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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2330/1999 of 3 November 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables ...	1
Commission Regulation (EC) No 2331/1999 of 3 November 1999 fixing export refunds on fruit and vegetables	3
Commission Regulation (EC) No 2332/1999 of 3 November 1999 fixing the maximum export refund for white sugar for the 14th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1489/1999	6
Commission Regulation (EC) No 2333/1999 of 3 November 1999 fixing the representative prices and the additional import duties for molasses in the sugar sector	7
Commission Regulation (EC) No 2334/1999 of 3 November 1999 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	9
★ Commission Regulation (EC) No 2335/1999 of 3 November 1999 laying down marketing standards for peaches and nectarines	11
★ Commission Regulation (EC) No 2336/1999 of 3 November 1999 amending Regulation (EC) No 1371/95 laying down detailed rules for implementing the system of export licences in the egg sector	16
★ Commission Regulation (EC) No 2337/1999 of 3 November 1999 amending Regulation (EC) No 1372/95 laying down detailed rules for implementing the system of export licences in the poultrymeat sector	21
★ Commission Regulation (EC) No 2338/1999 of 3 November 1999 prohibiting fishing for Greenland halibut by vessels flying the flag of a Member State	26

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(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Regulation (EC) No 2339/1999 of 3 November 1999 prohibiting fishing for monkfish by vessels flying the flag of France	27
★ Commission Regulation (EC) No 2340/1999 of 3 November 1999 prohibiting fishing for cod and haddock by vessels flying the flag of a Member State	28
★ Commission Regulation (EC) No 2341/1999 of 3 November 1999 prohibiting fishing for sprat by vessels flying the flag of Denmark	29
★ Commission Regulation (EC) No 2342/1999 of 28 October 1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes	30
Commission Regulation (EC) No 2343/1999 of 3 November 1999 fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EC) No 2128/1999	53
Commission Regulation (EC) No 2344/1999 of 3 November 1999 fixing the minimum selling prices for beef put up for sale under the third invitation to tender referred to in Regulation (EC) No 2009/1999	55
Commission Regulation (EC) No 2345/1999 of 3 November 1999 fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EC) No 2207/1999	57
Commission Regulation (EC) No 2346/1999 of 3 November 1999 on the sale by tender of beef held by certain intervention agencies	60
Commission Regulation (EC) No 2347/1999 of 3 November 1999 on the issuing of A1 export licences for fruit and vegetables	65
Commission Regulation (EC) No 2348/1999 of 3 November 1999 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip	66
Commission Regulation (EC) No 2349/1999 of 3 November 1999 amending Regulation (EC) No 2296/1999 determining the world market price for unginned cotton and the rate for the aid	68
Commission Regulation (EC) No 2350/1999 of 3 November 1999 amending the corrective amount applicable to the refund on cereals	69

II *Acts whose publication is not obligatory*

Council

1999/708/EC:

★ Decision No 4/1999 of the EU-Poland Association Council of 4 August 1999 adopting the terms and conditions for the participation of Poland in Community programmes in the field of research, technological development and demonstration (1998 to 2002)	71
Joint Declaration by Poland and the Community	78

- ★ **Decision No 4/1999 of the EC-Slovenia Association Council of 30 September 1999 adopting the terms and conditions for the participation of Slovenia in the Community Programme in the field of small and medium-sized enterprises** 79

Commission

- ★ **Commission Decision of 15 October 1999 drawing up provisional lists of third country establishments from which the Member States authorise imports of minced meat and meat preparations ⁽¹⁾ (notified under document number C(1999) 3333)** 82

- ★ **Commission Decision of 19 October 1999 amending the information contained in the list in the Annex to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain coastal areas of the Community (notified under document number C(1999) 3312)** 85

- ★ **Commission Decision of 19 October 1999 amending the information contained in the list in the Annex to Commission Regulation (EC) No 2851/98 establishing, for 1999, the list of vessels exceeding 8 m length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds 9 m (notified under document number C(1999) 3313)** 88

- ★ **Commission Decision of 21 October 1999 amending Decision 98/653/EC concerning emergency measures made necessary by the occurrence of bovine spongiform encephalopathy in Portugal ⁽¹⁾ (notified under document number C(1999) 3376)** 90

Corrigenda

- Corrigendum to Commission Regulation (EC) No 2283/1999 of 28 October 1999, fixing the export refunds on milk and milk products (OJ L 279 of 29.10.1999) 94

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2330/1999
of 3 November 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

- (2) 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 4 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 3 November 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	117,2
	204	49,4
	999	83,3
0707 00 05	052	87,5
	999	87,5
0709 90 70	052	65,1
	999	65,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,1
	464	102,0
	999	85,0
0805 30 10	052	61,1
	388	55,9
	528	65,4
	600	77,0
	999	64,8
0806 10 10	052	129,7
	400	300,1
	999	214,9
0808 10 20, 0808 10 50, 0808 10 90	060	34,8
	400	92,6
	404	69,4
	804	23,6
	999	55,1
0808 20 50	052	84,9
	064	66,3
	999	75,6

⁽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 2331/1999
of 3 November 1999
fixing export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 35(3) thereof,

(1) Whereas Commission Regulation (EC) No 2190/96 ⁽³⁾, as last amended by Regulation (EC) No 1303/1999 ⁽⁴⁾, lays down detailed rules on export refunds on fruit and vegetables;

(2) Whereas Article 35(1) of Regulation (EC) No 2200/96, provides that, to the extent necessary for economically significant quantities of the products listed in that Article to be exported, the difference between the international market prices for those products and their prices in the Community may be covered by export refunds;

(3) Whereas Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or the outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand; whereas account must also be taken of the costs referred to in Article 35(4)(b) of that Regulation and of the economic aspect of the exports planned;

(4) Whereas, pursuant to Article 35(1) of Regulation (EC) No 2200/96, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 300 of the Treaty;

(5) Whereas, in accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint; whereas international trade prices are to be established in the light of the prices referred to in the second subparagraph of that paragraph;

(6) Whereas the international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination;

(7) Whereas tomatoes, lemons, oranges, apples and peaches and nectarines of classes Extra, I and II of the common quality standards, table grapes of class Extra and I, shelled almonds, hazelnuts and walnuts in shell can currently be exported in economically significant quantities;

(8) Whereas the application of the abovementioned rules to the present and forecast market situation, and in particular to fruit and vegetable prices in the Community and international trade, gives the refund rates set out in the Annex hereto;

(9) Whereas, pursuant to Article 35(2) of Regulation (EC) No 2200/96, the resources available should be used as efficiently as possible while avoiding discrimination between traders; whereas, therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements; whereas, for those reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product;

(10) Whereas Commission Regulation (EEC) No 3846/87 ⁽⁵⁾, as last amended by Regulation (EC) No 1230/1999 ⁽⁶⁾, establishes an agricultural product nomenclature for export refunds;

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

(12) Whereas, owing to the market situation, in order to make the most efficient use of the resources available and given the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and certain destinations and consequently refunds under the A1 and A2 licence arrangements referred to in Article 1 of Regulation (EC) No 2190/96 should not be fixed simultaneously for the export period in question;

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 292, 15.11.1996, p. 12.

⁽⁴⁾ OJ L 155, 22.6.1999, p. 29.

⁽⁵⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁶⁾ OJ L 149, 16.6.1999, p. 3.

⁽⁷⁾ OJ L 331, 2.12.1988, p. 1.

⁽⁸⁾ OJ L 135, 29.5.1999, p. 48.

- (13) Whereas the quantities laid down for the various products should be distributed in accordance with the different systems for the grant of the refund, taking account in particular of their perishability;
- (14) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,
2. Quantities covered by licences issued for food aid as referred to in Article 14a of Regulation (EEC) No 3719/88 shall not count against the eligible quantities covered by the Annex.
3. Without prejudice to the application of Article 4(5) of Regulation (EC) No 2190/96, the term of validity of A1 and A2 licences shall be two months.

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

EXPORT REFUNDS ON FRUIT AND VEGETABLES

Product (full definitions of eligible products are given in the 'Fruit and vegetables' sector of Commission Regulation (EEC) No 3846/87 amended)	Product code	Destination or destination group ⁽¹⁾	System Application periods					
			A1 9.11.1999 to 16.1.2000		A2 10 to 12.11.1999		B 16.11.1999 to 23.1.2000	
			Refund rate (EUR/t net weight)	Scheduled quantity (t)	Indicative refund rate (EUR/t net weight)	Scheduled quantity (t)	Indicative refund rate (EUR/t net weight)	Scheduled quantity (t)
Tomatoes	0702 00 00 9100	A00	20		20	5 200	20	3 914
Shelled almonds	0802 12 90 9000	A00	50	294			50	298
Walnuts in shell	0802 21 00 9000	A00	59	119			59	141
Shelled hazelnuts	0802 22 00 9000	A00	114	1 567			114	1 525
Walnuts in shell	0802 31 00 9000	A00	73	208			73	208
Oranges	0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	F01, F02, F05	50		50	57 377	50	113 647
Lemons	0805 30 10 9100	A00	35		35	18 022	35	16 980
Table grapes	0806 10 10 9100	A00	25		25	11 072	25	4 719
Apples	0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F01	40		40	4 996	40	3 580
	0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F02	40		40	6 946	40	5 884
	0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F03, F04	54	3 726			54	2 738

⁽¹⁾ The destination codes are defined as follows:

A00: All destinations.

A21: All destinations except Switzerland.

F01: Norway, Iceland, Greenland, Faeroes, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta.

F02: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended.

F03: African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia.

F04: Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica, and Japan.

F05: Switzerland, Czech Republic, Slovakia and Japan.

**COMMISSION REGULATION (EC) No 2332/1999
of 3 November 1999**

**fixing the maximum export refund for white sugar for the 14th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1489/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1489/1999 of 7 July 1999 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, requires partial invitations to tender to be issued for the export of this sugar;
- (2) pursuant to Article 9(1) of Regulation (EC) No 1489/1999 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question;

- (3) following an examination of the tenders submitted in response to the 14th partial invitation to tender, the provisions set out in Article 1 should be adopted;
- (4) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 14th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1489/1999 the maximum amount of the export refund is fixed at EUR 51,910/100 kg.

Article 2

This Regulation shall enter into force on 4 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 172, 8.7.1999, p. 27.

COMMISSION REGULATION (EC) No 2333/1999**of 3 November 1999****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the market in sugar ⁽¹⁾,

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

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾; that price should be fixed for the standard quality defined in Article 1 of the above Regulation;
- (2) the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; the standard quality for molasses is defined in Regulation (EEC) No 785/68;
- (3) when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;
- (4) the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market; offer prices which can be regarded as not representative of actual market trends must also be disregarded;

- (5) if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;
- (6) a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;
- (7) where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;
- (8) application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;
- (9) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 November 1999.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,26	0,26	—
1703 90 00 ⁽¹⁾	7,04	0,10	—

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

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

COMMISSION REGULATION (EC) No 2334/1999**of 3 November 1999****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund;
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;
- (3) the refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽²⁾, as amended by Regulation (EC) No 3290/94 ⁽³⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁴⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;
- (4) the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;
- (5) in special cases, the amount of the refund may be fixed by other legal instruments;
- (6) the refund must be fixed every two weeks; whereas it may be altered in the intervening period;
- (7) it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;
- (8) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 89, 10.4.1968, p. 3.

⁽³⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁴⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 3 November 1999 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	43,22 ⁽¹⁾
1701 11 90 9910	42,13 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	43,22 ⁽¹⁾
1701 12 90 9910	42,13 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4698
	— EUR/100 kg —
1701 99 10 9100	46,98
1701 99 10 9910	48,06
1701 99 10 9950	45,85
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4698

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Regulation (EC) No 2038/1999.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

COMMISSION REGULATION (EC) No 2335/1999
of 3 November 1999
laying down marketing standards for peaches and nectarines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 2(2) thereof,

Whereas:

- (1) peaches and nectarines are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted; many amendments must be made to Commission Regulation (EEC) No 3596/90 of 12 December 1990 laying down quality standards for peaches and nectarines ⁽³⁾, as last amended by Regulation (EC) No 888/97 ⁽⁴⁾. In order to ensure legal clarity, Regulation (EEC) No 3596/90 should be repealed and the rules it contains recast. To that end and in the interests of preserving transparency on the world market, account should be taken of the standard for peaches and nectarines recommended by the Working Party on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE);
- (2) the standards for peaches and nectarines provide for the obligation to comply with a sizing scale; under Commission Regulation (EEC) No 1169/93 ⁽⁵⁾, size D is authorised only during the period from the beginning of the marketing year until 30 June in order to permit early varieties of small fruits to be marketed while at the same time preventing the marketing after 1 July of late varieties of peaches and nectarines of size D, which are larger when ripe; this restriction need not extend beyond the marketing period for Community peaches and nectarines;
- (3) the market in fresh peaches and nectarines, particularly at the retail stage, is greatly dependent on the organoleptic quality of these products, which may vary considerably. The branch should therefore be allowed to indicate on the packaging minimum or maximum values for essential maturity criteria to allow consumers freedom of choice in purchasing fruit of an optimal organoleptic quality;
- (4) applying these standards should result in products of unsatisfactory quality being removed from the market, bringing production into line with consumer require-

ments and facilitating trade relationships based on fair competition, thereby helping improve the profitability of production;

- (5) the standards apply to all marketing stages. Long-distance transport, storage over a certain period and the various processes which the products undergo may cause certain alterations owing to the biological development of the products or to their relatively perishable nature. Account should be taken of such deterioration when applying the standards at the marketing stages which follow dispatch. Since products in the 'Extra' class must be sorted and packaged with particular care, only lack of freshness and turgidity is to be taken into account in their case;
- (6) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standards relating to peaches and nectarines falling within CN code 0809 30 shall be as indicated in the Annex hereto.

This standard shall apply at all marketing stages, under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, the products may show in relation to the provisions of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the 'Extra' class, slight deteriorations due to their development and their tendency to perish.

Article 2

Regulation (EEC) No 3596/90 is hereby repealed.

Article 3

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

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 350, 14.12.1990, p. 38.

⁽⁴⁾ OJ L 126, 17.5.1997, p. 11.

⁽⁵⁾ OJ L 118, 14.5.1993, p. 22.

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

Done at Brussels, 3 November 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

MARKETING STANDARD FOR PEACHES AND NECTARINES

I. DEFINITION OF PRODUCE

This standard applies to peaches and nectarines ⁽¹⁾ grown from varieties (cultivars) of *Prunus persica* Sieb. and Zucc., to be supplied fresh to the consumer, peaches and nectarines for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for peaches and nectarines after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, peaches and nectarines must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

Peaches and nectarines must have been carefully picked.

The development and state of ripeness of peaches and nectarines must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Peaches and nectarines are classified into three classes as defined below:

(i) 'Extra' class

Peaches and nectarines in this class must be of a superior quality. In shape, development and colouring they must be typical of the variety allowing for the district in which they are grown. They must be free from defects with the exception of very slight superficial defects, provided that these do not affect the general appearance of the produce, its quality, keeping quality and presentation in the package.

(ii) Class I

Peaches and nectarines in this class must be of good quality. They must be characteristic of the variety, allowing for the district in which they are grown. However, a slight defect in shape, development or colouring may be allowed.

The flesh must be perfectly sound.

Peaches and nectarines split where the stem is joined to the fruit are excluded.

Slight skin defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality, the keeping quality and presentation in the package and do not exceed:

- 1 cm in length for defects of elongated shape,
- 0.5 cm² in total area for other defects.

⁽¹⁾ This text applies to all varieties grown from *Prunus persica* Sieb. and Zucc., being peaches or nectarines or similar with attached (clingstones) or unattached stone and smooth or rough skin.

(iii) *Class II*

This class includes peaches and nectarines which do not qualify for inclusion in the higher classes, but which satisfy the minimum requirements specified above.

The flesh should not show any serious defects. Fruits split where the stem is joined to the fruit are allowed only in connection with quality tolerances.

The following skin defects may be allowed provided the peaches and nectarines retain their essential characteristics as regards the quality, the keeping quality and presentation and do not exceed:

- 2 cm in length for defects of elongated shape,
- 1.5 cm² in total area for other defects.

III. PROVISIONS CONCERNING SIZING

Size is determined by:

- circumference, or
- maximum diameter of the equatorial section.

Peaches and nectarines must be graded according to the following scale:

Diameter	Sizing (code)	Circumference
90 mm and above	AAAA	28 cm and above
80 mm and over but under 90 mm	AAA	25 cm and over but under 28 cm
73 mm and over but under 80 mm	AA	23 cm and over but under 25 cm
67 mm and over but under 73 mm	A	21 cm and over but under 23 cm
61 mm and over but under 67 mm	B	19 cm and over but under 21 cm
56 mm and over but under 61 mm	C	17,5 cm and over but under 19 cm
51 mm and over but under 56 mm	D	16 cm and over but under 17,5 cm

The minimum size allowed for the 'Extra' class is 17,5 cm (circumference) or 56 mm (diameter).

Size D (51 mm and over but under 56 mm in diameter or 16 cm and over but under 17,5 cm in circumference) is not allowed in the period from 1 July to 31 October.

Sizing is compulsory for all classes.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements for the class indicated.

A. **Quality tolerances**(i) *'Extra' class*

5 % by number or weight of peaches or nectarines not satisfying the requirements of the class, but meeting those of class I or, exceptionally, coming within the tolerances of that class.

(ii) *Class I*

10 % by number or weight of peaches or nectarines not satisfying the requirements of the class, but meeting those of class II or, exceptionally, coming within the tolerances for that class.

(iii) *Class II*

10 % by number or weight of peaches or nectarines satisfying neither the requirements of the class nor the minimum requirements, with the exception of fruit affected by rotting, marked bruising or any other deterioration rendering it unfit for consumption.

B. Size tolerances

For all classes, 10 % by number or weight of peaches or nectarines up to 1 cm more or less than the size stated on the package in the case of sizing by circumference and up to 3 mm more or less in the case of sizing by diameter. However, for fruit in the smallest size, this tolerance shall apply only to peaches or nectarines of a size smaller by not more than 6 mm (circumference) or 2 mm (diameter) than the specified minimum size.

V. PROVISIONS CONCERNING PRESENTATION**A. Uniformity**

The contents of each package must be uniform and contain only peaches or nectarines of the same origin, variety, quality, degree of ripeness and size, and for the 'Extra' class, the contents must also be uniform in colour.

The visible part of the contents of each package must be representative of the entire contents.

B. Packaging

The peaches or nectarines must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

C. Presentation

The peaches and nectarines may be presented:

- in small unit packages,
- in a single layer, in the case of 'Extra' class; each individual fruit in this class must be separated from its neighbours.

In classes I and II:

- in one or two layers, or
- in no more than four layers when the fruit is placed in rigid pockets so arranged that they do not rest on the fruit in the layer immediately below.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside:

A. Identification

'Packer and/or dispatcher': name and address or officially issued or accepted code. However, in the case where a code mark is used, the reference 'packer and/or dispatcher' (or equivalent abbreviations) has to be indicated in close connection with the code mark.

B. Nature of produce

- 'peaches' or 'nectarines', if the contents are not visible from the outside,
- name of the variety for classes 'Extra' and I.

