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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 78/1999
of 13 January 1999
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

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

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 Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 January 1999.

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

Done at Brussels, 13 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 13 January 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	87,2
	204	66,9
	999	77,0
0707 00 05	053	112,4
	999	112,4
0709 10 00	220	68,8
	999	68,8
0709 90 70	052	127,5
	204	155,7
	999	141,6
0805 10 10, 0805 10 30, 0805 10 50	052	34,7
	204	37,0
	212	45,0
	220	37,0
	624	52,2
	999	41,2
0805 20 10	052	38,6
	204	62,6
	999	50,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,1
	464	90,0
	624	87,6
	999	80,2
0805 30 10	052	53,5
	600	63,0
	999	58,3
0808 10 20, 0808 10 50, 0808 10 90	052	59,6
	060	42,4
	400	73,8
	404	85,6
	720	107,4
	728	97,1
	999	77,7
0808 20 50	052	139,7
	064	61,2
	400	83,1
	720	41,7
	999	81,4

⁽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 79/1999

of 13 January 1999

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 January 1999.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 13 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in EUR per 100 kg net of the product in question	Amount of the additional duty in EUR per 100 kg net of the product in question	Amount of the duty to be applied to imports in EUR per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,25	0,26	—
1703 90 00 ⁽¹⁾	7,20	0,05	—

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

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

COMMISSION REGULATION (EC) No 80/1999
of 13 January 1999
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Commission Regulation (EC) No 1148/98⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 7/1999⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 7/1999 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 7/1999 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 January 1999.

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

Done at Brussels, 13 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 3, 7. 1. 1999, p. 3.

ANNEX

to the Commission Regulation of 13 January 1999 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	42,53 ⁽¹⁾
1701 11 90 9910	40,10 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	42,53 ⁽¹⁾
1701 12 90 9910	40,10 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4623
	— EUR/100 kg —
1701 99 10 9100	46,23
1701 99 10 9910	45,38
1701 99 10 9950	45,38
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4623

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

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

COMMISSION REGULATION (EC) No 81/1999
of 13 January 1999

fixing the maximum export refund for white sugar for the 22nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas, following an examination of the tenders submitted in response to the 22nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 22nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at EUR 48,465 per 100 kilograms.

Article 2

This Regulation shall enter into force on 14 January 1999.

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

Done at Brussels, 13 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 206, 23. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 82/1999

of 13 January 1999

imposing provisional anti-dumping and countervailing duties on certain imports of farmed Atlantic salmon originating in Norway and amending Decision 97/634/EC

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Article 8(10) thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽³⁾, and in particular Article 13(10) thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 31 August 1996, the Commission announced, by two separate notices published in the *Official Journal of the European Communities*, the initiation of an anti-dumping proceeding⁽⁴⁾ as well as an anti-subsidy proceeding⁽⁵⁾ in respect of imports of farmed Atlantic salmon originating in Norway.
- (2) The Commission sought and verified all information that it deemed necessary for the purpose of its definitive findings. As a result of this examination, it was established that definitive anti-dumping and countervailing measures should be adopted in order to eliminate the injurious effects of dumping and subsidisation. All interested parties were informed of the results of the investigation and were given the opportunity to comment thereon.
- (3) On 26 September 1997, the Commission adopted Decision 97/634/EC⁽⁶⁾, as last amended by Regulation (EC) No 2249/98⁽⁷⁾, accepting undertakings offered in connection with the two above-mentioned proceedings from the exporters mentioned in its Annex and terminating the investigations in their respect.

- (4) On the same day, the Council, by Regulation (EC) No 1890/97⁽⁸⁾, as last amended by Regulation (EC) No 2678/98⁽⁹⁾, imposed an anti-dumping duty of ECU 0,32 per kilo on imports of farmed Atlantic salmon originating in Norway. Imports of farmed Atlantic salmon exported by companies, from which an undertaking had been accepted were exempted from that duty pursuant to Article 1(2) of that Regulation.
- (5) Again on the same day, the Council, by Regulation (EC) No 1891/97⁽¹⁰⁾, as last amended by Regulation (EC) No 2678/98, also imposed a countervailing duty of 3,8 % on imports of farmed Atlantic salmon originating in Norway. Imports of farmed Atlantic salmon exported by companies, from which an undertaking had been accepted were exempted from that duty pursuant to Article 1(2) of that Regulation.
- (6) The above-mentioned Regulations set out the definitive findings and conclusions on all aspects of the investigations.

