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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC, ECSC, EURATOM) No 1238/1999
of 14 June 1999**

incorporating daily subsistence allowance rates for officials on mission within the European Territory of the Member States of the European Union for Austria, Finland and Sweden into Article 13 of Annex VII to the Staff Regulations of the Officials of the European Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 283 thereof,

Having regard to the proposal from the Commission presented after consulting the Staff Regulations Committee ⁽¹⁾,

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

Having regard to the opinion of the Court Justice ⁽³⁾,

Having regard to the opinion of the Court of Auditors ⁽⁴⁾,

Whereas daily subsistence allowance rates for officials on mission for Austria, Finland and Sweden should be incorporated into Article 13 of Annex VII to the Staff Regulations of Officials of the European Communities ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Article 13 of Annex VII to the Staff Regulations is hereby amended as follows:

1. The following shall be inserted in the scale in paragraph 1(a):

(in euros)

	I	II	III
Member States	Grades A 1 to A 3 and LA 3	Grades A 4 to A 8, LA 4 to LA 8 and Category B	Other grades
Austria	54,64	89,42	89,42
Finland	94,37	158,97	158,97
Sweden	94,37	158,97	158,97

2. In paragraph 2, the following indents shall be inserted in the first sentence:

- EUR 94,37 for Austria;
- EUR 144,05 for Finland;
- EUR 144,05 for Sweden.

⁽¹⁾ OJ C 152, 1.6.1999, p. 5.

⁽²⁾ Opinion delivered on 7 May (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 12 May 1999.

⁽⁴⁾ Opinion delivered on 29 April 1999.

⁽⁵⁾ Established by Regulation (EEC, Euratom, ECSC) No 259/68 (OJ L 56, 4.3.1968, p. 1) as last amended by Regulation (EEC, ECSC, Euratom) No 620/1999 (OJ L 78, 24.3.1999, p. 1).

Article 2

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

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

Done at Luxembourg, 14 June 1999.

For the Council

The President

K.-H. FUNKE

COUNCIL REGULATION (EC) No 1239/1999
of 10 June 1999

on the conclusion of the Protocol defining, for the period from 18 January 1999 to 17 January 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles on fishing off Seychelles

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof, in conjunction with Article 300(2), first sentence, and (3), first subparagraph thereof,

Having regard to the proposal from the Commission,

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

- (1) Whereas, in accordance with the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, signed in Brussels on 28 October 1987, the Contracting Parties held negotiations with a view to determining amendments to be made to that Agreement at the end of the period of application of the Protocol attached to the said Agreement;
- (2) Whereas, as a result of these negotiations, a new Protocol defining for the period from 18 January 1999 to 17 January 2002 the fishing opportunities and the financial contribution provided for by the abovementioned Agreement was initialled on 21 December 1998;
- (3) Whereas it is in the Community's interest to approve that Protocol;
- (4) Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol defining, for the period from 18 January 1999 to 17 January 2002, the fishing opportunities and the financial contribution provided for by the Agreement

⁽¹⁾ Opinion delivered on 15 April 1999 (not yet published in the Official Journal).

between the European Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the European Community.

The text of the Protocol is attached to this Regulation ⁽²⁾.

Article 2

The fishing possibilities provided for in the Protocol are allocated among the Member States as follows:

- (a) freezer tuna seiners:

— Spain:	25 vessels
— France:	20 vessels
— Italy:	1 vessel
— United Kingdom:	1 vessel
- (b) surface longliners:

— Spain:	20 vessels
— France:	5 vessels
— Portugal:	7 vessels.

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may entertain licence applications from any other Member State.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽²⁾ OJ C 131, 27.5.1999, p. 53.

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

Done at Luxembourg, 10 June 1999.

For the Council

The President

K.-H. FUNKE

COMMISSION REGULATION (EC) No 1240/1999
of 16 June 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 17 June 1999.

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

Done at Brussels, 16 June 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 16 June 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	80,8
	064	47,0
	999	63,9
0707 00 05	052	79,6
	628	133,7
	999	106,6
0709 90 70	052	55,2
	999	55,2
0805 30 10	382	53,6
	388	61,2
	528	52,7
	999	55,8
0808 10 20, 0808 10 50, 0808 10 90	388	66,9
	400	61,5
	508	78,8
	512	78,7
	524	71,0
	528	55,2
	804	96,5
	999	72,7
	999	72,7
0809 10 00	052	199,0
	999	199,0
0809 20 95	052	230,6
	064	190,7
	068	139,9
	400	208,1
	616	153,1
	999	184,5
0809 40 05	624	249,2
	999	249,2

⁽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 1241/1999
of 16 June 1999

fixing the maximum export refund for white sugar for the 43rd 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 organisation 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 43rd 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 43rd 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 51,580 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 June 1999.