C. Origin of produce

Country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- class,
- size expressed in minimum and maximum diameters or minimum and maximum circumference or according to the coding set out in Section III 'Provisions concerning sizing',
- number of units (optional),
- minimum sugar content, measured by refractometer and expressed in Brix degrees (optional),
- maximum firmness, measured by penetrometer and expressed in kg/0,5 cm² (optional),

E. Official control mark (optional).

COMMISSION REGULATION (EC) No 2336/1999

of 3 November 1999

amending Regulation (EC) No 1371/95 laying down detailed rules for implementing the system of export licences in the egg sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Articles 3(2) and 8(13) and Article 15 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1371/95 ⁽³⁾, as last amended by Regulation (EC) No 1008/98 ⁽⁴⁾, lays down detailed rules for implementing the system of export licences in the egg sector;
- (2) the present provisions on the term of validity of export licences lead to an artificial increase in applications for licences at the beginning of each month, which complicates the weekly administration of the arrangements. The term of validity should accordingly be fixed in days rather than months;
- (3) in the light of experience gained, the procedure provided for in Article 4 of Regulation (EC) No 1371/95 for issuing licences immediately should be simplified and guarantees provided to operators as regards the issuing and validity of such licences. However, such licences should be restricted to short-term commercial transactions in order to prevent the mechanism provided for in Article 3 of that Regulation from being circumvented;
- (4) the rules on communications between the Member States and the Commission should be brought into line with the amendments to the arrangements on licences issued immediately;
- (5) the securities fixed in Annex I to Regulation (EC) No 1371/95 must be adjusted to recent changes in refunds;
- (6) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1371/95 is hereby amended as follows:

1. Article 2(1) is replaced by the following:

‘1. Export licences shall be valid for 90 days from their actual day of issue within the meaning of Article 21(2) of Regulation (EEC) No 3719/88.’

2. Article 4 is replaced by the following:

‘Article 4

On application by the operator, licence applications for up to 25 tonnes of products shall not be subject to any special measures as referred to in Article 3(4) and the licences applied for shall be issued immediately.

In such cases, notwithstanding Article 2(1), the term of validity of the licences shall be limited to five working days from their actual day of issue within the meaning of Article 21(2) of Regulation (EEC) No 3719/88 and Section 20 of licence applications and of licences shall show at least one of the following:

- Certificado válido durante cinco días hábiles y no utilizable para la aplicación del artículo 5 del Reglamento (CEE) n.º 565/80,
- Licens, der er gyldig i fem arbejdsdage, og som ikke kan benyttes til at anvende artikel 5 i forordning (EØF) nr. 565/80,
- Fünf Werkstage gültige und für die Anwendung von Artikel 5 der Verordnung (EWG) Nr. 565/80 nicht verwendbare Lizenz,
- Πιστοποιητικό που ισχύει για πέντε εργάσιμες ημέρες και δεν χρησιμοποιείται για την εφαρμογή του άρθρου 5 του κανονισμού (ΕΟΚ) αριθ. 565/80,
- Licence valid for five working days and not useable for the purposes of Article 5 of Regulation (EEC) No 565/80,
- Certificat valable 5 jours ouvrables et non utilisable pour l'application de l'article 5 du règlement (CEE) n.º 565/80,
- Titolo valido cinque giorni lavorativi e non utilizzabile ai fini dell'applicazione dell'articolo 5 del regolamento (CEE) n. 565/80,
- Certificaat met een geldigheidsduur van vijf werkdagen en niet te gebruiken voor de toepassing van artikel 5 van Verordening (EEG) nr. 565/80,
- Certificado de exportação válido durante cinco dias úteis, não utilizável para a aplicação do artigo 5.º do Regulamento (CEE) n.º 565/80,
- Todistää on voimassa viisi arkipäivää eikä sitä voi käyttää sovellettaessa asetuksen (ETY) N:o 565/80 5 artiklaa,
- Licensen är giltig fem arbetsdagar men gäller inte vid tillämpning av artikel 5 i förordning (EEG) nr 565/80.

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 133, 17.6.1995, p. 16.

⁽⁴⁾ OJ L 145, 15.5.1998, p. 6.

The Commission may, where necessary, suspend the application of this Article.'

3. Article 7(1) is replaced by the following:

'1. Each Friday from 13.00 hours, Member States shall send the Commission the following by fax in respect of the preceding period:

- (a) the applications for export licences as referred to in Article 1 lodged from Monday to Friday of the same week, stating whether they fall within the scope of Article 4 or not;
- (b) the quantities covered by export licences issued on the preceding Wednesday, not including those issued immediately under Article 4;

- (c) the quantities covered by export licence applications withdrawn pursuant to Article 3(6) during the preceding week.'

4. Annexes I and II are replaced by the Annexes hereto.

Article 2

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

It shall apply to export licences applied for from 22 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (EUR/100 kg) Net weight
0407 00 11 000	1	—
0407 00 19 000	2	—
0407 00 30 000	3	6 ⁽²⁾ 3 ⁽³⁾
0408 11 80 100	4	22
0408 19 81 100 0408 19 89 100	5	10
0408 91 80 100	6	17
0408 99 80 100	7	4

⁽¹⁾ Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), part 8.

⁽²⁾ For destinations shown in Annex III.

⁽³⁾ Other destinations.

ANNEX II

‘ANNEX II

Application of Regulation (EC) No 1371/95

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI/D/2 Eggs, sector

Application for export licences-Eggs

Sender:

Date:

Period: Monday ... to Friday ...

Member State:

Person to contact:

Telephone:

Fax:

Addressee: DG AGRI/D/2 — fax: (32-2) 296 62 79 or 296 60 27

— Part A — Weekly notification (to be completed separately for each category)

Category	Quantity		Geonomenclature code	Rate of refund (EUR/100 kg or 100 pieces)	Total amount of prefixed refunds
	Article 4	Other			
Total per category					

Category	Total quantities applied for by categories and by destination

— Part B — Weekly notification

Category	Total quantities issued by categories and by destination on Wednesday

— Part C — Weekly notification

Category	Total quantities withdrawn by categories and by destination during the previous week

— Part D — Monthly notification

Category	Unused quantities by categories and by destination'

COMMISSION REGULATION (EC) No 2337/1999

of 3 November 1999

amending Regulation (EC) No 1372/95 laying down detailed rules for implementing the system of export licences in the poultrymeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽²⁾, and in particular Articles 3(2) and 8(13) and Article 15 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1372/95 ⁽³⁾, as last amended by Regulation (EC) No 2581/98 ⁽⁴⁾, lays down detailed rules for implementing the system of export licences in the poultrymeat sector;
- (2) the present provisions on the term of validity of export licences lead to an artificial increase in applications for licences at the beginning of each month, which complicates the weekly administration of the arrangements. The term of validity should accordingly be fixed in days rather than months;
- (3) in the light of experience gained, the procedure provided for in Article 4 of Regulation (EC) No 1372/95 for issuing licences immediately should be simplified and guarantees provided to operators as regards the issuing and validity of such licences. However, such licences should be restricted to short-term commercial transactions in order to prevent the mechanism provided for in Article 3 of that Regulation from being circumvented;
- (4) the rules on communications between the Member States and the Commission should be brought into line with the amendments to the arrangements on licences issued immediately;
- (5) the securities fixed in Annex I to Regulation (EC) No 1372/95 must be adjusted to recent changes in refunds;
- (6) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1372/95 is hereby amended as follows:

1. Article 2(1) is replaced by the following:

'1. Export licences shall be valid for 90 days from their actual day of issue within the meaning of Article 21(2) of Regulation (EEC) No 3719/88.'

2. Article 4 is replaced by the following:

'Article 4

On application by the operator, licence applications for up to 25 tonnes of products shall not be subject to any special measures as referred to in Article 3(4) and the licences applied for shall be issued immediately.

In such cases, notwithstanding Article 2(1) and (5), the term of validity of the licences shall be limited to five working days from their actual day of issue within the meaning of Article 21(2) of Regulation (EEC) No 3719/88 and Section 20 of licence applications and of licences shall show at least one of the following:

- Certificado válido durante cinco días hábiles y no utilizable para la aplicación del artículo 5 del Reglamento (CEE) n.º 565/80,
- Licens, der er gyldig i fem arbejdsdage, og som ikke kan benyttes til at anvende artikel 5 i forordning (EØF) nr. 565/80,
- Fünf Werkstage gültige und für die Anwendung von Artikel 5 der Verordnung (EWG) Nr. 565/80 nicht verwendbare Lizenz,
- Πιστοποιητικό που ισχύει για πέντε εργάσιμες ημέρες και δεν χρησιμοποιείται για την εφαρμογή του άρθρου 5 του κανονισμού (ΕΟΚ) αριθ. 565/80,
- Licence valid for five working days and not useable for the purposes of Article 5 of Regulation (EEC) No 565/80,
- Certificat valable 5 jours ouvrables et non utilisable pour l'application de l'article 5 du règlement (CEE) n.º 565/80,
- Titolo valido cinque giorni lavorativi e non utilizzabile ai fini dell'applicazione dell'articolo 5 del regolamento (CEE) n. 565/80,
- Certificaat met een geldigheidsduur van vijf werkdagen en niet te gebruiken voor de toepassing van artikel 5 van Verordening (EEG) nr. 565/80,
- Certificado de exportação válido durante cinco dias úteis, não utilizável para a aplicação do artigo 5.º do Regulamento (CEE) n.º 565/80,
- Todistua on voimassa viisi arkipäivää eikä sitä voi käyttää sovellettaessa asetuksen (ETY) N:o 565/80 5 artiklaa,
- Licensen är giltig fem arbetsdagar men gäller inte vid tillämpning av artikel 5 i förordning (EEG) nr 565/80.

⁽¹⁾ OJ L 282, 1.11.1975, p. 77.

⁽²⁾ OJ L 305, 19.12.1995, p. 49.

⁽³⁾ OJ L 133, 17.6.1995, p. 26.

⁽⁴⁾ OJ L 322, 1.12.1998, p. 33.

The Commission may, where necessary, suspend the application of this Article.'

3. Article 7(1) is replaced by the following:

'1. Each Friday from 13.00 hours, Member States shall send the Commission the following by fax in respect of the preceding period:

- (a) the applications for export licences as referred to in Article 1 lodged from Monday to Friday of the same week, stating whether they fall within the scope of Article 4 or not;
- (b) the quantities covered by export licences issued on the preceding Wednesday, not including those issued immediately under Article 4;

- (c) the quantities covered by export licence applications withdrawn pursuant to Article 3(6) during the preceding week.'

4. Annexes I and II are replaced by the Annexes hereto.

Article 2

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

It shall apply to export licences applied for from 22 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (EUR/100 kg net weight)
0105 11 11 9000 0105 11 19 9000 0105 11 91 9000 0105 11 99 9000	1	—
0105 12 00 9000 0105 19 20 9000	2	—
0207 12 10 9900 0207 12 90 9990	3	10 ⁽²⁾ 10 ⁽³⁾ 10 ⁽⁴⁾
0207 12 90 9190	4	10 ⁽²⁾ 10 ⁽³⁾ 10 ⁽⁴⁾
0207 25 10 9000 0207 25 90 9000	5	3
0207 14 20 9900 0207 14 60 9900 0207 14 70 9190 0207 14 70 9290	6(a) ⁽⁴⁾	3
0207 14 20 9900 0207 14 60 9900 0207 14 70 9190 0207 14 70 9290	6(b) ⁽⁵⁾	3
0207 27 10 9990	7	3
0207 27 60 9000 0207 27 70 9000	8	3

⁽¹⁾ Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), Part 7.

⁽²⁾ For destinations shown in Annex III.

⁽³⁾ Destinations other than those shown in Annexes III and IV.

⁽⁴⁾ Destinations shown in Annex IV.

⁽⁵⁾ Destinations other than those shown in Annex IV.

ANNEX II

‘ANNEX II

Application of Regulation (EC) No 1372/95

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI/D/2, Poultrymeat sector

Application for export licences-Poultrymeat

Sender:

Date:

Period: Monday ... to Friday ...

Member State:

Person to contact:

Telephone:

Fax:

Addressee: DG AGRI/D/2 — fax: (32-2) 296 62 79 or 296 60 27

— Part A — Weekly notification (to be completed separately for each category)

Category	Quantity		Geonomenclature code	Rate of refund (EUR/100 kg or 100 pieces)	Total amount of prefixed refunds
	Article 4	Other			
Total per category					

Category	Total quantities applied for by categories and by destination

— Part B — Weekly notification

Category	Total quantities issued by categories and by destination on Wednesday

— Part C — Weekly notification

Category	Total quantities withdrawn by categories and by destination during the previous week

— Part D — Monthly notification

Category	Unused quantities by categories and by destination'

COMMISSION REGULATION (EC) No 2338/1999
of 3 November 1999
prohibiting fishing for Greenland halibut by vessels flying the flag of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 51/1999 of 18 December 1998 allocating, for 1999, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen ⁽³⁾, as amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for Greenland halibut for 1999;
- (2) in order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) according to the information received by the Commission, catches of Greenland halibut in the waters of ICES divisions I, II a and II b (Norwegian waters north of

62° N) by vessels flying the flag of a Member State or registered in a Member State have exhausted the quota allocated for 1999,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Greenland halibut in the waters of ICES divisions I, II a and II b (Norwegian waters north of 62° N) by vessels flying the flag of a Member State or registered in a Member State are hereby deemed to have exhausted the quota allocated to the Community for 1999.

Fishing for Greenland halibut in the waters of ICES divisions I, II a and II b (Norwegian waters north of 62° N) by vessels flying the flag of a Member State or registered in a Member State is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 67.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 2339/1999
of 3 November 1999
prohibiting fishing for monkfish by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 48/1999 of 18 December 1998 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1999 and certain conditions under which they may be fished ⁽³⁾, as last amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for monkfish for 1999;
- (2) in order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) according to the information received by the Commission, catches of monkfish in the waters of ICES divisions VIIIc, IX and X and CECAF area 34.1.1 (EC zone) by

vessels flying the flag of France or registered in France have exhausted the quota for 1999; France has prohibited fishing for this stock from 22 July 1999; this date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of monkfish in the waters of ICES divisions VIIIc, IX and X and CECAF area 34.1.1 (EC zone) by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 1999.

Fishing for monkfish in the waters of ICES divisions VIIIc, IX and X and CECAF area 34.1.1 (EC zone) by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 22 July 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 1.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 2340/1999
of 3 November 1999
prohibiting fishing for cod and haddock by vessels flying the flag of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 53/1999 of 18 December 1998 allocating, for 1999, certain catch quotas between Member States for vessels fishing in Faeroese waters ⁽³⁾, as amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for cod and haddock for 1999;
- (2) in order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

- (3) according to the information received by the Commission, catches of cod and haddock in Faeroese waters by vessels flying the flag of a Member State or registered in a Member State have exhausted the quota for 1999,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod and haddock in Faeroese waters by vessels flying of a Member State or registered in a Member State are hereby deemed to have exhausted the quota allocated to the Community for 1999.

Fishing for cod and haddock in Faeroese waters by vessels flying the flag of a Member State or registered in a Member State is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 79.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 2341/1999
of 3 November 1999
prohibiting fishing for sprat by vessels flying the flag of Denmark

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 48/1999 of 18 December 1998 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1999 and certain conditions under which they may be fished ⁽³⁾, as last amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for sprat for 1999;
- (2) in order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) according to the information received by the Commission, catches of sprat in the waters of ICES divisions IIa (EC zone) and IV (EC zone) by vessels flying the flag of

Denmark or registered in Denmark have exhausted the quota for 1999; Denmark has prohibited fishing for this stock from 20 September 1999; this date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of sprat in the waters of ICES divisions IIa (EC zone) and IV (EC zone) by vessels flying the flag of Denmark or registered in Denmark are hereby deemed to have exhausted the quota allocated to Denmark for 1999.

Fishing for sprat in the waters of ICES divisions IIa (EC zone) and IV (EC zone) by vessels flying the flag of Denmark or registered in Denmark is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 20 September 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 1.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 2342/1999**of 28 October 1999****laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Articles 4(8), 5(5), 6(7), 7(5), 8(4), 9(4), 10(3), 11(5), 12(3), 13(5), 20, 23(3) and 50 thereof,

Whereas:

- (1) Regulation (EC) No 1254/1999 set up a new system of premiums to replace the system set out in Council Regulation (EEC) No 805/68 ⁽²⁾. In order to take account of the new arrangements, it is necessary to amend Commission Regulation (EEC) No 3886/92 of 23 December 1992 laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No 805/68 on the common organisation of the market in beef and repealing Regulations (EEC) No 1244/82 and (EEC) No 714/89 ⁽³⁾, as last amended by Regulation (EC) No 1410/1999 ⁽⁴⁾ and, on the occasion of the amendment, Regulation (EEC) No 3886/92 should be recast, in the interests of clarity;
- (2) the premium and other payment schemes referred to in Articles 3 to 25 of Regulation (EC) No 1254/1999 should fall within the scope of Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽⁵⁾ (hereinafter referred to as 'the integrated system'), as last amended by Regulation (EC) No 1036/1999 ⁽⁶⁾. As a result, this Regulation should be restricted to the horizontal regulation of outstanding matters within the framework of the said integrated system;
- (3) the objectives of the regional ceiling and of the stocking density dictate that the special premium may no longer be applied for in respect of the same age bracket for those animals affected by application of these two measures. For the purposes of the deseasonalisation premium, these animals should be deemed to have qualified for the special premium;

(4) Article 4(3)(b) of Regulation (EC) No 1254/1999 lays down that each male bovine animal should be covered, until slaughter or until export, by an animal passport within the meaning of Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products ⁽⁷⁾ or an equivalent administrative document. Provision should be made for the administrative document to be drawn up and issued at national level. In order to take account of particular administrative and control conditions in the Member States, different forms of administrative document should be allowed;

(5) Article 4(3) of Regulation (EC) No 1254/1999 lays down a retention period as a condition for granting the special premium. It is therefore necessary to define and quantify that period;

(6) the arrangements for granting the special premium at the time of slaughter should be consistent with the arrangements for granting the slaughter premium. The types of documents which are to accompany the animal until slaughter, dispatch or export should be specified. In order to take account of the specific features of the form of granting at the time of slaughter, the age conditions for steers and the method of presentation of the carcase for adult bovine animals should be laid down;

(7) the conditions for granting the deseasonalisation premium should be laid down, in accordance with the arrangements for granting the slaughter premium. The task of determining, on the basis of available information, which Member States meet the conditions for applying this premium scheme should be performed by a Commission decision;

(8) the concept of suckler cow should be defined in accordance with Article 6(7) of Regulation (EC) No 1254/1999. In this respect, the same breeds should be kept as those under the previous scheme. Moreover, the administrative rules which applied under the old scheme may in their essentials continue to be applied, in particular as regards the average milk yield and the additional national premium;

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 148, 28.6.1968, p. 24.

⁽³⁾ OJ L 391, 31.12.1992, p. 20.

⁽⁴⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁵⁾ OJ L 355, 5.12.1992, p. 1.

⁽⁶⁾ OJ L 127, 21.5.1999, p. 4.

⁽⁷⁾ OJ L 117, 7.5.1997, p. 1.

