

Official Journal

of the European Communities

ISSN 0378-6978

L 211

Volume 42

11 August 1999

English edition

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1763/1999
of 29 July 1999**

concerning the arrangements applicable to imports into the Community of products originating in Albania and amending Regulation (EC) No 2820/98 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001 as regards Albania

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Relations between the European Union and non-associated countries in south-eastern Europe are governed by the EU's Regional Approach based on the conclusions of the Council of 29 April 1997 which contain a number of common principles and conditions, including for the granting of preferential trade concessions;
- (2) All countries formerly part of Yugoslavia covered by the EU's Regional Approach concerning the non-associated countries in south-eastern Europe who comply with relevant conditionality benefit from preferential trade concessions;
- (3) Albania is equally covered by the EU's Regional Approach and currently complies with the relevant conditionality in the framework of the EU's Regional Approach for the granting of autonomous trade preferences;
- (4) The Agreement between the European Economic Community and the Republic of Albania on trade and commercial and economic cooperation⁽¹⁾ does not provide for the granting of preferential trade concessions comparable with those applying as autonomous trade preferences to countries formerly part of Yugoslavia;
- (5) The granting of autonomous trade preferences for Albania in addition to the GSP would make it possible to supplement the provisions of the said Agreement in the direction of a comparable trade regime with regional standards without the opening of negotiations, while taking into account the specific situation of trade between the European Community and Albania; these autonomous trade preferences would be governed by the same basic rules as those which apply to countries which emerged from former Yugoslavia; it is therefore appropriate to limit the coverage of the GSP for Albania to agricultural products once these autonomous trade

preferences apply, in line with the regime applicable to these countries;

- (6) Such trade preferences comprise exemption from duties and the abolition of quantitative restrictions for industrial products, except for certain products subject to tariff ceilings, and special concessions (exemption from duties, reduction of the agricultural components, tariff quotas) for various agricultural products;
- (7) It is appropriate, in the light of experience achieved in the framework of an agreement on textile products between the Community and Albania in force between 1992 and 1997, to provide for specific tariff ceilings for these products;
- (8) It is appropriate to provide in the case of Albania for specific concessions for fishery products;
- (9) For the purposes of certification and administrative cooperation procedures, the relevant provisions of Commission Regulation (EEC) No 2454/93 of 2 July 1993⁽²⁾ laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽³⁾ should be applied;

⁽¹⁾ OJ L 343, 25.11.1992, p. 2.

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 502/1999 (OJ L 65, 12.3.1999, p. 1).

⁽³⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 955/1999 of the European Parliament and of the Council (OJ L 119, 7.5.1999, p. 1).

- (10) Community monitoring may be achieved by means of an administrative procedure based on charging imports of the products in question against the tariff ceilings at Community level as and when those products are entered with the customs authorities for free circulation; this administrative procedure must make provision for the possibility of reintroducing customs duties as soon as the ceilings are reached at Community level;
- (11) This administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission, which must in particular be able to follow the progress of quantities charged against the ceilings;
- (12) The decision for the opening of tariff quotas should be taken by the Community in the execution of its international obligations; to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorising the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States;
- (13) It is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said tariff quotas and to ensure uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;
- (14) For the sake of rationalisation and simplification, it is appropriate to provide that the Commission may, having consulted the Customs Code Committee, make any necessary changes and technical amendments necessary to this Regulation;
- (15) The Community must be able to act swiftly against Albania when its financial interests are damaged as a result of fraud, serious and repeated irregularities or a manifest lack of administrative cooperation in Albania; having notified the Member States and the operators concerned of its reasonable doubts, the Commission should be able to suspend certain preferences provisionally on the basis of sufficient evidence;
- (16) The import arrangements are renewed on the basis of the conditions established by the Council in relation to the development of the relations between the Community and Albania, including the regional

approach; it is therefore appropriate to limit the duration of these arrangements to 31 December 2001,

HAS ADOPTED THIS REGULATION:

Article 1

1. Subject to the special provisions laid down in Articles 2, 3, 4 and 5, products originating in Albania, other than those listed in Annex II to the Treaty establishing the European Community and in Annex A to this Regulation, shall be admitted for import into the Community without quantitative restrictions or measures having equivalent effect and with exemption from customs duties and charges having equivalent effect.
2. Entitlement to the preferential arrangements laid down in this Regulation shall be subject to compliance with a definition of origin adopted in accordance with the procedure laid down in Article 249 of Council Regulation (EEC) No 2913/92.
3. Pending the adoption and entry into force of the definition of origin referred to in paragraph 2, entitlement to the preferential arrangements laid down in this Regulation shall be subject to compliance with the definition of the concept of originating products for which provision is made in Part I, Title IV, Chapter 2, Section 2 of Commission Regulation (EEC) No 2454/93.

Article 2

Processed agricultural products

The import duties, namely the customs duties and agricultural components, applicable on import into the Community of the products listed in Annex B shall be those indicated for each product in the said Annex.

Article 3

Industrial products and textile products — tariff ceilings

1. From 1 January to 31 December each year, imports into the Community of certain products originating in Albania and listed in Annex C shall benefit from an exemption from customs duties in accordance with the annual tariff ceilings specified in that Annex.

The description of the products referred to in the first subparagraph, their Combined Nomenclature codes and the corresponding ceilings are set out in the said Annex. The amounts of the ceilings shall be increased annually by 5 % of the volume of the previous year.

2. Annex C, part II, provides specific provisions containing separate tariff ceilings for direct imports and for reimportations of textile products following an outward-processing operation, in accordance with Regulation (EC) No 3036/94 ⁽¹⁾.

⁽¹⁾ OJ L 322, 15.12.1994, p. 1.

3. The tariff ceilings referred to in this Article shall be subject to Community surveillance managed by the Commission, in close cooperation with the Member States, in accordance with Article 308d of Regulation (EEC) No 2454/93.

4. Quantities shall be charged against the ceilings as and when declarations for release for free circulation are lodged with customs authorities with an evidence of origin issued in accordance with the provisions of Article 1(2) and (3).

Goods may be charged against a ceiling only if the evidence of origin is presented before the date on which customs duties are reintroduced.

5. As soon as a tariff ceiling is reached, the Commission may adopt a Regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries in respect of imports of the products concerned.

Article 4

Agricultural products

Imports into the Community of products originating in Albania and listed in Annex D, shall benefit from an exemption from customs duties in accordance with the tariff concessions listed in that Annex.

Article 5

Agricultural products including fisheries — tariff quotas

1. The customs duties applicable to imports into the Community of the products originating in Albania and listed in Annex E, shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas indicated for each one.

2. The tariff quotas referred to in this Article shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

3. Each Member State shall ensure that importers of the products in question have equal and uninterrupted access to the tariff quotas for as long as the balance of the relevant quota volume so permits.

GENERAL PROVISIONS

Article 6

For the first calendar year of application, the volumes of tariff quotas and tariff ceilings listed in Annexes C and E, shall be calculated as a *pro rata* of the basic volumes, taking into account the part of the period elapsed before the date of application of this Regulation.

Article 7

1. The provisions necessary for the application of this Regulation, other than those provided for in Article 3(4), notably:

- (a) amendments and technical adjustments necessary following amendments to the Combined Nomenclature and Taric codes,
- (b) necessary adjustments following the conclusion of other agreements between the Community and Albania,

shall be adopted by the Commission, assisted by the Customs Code Committee, in accordance with the procedure set out in paragraph 2 of this Article.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on this draft within a time limit, which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

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

- (a) the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication;
- (b) the Council, acting by a qualified majority, may take a different decision within the time limit referred to in point (a).

3. The Committee may examine any question concerning the application of tariff quotas and tariff ceilings, which is raised by its Chairman either at the latter's initiative or at the request of a Member State.

Article 8

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 9

Temporary suspension clause

1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as required for the verification of evidence of origin by Albania it may take measures to suspend in whole or in part the arrangements provided for in this Regulation for a period of three months, provided that it has first:

- informed the Committee referred to in Article 7;
- called on the Member States to take such precautionary measures as are necessary in order to safeguard the Community's financial interests;

— published a notice in the *Official Journal of the European Communities* stating that there are grounds for reasonable doubts about the application of the preferential arrangements by the beneficiary country concerned which may call into question its right to continue enjoying the benefits granted by this Regulation.

2. A Member State may refer the Commission's decision to the Council within 10 days. The Council, acting by a qualified majority, may take a different decision within 30 days.

3. On conclusion of the period of suspension, the Commission shall decide either to:

— terminate the provisional suspension measure following consultation of the Committee referred to in paragraph 1, or

— extend the suspension measure in accordance with the procedure provided for in paragraph 1.

Article 10

Regulation (EC) No 2820/98 ⁽¹⁾ is amended as follows:

in Annex III, listing the beneficiary countries and territories enjoying generalised tariff preferences, footnote 1 shall be inserted next to AL Albania.

Article 11

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

It shall apply with effect from the first day of the second month after its entry into force until 31 December 2001.

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

Done at Brussels, 29 July 1999.

For the Council

The President

S. HASSI

⁽¹⁾ OJ L 357, 30.12.1998, p. 1.

ANNEX

'ANNEX A

CONCERNING THE EXCLUDED PRODUCTS REFERRED TO IN ARTICLE 1(1)

Notwithstanding the rules for the interpretation of the Combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

CN code	Description
ex 0509 00	Natural sponges of animal origin:
0509 00 90	– Other than raw
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
	– Vegetable saps and extracts:
1302 13 00	– – Of hops
	– Mucilages and thickeners, whether or not modified, derived from vegetable products:
1302 31 00	– – Agar-agar
1302 32	– – Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds:
1302 32 10	– – – Of locust beans or locust bean seeds
1505	Wool grease and fatty substances derived therefrom (including lanolin)
1515	Other fixed vegetable fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified:
1515 60	– Jojoba oil and its fractions:
1515 60 90	– – Other
1518 00	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included:
	– Other:
1518 00 91	– – Animal or vegetable fats and oils and their fractions boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516
	– – Other:
1518 00 95	– – – Inedible mixtures or preparations of animal or of animal and vegetable fats and oils and their fractions
1518 00 99	– – – Other
1520 00 00	Glycerol, crude; glycerol waters and glycerol lyes

CN code	Description
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured:
1521 10	– Vegetable waxes:
1521 10 90	– – Other
1521 90	– Other:
	– – Beeswax and other insect waxes, whether or not refined or coloured:
1521 90 99	– – – Other than raw
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:
	– Lactose and lactose syrup:
1702 11 00	– – Containing by weight 99 % or more lactose, expressed as anhydrous lactose, calculated on the dry matter
1702 30	– Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose:
	– – Other:
1702 30 51 and 59	– – – Containing in the dry state 99 % or more by weight of glucose
1702 50 00	– Chemically pure fructose
1702 90	– Other, including invert sugar:
1702 90 10	– – Chemically pure maltose
1803	Cocoa paste, whether or not defatted
1804 00 00	Cocoa butter, fat and oil
1805 00 00	Cocoa powder, not containing added sugar or other sweetening matter
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:
ex 1901 10 00	– Preparations for infant use, put up for retail sale:
	– Excluding those containing cocoa and prepared milk in powder form
1901 20 00	– Mixes and doughs for the preparation of bakers' wares of heading No 1905
1901 90	– Other:
1901 90 11 and 19	– – Malt extract
ex 1901 90 91 and 99	– – Other:
	– Excluding those containing cocoa and prepared milk in powder form for dietetic or culinary purposes