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

Done at Brussels, 16 June 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 1242/1999
of 16 June 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 Cereals,

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 17 June 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, 16 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 16 June 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	45,77 ⁽¹⁾
1701 11 90 9910	44,63 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	45,77 ⁽¹⁾
1701 12 90 9910	44,63 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4975
	— EUR/100 kg —
1701 99 10 9100	49,75
1701 99 10 9910	48,52
1701 99 10 9950	48,52
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4975

⁽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 1243/1999

of 16 June 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 Commission 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 17 June 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, 16 June 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

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 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⁾	6,29	0,25	—
1703 90 00 ⁽¹⁾	7,46	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 1244/1999

of 16 June 1999

setting export refunds on products processed from fruit and vegetables other than those granted for added sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Having regard to the Treaty establishing the European Community,

Whereas Article 17(3) of Regulation (EC) No 2201/96 states that prices on the Community market are to be determined taking account of those most favourable from the exportation standpoint; whereas international trade prices are to be determined account taken of the prices indicated in the second subparagraph of that paragraph;

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in products processed from fruit and vegetables ⁽¹⁾, as amended by Regulation (EC) No 2199/97 ⁽²⁾, and in particular Article 16(3),

Whereas the international trade situation or the special requirements of certain markets may make it necessary to vary the refund on a given product depending on the destination of that product;

Whereas Commission Regulation (EC) No 1429/95 ⁽³⁾, as last amended by Regulation (EC) No 1007/97 ⁽⁴⁾, sets implementing rules for export refunds on products processed from fruit and vegetables;

Whereas economically significant exports can be made at the present time of provisionally preserved cherries, peeled tomatoes, preserved cherries, prepared hazelnuts and some orange juices;

Whereas Article 16(1) of Regulation (EC) No 2201/96 states that, to the extent necessary to permit exports in economically significant quantities of the products referred to in Article 1(1)(a) of that Regulation, on the basis of prices for those products in international trade, the difference between those prices and prices in the Community may be covered by export refunds; whereas Article 18(4) of Regulation (EC) No 2201/96 provides that, if the refund on sugar incorporated into the products listed in Article 1(1) is insufficient to allow export of the products, the refund fixed in accordance with Article 17 is to be applicable to those products;

Whereas application of the rules mentioned above to the present and forecast market situation, in particular to prices of products processed from fruit and vegetables in the Community and in international trade, leads to the refund rates set in the Annex hereto;

Whereas Article 17(2) of Regulation (EC) No 2201/96 states that refunds must be fixed with regard to the existing situation and outlook for prices for products processed from fruit and vegetables on the Community market and supply availability, on the one hand, and prices in international trade on the other hand; whereas account must also be taken of the costs indicated at (b) in that paragraph and of the economic aspect of the envisaged exports;

Whereas, pursuant to Article 16(2) of Regulation (EC) No 2201/96, the most efficient possible use should be made of the resources available without creating discrimination between traders; whereas, therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements;

Whereas Commission Regulation (EEC) No 3846/87 ⁽⁵⁾, as last amended by Regulation (EC) No 565/1999 ⁽⁶⁾, establishes an agricultural product nomenclature for export refunds;

Whereas refunds are, pursuant to Article 16(1) of Regulation (EC) No 2201/96, to be set with due regard to the

Whereas Commission Regulation (EEC) No 3719/88 ⁽⁷⁾, as last amended by Regulation (EC) No 1127/1999 ⁽⁸⁾, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products;

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 303, 6.11.1997, p. 1.

⁽³⁾ OJ L 141, 24.6.1995, p. 28.

⁽⁴⁾ OJ L 145, 5.6.1997, p. 16.

⁽⁵⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁶⁾ OJ L 70, 17.3.1999, p. 3.

⁽⁷⁾ OJ L 331, 2.12.1988, p. 1.

⁽⁸⁾ OJ L 135, 29.5.1999, p. 48.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refund rates in the processed fruit and vegetables sector shall be those fixed in the Annex hereto.
2. Quantities for which licences are issued in the context of food aid, as referred to in Article 14a of Regulation (EEC) No 3719/88 shall not count against the eligible quantities referred to in the first paragraph.

Article 2

This Regulation shall enter into force on 24 June 1999.

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

Done at Brussels, 16 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Product (The full definitions of the eligible products are given in the 'processed fruit and vegetables' sector of Commission Regulation (EEC) No 3846/87, as amended)		Product code	Destination code ⁽¹⁾	Licence issuing period July to October 1999	
				Period for submission of applications: from 24 June to 24 October 1999	
				Refund rate (EUR/t net)	Quantities provided (in tonnes)
Provisionally preserved cherries		0812 10 00 9100	F06	55	3 358
Peeled tomatoes		2002 10 10 9100	A20	50	50 000
Preserved cherries		2006 00 31 9000 2006 00 99 9100	F06	170	700
Prepared hazelnuts		2008 19 19 9100 2008 19 99 9100	A01	66	405
Orange juice	With a sugar content of not less than 10° Brix, but less than 22° Brix	2009 11 99 9110 2009 19 99 9110	A01	6	353
	With a sugar content of not less than 55° Brix	2009 11 99 9150 2009 19 99 9150	A01	32	354

⁽¹⁾ The destination codes are defined as follows:

A01: All destinations,

A20: All destinations except the United States of America,

F06: All destinations except the countries of North America.