- (9) with a view to implementing the system of individual ceilings, the rules governing the determination of those ceilings and their communication to the producers should be laid down. In order to strengthen the regulating effect which that system will have on the market, provision should be made for premium rights not used by their holder during a specific period to revert to the national reserve. Appropriate measures should also be taken to ensure that rights granted free of charge from the national reserve are used by the beneficiaries solely for the intended purposes;
- (10) the mobilisation of these rights should be encouraged, as should their allocation to producers who will benefit from them. To this end, a minimum percentage of use of rights to the premium should be fixed. This percentage needs to be sufficient to avoid underutilisation of the rights available in certain Member States, which might give rise to problems for priority producers applying for rights through the national reserve. Member States should therefore be authorised to raise the minimum percentage of use of rights, which should not, however, exceed 90 %;
- (11) Articles 22 and 23 of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations⁽¹⁾ establish extensification programmes. Provision should be made for the suspension, during the entire period of participation in the above programmes, of the use of rights to the suckler cow premium released in this way. The use of the rights released should, however, be authorised by way of exception to meet the needs for rights to the premium as part of other agri-environmental measures. One of the objectives of the early retirement scheme laid down by Article 10 of that Regulation is to encourage the replacement of elderly farmers by farmers able to improve the economic viability of the remaining agricultural holdings. There is reason to fear that certain farmers will not take part in the early retirement programmes if this is likely to lead, in the long term, to the loss of their suckler cow premium rights. Member States should therefore be able to provide for an extension of the total duration of temporary leasing on the basis of those programmes;
- (12) the uniform implementation of the provisions relating to the transfer and temporary leasing of rights entails the laying-down of certain administrative rules. In order to avoid excessive administrative work, Member States should be permitted to fix a minimum number of rights which may be transferred or leased. Such rules should also prevent infringement of the undertaking provided for in Article 8(1) of Regulation (EC) No 1254/1999 to surrender, each time that rights are transferred without transfer of the holding, a certain percentage of such transferred rights to the national reserve. Moreover, provision should be made for this temporary leasing to be limited in time so as to avoid abuse of the transfer rules;
- (13) provision should be made to allow flexibility in meeting the administrative deadline for the transfer of rights where the producer can prove that he has inherited rights from a deceased producer;
- (14) the special case where a producer uses only publicly or collectively owned land for grazing and transfers all his rights to another farmer, thus ceasing production, should be deemed equivalent to the transfer of a holding;
- (15) application of an administrative system of transfers in which all transfers of rights without transfer of the holdings and temporary leasing of rights are conducted solely via the national reserve necessitates the establishment of a legal framework designed to preserve economic consistency with the system of direct transfers between producers. Objective criteria should be established for the determination of the sum to be paid by the national reserve to the producer who has transferred his rights and the sum to be paid by the producer who receives equivalent rights from the national reserve;
- (16) Article 10 of Regulation (EC) No 1254/1999 lays down, for Member States complying with the conditions in that Article, a special optional scheme to manage the granting of the suckler-cow premium for heifers. The task of determining, on the basis of available information, which Member States meet the conditions for applying this special scheme should be performed by a Commission decision. The special arrangements for granting the premium should be specified. In accordance with the overall objective of the suckler-cow premium, this premium should be paid to farmers whose herd of heifers is intended to restock cow herds and not for the production of heifers for slaughter. To this end Member States should lay down criteria, which may include in particular an age limit and/or breed requirements;
- (17) the method for calculating the stocking density should be determined. In order to simplify practical application of the stocking density, a date should be laid down for taking the milk reference quantity into consideration;

⁽¹⁾ OJ L 160, 26.6.1999, p. 80.

- (18) the extensification payment should be conditional on compliance with one, or at most two, stocking densities, at the Member State's choice. The stocking density for the extensification payment scheme should include all bovine animals aged six months and over present on the holding. Special rules are therefore required for counting animals and for the producer's statement of participation in the scheme. Management of this scheme may be greatly facilitated by using the computerised database referred to in Regulation (EC) No 820/97. Provision should therefore be made for using that database, on condition that it offers, to the satisfaction of the Member State, adequate assurances as to the accuracy of the data it contains for the purposes of the extensification payment scheme;
- (19) there is a risk that some producers may comply artificially with the average stocking rates required for the grant of the extensification payment, owing in particular to abnormally low stocking rates during part of the year. Steps should be taken to ensure that the extensification payment is not granted to such producers. To this end it should be specified, for the sake of clarification, that this situation falls within the scope of Article 7 of Council Regulation (EC) No 1259/1999 of 17 May 1999 establishing common rules for direct support schemes under the common agricultural policy⁽¹⁾ and that Member States should therefore take all the necessary measures to apply that Article within the framework of the extensification payment scheme;
- (20) for the purposes of simplification in respect of the most extensive stockfarming enterprises, it would appear desirable to provide for an optional simplified scheme for the grant of the extensification payment;
- (21) Article 13(4) of Regulation (EC) No 1254/1999 lays down, for Member States complying with the conditions in that Article, a special scheme for granting the extensification payment to dairy cows. The procedure for determining, on the basis of available information, which Member States meet the conditions for applying this special scheme should be laid down. The special arrangements for granting the premium should be specified. For the sake of consistency with the general extensification payment scheme, and in order to establish the precise number of dairy cows eligible for the payment, a minimum retention period should be laid down for dairy cows;
- (22) the application of certain provisions of Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits⁽²⁾ would artificially extend retention periods which are expressed in terms of months by one or more days. Specific provisions should therefore be laid down on this matter;
- (23) applications should normally be submitted in respect of the slaughter premium. In the interests of simplification, the 'livestock' aid application provided for in the integrated system should be taken to represent such an application, provided that it contains all the elements needed to justify payment of the premium and that the animal is slaughtered in the same Member State or in another Member State, or exported;
- (24) pursuant to Regulation (EC) No 820/97, Member States should have a fully operational computerised database from 31 December 1999. It should be possible to use that database to facilitate the management of the slaughter premium, on condition that the Member State considers that the database offers adequate assurances as to the accuracy of the data it contains for the purposes of the payment of premiums;
- (25) the slaughter premium for calves is conditional on a maximum weight limit. A standard type of carcase presentation should therefore be laid down, to which this maximum weight applies;
- (26) Article 11(1) of Regulation (EC) No 1254/1999 lays down a retention period as a condition for granting the slaughter premium. It is therefore necessary to define and quantify that period;
- (27) detailed information on the national rules on, and implementation of, the additional payments must be forwarded to the Commission;
- (28) to ensure that farmers receive payments as quickly as possible, provision should be made for granting advances. However, in view of the application of the national or regional ceilings, steps should be taken to ensure that the advance does not exceed the definitive payment. Provision should therefore be made to allow Member States to reduce the percentage of the advance for the premium schemes subject to those ceilings;
- (29) Regulation (EC) No 1254/1999 lays down penalties for the illegal use or holding of substances or products not authorised by the relevant veterinary legislation. In the case of repeated infringements, determination of the duration of penalties should be left to the Member States, which are better placed to judge the true gravity of the offence committed;

⁽¹⁾ OJ L 160, 26.6.1999, p. 113.

⁽²⁾ OJ L 124, 8.6.1971, p. 1.

- (30) the special premium and suckler cow premium schemes are based on the calendar year as the period of reference. It is necessary to fix the date determining the elements to be taken into consideration for the application of the said schemes. In order to ensure sound and consistent administration, the date of the submission of applications should, as a general rule, be chosen. However, with respect to the special premium paid on slaughter, special rules must be laid down in order to avoid carry-overs from one year to the next with a view to obtaining a higher premium. As regards the slaughter premium, the date of slaughter or of export is a better indication of whether the operations concerned have actually been carried out;
- (31) the exchange rate on the date of the operative event for the aids, premiums and amounts referred to in Article 5 of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾ is defined as the rate on a given day. The rate applicable on the date of the operative event should be fixed in such a way as to ensure in principle that such aids, premiums and amounts do not undergo any sharp fluctuations on conversion into national currency due to the exchange rate on a single date. To this end, the best solution appears to be an average of the exchange rates applicable during the month preceding the allocation year, calculated *pro rata temporis*;
- (32) for the purposes of monitoring the measures taken under the reform of the premium schemes in the beef and veal sector, the Commission needs to be fully informed of the implementing measures taken by the Member States and the quantitative results of the application of the said schemes. Provision should therefore be made for the Member States to be subject to certain notification obligations. To facilitate the transmission and analysis of the data, a consistent format for submitting that data should be laid down;
- (33) in order to facilitate the change to the new scheme, transitional provisions are needed for the notification rules and the obligation to mark and identify animals;
- (34) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the detailed rules for the application of the premium schemes and other payment schemes laid down in Articles 3 to 25 of Regulation (EC) No 1254/1999.

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

CHAPTER I

SPECIAL PREMIUM

(Article 4 of Regulation (EC) No 1254/1999)

Section 1

General arrangements

Article 2

Applications

1. In addition to the requirements introduced as part of the integrated system of management and control provided for in Regulation (EEC) No 3508/92 (hereinafter referred to as 'the integrated system'), each 'livestock' aid application as referred to in Article 6(8) thereof (hereinafter referred to as 'application') shall contain:
 - (a) a breakdown of the number of animals by age bracket;
 - (b) a reference to the passports or administrative documents accompanying the animals which are the subject of the application.
2. Applications may be submitted in respect only of animals which on the date of commencement of the retention period are:
 - (a) in the case of bulls, not less than seven months old,

or
 - (b) in the case of steers, not less than seven months nor more than 19 months old in the case of the first age bracket, or at least 20 months old in the case of the second age bracket.

Article 3

Grant of premium

Animals which have not qualified for the premium either on account of the application of the proportional reduction referred to in Article 4(4) of Regulation (EC) No 1254/1999 or of application of the stocking density referred to in Article 12 of that Regulation may no longer be the subject of an application for the same age bracket and shall be considered to have been the subject of payment of the premium.

Article 4

Passports and administrative documents

1. Where, under the conditions laid down in Article 6 of Regulation (EC) No 820/97, the passport is not available, it shall be replaced by a national administrative document as provided for in Article 4(3)(b) of Regulation (EC) No 1254/1999.

2. The competent authorities of the Member State shall ensure that such passports or administrative documents ensure that only one premium is granted per animal and per age bracket.

Member States shall assist one another, as necessary, to this end.

3. Member States may provide that the national administrative document shall take the form of:

- (a) a document accompanying each individual animal;
- (b) a comprehensive list, held by the producer, containing all the information required for the administrative document, on condition that the animals concerned remain, from the date on which the first application is made, with the same producer until they are placed on the market for the purpose of being slaughtered;
- (c) a comprehensive list, held by the central authorities, containing all the information required for the administrative document, on condition that the Member State or region of a Member State availing itself of this possibility carries out on-the-spot checks on all the animals covered by an application, checks the movements of those animals and makes a distinctive mark on each animal checked which the producers shall be required to permit;
- (d) a comprehensive list, held by the central authorities, containing all the information required for the administrative document, on condition that the Member State takes the measures necessary to ensure that the premium is not granted twice for the same age bracket and provides information as to the premium status of each animal immediately upon request.

Member States which decide to avail themselves of one or more of these possibilities shall notify the Commission thereof in due time and forward to it the relevant implementing provisions.

For the purposes of point (c), Great Britain and Northern Ireland alone shall be considered to be regions of a Member State.

Article 5

Retention period

The duration of the retention period shall be two months, starting on the day following that on which the application is submitted.

However, Member States may provide that other starting dates may be set by the producer on condition that they do not fall more than two months after the day on which the application is submitted.

Article 6

Regional ceiling

1. Where the application of the proportional reduction gives a number of eligible animals which is less than a whole number, there shall be granted in respect of the decimal part a

corresponding fraction of the unit amount of the premium. For this purpose, account shall be taken of the first decimal place only.

2. Where Member States decide to introduce different regions or modify the existing regions within their territory, within the meaning of Article 3(c) of Regulation (EC) No 1254/1999, they shall inform the Commission of their decision before 1 January of the year concerned, giving a definition of the region and the ceiling set. Any subsequent change shall be notified to the Commission before 1 January of the year concerned.

Article 7

Limits on the number of animals per holding

1. Where Member States decide to change the limit of 90 head of cattle per holding and per age bracket or to derogate from it, they shall inform the Commission before 1 January of the calendar year concerned.

Where, moreover, Member States fix a minimum number of animals per holding, below which the proportional reduction will not be applied, they shall inform the Commission before 1 January of the calendar year concerned.

2. Any subsequent change in the application of paragraph 1 shall be notified to the Commission before 1 January of the year concerned.

Section 2

Grant of the premium at the time of slaughter

Article 8

Form of granting

1. Member States may grant the special premium at the time of slaughter, in the case of bulls for the single age bracket, and in the case of steers for the first or second age bracket or by combining the granting of the premiums for the two age brackets.

2. Member States which decide to apply the system provided for in paragraph 1 shall provide that the premium is also to be granted when eligible animals are being dispatched to another Member State or being exported to a third country.

3. Where the system referred to in paragraphs 1 and 2 is applied, the grant of the premium shall be subject to compliance with the provisions in this section and of Articles 34 and 35(1) and (2) applied *mutatis mutandis*.

4. As well as containing the information referred to in Article 35(1), aid applications shall indicate whether the animal is a bull or a steer, and shall be accompanied by a document containing the details required for the purposes of Article 4(2). This document shall be, at the choice of the Member State:

- (a) the passport or a copy of the passport where the type used consists of several copies;

or

- (b) a copy of the passport where the type of passport used consists of one copy only which must be returned to the competent authority for the purposes of Article 6 of Regulation (EC) No 820/97; in this case the Member State shall take steps to ensure that the information contained in the copy corresponds to the original;

or

- (c) the national administrative document where the passport is not available, under the conditions laid down in Article 6 of Regulation (EC) No 820/97.

However, Member States may suspend the application of the national administrative document. In that case they shall take the measures necessary to ensure that the premium is not granted twice for the same age bracket for animals which have been the subject of intra-Community trade.

In the case of Member States having a computerised database as referred to in Article 3(b) of Regulation (EC) No 820/97 which contains, to the satisfaction of the Member State, the information necessary to ensure that one premium only is granted for each animal and each age bracket, the aid application need not be accompanied by the document referred to in the first subparagraph.

In addition, and by way of derogation from the first subparagraph, where Member States apply the option referred to in the first subparagraph of Article 35(2), they shall take the measures necessary to ensure that the producer can determine the animals for which he is requesting a special premium.

5. In the case of bulls, proof of slaughter shall specify the carcase weight.

6. Where the animal is dispatched, proof of dispatch shall be provided by means of a statement by the consignor indicating the Member State of destination of the animal.

In this case, aid applications shall include:

- (a) the name and address of the consignor (or an equivalent code);
- (b) the identity number of the animal;
- (c) a statement that the animal is not less than nine months old.

Aid applications shall be submitted before the animal leaves the territory of the Member State concerned and proof of dispatch shall be submitted within three months of the animals leaving the territory of the Member State concerned.

Article 9

Details of the grant system

1. By way of derogation from Article 5, the premium shall be paid to producers who have kept animals for a minimum retention period of two months ending less than one month before slaughter, consignment or export.

In the case of steers, payment of the premium is subject to the following rules:

- (a) the premium in respect of the first age bracket shall be paid only if the producer has kept the animal for a period of not less than two months between the time when the animal was not less than seven months old and the time when it was less than 22 months old;
- (b) the premium in respect of the second age bracket may be paid only if the producer has kept the animal aged not less than 20 months for a period of not less than two months;
- (c) the premiums in respect of the two age brackets may be paid together only if the producer has kept the animal for not less than four consecutive months in compliance with the age requirements laid down in points (a) and (b);
- (d) the premium in respect of the second age bracket only may be paid if the animal was dispatched from another Member State when it had reached 19 months.

2. In the context of calculating the stocking density referred to in Article 12 of Regulation (EC) No 1254/1999, each animal which is the subject of a combined application for the two age brackets shall be taken into consideration twice.

3. The carcase weight shall be established on the basis of a carcase which meets the requirements set out in Article 2 of Council Regulation (EEC) No 1208/81 ⁽¹⁾.

Where the carcase presentation differs from this definition, the corrective factors shown in the Annex to Commission Regulation (EEC) No 563/82 ⁽²⁾ shall apply.

Where slaughter takes place in a slaughterhouse which is not subject to the application of the Community grading scale for carcasses of adult bovine animals, Member States may permit the weight to be established on the basis of the live weight of the slaughtered animal. In such cases the carcase weight shall be considered to be equal to or greater than 185 kilograms if the live weight of the slaughtered animal was equal to or greater than 340 kilograms.

Article 10

Notification

Member States shall notify the Commission before the start of the calendar year concerned of their decision to apply the system of granting premiums referred to in this section and the relevant procedures.

⁽¹⁾ OJ L 123, 7.5.1981, p. 3.

⁽²⁾ OJ L 67, 11.3.1982, p. 23.

CHAPTER II

DESEASONALISATION PREMIUM

(Article 5 of Regulation (EC) No 1254/1999)

Article 11

Application of the premium

The Commission shall decide, by 1 August at the latest of each calendar year, in which Member States the deseasonalisation premium may be granted for the following calendar year.

Member States shall inform the Commission by 1 January of the calendar year in which the premium is granted should they decide to apply Article 5(3) of Regulation (EC) No 1254/1999.

Article 12

Entitlement to the premium

1. The premium may be granted in respect only of steers which have already received the special premium, or are considered to have received the special premium pursuant to Article 3, in a Member State applying the deseasonalisation premium and which are slaughtered in a Member State applying the deseasonalisation premium.

2. The premium may be granted only to the producer who last held the animal prior to slaughter.

Article 13

Applications

1. The producer shall submit an application to the competent authority of the Member State in whose territory the holding is situated.

2. The application shall be drawn up in accordance with Articles 8(4) and 35, applied *mutatis mutandis*.

Member States shall take the measures necessary to verify that the special premium has been granted and shall carry out regular, unannounced checks on the accuracy of the certificates referred to in Article 35.

CHAPTER III

SUCKLER COW PREMIUM

(Articles 6 to 10 of Regulation (EC) No 1254/1999)

Section 1

General arrangements

Article 14

Cows belonging to a meat breed

Cows belonging to the bovine breeds set out in Annex I to this Regulation shall not be considered to be cows belonging to a

meat breed as referred to in Articles 3(f) and 10(2) of Regulation (EC) No 1254/1999.

Article 15

Maximum individual reference quantity

1. Where Member States decide to change the maximum individual reference quantity of 120 000 kilograms referred to in Article 6(2)(b) of Regulation (EC) No 1254/1999 or to derogate from it, they shall inform the Commission before 1 January of the calendar year concerned.

2. Any subsequent change in the application of paragraph 1 shall be notified to the Commission before 1 January of the year concerned.

Article 16

Retention period

The six-month retention period referred to in Article 6(2) of Regulation (EC) No 1254/1999 shall start on the day following that on which the application is submitted.

Article 17

Applications

1. In addition to the requirements introduced as part of the integrated system, where an application is made for the premium pursuant to Article 6(2)(b) of Regulation (EC) No 1254/1999, the 'livestock' aid application or, at the choice of the Member State, the 'area' aid application referred to in Article 6(1) of Regulation (EC) No 3508/92 (hereinafter referred to as 'application') shall contain:

- (a) a statement setting out the individual reference quantity of milk allocated to the producer on 31 March preceding the beginning of the 12-month period of application of the additional levy scheme starting in the calendar year concerned; where this quantity is unknown on the date on which the application is submitted, it shall be notified to the competent authority at the earliest opportunity; and
- (b) an undertaking by the producer not to increase his individual reference quantity above the quantitative limit laid down in Article 6(2)(b) of Regulation (EC) No 1254/1999 during the 12-month period starting on the date on which the application is submitted.