B. APPARENT FAILURE TO COMPLY WITH THE UNDERTAKING

- (7) In order to ensure the effective implementation and monitoring of the undertakings accepted, the exporters undertook to report to the Commission, on a quarterly basis, the details of all their sales on a transaction by transaction basis of farmed Atlantic salmon to unrelated customers in the Community.
- (8) The text of the undertakings specifically provides that failure to comply with the reporting obligations and, in particular, failure to submit the quarterly report within the prescribed time limit except in case of *force majeure*, would be construed as a violation of the undertaking.
- (9) Nine Norwegian exporters have failed to comply with their obligation to present a report within the prescribed time limit and one exporter has not submitted any report at all for the second quarter of 1998.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 288, 21. 10. 1997, p. 1.

⁽⁴⁾ OJ C 253, 31. 8. 1996, p. 18.

⁽⁵⁾ OJ C 253, 31. 8. 1996, p. 20.

⁽⁶⁾ OJ L 267, 30. 9. 1997, p. 81.

⁽⁷⁾ OJ L 282, 20. 10. 1998, p. 57.

⁽⁸⁾ OJ L 267, 30. 9. 1997, p. 1.

⁽⁹⁾ OJ L 337, 12. 12. 1998, p. 1.

⁽¹⁰⁾ OJ L 267, 30. 9. 1997, p. 19.

These exporters were informed of the consequences of late or no reporting, and in particular that, should the Commission have reasons to believe that an undertaking is being violated, a provisional anti-dumping and countervailing duty may be imposed pursuant to Article 8(10) of Regulation (EC) No 384/96 and Article 13(10) of Regulation (EC) No 2026/97, respectively.

These exporters were also invited to provide evidence of any *force majeure* justifying the late submission or the lack of reports, but have so far failed to provide conclusive evidence of such *force majeure*.

- (10) Besides their reporting obligations, the exporters specifically undertook to respect a precisely defined minimum price for sales of the respective presentations of salmon imported into the Community.
- (11) In monitoring the reports relating to the second quarter of 1998, it appeared that the two exporters Brødrene Remo A/S and SMP Marine Produkter AS had made sales on the Community market below the minimum price foreseen in the undertaking.
- (12) These two companies were given an opportunity to correct any possible clerical mistakes made in the processing of their reports and to comment on any erroneous assessments of their reports. However, the explanations given by these companies did not reveal any such circumstances.

C. PROVISIONAL MEASURES

- (13) Under these circumstances, there are reasons to believe that the undertakings accepted by the Commission from the Norwegian exporters mentioned in the Annex to this Regulation are being violated.
- (14) It is, therefore, considered imperative that, pending further investigation of these apparent violations, provisional duties be imposed.

D. RATE OF DUTY

- (15) In accordance with Article 8(10) of the Regulation (EC) No 384/96, the rate of the anti-dumping duty must be established on the basis of the best information available.
- (16) In this regard, and in view of recital 107 of Regulation (EC) No 1890/97, it is considered appropriate to set the rates of the provisional anti-dumping duty for all companies concerned at EUR 0,32/kg net product weight.

- (17) In accordance with Article 13(10) of Regulation (EC) No 2026/97, the rate of the countervailing duty must be established on the basis of the best information available.
- (18) Under the present circumstances and in view of recital 149 of Regulation (EC) No 1891/97, it is considered appropriate that the rate of the provisional countervailing duty be set at the level of 3,8 % of the net free-at-Community-frontier price before duty.