CN code	Description
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared: – Uncooked pasta, not stuffed or otherwise prepared:
1902 11 00	– – Containing eggs
1902 19	– – Other
1902 40	– Couscous:
1902 40 10	– – Unprepared
1903 00 00	Tapioca and substitutes therefore prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: – Nuts, grounds-nuts and other seeds, whether or not mixed together:
2008 11	– – Ground-nuts:
2008 11 10	– – – Peanut butter
	– Other, including mixtures other than those of subheading 2008 19:
2008 99	– – Other: – – – Not containing added spirit: – – – – Not containing added sugar:
ex 2008 99 99	– – – – – Other: – Vine leaves, hop shoots and similar edible parts of plants
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof: – Extracts, essences and concentrates of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
2101 11	– – Extracts, essences and concentrates
2101 12	– – Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
2101 12 92	– – – Preparations with a basis of these extracts, essences or concentrates of coffee
2101 20	– Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:
2101 20 20	– – Extracts, essences or concentrates – – Preparations:
2101 20 92	– – – With a basis of extracts, essences or concentrates of tea or maté
2101 30	– Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof

CN code	Description
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders:
2102 20	– Inactive yeasts; other single-cell micro-organisms, dead:
2102 20 11 and 19	– – Inactive yeasts
2102 30 00	– Prepared baking powders
2103	Sauces and preparations therefore; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard
2104	Soups and broths and preparations therefore; homogenised composite food preparations
2106	Food preparations not elsewhere specified or included:
2106 10	– Protein concentrates and textured protein substances:
2106 10 20	– – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch
2106 90	– Other:
2106 90 20	– – Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages
	– – Other:
ex 2106 90 92	– – – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch:
	– – – – Excluding hydrolysates of proteins and autolysates of yeast
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009
2203 00	Beer made from malt
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits; liqueurs and other spirituous beverages
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes
2403	Other manufactured tobacco and manufactured tobacco substitutes; "homogenised" or "reconstituted" tobacco; tobacco extracts and essences

CN code	Description
2905	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:
	– Other polyhydric alcohols:
2905 43 00	– – Mannitol
2905 44	– – D-Glucitol (sorbitol)
2905 45 00	– – Glycerol
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:
3302 10	– Of a kind used in the food or drink industries:
	– – Of a kind used in the drink industries:
	– – – Preparations containing all flavouring agents characterising a beverage:
3302 10 10	– – – – Of an actual alcoholic strength by volume exceeding 0,5 %
	– – – – Other:
3302 10 21	– – – – – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch
3501	Casein, caseinates and other casein derivatives; casein glues:
3501 10	– Casein
3501 90	– Other:
3501 90 90	– – Other
3502	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 % whey proteins, calculated on the dry matter), albuminates and other albumin derivatives:
3502 11 90 and 19 90	– Egg albumin, other than unfit, or to be rendered unfit, for human consumption
3502 20	– Milk albumin, including concentrates of two or more whey proteins:
3502 20 91 and 99	– – Other, than unfit, or to be rendered unfit, for human consumption
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:
3505 10	– Dextrins and other modified starches:
3505 10 10	– – Dextrins
	– – Other modified starches:
3505 10 90	– – – Other
3505 20	– Glues
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:
3809 10	– With a basis of amylaceous substances
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:
3824 60	– Sorbitol, other than that of subheading 2905 44

ANNEX B

**CONCERNING THE TARIFF ARRANGEMENTS AND RULES APPLICABLE TO CERTAIN GOODS RESULTING
FROM THE PROCESSING OF AGRICULTURAL PRODUCTS REFERRED TO IN ARTICLE 2**

Notwithstanding the rules for the interpretation of the Combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

CN code	Description	Rate of Duty (%)
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter of flavoured or containing added fruit, nuts or cocoa:	
0403 10	– Yoghurt:	
0403 10 51 to 99	– – Flavoured or containing added fruit, nuts or cocoa	EA
0403 90	– Other:	
0403 90 71 to 99	– – Flavoured or containing added fruit, nuts or cocoa	EA
0405	Butter and other fats and oils derived from milk; dairy spreads:	
0405 20	– Dairy spreads:	
0405 20 10	– – Of a fat content, by weight, of 39 % or more but less than 60 %	EA
0405 20 30	– – Of a fat content, by weight, of 60 % or more but less than 75 %	EA
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:	
0710 40 00	– Sweet corn	EA
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:	
0711 90	– Other vegetables; mixtures of vegetables:	
	– – Vegetables:	
0711 90 30	– – – Sweet corn	EA
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516	
1517 10	– Margarine, excluding liquid margarine:	
1517 10 10	– – Containing more than 10 % but not more than 15 % by weight of milk fats	EA
1517 90	– Other:	
1517 90 10	– – Containing more than 10 % but not more than 15 % by weight of milk fats	EA

CN code	Description	Rate of Duty (%)
1704	Sugar confectionery (including white chocolate), not containing cocoa:	
1704 10	– Chewing gum, whether or not sugar-coated	EA
1704 90	– Other:	
1704 90 10	– – Liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances	9 %
1704 90 30	– – White chocolate	EA
1704 90 51 to a 99	– – Other	EA
1806	Chocolate and other food preparations containing cocoa:	
1806 10	– Cocoa powder, containing added sugar or other sweetening matter:	
1806 10 15	– – Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	free
1806 10 20	– – Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	EA
1806 10 30	– – Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	EA
1806 10 90	– – Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	EA
1806 20	– Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg	EA
	– Other, in blocks, slabs or bars:	
1806 31 00	– – Filled	EA
1806 32	– – Not filled	EA
1806 90	– Other	EA
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:	
ex 1901 10 00	– Preparations for infant use, put up for retail sale:	
	– Containing cocoa and prepared milk in powder form	EA

CN code	Description	Rate of Duty (%)
1901 90	– Other:	
	– – Other:	
ex 1901 90 91	– – – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose (including invert sugar) or isoglucose, 5 % glucose or starch, excluding food preparations in powder form of goods of heading Nos 0401 to 0404:	
	– Containing cocoa and prepared milk in powder form for dietetic or culinary purposes	12,8 %
ex 1901 90 99	– – – Other:	
	– Containing cocoa and prepared milk in powder form for dietetic or culinary purposes	EA
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:	
1902 20	– Stuffed pasta, whether or not cooked or otherwise prepared:	
1902 20 91 and 99	– – Other	EA
1902 30	– Other pasta	EA
1902 40	Couscous:	
1902 40 90	– – Other	EA
1904	Prepared foods obtained by the swelling or roasting of cereals or cereals products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	EA
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:	
2001 90	– Other:	
2001 90 30	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	EA
2001 90 40	– – Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	EA
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006:	
2004 10	– Potatoes:	
	– – Other:	
2004 10 91	– – – In the form of flour, meal or flakes	EA
2004 90	– Other vegetables and mixtures of vegetables:	
2004 90 10	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	EA

CN code	Description	Rate of Duty (%)
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006:	
2005 20	– Potatoes:	
2005 20 10	– – In the form of flour, meal or flakes	EA
2005 80 00	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	EA
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
	– Other, including mixtures other than those of subheading 2008 19:	
2008 91 00	– – Palm hearts	9 %
2008 99	– – Other:	
	– – – Not containing added spirit:	
	– – – – Not containing added sugar:	
2008 99 85	– – – – Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	EA
2008 99 91	– – – – Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch	EA
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:	
	– Extracts, essences and concentrates of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:	
2101 12	– – Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:	
2101 12 98	– – – Other	EA
2101 20	– Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:	
	– – Preparations:	
2101 20 98	– – – Other	EA
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders:	
2102 10	– Active yeasts:	
2102 10 10	– – Culture yeast	8 %
2102 10 31 and 39	– – Baker's yeast	EA
2102 10 90	– – Other	10 %
2105 00	Ice cream and other edible ice, whether or not containing cocoa	EA
2106	Food preparations not elsewhere specified or included:	
2106 10	– Protein concentrates and textured protein substances:	
2106 10 80	– – Other	EA
2106 90	– Other:	

CN code	Description	Rate of Duty ⁽¹⁾
ex 2106 90 92	-- Other: --- Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch: - Hydrolysates of proteins; autolysates of yeast	free
2106 90 98	--- Other	EA
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:	EA
3302 10	- Of a kind used in the food or drink industries: -- Of a kind used in the drink industries: --- Preparations containing all flavouring agents characterising a beverage: ---- Other:	
3302 10 29	----- Other	

⁽¹⁾ The amounts of the agricultural elements (EA) which may be subject to a maximum duty are set out in the Common Customs Tariff (Regulation (EEC) No 2658/87 of 23 July 1987 as amended).

ANNEX C

CONCERNING THE ANNUAL TARIFF CEILINGS REFERRED TO IN ARTICLE 3(1)

Notwithstanding the rules for the interpretation of the Combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes.

PART I

(industrial products)

Order number	CN Code	Description	Ceiling (in tonnes)
27.0010	3103 3103 10	Mineral or chemical fertilisers, phosphatic: - Superphosphates	25 900
27.0020	6403 6403 59 6403 91 6403 99	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather: - Other footwear with outer soles of leather, other - Other footwear: -- Covering the ankle -- Other	540
27.0030	6406	Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof:	4 100

Order number	CN Code	Description	Ceiling (in tonnes)
	6406 10	– Uppers and parts thereof, other than stiffeners	
	6406 20	– Outer soles and heels, of rubber or plastics	
	6406 99	– Other, of other materials	
27.0040	7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass:	1 650
	7010 92	– Other, of a capacity exceeding 0,33 l but not exceeding 1 l	
27.0050	7202	Ferro-alloys:	20 280
	7202 41	– Ferro-chromium, containing by weight more than 4 % of carbon	
27.0060	7601	Unwrought aluminium:	1 860
	7601 10 00	– Aluminum, not alloyed	
	7601 20	– Aluminium alloys	
27.0070	7602 00	Aluminium waste and scrap	1 400

PART II

(textile products)

Order number	CN code	Description	Ceiling (in items) (a) Outward processing traffic (b) Direct import
(a) 27.0100 (b) 27.0105	6104	Women's and girls' suits, ensembles, jackets, blazers, dresses, skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted:	(a) 306 000 (b) 100 000
	6104 33 00	– Jackets and blazers, of synthetic fibres	
	6104 62	– Trousers, bib and brace overalls, breeches and shorts, of cotton	
(a) 27.0110 (b) 27.0115	6105	Men's or boys' shirts, knitted or crocheted:	(a) 69 000 (b) 8 000
	6105 20	– Of man-made fibres	

