Whereas the procedure for authorising officials and other servants of the Commission who, by reason of their duties and for the requirements of the service, are required to have access to such information should be modified and such access restricted to authorised persons only;

Whereas decisions to grant authorisation will be taken only after security screening has been carried out by the competent national authorities of the Member States;

Whereas this Decision will be without prejudice to the rules governing public access to Commission information in the fields covered by the treaties establishing the European Communities, laid down in the Commission's Decision 94/90/ECSC, EC, Euratom ⁽¹⁾;

⁽¹⁾ OJ L 46, 18. 2. 1994, p. 58.

Whereas this Decision is without prejudice to the specific security measures laid down in Council Regulation (Euratom) No 3 of 31 July 1958 implementing Article 24 of the Treaty establishing the European Atomic Energy Community⁽¹⁾;

Whereas, under Article 5 of the EC Treaty, Member States are required to facilitate the accomplishment by the institutions of the tasks incumbent on them by virtue of the Treaties; whereas it is therefore incumbent on the authorities of the Member States to cooperate with the Commission in order to maintain a high standard of protection and, accordingly, to carry out security screening as provided for in this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

1. In accordance with the Commission Decision C(94)3282 of 30 November 1994 and by reason of the Commission's full association with the work of devising and implementing the common security policy of the Union, the only persons authorised to have access to classified information held by the Commission shall be officials and other servants of the Commission or any person working within the Commission who, by reason of their duties and for the requirements of the service, need to have knowledge of, or to use, such information.

2. In order to have access to information classified as 'top secret', 'secret' and 'confidential', the persons referred to in paragraph 1 must have been authorised in accordance with Article 2.

3. Authorisation shall be granted only to persons who have undergone security screening by the competent national authorities of the Member States, in accordance with the procedure laid down in Article 3.

Article 2

1. The Commission shall grant the authorisations referred to in Article 1 after obtaining the opinion of the competent national authorities of the Member States on the basis of security clearance carried out in accordance with Articles 3 and 4.

2. Authorisation, which shall be valid for a period of five years, may not exceed the duration of the tasks on the basis of which it was granted. It may be renewed by the Commission in accordance with the procedure referred to in paragraph 1.

Authorisation may be withdrawn by the Commission at any time. Any decision to withdraw authorisation shall be made known to the person concerned, who may ask to be heard by head of the Commission's Security Office, and to the competent national authority.

3. Exceptionally, if required by the service, the Commission may, after giving the national competent authorities notification and provided there is no reaction from them within a month, grant temporary authorisation for a period not exceeding three months, pending the outcome of the screening referred to in Article 3.

Article 3

1. The aim of security screening shall be to establish that there are no objections to allowing the person to have access to classified information held by the Commission.

2. Security screening shall be carried out with the assistance of the person concerned and at the request of the Commission by the competent national authorities of the Member State of which the person subject to authorisation is a national. Should the person concerned reside in the territory of another Member State, the national authorities concerned may secure the cooperation of the authorities of the State of residence.

3. As part of the screening procedure, the person concerned shall be required to complete a personal information form.

4. The Commission shall specify in its request the type and level of classified information to be made available to the person concerned, so that the competent national authorities can carry out the screening process and give their opinion as to the appropriate level of authorisation to be granted.

5. The whole security-screening process together with the results obtained shall be subject to the relevant rules and regulations in force in the Member State concerned, including those concerning appeals.

Article 4

1. Where the competent national authorities of the Member States give a positive opinion, the Commission may grant the person concerned authorisation in accordance with Article 2.

2. A negative opinion by the competent national authorities shall be brought to the knowledge of the person concerned, who may ask to be heard by the Commission. Should the Commission consider it necessary, it may ask the competent national authorities for any further clarification they can provide. If the negative opinion is confirmed, authorisation shall not be granted.

Article 5

All persons granted authorisation within the meaning of Article 2 shall, at the time the authorisation is granted and at regular intervals thereafter, receive any necessary instructions concerning the protection of classified information and the means of ensuring such protection. Such persons shall sign a declaration acknowledging receipt of the instructions and give an undertaking to obey them.

⁽¹⁾ OJ 17, 6. 10. 1958, p. 406/58.