COMMISSION REGULATION (EC) No 1245/1999
of 16 June 1999
concerning the authorisation of new additives in feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs⁽¹⁾, as last amended by Commission Regulation (EC) No 866/1999⁽²⁾ and in particular Article 9j and Article 3 thereof,

- (1) Whereas Directive 70/524/EEC provides that new additives or uses of additives may be authorised, taking account of advances in scientific and technical knowledge;
- (2) Whereas a new additive 'Natrolite-phonolite' belonging to the group 'Binders, anti-caking agents and coagulants' has been widely tested in some Member States; whereas, on the basis of the studies carried out, it appears that this new additive can be authorised;
- (3) Whereas another new additive, 'Clinoptilolite of volcanic origin', belonging to the group of 'Binders, anti-caking agents and coagulants' has been successfully tested in certain Member States; whereas this new additive should be provisionally authorised;
- (4) Whereas a provisional authorisation of new additives or uses of additives may be given if, at the level permitted in feedingstuffs, it does not adversely affect human or animal health or the environment, nor harm the consumer by altering the characteristics of livestock product, if its presence in feedingstuffs can be controlled, and it is reasonable to assume, in view of the available results, that it has a favourable effect on the characteristics of those feedingstuffs or on livestock

production when incorporated in such feedingstuffs;

- (5) Whereas the provisional authorisation of 'Natrolite-phonolite' expired already on 21 April 1999; whereas therefore for the purpose of legal certainty it is necessary to provide for retroactivity of this Regulation;
- (6) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS REGULATION:

Article 1

'Natrolite-phonolite', belonging to the group 'Binders, anti-caking agents and coagulants', shall be authorised in accordance with Directive 70/524/EEC as additive, E 566, in feedingstuffs under the conditions laid down in Annex I to this Regulation.

Article 2

'Clinoptilolite of volcanic origin', belonging to the group 'Binders, anti-caking agents and coagulants', may be authorised in accordance with Directive 70/524/EEC as additive, No 3, in feedingstuffs under the conditions laid down in Annex II to this Regulation.

Article 3

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

It shall apply from 22 April 1999.

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

Done at Brussels, 16 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 108, 27.4.1999, p. 21.

ANNEX I

EC No	Additive	Chemical formula and description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					mg/kg of complete feedingstuff			
Binders, anti-caking agents and coagulants								
E 566	Natrolite-phonolite	Natural mixture of aluminium silicates, alkalines and alkaline-earth and aluminium hydrosilicates, natrolite (43-46,5 %) and feldspar	All species or categories of animals	—	—	25 000	All feedingstuffs	Without a time limit

ANNEX II

EC No	Additive	Chemical formula and description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					mg/kg of complete feedingstuff			
Binder, anti-caking agents and coagulants								
3	Clinoptilolite of volcanic origin	Calcium hydrated aluminosilicate of volcanic origin containing minimum 85 % of clinoptilolite and a maximum of 15 % of feldspar, micas and clays, free of fibres and quartz. Maximum lead content of 80 mg/kg	Pigs	—	—	20 000	All feedingstuffs	30.9.1999
			Rabbits	—	—	20 000	All feedingstuffs	30.9.1999
			Poultry	—	—	20 000	All feedingstuffs	30.9.1999

COMMISSION REGULATION (EC) No 1246/1999
of 16 June 1999

**fixing the coefficients for reducing the compensatory payments granted under
Council Regulation (EEC) No 1765/92 in the 1999/2000 marketing year in certain
regions of the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (1) Whereas, in order to prevent complicated regionalisation plans resulting in actual yields which significantly exceed historical yields, Regulation (EEC) No 1765/92 provides for the reduction of compensatory payments during the following marketing year in proportion to the overrun of the average historical yield resulting from the 1993 regionalisation plans;
- (2) Whereas the procedure to be used for measuring such overruns is laid down in Commission Regulation (EC) No 1237/95 of 31 May 1995 laying down detailed rules for the application of the stabiliser to the yields used for the calculation of the compensatory payments referred to in Regulation (EEC) No

1765/92 ⁽³⁾, as last amended by Regulation (EC) No 2017/97 ⁽⁴⁾;

- (3) Whereas application of that method results in the fixing of the coefficients indicated in this Regulation;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3(6) of Regulation (EEC) No 1765/92, the compensatory payments for the 1999/2000 marketing year shall be multiplied by a coefficient of 0,992 in the case of France.

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, 16 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 12.

⁽²⁾ OJ L 210, 28.7.1998, p. 3.

⁽³⁾ OJ L 121, 1.6.1995, p. 29.

⁽⁴⁾ OJ L 284, 16.10.1997, p. 36.