E. FINAL CONSIDERATIONS

- (19) Decision 97/634/EC should therefore be amended accordingly, by the deletion of the exporters concerned from the list annexed to that Decision. For the sake of clarity, an updated version of this Annex should be published, showing the exporters whose undertakings remain in force.
- (20) In the interest of sound administration, a period should be fixed in which interested parties may make known their views in writing and request a hearing,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (TARIC code: 0302 12 00 * 19), ex 0304 10 13 (TARIC code: 0304 10 13 * 19), ex 0303 22 00 (TARIC code: 0303 22 00 * 19) and ex 0304 20 13 (TARIC code: 0304 20 13 * 19) originating in Norway and exported by the companies listed in Annex I.

2. The rate of duty applicable is EUR 0,32/kg net product weight.

Article 2

1. A provisional countervailing duty is hereby imposed on imports of farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (TARIC code: 0302 12 00 * 19), ex 0304 10 13 (TARIC code: 0304 10 13 * 19), ex 0303 22 00 (TARIC code: 0303 22 00 * 19) and ex 0304 20 13 (TARIC code: 0304 20 13 * 19) originating in Norway and exported by the companies listed in Annex I.

2. The rate of duty applicable to the net free-at-Community-frontier price, before duty, is 3,8 %.

Article 3

1. The duties referred to in Articles 1 and 2 shall not apply to wild Atlantic salmon (TARIC codes: 0302 12 00 * 11, 0304 10 13 * 11, 0303 22 00 * 11 and 0304 20 13 * 11). For the purpose of the present Regulation, wild Atlantic salmon shall be that in respect of which the competent authorities of the Member State of landing are satisfied, by means of all customs and transport documents to be provided by interested parties, that it was caught at sea.

2. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 4

The parties concerned may make their views known in writing and apply to be heard orally by the Commission

within one month of the date of entry into force of this Regulation.

Article 5

The Annex to Decision 97/634/EC is hereby replaced by Annex II to the present Regulation.

Article 6

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

It shall apply for a period of four months.

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

Done at Brussels, 13 January 1999.

For the Commission

Leon BRITTAN

Vice-President

*ANNEX I***List of companies, on which provisional duties are imposed**

No	Company	TARIC additional code
1	A. Ovreskotnes AS	8095
5	Alsvag Fiskeprodukter A/S	8098
30	Brødrene Remo A/S	8128
65	Hitramat & Delikatesse AS	8154
80	Kr Kleiven & Co. AS	8182
98	Midsundfisk AS	8202
126	Norway Seafoods ASA	8314
153	Scanfood AS	8264
159	Seacom Nord AS	8270
168	SMP Marine Produkter AS	8279
171	Stavanger Røkeri AS	8282
191	Nor-Fa Food AS	8102

ANNEX II

ANNEX

List of companies benefiting from undertakings

No	Company	TARIC additional code
3	Agnefest Seafood	8325
7	Aqua Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group International	8109
13	Arctic Superior A/S	8111
14	Arne Mathiesen A/S	8112
15	A/S Aalesundfisk	8113
16	A/S Austevoll Fiskeindustri	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
23	Atlantic King Stranda A/S	8121
24	Atlantic Seafood A/S	8122
26	Borkowski & Rosnes A/S	8124
27	Brødrene Aasjord A/S	8125
28	Brødrene Eilertsen A/S	8126
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/A	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
36	Delfa Norge A/S	8134
39	Domstein Salmon A/S	8136

No	Company	TARIC additional code
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Eurolaks AS	8140
44	Euronor AS	8141
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd AS	8145
49	Fonn Egersund AS	8146
50	Fossen AS	8147
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
53	Fryseriet AS	8150
58	Grieg Seafood AS	8300
60	Haafa fisk AS	8302
61	Hallvard Lerøy AS	8303
62	Herøy Filetfabrikk AS	8304
64	Hirsholm Norge AS	8306
66	Hydro Seafood Sales AS	8159
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas AS	8177
76	Joh. H. Pettersen AS	8178
77	Johan J. Helland AS	8179
79	Karsten J. Ellingsen AS	8181
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185