Article 6

Article 1(2) and Articles 10 to 13 of Decision C(94)3282 of 30 November 1994 on the security measures applicable to classified information produced or transmitted in connection with the activities of the European Union are hereby repealed. Authorisations granted by virtue of that Decision shall remain valid for the period for which they were granted and for a period of not more than five years from the time when they were granted save where they have been previously withdrawn in accordance with Article 2(2).

Article 7

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 25 February 1999.

For the Commission

The President

Jacques SANTER

COMMISSION DECISION

of 11 March 1999

concerning an application submitted by Ecumet (UK) Ltd for the refund of anti-dumping duties collected on certain imports of silicon metal originating in Brazil

(notified under document number C(1999) 559)

(Only the English and Dutch texts are authentic)

(1999/219/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (hereafter referred to as 'the basic Regulation'), as last amended by Council Regulation (EC) No 905/98⁽²⁾, and in particular Article 11(8) thereof,

After consulting the Advisory Committee,

Considering the following:

A. ORIGINAL MEASURES

- (1) Council Regulation (EEC) No 2305/92⁽³⁾ imposed a definitive anti-dumping duty on imports of silicon metal originating in Brazil. The specific rate of duty applied to importations of the product when produced by Companhia Brasileira Carboreto de Calcio (hereafter 'CBCC') was set at 18,3 %.
- (2) On 14 August 1996 CBCC submitted a request for an interim review (hereafter referred to as 'the review') which was initiated on 7 January 1997 by a notice published in the *Official Journal of the European Communities*⁽⁴⁾.
- (3) Following the publication in February 1997 of a notice of impending expiry of the measures in force⁽⁵⁾ and the receipt in May 1997 of a complaint lodged by the Liaison Committee of the ferro-alloy industry (hereafter referred to as 'EuroAlliages'), the Commission announced the initiation of an expiry

review by a notice published in the *Official Journal of the European Communities*⁽⁶⁾.

- (4) Following the withdrawal by EuroAlliages of their request for an expiry review, both reviews were concluded by Commission Decision 98/164/EC⁽⁷⁾ which terminated the proceeding and hence repealed the duty for CBCC. The above Decision concluded that there had been no dumping of the product by CBCC during the investigation period of the interim review, that is from 1 January 1996 to 31 December 1996.

B. APPLICATION FOR REFUND

- (5) On 18 September 1996, 1 October 1996, 13 February 1997, 22 May 1997, 3 June 1997, 20 August 1997, 3 September 1997, 18 November 1997, 4, 15 and 22 December 1997, 20 January 1998, 9 February 1998 and 24 March 1998 Ecumet (UK) Ltd. (hereafter referred to as 'the applicant'), an independent customer of CBCC, submitted applications for the refund of NLG [...] ⁽⁸⁾ and GBP [...] (289 transactions in total) on imports of silicon metal originating in Brazil and released for free circulation in the United Kingdom and the Netherlands. The goods were sold for export to the Community by CBCC between 30 July 1995 and 23 January 1998.
- (6) On 21 November 1997, the applicant partially withdrew one application in respect of 8 transactions totalling GBP [...].

Following this withdrawal, the total amounts for which refunds are claimed are NLG [...] and GBP [...], (281 transactions in total).

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 222, 7. 8. 1992, p. 1.

⁽⁴⁾ OJ C 3, 7. 1. 1997, p. 13.

⁽⁵⁾ OJ C 36, 5. 2. 1997, p. 12.

⁽⁶⁾ OJ C 242, 8. 8. 1997, p. 3.

⁽⁷⁾ OJ L 58, 27. 2. 1998, p. 58.

⁽⁸⁾ In the published version of this Decision some figures have been omitted pursuant to Article 19 of Regulation (EC) No 384/96 concerning confidentiality.

C. ARGUMENTS OF THE APPLICANT

- (7) The applicant claims that the dumping margin in respect of the silicon metal exported by CBCC and released into free circulation in the Community in the period January 1996 to February 1998 was significantly lower than the applicable duty rate of 18,3 %, which he paid for his imports.

D. ADMISSIBILITY

- (8) The applications are inadmissible in respect of Five transactions for an amount of NLG [...] and 11 transactions for GBP [...] of anti-dumping duties because the time-limit of six months prescribed by the basic Regulation between the determination of duties to be levied and the submission of the applications for refund was not respected with regard to those transactions.
- (9) All of the applications submitted for the remaining claims of NLG [...] and GBP [...] (265 transactions in total) correspond to definitive anti-dumping duties paid and were introduced within the time limits established in Article 11(8) of the basic Regulation.