COMMISSION REGULATION (EC) No 1247/1999
of 16 June 1999

laying down detailed rules for the application of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations ⁽¹⁾, as last amended by Regulation (EC) No 2435/98 ⁽²⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations ⁽³⁾, and in particular Article 5 thereof,

- (1) Whereas Regulations (EC) No 3066/95 and (EC) No 1926/96 provide for the opening of a tariff quota for 153 000 live bovine animals each year, weighing from 80 to 300 kilograms and originating in Hungary, Poland, the Czech Republic, Slovakia, Romania, Bulgaria, Estonia, Latvia and Lithuania and qualifying for an 80 % reduction in customs duties; whereas it is necessary to adopt detailed rules of application, on a multiannual basis, for 12-month periods beginning on 1 July, hereinafter called the 'year of import'; whereas, to that end, the annual arrangements provided for in the past for that quota should be applied;
- (2) Whereas, with a view to preventing speculation, the quantity available should be made accessible to traders able to show that they are genuinely engaged in trade of a significant scale with third

countries; whereas, in consideration of this and in order to ensure efficient management, the traders concerned should be required to have exported and/or imported a minimum of 50 animals during the 12 months preceding the year of import in question; whereas a consignment of 50 animals in principle constitutes a normal load; whereas experience has shown that the sale or purchase of a single consignment is a minimum requirement for a transaction to be considered real and viable;

- (3) Whereas, if such criteria are to be checked, applications must be presented in the Member State where the importer is entered in a VAT register;
- (4) Whereas, to ensure orderly importation, the issue of licences should be staggered over the year of import;
- (5) Whereas it should be stipulated that import rights are to be allocated after a reflection period and where necessary with a fixed percentage reduction applied;
- (6) Whereas the arrangements should be managed using import licences; whereas, to this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary by addition of certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1127/1999 ⁽⁵⁾, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁶⁾, as last amended by Regulation (EC) No 2648/98 ⁽⁷⁾;
- (7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

⁽¹⁾ OJ L 328, 30.12.1995, p. 31.

⁽²⁾ OJ L 303, 13.11.1998, p. 1.

⁽³⁾ OJ L 254, 8.10.1996, p. 1.

⁽⁴⁾ OJ L 331, 2.12.1988, p. 1.

⁽⁵⁾ OJ L 135, 29.5.1999, p. 48.

⁽⁶⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁷⁾ OJ L 335, 10.12.1998, p. 39.

HAS ADOPTED THIS REGULATION:

Article 1

1. 153 000 live bovine animals falling within CN code 0102 90 21, 0102 90 29, 0102 90 41 or 0102 90 49 and originating in the third countries listed in Annex II may be imported each year under this Regulation, on a multi-annual basis for periods from 1 July to 30 June of the following year (hereinafter called the 'year of import').

This tariff quota shall have the serial number 09.4537.

2. The *ad valorem* customs duty and the specific customs duties on those animals as fixed in the common customs tariff (CCT) shall be reduced by 80 %.

Article 2

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications, that they have imported and/or exported at least 50 animals covered by CN code 0102 90 during the 12 months prior to the year of import concerned; applicants must be listed in a national VAT register.

2. Proof of import and export shall be furnished exclusively by means of the customs document of release for free circulation or the export document, duly endorsed by the customs authorities.

The Member States may accept copies of the documents referred to above, duly certified by the issuing authority, where applicants can prove to the satisfaction of the competent authority that it is impossible for them to obtain the originals.

Article 3

1. Applications for import rights may be presented only in the Member State in which the applicant is registered for VAT purposes.

2. Applications for import rights:

- must cover at least 50 animals, and
- may not cover more than 10 % of the quantity available.

Where applications exceed this quantity, the excess shall be disregarded.

3. Applications for import rights may be lodged only until 30 June before the year of import concerned.

4. Applicants may lodge no more than one application each. Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

5. After verification of the documents presented, Member States shall forward to the Commission, by the 10th working day following the end of the period for the submission of applications at the latest, the list of applicants and quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax using the model form in Annex I hereto in cases where applications have actually been submitted.

Article 4

1. The Commission shall decide as soon as possible what percentage of quantities, covered by applications may be imported.

2. If the quantities covered by applications as referred to in Article 3 exceed those available, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

Where the application of the reduction provided for in the first subparagraph gives a figure of less than 50 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 50 head each. Where the remainder is less than 50 head, a single import right shall be awarded for that quantity.

Article 5

1. The quantities awarded shall be imported subject to presentation of one or more import licences.

2. Licence applications may be lodged only in the Member State where the application for the import right is submitted.

3. Licence applications and licences shall show the following:

(a) in box 8, one or more of the countries listed in Annex II; licences shall carry with them an obligation to import from one or more of the countries indicated;

(b) in box 16, one of the following groups of Combined Nomenclature subheadings within the same indent:

- 0102 90 21; 0102 90 29,
- 0102 90 41; 0102 90 49;

(c) in box 20, the serial number 09.4537 and at least one of the following:

- Regulamento (CE) n° 1247/1999
- Forordning (EF) nr. 1247/1999
- Verordnung (EG) Nr. 1247/1999
- Κανονισμός (ΕΚ) αριθ. 1247/1999
- Regulation (EC) No 1247/1999
- Règlement (CE) n° 1247/1999
- Regolamento (CE) n. 1247/1999
- Verordening (EG) nr. 1247/1999
- Regulamento (CE) n.º 1247/1999
- Asetus (EY) N:o 1247/1999
- Förordning (EG) nr 1247/1999.