Order number	CN code	Description	Ceiling (in items) (a) Outward processing traffic (b) Direct import
(a) 27.0120 (b) 27.0125	6106 6106 10 00 6106 20 00	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted: – Of cotton – Of man-made fibres	(a) 655 000 (b) 94 000
(a) 27.0130 (b) 27.0135	6107 6107 11 00 6107 21 00	Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted: – Underpants and briefs, of cotton – Nightshirts and pyjamas, of cotton	(a) 2 212 000 (b) 494 000
(a) 27.0140 (b) 27.0145	6108 6108 21 00	Women's or girls' slips, petticoats, briefs, panties night-dresses, pyjamas, negligés, bathrobes, dressing gowns and similar articles, knitted or crocheted: – Briefs and panties, of cotton	(a) 5 504 000 (b) 62 000
(a) 27.0150 (b) 27.0155	6109	T-shirts, singlets and other vests, knitted or crocheted	(a) 2 745 000 (b) 389 000
(a) 27.0160 (b) 27.0165	6110 6110 20 6110 30	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted: – Of cotton – Of man-made fibres	(a) 265 000 (b) 111 000
(a) 27.0170 (b) 27.0175	6112 6112 41	Track suits, ski suits and swimwear, knitted or crocheted: – Women's or girl's swimwear, of synthetic fibres	(a) 520 000 (b) 32 000
(a) 27.0180 (b) 27.0185	6115 6115 11 00	Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins and footwear without applied soles, knitted or crocheted: – Panty hose and tights, of synthetic fibres, measuring per single yarn less than 67 decitex	(a) 167 000 (b) 34 000

Order number	CN code	Description	Ceiling (in items) (a) Outward processing traffic (b) Direct import
(a) 27.0190 (b) 27.0195	6201	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading No 6203: – Overcoats, raincoats, car-coats, capes, cloaks and similar articles: – – Of cotton 6201 12 6201 13 – – Of man-made fibres – Other: 6201 92 00 6201 93 00 – – Of cotton – – Of man-made fibres	(a) 200 000 (b) 110 000
(a) 27.0200 (b) 27.0205	6202	Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading No 6204: 6202 11 00 – Overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of wool or fine animal-hair	(a) 12 000 (b) 23 000
(a) 27.0210 (b) 27.0215	6203	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear): – Trousers, bib and brace overalls, breeches and shorts: 6203 41 6203 42 6203 43 – – Of wool or fine animal hair – – Of cotton – – Of synthetic fibres	(a) 1 738 000 (b) 1 362 000
(a) 27.0220 (b) 27.0225	6204	Women's or girl's suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimware): – Jackets and blazers: 6204 31 00 6204 33 – – Of wool or fine animal hair – – Of synthetic fibres – Dresses: 6204 42 00 6204 44 – – Of cotton – – Of artificial fibres – Skirts and divided skirts: 6204 52 00 6204 53 00 6204 59 6204 62 – – Of cotton – – Of synthetic fibres – – Of other textile materials – Trousers, bib and brace overalls, breeches and shorts, of cotton	(a) 856 000 (b) 1 106 000

Order number	CN code	Description	Ceiling (in items) (a) Outward processing traffic (b) Direct import
(a) 27.0230 (b) 27.0235	6205 6205 20 00	Men's or boys' shirts: – Of cotton	(a) 896 000 (b) 212 000
(a) 27.0240 (b) 27.0245	6206 6206 30 00 6206 40 00 6206 90	Women's or girls' blouses, shirts and shirt-blouses: – Of cotton – Of man-made fibres – Of other textile materials	(a) 1 066 000 (b) 384 000
(a) 27.0250 (b) 27.0255	6211 6211 33 6211 42 6211 43 6211 49 00	Track suits, ski suits and swimwear; other garments: – Other garments, men's or boys': – – Of man-made fibres – Other garments, women's or girls': – – Of cotton – – Of man-made fibres – – Of other textile materials	(a) 661 (*) (b) 193 (*)
(a) 27.0260 (b) 27.0265	6212 6212 10	Brassières, girdles, corsets, braces, suspenders, garters and similar articles and parts thereof, whether or not knitted or crocheted: – Brassières	(a) 284 000 (b) 17 000
(a) 27.0270 (b) 27.0275	6305 6305 20 00	Sacks and bags, of a kind used for the packing of goods: – Of cotton	(a) 95 (*) (b) 3

(*) In tonnes.

ANNEX D

CONCERNING THE PRODUCTS REFERRED TO IN ARTICLE 4

Notwithstanding the rules for the interpretation of the Combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes.

CN code	Description	Quantity	Rate of duty
0713 0713 31 00	Dried leguminous vegetables, shelled, whether or not skinned or split: – Beans of the species <i>Vigna mungo</i> (L.) Hepper or <i>Vigna radiata</i> (L.) Wilczek	unlimited	0 %

ANNEX E

CONCERNING THE TARIFF QUOTAS REFERRED TO IN ARTICLE 5

Notwithstanding the rules for the interpretation of the Combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

PART I

(Fishery products)

Order Number	CN code	Description	Quota volume per year (in tonnes)	Rate of duty
09.1561	1604 16 00 1604 20 40	Prepared or preserved anchovies	700	12,5 %

PART II

(Agricultural products)

Order Number	CN code	Description	Quota volume per year or indicated period (in tonnes)	Rate of duty
09.1562	ex 0702 00 00	Tomatoes, fresh or chilled: – from 20 May to 30 June	300	0 %
09.1563 09.1564	ex 0703 90 00	Leeks and other alliaceous vegetables, fresh or chilled: – from 1 January to 15 March – from 1 November to 31 December	100 200	0 %
09.1565	ex 0707 00 05	Cucumbers, fresh or chilled: – from 1 May to 31 May	300	0 %
09.1566	ex 0709 60 10	Sweet peppers, fresh or chilled: – from 10 July to 15 September	300	0 %
09.1567	0712 90 30	Dried tomatoes, whole, cut, sliced, broken or in powder, but not further prepared	300	0 %
09.1568	ex 0807 11 00	Watermelons, fresh: – from 16 July to 31 August	500	0 %
09.1569	2005 90 80	Other vegetables, prepared or preserved otherwise than by vinegar or acetic acid, not frozen	300	0 %

COMMISSION REGULATION (EC) No 1764/1999
of 10 August 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,

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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;

- (2) 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 11 August 1999.

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

Done at Brussels, 10 August 1999.

For the Commission

Monika WULF-MATHIES

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 10 August 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
0709 90 70	052	43,1
	999	43,1
0805 30 10	388	69,2
	524	77,5
	528	69,9
	999	72,2
0806 10 10	052	109,7
	400	247,2
	512	28,9
	600	75,8
	999	115,4
0808 10 20, 0808 10 50, 0808 10 90	388	69,3
	400	55,8
	508	68,5
	512	48,4
	524	41,0
	528	67,0
	800	183,3
	804	86,3
	999	77,4
	052	91,4
0808 20 50	388	65,7
	512	53,9
	528	81,0
	999	73,0
0809 30 10, 0809 30 90	052	94,9
	068	55,1
	999	75,0
0809 40 05	064	57,4
	068	53,4
	999	55,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1765/1999**of 10 August 1999****amending Regulation (EC) No 2198/98 increasing to 2 300 125 tonnes the quantity of barley held by the German 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 Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 5 thereof,

- (1) 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;
- (2) Whereas Commission Regulation (EC) No 2198/98 ⁽⁵⁾, as last amended by Regulation (EC) No 1631/1999 ⁽⁶⁾, opened a standing invitation to tender for the export of 1 800 108 tonnes of barley held by the German intervention agency; whereas, Germany informed the Commission of the intention of its intervention agency to increase by 500 017 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 2 300 125 tonnes;
- (3) 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 2198/98 must therefore be amended;

- (4) 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 2198/98 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 2 300 125 tonnes of barley for export to third countries, with the exception of the United States of America, Canada and Mexico.

2. The regions in which the 2 300 125 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, 10 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 277, 14.10.1998, p. 9.

⁽⁶⁾ OJ L 194, 27.7.1999, p. 7.

ANNEX

'ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Nordrhein-Westfalen	787 888
Hessen/Rheinland-Pfalz/Baden-Württemberg/ Saarland/Bayern	168 854
Berlin/Brandenburg/Mecklenburg-Vorpommern	667 818
Sachsen/Sachsen-Anhalt/Thüringen	675 565'

COMMISSION REGULATION (EC) No 1766/1999**of 10 August 1999****amending Regulation (EC) No 1232/1999 increasing to 400 171 tonnes the quantity of wheat of breadmaking quality held by the German 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 Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 5 thereof,

- (1) 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;
- (2) Whereas Commission Regulation (EC) No 1232/1999 ⁽⁵⁾, as last amended by Regulation (EC) No 1509/1999 ⁽⁶⁾, opened a standing invitation to tender for the export of 350 185 tonnes of wheat of breadmaking quality held by the German intervention agency; whereas, Germany informed the Commission of the intention of its intervention agency to increase by 49 986 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of wheat of breadmaking quality held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 400 171 tonnes;
- (3) Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quant-

ities in store; whereas Annex I to Regulation (EC) No 1232/1999 must therefore be amended;

- (4) 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 1232/1999 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 400 171 tonnes of wheat of breadmaking quality to be exported to all third countries.

2. The regions in which the 400 171 tonnes of wheat of breadmaking quality 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, 10 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 149, 16.6.1999, p. 15.

⁽⁶⁾ OJ L 175, 10.7.1999, p. 27.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	189 293
Hessen/Rheinland-Pfalz/ Baden-Württemberg/ Saarland/Bayern	91 349
Berlin/Brandenburg/ Mecklenburg-Vorpommern	34 131
Sachsen/Sachsen-Anhalt/Thüringen	85 398

COMMISSION REGULATION (EC) No 1767/1999**of 10 August 1999****amending Regulation (EC) No 1666/98 increasing to 450 320 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 Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 5 thereof,

- (1) 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;
- (2) Whereas Commission Regulation (EC) No 1666/98 ⁽⁵⁾, as last amended by Regulation (EC) No 1325/1999 ⁽⁶⁾, opened a standing invitation to tender for the export of 358 060 tonnes of barley held by the Austrian intervention agency; whereas, Austria informed the Commission of the intention of its intervention agency to increase by 92 260 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 450 320 tonnes;
- (3) 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;

- (4) 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 450 320 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 450 320 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, 10 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽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 157, 24.6.1999, p. 33.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Niederösterreich/Wien/nördliches Burgenland	331 472
Oberösterreich	87 955
Steiermark/südliches Burgenland	30 893'

COMMISSION REGULATION (EC) No 1768/1999**of 10 August 1999****amending Regulation (EC) No 1759/98 increasing to 1 404 507 tonnes the quantity of barley held by the United Kingdom 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 Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 5 thereof,

- (1) 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;
- (2) Whereas Commission Regulation (EC) No 1759/98 ⁽⁵⁾, as last amended by Regulation (EC) No 1395/1999 ⁽⁶⁾, opened a standing invitation to tender for the export of 1 091 530 tonnes of barley held by the United Kingdom intervention agency; whereas the United Kingdom informed the Commission of the intention of its intervention agency to increase by 312 977 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the United Kingdom intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 404 507 tonnes;
- (3) 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 1759/98 must therefore be amended;

- (4) 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 1759/98 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 1 404 507 tonnes of barley for export to third countries, with the exception of the United States of America, Canada and Mexico.
2. The regions in which the 1 404 507 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, 10 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 221, 8.8.1998, p. 8.