E. MERITS OF THE APPLICATIONS**1. Evidence**

- (10) In accordance with the relevant provisions of Article 11(8) of the basic Regulation, the applicant submitted in respect of the applications referred to in recital (9) of this Decision the necessary *prima facie* evidence relating to normal value and export prices showing that the duty collected exceeds the dumping margin calculated for the appropriate reference periods.
- (11) In particular, the Commission sought and verified all the information it considered necessary within the framework of this investigation and of the review investigation (see below). Verification visits were also made to the premises of CBCC within the framework of the review investigation.
- (12) The applications dependent on the findings of the review should be considered to be duly substantiated by evidence within the meaning of the Fourth subparagraph of Article 11(8) of the basic Regulation, which sets the time-limits for completing refund investigations, from the date on which the findings of the review were published in the *Official Journal of the European Communities*, that is 27 February 1998.

- (13) The remaining applications which were dealt with in the framework of the refund investigation should be considered to have been duly supported by evidence from the date on which the Commission's services were in receipt of all data necessary for the investigation, that is 6 August 1998.
- (14) The Commission, in pursuing this investigation, applied the same methodology as that used in the original investigation as required by Article 11(9) of the basic Regulation.

2. Reference periods

- (15) The dumping margin of the exporter CBCC was calculated for the following three reference periods: from 1 July 1995 to 31 December 1995, from 1 January 1996 to 31 December 1996 and from 1 January 1997 to 31 December 1997.

3. Merits of the transactions sold for export between 1 January 1996 and 31 December 1996

The applications in respect of 105 transactions on which anti-dumping duties of NLG [...] and GBP [...] were paid relate to invoices issued within the investigation period select for the review, that is from 1 January 1996 to 31 December 1996.

The Commission considers that the information and findings of the review, which determined that there was no dumping of the product concerned by CBCC for the period 1 January 1996 to 31 December 1996, should be used to determine whether and to what extent a refund is justified for the import transactions which were invoiced by CBCC between those dates.

4. Merits of the transactions sold for export between 1 July 1995 and 31 December 1995 and between 1 January 1997 and 31 December 1997

156 transactions relate to invoices issued by CBCC between 30 July 1995 and 31 December 1995 and between 17 January 1997 and 27 December 1997 for total amounts of NLG [...] and GBP [...] of anti-dumping duties.

As the transactions in question clearly fall outside the period of investigation used for the review of the measures and thus the conclusions of the review could not be applied to those transactions, the Commission services carried out an investigation to determine whether and to what extent a refund was justified.

To that end, the dumping margin of CBCC was calculated for the periods of 1 July 1995 to 31 December 1995 and 1 January 1997 to 31 December 1997.

(a) *Normal value*

It was found that CBCC's domestic sales volume exceeded 5 % of its export sales to the Community, in accordance with Article 2(2) of the basic Regulation.

It was also established that the silicon metal sold on the Brazilian market was comparable to the silicon metal exported from Brazil to the Community.

In order to assess if and to what extent domestic sales were made in the ordinary course of trade, the unit value of each domestic transaction was compared with the cost of production per tonne reported by the company during the reference periods. It was found that the volume of sales made at prices equal to or above the cost of production were between 10 % and 80 % of the total domestic sales volume. Normal value was, therefore, established on the basis of the average domestic sales price of these sales only.

(b) *Export prices*

Export price was established by reference to the price actually paid for the silicon metal sold for export to independent buyers in the Community, in accordance with Article 2(8) of the basic Regulation.

(c) *Comparison*

Normal value was compared at an ex-factory level with the export price on a weighted average basis and at the same level of trade. For the purpose of ensuring a fair comparison due allowance in the form of adjustments was made for differences affecting price comparability, in accordance with Article 2(10) of the basic Regulation.

(d) *Establishment of the dumping margin*

The refund investigation was concluded with a finding of no dumping by CBCC of the product concerned during the relevant periods of 1 July 1995 to 31 December 1995 and 1 January 1997 to 31 December 1997.

5. Merits of the transactions sold for export in January 1998

Following the selection of the reference period of 1 January 1997 to 31 December 1997, two applications related to invoices issued by CBCC on 23 January 1998 for an amount of NLG [...] and one of GBP [...] were lodged.