4. Following notification of allocations from the Commission under Article 4(1), licences shall be issued up to 31 December of the year of import for a maximum of 50 % of the allocated import rights. Import licences for the remaining quantities for the same year of import shall be issued from 1 January.

5. Import licences issued in accordance with this Regulation shall be valid for 90 days from their date of issue within the meaning of Article 21(2) of Regulation (EEC) No 3719/88. However, licences shall not be valid after 30 June of the year of import.

6. Licences issued shall be valid throughout the Community.

7. Article 8(4) of Regulation (EEC) No 3719/88 shall not apply. To that end, the figure '0' (zero) shall be entered in box 19 of licences.

Article 6

Imported animals shall qualify for the duties referred to in Article 1 on presentation of either an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Europe Agreements with the central European associate countries and Protocol 3 annexed to the Europe Agreements with the Baltic countries or a declaration drawn up by the exporter in accordance with those Protocols.

Article 7

Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 8

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, 16 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

EC Fax: (32 2) 296 60 27

Application of Regulation (EC) No 1247/1999

Serial No 09.4537

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/2 — BEEF AND VEAL SECTOR

IMPORT RIGHTS APPLICATION

Date: Period:

Member State:

[illegible]

Member State: Fax No:

Tel. No:

(¹) Continuous numbering

*ANNEX II***List of third countries**

Hungary

Poland

Czech Republic

Slovakia

Romania

Bulgaria

Lithuania

Latvia

Estonia

COMMISSION REGULATION (EC) No 1248/1999
of 16 June 1999

**suspending the invitation to tender opened by Regulation (EC) No 1135/1999
for the mobilisation of pigmeat on the Community market with a view to its
subsequent delivery to Russia**

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

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

- (1) Whereas Commission Regulation (EC) No 111/1999⁽²⁾, as amended by Regulation (EC) No 1125/1999⁽³⁾, lays down the general rules for the application of Regulation (EC) No 2802/98;
- (2) Whereas for the purposes of applying Regulation (EC) No 2802/98 the Commission, by Regulation (EC) No 1135/1999⁽⁴⁾, opened an invitation to tender to establish the costs of supplying the pigmeat; whereas, in view of the situation on the

pigmeat market, that invitation to tender should be suspended;

- (3) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

The invitation to tender opened by Regulation (EC) No 1135/1999 is hereby suspended.

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, 16 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 349, 24.12.1998, p. 12.

⁽²⁾ OJ L 14, 19.1.1999, p. 3.

⁽³⁾ OJ L 135, 29.5.1999, p. 41.

⁽⁴⁾ OJ L 135, 29.5.1999, p. 85.

COMMISSION REGULATION (EC) No 1249/1999
of 16 June 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 1236/1999⁽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 EUR 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 1236/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1236/1999 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 June 1999.

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

Done at Brussels, 16 June 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 149, 16.6.1999, p. 31.

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	37,43	27,43
	medium quality ⁽¹⁾	47,43	37,43
1001 90 91	Common wheat seed	49,95	39,95
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	49,95	39,95
	medium quality	81,20	71,20
	low quality	99,78	89,78
1002 00 00	Rye	105,89	95,89
1003 00 10	Barley, seed	105,89	95,89
1003 00 90	Barley, other ⁽³⁾	105,89	95,89
1005 10 90	Maize seed other than hybrid	97,64	87,64
1005 90 00	Maize other than seed ⁽³⁾	97,64	87,64
1007 00 90	Grain sorghum other than hybrids for sowing	105,89	95,89

⁽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 15 June 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)	119,36	101,23	90,75	83,20	142,42 (**)	132,42 (**)	73,99 (**)
Gulf premium (EUR/t)	—	8,99	0,88	10,57	—	—	—
Great Lakes premium (EUR/t)	10,57	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 14,17 EUR/t; Great Lakes — Rotterdam: 25,74 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).

COMMISSION REGULATION (EC) No 1250/1999
of 16 June 1999
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1287/98⁽²⁾, and in particular Article 5(5) thereof,

Whereas Commission Regulation (EC) No 927/1999⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for apples for destination group Y will shortly be exceeded; whereas this overrun will prejudice the proper working of

the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for apples for destination group Y exported after 16 June 1999 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for apples for destination group Y submitted pursuant to Article 1 of Regulation (EC) No 927/1999, export declarations for which are accepted after 16 June and before 1 July 1999, are hereby rejected.

Article 2

This Regulation shall enter into force on 17 June 1999.

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

Done at Brussels, 16 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 178, 23.6.1998, p. 11.

⁽³⁾ OJ L 115, 4.5.1999, p. 7.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 December 1998

concerning State aid granted by the region of Friuli-Venezia Giulia and the Italian Government to Seleco

(notified under document number C(1998) 4035)

(Only the Italian text is authentic)

(Text with EEA relevance)

(1999/398/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having, in accordance with the abovementioned Article, given interested parties notice to submit their comments ⁽¹⁾,

Whereas:

encrypted programmes (pay-TV sector) and professional television equipment (video projectors and monitors). Like other firms in this industry in Italy, Seleco has regularly received aid over the last 10 years ⁽²⁾ through the public financing institution Ristrutturazione Elettronica (hereinafter referred to as 'REL' ⁽³⁾).

