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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 703/98
of 17 March 1998**

suspending certain concessions set out in Regulation (EC) No 3066/95 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on agriculture concluded during the Uruguay Round multilateral trade negotiations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, pending approval of the Additional Protocols to the Europe Agreements adjusting certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on agriculture concluded during the Uruguay Round multilateral trade negotiations, the Community has granted through Regulation (EC) No 3066/95 ⁽¹⁾ in an autonomous and anticipated way concessions analogous to those foreseen in the Additional Protocols to those countries which were prepared to grant reciprocal treatment to the Community, that is *inter alia* the Czech Republic;

Whereas, since 29 January 1998 and despite various attempts by the Community to achieve a negotiated settlement of the problem, the Czech Republic has unilaterally increased the import duties for certain agricultural products originating in the Community; whereas this measure is not compatible with the abovementioned condition of reciprocal treatment; whereas, as a consequence of this measure, the export of the products concerned to the Czech Republic is likely to be seriously restricted;

Whereas, under the Europe Agreement establishing an association between the European Communities and their Member States, on the one part, and the Czech Republic, of the other part ⁽²⁾, this situation would give rise to the application of Article 117, paragraph 2 thereof; whereas, however, the said Article 117 is not applicable to the concessions granted autonomously by Regulation (EC) No 3066/95;

Whereas, pending the approval of the Additional Protocol to the Europe Agreement, which will set out concessions identical to those provided for by Regulation (EC) No 3066/95, it is appropriate to protect the Community's trade interests by autonomously suspending in an equivalent way certain of the concessions set out in the said Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to import licences already issued, the following concessions set out in Annex IV to Regulation (EC) No 3066/95 are hereby suspended.

⁽¹⁾ OJ L 328, 30. 12. 1995, p. 31. Regulation as last amended by Regulation (EC) No 1595/97 (OJ L 216, 8. 8. 1997, p. 1).

⁽²⁾ OJ L 360, 31. 12. 1994, p. 1.

Order No	CN code	Description (1)	Rate of duty applicable (2) (% of MFN)	Annual quantities				Specific provisions
				From 1. 7. 1997 to 30. 6. 1998 (tonnes)	From 1. 7. 1998 to 30. 6. 1999 (tonnes)	From 1. 7. 1999 to 30. 6. 2000 (tonnes)	From 1. 7. 2000 (tonnes)	
09.4621	0103 92 19	Live swine, domestic species	20	5 830	6 095	6 360	6 625	(6)
	0203 11 10	Meat of domestic swine						
	0203 12 11							
	0203 12 19							
	0203 19 11							
	0203 19 13							
	0203 19 15							
	0203 19 55							
	0203 19 59							
	0203 21 10							
	0203 22 11							
	0203 22 19							
	0203 29 11							
	0203 29 13							
	0203 29 15							
	0203 29 55							
	0203 29 59							
1602 41 10	Prepared/pressed hams of domestic swine	(6)						
1602 42 10	Prepared/pressed shoulders of domestic swine							
1602 49	Other, of domestic swine							
09.4622	0207 11	Chicken carcasses, fresh, chilled or frozen	20	2 860	2 990	3 120	3 250	
	0207 12	Cuts of fowls of the Species <i>Gallus domesticus</i>						
	0207 13 50							
	0207 13 60							
	0207 14 50							
	0207 14 60							
09.4609	0207 13 10	Boneless cuts of fowls of the species <i>Gallus domesticus</i>	20	2 530	2 645	2 760	2 875	
	0207 14 10							
09.4601	0207 32 11	Ducks	20	550	575	600	625	
	0207 32 15							
	0207 32 19							
	0207 33 11							
	0207 33 19							
	ex 0207 35 15	Fresh, chilled or frozen boneless cuts of ducks						
	ex 0207 36 15							
	ex 0207 35 53	Fresh, chilled or frozen duck breasts and cuts thereof, with bone in						
	ex 0207 36 53							
ex 0207 35 63	Fresh, chilled or frozen duck legs and cuts thereof, with bone in							
ex 0207 36 63								
09.5301	0207 32 51	Geese	20	1 430	1 495	1 560	1 625	
	0207 32 59							
	0207 33 51							
	0207 33 59							
	0207 35 11							
	0207 35 23							
	0207 35 51							
	0207 35 61							
	0207 36 11							
	0207 36 23							
	0207 36 51							
	0207 36 61							
	ex 0207 35 31	Whole wings of geese, with or without tips, fresh, chilled or frozen						
	ex 0207 36 31							
	ex 0207 35 41	Backs, necks, backs with necks attached, rumps and wing tips, of geese, fresh, chilled or frozen						
	ex 0207 36 41							
	ex 0207 35 71	Goose paletots, fresh, chilled or frozen						
	ex 0207 36 71							

Order No	CN code	Description ⁽¹⁾	Rate of duty applicable ⁽²⁾ (% of MFN)	Annual quantities				Specific provisions
				From 1. 7. 1997 to 30. 6. 1998 (tonnes)	From 1. 7. 1998 to 30. 6. 1999 (tonnes)	From 1. 7. 1999 to 30. 6. 2000 (tonnes)	From 1. 7. 2000 (tonnes)	
09.4610	0207 25 10 0207 25 90 0207 26 10 0207 26 50 0207 27 10 0207 27 50	Turkeys	20	440	460	480	500	
	2009 70 30 2009 70 93 2009 70 99 2009 80 99	Apple juice Apple juice Apple juice Blackcurrant juice	48 48 48 36	Unlimited	Unlimited	Unlimited	Unlimited	

⁽¹⁾ Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of products should be regarded as indicative; the applicability of the preferential arrangements is determined, in the context of this Annex, by the coverage of the CN codes. Where ex CN codes are mentioned, the applicability of preferential arrangements is determined on the basis of the CN code and the corresponding description considered together.

⁽²⁾ In cases where an MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.

⁽⁶⁾ Excluding tenderloin presented alone.

2. The Commission may, in the light of further developments in trade with the Czech Republic, extend, in accordance with the procedures laid down in Article 8 of Regulation (EC) No 3066/95, the measure set out in paragraph 1 to the following products.

Order No	CN code	Description ⁽¹⁾	Rate of duty applicable ⁽²⁾ (% of MFN)	Annual quantities				Specific provisions
				From 1. 7. 1997 to 30. 6. 1998 (tonnes)	From 1. 7. 1998 to 30. 6. 1999 (tonnes)	From 1. 7. 1999 to 30. 6. 2000 (tonnes)	From 1. 7. 2000 (tonnes)	
09.4611	0402 10 19 0402 21 19 0402 21 91	Skimmed milk powder Whole milk powder Whole milk powder	20	2 530	2 645	2 760	2 875	
09.4612	0405 10 11 0405 10 19 0405 10 30 0405 10 50	Butter	20	1 100	1 150	1 200	1 250	
09.4613	0406	Cheese and curd	20	1 760	1 840	1 920	2 000	

Article 2

When reciprocity is re-established, the Commission shall repeal the measures set out in Article 1, in accordance with the procedures laid down in Article 8 of Regulation (EC) No 3066/95.

Article 3

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

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

Done at Brussels, 17 March 1998.

For the Council
The President
 G. STRANG

COMMISSION REGULATION (EC) No 704/98
of 30 March 1998
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 2375/96 ⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 March 1998.

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

Done at Brussels, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 30 March 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	99,7
	204	77,7
	212	108,6
	624	121,5
	999	101,9
0709 90 70	052	123,8
	204	137,7
	999	130,8
0805 10 10, 0805 10 30, 0805 10 50	052	36,2
	204	32,1
	212	41,8
	400	46,3
	600	53,1
	624	50,5
	999	43,3
0805 30 10	600	93,7
	999	93,7
0808 10 20, 0808 10 50, 0808 10 90	060	39,0
	388	93,3
	400	97,7
	404	99,4
	508	77,5
	512	93,3
	524	95,1
	528	86,9
	720	144,0
	999	91,8
0808 20 50	388	67,4
	400	75,8
	512	74,0
	528	80,4
	720	66,4
	999	72,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 705/98**of 30 March 1998****amending Regulation (EC) No 1466/95 laying down special detailed rules of application for export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(14) thereof,

Whereas Commission Regulation (EC) No 1466/95 ⁽³⁾, as last amended by Regulation (EC) No 2497/97 ⁽⁴⁾, lays down special detailed rules of application for export refunds on milk and milk products; whereas Commission Regulation (EC) No 1913/97 ⁽⁵⁾ amending Regulation (EC) No 1466/95 varies the refunds granted on exported cheese by destination zones; whereas it makes the destination set out in the export licence compulsory while permitting refunds to be granted on exports to another destination within the same zone; whereas experience has shown that those provisions can result in the rejection of licences by customs where the actual destination is different from that set out in the export licence, even where both destinations are within the same destination zone; whereas the provisions concerned should be clarified;

Whereas Article 12 of Regulation (EC) No 1466/95 describes the way refunds on milk products containing added sugar are to be calculated; whereas there are two different methods of calculation for sweetened condensed milk depending on the fat content of the product; whereas, with a view to harmonising and simplifying the calculation methods and the export refund nomenclature, only one method should be used to determine the refund per kilogram of lactic matter;

Whereas refunds on such products, and in particular the measures to ensure compliance with commitments concerning exports under GATT, would be easier to administer if a maximum quantity of incorporated sucrose

on which a refund may be granted were to be fixed; whereas 40 % by weight of whole product is representative of the sucrose content of such products;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1466/95 is hereby amended as follows:

1. Article 11(2) is replaced by the following:

‘2. Box 20 of licence applications and licences covered by the second indent of paragraph 1 shall bear the following entry: “Licence valid for Zone ... as defined in Article 11(3) of Regulation (EC) No 1466/95”.

Where the product does not reach the destination set out in box 7 of the licence and, notwithstanding Article 21(2) of Regulation (EEC) No 3665/87, where the actual destination is in the same zone, the refund in accordance with Article 20(3) of Regulation (EEC) No 3665/87 shall be paid.

Where the actual destination is in another zone, no refund shall be granted.’;

2. Article 12 is amended as follows:

(a) paragraph 1(b) is replaced by the following:

‘(b) a component representing the quantity of added sucrose up to a maximum of 40 % by weight of whole product.’;

(b) paragraphs 2 and 3 are replaced by the following:

‘2. The component referred to in paragraph 1(a) shall be calculated by multiplying the basic amount by the milk product content of the product concerned.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ L 345, 16. 12. 1997, p. 12.