The Commission considers that the finding of no dumping for the reference period of 1 January 1997 to 31 December 1997 can be reasonably applied to these transactions. In particular, the Commission considers that these transactions took place immediately after the period examined, that the amount concerned is very small in proportion to the total volume of exports to the Community by CBCC during the reference periods and to the total amount claimed by the applicant and that a stable pattern of no dumping was consistently found for the transactions made for the two and half years preceding these transactions. Furthermore it was established that the average FOB export price decreased by less than 0,25 % and the domestic transactions were found, on average, to be both profitable and at prices consistently lower than the export prices.

F. DISCLOSURE

- (16) The applicant received disclosure of the essential facts and considerations on the basis of which it is intended to adopt a Commission Decision concerning the refund application in question. The applicant made no comments.

G. AMOUNT TO BE REFUNDED

- (17) As the review and refund investigations established that there was no dumping for the product concerned when exported by CBCC in the three reference periods, and the Commission also considers that the finding of no dumping can be applied to the transactions invoiced in January 1998 as a result of the comparison with the rate of duty applied the applicant should be refunded NLG [...] and GBP [...].

HAS ADOPTED THIS DECISION:

Article 1

1. The refund applications submitted by Ecumet (UK) Ltd are granted in respect of

- NLG [...]
- and
- GBP [...].

2. The refund applications are rejected in respect of

- NLG [...]
- and
- GBP [...].

Article 3

This Decision is addressed to the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and Ecumet (UK) Ltd, 6, Paddockhall Road, Haywards Heath, West Sussex, RH16 1HH, Great Britain.

Article 2

Done at Brussels, 11 March 1999.

The amounts set in Article 1(1) shall be refunded by the United Kingdom and the Kingdom of the Netherlands respectively.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 23 March 1999

amending Decision 87/257/EEC on the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

(notified under document number C(1999) 711)

(Text with EEA relevance)

(1999/220/EC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 97/79/EC⁽²⁾, and in particular Articles 4(1) and 18(1) thereof,

- (1) Whereas a list of establishments in the United States of America, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Commission Decision 87/257/EEC of 28 April 1987⁽³⁾, as last amended by the Decision 1999/85/EC of 1 February 1999⁽⁴⁾; whereas that list may be amended at any time in the light of the results of Community inspections carried out in the United States of America;
- (2) Whereas routine inspections made in application of Article 5 of Directive 72/462/EEC have revealed that the level of hygiene of certain establishments may be considered to be satisfactory; whereas these establishments may therefore be maintained or entered on the said list;

(3) Whereas the list of establishments must be amended accordingly;

(4) 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

The Annex to Decision 87/257/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 121, 9. 5. 1987, p. 55.

⁽⁴⁾ OJ L 27, 2. 2. 1999, p. 32.

ANNEX

List of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3 W	Swift & Company, Worthington, MN	×	×				×		10(a), 15, T
53	American Freezer Services, Norfolk, NE			×					1
I-113	US Cold Storage, Philadelphia, PA			×					1
I-149	C W Storage, Albany, NY			×					1
I-182	Garden State Cold Storage Inc., Mullica Hill, NJ			×					1, TF
I-183	Blue Grass Inspection Service, Philadelphia, PA			×					1
I-195	Rosenberger's Cold Storage Inc., Hatfield, PA			×					1
244 P	Transcontinental Cold Storage, Perry, IA			×					1, TF
244 W	IBP, Waterloo, IA	×	×				×		5, 15, 17, TF
245 L	IBP, Lexington, NE	×	×		×				14, 15
I-305	Georgia Ports Authority, Savannah, GA			×					1
320M	Premium Standard Foods, Milan, MO	×	×				×		T, 15
I-335	Service Cold Storage, Miami, FL			×					1
382G	Smithfield Packing Co., Norfolk, VA			×					1
410	Green Bay Dressed Beef Inc., Green Bay, WI	×			×				10, 15
E-713	Central Nebraska Packing Inc., North Platte, NE	×	×					×	16
889 A	J.F. O'Neill Packing Co., Omaha, NE	×	×		×				14, 15
1620	Quality Pork Processors Inc., Austin, MN	×					×		7, 13, 15
E-2018	Dallas Crow Inc., Kaufman, TX	×	×					×	16
2508	The Bruss Company, Chicago, IL		×		×		×		15
3056	Termicol Inc., Wallula, WA			×					1
3131	Minnesota Freezer Warehouse Company, Worthington, MN			×					1, TF
3136	Cloverleaf Cold Storage of Fairmont, Fairmont, MN			×					1, TF
3149	Milliard Refrigerated Services, Des Moines, IA			×					1, TF
3157	Des Moines Cold Storage Co. Inc., Des Moines, IA			×					1, TF
3158	Freezer Services Inc., Amarillo, TX			×					1
3161	Monument Distribution Warehouse Inc., Indianapolis, IN			×					1