No	Company	TARIC additional code
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export AS	8188
88	Lorentz A. Lossius AS	8189
92	Marine Seafood AS	8196
93	Marstein Seafood AS	8197
96	Memo Food AS	8200
99	Myre Sjømat AS	8203
100	Naco Trading AS	8206
101	Namdal Salmon AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
111	Nordic Group ASA	8217
112	Nordreisa Laks AS	8218
113	Norexport AS	8223
114	Norfi Produkter AS	8227
115	Norfood Group AS	8228
116	Norfra Eksport AS	8229
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
121	Northern Seafood AS	8307
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309
124	Norway Royal Salmon AS	8312
130	Nova Sea AS	8235

No	Company	TARIC additional code
134	Ok-Fish Kvalheim AS	8239
137	Pan Fish Sales AS	8242
140	Polar Seafood Norway AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
143	Roger AS	8253
144	Rolf Olsen Seafood AS	8254
145	Ryfisk AS	8256
146	Rørvik Fisk- og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Saga Lax Nord A/S	8259
151	Sangoltgruppa AS	8262
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea-Bell AS	8267
157	Seaco AS	8268
158	Seacom AS	8269
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276
167	SL Fjordgruppen AS	8278
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286

No	Company	TARIC additional code
176	Superior AS	8287
178	Terra Seafood AS	8289
180	Timar Seafood AS	8294
182	Torris Products Ltd AS	8298
183	Troll Salmon AS	8317
187	Vie de France Norway AS	8321
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324'

COMMISSION REGULATION (EC) No 83/1999**of 13 January 1999****amending the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92**

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

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1068/97 ⁽²⁾, and in particular Article 9 thereof,

Whereas, in accordance with Article 9 of Regulation (EEC) No 2081/92, the French Government has requested that the name 'Ossau-Iraty Brebis-Pyrénées', registered as a protected designation of origin by Commission Regulation (EC) No 1107/96 ⁽³⁾, as last amended by Regulation (EC) No 1549/98 ⁽⁴⁾, should be changed to 'Ossau-Iraty';

Whereas examination of the request for amendment has revealed that it is a minor amendment; whereas this is because, although an amendment to a registered name, which in principle should be considered a major amendment, it does not affect the rights of the holders of the name in question; whereas, furthermore, the amendment does not affect the rights of other producers;

Whereas, in accordance with the procedure provided for in Article 9 of Regulation (EEC) No 2081/92, the Commission decided in its Decision of 20 March 1998

not to apply the procedure provided for in Article 6 as it was a case of a minor amendment;

Whereas it has also been concluded that this is an amendment in compliance with Regulation (EEC) No 2081/92; whereas, therefore, the change of the name 'Ossau-Iraty Brebis-Pyrénées' to 'Ossau-Iraty' should be registered and the Annex to Regulation (EC) No 1107/96 should be amended accordingly;

Whereas, in accordance with Article 6(4) of Regulation (EEC) No 2081/92, the amendment of the name 'Ossau-Iraty Brebis-Pyrénées' to 'Ossau-Iraty' should be published in the *Official Journal of the European Communities*,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 1107/96, the protected designation of origin 'Ossau-Iraty Brebis-Pyrénées' is hereby replaced by 'Ossau-Iraty'.

Article 2

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

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

Done at Brussels, 13 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24. 7. 1992, p. 1.

⁽²⁾ OJ L 156, 13. 6. 1997, p. 10.

⁽³⁾ OJ L 148, 21. 6. 1996, p. 1.

⁽⁴⁾ OJ L 202, 18. 7. 1998, p. 25.

**COMMISSION REGULATION (EC) No 84/1999
of 13 January 1999**

**fixing the maximum export refunds for olive oil for the fourth partial invitation
to tender under the standing invitation to tender issued by Regulation (EC) No
2269/98**

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1638/98⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2269/98⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 2269/98 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2269/98 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 January 1999.

Article 2

This Regulation shall enter into force on 14 January 1999.

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

Done at Brussels, 13 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

⁽³⁾ OJ L 284, 22. 10. 1998, p. 25.