⁽⁵⁾ OJ L 268, 1. 10. 1997, p. 27.

The basic amount referred to in the first subparagraph shall be the refund on one kilogram of milk products contained in the whole product.

products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81 (*).

(*) OJ L 177, 1. 7. 1981, p. 4.

Article 2

3. The component referred to in paragraph 1(b) shall be calculated by multiplying the sucrose content of the whole product, up to a maximum of 40 %, by the basic amount of the refund applicable on the day the licence application is lodged for the

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

It shall apply from 1 April 1998 to licence applications submitted from that date.

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

Done at Brussels, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 706/98

of 30 March 1998

amending Regulation (EC) No 2604/97 concerning prior Community surveillance of imports of certain iron and steel products covered by the ECSC and EC Treaties originating in certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports and repealing Regulation (EC) No 518/94 ⁽¹⁾, as last amended by Regulation (EC) No 2315/96 ⁽²⁾, and in particular Article 11 thereof,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 847/97 ⁽⁴⁾, and in particular Article 9(1) thereof,

Consultations having taken place within the committees set up under the Regulations referred to above,

Whereas by Commission Regulation (EC) No 2604/97 ⁽⁵⁾, imports into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Community are subject to *a priori* Community surveillance for the period 1 January to 31 December 1998;

Whereas by Decision No 1/95 of the EC-Turkey Association Council ⁽⁶⁾, the Association Council laid down the rules for implementing the final phase of the Customs Union in respect of products subject to the EC Treaty;

Whereas in view of that Decision it is appropriate to remove from the scope of Regulation (EC) No 2604/97 all steel products subject to the EC Treaty, which originate in Turkey;

Whereas consultations have taken place within the EC-Turkey Customs Union Joint Committee; whereas Turkey has agreed to establish corresponding arrangements in respect of imports into Turkey from third countries of those products listed in Annex I to the Regulation which are subject to the EC Treaty;

Whereas Annex I to Regulation (EC) No 2604/97 should be amended in order to distinguish those products which are subject to the EC Treaty,

Article 1

Article 1(1) Regulation (EC) No 2604/97 is hereby amended as follows:

‘1. From 1 January 1998, the release for free circulation in the Community of iron and steel products covered by the ECSC and EC Treaties listed in Annex I shall be subject to prior Community surveillance in accordance with Articles 11 and 12 of Regulation (EC) No 3285/94 and Articles 9 and 10 of Regulation (EC) No 519/94. This applies to imports originating in all non-member countries other than in respect of (a) products originating in countries of the European Free Trade Association (EFTA) or in countries which are parties to the Agreement on the European Economic Area (EEA), and (b) EC Treaty products originating in Turkey, which are subject to the provisions of the EC-Turkey Customs Union. Products which are subject to a double-checking surveillance agreement established between a non-member country and the Community shall be subject to the conditions established by that agreement and not to the present Regulation.’

Article 2

Annex I to Regulation (EC) No 2604/97 is amended by the Annex hereto which identifies those products that are covered by the EC Treaty.

Article 3

Annex II to Regulation (EC) No 2604/97 is amended in respect of the details for the Portuguese licensing office as follows:

- delete: ‘Direcção-Geral do Comércio’,
- insert: ‘Ministério da Economia
Direcção-Geral das Relações Económicas Internacionais’.

Article 4

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

⁽¹⁾ OJ L 349, 31. 12. 1994, p. 53.

⁽²⁾ OJ L 314, 4. 12. 1996, p. 1.

⁽³⁾ OJ L 67, 10. 3. 1994, p. 89.

⁽⁴⁾ OJ L 122, 14. 5. 1997, p. 1.

⁽⁵⁾ OJ L 351, 23. 12. 1997, p. 28.

⁽⁶⁾ OJ L 35, 13. 2. 1996, p. 1.

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

Done at Brussels, 30 March 1998.

For the Commission

Leon BRITTAN

Vice-President

ANNEX

ANNEX I

LIST OF PRODUCTS SUBJECT TO PRIOR SURVEILLANCE (1998)

7208 10 00	7210 12 19	7213 91 10	7225 11 00
7208 25 00	7210 20 10	7213 91 20	7225 19 10
7208 26 00	7210 30 10	7213 91 41	7225 19 90
7208 27 00	7210 41 10	7213 91 49	7225 20 20
7208 36 00	7210 49 10	7213 91 70	7225 30 00
7208 37 10	7210 50 10	7213 91 90	7225 40 80
7208 37 90	7210 61 10	7213 99 10	
7208 38 10	7210 69 10	7213 99 90	7226 11 10
7208 38 90	7210 70 31		7226 11 90 ⁽¹⁾
7208 39 10	7210 70 39	7214 20 00	7226 19 10
7208 39 90	7210 90 31	7214 30 00	7226 19 30
7208 40 10	7210 90 33	7214 91 10	7226 19 90 ⁽¹⁾
7208 40 90	7210 90 38	7214 91 90	
7208 51 10		7214 99 10	7228 10 10
7208 51 30		7214 99 31	7228 10 30
7208 51 50	7211 13 00	7214 99 39	7228 20 11
7208 51 91	7211 14 10	7214 99 50	7228 20 19
7208 51 99	7211 14 90	7214 99 61	7228 20 30
7208 52 10	7211 19 20	7214 99 69	7228 30 20
7208 52 91	7211 19 90	7214 99 80	7228 30 41
7208 52 99	7211 23 10	7214 99 90	7228 30 49
7208 53 10	7211 23 51		7228 30 61
7208 53 90	7211 23 91 ⁽¹⁾	7215 90 10	7228 30 69
7208 54 10	7211 23 99 ⁽¹⁾		7228 30 70
7208 54 90	7211 29 20	7216 10 00	7228 30 89
7208 90 10	7211 29 50 ⁽¹⁾	7216 21 00	7228 60 10
7209 15 00	7211 29 90 ⁽¹⁾	7216 22 00	7228 70 10
7209 16 10	7211 90 11	7216 31 11	7228 70 31
7209 16 90	7211 90 90 ⁽¹⁾	7216 31 19	7228 80 10
7209 17 10		7216 31 91	7228 80 90
7209 17 90	7212 10 10	7216 31 99	
7209 18 10	7212 10 91	7216 32 11	7301 10 00
7209 18 91	7212 20 11	7216 32 19	
7209 18 99	7212 30 11	7216 32 91	Complete
7209 25 00	7212 40 10	7216 32 99	CN heading 7304 ⁽¹⁾
7209 26 10	7212 40 91	7216 33 10	
7209 26 90	7212 50 31	7216 33 90	Complete
7209 27 10	7212 50 51	7216 40 10	CN heading 7306 ⁽¹⁾
7209 27 90	7212 60 11	7216 40 90	
7209 28 10	7212 60 91	7216 50 10	7307 93 11 ⁽¹⁾
7209 28 90		7216 50 91	7307 93 19 ⁽¹⁾
7209 90 10		7216 50 99	7307 99 30 ⁽¹⁾
7210 11 10	7213 10 00	7216 99 10	7307 99 90 ⁽¹⁾
7210 12 11	7213 20 00		

⁽¹⁾ Products covered by the EC Treaty.

COMMISSION REGULATION (EC) No 707/98**of 30 March 1998****amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(14) thereof,

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 409/98 ⁽⁴⁾, establishes an agricultural product nomenclature for export refunds based on the Combined Nomenclature; whereas the footnotes to Sector 9 of the Annex to that Regulation lay down rules to be followed when granting and calculating refunds; whereas there are special rules on the granting and calculation of refunds on the products covered by CN codes 0401 and 0402 where these involve mixtures of products or products containing added matter; whereas, in accordance with note 1 of Chapter 4 of the Combined Nomenclature and the Harmonised System Explanatory Notes, products covered by CN codes 0401 and 0402 cannot comprise mixtures or contain added matter other than that mentioned;

Whereas, for the purposes of determining the refund applicable to certain products containing added matter, the fat content by weight is to be calculated exclusive of the weight of non-lactic matter and of added lactic matter not eligible for the refund; whereas that provision may result in some confusion as regards the tariff classification of such products; whereas it should accordingly be deleted;

Whereas the refunds on concentrated milk products containing added sugar are calculated in two different ways; whereas, for the sake of harmonising calculations and simplifying the nomenclature, a single method of calculation should be used and footnote 5 should be deleted; whereas the footnotes should be adapted accordingly;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Sector 9 of the Annex to Regulation (EEC) No 3846/87 is hereby amended as follows:

1. the particulars relating to CN codes 0401 to 0404 are replaced by those in Annex I hereto;
2. the footnotes are replaced by those in Annex II hereto.

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 1 April 1998 to licence applications submitted from that date.

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

Done at Brussels, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ L 55, 25. 2. 1998, p. 1.

ANNEX I

9. Milk and milk products

CN code	Description of goods	Product code
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:	
0401 10	— Of a fat content, by weight, not exceeding 1 %:	
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000
0401 10 90	— — Other	0401 10 90 9000
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:	
	— — Not exceeding 3 %:	
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres:	
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500
0401 20 19	— — — Other:	
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500
	— — Exceeding 3 %:	
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres:	
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 91 9500
0401 20 99	— — — Other:	
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 99 9500
0401 30	— Of a fat content, by weight, exceeding 6 %:	
	— — Not exceeding 21 %:	
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres:	
	— — — — Of a fat content, by weight:	
	— — — — — Not exceeding 10 %	0401 30 11 9100
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 11 9400
	— — — — — Exceeding 17 %	0401 30 11 9700
0401 30 19	— — — Other:	
	— — — — Of a fat content, by weight:	
	— — — — — Not exceeding 10 %	0401 30 19 9100
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 19 9400
	— — — — — Exceeding 17 %	0401 30 19 9700
	— — Exceeding 21 % but not exceeding 45 %:	
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres:	
	— — — — Of a fat content, by weight:	
	— — — — — Not exceeding 35 %	0401 30 31 9100
	— — — — — Exceeding 35 % but not exceeding 39 %	0401 30 31 9400
	— — — — — Exceeding 39 %	0401 30 31 9700
0401 30 39	— — — Other:	
	— — — — Of a fat content, by weight:	
	— — — — — Not exceeding 35 %	0401 30 39 9100
	— — — — — Exceeding 35 % but not exceeding 39 %	0401 30 39 9400
	— — — — — Exceeding 39 %	0401 30 39 9700
	— — Exceeding 45 %:	
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres:	
	— — — — Of a fat content, by weight:	
	— — — — — Not exceeding 68 %	0401 30 91 9100
	— — — — — Exceeding 68 % but not exceeding 80 %	0401 30 91 9400
	— — — — — Exceeding 80 %	0401 30 91 9700