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3170	Logansport Refrig Services, Logansport, IN			×					1
3190	American Freezer Services Inc., Fremont, NE			×					1
3198	Milliard Refrigerated Services, Denison, IA			×					1
3215	Napoleon Warehouse Inc., Napoleon, OH			×					1
3216	Freezer Services Inc. of Texas, Garden City, KS			×					1
3229	Iowa Beef Processors Inc., Emporia, KS			×					1
3241	AMC Warehouses, Grand Prairie, TX			×					1
3245	United Refrigerated Services, Marshall, MO			×					1
3261	Rosenberger's Cold Storage Inc., Hatfield, PA			×					1
3283	Industrial Cold Storage, 2625 West 5th St., Jacksonville, FL			×					1
3338	Millard Refrigerated Services, Iowa City, IA			×					1
3363	Millard Refrigerated Services, Friona, TX			×					1
3396	Americold, Bettendorf, IA			×					1
3397	Alford Refrigerated Warehouse, Richardson, TX			×					1
3398	Millard Refrigerated Services, Grand Island, NE			×					1
3407	Bell Cold Storage, St Paul, MN			×					1
3431	Texas Cold Storage, Fort Worth, TX			×					1
3447	Mohawk Cold Storage Division, Wauwatosa, WI			×					1
3475	Atlas Cold Storage, Green Bay, WI			×					1
3505	Dakota Cold Storage, Huron, SD			×					1
3535	Ashland Cold Storage Co., Chicago, IL			×					1
3552	Cloverleaf Cold Storage Co. (No 2), Sioux City, IA			×					1
3554	Cloverleaf Cold Storage Co., Sioux City, IA			×					1
3555	Cloverleaf Cold Storage Co. (No 5), Sioux City, IA			×					1, TF
3573	Albert Lea Freezer Warehouse Co., Albert Lea, MN			×					1, TF
3610	Millard Refrigerated Services, Dodge City, KS			×					1
3688	Newport St Paul Cold Storage, Newport, MN			×					1
3707	United States Cold Storage Inc., Omaha, NE			×					1
3738	Artesian Ice and Cold Storage Co., St Joseph, MO			×					1, TF

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3748	Cloverleaf Cold Storage Co., Sioux City, IA			×					1
3854	Merchants Refrigerating Co., Vinita Park, MO			×					1
3860	Central Storage and Warehouse Inc., Eau Claire, WI			×					1
3871	York Cold Storage Co., York, NE			×					1
3910	United States Cold Storage, East Peoria, IL			×					1
3942	Wilkerson Cold Storage, Lubbock, TX			×					1
4104	Goldberg & Solovy Foods, 5925 Alcor, CA 90058		×		×				15
4816	Frontier Game Company, Whiteface, TX	×	×		×				15
E-7041	Beltex Corporation, Fort Worth, TX	×	×					×	16, 19
7271	Custom Meat Corp., Dallas, TX		×		×	×	×		15
8904	Bell Cold Storage, St Paul, MN			×					1
8984	Provimi Veal Corp., Seymour, WI	×	×		×				3, 15
9400	Taylor Packing Inc., Wyalusing, PA	×	×		×				9, 15
13182	Millard Refrigerated Services, Omaha, NE			×					1, TF
13225	Quality Refrigerated Services, Omaha, NE			×					1
13331	Millard Processing Services, Omaha, NE (West)			×					1, TF
13531	Beef America Operating Co., York, NE		×		×	×	×		15
E-15849	Cavel International, De Kalb, IL	×	×					×	16
17054	RCS/Smithfield Inc., Smithfield, VA			×					1
17068	US Coldstorage, Cumberton, NC			×					1
17354	CSW Central Storage & Warehouse Co. Inc., Madison, WI			×					1
17461	Millard Refrigerated Services, Greeley, CO			×					1
17624	Wiscold Inc. Rochelle, Rochelle, IL			×					1, TF
17756	Millard Refrigerated Services, Sioux City, IA			×					1, TF
17993	Richmond Cold Storage, 5501 Corrugated Road, Sandston, VA			×					1, TF
18163	Quality Refrigerated Services, Spencer, IA			×					1, TF
18265	Alford Refrigerated Warehouses, Houston, TX			×					1
18294	Marshall Cold Store, Marshalltown, IA			×					TF, 1, 15