⁽⁶⁾ OJ L 163, 29.6.1999, p. 33.

ANNEX

'ANNEX I

(tonnes)	
Place of storage	Quantity
Aberdeenshire	18 433
Angus	9 684
Bedfordshire	13 381
Berwickshire	69 810
Cambridgeshire	16 761
Dorset	22 436
Dumfries	34 709
East Lothian	56 265
Edinburgh	33 570
Essex	8 760
Fife	21 791
Gloucester	25 314
Gloucestershire	64 546
Keith	7 852
Leicestershire	11 753
Lincolnshire	193 316
Mid Lothian	12 074
Norfolk	90 949
North Humberside	64 252
North Lincolnshire	49 246
Northamptonshire	26 888
Northumberland	10 040
Norwich	44 789
Nottinghamshire	20 700
Pocklington York	12 876
Salisbury	45 901
Shropshire	40 515
Somerset	8 240
Strathclyde	110 735
Suffolk	33 275
Taunton	13 744
Tayside	40 390
West Sussex	29 365
Wiltshire	10 911
Worcestershire	50 700
York	75 135
Yorkshire	5 401'

COMMISSION REGULATION (EC) No 1769/1999
of 10 August 1999
on the supply of wholly milled rice to a Community port 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; whereas Article 2(2) of that Regulation provides that the tender may cover the quantity of products to be removed physically from intervention stocks as payment for the supply of processed products belonging to the same group of products; whereas this provision should be applied to the supply of four separate lots of wholly milled rice to be delivered to a Community port with a view to their being forwarded to Russia;
- (2) Whereas under the conditions of such a tender the supply costs cover the processing of paddy rice into wholly milled rice and the packaging and labelling of the finished product to be delivered to a Community port;
- (3) Whereas the specific conditions applying to this supply should be laid down, in addition to the provisions adopted in Regulation (EC) No 111/1999, and provision should be made for their immediate entry into force;
- (4) Whereas, for the purposes of packaging and labelling, the rules used for food aid supplies as published in the *Official Journal of the European Communities* C series, No 114/91 ⁽⁴⁾ and No 267/96 ⁽⁵⁾ should be applied;
- (5) 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

An invitation to tender is hereby opened to establish the costs of supplying four separate lots of wholly milled rice of the characteristics and quality set out in Annex I hereto, to be

delivered as a supply operation as referred to in Article 2(2) of Regulation (EC) No 111/1999 in accordance with both that Regulation and this Regulation.

Article 2

1. For a given lot, supply shall comprise:
 - (a) delivery of the product defined in Annex I, free on board, stowed on ocean-going vessel, to a port in the Member State indicated; the rate of loading at the port proposed in the tender shall be a minimum 1 000 tonnes per day;
 - (b) packaging and labelling of the product in accordance with Annex I.
2. The product must be held available for the carrier before loading starts for a period of at least 10 days starting on the dates set out in Annex I. After the end of that period the tenderer shall be entitled to the amount laid down in Article 7a(1) of Regulation (EC) No 111/1999. However, the tenderer shall not be entitled to that amount during loading.

Article 3

1. Tenders shall be lodged with the intervention agency holding the lot to be removed in payment for the supply as mentioned in Annex II. That intervention agency shall also be responsible for paying for the supply.

The time limit for lodging tenders shall expire at 12 noon (Brussels time) on 19 August 1999 for lots Nos 1 and 2 and at 12 noon (Brussels time) on 7 September 1999 for lots Nos 3 and 4.

If no tender is awarded for the supply of a lot by the end of that period a second time limit for lodging tenders shall run until 12 noon (Brussels time) on 7 September 1999 for lots Nos 1 and 2 and until 12 noon (Brussels time) on 21 September 1999 for lots Nos 3 and 4.

In that event all dates fixed in Annex I shall be postponed by twenty days for lots Nos 1 and 2 and by fourteen days for lots Nos 3 and 4.

2. The tender shall indicate the quantity of paddy rice to be taken over at the stores referred to in Annex II needed to cover all the supply costs up to the delivery stage set out in Article 2 as payment for that supply.

The tender shall be in tonnes of paddy rice (net weight) to be removed in return for the supply of a tonne of finished product (net weight).

⁽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 C 114, 29.4.1991, p. 1.

⁽⁵⁾ OJ C 267, 13.9.1996, p. 1.

3. The quantities awarded must be removed from intervention stocks within 45 days of notification of the award of the supply contract.

The difference between the quantities tendered for and the quantities listed in Annex II must remain in the last store(s) indicated in that Annex for each lot.

4. If tenderers declare in writing when submitting their tenders that they will submit new tenders if a second period for the submission of tenders is opened, intervention agencies shall keep the originals of the tendering security and the undertaking by the financial institution to lodge the supply security referred to in Article 5(1)(h) and (i) of Regulation (EC) No 111/1999 until receipt of the Commission's decision on the tenders introduced during the second period. In such a case, by derogation from the above provision, the second tender shall not be accompanied by the original of those two documents.

Article 4

1. The tendering security is set at EUR 25 per tonne of wholly milled rice.

2. The supply security is set at EUR 632 per tonne of wholly milled rice. It must be lodged in accordance with Article 7(2) of Regulation (EC) No 111/1999 in favour of the intervention agency holding the paddy rice to be removed as payment for the supply.

Article 5

The intervention agencies shall take all necessary steps to enable samples to be taken by tenderers and to permit removal of the goods by the successful tenderer within the prescribed time limits.

Article 6

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

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

Done at Brussels, 10 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

ANNEX I

1. Product to be supplied: wholly milled rice
2. Characteristics and quality of the product ⁽¹⁾: rice of fair, sound and marketable quality, free of odour and live pests, meeting the following conditions:
 - moisture content: 15 % maximum,
 - broken rice: 7 % maximum,
 - chalky grains: 5 % maximum,
 - grains striated with red: 3 % maximum,
 - spotted grains: 1,5 % maximum,
 - stained grains: 1 % maximum,
 - yellow grains: 0,050 % maximum,
 - amber grains: 0,20 % maximum,
 - tolerance of extraneous matter consisting of:
 - inedible mineral and vegetable substances, provided they are not toxic: 0,01 % maximum,
 - edible extraneous grains or parts thereof: 0,10 % maximum.
3. Total quantity: 19 750 tonnes wholly milled rice (net weight) comprising four separate lots.
Each supply shall relate to a single lot.
4. Description:
 - Lot No 1:**
5 000 tonnes of wholly milled long-grain A rice to be delivered to and kept available from 20 September 1999 in an Italian port.
 - Lot No 2:**
5 000 tonnes of wholly milled medium-grain rice to be delivered to and kept available from 4 October 1999 in an Italian port.
 - Lot No 3:**
5 000 tonnes of wholly milled medium-grain rice to be delivered to and kept available from 11 October 1999 in an Italian port.
 - Lot No 4:**
4 750 tonnes of wholly milled long-grain A rice to be delivered to and kept available from 25 October 1999 in an Italian port.
5. Packaging ⁽²⁾:
The lot must be packed in new mixed jute/polypropylene sacks with a net content of 50 kilograms.
OJ C 267, 13.9.1996, p. 1 [point 1-0, A., (1),(b)]
6. Labelling: OJ C 114, 29.4.1991, p. 1.
The labelling of the sacks (wording in Russian plus the European flag) must meet the requirements laid down in OJ C 114, 29.4.1991, p. 1 (point II B 3).
7. Delivery stage: fob stowed.

⁽¹⁾ The successful tenderer must issue the carrier with a certificate from an official body certifying that the standards in force on nuclear radiation have not been exceeded. The radioactivity certificate must indicate the levels of caesium 134 and 137 and of iodine 131.

⁽²⁾ With a view to possible repacking, the successful tenderer must supply 2 % empty sacks of the same quality as those containing the product, with the inscription followed by a capital R.

ANNEX II

Lot No 1

Storage locations	Quantity of paddy rice (tonnes)
Immobiliare Agricola Alberetta Srl Via Mede 41 Sardrana Lomellina PV	320
Magazzini Generali Doganali Vercelli Srl Regione Bivio VC	749
Monfer SpA Via Gramsci San Marino Siccomario PV	871
Cordero Sebastiano Srl Via Santuario 55 Polonghera CN	3 060
Magazzino Genal SpA Via Roma Sud 49 Villa Poma MN	5 500

Lot No 2

Storage locations	Quantity of paddy rice (tonnes)
Magazzino Sannazzaro Silos Srl Via Umberto I n. 29 Silvano Pietra PV	1 756
Magazzino Ente Risi Via Roma 128 Casalvolone NO	231
Magazzino Ente Risi Via Roma Formigliana VC	126
Magazzino Viglienzone Adriatica SpA Via Madonna di G 39 Lugo di Ravenna RA	3 980
Monfer SpA Via Gramsci San Marino Siccomario PV	1 718
Magazzino Immobiliare Agricola Alberetta Srl Via Mede 40 Sartirana Lomellina PV	186
Reda Maria Castello di Nebbione Carisio VC	463
Magazzino Sannazzaro Silos Srl Via Dell'Olmo 37 Sannazzaro de Burgondi PV	557
Magazzino Grani e Risi Soc. Coop. arl Via Fronte I n. tronco 20 Pontelangorino FE	870
Magazzini Generali Raccordati Srl Via G. Visconti 18 Novara	195

Lot No 3

Storage locations	Quantity of paddy rice (tonnes)
Magazzino S.A.V. SpA Via S. Giuliano 43 Sale (AL)	5 712
Magazzino S.A.V. SpA Via della Rocca Villa del Foro (AL)	5 257

Lot No 4

Storage locations	Quantity of paddy rice (tonnes)
Magazzino Cordero Sebastiano Srl Via Santuario 55 Polonghera CN	5 698
Magazzino Monfer SpA Molo Garibaldi La Spezia	5 069

Address of the intervention agency:

Ente nazionale risi
Piazza Pio XI, 1
I-20123 Milan

Tel.: (00-39) 2 87 41 54
Fax: (00-39) 2 86 13 72

**COMMISSION REGULATION (EC) No 1770/1999
of 10 August 1999
on the transport of wholly milled rice to Russia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

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 rules for the application of Regulation (EC) No 2802/98;
- (2) Whereas Commission Regulation (EC) No 1769/1999 ⁽⁴⁾ has opened a first invitation to tender for an initial delivery to Community ports of four lots of wholly milled rice amounting to a total of 19 750 tonnes; whereas a new invitation to tender should be opened for the supply of transport for this quantity of wholly milled rice from Community ports to Russia;
- (3) Whereas the total quantity of 19 750 tonnes should be supplied as two lots;
- (4) Whereas the specific conditions applying to this supply should be laid down, in addition to the provisions adopted in Regulation (EC) No 111/1999, and provision should be made for their immediate entry into force;
- (5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

1. Supply should comprise:

- taking-over at the stage laid down in paragraph 2, and
- transport by appropriate means to the place of destination within the time limits laid down in Annex I,

2. The lots of wholly milled rice shall be held for the successful tenderer, for loading free on board, in accordance with the following:

Lot No 1:

- 5 000 tonnes of wholly milled long-grain A rice held for the successful tenderer at an Italian port from 20 September 1999;
- 5 000 tonnes of wholly milled medium-grain rice held for the successful tenderer at an Italian port from 4 October 1999.