CN code	Description of goods	Product code
0401 30 99	— — — Other:	
	— — — — Of a fat content, by weight:	
	— — — — — Not exceeding 68 %	0401 30 99 9100
	— — — — — Exceeding 68 % but not exceeding 80 %	0401 30 99 9400
	— — — — — Exceeding 80 %	0401 30 99 9700
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter ⁽¹³⁾ :	
ex 0402 10	— In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % ⁽¹¹⁾ :	
	— — Not containing added sugar or other sweetening matter:	
0402 10 11	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000
0402 10 19	— — — Other	0402 10 19 9000
	— — Other ⁽¹⁴⁾ :	
0402 10 91	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000
0402 10 99	— — — Other	0402 10 99 9000
	In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % ⁽¹¹⁾ :	
ex 0402 21	— — Not containing added sugar or other sweetening matter:	
	— — — Of a fat content, by weight, not exceeding 27 %:	
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:	
	— — — — — Of a fat content, by weight:	
	— — — — — — Not exceeding 11 %	0402 21 11 9200
	— — — — — — Exceeding 11 % but not exceeding 17 %	0402 21 11 9300
	— — — — — — Exceeding 17 % but not exceeding 25 %	0402 21 11 9500
	— — — — — — Exceeding 25 %	0402 21 11 9900
	— — — — — Other:	
0402 21 17	— — — — — Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000
0402 21 19	— — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:	
	— — — — — — Not exceeding 17 %	0402 21 19 9300
	— — — — — — Exceeding 17 % but not exceeding 25 %	0402 21 19 9500
	— — — — — — Exceeding 25 %	0402 21 19 9900
	— — — — — Of a fat content, by weight, exceeding 27 %:	
0402 21 91	— — — — — In immediate packings of a net content not exceeding 2,5 kg:	
	— — — — — Of a fat content, by weight:	
	— — — — — — Not exceeding 28 %	0402 21 91 9100
	— — — — — — Exceeding 28 % but not exceeding 29 %	0402 21 91 9200
	— — — — — — Exceeding 29 % but not exceeding 41 %	0402 21 91 9300
	— — — — — — Exceeding 41 % but not exceeding 45 %	0402 21 91 9400
	— — — — — — Exceeding 45 % but not exceeding 59 %	0402 21 91 9500
	— — — — — — Exceeding 59 % but not exceeding 69 %	0402 21 91 9600
	— — — — — — Exceeding 69 % but not exceeding 79 %	0402 21 91 9700
	— — — — — — Exceeding 79 %	0402 21 91 9900
0402 21 99	— — — — — Other:	
	— — — — — Of a fat content, by weight:	
	— — — — — — Not exceeding 28 %	0402 21 99 9100
	— — — — — — Exceeding 28 % but not exceeding 29 %	0402 21 99 9200
	— — — — — — Exceeding 29 % but not exceeding 41 %	0402 21 99 9300
	— — — — — — Exceeding 41 % but not exceeding 45 %	0402 21 99 9400
	— — — — — — Exceeding 45 % but not exceeding 59 %	0402 21 99 9500
	— — — — — — Exceeding 59 % but not exceeding 69 %	0402 21 99 9600
	— — — — — — Exceeding 69 % but not exceeding 79 %	0402 21 99 9700
	— — — — — — Exceeding 79 %	0402 21 99 9900
ex 0402 29	— — Other ⁽¹⁴⁾ :	
	— — — Of a fat content, by weight, not exceeding 27 %:	
	— — — — Other:	

CN code	Description of goods	Product code
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg:	
	— — — — — — Of a fat content, by weight:	
	— — — — — — — Not exceeding 11 %	0402 29 15 9200
	— — — — — — — Exceeding 11 % but not exceeding 17 %	0402 29 15 9300
	— — — — — — — Exceeding 17 % but not exceeding 25 %	0402 29 15 9500
	— — — — — — — Exceeding 25 %	0402 29 15 9900
0402 29 19	— — — — — Other:	
	— — — — — — Of a fat content, by weight:	
	— — — — — — — Not exceeding 11 %	0402 29 19 9200
	— — — — — — — Exceeding 11 % but not exceeding 17 %	0402 29 19 9300
	— — — — — — — Exceeding 17 % but not exceeding 25 %	0402 29 19 9500
	— — — — — — — Exceeding 25 %	0402 29 19 9900
	— — — — — — Of a fat content, by weight, exceeding 27 %:	
0402 29 91	— — — — — In immediate packings of a net content not exceeding 2,5 kg:	
	— — — — — — Of a fat content, by weight:	
	— — — — — — — Not exceeding 41 %	0402 29 91 9100
	— — — — — — — Exceeding 41 %	0402 29 91 9500
0402 29 99	— — — — — Other:	
	— — — — — — Of a fat content, by weight:	
	— — — — — — — Not exceeding 41 %	0402 29 99 9100
	— — — — — — — Exceeding 41 %	0402 29 99 9500
	— — — — — Other:	
0402 91	— — — — — Not containing added sugar or other sweetening matter:	
	— — — — — — Of a fat content, by weight, not exceeding 8 %:	
0402 91 11	— — — — — In immediate packings of a net content not exceeding 2,5 kg:	
	— — — — — — Of a non-fat lactic dry matter content:	
	— — — — — — — Of less than 15 % and of a fat content, by weight:	
	— — — — — — — — Not exceeding 3 %	0402 91 11 9110
	— — — — — — — — Exceeding 3 %	0402 91 11 9120
	— — — — — — — Of 15 % or more and of a fat content, by weight:	
	— — — — — — — — Not exceeding 3 %	0402 91 11 9310
	— — — — — — — — Exceeding 3 % but not exceeding 7,4 %	0402 91 11 9350
	— — — — — — — — Exceeding 7,4 %	0402 91 11 9370
0402 91 19	— — — — — Other:	
	— — — — — — Of a non-fat lactic dry matter content:	
	— — — — — — — Of less than 15 % and of a fat content, by weight:	
	— — — — — — — — Not exceeding 3 %	0402 91 19 9110
	— — — — — — — — Exceeding 3 %	0402 91 19 9120
	— — — — — — — Of 15 % or more and of a fat content, by weight:	
	— — — — — — — — Not exceeding 3 %	0402 91 19 9310
	— — — — — — — — Exceeding 3 % but not exceeding 7,4 %	0402 91 19 9350
	— — — — — — — — Exceeding 7,4 %	0402 91 19 9370
	— — — — — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:	
0402 91 31	— — — — — In immediate packings of a net content not exceeding 2,5 kg:	
	— — — — — — Of a non-fat lactic dry matter content:	
	— — — — — — — Of less than 15 %	0402 91 31 9100
	— — — — — — — Of 15 % or more	0402 91 31 9300
0402 91 39	— — — — — Other:	
	— — — — — — Of a non-fat lactic dry matter content:	
	— — — — — — — Of less than 15 %	0402 91 39 9100
	— — — — — — — Of 15 % or more	0402 91 39 9300
	— — — — — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:	
0402 91 51	— — — — — In immediate packings of a net content not exceeding 2,5 kg:	0402 91 51 9000
0402 91 59	— — — — — Other:	0402 91 59 9000
	— — — — — — Of a fat content, by weight, exceeding 45 %:	

CN code	Description of goods	Product code
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 9000
0402 91 99	— — — — Other	0402 91 99 9000
0402 99	— — Other (¹⁴):	
	— — — Of a fat content, by weight, not exceeding 9,5 %:	
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:	
	— — — — — Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:	
	— — — — — — Not exceeding 3 %	0402 99 11 9110
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9130
	— — — — — — Exceeding 6,9 %	0402 99 11 9150
	— — — — — Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:	
	— — — — — — Not exceeding 3 %	0402 99 11 9310
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9330
	— — — — — — Exceeding 6,9 %	0402 99 11 9350
0402 99 19	— — — — Other:	
	— — — — — Of a non-fat lactic dry matter content of less than 15 %, and of a fat content, by weight:	
	— — — — — — Not exceeding 3 %	0402 99 19 9110
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9130
	— — — — — — Exceeding 6,9 %	0402 99 19 9150
	— — — — — Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:	
	— — — — — — Not exceeding 3 %	0402 99 19 9310
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9330
	— — — — — — Exceeding 6,9 %	0402 99 19 9350
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:	
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg:	
	— — — — — Of a fat content, by weight, not exceeding 21 %:	
	— — — — — — Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 31 9110
	— — — — — — Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150
	— — — — — Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300
	— — — — — Of a fat content, by weight, exceeding 39 %	0402 99 31 9500
0402 99 39	— — — — Other:	
	— — — — — Of a fat content, by weight, not exceeding 21 %:	
	— — — — — — Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 39 9110
	— — — — — — Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150
	— — — — — Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 39 9300
	— — — — — Of a fat content, by weight, exceeding 39 %	0402 99 39 9500
	— — — Of a fat content, by weight, exceeding 45 %:	
0402 99 91	— — — — In immediate packing not exceeding 2,5 kg	0402 99 91 9000
0402 99 99	— — — — Other	0402 99 99 9000
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:	