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
18435	Carolina Cold Storage, Tar Heel, NC			×					TF, 1
18674	Millard Refrigerated Services, Edwardsville, KS			×					1, TF
18793	Cloverleaf Cold Storage, Austin, MN			×					TF, 1
18859	North American Bison Cooperative, New Rockford, ND	×	×		×				15
18930	Jacintoport Corp., 16203 Peninsula Blvd, Houston, TX			×					1
18986	Alford Refrigerated Warehouse, Laporte, TX			×					1, TF
19086	Gress Refrigerated Services, Scranton, PA			×					1
19087	Inter Cities Cold Storage, Inc., Pittston, PA			×					1
19246	Cloverleaf Cold Storage, Sioux City, IO			×					1, TF
19288	United States Cold Storage, PO Box 242, Milford, DE			×					1
19470	Nordic Warehouse Inc., 403 Commerce Ct., Goldsboro, NC			×					1, TF
19593	Ball Packing Inc., Idaho Falls, ID			×					1
19690	T&T Freezers, 2192 NV Blvd, Vineland, NJ			×					1
19797	Burris Refrigerated Svcs, Gilbert Rd, Benson, NC			×					1, TF
19870	United States Cold Storage, PO Box 627, Warsaw, NC			×					1
20012	Lakeway International Food Group LLC, Omaha, NE		×		×				15
20190	Interstate Warehousing, Newport News, VA			×					1
20374	Quality Refrigerated Services, Omaha, NE			×					1

(*) SL: Slaughterhouse B: Bovine meat SP: Meat from solipeds
CP: Cutting premises S/G: Sheep meat/goat meat SR: Special remarks
CS: Coldstore P: Pig meat

- 1 = Only storage of meat already finally packaged in approved slaughtering or cutting establishments.
- 2 = Offal only.
- 3 = Also for sliced bovine livers.
- 4 = Only sliced bovine livers.
- 5 = Tongues, hearts and carcase meat only.
- 6 = Tongues, hearts and kidneys only.
- 7 = Tongues, hearts, kidneys and livers only.
- 8 = Tongues, hearts, kidneys, livers and brains only.
- 9 = Tongues, hearts, stomachs and carcase meat only.
- 10 = Tongues, hearts, kidneys, livers and stomachs only.
- 10(a) = Tongues, hearts, kidneys, livers, stomachs and carcase meat only.
- 11 = Carcase meat, tongues, hearts, kidneys, livers and brains only.
- 12 = Hearts and stomachs only.
- 13 = Only packaged offal which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.
- 14 = Offal excluded.
- 15 = Fresh meat must be unloaded onto the territory of the Community by 30 April 1999.
- 16 = Livers and kidneys excluded.
- 17 = Only carcase meat and packaged offal which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.
- 18 = Tongues, hearts, kidneys, livers, brains and tails.
- 19 = Bison included.
- TF = The establishments with the indication 'TF' are authorised, within the meaning of Article 4 of Directive 77/96/EEC, to perform the freezing treatment provided for in Article 3 of the same Directive.
- T = This establishment is authorised, within the meaning of Article 4 of Directive 77/96/EEC, to perform the examination for detection of *trichinae* provided for in Article 2 of the aforementioned Directive.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1648/95 of 6 July 1995 amending Regulation (EEC) No 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes

(Official Journal of the European Communities L 156 of 7 July 1995)

Page 27, in Article 1, point 3, first sentence:

for: '... at the end of the first subparagraph of Article 4(2)(a).',

read: '... at the end of the last subparagraph of Article 4(2)(a).'

Corrigendum to 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

(Official Journal of the European Communities L 46 of 20 February 1999)

On page 14, in the Annex, under 'Fresh meat and offal — SPAIN':

for: 'Cordero Manchego (PDO)',

read: 'Cordero Manchego (PGI)'.