Lot No 2:

- 5 000 tonnes of wholly milled medium-grain rice held for the successful tenderer at an Italian port from 11 October 1999;
- 4 750 tonnes of wholly milled long-grain A rice for the successful tenderer at an Italian port from 25 October 1999.

Beyond ten days after the dates referred to above and until loading commences, the successful tenderer shall refund the Commission any costs incurred by it as a result of the delay in take-over (waiting, insurance, security, securities, etc.) as provided for in Article 7a(1) of Regulation (EC) No 111/1999.

Article 3

HAS ADOPTED THIS REGULATION:

Article 1

An invitation to tender is hereby opened to establish the costs of supplying transport for a total of 19 750 tonnes of wholly milled rice in two separate lots (net weight) as described in Annex I, to be conducted as a supply operation referred to in Article 2(1)(b) of Regulation (EC) No 111/1999, in accordance with both that Regulation and this Regulation.

1. Tenders shall be submitted to the Italian intervention agency whose address is listed in Annex II.

The time limit for lodging tenders shall expire on 19 August 1999 at 12.00 noon (Brussels time) for lot No 1 and on 7 September at 12.00 noon (Brussels time) for lot No 2.

Should a lot not be successfully tendered for by the end of this period, tenders may be submitted for a second period expiring on 7 September 1999 at 12.00 noon (Brussels time) for lot No 1 and on 21 September 1999 at 12.00 noon (Brussels time) for lot No 2.

In this case, all the dates fixed in Article 2 and Annex I shall be extended by twenty days for lot No 1 and by fourteen days for lot No 2.

⁽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⁾ See page 30 of this Official Journal.

2. The tender shall include the cost of transporting the entire lot to be taken over at the port(s) identified in Article 2(2) and of supplying it to the destination laid down in Annex I.

3. If tenderers declare in writing when submitting their tenders that they will submit new tenders if a second period for the submission of tenders is opened, intervention agencies shall keep the originals of the tendering security and the undertaking by the financial institution to lodge the supply security referred to in Article 5(1)(h) and (i) of Regulation (EC) No 111/1999 until receipt of the Commission's decision on the tenders introduced during the second period. In such a case, by derogation from the above provision, the second tender shall not be accompanied by the original of those two documents.

Article 4

1. The tendering security shall be EUR 25 per tonne of wholly milled rice for delivery.

2. The supply security shall be EUR 632 per tonne of wholly milled rice for delivery. The security must be lodged with the intervention agency referred to in Article 3, in accordance with Article 7(1) of Regulation (EC) No 111/1999.

Article 5

The take-over certificate, draw up in accordance with Annex I to Regulation (EC) No 111/1999, shall be issued at the place of destination by the control body designated by the Commission and signed by the authorities indicated in Annex III.

Article 6

For the purposes of Article 13 of Regulation (EC) No 111/1999, the payment on account shall be made on presentation of a removal certificate covering the entire quantity to be delivered to a given destination on a given date.

Payment shall be made within 15 days of presenting the application for a payment on account, together with the requisite supporting documents.

Article 7

The successful tenderer shall have the special stamp illustrated in the Annex to Commission Regulation (EC) No 385/1999 ⁽¹⁾, inserted in the transport documents.

Article 8

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 Brussels, 10 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ L 46, 20.2.1999, p. 48.

ANNEX I**Lot No 1**

- 5 000 tonnes of wholly milled long-grain A rice, for Murmansk, departing from an Italian port.
- Delivery stage: goods not unloaded.
- Final date for arrival in the port of Murmansk: 22 October 1999.
- 5 000 tonnes of wholly milled medium-grain rice, for Murmansk, departing from an Italian port.
- Delivery stage: goods not unloaded.
- Final date for arrival in the port of Murmansk: 6 November 1999.

Lot No 2

- 5 000 tonnes of wholly milled medium-grain rice, for St Petersburg, departing from an Italian port.
- Delivery stage: goods not unloaded.
- Final date for arrival in the port of St Petersburg: 12 November 1999.
- 4 750 tonnes of wholly milled long-grain A rice, for St Petersburg, departing from an Italian port.
- Delivery stage: goods not unloaded.
- Final date for arrival in the port of St Petersburg: 26 November 1999.

ANNEX II

Address of intervention agency:

Ente nazionale risi
Piazza Pio XI, 1,
I-20123 Milan
Tel.: (00-39) 2 87 41 54
Fax: (00-39) 2 86 13 72

ANNEX III

Authority empowered to sign the take-over certificate:

Vao 'Raznoimport'
43, Bld 2, Lomonosovsky Avenue
113324 Moscow
Russia

Place of take-over: Murmansk and St-Petersburg.

**COMMISSION REGULATION (EC) No 1771/1999
of 10 August 1999
on the supply to Russia of common wheat and rye of bread-making quality**

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 the general rules for the application of Regulation (EC) No 2802/98;
- (2) Whereas for the supply operations decided by Regulation (EC) No 2802/98 an invitation to tender should be opened for the supply of various lots of common wheat and rye of bread-making quality held in intervention stores;
- (3) Whereas the specific conditions applying to the supplies should be laid down, in addition to the provisions adopted in Regulation (EC) No 111/1999, and provision should be made for their immediate entry into force;
- (4) 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

An invitation to tender is hereby opened to establish the costs of supplying transport from intervention stores for 180 000 tonnes (net weight) of common wheat of bread-making quality and for 80 000 tonnes (net weight) of rye of bread-making quality to be delivered to the destinations indicated for each lot in Annex I, as part of supply operation referred to in Article 2(1)(a) of Regulation (EC) No 111/1999, in accordance with both that Regulation and this Regulation.

The invitation to tender shall cover the supply of three lots of common wheat of bread-making quality and two lots of rye of bread-making quality meeting the requirements laid down for minimum quality for buying into intervention at the time of publication of this Regulation.

⁽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.

Article 2

For each lot, supply shall comprise:

- (a) taking-over of the goods from the stores of the intervention agency indicated in Annex II on means of transport, and
- (b) transport by appropriate means to the destinations and delivery no later than the date laid down in Annex I. In the event of maritime transport, transport shall be on a single vessel for products to be delivered to a given maritime port of destination or of transshipment.

Article 3

1. Each tender shall cover an entire lot as defined in Annex I.
2. Tenders shall be lodged with the intervention agency holding the product to be delivered whose address is given in Annex II.
3. The time limit for lodging tenders shall expire on 19 August 1999 at 12 noon (Brussels time).

Should the supply of a lot not be successfully tendered for by the end of this initial period, tenders may be submitted for a second period expiring on 31 August 1999 at 12 noon (Brussels time).

In this case, all the dates fixed in Annex I shall be extended by fourteen days.

4. If tenderers declare in writing when submitting their tenders that they will submit new tenders if a second period for the submission of tenders is opened, intervention agencies shall keep the originals of the tendering security and the undertaking by the financial institution to lodge the supply security referred to in Article 5(1)(h) and (i) of Regulation (EC) No 111/1999 until receipt of the Commission's decision on the tenders introduced during the second period. In such a case, by derogation from the above provision, the second tender shall not be accompanied by the original of those two documents.

Article 4

1. The tendering security shall be EUR 25 per tonne.
2. The supply security shall be EUR 150 per tonne and must be lodged in accordance with Article 7(1) of Regulation (EC) No 111/1999.

Article 5

The take-over certificate, drawn up in accordance with Annex I to Regulation (EC) No 111/1999, shall be issued at the destinations by the control body designated by the Commission and signed by the authorities indicated in Annex III.

Article 6

For the purposes of Article 13 of Regulation (EC) No 111/1999, the payment on account shall be paid upon presentation of a removal certificate covering the entire quantity to be delivered to a given destination on a given date.

Payment shall be made within fifteen days of presentation of the application for the payment on account accompanied by the required documentary evidence.

Article 7

The successful tenderer shall ensure that the special stamp described in the Annex to Regulation (EC) No 385/1999 ⁽¹⁾ is inserted in the transport documents.

Article 8

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

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

Done at Brussels, 10 August 1999.

For the Commission
Monika WULF-MATHIES
Member of the Commission

⁽¹⁾ OJ L 46, 20.2.1999, p. 48.

ANNEX I

Lot No 1

- 30 000 tonnes of intervention wheat for Murmansk on four vessels
- Delivery stage: goods not unloaded.
- Final date for arrival in the port of Murmansk:
 - First vessel: 5 700 tonnes: 30 September 1999
 - Second vessel: 8 800 tonnes: 24 September 1999
 - Third vessel: 8 000 tonnes: 12 October 1999
 - Fourth vessel: 7 500 tonnes: 12 October 1999

Lot No 2

- 32 000 tonnes of intervention wheat for Arkhangelsk on two vessels
- Delivery stage: goods not unloaded
- Final dates for arrival at Arkhangelsk port:
 - First vessel: 16 000 tonnes: 5 October 1999
 - Second vessel: 16 000 tonnes: 12 October 1999

Lot No 3

- 75 000 tonnes of intervention wheat for St Petersburg on three vessels
- Delivery stage: goods not unloaded
- Final dates for arrival at St Petersburg port:
 - First vessel: 25 000 tonnes: 2 October 1999
 - Second vessel: 25 000 tonnes: 4 November 1999
 - Third vessel: 25 000 tonnes: 18 November 1999
- 43 000 tonnes of intervention wheat for Arkhangelsk on three vessels
- Delivery stage: goods not unloaded
- Final date for arrival at Arkhangelsk port:
 - First vessel: 14 000 tonnes: 17 October 1999
 - Second vessel: 14 000 tonnes: 24 October 1999
 - Third vessel: 15 000 tonnes: 31 October 1999

Lot No 4

- 20 000 tonnes of intervention rye via the port of Muuga
- Delivery stage: on railway wagons, goods not unloaded at the frontier point of Pechora-Pskov or Ivangorod-Narva
- Final dates for arrival at port of Muuga: 29 September 1999
- 20 000 tonnes of intervention rye for the port of Muuga
- Delivery stage: on railway wagons, goods not unloaded at the frontier point of Pechora-Pskov or Ivangorod-Narva
- Final date for arrival at port of Muuga: 4 October 1999

Lot No 5

- 20 000 tonnes of intervention rye via the port of Muuga
 - Delivery stage: on railway wagons, goods not unloaded at the frontier point of Pechora-Pskov or Ivangorod-Narva
 - Final date for arrival at port of Muuga: 29 September 1999
 - 20 000 tonnes of intervention rye for the port of Muuga
 - Delivery stage: on railway wagons, goods not unloaded at the frontier point of Pechora-Pskov or Ivangorod-Narva
 - Final date for arrival at port of Muuga: 4 October 1999
-