CN code	Description of goods	Product code
ex 0403 10	— Yoghurt:	
	— — Not flavoured nor containing added fruit or cocoa:	
	— — — Not containing added sugar or other sweetening matter, of a fat content, by weight:	
0403 10 11	— — — — Not exceeding 3 %:	
	— — — — — Not exceeding 1,5 %:	
	— — — — — Other than in powder, granules or other solid forms ⁽¹⁾	0403 10 11 9400
	— — — — — Exceeding 1,5 %:	
	— — — — — Other than in powder, granules or other solid forms ⁽¹⁾	0403 10 11 9800
0403 10 13	— — — — Exceeding 3 % but not exceeding 6 %:	
	— — — — — Other than in powder, granules or other solid forms ⁽¹⁾	0403 10 13 9800
0403 10 19	— — — — Exceeding 6 %:	
	— — — — — Other than in powder, granules or other solid forms ⁽¹⁾	0403 10 19 9800
	— — — Other, of a fat content, by weight ⁽⁴⁾ :	
0403 10 31	— — — — Not exceeding 3 %:	
	— — — — — Not exceeding 1,5 %:	
	— — — — — Other than in powder, granules or other solid forms ⁽¹⁾	0403 10 31 9400
	— — — — — Exceeding 1,5 %:	
	— — — — — Other than in powder, granules or other solid forms ⁽¹⁾	0403 10 31 9800
0403 10 33	— — — — Exceeding 3 % but not exceeding 6 %:	
	— — — — — Other than in powder, granules or other solid forms ⁽¹⁾	0403 10 33 9800
0403 10 39	— — — — Exceeding 6 %:	
	— — — — — Other than in powder, granules or other solid forms ⁽¹⁾	0403 10 39 9800
ex 0403 90	— Other:	
	— — Not flavoured nor containing added fruit, nuts or cocoa:	
	— — — In powder, granules or other solid forms ⁽¹²⁾ :	
	— — — — Not containing added sugar or other sweetening matter, with a fat content by weight ⁽²⁾ :	
0403 90 11	— — — — — Not exceeding 1,5 %	0403 90 11 9000
0403 90 13	— — — — — Exceeding 1,5 % but not exceeding 27 %:	
	— — — — — — Not exceeding 11 %	0403 90 13 9200
	— — — — — — Exceeding 11 % but not exceeding 17 %	0403 90 13 9300
	— — — — — — Exceeding 17 % but not exceeding 25 %	0403 90 13 9500
	— — — — — — Exceeding 25 %	0403 90 13 9900
0403 90 19	— — — — — Exceeding 27 %	0403 90 19 9000
	— — — — Other, of a fat content by weight ⁽⁴⁾ :	
0403 90 31	— — — — — Not exceeding 1,5 %:	0403 90 31 9000
0403 90 33	— — — — — Exceeding 1,5 % but not exceeding 27 %:	
	— — — — — — Not exceeding 11 %	0403 90 33 9200
	— — — — — — Exceeding 11 % but not exceeding 17 %	0403 90 33 9300
	— — — — — — Exceeding 17 % but not exceeding 25 %	0403 90 33 9500
	— — — — — — Exceeding 25 %	0403 90 33 9900
0403 90 39	— — — — — Exceeding 27 %	0403 90 39 9000
	— — — Other:	
	— — — — Not containing added sugar or other sweetening matter, of a fat content by weight ⁽¹⁾ :	
0403 90 51	— — — — — Not exceeding 3 %:	
	— — — — — — Not exceeding 1,5 %	0403 90 51 9100
	— — — — — — Exceeding 1,5 %	0403 90 51 9300
0403 90 53	— — — — — Exceeding 3 % but not exceeding 6 %	0403 90 53 9000

CN code	Description of goods	Product code
0403 90 59	— — — — — Exceeding 6 %:	
	— — — — — Not exceeding 10 %	0403 90 59 9110
	— — — — — Exceeding 10 % but not exceeding 17 %	0403 90 59 9410
	— — — — — Exceeding 17 % but not exceeding 21 %	0403 90 59 9170
	— — — — — Exceeding 21 % but not exceeding 35 %	0403 90 59 9310
	— — — — — Exceeding 35 % but not exceeding 39 %	0403 90 59 9340
	— — — — — Exceeding 39 % but not exceeding 45 %	0403 90 59 9370
	— — — — — Exceeding 45 % but not exceeding 68 %	0403 90 59 9510
	— — — — — Exceeding 68 % but not exceeding 80 %	0403 90 59 9540
	— — — — — Exceeding 80 %	0403 90 59 9570
	— — — — — Other, of a fat content by weight (°):	
0403 90 61	— — — — — Not exceeding 3 %:	
	— — — — — Not exceeding 1,5 %	0403 90 61 9100
	— — — — — Exceeding 1,5 %	0403 90 61 9300
0403 90 63	— — — — — Exceeding 3 % but not exceeding 6 %	0403 90 63 9000
0403 90 69	— — — — — Exceeding 6 %	0403 90 69 9000
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included:	
0404 90	— Other:	
	— — Not containing added sugar or other sweetening matter, of a fat content by weight:	
0404 90 21	— — — Not exceeding 1,5 %:	
	— — — — In powder or granules (°)	0404 90 21 9100
	— — — — Other (°), of a non-fat lactic dry matter content:	
	— — — — — Of less than 15 % by weight	0404 90 21 9910
	— — — — — Of 15 % or more by weight	0404 90 21 9950
0404 90 23	— — — Exceeding 1,5 % but not exceeding 27 %:	
	— — — — In powder or granules (°):	
	— — — — — Of a fat content by weight:	
	— — — — — Not exceeding 11 %	0404 90 23 9120
	— — — — — Exceeding 11 % but not exceeding 17 %	0404 90 23 9130
	— — — — — Exceeding 17 %, but not exceeding 25 %	0404 90 23 9140
	— — — — — Exceeding 25 %	0404 90 23 9150
	— — — — Other than in powder or granules (°):	
	— — — — — Of a non-fat lactic dry matter content of less than 15 % by weight and a fat content by weight:	
	— — — — — Not exceeding 3 %	0404 90 23 9911
	— — — — — Exceeding 3 % but not exceeding 6 %	0404 90 23 9913
	— — — — — Exceeding 6 % but not exceeding 10 %	0404 90 23 9915
	— — — — — Exceeding 10 % but not exceeding 17 %	0404 90 23 9917
	— — — — — Exceeding 17 %	0404 90 23 9919
	— — — — — Of a non-fat lactic dry matter content of not less than 15 % by weight and a fat content by weight:	
	— — — — — Not exceeding 3 %	0404 90 23 9931
	— — — — — Exceeding 3 % but not exceeding 7,4 %	0404 90 23 9933
	— — — — — Exceeding 7,4 % but not exceeding 8 %	0404 90 23 9935
	— — — — — Exceeding 8 % but not exceeding 10 %	0404 90 23 9937
	— — — — — Exceeding 10 %	0404 90 23 9939

CN code	Description of goods	Product code
ex 0404 90 29	— — — Exceeding 27 %: — — — — In powder or granules⁽²⁾, of a fat content by weight: — — — — — Not exceeding 28 % — — — — — Exceeding 28 % but not exceeding 29 % — — — — — Exceeding 29 % but not exceeding 41 % — — — — — Exceeding 41 % but not exceeding 45 % — — — — — Exceeding 45 % but not exceeding 59 % — — — — — Exceeding 59 % but not exceeding 69 % — — — — — Exceeding 69 % but not exceeding 79 % — — — — — Exceeding 79 % — — — Other, of a fat content by weight:	0403 90 29 9110 0404 90 29 9115 0404 90 29 9120 0404 90 29 9130 0404 90 29 9135 0404 90 59 9150 0404 90 29 9160 0404 90 29 9180
0404 90 81	— — — Not exceeding 1,5 %: — — — — In powder or granules⁽⁴⁾ — — — — Other, of a non-fat lactic dry matter content: — — — — — Of less than 15 % by weight⁽⁴⁾ — — — — — Of 15 % or more by weight⁽⁴⁾	0403 90 81 9100 0403 90 81 9910 0403 90 81 9950
ex 0404 90 83	— — — Exceeding 1,5 % but not exceeding 27 %: — — — — In powder or granules⁽⁴⁾: — — — — — Of a fat content by weight: — — — — — — Not exceeding 11 % — — — — — — Exceeding 11 % but not exceeding 17 % — — — — — — Exceeding 17 % but not exceeding 25 % — — — — — — Exceeding 25 % — — — — — Other than in powder or granules: — — — — — — Of a non-fat lactic dry matter content of less than 15 % by weight and a fat content by weight⁽⁴⁾: — — — — — — — Not exceeding 3 % — — — — — — — Exceeding 3 % but not exceeding 6 % — — — — — — — Exceeding 6 % but not exceeding 10 % — — — — — — — Exceeding 10 % but not exceeding 17 % — — — — — — — Exceeding 17 % — — — — — — Of a non-fat lactic dry matter content of not less than 15 % by weight and a fat content by weight⁽⁴⁾: — — — — — — — Not exceeding 3 % — — — — — — — Exceeding 3 % but not exceeding 6,9 % — — — — — — — Exceeding 6,9 % but not exceeding 9,5 % — — — — — — — Exceeding 9,5 % but not exceeding 21 %	0404 90 83 9110 0404 90 83 9130 0404 90 83 9150 0404 90 83 9170 0404 90 83 9911 0404 90 83 9913 0404 90 83 9915 0404 90 83 9917 0404 90 83 9919 0404 90 83 9931 0404 90 83 9933 0404 90 83 9935 0404 90 83 9937
0404 90 89	— — — Exceeding 27 %: — — — — In powder or granules, of a fat content by weight⁽⁴⁾: — — — — — Not exceeding 41 % — — — — — Exceeding 41 % — — — — — Other than in powder or granules, of a fat content by weight⁽⁴⁾: — — — — — — Not exceeding 39 % — — — — — — Exceeding 39 % but not exceeding 45 % — — — — — — Exceeding 45 %	0403 90 89 9130 0403 90 89 9150 0403 90 89 9930 0403 90 89 9950 0403 90 89 9990

ANNEX II

Notes

- (¹) Where the product falling within this subheading is a mixture containing non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504, no export refund is payable.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added to the product.

- (²) Where the product falling within this subheading is a mixture containing added non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504, the added non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 must not be taken into account in the calculation of the refund.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:

- the actual content by weight of non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

- (³) Where the product contains casein and/or caseinates added before or at the time of processing, no refund is payable.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not casein and/or caseinates have been added.

- (⁴) The refund per 100 kilograms of product falling within this subheading is equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kilograms of product.

However, where whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added to the product, the amount per kilogram shown is to be multiplied by the weight of the lactic matter other than whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of product;

- (b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:

- the actual content by weight of whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 and of sucrose and/or other non-lactic matter added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

- (⁵) Deleted by Regulation (EC) No 707/98.

- (⁶) Deleted by Regulation (EC) No 823/96 (OJ L 111, 4.5.1996, p. 9).

- (⁷) In the case of cheeses presented in immediate packings which also contain preserving liquid, in particular brine, the refund is granted on the net weight, less the weight of the liquid.

(⁸) When completing customs formalities, the applicant must state on the declaration provided for that purpose:

- the skimmed-milk powder content by weight,
- whether or not whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:
- the actual content by weight of whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product,
- and in particular,
- the lactose content of the added whey per 100 kilograms of finished product.