ANNEX

to the Commission Regulation of 13 January 1999 fixing the maximum export refunds for olive oil for the forth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2269/98

(EUR/100 kg)

Product code	Amount of refund
1509 10 90 9100	—
1509 10 90 9900	—
1509 90 00 9100	—
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 85/1999
of 13 January 1999
determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton ⁽⁴⁾, as last amended by Regulation (EC) No 1664/98 ⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers and quotations;

whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas the second subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a minimum 7,5 % increase in the revised estimate for unginned cotton production; whereas Commission Regulation (EC) No 2591/98 ⁽⁶⁾ fixes the revised estimate of production of unginned cotton for the 1998/99 marketing year and the relevant percentage increase; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at EUR 22,018 per 100 kilograms.

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

- EUR 62,370 per 100 kilograms in Spain,
- EUR 52,165 per 100 kilograms in Greece,
- EUR 84,480 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 14 January 1999.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 190, 4. 7. 1998, p. 4.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 211, 29. 7. 1998, p. 9.

⁽⁶⁾ OJ L 324, 2. 12. 1998, p. 25.

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

Done at Brussels, 13 January 1999.

For the Commission
Karel VAN MIERT
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 December 1998

on a specific measure to encourage diversification out of certain fishing activities
and amending Decision 97/292/EC

(1999/27/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

- (1) Whereas, pursuant to Council Regulation (EEC) No 2080/93 of 20 July 1993 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the financial instrument of fisheries guidance ⁽³⁾, specific measures may be financed by that instrument;
- (2) Whereas Article 11a of Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ⁽⁴⁾ prohibits the use of drift nets intended for the capture of certain species from 1 January 2002;
- (3) Whereas this Decision will have unfavourable economic and social repercussions in the short term for a number of fishing fleets, thus justifying at Community level an appropriate range of actions and special supporting measures for fishermen serving on board and the owners of fishing vessels;

whereas the measures concerned will have to be exceptional in character, however, and in any event be met from the budget for the affected Member States' existing structural programmes;

- (4) Whereas it is consequently appropriate to derogate temporarily from the criteria for eligibility under the financial instrument for fisheries guidance, hereinafter referred to as 'FIFG' and, if necessary, adjust the upper limit on the relevant eligible expenditure;
- (5) Whereas a specific number of fishing vessels flying the Spanish, French, Irish, Italian and United Kingdom flags are affected by the ban on fishing with drift nets imposed by Regulation (EC) No 1239/98; whereas on 28 April 1997 the Council adopted Decision 97/292/EC on a specific measure to encourage Italian fishermen to diversify out of certain fishing activities ⁽⁵⁾; whereas there is therefore no need to adopt a new specific measure for the said Italian fishermen; whereas, however, for the sake of clarity, that Decision should be amended to list the cases where aid may be cumulated;
- (6) Whereas most of the possible measures fall within the scope of the FIFG as laid down by Council Regulation (EC) No 3699/93 of 21 December 1993

⁽¹⁾ OJ C 314, 13. 10. 1998, p. 18.

⁽²⁾ Opinion delivered on 16 December 1998 (not yet published in the Official Journal).

⁽³⁾ OJ L 193, 31. 7. 1993, p. 1.

⁽⁴⁾ OJ L 132, 23. 5. 1997, p. 1. Regulation as amended by Regulation (EC) No 1239/98 (OJ L 171, 17. 6. 1998, p. 1).