ANNEX II

COMMON WHEAT

Member State/Lot No	Storage location	Quantities	Minimum daily loading rate	Stores/Contract No
FRANCE				
Lot No 1 — 30 000 t	Sofican Saint Aignan de Cramenil	3 000	2 000	P 14001
	Letico Ste Croix Grand Force	2 247	500	P 76020
	Ribet St Ouen du Breuil	453	1 300	P 76001
	Stuckwerkers Gante	8 800	3 000	P 960004
	Stuckwerkers Gante	8 000	3 000	P 960004
	SGD Dunquerque	7 500	4 000	P 59003
Lot No 2 — 32 000 t	Manuport Gante	32 000	3 000	P 960003
Lot No 3 — 118 000 t	SMEG Gante	118 000	2 500	P 960005

RYE

Member State/Lot No	Storage location	Quantities	Minimum daily loading rate	Contract No
GERMANY				
Lot No 4 — 40 000 t	Volksbank Dransfeld Groß Schneen 37124 Rosdorf	1 700	1 240	512022
	Rieke GmbH & Co. Lagerhaus- u. Speditions- 37603 Holzminden	1 891	1 800	277395
	Lühring Nachf. GmbH & Co. KG 31633 Leese	1 620	1 000	506296
	Raiffeisen-Landbund eG An- und Verkaufsgen. 31718 Pollhagen	3 669	1 000	508157
	Lagerhaus Rethem Dr. Pleines GmbH & Co. KG 27336 Rethem	2 000	2 100	512023
	Landw. Bezugs- u. Absatzgen. Walsrode eG 29693 Hadenmstorf	2 417	750	512023

Member State/Lot No	Storage location	Quantities	Minimum daily loading rate	Contract No
	Lagerhaus Beverungen Karl Frehse GmbH & Co. KG 37688 Beverungen	1 291	1 200	278059
	U.L.L.A. GmbH Agrar- Logistik 32423 Minden	2 667	1 000	506378/508389/ 509580/509933/ 510531
	Syring KG Getreidesilo u. Lagerhaus 33106 Paderborn	2 725	500	501255/504316
	ATR Landhandel Arp, Thordsen, Rautenberg 23554 Lübeck	4 277	1 900	506655
	Landhand. Ströh & Stender GmbH & Co. KG 23843 Bad Odesloe	3 718	1 000	510131/278111
	RHG-Agrarz. Fürstenwalder Futtermittel-Getreide 29693 Fürstenwalde	1 388	1 000	277959/506284
	Landhandel GmbH Gransee 1935729693 Karstadt	3 608	2 200	510744/511750
	Getreidehandel Leipzig GmbH 04509 Krostitz	3 003	1 000	506615
	RHG Agrarzentrum Gekra Getreide und Kraft- 06268 Querfurt	4 006	1 500	508178
Lot No 5 — 40 000 t	ATR Landhandel Arp, Thordsen, Rautenberg 23554 Lübeck	6 185	1 900	507601
	Raiffeisen-Getreidelghs Lüneburg-Embsen GmbH 21337 Lüneburg	3 739	2 000	278065
	RHG-Agrarz. Fürstenwalder Futtermittel — Getreide- 15517 Fürstenwalde	2 213	1 000	506430
	Landhandel GmbH Gransee 19357 Karstadt	1 649	2 200	508504/508788
	Meyer GmbH Handel und Lagerei 37603 Holzminden	4 123	1 000	506637
	Stöfen GmbH & Co. Landhandel-Kraftfutterw. 25761 Büsum	2 091	1 600	511603
	Havelländisches Kraft-Futter- werk GmbH 14641 Nauen	1 606	750	511749

Member State/Lot No	Storage location	Quantities	Minimum daily loading rate	Contract No
	Märka Märkische Kraftfutter GmbH 16225 Eberswalde	3 034	1 000	277976/278040 277977
	DEUKA Deutsche Kraftfutter- 04916 Herzberg	3 995	1 400	511084
	Märka Märkische Kraftfutter GmbH 14712 Rathenow	3 158	750	278073
	Landband. GmbH Gransee 16775 Gransee	4 043	750	511609/511748
	Strlsunder Getreide und Handelsgesellschaft mbH 18507 Grimmen	4 164	1 250	511980

Addresses of intervention agencies:

Germany

BLE

Bundesanstalt für Landwirtschaft und Ernährung
Adickesallee 40
D-60322 Frankfurt am Main Postfach 18 0203
Tel.: (49) 69 1564 704
Fax: (49) 69 1564 790

France

ONIC

21, avenue Bosquet
F-75341 PARIS Cedex 07
Tel.: (33) 1 44 18 20 00
Fax: (33) 1 44 51 90 99

ANNEX III

COMMON WHEAT AND RYE

1. Place of take-over: Murmansk

Authority authorised to issue take-over certificates: Directorate of the Rosgosklebinspekciya for Murmansk region

2. Place of take-over: Arkhangelsk

Authority authorised to issue take-over certificates: Directorate of the Rosgosklebinspekciya for the region of Arkhangelsk

3. Place of take-over: Saint-Petersburg

Authority authorised to issue take-over certificates: Port Office of the Directorate of the Rosgosklebinspekciya

4. Place of take-over: Pechora — Pskov

on railway wagons, goods not unloaded

Authority authorised to issue take-over certificates: OAO FKK 'Roskhleboproduct'

117292 Moscow — Krzhzhanskogo str. 6

5. Place of take-over: Ivangorod — Narva

on railway wagons, goods not unloaded

Authority authorised to issue take-over certificates: OAO FKK 'Roskhleboproduct'

117292 Moscow — Krzhzhanskogo str. 6

COMMISSION REGULATION (EC) No 1772/1999**of 10 August 1999****determining the percentage of quantities covered by applications for export licences for poultry-meat which may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (1) Whereas Regulation (EC) No 1372/95 provides for specific measures where applications for export licences concern quantities and/or expenditure which exceed the normal trade patterns or where there is a risk that they will be exceeded, taking account of the limit referred to in Article 8(11) of Council Regulation (EEC) No 2777/75 ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and/or the corresponding expenditure during the period in question;
- (2) Whereas there is a risk that the issue of licences for the quantities applied for from 2 to 6 August 1999 may

lead to an overrun in the quantities of the products concerned normally disposed of by way of trade,

HAS ADOPTED THIS REGULATION:

Article 1

With regard to applications for export licences for poultrymeat lodged from 2 to 6 August 1999 pursuant to Regulation (EC) No 1372/95:

- 1) applications for 25 % of the quantities applied for in the case of categories 3 and 4 referred to in Annex I to the abovementioned Regulation shall be accepted for destination 04 referred in the Annex to Regulation (EC) No 1530/1999;
- 2) for other applications 100 % of the quantities applied for.

Article 2

This Regulation shall enter into force on 11 August 1999.

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

Done at Brussels, 10 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission⁽¹⁾ OJ L 133, 17.6.1995, p. 26.⁽²⁾ OJ L 322, 1.12.1998, p. 33.⁽³⁾ OJ L 282, 1.11.1975, p. 77.⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.

COMMISSION REGULATION (EC) No 1773/1999**of 10 August 1999****amending Regulation (EC) No 1135/1999 opening a second invitation to tender for the mobilisation of pigmeat on the Community market with a view to its subsequent delivery to Russia and repealing Regulation (EC) No 1248/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 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, in order to apply Regulation (EC) No 2802/98, the Commission opened a tendering procedure for the mobilisation of pigmeat on the Community market by means of Regulation (EC) No 1135/1999 ⁽²⁾, whereas this tendering procedure was suspended by Commission Regulation (EC) No 1248/1999 ⁽³⁾;
- (2) Whereas the situation on the pigmeat market is now such that the tendering procedure can be reopened; whereas Regulation (EC) No 1248/1999 should therefore be repealed;
- (3) Whereas the various dates laid down in Regulation (EC) No 1135/1999 for the submission of tenders and for delivery need to be changed; whereas the appropriate health provisions should be laid down in the light of the measures adopted by Commission Decision 1999/449/EC of 9 July 1999 on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption ⁽⁴⁾;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

Article 1

Regulation (EC) No 1135/1999 is amended as follows:

1. In Article 4(4) the date '8 June 1999' is replaced by '19 August 1999' and the date '22 June 1999' is replaced by '2 September 1999'.
2. The following indent is added to Article 6:
'— health certificate provided for in Annex B to Decision 1999/449/EC, for products of Belgian origin.'
3. In the fourth indent of point 2 of Annex I, the date '10 June 1999' is replaced by '22 August 1999'.
4. In Annex II the date '12 July 1999' is replaced twice by '27 September 1999' and the date '26 July 1999' is replaced by '11 October 1999'.
5. In Annex III the address under 'IRELAND' is replaced by the following:
'Department of Agriculture and Food,
Other Market Supports Division,
Johnstown Castle Estate,
County Wexford,
Ireland
Tel: (353) 536 34 00
Fax (353) 534 38 50 and (353) 534 38 52.'

Article 2

Regulation (EC) No 1248/1999 is repealed.

Article 3

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

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

Done at Brussels, 10 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ L 349, 24.12.1998, p. 12.

⁽²⁾ OJ L 135, 29.5.1999, p. 85.

⁽³⁾ OJ L 150, 17.6.1999, p. 23.

⁽⁴⁾ OJ L 175, 10.7.1999, p. 70.

COUNCIL DIRECTIVE 1999/81/EC

of 29 July 1999

amending Directive 92/79/EEC on the approximation of taxes on cigarettes, Directive 92/80/EEC on the approximation of taxes on manufactured tobacco other than cigarettes and Directive 95/59/EC on taxes other than turnover taxes which affect the consumption of manufactured tobacco

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 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:

(1) in its first report on the structure and rates of excise duties, drawn up in accordance with the provisions of Directive 92/79/EEC ⁽⁴⁾ and Directive 92/80/EEC ⁽⁵⁾, the Commission merely drew attention to certain difficulties encountered in implementing the Directives, without proposing any precise solutions;

(2) a consultation process involving national authorities, business representatives and interest groups has since taken place;

(3) the first stage in this consultation process was the Lisbon Conference, the purpose of which was to assess the performance of the present Community arrangements and to assist the Commission in its task of planning future excise-duty policy;

(4) the consultation process has led to a second Commission report;

(5) the consultation process revealed difficulties in applying the 57 % minimum incidence rule;

(6) the rules should be interpreted and implemented more uniformly in the Member States if the internal market is to operate smoothly;

(7) moreover, rules which can be implemented more easily in practice should be established if the internal market is to operate smoothly;

(8) Member States should nonetheless be allowed sufficient flexibility to identify and implement policies tailored to national circumstances;

(9) for practical reasons, Member States should be afforded some flexibility to adjust the incidence of the overall minimum excise duty in line with certain changes, including those in VAT rates;

(10) Member States should be given the option of neutralising the impact of changes in the VAT rate on the overall minimum excise duty;

(11) the existence of this option should not lead to distortions of competition or to malfunctioning of the internal market;

(12) the options open to the Member States regarding the application of the Directives should be limited in time;

(13) the situation which justified the derogation from the overall minimum excise rate of 57 % that was granted to the Kingdom of Sweden by the 1994 Act of Accession still subsists; whereas it is therefore necessary to grant the Kingdom of Sweden an extension of the derogation up to and including 31 December 2002;

(14) it is appropriate to give France an additional period up to and including 31 December 2002 for cigarettes and tobacco products sold on the island of Corsica;

(15) it is appropriate to give Germany an additional period to adjust its national rates for fine-cut tobacco rolls in line with Community legislation;

(16) there is nothing to prevent Member States from being authorised to apply a minimum excise duty to cigars, cigarillos and smoking tobacco where such an option already exists for cigarettes and hand-rolling tobacco;

(17) there is a need to establish a regular review procedure;

(18) the present period of two years is too short for changes in the legislation of the Member States to be properly evaluated;

(19) for this reason reviews must take place not less frequently than every three years, and for the first time not later than 31 December 2000;

⁽¹⁾ OJ C 203, 30.6.1998, p. 16.