(⁹) 'Special compound feedingstuffs' are compound feedingstuffs containing skimmed milk powder and fish meal and/or more than 9 grams of iron and/or more than 1,2 grams of copper per 100 kilograms of product.

(¹⁰) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products covered by CN code 3504, the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey (excluding whey butter covered by CN code 0405 10 50) and/or lactose and/or permeate and/or products covered by CN code 3504 will not be taken into account for the purpose of calculating the refund.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case, the actual content by weight of the non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey (specifying, where applicable the whey butter content) and/or lactose and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of finished product.

(¹¹) The refund on frozen condensed milk is the same as that on products falling within headings 0402 91 and 0402 99.

(¹²) The refunds on frozen products covered by CN codes 0403 90 11 to 0403 90 39 are the same as those on products covered by CN codes 0403 90 51 to 0403 90 69 respectively.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the refund.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the actual content by weight of the non-lactic matter added per 100 kilograms of finished product.

(¹⁴) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the refund.

The refund on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;
- (b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the actual content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

COMMISSION REGULATION (EC) No 708/98**of 30 March 1998****on the taking over of paddy rice by the intervention agencies and fixing the corrective amounts and the price increases and reductions to be applied**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, and in particular Article 8(b) thereof,

Whereas Regulation (EC) No 3072/95 lays down that the intervention price is fixed for paddy rice of a specific standard quality and that, if the quality of the rice offered for intervention differs from that standard quality, the intervention price is adjusted by applying price increases or reductions;

Whereas Council Regulation (EC) No 3073/95 ⁽³⁾ determines the standard quality of paddy rice for which the intervention price is fixed, tightening up the requirements under the previous arrangements;

Whereas to ensure the satisfactory management of intervention, a minimum quantity should be fixed for each offer; whereas, however, provision should be made for setting a higher limit so that account can be taken of the trading customs and conditions pertaining on the wholesale market in some Member States;

Whereas paddy rice whose quality does not permit suitable use or storage should not be accepted for intervention; whereas in fixing the minimum quality particular consideration should be given to weather conditions in the rice-growing areas of the Community; whereas, in order to allow uniform lots to be taken over, it should be specified that a lot is to be made up of the same rice variety;

Whereas, for the application of the price increases and reductions, account should be taken of the basic characteristics of the paddy rice, thereby allowing objective assessment of its quality; whereas the moisture content, the yield after processing and grain defects can be assessed by simple and effective methods, thus meeting this requirement;

Whereas, to make the intervention scheme as simple and efficient as possible, offers should be submitted to the intervention centre closest to the place where the goods are stored and the provisions on the costs of their transport to the store where the intervention agency takes them over should be laid down;

Whereas the checks to ensure that the requirements on the weight and quality of the goods offered are complied with should be precisely laid down; whereas a distinction must be made between, on the one hand, acceptance of the goods offered after the quantity and compliance with the minimum quality requirements have been checked and, on the other hand, fixing the price to be paid to the applicant after the necessary tests have been carried out to identify the precise characteristics of each lot based on representative samples;

Whereas the specific provisions applying to cases where goods are taken over in the applicant's stores should be laid down; whereas in such cases reference should be made to the applicant's stock accounts, subject to additional checks to ensure that the intervention agency's requirements on taking over are complied with;

Whereas this Regulation is to replace Commission Regulation (EC) No 1528/96 ⁽⁴⁾; whereas that Regulation should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the buying-in period fixed in Article 4(1) of Regulation (EC) No 3072/95, any holder of a lot of at least 20 tonnes of paddy rice harvested in the Community shall be entitled to offer such rice to the intervention agency. A lot shall be made up of rice of the same variety.

The Member States may fix a higher minimum quantity.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 33.

⁽⁴⁾ OJ L 190, 31. 7. 1996, p. 25.

2. Where a lot is delivered in several loads (by lorry, barge, railway wagon, etc.) each load must comply with the requisite minimum characteristics, the last subparagraph of Article 8(1) notwithstanding.

Article 2

1. To be accepted for intervention, paddy rice shall be of sound and fair merchantable quality.

2. Paddy rice shall be deemed to be of sound and fair merchantable quality where it is free of odour and of live insects, and where:

— the moisture content does not exceed the percentage laid down in Annex I,

— the yield after processing is not less than 14 points below the basic yields listed in Annex II,

— the percentage of grains that are not of unimpaired quality as defined in the Annex to Regulation (EC) No 3073/95, the percentage of miscellaneous impurities, the percentage of rice grains of other types and the percentage of other rice varieties does not exceed the following maximum values:

	Round grain rice CN code 1006 10 92	Medium and A long grain rice CN codes 1006 10 94 and 1006 10 96	B long grain rice CN code 1006 10 98
Chalky grains	6	4	4
Grains striated with red	10	5	5
Spotted grains	3	2	2
Stained grains	1	0,75	0,75
Amber grains	1	0,50	0,50
Yellow grains	0,175	0,175	0,175
Miscellaneous impurities	1	1	1
Grains of rice of other varieties	5	5	5

— the level of radioactivity does not exceed the maximum levels permitted by Community legislation. The rice shall be monitored for radioactive contamination only if the situation so requires and for the necessary period. Where necessary, the duration and scope of the control measures shall be determined in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95.

Article 3

1. Paddy rice containing more than 0,1 % of miscellaneous impurities can be bought in only at a price reduction of 0,02 % for each additional 0,01 % deviation.

Miscellaneous impurities shall mean extraneous matter other than rice consisting of inedible, non-toxic vegetable or mineral material, other edible grains or parts thereof, dead insects and bits thereof.

2. Paddy rice containing more than 3 % of other varieties can be bought into intervention only at a price reduction of 0,1 % for each additional 0,1 % deviation.

3. Where the moisture content of the paddy rice offered for intervention exceeds that laid down for the standard quality of paddy rice, the price reductions to be applied shall be as shown in Annex I.

4. Where the yield after processing of the rice offered for intervention differs from the basic yield after processing for the variety concerned as set out in Part B of Annex II, the price increases and reductions to be applied shall be as shown in Part A of Annex II.

5. Where the grain defects of the paddy rice offered for intervention exceed the tolerances allowed for the standard quality of paddy rice, the price reductions to be applied shall be as shown in Annex III.

6. The above price increases and reductions shall be calculated by applying the percentages shown in the Annexes to the intervention price valid at the beginning of the marketing year. They shall be cumulatively applied.

Article 4

1. All offers for sale into intervention shall be made in writing to an intervention agency in accordance with the form drawn up by it. To be eligible, the offer must contain the following:

- name of the applicant,
- place of storage of the rice offered,
- quantity, variety, main characteristics and year of harvest of the rice,
- intervention centre for which the offer is made.

The application shall also contain a declaration that the product is of Community origin.

For information purposes, the application shall indicate any pesticide treatments carried out, specifying the doses used.

The intervention agency may regard as admissible a written telecommunicated offer, provided that all the above particulars are contained therein. In such cases, the agency can insist, however, that the offer be followed by a written application, either delivered by post or handed in direct. This written application shall be deemed to have been submitted on the day the telecommunication was received.

2. Acceptance of an offer by the intervention agency will be notified to the applicant within 10 working days of its submission.

3. Where an offer is ineligible, the intervention agency shall inform the relevant trader of that fact within 10 working days of the offer's submission.

Article 5

1. All offers shall be made to an intervention agency in respect of the intervention centre nearest to the place where the paddy rice is when the offer is made.

The nearest intervention centre means the centre to which the paddy rice can be transported at the lowest cost. Such cost shall be determined by the intervention agency.

2. The costs of transporting the goods from the depot where they are stored at the time the offer is submitted to the nearest intervention centre as identified in accordance with paragraph 1 shall be borne by the applicant.

3. If the intervention agency does not take the paddy rice over at the nearest intervention centre identified in accordance with paragraph 1, the additional transport costs shall be borne by the intervention agency.

Article 6

1. The intervention agency shall fix the date and intervention centre of delivery and shall notify the applicant of both forthwith. These conditions may be appealed no later than two working days from the receipt of the notification.

The actual taking-over must occur not later than the end of the second month following receipt of the offer and in any case not later than 31 August of the current marketing year. In the case of staggered deliveries, the last part of the lot must be delivered in accordance with this subparagraph.

2. The intervention agency shall take the goods over in the presence of the applicant or his duly authorised agent.

3. The rice offered shall be taken over by the intervention agency where the minimum quantity and characteristics laid down in Articles 1 and 2 have been established by the intervention agency or its authorised agent for the goods delivered to the intervention warehouse, in accordance with Article 8(1).

Where Article 7 applies, the date of taking over shall coincide with the date on which the minimum characteristics mentioned in the take-over record referred to in Article 9 were checked.

4. The quantity delivered shall be established by weight in the presence of the applicant and a representative of the intervention agency, who must have no relationship to the applicant.

5. The storekeeper may represent the intervention agency.

In this case the intervention agency shall itself carry out a check within 30 days of the completion of delivery. The weight at least must be checked, using volumetric measurement.

If volumetric measurement indicates that:

- (a) the weight is up to 6 % less than the quantity recorded in the storekeeper's accounts, the storekeeper shall bear all the costs relating to the missing quantities as recorded in any subsequent weighing compared to the weight recorded in the accounts (at taking over);
- (b) the weight is over 6 % less than the quantity recorded in the storekeeper's accounts, the goods shall be immediately weighed. The weighing costs involved shall be borne by the storekeeper if the weight established is less than the weight recorded in the accounts. In the opposite case, the intervention agency shall bear the weighing costs.

Article 7

1. The intervention agency can take the paddy rice over at the place where it is stored when the offer is submitted rather than at the intervention centre nominated by the applicant.

2. In such cases, the quantity can be established on the basis of the stock accounts — drawn up to professional specifications and in accordance with the intervention agency's requirements — provided that:

- the accounts indicate the weight established by weighing, the quality characteristics at the moment of weighing, moisture content in particular, any inter-bin transfers, and any treatments carried out. Weighing must have occurred within the previous 10 months,
- the storekeeper declares that the lot offered corresponds in every detail to the information in the accounts.

In this case:

- the weight to be recorded shall be the weight entered in the accounts, adjusted as appropriate to take account of any difference between the moisture content established at weighing and the content established on the basis of the representative sample,
- the intervention agency shall carry out a volumetric check within 30 days of the date of taking over. Any difference between the quantity weighed and the quantity estimated using the volumetric method may not exceed 6 %.