However, point (b) shall not apply if the Member State has abolished the quantitative limit.

2. Applications shall be submitted within an overall period of six months during a calendar year, to be determined by the Member State.

Member States may provide for separate periods for submitting applications within this overall period.

*Article 18***Average milk yield**

The average milk yield shall be calculated on the basis of the average yields set out in Annex II. However, for this calculation, Member States may use a document recognised by them certifying the producer's dairy herd's average yield.

*Article 19***Additional national premium**

1. An additional national premium may be granted only to a producer who, in respect of the same calendar year, receives the suckler cow premium.

It shall be granted only within the limit of the number of animals qualifying for this premium, if appropriate after application of the proportional reduction laid down in the third subparagraph of Article 10(1) of Regulation (EC) No 1254/1999.

2. Member States may lay down additional conditions for the grant of the additional premium. They shall inform the Commission thereof in good time before these conditions are brought into effect.

3. The Commission shall decide by 1 August at the latest of each calendar year which Member States fulfil the conditions laid down in the third subparagraph of Article 6(5) of Regulation (EC) No 1254/1999.

Section 2***Ceilings, reserves, transfers****Article 20***Individual ceiling**

1. Member States shall determine an individual ceiling per producer under the conditions laid down in Article 7(1), (2) and (3) of Regulation (EC) No 1254/1999.

2. Each producer shall be informed of the amount of his individual ceiling as soon as possible and at the latest one week before the start of the period for submitting applications in respect of 2000.

*Article 21***Notification**

1. Member States shall notify the Commission by 1 March 2000 at the latest of the procedures used to implement the reduction of individual ceilings in accordance with Article 7(3) of Regulation (EC) No 1254/1999, as well as the total number of rights granted to producers and the number of rights allocated to the reserve.

2. Member States shall notify the Commission by 1 March 2000 at the latest of the method of calculating the reduction in accordance with the second subparagraph of Article 8(1) of

Regulation (EC) No 1254/1999 and where applicable of the measures taken under Article 8(2)(a) and, before 1 January each year, of any amendments.

3. Using the table set out in Annex IV, Member States shall notify the Commission at the latest by 1 March, provisionally, and by 31 July, definitively, for each calendar year of:

- (a) the number of premium rights returned without compensatory payment to the national reserve following transfers of rights without transfers of holdings during the preceding calendar year;
- (b) the number of unused premium rights as referred to in Article 23(2) transferred to the national reserve during the preceding calendar year,
- (c) the number of rights granted under Article 9(3) of Regulation (EC) No 1254/1999 during the preceding calendar year.

*Article 22***Rights obtained free of charge**

Except in duly justified exceptional cases, where a producer has obtained premium rights free of charge from the national reserve he shall not be authorised to transfer and/or temporarily lease his rights during the three following calendar years

*Article 23***Use of rights**

1. A producer holding rights may make use of them by availing himself of those rights and/or leasing those rights to another producer.

2. Where a producer has not made use of at least the minimum percentage of his rights, fixed in accordance with paragraph 4, during each calendar year, the part not used shall be transferred to the national reserve, except:

- in the case of a producer holding a maximum of seven premium rights, where this producer has not made use of the minimum percentage of his rights, fixed in accordance with paragraph 4, during each of two consecutive calendar years, the part not used during the last calendar year shall be transferred to the national reserve,
- in the case of a producer participating in an extensification programme recognised by the Commission,
- in the case of a producer participating in an early retirement scheme recognised by the Commission in which the transfer and/or temporary leasing of rights is not obligatory,
- or
- in exceptional and duly justified cases.

3. Temporary leasing shall be only in respect of whole calendar years and shall involve at least the minimum number of animals provided for in Article 24(1). At the end of each period of temporary leasing, which may not exceed three consecutive years, a producer shall, except in the event of a

transfer of rights, recover all his rights for himself, for at least two consecutive calendar years. If the producer does not avail himself of at least the minimum percentage of his rights, fixed in accordance with paragraph 4, during each of the two years, the Member State shall, except in exceptional and duly justified cases, withdraw and return annually to the national reserve that part of the rights not used by the producer.

However, in the case of producers participating in early retirement schemes recognised by the Commission, Member States may provide for the total duration of the temporary leasing on the basis of such schemes to be increased.

Producers who have undertaken to participate in an extensification programme in accordance with the measure referred to in Article 2(1)(c) of Council Regulation (EEC) No 2078/92 ⁽¹⁾ or in an extensification programme in accordance with Articles 22 and 23 of Regulation (EC) No 1257/1999 shall not be authorised to temporarily lease and/or to transfer their rights throughout the period of that participation. However, this provision shall not apply in cases where the programme permits the transfer and/or temporary leasing of rights to producers whose participation in the measures other than those referred to in this subparagraph requires the acquisition of rights.

4. The minimum percentage of use of rights to the premium shall be 70 %.

However, the Member States may raise this percentage to 90 %.

The Member States shall inform the Commission in advance of the percentage that they intend to apply.

Article 24

Transfer of rights and temporary leasing

1. Member States may lay down, on the basis of their production structures, a minimum number of premium rights which may be the subject of a partial transfer not involving the transfer of a holding. This minimum may not exceed five premium rights.

2. Transfers of premium rights and temporary leasing of such rights shall be effective only after they have been notified jointly to the competent authorities of the Member State by the producer transferring and/or leasing the rights and by the producer receiving the rights.

Such notification shall take place within a deadline set by the Member State and not later than the date on which the producer receiving the rights submits his premium application, except in those cases where the transfer of rights takes effect through an inheritance. In that case, the producer who receives the rights shall be in a position to furnish appropriate legal documents to prove that he or she is the beneficiary of the deceased producer.

Article 25

Change of individual ceiling

In the case of transfers or temporary leasing of premium rights, Member States shall set the new individual ceiling and shall notify the producers concerned of the number of premium rights to which they are entitled not later than 60 days from the last day of the period during which the producer submitted his application.

The first paragraph shall not apply in the case where the transfer takes effect through an inheritance.

Article 26

Producers who do not own the land that they farm

Producers farming only public land or collectively owned land who decide to discontinue the farming of such land and to transfer all their rights to another producer shall be treated in the same way as producers selling or transferring their holdings. In all other cases such producers shall be treated in the same way as producers transferring their premium rights only.

Article 27

Transfer through the national reserve

Where Member States provide that the transfer of rights without transfer of the holding is to take place through the national reserve in accordance with Article 8(2)(b) of Regulation (EC) No 1254/1999, they shall apply national provisions analogous to those set out in Articles 23 to 26. In addition, in this event:

- Member States may provide that temporary leasing is to take place through the national reserve;
- when premium rights are transferred, or temporarily leased in cases where the first indent is applied, transfers to the reserve shall be effective only after they have been notified by the competent authorities of the Member State to the producer transferring and/or leasing the rights, and transfers from the reserve to another producer shall be effective only after they have been notified to that producer by these authorities.

In addition, such provisions must ensure that a payment will be made by the Member State for that part of the rights other than the part referred to in the second subparagraph of Article 8(1) of Regulation (EC) No 1254/1999 corresponding to that which would have resulted from a direct transfer between producers, account being taken in particular of the trend of production in the Member State concerned. This payment shall be equal to the payment which will be claimed from producers receiving equivalent rights from the national reserve.

Article 28

Partial rights

1. Where calculations to be made pursuant to the provisions of this Section produce numbers which are not whole numbers, only the first decimal place shall be taken into account.

⁽¹⁾ OJ L 215, 30.7.1992, p. 85.

2. Where application of the provisions of this Section results in partial premium rights, either for producers or the national reserve, these partial rights shall be added up.

3. Where a producer holds a partial right, this partial right shall only confer entitlement to the corresponding fraction of the unit amount of the premium and, where applicable, of the additional national premium referred to in Article 19 and of the extensification payment referred to in Article 32.

Article 29

Special scheme for heifers

1. The Commission shall decide, by 1 November 1999 at the latest, which Member States meet the conditions laid down in Article 10(1) of Regulation (EC) No 1254/1999.

The Member States concerned shall inform the Commission, before 1 January 2000, whether or not they intend to apply the scheme laid down in Article 10 of Regulation (EC) No 1254/1999 (hereinafter referred to as 'the special scheme') and where applicable shall communicate the specific national ceiling that they have determined. Any subsequent modification shall be notified to the Commission before 1 January of the year concerned.

2. Member States applying the special scheme shall lay down criteria to ensure that the premium is paid to farmers whose herd of heifers is intended to restock cow herds. These criteria may include in particular an age limit and/or breed requirements.

Member States shall inform the Commission before 1 January of the year concerned of the criteria adopted. Any subsequent modification shall be notified to the Commission before 1 January of the year concerned.

3. Where the application of the proportional reduction referred to in the third subparagraph of Article 10(1) of Regulation (EC) No 1254/1999 gives a number of eligible animals which is less than a whole number, there shall be granted in respect of the decimal part a corresponding fraction of the unit amount of the premium and, where applicable, of the additional national premium referred to in Article 19 and of the extensification payment referred to in Article 32. For this purpose account shall be taken of the first decimal place only.

4. In Member States applying the special scheme, the requirement laid down in Article 6(2) of Regulation (EC) No 1254/1999 concerning the minimum number of animals to be held shall be met in full either by Buckler cows if the producer has lodged an application for Buckler cows or by heifers if the producer has lodged an application for heifers.

5. The provisions of Articles 20 to 28 shall not apply within this special scheme.

CHAPTER IV

PROVISIONS COMMON TO THE SPECIAL PREMIUM AND THE SUCKLER COW PREMIUM

Article 30

Applications

1. Member States may, for administrative reasons, provide that applications shall be for a minimum number of animals, providing that this number does not exceed three.

2. Without prejudice to Articles 17(2) and 32(7), Member States may determine the periods and dates for submission of premium applications and the number of applications that producers may submit per premium scheme and calendar year.

Article 31

Stocking density

1. For each producer who, in respect of the same calendar year, submits

- the 'area' aid application referred to in Article 6(1) of Regulation (EEC) No 3508/92, and
- at least one application for a special premium or a suckler cow premium,

the competent authorities shall establish the number of LUs (livestock units) corresponding to the number of animals for which a special premium or suckler cow premium may be granted, taking account of the forage area of his holding.

2. In establishing the stocking density referred to in Article 12 of Regulation (EC) No 1254/1999, the following procedure shall apply:

- (a) account shall be taken of the individual reference quantity of milk allocated to the producer on 31 March preceding the beginning of the period of 12 months of application of the additional levy scheme beginning in the calendar year concerned;
- (b) the number of dairy cows needed to produce this reference quantity shall be calculated in accordance with Article 18 of this Regulation.

3. In determining the number of animals eligible for a premium:

- (a) the number of hectares determined in accordance with the rules laid down in the integrated system shall be multiplied by the stocking density referred to in Article 12 of Regulation (EC) No 1254/1999;
- (b) the number of LUs corresponding to the number of dairy cows needed to produce the reference quantity of milk allocated to the producer shall be deducted from the figure thus obtained;
- (c) the number of LUs corresponding to the number of sheep and/or goats for which a premium application is submitted shall be deducted from the figure thus obtained.

The final figure thus obtained shall correspond to the maximum number of LUs for which the special premium and the Buckler cow premium may be granted.

4. The Member States shall inform each producer concerned of the stocking density established for him and of the resultant number of LUs for which a premium may be granted.

Article 32

Extensification payment

1. To qualify for the extensification payment, producers must indicate on the 'area' aid application that they wish to participate in the extensification payment scheme.

2. Animals which are considered to have received the special premium within the meaning of Article 3 shall not qualify for the extensification payment.

3. In order to check that the total number of animals calculated in accordance with Article 13(3)(a) of Regulation (EC) No 1254/1999 meets the stocking density requirements laid down in Article 13(2) of that Regulation, Member States shall determine each year at least five census dates for the animals and shall inform the Commission thereof.

Except in those cases where Member States decide that the census dates may be any day of the year;

- the census dates shall be distributed at random in such a way as to be representative of the entire year, being changed annually,
- and
- each census date shall be determined *a posteriori* and shall be notified to the producer at the earliest two weeks after it has been determined.

On these dates the animals shall be counted in accordance with one of the following methods, at the choice of the Member State:

- Member States shall ask each producer to declare, on the basis of his farm register, prior to a date to be determined by the Member State, the number of LUs or the number of animals of each of the two categories of male animals referred to in Annex III to Regulation (EC) No 1254/1999, or
- Member States with a computerised database as referred to in Article 3(b) of Regulation (EC) No 820/97 shall use that database to determine the number of LUs on condition that the database offers, to the satisfaction of the Member State, adequate assurances as to the accuracy of the data it contains for the purposes of the extensification payment scheme.

The number of LUs used to determine whether the producer is complying with the stocking density requirements laid down in Article 13(2) of Regulation (EC) No 1254/1999 shall be the arithmetic average of the numbers of LUs counted on the census dates plus the number of LUs corresponding to the sheep and goats for which premium applications have been submitted for the same calendar year.

However, where Member States decide that the census dates may be any day of the year, they may provide that the numbers referred to in (a) and (b) shall be calculated *pro rata temporis* for the period on which the animals are present on the holding.

Member States shall take the measures necessary to apply Article 7 of Regulation (EC) No 1259/1999 in the case of producers who, by means of abnormally low stocking rates during part of the year, artificially create the conditions required by Article 13 of Regulation (EC) No 1254/1999.

4. By way of derogation from paragraph 3, Member States may give producers the option of choosing a simplified scheme.

In that case, the producer must indicate on the 'area' aid application:

- (a) that he declares that he has complied each day with the maximum stocking density laid down in Article 13 of Regulation (EC) No 1254/1999 up to the date of his 'area' aid application,
- and
- (b) that he undertakes to comply each day with that stocking density between the date of his 'area' aid application and 31 December.

Where the Member State has chosen to apply the second subparagraph of Article 13(2) of Regulation (EC) No 1254/1999, the producer shall specify on his application which of the two maximum stocking densities he is observing. The producer may alter this choice at the latest before the announcement of an on-the-spot check on the number of his animals.

The producer may notify the competent authority of the cancellation of his undertaking at the latest before the announcement of an on-the-spot check on the number of his animals. In that case he shall not qualify for the extensification payment.

The declaration and undertaking referred to in this paragraph shall be subject to the control and penalty provisions provided for under the integrated system.

5. Member States shall notify the Commission by 1 January 2000 of the definition of 'pasture' used for the purposes of Article 13(3)(c) of Regulation (EC) No 1254/1999. Any subsequent change shall be notified to the Commission before 1 January of the year concerned.

6. The Commission shall decide, by 1 November 1999 at the latest, which Member States meet the conditions laid down in Article 13(4) of Regulation (EC) No 1254/1999.

For the purposes of that paragraph, 'producer in mountain area' means any producer:

- whose farm is situated in a mountain area,
- or
- at least 50 % of whose forage area is in a mountain area.

7. Without prejudice to paragraph 1, producers who wish to qualify for the extensification payment under paragraph 6 shall state on the 'livestock' aid application that they are applying for the extensification payment. They shall keep, for at least six consecutive months starting on the date on which the application is submitted, a number of dairy cows at least equal to the number of dairy cows for which the extensification payment has been applied for. This six-month retention period shall start on the day following that on which the application is submitted.

Applications shall be submitted within an overall period of six months during a calendar year, to be determined by the Member State.

Member States may provide for separate submission periods within this overall period.

8. The number of dairy cows for which the extensification payment is granted to a producer may not exceed either of the following two figures:

- (a) the number of dairy cows needed to produce the individual reference quantity of milk allocated to the producer on 31 March preceding the beginning of the 12-month period of application of the additional levy scheme beginning in the calendar year concerned; this number of cows shall be calculated using the average milk yield defined in Annex II;
- (b) the total number of cows on the holding, determined in accordance with paragraph 3, less the number of suckler cows corresponding to the individual ceiling.

9. Where Member States choose to apply, or to cease to apply, the option laid down in the second subparagraph of Article 13(2) of Regulation (EC) No 1254/1999, they shall inform the Commission of their decision before 1 January of the calendar year concerned.

10. For the purpose of calculating the stocking density pursuant to this Article, account shall be taken of the first two decimal places only.

Article 33

Determination of retention periods

The last day of the retention periods referred to in Articles 5, 9(1), 16, 32(7) and 37 shall be the day, whether a working day or not, preceding the day which bears the same number as the starting day for the period.

CHAPTER V

SLAUGHTER PREMIUM

(Article 11 of Regulation (EC) No 1254/1999)

Article 34

Statement of participation

Member States may provide that in order to qualify for the premium for a given calendar year each producer shall, before

or at the same time as making the first application for that calendar year, submit a statement of participation.

However, where the producer makes no changes to the statement of participation, the Member State may accept that the previous statement remains valid.

Article 35

Applications

1. 'Livestock' aid applications shall include the information needed for payment of the slaughter premium, in particular the date of birth of the animal in the case of animals born after 1 January 1998.

'Livestock' aid applications shall be submitted within a period to be determined by the Member State which may not exceed six months following slaughter of the animal or, where the animal is exported, after the date on which it leaves Community customs territory, and shall expire no later than the end of February of the following year except in exceptional cases to be decided by the Member State concerned where animals are dispatched or exported.

Member States may permit applications to be submitted through a person other than the producer. In such cases the application shall bear the name and address of the producer who is liable to qualify for the premium.

In addition to the requirements introduced as part of the integrated system, each application shall contain:

- (a) in cases where the grant is made at the time of slaughter, a certificate from the slaughterhouse or any document produced or endorsed by the slaughterhouse containing at least the same information, showing:
 - (i) the name and address of the slaughterhouse (or an equivalent code);
 - (ii) the date of slaughter and the identity and slaughter numbers of the animal;
 - (iii) in the case of calves, the carcase weight (save where Article 36(4) applies);
- (b) in cases where the animal is exported to a third country:
 - (i) the name and address of the exporter (or an equivalent code),
 - (ii) the identity number of the animal,
 - (iii) the export declaration stating the age of the animal for animals born after 1 January 1998 and, in the case of calves, save where Article 36(4) applies, the live weight, which may not exceed 290 kilograms;
 - (iv) proof that the animal has left Community customs territory, shown in the same manner as for an export refund.

However, Member States may provide that the information referred to in (a) and (b) shall be forwarded via a body or bodies approved by the Member State, which may use information technology.

Member States shall carry out regular, unannounced checks on the accuracy of the certificates or documents issued and, where appropriate, the information referred to in the fifth subparagraph.

2. By way of derogation from paragraph 1, Member States with a computerised database as referred to in Article 3(b) of Regulation (EC) No 820/97 may provide that information on the slaughter of animals forwarded to the competent authority by slaughterhouses shall be regarded as applications for slaughter premiums on behalf of the producers, on condition that the database offers, to the satisfaction of the Member State, adequate assurances as to the accuracy of the data it contains for the purposes of the slaughter-premium scheme and, where applicable, the payment on slaughter of the special premium and/or the additional payments if these are paid on slaughter, and/or the deseasonalisation premium.

However, Member States may provide that applications shall be submitted. In such a case they may determine the type of information that shall accompany the application.

Member States choosing to apply this paragraph shall inform the Commission thereof before 1 January 2000. They shall inform the Commission of any subsequent change before it is implemented.