- (2) In 1993 Selecto incurred losses of ITL 77,5 billion (ECU 41 million), an amount exceeding its own resources (ITL 60,6 billion in capital and reserves). To cover the losses, the different shareholders concluded a cover and recapitalisation agreement at the beginning of 1994 which provided for a partial write-off (ITL 16 billion) of the amount owed to REL (ITL 82 billion) by Seleco, a capital injection of ITL 13 billion by the public financial institution Friulia SpA and an undertaking given by the public-sector banks to underwrite, together with several private-sector banks, an ITL 9 billion recapitalisation, in proportion to their respective claims. The contribution from the public banks amounted to ITL 3,5 billion.

- (3) The Italian authorities notified only the contribution from Friulia SpA, but the aid was granted

(1) Seleco, a company located in Pordenone, Friuli-Venezia Giulia (Italy), employed 1 500 persons in its consumer electronics business, more specifically in three sectors: colour televisions, decoders for

⁽¹⁾ OJ C 373, 29.12.1994, p. 5; OJ C 155, 20.5.1998, p. 24.

⁽²⁾ In Decision C 20/91 (OJ C 166, 3.7.1992, p. 6), the Commission approved aid granted by REL to a dozen firms in the consumer electronics industry, the largest of which was Seleco.

⁽³⁾ Public body for the reconstruction of the consumer electronics industry in Italy, whose activities were the subject of the decisions of 17 January 1984 and 17 September 1985.

before the Commission could take a decision. That aid and the unnotified aid granted by REL and the public-sector banks led the Commission to initiate proceedings under Article 93(2) on 27 September 1994.

- (4) By letters dated 26 October 1994, 30 January 1995, 19 April 1995, 7 July 1995, 25 August 1995 and 19 November 1996, the Commission asked the Italian authorities to provide more detailed information on the abovementioned transactions.
- (5) The Italian authorities replied by letters received on 14 October 1994, 10 November 1994, 31 March 1995, 27 June 1995, 19 December 1995, 22 January 1996, 5 December 1996 and 11 February 1997. Further details were provided at a meeting held on 22 November 1995 between representatives of the Commission and the Italian Government.

II

- (6) At the beginning of 1996, whilst it was preparing to close the proceedings initiated in 1994 with a partly negative decision, the Commission learned from press reports that other transactions may have taken place involving public companies which may have considerably altered the structure of the Seleco group. The transactions consisted in particular in: (a) the hiving-off from the parent company of Seleco's professional and pay-TV businesses and their grouping together within Seleco Multimedia, a firm which, apparently, had a capital of ITL 30 billion held equally by Seleco, Italtel (50 % private, 50 % public) and Friulia SpA (public sector); (b) a debenture loan of ITL 12 billion launched by Seleco and subscribed to by a pool of public and private banks; (c) a convertible loan of ITL 12 billion granted to Seleco by Friulia SpA; (d) the repurchase by Seleco of its ITL 66 billion debt from REL for ITL 20 billion; (e) a commitment by Italtel to repurchase the abovementioned convertible loan granted by Friulia SpA.
- (7) By letter of 19 November 1996, the Commission asked the Italian authorities for further information on the transactions. Replies were received on 5 December 1996 and 11 February 1997.

In their letters, the Italian authorities claim that the Italtel and Friulia SpA investments in the capital of Seleco Multimedia reflected normal business policy acceptable to a private investor since, in acquiring Seleco Multimedia, the firm also acquired know-how. As regards the debenture loan of ITL 12 billion granted to Seleco by a consortium of banks and that granted by Friulia SpA, the Italian authorities claim that the loan was in line with market conditions. As regards the repurchase by Seleco of its outstanding debt to REL of ITL 66 billion for the price of ITL 20 billion, the Italian authorities claimed that the discount rate applied to the debt was justified by the risks caused by major difficulties on the consumer electronics market in Italy. Lastly, the Italian authorities stated that Italtel

was not committed to repurchasing the loan from Friulia to Seleco.

- (8) By decision notified to the Italian Government by letter dated 18 February 1998 ⁽¹⁾, the Commission extended the Article 93(2) proceedings so as to allow it to examine all the aid measures taken until then and to obtain further details concerning fresh aid granted to Seleco in the meantime.

III

- (9) The Italian Government did not respond to the Commission decision or send the information requested, despite a reminder dated 15 July 1998 stating that Italy might otherwise be ordered to reply. It was only by a fax of 21 September 1998 that the Italian authorities officially stated that, on 17 April 1997, an Italian court had declared Seleco bankrupt.
- (10) Following that communication, the Commission requested the Italian Government by letter of 29 September 1998 to provide further information concerning (a) the status of the liquidation of Seleco, (b) a list of public-sector and private-sector creditors as well as the amounts owed to them, (c) the possible granting of other aid apart from that covered by the proceedings initiated in 1994 and extended in 1998, and (d) the possible use of the commercial assets of Seleco, in particular to set up other industrial projects. The Commission also asked whether it was possible to include new debts in the bankruptcy proceedings, in particular with a view to the possibility of recovering aid which had in the meantime been declared incompatible with the common market.