⁽²⁾ OJ C 153, 1.6.1999.

⁽³⁾ OJ C 410, 31.12.1998, p. 1.

⁽⁴⁾ OJ L 316, 31.10.1992, p. 8.

⁽⁵⁾ OJ L 316, 31.10.1992, p. 10.

- (20) in order to avoid a fall in the value of the Community minimum rates of duty on cigars, cigarillos and hand-rolling tobacco and other smoking tobacco, a schedule of increases is needed;
- (21) therefore Directives 92/79/EEC, 92/80/EEC and 95/59/EC⁽¹⁾ should be amended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/79/EEC is hereby amended as follows:

1. the following Article shall be inserted:

'Article 2a

1. When a change in the retail selling price of cigarettes in the most popular price category occurs in a Member State, thereby bringing the incidence of the overall minimum excise duty below the level specified in the first subparagraph of Article 2, the Member State in question may refrain from adjusting the incidence of the overall minimum excise duty until not later than 1 January of the second year following that in which the change occurs.

2. When a Member State increases the rate of value-added tax on cigarettes, it may reduce the incidence of the overall minimum excise duty up to an amount which, expressed as a percentage of the retail selling price, is equal to the incidence of the increase in the rate of value added tax, also expressed as a percentage of the retail selling price, even if such an adjustment has the effect of reducing the incidence of the overall minimum excise duty to below the level laid down in Article 2.

3. If, in accordance with paragraph 2, a Member State reduces the incidence of the overall minimum excise duty to a level below that laid down in the first subparagraph of Article 2, it shall raise that incidence so as to reach at least that level not later than 1 January of the second year after that in which the reduction took place.;

2. the following paragraphs shall be added to Article 3:

'3. Notwithstanding Article 2, the Kingdom of Sweden may postpone, up to and including 31 December 2002, the application of an overall minimum excise duty equivalent to 57 % of the retail selling price (inclusive of all taxes) of cigarettes in the most popular price category. In addition, the Kingdom of Sweden may not reduce the overall excise duty below the level applied on 1 August 1998.

4. Up to and including 31 December 2002, the French Republic may apply for cigarettes sold on the island of Corsica the same rates as those in force on 31 December 1997.;

3. Article 4 shall be replaced by the following:

'Article 4

Not less frequently than every three years, and for the first time not later than 31 December 2000, the Council, acting on the basis of a report and, where appropriate, a proposal from the Commission, shall examine the overall minimum excise duty laid down in Article 2 and in Article 3(2) and the structure of excise duties as defined by Article 16 of

Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco (*) and, acting unanimously after consulting the European Parliament, shall adopt the necessary measures. The report by the Commission and the examination by the Council shall take into account the proper functioning of the internal market and the wider objectives of the Treaty.

(*) OJ L 291, 6.12.1995, p. 40.;

Article 2

Directive 92/80/EEC is hereby amended as follows:

1. Article 3 shall be amended as follows:

- (a) paragraph 1 shall be replaced by the following:

'1. Member States shall apply an excise duty which may be:

- (a) either an *ad valorem* duty calculated on the basis of the maximum retail selling price of each product, freely determined by manufacturers established in the Community and by importers from non-member countries in accordance with Article 9 of Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco (*),
- (b) or a specific duty expressed as an amount per kilogram or in the case of cigars and cigarillos alternatively for a given number of items,
- (c) or a mixture of both, combining an *ad valorem* element and a specific element.

In cases where excise duty is either *ad valorem* or mixed, Member States may establish a minimum amount of excise duty.

The overall excise duty expressed as a percentage, as an amount per kilogram or for a given number of items shall be at least equivalent to the rates or minimum amounts laid down for:

- cigars and cigarillos: 5 % of the retail selling price inclusive of all taxes, or EUR 9 per 1 000 items or per kilogram,
- fine-cut smoking tobacco intended for the rolling of cigarettes: 30 % of the retail selling price inclusive of all taxes, or EUR 24 per kilogram,
- other smoking tobaccos: 20 % of the retail selling price inclusive of all taxes, or EUR 18 per kilogram.

As from 1 January 2001, the amounts of EUR 9, EUR 24 and EUR 18 in the preceding three indents shall be replaced by EUR 10, EUR 25 and EUR 19 respectively.

(*) OJ L 291, 6.12.1995, p. 40.;

- (b) the following paragraph shall be added:

'4. The French Republic may until 31 December 2002 apply for tobacco products covered by this Directive and sold on the island of Corsica the same rates as were in force on 31 December 1997.;

(1) OJ L 291, 6.12.1995, p. 40.

2. Article 4 shall be replaced by the following:

Article 4

Not less frequently than every three years, and for the first time not later than 31 December 2000, the Council, acting on the basis of a report and, where appropriate, a proposal from the Commission, shall examine the rates of duty laid down herein and, acting unanimously after consulting the European Parliament, shall adopt the necessary measures. The report by the Commission and the examination by the Council shall take into account the proper functioning of the internal market, the real value of the rates of duty and the wider objectives of the Treaty.'

Article 3

Directive 95/59/EC is hereby amended as follows:

1. in the second subparagraph of Article 4(1), the words 'Until 31 December 1998' shall be replaced by 'Up to and including 31 December 2001';

2. Article 16 shall be amended as follows:

(a) the following paragraph shall be inserted:

'2a. By way of derogation from paragraph 2, where a change in the retail selling price of cigarettes in the most popular price category occurs in a Member State, thereby bringing the specific component of the excise duty, expressed as a percentage of the total tax burden, below 5 % or above 55 % of the total tax burden, the Member State in question may refrain from adjusting the amount of the specific excise duty until not later than 1 January of the second year following that in which the change occurs.';

(b) in paragraph 3, the phrase 'If the excise duty or the turnover tax levied' shall be replaced by 'If the excise duty levied';

(c) paragraph 5 shall be replaced by the following:

'5. Member States may levy a minimum excise duty on cigarettes, provided that this does not have the effect of raising the total tax to more than 90 % of the total tax on the most popular price category of cigarettes.'

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive as from 1 January 1999. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

Article 5

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

It shall apply from 1 January 1999.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 29 July 1999.

For the Council

The President

S. HASSI

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 July 1999

amending Decision 95/473/EC establishing the list of approved fish farms in France

(notified under document number C(1999) 2153)

(Text with EEA relevance)

(1999/556/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 6(2) thereof,

- (1) Whereas the Member States may obtain the status of approved farms free of certain fish diseases for fish farms located in zones which are non-approved in respect of infectious hematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS);
- (2) Whereas the list of approved fish farms in France was established by Commission Decision 95/473/EC ⁽³⁾, as last amended by Decision 97/227/EC ⁽⁴⁾;
- (3) Whereas France has submitted justifications to the Commission for obtaining for other fish farms the status of approved farms located in zones which are non-approved in respect of IHN and VHS, as well as the national provisions ensuring compliance with the rules on maintenance of approval;
- (4) Whereas the Commission and the Member States have examined the justifications submitted by France for those farms;
- (5) Whereas that examination has shown that some of the farms meet the requirements of Article 6 of Directive 91/67/EEC; whereas some farms do not meet those

requirements, in particular as regards their sampling programme and infrastructure provisions;

- (6) Whereas the farms that meet the requirements of Directive 91/67/EEC should accordingly qualify for the status of approved farms in non-approved zones;
- (7) Whereas those farms should be added to the list of approved farms;
- (8) 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 95/473/EC is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 269, 11.11.1995, p. 31.

⁽⁴⁾ OJ L 91, 5.4.1997, p. 33.

ANNEX

FISH FARMS IN FRANCE APPROVED WITH REGARD TO IHN AND VHS

1. Adour-Garonne

- Pisciculture de Sarrance
64490 Sarrance (Pyrénées-Atlantiques)
- Pisciculture des Sources
12540 Cornus (Aveyron)
- Pisciculture de Pissos
40410 Pissos (Landes)
- Pisciculture 'Les Fontaines d'Escot'
64490 Escot (Pyrénées-Atlantiques)
- Pisciculture de la Forge
47700 Casteljaloux (Lot et Garonne)

2. Artois-Picardie

- Pisciculture du Moulin du Roy
62156 Rémy (Pas-de-Calais)
- Pisciculture du Bléquin
62380 Seninghem (Pas-de-Calais)
- Pisciculture de Sangheen
62102 Calais (Pas-de-Calais)

3. Loire-Bretagne

- SCEA 'Truites du lac de Cartravers'
Bois-Boscher
22460 Merleac (Côtes d'Armor)
- Pisciculture du Thélodier
35190 Cardroc (Ille-et-Vilaine)
- Pisciculture de Plainville
28400 Marolles les Buis (Eure et Loir)

4. Rhin-Meuse

- Pisciculture du ruisseau de Dompierre
55300 Lacroix sur Meuse (Meuse)
- Pisciculture de la source de la Deüe
55500 Cousances-aux-Bois (Meuse)

5. Seine-Normandie

- Pisciculture du Vaucheron
55130 Gondrecourt-le-Château (Meuse)
-

COMMISSION DECISION

of 22 July 1999

concerning a request for exemption submitted by Italy pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(notified under document number C(1999) 2292)

(1999/557/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 98/91/EC ⁽²⁾, and in particular Article 8(2)(c) thereof.

- (1) Whereas the request submitted by Italy on 5 March 1999, which reached the Commission on 16 March 1999, contained the information required by Article 8(2)(c); whereas the request concerns the fuelling with compressed natural gas of two types of class-M1 vehicle;
- (2) Whereas the reasons given in the request, according to which such vehicle types meet the requirements of Annex IV to Directive 70/156/EEC, apart from those relating to fuelling with compressed natural gas are well founded; whereas the fuelling by compressed natural gas of the vehicles covered by this Decision does, however, guarantee a level equivalent to that provided by petrol fuelling; whereas the tests carried out in accordance with Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles ⁽³⁾, as last amended by Commission Directive 98/77/EC ⁽⁴⁾, and Council Directive 80/1268/EEC of 16 December 1980 on the approximation of the laws of the Member States relating to the fuel consumption of motor vehicles ⁽⁵⁾, as last amended by Commission Directive 93/116/EC ⁽⁶⁾, were conducted using, in the one instance, natural gas only as fuel and in the other both petrol and natural gas as fuel; whereas the relevant limit values were not exceeded in either fuelling mode, while the recorded

emissions of pollutions were lower with natural gas; whereas equivalent environmental protection is thus ensured;

- (3) Whereas, in order to assure themselves of the safety of vehicles in service, Member States may periodically carry out leak-tightness tests at a pressure of at least the service pressure;
- (4) Whereas the Community Directives concerned will be amended in order to permit the production of vehicles powered by compressed natural gas;
- (5) Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The request submitted by Italy for an exemption concerning the production and placing on the market of two class-M1 types of vehicle powered by compressed natural gas is hereby approved.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 22 July 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 42, 23.2.1970, p. 1.