Member States shall ensure that the data made available to the paying agency includes all the information needed to pay the premium, in particular:

- (a) the types and quantities of animals as referred to in Article 11(1) of Regulation (EC) No 1254/1999 slaughtered during the year concerned;
- (b) information regarding compliance with the age limits and carcase weight of the animals referred to in that Article and with the retention period referred to in Article 37;
- (c) where applicable, the information needed to pay the special premium at the time of slaughter and/or the additional payments if these are paid on slaughter, and/or the deseasonalisation premium.

3. For animals which have been the subject of intra-Community trade after the retention period indicated in Article 37, even if the Member State where slaughter was carried out chose to apply the derogation laid down in paragraph 2, the slaughterhouse shall issue the document referred to in point (a) of the fourth subparagraph of paragraph 1.

However, where their data transfer systems are compatible, two Member States may agree to apply the system described in paragraph 2.

Member States shall assist one another to ensure effective controls on the authenticity of documents submitted and/or the accuracy of the data exchanged. To that end the Member State where payment is made shall forward regularly to the Member State where slaughter takes place a summary, grouped

by slaughterhouse, of the slaughter certificates (or information in place thereof] received from the latter Member State.

Article 36

Weight and presentation of carcasses

1. For the purposes of Article 11(1)(b) of Regulation (EC) No 1254/1999, veal carcasses shall be presented after skinning, evisceration and bleeding, without the head or the feet but with the liver, kidneys and kidney fat.

2. The weight to be taken into consideration shall be the weight of the carcase after chilling, or the warm weight of the carcase established as soon as possible after slaughter, reduced by 2 %.

3. Where carcasses are presented without the liver, kidneys and/or kidney fat, their weight shall be increased by:

- (a) 3,5 kilograms for the liver;
- (b) 0,5 kilograms for the kidneys;
- (c) 3,5 kilograms for the kidney fat.

4. Member States may provide that where a calf is less than five months old at the time of slaughter or export, the weight requirement referred to in Article 11(1)(b) of Regulation (EC) No 1254/1999 shall be deemed to have been met.

Where the carcase weight cannot be established in the slaughterhouse, the above weight requirement shall be deemed to have been met if the live weight does not exceed 290 kilograms.

Article 37

Premium beneficiary

1. The premium shall be paid to the producer who has held the animal for a minimum retention period of two months ending less than one month before slaughter or export.

2. In the case of calves slaughtered before the age of three months, the retention period shall be one month.

Article 38

National ceilings

1. The national ceilings referred to in Article 11(1) and (3) of Regulation (EC) No 1254/1999 are shown in Annex III.

2. Where the application of the proportional reduction gives a number of eligible animals which is less than a whole number, there shall be granted in respect of the decimal part a corresponding fraction of the unit amount of the premium. For this purpose account shall be taken of the first decimal place only.

CHAPTER VI

ADDITIONAL PAYMENTS

(Articles 14 to 20 of Regulation (EC) No 1254/1999)

*Article 39***National arrangements**

The detailed information to be forwarded to the Commission under Article 18 of Regulation (EC) No 1254/1999 shall include the following:

1. headage payments (where applicable):
 - (a) indicative amounts per head for each category of animal, and grant arrangements;
 - (b) an indicative forecast of total expenditure for each category of animal (specifying whether these payments will be made in the form of a supplement to the slaughter premium) and of the number of animals concerned;
 - (c) specific stocking density requirements (save in the case of payments in the form of a supplement to the slaughter premium);
 - (d) the headage limit on male bovines per holding (where applicable),
 - (e) other information on the rules of application.

The categories of animal referred to in points (a) and (b) are: bulls, steers, suckler cows, dairy cows, heifers qualifying for the suckler cow premium, and other heifers, or any subgroup of animals determined by the Member State and included in those categories;

2. area payments (where necessary):
 - (a) calculation of regional base areas,
 - (b) indicative amounts per hectare;
 - (c) an indicative forecast of total expenditure and of the number of hectares concerned;
 - (d) other information on the rules of application.

*Article 40***Detailed report**

The detailed report to be forwarded to the Commission under Article 19 of Regulation (EC) No 1254/1999 shall include the same elements as those laid down in Article 39, updated and supplemented.

It shall also include:

- (a) a summary of the difficulties encountered in implementing the additional payments scheme;
- (b) an evaluation of the effectiveness of this scheme;
- (c) possibly some proposals on the future development of this scheme.

CHAPTER VII

GENERAL PROVISIONS*Article 41***Payment of advances**

1. On the basis of the results of administrative checks and on-the-spot checks, the competent authority shall pay to the producer, for the number of animals deemed to be eligible, an advance equal to 60 % of the special premium, the suckler cow premium and the slaughter premium.

In the case of the special premium, the special scheme for heifers referred to in Article 29 and/or the slaughter premium, the advance percentage may be reduced by the Member States but may not be less than 40 %.

The advance may not be paid before 16 October of the calendar year in respect of which the premium is applied for.

2. The definitive payment of the premium shall be an amount equal to the difference between the advance payment and the premium amount to which the producer is entitled.

*Article 42***Allocation year**

The date of submission of the application shall constitute the operative event for determining the year to which animals covered by the special premium, suckler cow premium, de-seasonalisation premium and extensification payment schemes are allocated and the number of LUs to be used for calculating the stocking density.

However, if the special premium is granted in accordance with one of the options provided for in Article 8:

- where the animal was slaughtered no later than 31 December;
- and
- where the premium application for that animal is submitted after that date,

the amount of the premium applicable shall be that in force on 31 December of the year in which slaughter took place.

As regards the slaughter premium, for the purposes of applying the rate of aid and calculating the proportional reduction in accordance with Article 38, the allocation year shall be the year of slaughter or export.

*Article 43***Conversion into national currency**

Conversion into national currency of premium amounts and of the extensification payment shall be carried out in accordance with the average, calculated *pro rata temporis*, of the exchange rates applicable in the month of December preceding the allocation year determined in accordance with Article 42.

*Article 44***Penalties for the illegal use or holding of certain substances or products**

In the event of repeated infringements through the illegal use or holding of substances or products not authorised by the relevant Community regulations in the veterinary sector, Member States shall determine, in the light of the seriousness of the infringement, the length of the exclusion from the aid schemes pursuant to the second subparagraph of Article 23(1) of Regulation (EC) No 1254/1999.

*Article 45***National implementing measures**

Member States shall adopt all suitable measures necessary to ensure that this Regulation is applied properly. They shall inform the Commission thereof.

*Article 46***Notification**

1. From 1 July 2000 onwards, the Member States shall notify the Commission annually by 15 September at the latest (for information relating to the first six months of the current year) and 1 March (for information relating to the second six months of the previous year) of:

- (a) the number of male bovines in respect of which the special premium has been applied for, broken down by:
 - age bracket,
 - type of animal (bull or steer);
- (b) the number of cows in respect of which the suckler cow premium has been applied for, broken down according to the schemes referred to in Article 6(2)(a) and (b) of Regulation (EC) No 1254/1999;
- (c) the number of animals in respect of which the slaughter premium has been applied for, broken down by type of animal (adult bovine or calf) and indicating whether the animals were slaughtered or exported;
- (d) the number of animals for which the deseasonalisation premium was actually granted, broken down according to whether they benefited from the first or second tranche of the special premium, and the number of livestock producers corresponding to each of the two abovementioned age brackets.

2. From 2001 onwards, the Member States shall notify the Commission by 31 July at the latest in each year and for the preceding calendar year of:

- (a) the number of male bovines for which the special premium was actually granted, broken down by:

- age bracket,
- type of animal (bull or steer),

and indicating:

- the grant, where applicable, of the extensification payment (broken down according to the limits laid down in Article 13(2) of Regulation (EC) No 1254/1999), and the number of livestock producers concerned, shown separately in accordance with those limits,
- the number of animals broken down by age bracket for which the special premium was not granted in respect of the preceding calendar year due to the application of the regional ceiling;

- (b) the number of cows and heifers for which the suckler cow premium was actually granted, broken down according to the schemes referred to in Article 6(2)(a) and (b) of Regulation (EC) No 1254/1999, and indicating the grant, where applicable, of the extensification payment (broken down according to the limits laid down in Article 13(2) of that Regulation), as well as the number of producers concerned in the case of each scheme;

- (c) the number of dairy cows for which the extensification payment was actually granted;

- (d) the number of animals for which the premium was not granted in respect of the preceding calendar year due to application of the specific national ceiling for heifers;

- (e) where applicable, the grant of any national premium in addition to the suckler cow premium, indicating:

- the conditions for granting the premium,
- and

- the amount granted per animal;

- (f) the number of animals for which the premium not affected by stocking density was actually granted, and the number of producers concerned;

- (g) the number of animals for which the slaughter premium was actually granted, broken down by type of animal (adult bovine or calf) and indicating whether the aid was granted on slaughter or on export, as well as, for each of these subdivisions, the number of producers concerned.

3. The Member States shall notify the Commission annually by 31 July at the latest from 2001 of the number of animals, broken down by type of animal, in respect of which the slaughter premium has not been granted in respect of the preceding calendar year due to the application of national ceilings.

4. Member States shall communicate the details specified in this Article using the tables set out in Annex IV.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 47

Transitional provisions

1. In accordance with Article 50 of Regulation (EC) No 1254/1999, in order to facilitate the transition from the provisions of Regulation (EEC) No 805/68 to Regulation (EC) No 1254/1999, notifications to the Commission in respect of 1999 shall be made in accordance with the same procedure as that laid down in Regulation (EEC) No 3886/92.

2. The requirement to identify and register animals laid down in Article 21 of Regulation (EC) No 1254/1999 shall apply, for animals born before 1 January 1998, in accordance with the procedure laid down in Council Directive 92/102/EEC ⁽¹⁾, save in the case of animals which are the subject of intra-Community trade.

Article 48

Repeal

Regulation (EEC) No 3886/92 is repealed with effect from 1 January 2000.

It shall remain applicable to applications submitted by 31 December 1999 at the latest.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 49

Entry into force

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

It shall apply from 1 January 2000, except for the provisions relating to notifications or decisions laid down in Articles 10, 11, 15, 21(2), 23(4), 29(1) and (2), 32(5), (6) and (9), 35(2) and 39, which shall apply on entry into force of this Regulation.

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

Done at Brussels, 28 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 355, 5.12.1992, p. 32.

ANNEX I

LIST OF BOVINE BREEDS REFERRED TO IN ARTICLE 14

- Angler Rotvieh (Angeln) — Rød dansk mælkerace (RMD)
 - Ayrshire
 - Armoricaïne
 - Bretonne Pie-noire
 - Fries-Hollands (FH), Française frisonne pie noire (FFPN), Friesian-Holstein, Holstein, Black and White Friesian, Red and White Friesian, Frisona española, Frisona Italiana, Zwartbonten van België/Pie noire de Belgique, Sortbroget dansk mælkerace (SDM), Deutsche Schwarzbunte, Schwarzbunte Milchrasse (SMR)
 - Groninger Blaarkop
 - Guernsey
 - Jersey
 - Malkeborthorn
 - Reggiana
 - Valdostana Nera
 - Itäsuomenkarja
 - Länsisuomenkarja
 - Pohjoissuomenkarja.
-

ANNEX II

AVERAGE MILK YIELD REFERRED TO IN ARTICLE 18

	(kilograms)
Belgium	5 450
Denmark	6 800
Germany	5 800
Greece	4 250
Spain	4 650
France	5 550
Ireland	4 100
Italy	5 150
Luxembourg	5 700
Netherlands	6 800
Austria	4 650
Portugal	5 100
Finland	6 400
Sweden	7 150
United Kingdom	5 900

ANNEX III

NATIONAL CEILINGS FOR THE SLAUGHTER PREMIUM REFERRED TO IN ARTICLE 38(1)

	Adult bovines	Calves
Belgium	711 232	335 935
Denmark	711 589	54 700
Germany	4 357 713	652 132
Greece	235 060	80 324
Spain	1 982 216	25 629
France	4 041 075	2 045 731
Ireland	1 776 668	0
Italy	3 426 835	1 321 236
Luxembourg	21 867	3 432
Netherlands	1 207 849	1 198 113
Austria	546 557	129 881
Portugal	325 093	70 911
Finland	382 536	10 090
Sweden	502 063	29 933
United Kingdom	3 266 212	26 271

ANNEX IV

Table referred to in Articles 21(3) and 46

1. SPECIAL PREMIUM

Number of animals

Regulation (EC) No 1254/1999	Deadline for submission	Ref.	Information required	General scheme and slaughter scheme		Slaughter scheme only	
				Single age bracket or first age bracket		Second age bracket	Both age brackets together
				Bulls	Steers	Steers	Steers
Article 46(1)(a)	15 September	1.1	Number of animals applied for (January to June)				
	1 March	1.2	Number of animals applied for (July to December)				
Article 46(2)(a), first and second indents	31 July	1.3	Number of animals accepted (full year)				
Article 46(2)(a), fourth indent	31 July	1.4	Number of animals not accepted on account of the application of the regional ceiling				

Number of producers

Regulation (EC) No 2342/1999	Deadline for submission	Ref.	Information required	General scheme and slaughter scheme			Slaughter scheme only
				Single age bracket or first age bracket only	Second age bracket only	Both age brackets together	
Article 46(2)(a), third indent	31 July	1.5	Number of producers granted premium				

2. DESEASONALISATION PREMIUM

Regulation (EC) No 2342/1999	Deadline for submission	Ref.	Information required	Single age bracket or first age bracket	Second age bracket	Both age brackets together
Article 46(1)(d)	15 September	2.1	Number of animals applied for			
		2.2	Number of producers			
	1 March	2.3	Number of animals accepted			
		2.4	Number of producers			

3. SUCKLER COW PREMIUM

Regulation (EC) No 2342/1999	Deadline for submission	Ref.	Information required	Pure suckler herds	Mixed herds
Article 46(1)(b)	15 September	3.1	Number of animals applied for (January to June)		
	1 March	3.2	Number of animals applied for (July to December)		
Article 46(2)(b)	31 July	3.3	Number of cows accepted (full year)		
		3.4	Number of heifers accepted (full year)		
		3.5	Number of producers granted premium (full year)		
				Amount per head	
Article 46(2)(e)	31 July	3.6	National premium		
Article 46(2)(d)	31 July	3.7	Number of animals not accepted on account of the application of the national ceiling for heifers		

4. EXTENSIFICATION PAYMENT

4.1. Application of the single stocking density (first subparagraph of Article 13(2) of Regulation (EC) No 1254/1999)

Regulation (EC) No 2342/1999	Deadline for submission	Ref.	Information required	Special premium	Suckler cow premium	Dairy cows	Total
Article 46(2)(a), (b) and (c)	31 July	4.1.1	Number of animals accepted				
		4.1.2	Number of producers granted payment				

4.2. Application of the two stocking densities (second subparagraph of Article 13(2) of Regulation (EC) No 1254/1999)

Regulation (EC) No 2342/1999	Deadline for submission	Ref.	Information required	Special premium		Sucker cow premium		Dairy cows		Total	
				1,4-1,8	< 1,4	1,4-1,8	< 1,4	1,4-1,8	< 1,4	1,4-1,8	< 1,4
Article 46(2)(a), (b) and (c)	31 July	4.2.1	Number of animals accepted								
		4.2.2	Number of producers granted payment								

5. PREMIUM EXEMPT FROM THE DENSITY FACTOR

Regulation (EC) No 2340/1999	Deadline for submission	Ref.	Information required	Animals	Producers
Article 46(2)(f)	31 July	5	Number of animals and producers in respect of which the premium exempt from the application of the density factor was granted		

6. SLAUGHTER PREMIUM

Number of animals

Regulation (EC) No 2340/1999	Deadline for submission	Ref.	Information required	Slaughter		Export	
				Adults	Calves	Adults	Calves
Article 46(1)(c)	15 September	6.1	Number of animals applied for (January to June)				

Regulation (EC) No 2342/1999	Deadline for submission	Ref.	Information required	Slaughter		Export	
				Adults	Calves	Adults	Calves
	1 March	6.2	Number of animals applied for (July to December)				
Article 46(2)(g)	31 July	6.3	Number of animals accepted (full year)				
Article 46(3)	31 July	6.4	Number of animals not accepted on account of the application of the national ceiling				

Number of producers

Regulation (EC) No 2342/1999	Deadline for submission	Ref.	Information required	Slaughter		Export	
				Adults	Calves	Adults	Calves
Article 46(2)(g)	31 July	6.5	Number of producers granted premium				

7. SUCKLER COW QUOTA

Regulation (EC) No 2342/1999	Deadline for submission	Ref.	Balance of rights at start of year	Rights ceded to national reserve arising from		Rights obtained from national reserve	Balance of rights at end of year
Article 21(3)	1 March (Provisional information)	7.1		(a) Transfers without holding	(b) Insufficient use		
Article 21(3)	31 July (Definitive information)	7.2					

COMMISSION REGULATION (EC) No 2343/1999**of 3 November 1999****fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to
in Regulation (EC) No 2128/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 2128/1999 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 2128/1999 for which the time limit for the submission of tenders was 22 October 1999 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1998, p. 17.

⁽³⁾ OJ L 261, 7.10.1999, p. 23.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos ⁽¹⁾	Precio mínimo expresado en euros por tonelada
Medlemsstat	Produkter ⁽¹⁾	Mindstepriser i EUR/ton
Mitgliedstaat	Erzeugnisse ⁽¹⁾	Mindestpreise ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα ⁽¹⁾	Ελάχιστες πωλήσεις εκφραζόμενες σε Ευρώ ανά τόνο
Member State	Products ⁽¹⁾	Minimum prices expressed in EUR per tonne
État membre	Produits ⁽¹⁾	Prix minimaux exprimés en euros par tonne
Stato membro	Prodotti ⁽¹⁾	Prezzi minimi espressi in euro per tonnellata
Lidstaat	Producten ⁽¹⁾	Minimumprijzen uitgedrukt in euro per ton
Estado-Membro	Produtos ⁽¹⁾	Preço mínimo expresso em euros por tonelada
Jäsenvaltio	Tuotteet ⁽¹⁾	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter ⁽¹⁾	Minimipriser i euro per ton

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

UNITED KINGDOM	— Intervention flank (INT 18)	1 001
	— Intervention shoulder (INT 22)	—
	— Intervention brisket (INT 23)	1 001

⁽¹⁾ Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n° 2812/98 (DO L 349 de 24.12.1998, p. 47).

⁽²⁾ Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24.12.1998, s. 47).

⁽³⁾ Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24.12.1998, S. 47).

⁽⁴⁾ Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24.12.1998, σ. 47).

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

⁽⁶⁾ Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2812/98 (JO L 349 du 24.12.1998, p. 47).

⁽⁷⁾ Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4.9.1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24.12.1998, pag. 47).

⁽⁸⁾ Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24.12.1998, blz. 47).

⁽⁹⁾ Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24.12.1998, p. 47).

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

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

COMMISSION REGULATION (EC) No 2344/1999**of 3 November 1999****fixing the minimum selling prices for beef put up for sale under the third invitation to tender referred to in Regulation (EC) No 2009/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 2009/1999 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 2009/1999 for which the time limit for the submission of tenders was 25 October 1999 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1998, p. 17.