If volumetric measurement indicates that:

- the weight is up to 6 % less than the quantity recorded in the storekeeper's accounts, the storekeeper shall bear all the costs relating to the missing quantities established as such in a subsequent weighing compared to the weight recorded in the accounts (at taking over),
- the weight is over 6 % less than the quantity recorded in the storekeeper's accounts, the storekeeper shall carry out an immediate weighing. The storekeeper shall bear the weighing costs if the weight thus established is less than the weight as recorded. The EAGGF shall bear the costs in the opposite case.

Article 8

1. The quality requirements that must be fulfilled for a product to be taken into intervention shall be checked as follows:

The intervention agency shall take samples in the presence of the applicant or his duly authorised agent. Three samples shall be taken at each sampling, intended respectively for:

- the applicant,
- the store where take over is to take place,
- the intervention agency. This sample shall undergo the agency's own test.

(a) In the case of a delivery, samples shall be taken for each part-delivery (by lorry, barge, railway wagon, etc.), at a ratio of one sample to 10 tonnes of rice.

The requisite conditions shall be checked on the basis of a representative sample of each part delivery. The representative sample shall be made up of the samples intended for the store.

(b) Where Article 7 applies, checking when taking over is at the applicant's store shall be based on a representative sample of the lot offered. This representative sample shall consist of the average result of the samples intended for the store. The number of samples to be taken is obtained by dividing the quantity of the lot offered by 20; a representative sample shall consist of no more than 20 samples, however.

The check should establish that the goods comply with the minimum quality requirements. Should this not be the case, the lot shall not be taken over.

In the case of a delivery, before the lot enters the intervention store the examination of each part-delivery can be restricted to a check on the moisture content and impurity level and verification that no live insects are present. However, if it later becomes apparent when the check is finalised that a part-delivery does not satisfy the minimum quality requirements, the lot shall be refused for take over. The entire lot shall be withdrawn at the applicant's expense.

If the intervention agency in a Member State is able to check all the minimum quality requirements for each part-delivery before it enters the store, it shall refuse take-over of any part-delivery that fails to satisfy these requirements.

2. Where the goods are accepted, once the examination in accordance with paragraph 1 has been carried out the precise characteristics of the goods shall be identified with a view to establishing the price to be paid to the applicant. This price shall be established for the lot offered on the basis of the weighted average of the test results for the representative samples as defined in paragraph 1.

The test results shall be notified to the applicant in the take-over record provided for in Article 9.

3. Should the applicant contest the result of the test carried out to determine the price under paragraph 2, a laboratory approved by the competent authorities shall carry out a further, detailed analysis of the characteristics of the goods using new representative samples made up equally of samples held by the applicant and by the store. The weighted average of the test results for these representative samples shall provide the result.

The result of these analyses shall be final and shall decide the price to be paid to the applicant. The cost of carrying out these new analyses shall be borne by the losing party.

Article 9

A take-over record shall be drawn up by the intervention agency for each lot. The applicant or his representative may be present when the record is being drawn up.

It shall indicate:

- the date on which the quantity and minimum characteristics are checked,
- the variety and the weight delivered,
- the number of samples taken to make up the representative sample,
- the physical and qualitative characteristics noted.

Article 10

1. The price to be paid to the seller shall be that fixed in accordance with Article 4(2) of Regulation (EC) No 3072/95 for goods delivered not unloaded to storage depot and valid on the date fixed as the first day of delivery, account being taken of the provisions of Article 5 on transport costs and the price increases and reductions provided for in Annexes I to III.

Where the rice is taken over at the applicant's stores pursuant to Article 7, the price to be paid shall be established on the basis of the intervention price valid on the date the offer is accepted, adjusted by the applicable price increases and reductions, and reduced by the most advantageous transport costs between the place where the paddy

rice is taken over and the nearest intervention centre as defined in Article 5(1), and by the costs of removal from storage. Such costs shall be determined by the intervention agency.

2. Payment shall be made between the 32nd and 37th day following the day of taking over referred to in Article 6(3) of this Regulation. Where Article 8(3) applies, payment shall be made as soon as possible after the results of the last test are notified to the applicant.

Where applicants must submit an invoice before they can be paid and where this invoice is not submitted within the time limit laid down in the preceding subparagraph, payment shall be made within five working days of the actual submission of the invoice.

Article 11

Operators storing the products bought in on the intervention agency's behalf shall regularly monitor their presence and their state of preservation and shall inform the agency forthwith of any problems in this regard.

The intervention agency shall check the quality of the stored product at least once a year. Sampling for this purpose can be done during the annual inventory required by Commission Regulation (EC) No 2148/96⁽¹⁾.

Article 12

The intervention agencies shall, where necessary, adopt additional procedures and conditions for taking over, compatible with the provisions of this Regulation, to take account of any special conditions prevailing in the Member State to which they belong.

Article 13

Regulation (EEC) No 1528/96 is hereby repealed.

Article 14

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, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 288, 9. 11. 1996, p. 6.

*ANNEX I***PRICE REDUCTIONS RELATING TO PERCENTAGE MOISTURE CONTENT**

Rate	Reduction
Marketing year 1997/98	
From 13 to 15 %	Less a percentage equal to the percentage moisture content exceeding 13 %
From the 1998/99 marketing year	
From 13 to 14,5 %	Less a percentage equal to the percentage moisture content exceeding 13 %

ANNEX II

A. Price increases and reductions relating to yield after processing

Yield from paddy rice in the form of whole grains of milled rice	Price increases and reductions per unit of yield
Above the basic yield	Price increase of 1 %
Below the basic yield	Price reduction of 1 %
Total yield from paddy rice in the form of milled rice	Price increases and reductions per unit of yield
Above the basic yield	Price increase of 0,80 %
Below the basic yield	Price reduction of 0,80 %

B. Basic yield after processing

Description of quality of rice	Yield in whole grains (%)	Total yield (%)
Carillon	65	69
Argo, Selenio, Couachi	64	71
Alpe, Balilla, Balilla GG, Balilla Sollana, Bomba, Bombon, Colina, Elio, Frances, Lido, Liso, Matusaka, Monticili, Pegonil, Strella, Thainato, Thaiperla, Ticinese, Veta, Leda, Mareny, Clot, Albada, Guadiamar	63	71
Ispaniki A, Makedonia	62	71
Europa, Loto, Riva, Rosa Marchetti, Veneria	61	70
Tolima	61	69
Inca	61	68
Arôme	60	71
Alfa, Ariete, Bahia, Carola, Cigalon, Corallo, Cripto, Cristal, Drago, Girona, Graldo, Indio, Italico, Jucar, Koral, Lago, Lemont, Miara, Molo, Navile, Niva, Onda, Padano, Panda, Pierina, Marchetti, Ribe, Ringo, Rio, S. Andrea, Senia, Sequial, Smeraldo, Star, Stirpe, Vela, Vitro, Calca, Dion	60	70
Strymonas	60	69
Anseatico, Arlesienne, Baldo, Belgioioso, Betis, Euribe, Italpatna, Marathon, Redi, Ribello, Rizzotto, Rocca, Roma, Romanico, Romeo, Tebre, Volano	59	70
Bonnet Bell, Rita, Silla, Thaibonnet, L 202, Puntal	58	70
Evropi, Melas	58	68
Arborio, Arlatan, Blue Belle, Blue Belle 'E', Blue Bonnet, Calendal, Razza 82, Rea	56	70

Description of quality of rice	Yield in whole grains (%)	Total yield (%)
Cesariot, Maratelli, Precoce Rossi	56	68
Carnaroli, Elba, Vialone Nano	55	70
Delta	55	68
Axios	55	65
Roxani	55	64
	54	69
Irat 348, Mana	45	65
Pygmalion	50	69
Varieties not specified	63	71

ANNEX III

PRICE REDUCTIONS FOR DEFECTIVE GRAINS

1996/97 marketing year:

Defects	Percentage of defects			Reduction
	Round grain rice CN code 1006 10 92	Medium and A long grain rice CN codes 1006 10 94 and 1006 10 96	B long grain rice CN code 1006 10 98	
Chalky	From 2,5 to 6 %	From 2,5 to 4 %	From 2 to 4 %	1 % per 1/2 point
Striated with red	From 1 to 10 %	From 1 to 5 %	From 1 to 5 %	1 % per point
Spotted	From 0,5 to 3 %	From 0,5 to 2 %	From 0,5 to 2 %	1,25 % per 1/2 point
Stained	From 0,25 to 1 %	From 0,25 to 0,75 %	From 0,25 to 0,75 %	1,25 % per 1/4 point
Amber	From 0,05 to 1 %	From 0,05 to 0,50 %	From 0,05 to 0,50 %	1,25 % per 1/4 point
Yellow	From 0,02 to 0,175 %	From 0,02 to 0,175 %	From 0,02 to 0,175 %	6 % per 1/8 point

From 1997/98:

Defects	Percentage of defects			Reduction
	Round grain rice CN code 1006 10 92	Medium and A long grain rice CN codes 1006 10 94 and 1006 10 96	B long grain rice CN code 1006 10 98	
Chalky	From 2 to 6 %	From 2 to 4 %	From 1,5 to 4 %	1 % per 1/2 point
Striated with red	From 1 to 10 %	From 1 to 5 %	From 1 to 5 %	1 % per point
Spotted	From 0,5 to 3 %	From 0,5 to 2 %	From 0,5 to 2 %	1,25 % per 1/2 point
Stained	From 0,25 to 1 %	From 0,25 to 0,75 %	From 0,25 to 0,75 %	1,25 % per 1/4 point
Amber	From 0,05 to 1 %	From 0,05 to 0,50 %	From 0,05 to 0,50 %	1,25 % per 1/4 point
Yellow	From 0,02 to 0,175 %	From 0,02 to 0,175 %	From 0,02 to 0,175 %	6 % per 1/8 point

COMMISSION REGULATION (EC) No 709/98

of 30 March 1998

amending Regulation (EEC) No 1686/72 on certain detailed rules for aid for seed as regards checking procedures and laying down rules for application of the stabiliser mechanism for rice seed production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Regulation (EC) No 3072/95, 86 624,600 tonnes of seed were needed;

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organisation of the market in seeds⁽¹⁾, as last amended by Regulation (EC) No 192/98⁽²⁾, and in particular Articles 3(5) and 11 thereof,