⁽¹⁾ Decision of 4 February 1998 (OJ C 155, 20.5.1998, p. 24).

- (11) By letter dated 7 October 1998 and sent in reply to the Commission letter of 29 September 1998, the Italian authorities stated that they had become aware of the Commission decision of 18 February 1998 to extend the Article 93(2) proceedings only when they received the reminder of 15 July 1998. This is particularly surprising as the Commission had sent a copy of the decision to the Office of the Italian Permanent Representative on the same date, i.e. 18 February. The Italian authorities also stated that it was impossible to answer the questions asked by the Commission within the time limit of 15 working days.
- (12) By letter received by the Commission on 17 November 1998, the Italian authorities replied to the Commission letter of 29 September 1998. However, the present decision remains necessary as the information supplied does not contain a complete list of Seleco's public-sector and private-sector creditors. Furthermore, the information required by the present decision is more extensive and more detailed compared with the request made in the letter of 29 September 1998.
- (13) The Commission is unable, on the basis of the information available, to decide whether the aid granted to Seleco is compatible with the Treaty.

IV

- (14) In accordance with the case-law of the Court of Justice⁽¹⁾, if the Commission finds that aid has been granted or altered without having been notified, it has the power, after having given the Member State concerned the opportunity to express its views, to require it, by provisional decision, pending the outcome of its assessment of the aid, to provide the Commission within a specified period, with all the documents, information and data required for it to assess the compatibility of the aid with the common market.
- (15) Should the Italian Government fail to provide the information requested, the Commission will take a decision on the basis of the information in its possession,

HAS ADOPTED THIS DECISION:

Article 1

Italy shall provide the Commission, within 15 working days of being notified of this decision, with all the information necessary to allow it to assess the compatibility with the common market of the aid granted to Seleco by the region of Friuli-Venezia Giulia through Friulia SpA and by the Italian State through the financial institution Ristrutturazione Elettronica and a number of public banks, as well as by other means.

Article 2

1. Italy shall supply the information requested by letters of 18 February 1998 and 29 September 1998.
2. Italy also hereby requested:
 - (a) to list any other aid granted to Seleco in addition to that referred to in the decision initiating proceedings under Article 93(2) and in the decision extending the proceedings, notified to the Italian Government by letter of 18 February 1998;
 - (b) to state the economic and commercial reasons, if any, which prompted Seleco in 1996 to hive off some of its assets and place them in another company, Seleco Multimedia, and to give details of the parent company's balance-sheet position at the time of the hive-off operation. A detailed report should also be submitted on changes in the shareholding structure of Seleco Multimedia from the time it was set up to the present;
 - (c) to state whether, before the company was declared bankrupt, it was subject to supervision within the meaning of Articles 187 *et seq.* of Decree No 267 of 16 March 1942 (Bankruptcy Law) or whether it pursued its business activities on the basis of a court-approved creditors' agreement within the meaning of Article 160 *et seq.* of the Bankruptcy Law. In either case, a report should be submitted on Seleco's activities, as well as a list of the creditors sitting on the committee set up under the supervision or creditors' arrangements and a copy of the minutes of the meetings of that committee relating to the discussion and acceptance of supervision or participation in the creditors' agreement, with an indication of the amounts owed to the State by Seleco in the form of taxes, social security contributions or public funds for workers;

⁽¹⁾ Case C-301/87 Boussac [1990] ECR I-307; Joined Cases C-324 and 342/90 Germany and Pleuger Werthington v. Commission [1994] ECR I-1173.

- (d) if the company was not placed under a supervision or creditors' arrangement, to give a description of the circumstances in which bankruptcy was declared in 1997, together with details of any amounts owed to the State by Seleco in the form of taxes, social security contributions or public funds for workers; to specify the applicant and provide a copy of the adjudication of bankruptcy, a list of creditors, the amounts owed to them and their respective ranking. In addition, the current status of the bankruptcy proceedings should be indicated and details concerning any applications for review given;
- (e) to submit a detailed report on all commercial and financial activities undertaken by Seleco following the declaration of bankruptcy. If appropriate, Italy should provide, alongside a description of the legal basis invoked and the underlying economic reasons, (i) a list of creditors participating in any committee of creditors and a copy of the opinions given by that committee on the question of starting and continuing such activities, and (ii) the amounts owed by Seleco to the State in the form of taxes, social security contributions or public funds for workers;
- (f) to provide a detailed description of the liquidation of Seleco's assets from the date of declaration of bank-

ruptcy until now, as well as the conditions and arrangements for the transfer of its commercial assets;

- (g) to describe the conditions and arrangements for the distribution among the creditors of the bankruptcy of revenue from the sale of the assets of Seleco. If the distribution is based on a court-approved arrangement with creditors, the underlying economic reasons should be given, together with a copy of the proposed arrangement, the minutes of the meeting at which the creditors' committee accepted the arrangement, and the decision of the court approving the said arrangement.

Article 3

This decision is addressed to the Italian Government.