⁽³⁾ OJ L 248, 21.9.1999, p. 15.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos ⁽¹⁾	Precio mínimo expresado en euros por tonelada
Medlemsstat	Produkter ⁽¹⁾	Mindstepriser i EUR/ton
Mitgliedstaat	Erzeugnisse ⁽¹⁾	Mindestpreise ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα ⁽¹⁾	Ελάχιστες πωλήσεις εκφραζόμενες σε Ευρώ ανά τόνο
Member State	Products ⁽¹⁾	Minimum prices expressed in EUR per tonne
État membre	Produits ⁽¹⁾	Prix minimaux exprimés en euros par tonne
Stato membro	Prodotti ⁽¹⁾	Prezzi minimi espressi in euro per tonnellata
Lidstaat	Producten ⁽¹⁾	Minimumprijzen uitgedrukt in euro per ton
Estado-Membro	Produtos ⁽¹⁾	Preço mínimo expresso em euros por tonelada
Jäsenvaltio	Tuotteet ⁽¹⁾	Vähimmäishinnat
Medlemsstat	Produkter ⁽¹⁾	euroina tonnia kohden ilmaistuna Minimipriser i euro per ton

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

DEUTSCHLAND	Vorder- und Hinterviertel, „compensés“	434
	Vorderviertel	405
	Hinterviertel	455
FRANCE	Quartiers compensés	—
	Quartiers avant	—
	Quartiers arrière	—

⁽¹⁾ Véanse los anexos V y VII del Reglamento (CEE) n.º 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n.º 2812/98 (DO L 349 de 24.12.1998, p. 47).

⁽¹⁾ Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24.12.1998, s. 47).

⁽¹⁾ Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24.12.1998, S. 47).

⁽¹⁾ Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24.12.1998, σ. 47).

⁽¹⁾ See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2812/98 (OJ L 349, 24.12.1998, p. 47).

⁽¹⁾ Voir annexes V et VII du règlement (CEE) n.º 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n.º 2812/98 (JO L 349 du 24.12.1998, p. 47).

⁽¹⁾ Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4.9.1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24.12.1998, pag. 47).

⁽¹⁾ Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24.12.1998, blz. 47).

⁽¹⁾ Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24.12.1998, p. 47).

⁽¹⁾ Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2812/98 (EYVL L 349, 24.12.1998, s. 47) liitteet V ja VII.

⁽¹⁾ Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2812/98 (EGT L 349, 24.12.1998, s. 47).

COMMISSION REGULATION (EC) No 2345/1999
of 3 November 1999
fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to
in Regulation (EC) No 2207/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 2207/1999 ⁽³⁾;
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted;

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 2207/1999 for which the time limit for the submission of tenders was 25 October 1999 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1998, p. 17.

⁽³⁾ OJ L 269, 19.10.1999, p. 5.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos ⁽¹⁾	Precio mínimo expresado en euros por tonelada
Medlemsstat	Produkter ⁽¹⁾	Mindestepriser i EUR/ton
Mitgliedstaat	Erzeugnisse ⁽¹⁾	Mindestpreise ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα ⁽¹⁾	Ελάχιστες πωλήσεις εκφραζόμενες σε Ευρώ ανά τόνο
Member State	Products ⁽¹⁾	Minimum prices expressed in EUR per tonne
État membre	Produits ⁽¹⁾	Prix minimaux exprimés en euros par tonne
Stato membro	Prodotti ⁽¹⁾	Prezzi minimi espressi in euro per tonnellata
Lidstaat	Producten ⁽¹⁾	Minimumprijzen uitgedrukt in euro per ton
Estado-Membro	Produtos ⁽¹⁾	Preço mínimo expresso em euros por tonelada
Jäsenvaltio	Tuotteet ⁽¹⁾	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter ⁽¹⁾	Minimipriser i euro per ton

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

DEUTSCHLAND	— Hinterviertel	1 552
ESPAÑA	— Cuartos delanteros	819
FRANCE	— Quartiers arrière	1 523

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

UNITED KINGDOM	— Intervention fillet (INT 15)	14 001
	— Intervention rump (INT 16)	3 575
	— Intervention flank (INT 18)	—
	— Intervention forerib (INT 19)	3 371
	— Intervention shoulder (INT 22)	1 492
	— Intervention brisket (INT 23)	1 231
	— Intervention forequarter (INT 24)	1 608
IRELAND	— Intervention flank (INT 18)	1 061
	— Intervention brisket (INT 23)	1 056
	— Intervention topside (INT 13)	3 900
	— Intervention silverside (INT 14)	—

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- (¹) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n° 2812/98 (DO L 349 de 24.12.1998, p. 47).
- (¹) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24.12.1998, s. 47).
- (¹) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24.12.1998, S. 47).
- (¹) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24.12.1998, σ. 47).
- (¹) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2812/98 (OJ L 349, 24.12.1998, p. 47).
- (¹) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2812/98 (JO L 349 du 24.12.1998, p. 47).
- (¹) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4.9.1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24.12.1998, pag. 47).
- (¹) Zie de bijlagen V en VII bij Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24.12.1998, blz. 47).
- (¹) Ver anexos V e VII do Regulamento (CEE) n.º 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24.12.1998, p. 47).
- (¹) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2812/98 (EYVL L 349, 24.12.1998, s. 47) liitteet V ja VII.
- (¹) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2812/98 (EGT L 349, 24.12.1998, s. 47).
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COMMISSION REGULATION (EC) No 2346/1999
of 3 November 1999
on the sale by tender of beef held by certain intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The application of intervention measures in respect of beef has created stocks in several Member States; whereas, in order to prevent an excessive prolongation of storage, part of these stocks should be sold by tender;
- (2) The sale should be made subject to the rules laid down by Commission Regulation (EEC) No 2173/79 ⁽³⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁴⁾, subject to certain special exceptions which are necessary;
- (3) With a view to ensuring a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Article 8(1) of Regulation (EEC) No 2173/79;
- (4) Provision should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79, in view of the administration difficulties which application of this point creates in the Member States concerned;
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The sale shall take place of:
 - approximately 2 000 tonnes of bone-in beef held by the German intervention agency,
 - approximately 2 000 tonnes of bone-in beef held by the French intervention agency,

— approximately 3 815 tonnes of boneless beef held by the United Kingdom intervention agency.

Detailed information concerning quantities is given in Annex I.

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

Article 2

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

The intervention agencies concerned shall draw up a notice of invitation to tender which shall include the following:

- (a) the quantities of beef offered for sale; and
- (b) the deadline and place for submitting tenders.

2. Interested parties may obtain the details of the quantities available and the places where the products are stored from the addresses listed in Annex II to this Regulation. The intervention agencies shall, in addition, display the notice referred to in paragraph 1 at their head offices and may publish it in other ways.

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

4. Only tenders which reach the intervention agencies concerned by 12 noon on 8 November 1999 shall be considered.

5. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 4.

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

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1998, p. 17.

⁽³⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁴⁾ OJ L 248, 14.10.1995, p. 39.

Article 3

1. Member States shall provide the Commission with information concerning the tenders received not later than the working day following the deadline set for the submission of tenders.

2. After the tenders received have been examined a minimum selling price shall be set for each product or the sale will not proceed.

Article 4

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

Article 5

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, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

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

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

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

DEUTSCHLAND	— Hinterviertel	1 000
	— Vorderviertel	1 000
FRANCE	— Quartiers avant	1 000
	— Quartiers arrière	1 000

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

UNITED KINGDOM	— Intervention fillet (INT 15)	10
	— Intervention striploin (INT 17)	60
	— Intervention rump (INT 16)	35
	— Intervention silverside (INT 14)	10
	— Intervention flank (INT 18)	550
	— Intervention forerib (INT 19)	90
	— Intervention shoulder (INT 22)	2 700
	— Intervention brisket (INT 23)	200
	— Intervention shin (INT 21)	10
	— Intervention forequarter (INT 24)	150

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

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

BUNDESREPUBLIK DEUTSCHLAND

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

FRANCE

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

UNITED KINGDOM

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

COMMISSION REGULATION (EC) No 2347/1999
of 3 November 1999
on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1303/1999 ⁽²⁾, and in particular Article 2(3) thereof,

- (1) Whereas Commission Regulation (EC) No 1926/1999 ⁽³⁾ sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;
- (2) Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;
- (3) Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 2190/96, would be exceeded if A1

licences were issued without restriction for shelled almonds in response to applications submitted since 29 October 1999; whereas, therefore, one percentage should be fixed for the issuing of licences for quantities applied for on 29 October 1999 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for shelled almonds for which applications were submitted on 29 October 1999 pursuant to Article 1 of Regulation (EC) No 1926/1999 shall be issued for 34,4 % for shelled almonds of the quantities applied for.

Applications for A1 export licences submitted after 29 October 1999 and before 9 November 1999 for this product shall be rejected.

Article 2

This Regulation shall enter into force on 4 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 155, 22.6.1999, p. 29.

⁽³⁾ OJ L 238, 9.9.1999, p. 20.

COMMISSION REGULATION (EC) No 2348/1999**of 3 November 1999****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas:

pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 4 November 1999.

It shall apply from 3 to 23 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

(EUR/100 pieces)

Period from 3 to 23 November 1999				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	17,36	11,29	33,99	13,05
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	10,21	9,23
Morocco	14,77	14,11	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 2349/1999
of 3 November 1999
amending Regulation (EC) No 2296/1999 determining the world market price for unginned cotton
and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 ⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas the average rate for the dollar is different from that used for Commission Regulation (EC) No 2296/1999 ⁽⁴⁾; whereas the Regulation in question should be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 2296/1999 is replaced by the following text:

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

Done at Brussels, 3 November 1999.

'Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at EUR 20,306/100 kg.

2. Advance payment of the aid as indicated in the second subparagraph of Article 5 (3a) of Regulation (EC) No 1554/95 shall be at the rate of:

- EUR 43,261/100 kg in Spain,
- EUR 42,942/100 kg in Greece,
- EUR 85,994/100 kg in other Member States.'

Article 2

This Regulation shall enter into force on 4 November 1999.

It shall apply from 1 November 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 30.6.1995, p. 45.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 190, 4.7.1998, p. 4.

⁽⁴⁾ OJ L 280, 30.10.1999, p. 5.

COMMISSION REGULATION (EC) No 2350/1999
of 3 November 1999
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(8) thereof,

- (1) Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 2195/1999 ⁽³⁾, as last amended by Regulation (EC) No 2311/1999 ⁽⁴⁾;
- (2) Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

- (3) Whereas the corrective amount must be fixed according to the same procedure as the refund; whereas it may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 November 1999.

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

Done at Brussels, 3 November 1999.

For the Commission

Franz FISCHLER

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 267, 15.10.1999, p. 49.

⁽⁴⁾ OJ L 280, 30.10.1999, p. 32.

ANNEX

to the Commission Regulation of 3 November 1999 amending the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination ⁽¹⁾	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	03	0	0	0	-2,00	-2,50	-2,50	-2,50
	02	0	0	0	-2,00	-2,50	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	-2,74	-3,43	—	—
1101 00 15 9130	01	0	0	0	-2,56	-3,20	—	—
1101 00 15 9150	01	0	0	0	-2,36	-2,95	—	—
1101 00 15 9170	01	0	0	0	-2,18	-2,73	—	—
1101 00 15 9180	01	0	0	0	-2,04	-2,55	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	0	0	—	—
1103 11 10 9400	01	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(¹) The destinations are identified as follows:

01 all third countries,

02 other third countries,

03 Mauritania, Mali, Niger, Senegal, Burkina Faso, The Gambia, Guinea-Bissau, Guinea, Cape Verde, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Democratic Republic of the Congo, Rwanda, Burundi, Angola, Zambia, Malawi, Mozambique, Namibia, Botswana, Zimbabwe, Lesotho, Swaziland, Seychelles, The Comoros, Madagascar, Djibouti, Ethiopia, Eritrea and Mauritius.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 4/1999 OF THE EU-POLAND ASSOCIATION COUNCIL

of 4 August 1999

adopting the terms and conditions for the participation of Poland in Community programmes in the field of research, technological development and demonstration (1998 to 2002)

(1999/708/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland of the other part (hereinafter referred to as 'the Europe Agreement'),

Having regard to the Additional Protocol to the Europe Agreement concerning Polish participation in Community programmes, and in particular Articles 1 and 2 thereof,

- (1) Whereas, pursuant to Article 1 of the said Additional Protocol, Poland may participate in Community framework programmes, specific programmes, projects or other Community actions, in particular in the fields of research and technological development;
- (2) Whereas the European Council, at its meeting in Luxembourg on 12 and 13 December 1997, called in its Conclusions for the opening of certain Community programmes (such as in the field of research) to the candidate countries, as a way of familiarising themselves with the policies and working methods of the Union, each candidate country being expected to make a steadily increasing financial contribution of its own (PHARE will, if necessary, be able to part-finance the applicant States' national contributions);
- (3) Whereas the aforementioned Conclusions also call for the participation of the candidate countries, as observers and for the points which concern them, in the committees assisting the Commission in the implementation of the programmes to which they contribute financially;
- (4) Whereas, by Decision No 182/1999/EC, the European Parliament and the Council of the European Union adopted a framework programme of the European

Community for research, technological development and demonstration activities (1998 to 2002) ⁽¹⁾, hereinafter called 'the Fifth Framework Programme';

- (5) Whereas, according to Article 2 of the aforementioned Additional Protocol, the terms and conditions for the participation of Poland in the activities referred to in Article 1 thereof are to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Poland may participate in the specific programmes of the Fifth Framework Programme according to the terms and conditions, principles and rules set out in Annexes I, II and III respectively, which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the Fifth Framework Programme.

Article 3

This Decision shall take effect after thirty days following its adoption.

Done at Brussels, 4 August 1999.

For the Association Council

The President

B. GEREMEK

⁽¹⁾ OJ L 26, 1.2.1999, p. 1.

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF POLAND IN THE SPECIFIC PROGRAMMES OF THE FIFTH FRAMEWORK PROGRAMME

1. Research entities established in Poland may participate in all the specific programmes of the Fifth Framework Programme. Polish scientists or research entities may participate in the activities of the Joint Research Centre to the extent that such activities are not covered by the preceding sentence.

'Research entities' as referred to in this Decision, shall include: universities, research organisations, industrial companies, including small and medium-sized enterprises, or natural persons.

2. Paragraph 1 shall imply the following:

- participation of research entities established in Poland in the implementation of all specific programmes adopted under the Fifth Framework Programme, in accordance with the terms and conditions laid down in the 'rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme of the European Community (1998 to 2002)';
- financial contribution by Poland to the budgets of the programmes adopted for the implementation of the Fifth Framework Programme on the basis of the ratio of the gross domestic product of Poland to the sum of the gross domestic product of the Member States of the European Union and that of Poland.

3. Research entities established in Poland participating in Community research programmes shall, as regards ownership, exploitation and dissemination of information and intellectual property arising from such participation, have the same rights and obligations as those of research entities established in the Community, subject to the provisions of Annex II.
4. The relevant subcommittee set up by the Association Council under the Europe Agreement shall, on a regular basis and at least once a year, review and evaluate the implementation of this Decision.
5. The financial contribution of Poland deriving from participation in the implementation of the specific programmes shall be established in proportion to, and in addition to, the amount available each year in the general budget of the European Communities for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out in the forms necessary for the implementation, management and operation of these programmes.

The proportionality factor governing the contribution of Poland shall be obtained by establishing the ratio between the gross domestic product of Poland, at market prices, and the sum of gross domestic products, at market prices, of the Member States of the European Union and Poland. This ratio shall be calculated on the basis of the latest statistical data pertaining to the same year from the Statistical Office of the European Communities (Eurostat), available at the time of publication of the preliminary draft budget of the European Communities.

In order to facilitate its participation in the specific programmes, the contribution of Poland will be implemented as follows:

- | | |
|-------|---|
| 1999: | contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,4; |
| 2000: | contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,6; |
| 2001: | contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,8; |
| 2002: | contribution according to the proportionality factor fixed in accordance with the second subparagraph. |

The rules for financial participation by the European Community are set out in Annex IV to Decision No 182/1999/EC.

The rules governing the financial contribution of Poland are set out in Annex III hereto.

6. Without prejudice to point 3, research entities established in Poland participating in the Fifth Framework Programme shall have the same contractual rights and obligations as entities established in the Community, taking into account the mutual interests of the Community and Poland.

For Polish research entities, the terms and conditions applicable for the submission and evaluation of proposals and those for the granting and conclusion of contracts under Community programmes shall be the same as those applicable for contracts concluded under the same programmes with research entities in the Community, taking into account the mutual interests of the Community and Poland.

Polish experts shall be taken into consideration, alongside Community experts, in the selection of evaluators or experts under the Community's research and technological development and demonstration programmes and as members of the advisory groups and other consultative bodies which assist the Commission in the implementation of the Fifth Framework Programme.

A Polish research entity may be coordinator of a project under the same terms and conditions applicable to entities established in the Community. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, Polish research entities shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. Financial audits may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant Polish authorities shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

7. The Community and Poland will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of research workers participating, in Poland and in the Community, in the activities covered by this Decision and to facilitate cross-border movement of goods intended for use in such activities.

Activities covered by this Decision shall be exempt from Polish indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.

8. Polish representatives will, for the points which concern them, participate as observers in the programme committees of the Fifth Framework Programme. These committees shall moreover meet without the presence of Polish representatives at the time of voting. Poland will be informed. Participation as referred to in this paragraph shall take the same form, including procedures for receipt of information and documentation, as that applicable to participants from Member States.
9. The Community and Poland may terminate activities under this Decision at any time upon 12 months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

Should the Community decide to revise one or more Community programmes, activities under this Decision may be terminated under mutually agreed conditions. Poland shall be notified of the exact content of the revised programmes within one week of their adoption by the Community. The Community and Poland shall notify each other, within one month after the adoption of the Community decision, of any intention to terminate the activities.

Where the Community adopts a new multiannual framework programme for research, technological development and demonstration activities, the Association Council may decide the terms and conditions for the participation of Poland.

ANNEX II

PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS

Rights to intellectual property created or furnished under this Decision shall be allocated as provided in this Annex.

I. Application

This Annex is applicable to research carried out pursuant to this Decision (hereinafter referred to as 'joint research'), except as otherwise specifically agreed by the Community and Poland (hereinafter referred to as 'the parties').

II. Ownership, allocation and exercise of rights

1. For purposes of this Decision, 'intellectual property' (hereinafter referred to as 'IP') shall have the meaning given in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.
2. This Annex deals with the allocation of rights, interests and royalties of the parties and their participants. Each party and its participants shall ensure that the other party and its participants may obtain the rights to IP allocated to it in accordance with this Annex. This Annex does not otherwise alter or prejudice the allocation of rights, interests and royalties between a party and its nationals or participants, which shall be determined by the laws and practices applicable to each party.
3. The following principles shall apply and be provided for in the contractual arrangements:
 - (a) adequate protection of IP. The parties, their agencies and/or their participants, as appropriate, shall ensure that they notify one another within a reasonable time of the creation of any IP arising under this Decision or implementing arrangements and that they seek protection for such intellectual property in a timely fashion;
 - (b) taking account of the contributions of the parties or their participants in determining the rights and interests of the parties and participants;
 - (c) effective exploitation of results;
 - (d) non-discriminatory treatment of participants from the other party as compared with the treatment given to its own participants;
 - (e) protection of confidential business information.
4. The participants shall jointly develop a technology management plan (TMP) in respect of the ownership and use, including publication, of information and IP to be created in the course of joint research. The indicative features of a TMP are contained in the Appendix to this Annex. The TMP shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contract to which it is attached.

The TMPs shall be developed taking into account the aims of the joint research, the relative financial or other contributions of the Parties or participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by the applicable laws including those of the Parties concerning IP rights and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of IP shall also be dealt with in the joint TMPs.