⁽²⁾ OJ L 11, 16.1.1999, p. 25.

⁽³⁾ OJ L 76, 6.4.1970, p. 1.

⁽⁴⁾ OJ L 286, 23.10.1998, p. 34.

⁽⁵⁾ OJ L 375, 31.12.1980, p. 36.

⁽⁶⁾ OJ L 329, 30.12.1993, p. 39.

COMMISSION DECISION
of 26 July 1999
amending Council Decision 79/542/EEC and Commission Decisions 92/160/EEC and 93/195/EEC
with regard to imports of registered horses from Ecuador

(notified under document number C(1999) 2438)

(Text with EEA relevance)

(1999/558/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and imports from third countries of equidae⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 17, second paragraph thereof,

(1) Whereas, by Council Decision 79/542/EEC⁽²⁾, as last amended by Commission Decision 1999/301/EC⁽³⁾, a list of third countries from which Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products has been established; whereas Ecuador is included in Part 2, special column for registered horses, in the Annex to that Decision;

(2) Whereas, by Decision 92/160/EEC⁽⁴⁾, the Commission has established the regionalisation of certain third countries for imports of equidae, as last amended by Decision 1999/236/EC⁽⁵⁾; whereas by this Decision Ecuador is regionalised to restrict the re-entry after temporary export of registered horses to the metropolitan area of Quito only;

(3) Whereas, by Commission Decision 93/195/EEC⁽⁶⁾, as last amended by Decision 1999/228/EC⁽⁷⁾, the health conditions and veterinary certification have been established for the re-entry of registered horses after temporary export to Ecuador;

(4) Whereas, in the course of a Commission inspection visit to Ecuador, serious flaws have come to light in the equine health monitoring, veterinary supervision, disease reporting and procedures for imports and exports of equidae; whereas however since the adoption of Decision 92/160/EEC no horse has been re-exported from Ecuador to the Community;

(5) Whereas, in particular and due to insufficient controls and disease notification, the situation, with regard to Venezuelan equine encephalomyelitis and dourine in Ecuador is unclear;

(6) Whereas the re-entry of registered horses after temporary export to the Metropolitan area of Quito in Ecuador should be prohibited; whereas therefore Ecuador should be deleted from the list of third countries in the Annex to Council Decision 79/542/EEC and consequently Decisions 92/160/EEC and 93/195/EEC must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

In Part 2 of the Annex to Council Decision 79/542/EEC, special column for registered horses, the following line relating to Ecuador is deleted:

EC	Ecuador	×	(¹)
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Article 2

In the Annex to Commission Decision 92/160/EEC the following words relating to Ecuador are deleted:

‘Ecuador (¹)

Metropolitan area of Quito.’

Article 3

Commission Decision 93/195/EEC is amended as follows:

1. in Group D in Annex I the words ‘Ecuador (¹)’ are deleted;
2. in Group D in Annex II the words ‘Ecuador (¹)’ are deleted.

⁽¹⁾ OJ L 224, 18.8.1990, p. 42.

⁽²⁾ OJ L 146, 14.6.1979, p. 15.

⁽³⁾ OJ L 117, 5.5.1999, p. 52.

⁽⁴⁾ OJ L 71, 18.3.1992, p. 27.

⁽⁵⁾ OJ L 87, 31.3.1999, p. 13.

⁽⁶⁾ OJ L 86, 6.4.1993, p. 1.

⁽⁷⁾ OJ L 83, 27.3.1999, p. 77.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 26 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION
of 10 August 1999
on a financial contribution of the Community to the eradication of bluetongue in Greece in case of
a new incursion of the disease

(notified under document number C(1999) 2622)

(Only the Greek text is authentic)

(1999/559/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EC ⁽¹⁾ pertaining to certain expenditure in the veterinary field, as last amended by Decision 94/370/EC ⁽²⁾, and in particular its Article 6,

- (1) Whereas bluetongue outbreaks were recorded between the end of October and the beginning of December 1998 on the Rhodes, Kos and Leros islands, in the prefecture of the Dodecanese and in the prefecture of Samos;
- (2) Whereas these outbreaks were due to wind-borne infected vectors from abroad;
- (3) Whereas emergency measures were taken by the Greek authorities and the financial contribution of the Community in the cost of these measures was fixed by Decision 99/221/EC ⁽³⁾, of 9 March 1999;
- (4) Whereas the precautionary measures concerning the movement of live animals of susceptible species and some products thereof in the regions concerned have been laid down in Decision 1999/293/EC ⁽⁴⁾ of 29 April 1999;
- (5) Whereas the last clinical cases of bluetongue were recorded at the beginning of December 1998;
- (6) Whereas it is advisable to establish a warning system in order to demonstrate at the earliest possible moment any new development of the virus coming from abroad;
- (7) Whereas in case of reappearance of the disease it is necessary to take emergency measures to prevent its further spread by eliminating the source of the virus;
- (8) Whereas for the bovine species, this elimination should be achieved by the destruction of the sentinel animals which have seroconverted and the seronegative animals being held on the same holding;

- (9) Whereas for the ovine and caprine species, this elimination should be achieved by the destruction of flocks where evidence of the disease has been proved;
- (10) Whereas these stamping out measures are not adapted to an epidemic situation and should be reconsidered if such situation arises;
- (11) Whereas ten outbreaks on the same island should be considered as an epidemic situation;
- (12) Whereas it is advisable to continue the operations intended to reduce the vector populations by concentrating these actions on the sites particularly favourable to the reproduction of the vectors;
- (13) Whereas the measures provided for in this Decision are in conformity with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Greece shall establish, with effect from 1 July 1999, groups of sentinel bovine animals in the localities most exposed to the risk of a new incursion of the disease. These groups will be set up as follows:

- 10 groups of five animals in Rhodes and in Kos;
- five groups of five animals in Samos;
- two groups of five animals in Leros.

Greece shall communicate to the Commission before 1 August 1999 a map of the regions concerned indicating the selected locations.

Sentinel animals shall be serologically tested every fifteen days and any seroconversion shall be immediately notified to the Commission and the Member States.

Article 2

Greece shall ensure the destruction of:

- all sentinel bovines which have seroconverted and all sero-negative bovines in the same holding or holdings,
- all sheep in flocks with any evidence of bluetongue.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 168, 2.7.1994, p. 31.

⁽³⁾ OJ L 82, 26.3.1999, p. 44.

⁽⁴⁾ OJ L 114, 1.5.1999, p. 55.

Article 3

Greece shall establish a campaign against the vector population by treating with insecticide all the breeding sites of *Culicoides imicola* in the vicinity of holdings where cattle are kept or bred.

Article 4

The participation of the Community in the cost of the measures intended to reveal as early as possible any incursion of bluetongue virus and to prevent any new dissemination of the disease, and implemented up to 15 September 1999, up to a maximum amount of EUR 0,3 millions shall be:

- 50 % of the cost incurred for serological analysis of the sentinel bovine animals set up in accordance with Article 2,
- 50 % of the cost incurred by Greece in compensating owners for the slaughter and destruction of sentinel bovines which have seroconverted and the seronegative cattle in the same holding or holdings,
- 50 % of the cost incurred by Greece in compensating owners for the slaughter and destruction of sheep flocks where any evidence of the disease has been confirmed up to a maximum of ten per island,
- 50 % of the cost incurred by Greece for the desinsectisation of the breeding sites of the vectors,
- 50 % of the cost incurred by Greece for the operations after 8 January 1999 and necessary for the completion of the serosurveillance programme envisaged in the Annex to Decision 99/221/EC.

Article 5

1. The Community's financial contribution shall be granted after supporting documents have been submitted.
2. The supporting documents referred to in paragraph 1 shall include
 - (a) an epidemiological report on each holding where slaughtering has taken place
 - (b) a financial report listing in particular
 - for compensation, the list of the beneficiaries and their addresses, the number, species and categories of

- animals slaughtered, their date of slaughter, the amount paid out (excluding VAT) and the date of payment,
- for other measures covered by the financial participation of the Community, a list of the expenses, including description of the measures and the date of payment

- (c) a report certifying the implementation of the measures provided for in Articles 1, 2 and 3.

Article 6

Applications for payment, together with the supporting documents referred to in Article 5, shall be submitted to the Commission before 1 March 2000.

Article 7

1. The Commission may carry out on-site checks in collaboration with the competent national authorities to ensure that the assisted measures have been implemented and the relevant expenditure incurred.

The Commission shall inform the Member States of the outcome of these checks.

2. Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾ shall apply *mutatis mutandis*.

Article 8

This Decision will be reconsidered, on the initiative of Greece or of the Commission, if the situation justifies the implementation of new measures and in particular in case of an epidemic situation.

Article 9

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 10 August 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 94, 28.4.1970, p. 13.

COMMISSION DECISION

of 10 August 1999

amending for the second time Commission Decision 1999/212/EC on certain measures to prevent the transmission of foot-and-mouth disease virus from Algeria, Morocco and Tunisia to the territory of the European Community

(notified under document number C(1999) 2623)

(Text with EEA relevance)

(1999/560/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾ and in particular Article 22(6) thereof,

- (1) Whereas foot and mouth disease has been confirmed to be present in the livestock in Algeria, Morocco and Tunisia; whereas therefore the Commission has adopted Decision 1999/212/EC ⁽²⁾ on certain measures to prevent the transmission of foot-and-mouth disease virus from Algeria, Morocco and Tunisia to the territory for the European Community, as last amended by Decision 1999/292/EC ⁽³⁾;
- (2) Whereas in accordance with Article 4 of that Decision, the measures must be reviewed in the light of the disease evolution;
- (3) Whereas foot-and-mouth disease appears to be well controlled by the veterinary services of Tunisia and Morocco and no outbreaks have been reported since April respective May 1999; whereas however a final report on the results of a serological survey has not been presented that would allow to evaluate the extent to which small ruminants are inflicted in the epidemiology of the disease;

- (4) Whereas, the last informal report on foot-and-mouth disease outbreaks in Algeria dates from 22 June 1999 and does not allow withdrawing the measures laid down by Decision 1999/212/EC for the third country concerned;
- (5) Whereas as a matter of extra safeguard the period these measures are in force should be extended for three months;
- (6) 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

In Article 4 of Decision 1999/212/EC the date '31 July 1999' is replaced by '31 October 1999'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 August 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 24, 31.1.1998, p. 9.

⁽²⁾ OJ L 74, 19.3.1999, p. 29.

⁽³⁾ OJ L 114, 1.5.1999, p. 54.