Whereas Council Regulation (EEC) No 1674/72⁽³⁾, as last amended by Regulation (EEC) No 3795/85⁽⁴⁾, lays down general rules for granting and financing aid for seed;

Whereas Article 3(4a) of Regulation (EEC) No 2358/71 establishes a stabiliser mechanism for rice seed production; whereas this involves setting a maximum quantity on which the Community seed aid may be granted that is consistent with potential seed sales given the existence of the base area set in Article 6 of Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽⁵⁾, as last amended by Regulation (EC) No 192/98;

Whereas for determining agronomic yields for rice seed production in the various Member States it is appropriate to use the same period as that considered representative for the purposes of Regulation (EC) No 3072/95; whereas, accordingly, the three-year average that is obtained when for the period 1990/91 to 1994/95 the year with the highest and the year with the lowest yield are eliminated has been used;

Whereas the seed harvested in one marketing year is normally used to sow paddy rice and rice seed production areas in the next marketing year; whereas in the period considered as representative the quantity of seed used in the Community to sow one hectare was 0,2 tonnes, i.e. to sow the base area of 433 123 hectares set in Article 6 of

Whereas the maximum quantity on which rice seed aid can be granted in the Community must be split up by producer Member State on the basis of production in the Member States in the same representative period; whereas, in order to allow for annual variation in yield, provision should be made for adjustment of the maximum aidable quantity in individual Member States provided that the overall quantity for the Community is not exceeded;

Whereas operation of the stabiliser mechanism will require that a time limit be set for lodging of aid applications for rice seed and for notification by the Member States to the Commission of the quantities covered by these so that any percentage reduction applicable in the Member State can be calculated;

Whereas payment of the aid for rice seed must be subsequent to determination by the Commission of any percentage reduction applicable;

Whereas compliance with the provisions governing Community aids must be adequately checked; whereas to this end detailed criteria and technical rules covering administrative and on-the-spot checks are required; whereas as regards the latter previous experience indicates that it is desirable, in addition to specifying minimum volumes of checks to be carried out, to require the use of risk analysis and to specify the criteria to be used in it;

Whereas experience also indicates the need to adopt suitably graded provisions, that also allow for cases of *force majeure*, to prevent and punish irregularity and fraud; whereas graded penalties in line with the gravity of the irregularity should be set that extend to total exclusion from aid for the year in question and the following year;

Whereas arrangements are required to guarantee that only legitimate aid payments are made and to reduce the aid when applications are lodged late; whereas these should be modelled on the integrated administration and control system specified in Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated

⁽¹⁾ OJ L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 177, 4. 8. 1972, p. 1.

⁽⁴⁾ OJ L 367, 31. 12. 1985, p. 21.

⁽⁵⁾ OJ L 329, 30. 12. 1995, p. 18.

administration and control system for certain Community aid schemes⁽¹⁾, as last amended by Regulation (EC) No 820/97⁽²⁾, and in Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes⁽³⁾, as last amended by Regulation (EC) No 2015/95⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 1686/72⁽⁵⁾ is hereby amended as follows:

1. the following Article 1a is added:

'Article 1a

For the purposes of this Regulation "marketing" shall mean holding available or in stock, displaying for sale, offering for sale, sale or delivery to another person.;

2. the following Article 2a is added:

'Article 2a

1. Aid shall be granted only on condition that the seed has in fact been marketed by the recipient for sowing by the date the request is submitted. He must prove this to the satisfaction of the Member State.

2. Member States shall make unannounced checks to verify the first destination of seed on which aid has been given and on compliance with the aid conditions and shall notify to the Commission action taken following such checks.;

3. Article 3 is replaced by the following:

'Article 3

1. Except for rice seed, the aid shall be granted to the seed grower on application to be lodged after the harvest and before a date set by the Member State for each species or variety group.

2. Except for rice seed, the Member State shall pay the aid to the seed grower within two months of lodging of the application and at the latest by 31 July of the year following that of harvest.;

4. the following Articles 3a, 3b and 3c are added:

'Article 3a

1. For rice seed a maximum quantity of 86 624,600 tonnes per year is set on which aid may be granted in the Community. It is allocated to producer Member States as follows:

— Spain:	29 625,613 tonnes,
— France:	3 031,861 tonnes,
— Greece:	1 472,618 tonnes,
— Italy:	50 242,268 tonnes,
— Portugal:	2 252,240 tonnes.

The quantity per Member State may be adjusted within the maximum quantity set for the Community, on the terms set in paragraph 3.

2. Subject to Article 2a, aid on rice seed shall be granted to producers, within the maximum limit set for the Community, on application to be lodged after the harvest but before 20 June of the following year. By 15 July of the year following the harvest producer Member States shall notify to the Commission the quantities for which aid applications were made.

3. If the sum total of the quantities for which aid is applied for in producer Member States exceeds the maximum quantity set for the Community the aid shall be reduced in each Member State in proportion to the overrun of its national quantity. The Commission shall set the reduction percentages applicable.

4. The Member State shall pay the aid to the producer between 31 July and 30 September of the year following that of harvest.

'Article 3b

1. The checks referred to in Article 2a(2) shall comprise:

(a) administrative checks, notably cross-checks to prevent aid being paid twice for the same calendar year. These cross-checks shall cover plots subjected to official examination that have been found to comply with the requirements set by the directives indicated in the first indent of Article 1(1) of Regulation (EEC) No 1674/72;

(b) checks on documents to verify at least the first destination of seed on which aid has been granted;

⁽¹⁾ OJ L 355, 5. 12. 1992, p. 1.

⁽²⁾ OJ L 117, 7. 5. 1997, p. 1.

⁽³⁾ OJ L 391, 31. 12. 1992, p. 36.

⁽⁴⁾ OJ L 197, 22. 8. 1995, p. 2.

⁽⁵⁾ OJ L 177, 4. 8. 1972, p. 26.

- (c) any other checks that the Member State deems necessary in order to guarantee that aid is not paid on uncertified seed or seed from third countries.

Checks shall cover a significant sample of applications and at least 5 % of applications for each species. The applications to be checked shall be determined by the competent authority on the basis of risk analysis plus an element of representativeness of the applications made. Risk analysis shall take account of:

- the aid amount,
- the quantity of certified seed in relation to the area checked,
- change from the previous year,
- other parameters to be defined by the Member State.

2. Where appropriate, Member States shall make checks at the premises of breeders, other seed establishments and end users.

3. The following Articles of Commission Regulation (EEC) No 3887/92 (*) shall apply:

- Article 6(1) (verification of compliance with terms on which aid is granted),
- Article 11 (additional national penalties; *force majeure*),
- Article 12 (inspection visit report),
- Article 13 (check on the spot),
- Article 14 (undue payment).

Article 3c

1. Except in cases of *force majeure* late lodging of an application shall give rise to a 1 % reduction per day

of the aid to which the seed producer would otherwise have been entitled. Applications shall be invalid if lodged, in the case of rice seed, after 30th June of the year following that of harvest and, in the case of other species or variety groups, after the 10th day following the time limit set by the Member State.

2. If it is found that seed covered by an application was not in fact marketed by the applicant for sowing, the aid to the producer for the species concerned shall be reduced by 50 % if the quantity not marketed for sowing amounts to more than 2 % but not more than 5 % of the quantity covered by the application. If the quantity not marketed exceeds 5 % no seed production aid shall be granted to the producer for the marketing year in question.

3. If an aid application is made for seed not officially certified or not harvested within the Member State in question during the calendar year in which the marketing year for which the aid has been set begins, no seed production aid shall be granted to the producer for that or the following marketing year.

(*) OJ L 391, 31. 12. 1992, p. 36.

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 from the 1998/99 marketing year.

Requests for aid relating to contracts or seed production declarations registered prior to the 1998/99 campaign are not subject to the checks listed in paragraph 1(a) of Article 3b of Regulation (EEC) No 1686/72.

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

Done at Brussels, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 710/98**of 30 March 1998****fixing advance payments in respect of the production levies in the sugar sector
for the 1997/98 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular Article 28(8) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector ⁽³⁾, as last amended by Regulation (EC) No 392/94 ⁽⁴⁾, provides for the fixing before 1 April and the collection before the following 1 June, of the unit amounts to be paid by sugar producers, isoglucose producers and inulin syrup producers as advance payments of the production levies for the current marketing year; whereas the estimate of the basic production levy and of the B levy, referred to in Article 6 of Regulation (EEC) No 1443/82, gives an amount which is more than 60 % of the maximum amounts indicated in Article 28(3), (4) and (5) of Regulation (EEC) No 1785/81; whereas, in accordance with Article 6 of Regulation (EEC) No 1443/82, the unit amounts for sugar and inulin syrup should therefore be fixed at 50 % of the maximum amounts concerned and for isoglucose the unit amount of the advance payment should therefore be fixed at 40 % of the unit amount of the basic production levy estimated for sugar;

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

HAS ADOPTED THIS REGULATION:

Article 1

The unit amounts referred to in Article 5(1)(b) of Regulation (EEC) No 1443/82 in respect of the 1997/98 marketing year are hereby fixed as follows:

- (a) the advance payment of the basic production levy for A sugar and B sugar shall be ECU 0,632 per 100 kilograms of white sugar;
- (b) the advance payment of the B levy for B sugar shall be ECU 11,848 per 100 kilograms of white sugar;
- (c) the advance payment of the basic production levy for A isoglucose and B isoglucose shall be ECU 0,506 per 100 kilograms of dry matter;
- (d) the advance payment of the basic production levy for A inulin syrup and B inulin syrup shall be ECU 0,632 per 100 kilograms of dry matter equivalent sugar/isoglucose;
- (e) the advance payment of the B levy for B inulin syrup shall be ECU 11,848 per 100 kilograms of dry matter equivalent sugar/isoglucose.

Article 2

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

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

Done at Brussels, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 158, 9. 6. 1982, p. 17.

⁽⁴⁾ OJ L 53, 24. 2. 1994, p. 7.