5. Information or IP created in the course of joint research and not dealt with in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results. Each participant to whom this provision applies shall have the right to use such information or IP for his own commercial exploitation with no geographical limitation.
6. Each party shall ensure that the other party and its participants may have the rights to IP allocated to them in accordance with these principles.
7. While maintaining the conditions of competition in areas affected by this Decision, each party shall endeavour to ensure that rights acquired pursuant to this Decision and arrangements made under it are exercised in such a way as to encourage, in particular, (i) the dissemination and use of information created, disclosed or otherwise made available, under this Decision, and (ii) the adoption and implementation of international standards.
8. Termination of cooperation shall not affect rights or obligations under this Annex.

III. International conventions

IP belonging to the parties or to their participants shall be accorded treatment consistent with the relevant international conventions that are applicable to the parties, including the TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights administered by the World Trade Organisation) as well as the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).

IV. Scientific literary works

Without prejudice to Section V, and unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. in the case of publication by a party or public bodies of that party of scientific and technical journals, articles, reports, books, including video and software arising from joint research pursuant to this Decision, the other party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works;
2. the parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Decision and published by independent publishers are disseminated as widely as possible;
3. all copies of a copyright work to be publicly distributed and prepared under this section shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the parties.

V. Undisclosed information

A. Documentary undisclosed information

1. Each party, its agencies or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP the information they wish to remain undisclosed, taking into account, *inter alia*, the following criteria:
 - (a) confidentiality of the information in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known among, or readily accessible by lawful means to, experts in the field;
 - (b) the actual or potential commercial value of the information by virtue of its confidentiality;
 - (c) previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its confidentiality.

The parties, their agencies and their participants, as appropriate, may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research may not be disclosed.

2. Each party shall ensure that it and its participants clearly identify undisclosed information, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A party and a participant receiving undisclosed information shall respect the privileged nature thereof. Such respect shall automatically terminate when this information is revealed by the owner to the public domain.

3. Undisclosed information communicated under this Decision may be disseminated by the receiving party or its organisation to persons within or employed by the receiving party or organisation authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated is pursuant to an agreement of confidentiality and readily recognisable as such, as set out above.
4. With the prior written consent of the party providing undisclosed information, the receiving party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3. The parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential information provided in seminars and other meetings arranged under this Decision, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the parties or their participants according to the principles specified for documentary information in the Decision; this is on the understanding, however, that the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made.

C. Control

Each party shall endeavour to ensure that undisclosed information received by it under this Decision is controlled as provided herein. If one of the parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of sections A and B, it shall immediately inform the other party. The parties shall thereafter consult to define an appropriate course of action.

*Appendix***Indicative features of a TMP**

The TMP is a specific agreement to be concluded between the participants on the implementation of joint research and the respective rights and obligations of the participants.

With respect to IP, the TMP will normally deal with, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also deal with foreground and background information, licensing and deliverables.

ANNEX III

RULES GOVERNING THE FINANCIAL CONTRIBUTION OF POLAND REFERRED TO IN PARAGRAPH 5 OF ANNEX I

1. The Commission of the European Communities shall communicate to Poland, and shall inform the subcommittee referred to in paragraph 4 of Annex I of such communication, as soon as possible, and at the latest on 1 September of each financial year, the following information, together with relevant background material:

- the amounts in commitment appropriations, in the statement of expenditure of the preliminary draft budget of the European Communities corresponding to the Fifth Framework Programme;
- the estimated amount of the contributions derived from the preliminary draft budget, corresponding to the participation of Poland in the Fifth Framework Programme.

Nonetheless, in order to facilitate internal budgetary procedures, the Commission services shall provide corresponding indicative figures at the latest on 30 May of each year.

Once the general budget has been finally adopted, the Commission shall communicate to Poland, in the statement of expenditure corresponding to Poland's participation, the amounts referred to in the first subparagraph.

2. The Commission shall issue, at the latest on 1 January and 15 June of each financial year, a call for funds to Poland corresponding to its contribution under this Decision. These calls for funds shall provide, respectively, for the payment:

- of six-twelfths of Poland's contribution not later than 20 February, and
- six-twelfths of its contribution not later than 15 July.

However, the six-twelfths to be paid not later than 20 February shall be calculated on the basis of the amount set out in the statement of revenue of the preliminary draft budget: the regularisation of the amount thus paid shall occur with the payment of the six-twelfths not later than 15 July.

For the first year of implementation of this Decision, the Commission shall issue a first call for funds within 30 days of its coming into effect. Should this call be issued after 15 June, it shall provide for the payment of twelve/twelfths of Poland's contribution within 30 days, calculated on the basis of the amount set out in the statement of revenue of the budget.

The contribution of Poland shall be expressed and paid in euro.

Poland shall pay its contribution under this Decision according to the schedule in this paragraph. Any delay in payment shall give rise to the payment of interest at a rate equal to the one-month interbank offered rate (IBOR) in euro as quoted by the International Swap Dealers' Association on the ISDA page of Reuters. This rate shall be increased by 1,5 % for each month of delay. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only if the contribution is paid more than 30 days after the scheduled payment dates mentioned in this point.

Travel costs incurred by Polish representatives and experts for the purposes of taking part in the work of the groups and bodies referred to in point 6 of Annex I and of the committees referred to in point 8 thereof and those involved in the implementation of the Fifth Framework Programme shall be reimbursed by the Commission on the same basis as, and in accordance with, the procedures currently in force for the representatives and experts of the Member States of the European Union.

3. Poland's financial contribution to the Fifth Framework Programme in accordance with point 5 of Annex I shall normally remain unchanged for the financial year in question.

The Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of Poland, taking into consideration modifications which have taken place, either by transfer, cancellations, carry-overs, decommitments, or by supplementary and amending budgets during the financial year. This regularisation shall occur at the time of the second payment for the year $n + 1$. Further regularisation shall occur every year until July 2006.

Payment by Poland shall be credited to the Community programmes as budget receipts allocated to the appropriate budget heading in the statement of revenue of the general budget of the European Communities.

The financial regulation applicable to the general budget of the European Communities shall apply to the management of the appropriations.

4. At the latest on 31 May of each financial year ($n + 1$), the statement of appropriations for the Fifth Framework Programme related to the previous financial year (n), shall be prepared and transmitted to Poland for information, according to the format of the Commission's revenue and expenditure account.

Joint Declaration by Poland and the Community

The Republic of Poland and the Community agree that, in addition to the provisions set out in this Decision of the Association Council, research programmes and activities of the Republic of Poland corresponding to those of the Fifth Framework Programme of the European Community for research, technological development and demonstration activities (1998 to 2002) should be open to research entities from the Community and that a separate exchange of letters between the Republic of Poland and the Community to that effect will take place.

DECISION No 4/1999 OF THE EC-SLOVENIA ASSOCIATION COUNCIL
of 30 September 1999
adopting the terms and conditions for the participation of Slovenia in the Community Programme
in the field of small and medium-sized enterprises

(1999/709/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, acting in the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part, and in particular Article 106 thereof ⁽¹⁾,

- (1) Whereas according to Article 106 of the Europe Agreement, Slovenia may participate in Community framework programmes, specific programmes, projects or other Community actions, notably in the field of small and medium-sized enterprises;
- (2) Whereas according to the said Article the terms and conditions for the participation of Slovenia in those activities are to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Slovenia shall participate in the Third Multiannual Programme for Small and Medium-sized Enterprises (SMEs) in the European Union (1997 to 2000) according to the terms and conditions

set out in Annexes I and II which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the programme.

Article 3

This Decision shall enter into force on the first day of the month following its adoption.

Done at Brussels, 30 September 1999.

For the Association Council

The Chairman

T. HALONEN

⁽¹⁾ OJ L 51, 26.2.1999, p. 3.

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF SLOVENIA IN THE THIRD MULTIANNUAL PROGRAMME FOR SMALL AND MEDIUM-SIZED ENTERPRISES (SMES) IN THE EUROPEAN UNION (1997 TO 2000)

1. Slovenia will participate in the activities of the Third Multiannual Programme for Small and Medium-sized Enterprises (SMEs) in the European Union (1997 to 2000) (hereinafter called 'programme') in conformity, unless otherwise provided in this Decision, with the objectives, criteria, procedures and time limits laid down in Council Decision 97/15/EC of 9 December 1996 on a third multiannual programme for small and medium-sized enterprises (SMEs) in the European Union (1997 to 2000)⁽¹⁾, and in particular Article 7(1) thereof.
2. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Slovenia will be the same as those applicable to eligible institutions, organisations and individuals of the Community.
3. Where appropriate, in order to ensure the Community dimension of the programme, transnational projects and activities proposed by Slovenia must include a minimum number of partners from the Member States of the Community. This minimum number will be decided in the framework of the implementation of the programme, taking into account the nature of the various activities, the number of partners in a given project, and the number of countries participating in the programme.
4. Slovenia will pay each year a contribution to the general budget of the European Communities to cover the costs resulting from its participation in the programme (see Annex II). The Association Committee is entitled to adapt this contribution whenever necessary.
5. The Member States of the Community and Slovenia will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of all eligible persons to the programme moving between Slovenia and the Member States of the Community for the purpose of participating in activities covered by the Decision.
6. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the evaluation of the programme according to Decision 97/15/EC (Article 6), the participation of Slovenia in the programme will be continuously evaluated on a partnership basis involving Slovenia and the Commission. Slovenia will submit the necessary reports to the Commission and take part in other specific activities set out by the Community in that context.
7. Without prejudice to the procedures referred to in Article 4 of Decision 97/15/EC, Slovenia will be invited to coordination meetings on any question concerning the implementation of this Decision prior to regular meetings of the Programme Committee. The Commission will inform Slovenia about the results of such regular meetings.
8. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programme, will be one of the official languages of the Community.

⁽¹⁾ OJ L 6, 10.1.1997, p. 25.

ANNEX II

FINANCIAL CONTRIBUTION OF SLOVENIA TO THE THIRD MULTIANNUAL PROGRAMME FOR SMALL AND MEDIUM-SIZED ENTERPRISES (SMES) IN THE EUROPEAN UNION (1997 TO 2000)

1. The financial contribution of Slovenia will cover:
 - financial support from the programme to the participation of Slovenian entities in activities as defined in Annex I.1,
 - supplementary costs of an administrative nature related to the management of the programme by the Commission of the European Communities stemming from Slovenia's participation.

2. For every year, the aggregated amount of subsidies or any other financial support received from the programme by the Slovenian beneficiaries will not exceed the contribution paid by Slovenia, after deduction of the supplementary administrative costs.

Should the contribution paid by Slovenia to the general budget of the European Communities, after deduction of the supplementary administrative costs, be higher than the aggregated amount of subsidies or other financial support received by the Slovenian beneficiaries from the programme, the Commission will transfer the balance to the next budgetary exercise, and it will be deducted from the following year's contribution. Should such a balance be left when the programme comes to an end, the corresponding amount will be reimbursed to Slovenia.

3. Slovenia's annual contribution will be EUR 506 324 from 1999. From this sum, an amount of EUR 33 124 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Slovenia's participation.
4. The financial regulations applicable to the general budget of the European Communities will apply, notably to the management of the contribution of Slovenia.

Upon entry into force of this Decision and at the beginning of each following year, the Commission will send to Slovenia a call for funds corresponding to its contribution to the costs under this Decision.

This contribution will be expressed in euro and paid into a euro bank account of the Commission.

Slovenia will pay its contribution to the annual costs under this Decision according to the call for funds and at the latest three months after the call for funds is sent. Any delay in the payment of the contribution will give rise to the payment of interest by Slovenia on the outstanding amount from the due date. The interest rate will correspond to the rate applied by the European Central Bank, for the month of the due date, for its operations in euro increased by 1,5 percentage points.

5. Slovenia will pay the supplementary administrative costs referred to in point 3 from its national budget.
 6. Slovenia will pay EUR 236 600 of the remaining costs of its participation in the programme from its national budget.
 7. Subject to regular PHARE programming procedures, the remaining EUR 236 600 will be paid from Slovenia's annual PHARE allocation.
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COMMISSION

COMMISSION DECISION

of 15 October 1999

drawing up provisional lists of third country establishments from which the Member States authorise imports of minced meat and meat preparations

(notified under document number C(1999) 3333)

(Text with EEA relevance)

(1999/710/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as amended by Decision 98/603/EC ⁽²⁾, and in particular Article 2(1) thereof,

- (1) Whereas Council Decision 79/542/EEC ⁽³⁾, as last amended by Commission Decision 1999/417/EC ⁽⁴⁾, draws up a list of third countries from which the Member States authorise imports of fresh meat and meat products;
- (2) Whereas Council Directive 94/65/EEC ⁽⁵⁾ lays down the requirements for the production, placing on the market and import of minced meat and meat preparations;
- (3) Whereas the Commission has received from certain third countries lists of establishments, with guarantees that they fully meet the appropriate Community health requirements and that should an establishment fail to do so its export activities to the European Community will be suspended;
- (4) Whereas the Commission has been unable to ascertain in all the third countries concerned the compliance of their establishments with the Community requirements and the validity of the guarantees provided by the competent authorities;
- (5) Whereas, to make trade in minced meat and meat preparations from those countries possible, it is necessary to establish a list of the abovementioned establishments;

(6) Whereas provisional lists of establishments producing minced meat and meat preparations can thus be drawn up in accordance with the procedure laid down in Decision 95/408/EEC in respect of certain countries;

(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

1. The Member States shall authorise imports of minced meat and meat preparations from the establishments listed in the Annex hereto.

2. Imports of minced meat and meat preparations shall remain subject to the Community veterinary provisions adopted elsewhere.

Article 2

This Decision shall apply with effect from 20 October 1999.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 15 October 1999.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17.

⁽²⁾ OJ L 289, 28.10.1998, p. 36.

⁽³⁾ OJ L 146, 14.6.1979, p. 15.

⁽⁴⁾ OJ L 159, 25.6.1999, p. 56.

⁽⁵⁾ OJ L 368, 31.12.1994, p. 10.

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

LISTA DE LOS ESTABLECIMIENTOS — LISTE OVER VIRKSOMHEDER — VERZEICHNIS DER BETRIEBE — ΠΙΝΑΚΑΣ ΤΩΝ ΕΓΚΑΤΑΣΤΑΣΕΩΝ — LIST OF ESTABLISHMENTS — LISTE DES ÉTABLISSEMENTS — ELENCO DEGLI STABILIMENTI — LIJST VAN BEDRIJVEN — LISTA DOS ESTABELECIMENTOS — LUETTELO LAITOKSISTA — FÖRTECKNING ÖVER ANLÄGGNINGAR

Producto: carne picada y preparados de carne — Produkt: hakket kød og tilberedt kød — Erzeugnis: Hackfleisch/Faschiertes und Fleischzubereitungen — Προϊόν: κιμάδες και παρασκευάσματα κρέατος — Product: minced meat and meat preparations — Produit: viandes hachées et préparations de viande — Prodotto: carni macinate e preparazioni di carni — Product: gehakt vlees en vleesbereidingen — Produto: carnes picadas e preparados de carnes — Tuote: jauhettu liha ja lihavalmisteet — Varuslag: malet kött och köttberedningar

1 = Referencia nacional — National reference — Nationaler Code — Εθνικός αριθμός έγκρισης — National reference — Référence nationale — Riferimento nazionale — Nationale code — Referência nacional — Kansallinen referenssi — Nationell referens

2 = Nombre — Navn — Name — Τίτλος εγκατάστασης — Name — Nom — Nome — Naam — Nome — Nimi — Namn

3 = Ciudad — By — Stadt — Πόλη — Town — Ville — Città — Stad — Cidade — Kaupunki — Stad

4 = Región — Region — Region — Περιοχή — Region — Région — Regione — Regio — Região — Alue — Region

5 = Actividad — Aktivitet — Tätigkeit — Είδος εγκατάστασης — Activity — Activité — Attività — Activiteit — Actividade — Toimintamuoto — Verksamhet

MM = carne picada — hakket kød — Hackfleisch/Faschiertes — κιμάδων — minced meat — viandes hachées — carni macinate — gehakt vlees — carnes picadas — jauhettu liha — malet kött

MP = preparados de carne — tilberedt kød — Fleischzubereitungen — παρασκευάσμα κρέατος — meat preparations — préparations de viande — preparazioni di carni — vleesbereidingen — preparados de carnes — raakalihavalmisteet — köttberedningar

6 = Menciones especiales — Særlige bemærkninger — Besondere Bemerkungen — Ειδικές παρατηρήσεις — Special remarks — Mentions spéciales — Note particolari — Bijzondere opmerkingen — Menções especiais — Erikois-mainintoja — Anmärkningar

7 = * Países y establecimientos que cumplen todos los requisitos del apartado 1 del artículo 2 de la Decisión 95/408/CE del Consejo.

* Lande og virksomheder, der opfylder alle betingelserne i artikel 2, stk. 1, i Rådets beslutning 95/408/EF.

* Länder und Betriebe, die alle Anforderungen des Artikels 2 Absatz 1 der Entscheidung 95/408/EG des Rates erfüllen.

* Χώρες και εγκαταστάσεις που πληρούν τις προϋποθέσεις του άρθρου 2 παράγραφος 1 της απόφασης 95/408/ΕΚ του Συμβουλίου.

* Countries and establishments complying with all requirements of Article 2(1) of Council Decision 95/408/EC.

* Pays et établissements remplissant l'ensemble des dispositions de l'article 2, paragraphe 1, de la décision 95/408/CE du Conseil.

* Paesi e stabilimenti che ottemperano a tutte le disposizioni dell'articolo 2, paragrafo 1, della decisione 95/408/CE del Consiglio.

* Landen en inrichtingen die voldoen aan al de voorwaarden van artikel 2, lid 1, van Beschikking 95/408/EG van de Raad.

* Países e estabelecimentos que respeitam todas as exigências do n.º 1 do artigo 2.º da Decisão 95/408/CE do Conselho.

* Neuvoston päätöksen 95/408/EY 2 artiklan 1 kohdan kaikki vaatimukset täyttävät maat ja laitokset.

* Länder och anläggningar som uppfyller alla krav i artikel 2.1 i rådets beslut 95/408/EG.

País: **ARGENTINA** — Land: **ARGENTINA** — Land: **ARGENTINIEN** — Χώρα: **ΑΡΓΕΝΤΙΝΗ** — Country: **ARGENTINA** — Pays: **ARGENTINE** — Paese: **ARGENTINA** — Land: **ARGENTINIË** — País: **ARGENTINA** — Maa: **ARGENTIINA** — Land: **ARGENTINA**

1	2	3	4	5	6
13	Swift Armour SA	V. Gdor Gálvez	Santa Fe	MM, MP	7
18	Quickfood SA	Martínez	Santa Fe	MM, MP	7
1014	Quickfood SA	San Jorge	Santa Fe	MM, MP	7
1311	Frimat SA	Santa Fe	Santa Fe	MM, MP	7
1918	Cocarsa SA	San Fernando	Buenos Aires	MM, MP	7
1920	Rioplatense	Gral. Pacheco	Buenos Aires	MM, MP	7
2062	Finexcor SA	Bernal	Buenos Aires	MM, MP	7
2067	Cepa SA	Pontevedra	Buenos Aires	MM, MP	7
2082	Arre Beef SA	Pérez Millán	Buenos Aires	MM, MP	7
3235	MC Key Argentina SA	Garin	Buenos Aires	MM, MP	7

COMMISSION DECISION**of 19 October 1999****amending the information contained in the list in the Annex to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain coastal areas of the Community***(notified under document number C(1999) 3312)**(1999/711/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ⁽¹⁾,Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain coastal areas of the Community ⁽²⁾, as last amended by Regulation (EC) No 3410/93 ⁽³⁾, and in particular Article 3 thereof,

Whereas authorities of the Member States concerned have applied for the information in the list provided for in Article 10(3)(b) of Regulation (EC) No 894/97 to be amended; whereas the said authorities have provided all the information supporting their applications pursuant to Article 3 of Regulation (EEC) No 55/87; whereas it has been found that the information complies with the requirements and whereas,

therefore, the information in the list annexed to the Regulation should be amended,

HAS ADOPTED THIS DECISION:

Article 1

The information in the list annexed to Regulation (EEC) No 55/87 is amended as shown in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 132, 23.5.1997, p. 1.⁽²⁾ OJ L 8, 10.1.1987, p. 1.⁽³⁾ OJ L 310, 14.12.1993, p. 27.