Done at Brussels, 2 December 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 2 June 1999

amending Decisions 93/24/EEC and 93/244/EEC and concerning additional guarantees relating to Aujeszky's disease for pigs destined for the territory of Luxembourg

(notified under document number C(1999) 1450)

(1999/399/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended by Directive 98/99/EC ⁽²⁾, and in particular Article 10(2) thereof,

- (1) Whereas an eradication programme was undertaken in the territory of Luxembourg for Aujeszky's disease that had been approved by Commission Decisions 93/200/EEC ⁽³⁾ and 96/283/EEC ⁽⁴⁾;
- (2) Whereas in relation to this eradication programme certain additional guarantees relating to Aujeszky's disease for pigs destined for its territory had been granted to Luxembourg by Commission Decision 93/244/EEC ⁽⁵⁾, as last amended by Decision 97/835/EC ⁽⁶⁾;
- (3) Whereas Luxembourg considers that its territory is free from Aujeszky's disease and has submitted supporting documentation to the Commission as provided for in Article 10 of Directive 64/432/EEC;
- (4) Whereas the programme is regarded to have been successful in eradicating this disease from the territory of Luxembourg;
- (5) Whereas the authorities of Luxembourg apply for national movement of pigs rules at least equivalent to those provided by the present decision;
- (6) Whereas these additional guarantees must not be requested from Member States or regions of Member States which are themselves regarded as free from Aujeszky's disease;
- (7) Whereas Commission Decision 93/24/EEC ⁽⁷⁾, as last amended by Decision 1999/56/EEC ⁽⁸⁾ lays down additional guarantees relating to Aujeszky's

disease for pigs destined for Member States or regions free of the disease and lists those regions in Annex I;

- (8) Whereas the whole territory of Luxembourg which is free of the disease should be added to Annex I of Decision 93/24/EEC and removed from Annex I of Decision 93/244/EEC;
- (9) 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

Annex I of Decision 93/24/EC is replaced by Annex I of this Decision.

Annex I of Decision 93/244/EEC is replaced by Annex II of this Decision.

Article 2

This Decision shall apply from 15 June 1999.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 2 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 358, 31.12.1998, p. 107.

⁽³⁾ OJ L 87, 7.4.1993, p. 14.

⁽⁴⁾ OJ L 107, 30.4.1997, p. 16.

⁽⁵⁾ OJ L 111, 5.5.1993, p. 21.

⁽⁶⁾ OJ L 345, 16.12.1997, p. 56.

⁽⁷⁾ OJ L 16, 25.1.1993, p. 18.

⁽⁸⁾ OJ L 18, 23.1.1999, p. 66.

*ANNEX I**'ANNEX I***Regions free of Aujeszky's disease which do not permit vaccination**

Denmark:	all regions
United Kingdom:	all regions in England, Scotland and Wales
France:	the Departments of Maine-et-Loire, Sarthe, Vendée, Charente, Charente-Maritime, Deux-Sèvres, Vienne, Aude, Dordogne Gironde, Landes, Lot-et-Garonne, Pyrénées-Atlantiques, Ariège, Aveyron, Haute-Garonne, Gers, Lot, Haute Pyrénées, Tarn, Tarn-et-Garonne, Aisne, Allier, Ardennes, Aube, Calvados, Cantal, Cher, Corrèze, Côte d'Or, Creuse, Eure, Eure-et-Loir, Gard, Indre, Indre-et-Loire, Loire-et-cher, Loire, Haute-Loire, Loiret, Lozère, Marne, Meurthe-et-Moselle, Meuse, Moselle, Oise, Puy-de-Dôme, Bas-Rhin, Haut-Rhin, Rhône, Haute-Saône, Seine-Maritime, Somme, Vosges, Yonne
Finland:	all regions
Germany:	the <i>Länder</i> of Thüringen, Sachsen, Brandenburg, Mecklenburg-Vorpommern, Sachsen-Anhalt, Rheinland-Pfalz
Austria:	all regions
Sweden:	all regions
Luxembourg:	whole territory.'

*ANNEX II**'ANNEX I*

Germany: all regions except the *Länder* of Thüringen, Sachsen, Brandenburg, Mecklenburg-Vorpommern, Sachsen-Anhalt, Rheinland-Pfalz.'

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 616/1999 of 23 March 1999 imposing a provisional anti-dumping duty on imports of stainless steel wires with a diameter of less than 1 mm originating in the Republic of Korea

(Official Journal of the European Communities L 79 of 24 March 1999)

On page 11, Article 1(3) should be replaced by the following:

‘3. The rate of duty applicable to the net free-at-Community-frontier price, before duty, shall be as follows:

Manufacturers	Rate of duty (%)	Taric additional code
Dae Sung Rope Mfg. Co. Ltd	0	A015
Korea Sangsa Co. Ltd	0	A016
Korea Welding Electrode Co. Ltd	0	A013
Kowell Special Steel Wire Co. Ltd	17,0	A018
Myung Jin Co. Ltd	0	A017
SeAH Metal Products Co. Ltd	0	A019
Shine Metal Co. Ltd	0	A014
All other Korean companies	17,0	A999’