COMMISSION REGULATION (EC) No 711/98
of 30 March 1998
on the supply of cereals as food aid

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

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

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

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

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is necessary to specify

the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

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

Article 2

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

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

Done at Brussels, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 637/96
2. **Beneficiary** ⁽²⁾: Côte d'Ivoire
3. **Beneficiary's representative:** ELRA 12. BP 1769, Abidjan 12
tel. (225) 25 48 45; fax 25 48 47
4. **Country of destination:** Côte d'Ivoire
5. **Product to be mobilised:** maize flour
6. **Total quantity (tonnes net):** 1 000
7. **Number of lots:** 1 in 3 parts (A1: 428 tonnes: A2: 382 tonnes: A3: 190 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(1)(b))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (2.2 A 1.b, 2.b and B.1)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B(3))
 - language to be used for the markings: French
 - supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination ⁽⁹⁾
13. **Alternative delivery stage:** free at port of shipment
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Magasins ELRA à Danané (A1), Grabo (A2), Tabou (A3)
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 21.6.1998
 - second deadline: 5.7.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 4-17.5.1998
 - second deadline: 18-31.5.1998
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 14.4.1998
 - second deadline: 28.4.1998
20. **Amount of tendering guarantee:** ECU 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels
telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 31.3.1998, fixed by Commission Regulation (EC) No 478/98 (OJ L 60, 28.2.1998, p. 46)

LOT B

1. **Action No:** 657/96
2. **Beneficiary** ^(?): Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland
tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Madagascar
5. **Product to be mobilised:** maize flour
6. **Total quantity (tonnes net):** 60
7. **Number of lots:** one
8. **Characteristics and quality of the product** ^(?) ^(?): see OJ C 114, 29.4.1991, p. 1 (II.B(1)(b))
9. **Packaging** ^(?) ^(?): see OJ C 267, 13.9.1996, p. 1 (2.2 A 1.d, 2.d and B.4)
10. **Labelling or marking** ^(?): see OJ C 114, 29.4.1991, p. 1 (II.B(3))
— language to be used for the markings: French
— supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: 27.4-17.5.1998
— second deadline: 11-31.5.1998
18. **Period or deadline of supply at the alternative stage:**
— first deadline: —
— second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 14.4.1998
— second deadline: 28.4.1998
20. **Amount of tendering guarantee:** ECU 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ^(?): Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels
telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ^(?): refund applicable on 31.3.1998 fixed by Commission Regulation (EC) No 478/98 (OJ L 60, 28.2.1998, p. 46)

LOT C

1. **Action No:** 125/97
2. **Beneficiary** ^(?): Niger
3. **Beneficiary's representative:** OPVN, BP 474 Niamey
tel. (227) 73 25 03; fax 73 24 68
4. **Country of destination:** Niger
5. **Product to be mobilised:** maize
6. **Total quantity (tonnes net):** 15 000
7. **Number of lots:** 1 in 4 parts (C1: 8 000 tonnes; C2: 3 000 tonnes; C3: 2 000 tonnes; C4: 2 000 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(1)(d))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0A 1.c, 2.c)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(3))
— language to be used for the markings: French
— supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination ⁽⁹⁾
13. **Alternative delivery stage:** free at port of shipment
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Magasins OPVN à Niamey (C1), Zinder (C2), Tahoua (C3), Maradi (C4)
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: 5.7.1998
— second deadline: 19.7.1998
18. **Period or deadline of supply at the alternative stage:**
— first deadline: 4-17.5.1998
— second deadline: 18-31.5.1998
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 14.4.1998
— second deadline: 28.4.1998
20. **Amount of tendering guarantee:** ECU 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels
telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 31.3.1998, fixed by Commission Regulation (EC) No 478/98 (OJ L 60, 28.2.1998, p. 46)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65).
Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39) is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
- phytosanitary certificate.
 - lot B: fumigation certificate
- (⁶) Notwithstanding OJ C 114, point II.A (3) (c) or II B (3) (c) is replaced by the following: 'the words "European Community"'.
- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL.
- The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
- The supplier has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
- The supplier has to seal each container with a numbered locktainer (ONESEAL, SYSKO, *Locktainer* 180 or a similar high-security seal), the number of which is to be provided to the beneficiary's representative.
- (⁹) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).
-

COMMISSION REGULATION (EC) No 712/98
of 30 March 1998
on the supply of split peas as food aid

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

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated split peas to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilization of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is necessary to specify

the time limits and conditions of supply to determine the resultant costs;

HAS ADOPTED THIS REGULATION:

Article 1

Split peas shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EC) No 2519/97, and under the conditions set out in the Annex.

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

Article 2

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

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

Done at Brussels, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 526/96 (A1); 527/96 (A2); 528/96 (A3)
2. **Beneficiary** ^(?): Angola
3. **Beneficiary's representative:** UTA/ACP/UE, rua Rainha Jinga 6, Luanda, Angola
tel. (244-2) 39 13 39; fax 39 25 31; telex 0991/3397 DELCEE AN
4. **Country of destination:** Angola
5. **Product to be mobilised** ^(?): split peas
6. **Total quantity (tonnes net):** 2 500
7. **Number of lots:** 1 in 3 parts (A1: 1 500 tonnes; A2: 500 tonnes; A3: 500 tonnes)
8. **Characteristics and quality of the product** ^(?) ⁽⁴⁾: —
9. **Packaging** ^(?): see OJ C 267, 13.9.1996, p. 1 (4.0 A 1.c, 2.c and B.1)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A.(3))
— Language to be used for the markings: Portuguese
— Supplementary markings: —
11. **Method of mobilization of the product:** the Community market
12. **Specified delivery stage:** free at destination ⁽⁸⁾ ⁽⁹⁾
13. **Alternative delivery stage:** free at port of shipment
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** A1: Somatradig (off port of Luanda); A2: A.M.I. (off port of Lobito); A3: SOCOSUL — Lubango (180 km from Namibe)
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: 12.7.1998
— second deadline: 26.7.1998
18. **Period or deadline of supply at the alternative stage:**
— first deadline: 18-31.5.1998
— second deadline: 1-14.6.1998
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 14.4.1998
— second deadline: 28.4.1998
20. **Amount of tendering guarantee:** ECU 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (Tel.: (32 2) 295 14 65).
Torben Vestergaard (Tel.: (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or the representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁵) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁶) Notwithstanding OJ C 114, point II.A (3) (c) is replaced by the following: 'the words "European Community" and point II.A (3) (b) by the following: 'pois cassés'.
- (⁷) Yellow peas (*Pisum sativum*) for human consumption of the most recent crop. The peas must not have been coloured artificially. The split peas must be steam-treated for at least two minutes or have been fumigated(⁸) and meet the following requirements:
— moisture: maximum 15 %,
— foreign matters: maximum 0,1 %,
— broken split peas: maximum 10 % (pea fragments passing through a sieve of circular mesh of 5 mm diameter),
— percentage of discoloured seeds or of different colour: maximum 1,5 %
— cooking time: maximum 45 minutes (after soaking for 12 hours).
- (⁸) The successful tender shall supply to the beneficiary or its representative, on delivery a fumigation certificate.
- (⁹) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).
- (⁹) The successful tenderer shall bear the port costs and charges (EP-14, EP-15 and EP-17, etc.). Notwithstanding Article 15(3) of Regulation (EC) No 2519/97, the costs and charges relating to customs formalities on importation are borne by the successful tenderer and are deemed to be included in the tender.
-

COMMISSION REGULATION (EC) No 713/98
of 30 March 1998
on the issuing of system B 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 1035/72 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 213/98 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas Commission Regulation (EC) No 8/98 ⁽³⁾ fixes the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid;

Whereas, in the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, shelled almonds, oranges, lemons and apples for destination groups X and Y;

Whereas as a consequence, for system B licences applied for between 20 January and 17 March 1998, a rate of refund which is lower than the indicative rate should be

fixed for tomatoes, shelled almonds, oranges, lemons and apples for destination groups X and Y,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 20 January and 17 March 1998, by which the quantities applied for and the rates of refund applicable must be multiplied, shall be as fixed in the Annex hereto.

The above subparagraph shall not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 31 March 1998.

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

Done at Brussels, 30 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 22, 29. 1. 1998, p. 8.

⁽³⁾ OJ L 3, 7. 1. 1998, p. 5.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 20 January and 17 March 1998

Product	Destination or group of destinations	Percentage for the issuing of licences	Rate of refund (ECU/tonne net)
Tomatoes	F	100 %	7,1
Shelled almonds	F	100 %	14,9
Shelled hazelnuts	F	100 %	114,0
Oranges	XYC	100 %	38,5
Lemons	F	100 %	14,0
Apples	X	100 %	25,3
	Y	100 %	4,6

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 March 1998

concerning the importation of meat products from Mexico and amending
Decision 97/222/EC

(Text with EEA relevance)

(98/246/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 97/79/EC⁽²⁾ and in particular Articles 21a and 22 thereof,

Whereas Council Decision 79/542/EEC⁽³⁾, as last amended by Commission Decision 98/146/EC⁽⁴⁾, draws up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products;

Whereas Commission Decision 97/221/EEC⁽⁵⁾ lays down the animal health conditions and veterinary certification for imports of meat products;

Whereas Commission Decision 97/222/EC⁽⁶⁾, as amended by Decision 97/737/EC⁽⁷⁾, draws up the list of

third countries authorised to use the specimen animal health certificate in respect of meat products imported from third countries;

Whereas the animal health situation and the veterinary services of Mexico, fulfil the requirements to make possible the imports into the Community of some categories of fresh meat;

Whereas Decision 97/222/EC should be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

In part II of the Annex to Decision 97/222/EC, the following line is inserted in accordance with the alphabetic order of the ISO code:

'MX	Mexico	A	D	D	A	D	A	D	D	—	A	D	—'
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⁽¹⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ L 46, 17. 2. 1998, p. 8.

⁽⁵⁾ OJ L 89, 4. 4. 1997, p. 32.

⁽⁶⁾ OJ L 89, 4. 4. 1997, p. 39.

⁽⁷⁾ OJ L 295, 29. 10. 1997, p. 39.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA**Corrigendum to Commission Decision 97/867/EC of 5 December 1997 on the Community financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 1997**

(Official Journal of the European Communities L 353 of 24 December 1997)

Page 30, Article 3, second paragraph:

for: '... ECU 576 374 ...',

read: '... ECU 1 326 374 ...'.

Corrigendum to the final adoption of the general budget of the European Union for the financial year 1998

(Official Journal of the European Communities L 44 of 16 February 1998)

On page 150, in the table 'Section IV — Court of Justice', under the column 'Permanent posts':

1. 'Category and grade' A3

for: '10',

read: '11';

2. 'Category and grade' A4

for: '10',

read: '9'.