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

A. **Datos que se retiran de la lista — Oplysninger, der skal slettes i listen — Aus der Liste herauszunehmende Angaben — Στοιχεία που διαγράφονται από τον κατάλογο — Information to be deleted from the list — Renseignements à retirer de la liste — Dati da togliere dall'elenco — Inlichtingen te schrappen uit de lijst — Informações a retirar da lista — Luettelosta poistettavat tiedot — Uppgifter som skall tas bort från förteckningen**

1	2	3	4	5
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ALEMANIA — TYSKLAND — DEUTSCHLAND — ΓΕΡΜΑΝΙΑ — GERMANY — ALLEMAGNE — GERMANIA — DUISLAND — ALEMANHA — SAKSA — TYSKLAND

LIST	2	Stör	DFAT	List	165
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ΠΑΪΣΕΣ ΒΑΙΟΣ — NEDERLANDENE — NIEDERLANDE — ΚΑΤΩ ΧΩΡΕΣ — NETHERLANDS — PAYS-BAS — PAESI BASSI — NEDERLAND — ΠΑΪΣΕΣ ΒΑΙΧΟΣ — ALANKOMAAT — NEDERLÄNDERNA

GO	27	Marjo		Goedereede	220
HA	4	Zeelandia		Harlingen	221
HA	30	Arcona	PGEU	Harlingen	221
HA	31	Innovatie		Harlingen	138
KW	72	Tina Adriana	PHYT	Katwijk	221
LO	20	Zwarte Arend	PIZQ	Ulrum-lauwersoog	134
OD	52	Jet	PIBF	Goedereede-Ouddorp	134
SL	16	Morgenster		Goedereede-Stellendam	165
TH	36	Izabella	PEXR	Tholen	221
TH	42	Erwin		Tholen	123
TS	7	Sabine		Terschelling	77
TX	12	Pionier	PGTN	Texel	221
UQ	8	Zeemeeuw		Usquert	95
UQ	15	Robert Klaas		Usquert	132
UQ	17	Atlantis		Usquert	169
VD	128	Johanna Paulina		Edam-Volendam	220
WK	119	Froukje		Workum	66
WL	4	Henderika		Westdongeradeel	175
WL	24	Leonardo		Westdongeradeel	94
WR	2	Carla Maria	PDHV	Wieringen	188
WR	68	Jan Cornelies	PEYX	Wieringen	221
YE	40	Dei Gracia	PIPF	Yerseke	221
IJM	18	Eben Haezer	PDUG	Ijmuiden	221
ZK	4	Genoat		Ulrum-Zoutkamp	188
ZK	35	Noordzee		Ulrum-Zoutkamp	221
ZK	41	Bornif		Ulrum-Zoutkamp	97
ZK	185	Noorderlicht		Ulrum-Zoutkamp	184
BR	35	Broedertrouw		Oostburg-Breskens	221
GO	64	Annewien		Goedereede	221
OD	31	Jan		Goedereede-Ouddorp	188
TH	34			Tholen	48
VLI	8	Esperanto		Vlissingen	221
WR	22	Barend Jan		Wieringen	221
ZK	16	Nordhavet		Ulrum-Zoutkamp	77
ZK	24	Soltkamp		Ulrum-Zoutkamp	198

B. Datos que se añaden a la lista — Oplysninger, der skal anføres i listen — In die Liste hinzuzufügende Angaben — Στοιχεία που προστίθενται στον κατάλογο — Information to be added to the list — Renseignements à ajouter à la liste — Dati da aggiungere all'elenco — Inlichtingen toe te voegen aan de lijst — Informações a aditar à lista — Luetteloon lisättävät tiedot — Uppgifter som skall läggas till i förteckningen

1	2	3	4	5
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ALEMANIA — TYSKLAND — DEUTSCHLAND — ΓΕΡΜΑΝΙΑ — GERMANY — ALLEMAGNE — GERMANIA — DUTSLAND — ALEMANHA — SAKSA — TYSKLAND

PEL	4	Stör	DFAT	List	165
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ΠΑΪΣΕΣ ΒΑΙΟΣ — NEDERLANDENE — NIEDERLANDE — ΚΑΤΩ ΧΩΡΕΣ — NETHERLANDS — PAYS-BAS — PAESI BASSI — NEDERLAND — ΠΑΪΣΕΣ ΒΑΙΧΟΣ — ALANKOMAA — NEDERLÄNDERNA

GO	65	Maartje	PDGH	Goedereede	221
HA	4	Tina		Harlingen	221
HA	31	Innovatie		Harlingen	221
HA	43	Silverpit	PIPF	Harlingen	221
HA	78	Eben Haezer	PDUG	Harlingen	221
HD	114	Assistant II		Den Helder	123
KW	72	Hendrik Leendert	PDWW	Katwijk	221
LE	64	Hoop op Zegen	PFUV	Lemmer	220
LO	18	Lyndinge		Ulrum-Lauwersoog	165
LO	20	Zwarte Arend	PIZQ	Ulrum-Lauwersoog	188
TH	11	Marjon		Tholen	220
TS	7	Sabine		Terschelling	97
TX	50	Deneb		Texel	66
UK	25	Jacob Senior	PGEU	Urk	221
UQ	8	Zeemeeuw		Usquert	132
UQ	15	Robert Klaas		Usquert	221
UQ	17	Atlantis		Usquert	221
VD	128	Johanna Paulina		Edam-Volendam	221
WL	3	Leonardo		Westdongeradeel	221
WL	4	Henderika		Westdongeradeel	200
WR	68	Jan Cornelis	PEXR	Wieringen	221
WR	78	Rianne	PGTN	Wieringen	221
WR	147	Zeven Gebroeders	PHYT	Wieringen	221
YE	68	Twee Gebroeders		Yerseke	134
YE	137	Wilhelmina		Yerseke	191
ZK	4	Bornrif		Ulrum-Zoutkamp	97
ZK	12	Pieter Dion	PDHV	Ulrum-Zoutkamp	188
ZK	35	Lauwersland	PFNT	Ulrum-Zoutkamp	221
ZK	39	Zeepaard		Ulrum-Zoutkamp	81
ZK	68	Albatros	PEYX	Ulrum-Zoutkamp	221
ZK	185	Noorderlicht		Ulrum-Zoutkamp	196

COMMISSION DECISION

of 19 October 1999

amending the information contained in the list in the Annex to Commission Regulation (EC) No 2851/98 establishing, for 1999, the list of vessels exceeding 8 m length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds 9 m

(notified under document number C(1999) 3313)

(1999/712/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3554/90 of 10 December 1990 adopting provisions for the establishment of the list of vessels exceeding 8 m length overall which are permitted to fish for sole within certain areas of the Community using beam trawls whose aggregate length exceeds 9 m ⁽²⁾, as amended by Regulation (EC) No 3407/93 ⁽³⁾, and in particular Article 2 thereof,

- (1) Whereas Commission Regulation (EC) No 2851/98 ⁽⁴⁾ establishes, for 1999, the list of vessels exceeding 8 m length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds 9 m, as provided for in Article 10(3)(c) of Regulation (EC) No 894/97;
- (2) Whereas authorities of the Member States concerned have applied for the information in the above list to be amended; whereas the said authorities have provided all

the information supporting their applications under Article 2 of Regulation (EEC) No 3554/90; whereas it has been found that the information complies with the requirements; whereas, therefore, the information in the list annexed to the Regulation should be amended,

HAS ADOPTED THIS DECISION:

Article 1

The information in the list annexed to Regulation (EC) No 2851/98 is amended as shown in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 132, 23.5.1997, p. 1.

⁽²⁾ OJ L 346, 11.12.1990, p. 11.

⁽³⁾ OJ L 310, 14.12.1993, p. 19.

⁽⁴⁾ OJ L 358, 30.12.1998, p. 45.

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

A. Datos que se retiran de la lista — Oplysninger, der skal slettes i listen — Aus der Liste herauszunehmende Angaben — Στοιχεία που διαγράφονται από τον κατάλογο — Information to be deleted from the list — Renseignements à retirer de la liste — Dati da togliere dall'elenco — Inlichtingen te schrappen uit de lijst — Informações a retirar da lista — Luettelosta poistettavat tiedot — Uppgifter som skall tas bort från förteckningen

1	2	3	4	5
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ΠΑΪΣΕΣ ΒΑΙΟΣ — NEDERLANDENE — NIEDERLANDE — ΚΑΤΩ ΧΩΡΕΣ — NETHERLANDS — PAYS-BAS — PAESI BASSI — NEDERLAND — PAΪΣΕΣ ΒΑΙΧΟΣ — ALANKOMAAAT — NEDERLÄNDERNA

GO	27	Marjo		Goedereede	220
ZK	41	Bornrif		Ulrum-Zoutkamp	97

ALEMANIA — TYSKLAND — DEUTSCHLAND — ΓΕΡΜΑΝΙΑ — GERMANY — ALLEMAGNE — GERMANIA — DUTSLAND — ALEMANHA — SAKSA — TYSKLAND

LIST	2	Stör	DFAT	List	165
SK	20	Unternehmung	—	Kiel	219
SH	3	Stelle Polaris	DMJZ	Heiligenhafen	220
SH	9	Glaube	DMJY	Heiligenhafen	220
SC	19	Bonafide	DIYT	Büsum	221
SC	20	Wiking Bank	DISA	Büsum	220
SC	28	Doggerbank	DIZL	Büsum	220
SC	35	Jakob Senior	DIRY	Büsum	221
SC	41	Osterems	DIQR	Büsum	220
SC	42	Westerems	DIQN	Büsum	220
SC	45	Marijtje Keuter	DIYU	Büsum	221

B. Datos que se añaden a la lista — Oplysninger, der skal anføres i listen — In der Liste hinzuzufügende Angaben — Στοιχεία που προστίθενται στον κατάλογο — Information to be added to the list — Renseignements à ajouter à la liste — Dati da aggiungere all'elenco — Inlichtingen toe te voegen aan de lijst — Informações a aditar à lista — Luetteloon lisättävät tiedot — Uppgifter som skall läggas till i förteckningen

1	2	3	4	5
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ΠΑΪΣΕΣ ΒΑΙΟΣ — NEDERLANDENE — NIEDERLANDE — ΚΑΤΩ ΧΩΡΕΣ — NETHERLANDS — PAYS-BAS — PAESI BASSI — NEDERLAND — PAΪΣΕΣ ΒΑΙΧΟΣ — ALANKOMAAAT — NEDERLÄNDERNA

ZK	4	Bornrif	—	Ulrum-Zoutkamp	97
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ALEMANIA — TYSKLAND — DEUTSCHLAND — ΓΕΡΜΑΝΙΑ — GERMANY — ALLEMAGNE — GERMANIA — DUTSLAND — ALEMANHA — SAKSA — TYSKLAND

PEL	4	Stör	DFAT	Pellworm	165
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COMMISSION DECISION

of 21 October 1999

amending Decision 98/653/EC concerning emergency measures made necessary by the occurrence of bovine spongiform encephalopathy in Portugal

(notified under document number C(1999) 3376)

(Text with EEA relevance)

(1999/713/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10(4) thereof,

(1) Whereas Decision 98/653/EC of 18 November 1998 concerning emergency measures made necessary by the occurrence of bovine spongiform encephalopathy in Portugal ⁽³⁾, as amended by Decision 1999/517/EC ⁽⁴⁾, prohibits the dispatch from Portugal of live bovine animals, including fighting bulls; whereas Portugal has requested a derogation to allow the dispatch of fighting bulls; whereas the mission carried out in Portugal by the Food and Veterinary Office of the Commission from 22 February to 3 March 1999 concluded that it cannot be excluded that fighting bulls have been exposed to BSE contaminated feed; whereas, nevertheless, it recommended that the dispatch of fighting bulls could be allowed subject to appropriate controls and destruction of the animals after the fight in the Member State of destination ensuring that the carcasses do not end up in the food or feed chain;

(2) Whereas Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport ⁽⁵⁾, as last amended by Council Directive 95/29/EC ⁽⁶⁾, lays down rules for the transportation of animals, in particular on maximum journey times and the handling of animals during transport;

(3) Whereas Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters ⁽⁷⁾, and in particular Article 10

thereof, lays down the rules for the communication by the competent authorities in the Member States to the Commission of information on operations, which are, or appear to be, contrary to Decision 98/653/EC and which are of particular interest at Community level;

(4) Whereas Directive 90/425/EEC requires the Member State of destination to take appropriate measures in case of irregularities; whereas protocols should be laid down for such measures in the Member States of destination;

(5) Whereas Decision 98/653/EC should be amended accordingly;

(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

Decision 98/653/EC is amended as follows:

1. Article 3 is replaced by the following:

'Article 3

1. By way of derogation from Article 2, Portugal may authorise the dispatch from its territory to:

(a) other Member States or to third countries of food destined for domestic carnivores containing material referred to in Article 2(b) provided that the material did not originate from Portugal and that the conditions laid down in Articles 8 and 9 are complied with;

(b) other Member States of material referred to in Article 2(b) and (c) for the purpose of incineration in accordance with the conditions laid down in Annex I;

(c) other Member States of fighting bulls in accordance with the conditions laid down in Annex II.

2. The derogation provided for in paragraph 1(b) or paragraph 1(c) shall apply only if the Member State of destination has authorised the receipt of the material or the animals referred to therein.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 311, 20.11.1998, p. 23.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 45.

⁽⁵⁾ OJ L 340, 11.12.1991, p. 17.

⁽⁶⁾ OJ L 148, 30.6.1995, p. 52.

⁽⁷⁾ OJ L 351, 2.2.1989, p. 34.

3. Member States of destination shall inform the Commission and the other Member States of the list of incineration plants authorised to receive the material referred to in paragraph 1(b) and the list of bullfight arenas and connected premises authorised to receive fighting bulls.

4. The Member State of destination shall ensure that the material referred to in paragraph 1(b) is incinerated in accordance with Annex I and that fighting bulls, after having been used for the purpose as referred to in Annex II, are incinerated.

5. The Member State of destination shall keep full records demonstrating compliance with the Article.

6. The Commission, after having verified on-the-spot in the Member State of destination the application, as appropriate, of the provisions of this Article on the basis of a Community inspection and after having informed the Member States, shall set the date on which the dispatch of the material referred to in paragraph 1(b) may commence.

7. The Commission, after having assessed the protocols referred to in Annex II point 13 and after having informed the Member States, shall set the date on which the dispatch of the fighting bulls may commence.'

2. In Article 5(1)(a), 'Annex II' is replaced by 'Annex III'.

3. The present Annex II to Decision 98/653/EC becomes 'Annex III' and Annex II as set out in the Annex to this Decision is inserted.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 October 1999.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'ANNEX II

Conditions for the dispatch of fighting bulls as referred to in Article 3(1)(c)

1. Male bovine animals may be dispatched from Portugal for the purpose of bullfights in application of Article 3(1)(c) when those animals are certified to meet the conditions laid down in point (3) and come from herds in which no case of BSE has occurred in the last seven years and which are certified to meet the conditions laid down in point 2. The competent authorities shall ensure that the conditions with respect to the controls set out in this Annex are complied with.

Herd conditions

2. (a) A herd is a group of animals forming a separate and distinct unit, that is a group of animals which were managed, housed and kept separately from any other group of animals and which were identified with unique herd and animal identification numbers.
- (b) A herd is eligible where for at least seven years there has been no confirmed case of BSE, nor a suspect case for which the diagnosis of BSE has not been ruled out, in any animal which was still in or had moved through or from the herd.

Animal conditions

3. A bovine animal is eligible if:
 - (a) it has been clearly identifiable throughout its life, enabling it to be traced back to the herd and dam of origin;
 - (b) its dam has lived at least six months after its birth;
 - (c) its dam has not developed BSE and is not suspected of having contracted BSE;
 - (d) the herd of birth of the animal and all herds through which it has ever moved are eligible.

Transport

4. Section C of the health certificate referred to in Annex F, Model I of Council Directive 64/432/EEC⁽¹⁾ shall be supplemented by the following words:

"The animals comply with the conditions laid down in Commission Decision 98/653/EC, Annex II, points 1,2 and 3."
5. The animals must be transported in sealed vehicles and conveyed directly to a bullfight arena or connected premises as referred to in Article 3(3).
6. The transport must be arranged in such a way that the animals can be transported in compliance with the rules of Council Directive 91/628/EEC without breaking the seal. In exceptional cases the seal may be broken for reasons of animal welfare. In such cases an official veterinarian must be called immediately on-the-spot to identify the animals and reseal the vehicle.
7. Portugal must inform by means of the ANIMO system the competent authority of the place of destination and all Member States of transit of each consignment. The words "Fighting bulls in accordance with Article 3 of Commission Decision 98/653/EC" must be contained in the ANIMO message.

Measures in the Member State of destination

8. The Member State of destination must inform the competent authority of the place of origin of the arrival of the consignment by sending a copy of the official certificate as referred to in point 4, signed by the competent authority of the place of destination, to the competent authority of the place of origin by fax or any other means.
9. The animals must be kept in isolated connected premises as referred to in point 5 before the bull fight.
10. If the animals are not killed in the event, they must be killed immediately after the bull fight and in any case within 10 days on arrival.
11. The carcasses of the animals must be destroyed by incineration.

⁽¹⁾ OJ 121, 29.7.1964, p. 1977/64.

12. The transport vehicles and all connected premises where the fighting bulls are kept must be cleansed and disinfected immediately after removal of the animals.
 13. The Member State of destination must have detailed protocols in place covering:
 - (a) controls on arrival of each animal, in particular unsealing of transport vehicles, certificates and identification of animals;
 - (b) ANIMO messages and the measures referred to in point 8;
 - (c) controls on the keeping and handling of the animals before, during and after the event;
 - (d) controls that the animals are killed and that the carcasses and all other body parts including the hide are destroyed by incineration, and that they do not end up in the food or feed chain or in fertilisers;
 - (e) cleansing and disinfection of the transport vehicles and the connected premises where the animals are kept;
 - (f) records at the bullfight arena and connected premises;
 - (g) measures in case of irregularities.'
-

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 2283/1999 of 28 October 1999, fixing the export refunds on milk and milk products**

(Official Journal of the European Communities L 279 of 29 October 1999)

On page 34, Annex, Product code '0402 21 19 9500', column 'Amount of refund':
for: '108,48',
read: '108,49'.