⁽⁵⁾ OJ L 121, 13. 5. 1997, p. 20.

laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁾; whereas they will be financed from the FIFG following normal procedures;

- (7) Whereas the Member States who wish to avail themselves of the specific measures proposed must draw up conversion plans for this purpose;
- (8) Whereas, so as to ensure that compensation is granted only to fishermen and owners of vessels whose income depends on fishing with drift nets as banned by the Council, it must be specified that the fishermen and vessels concerned must have practised these activities in 1995, 1996 or 1997; whereas provision should also be made for effective variation in the amounts of compensation depending in particular on the extent to which these activities are actually practised, the cost of conversion and the age of the vessels;
- (9) Whereas the authorities of the Member States concerned must ensure, when implementing their conversion plan, that beneficiaries may not receive aid other than that provided for under this Decision nor obtain other financial incentives which would not be justified; whereas in particular, rules should be laid down governing cumulation provided for by this specific measure with aid paid before 1998 pursuant to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector⁽²⁾ or Regulation (EC) No 3699/93;
- (10) Whereas the final date for implementing this specific measure must not be later than the date on which the ban on fishing with drift nets comes into force; whereas in any case the commitment by the Member States of the necessary financial means up until 31 December 1999, and booking of the expenditure up until 31 December 2001, are compatible with the Structural Funds' regulations,

HAS ADOPTED THIS DECISION:

Article 1

1. In connection with the ban on fishing with drift nets laid down by Regulation (EC) No 894/97, Member States availing themselves of the specific measure provided for in paragraph 2 shall draw up a conversion plan and communicate it to the Commission. The conversion plans shall be examined by the monitoring committees for the programmes referred to in Article 5(2) of this Decision.
2. To implement the plans referred to in paragraph 1, a specific measure shall be established to grant aid to fishermen and owners of vessels under the conditions laid down in Articles 2 to 6 of this Decision.

Article 2

Fishermen who are nationals of a Member State and worked in 1995, 1996 or 1997 on board a fishing vessel flying the Spanish, French, Irish or United Kingdom flag, using one or more drift nets intended for the capture of the species listed in Annex VIII to Regulation (EC) No 894/97, may receive:

- (a) an individual compensatory payment of up to a maximum of ECU 50 000 if they cease all economic activity before 1 January 2002; this payment:
 - (i) may be cumulated with benefits from early-retirement schemes provided for by the legislation of the Member State concerned, including when the early-retirement scheme in question is part-financed by the FIFG pursuant to Article 14a(3)(a) of Regulation (EC) No 3699/93;
 - (ii) may not be cumulated with the individual compensatory payment provided for in Article 14a(3)(b) of Regulation (EC) No 3699/93;
- (b) an individual compensatory payment of up to a maximum of ECU 20 000, in the case of conversion to another fishing activity or another sector before 1 January 2002. This payment may be cumulated with the individual compensatory payment pursuant to Article 14a(3)(b) of Regulation (EC) No 3699/93 and, if appropriate, with the aid provided for in Title III of that Regulation.

Article 3

Owners of a fishing vessel flying the Spanish, French, Irish or United Kingdom flag, which have used one or more drift nets intended for the capture of the species listed in Annex VIII to Regulation (EC) No 894/97 in 1995, 1996 or 1997, may obtain for those vessels:

⁽¹⁾ OJ L 346, 31. 12. 1993, p. 1. Regulation as last amended by Regulation (EC) No 25/97 (OJ L 6, 10. 1. 1997, p. 7).

⁽²⁾ OJ L 376, 31. 12. 1986, p. 7. Regulation as last amended by Regulation (EC) No 3944/90 (OJ L 380, 31. 12. 1990, p. 1).

- (a) a compensatory payment of an amount up to the maximum listed in Annex I to this Decision, for the permanent cessation of all fishing activity before 1 January 2002; this payment:
 - (i) may be cumulated with aid for the permanent cessation of fishing activities provided for in Article 8 of Regulation (EC) No 3699/93;
 - (ii) may be granted only if the vessel concerned is more than 10 years old;
- (b) a compensatory payment of an amount up to the maximum listed in Annex I to this Decision, in the case of permanent conversion to another fishing activity before 1 January 2002; this payment may be cumulated with aid for the modernisation of the vessel provided for in Article 10 of Regulation (EC) No 3699/93 which would be granted in 1998 or in 1999, under the conditions for derogation laid down in Annex II to this Decision. The amount of this payment shall be deducted *pro rata temporis* from any aid for permanent transfer to a third country or for setting up joint enterprises under Articles 8 and 9 of Regulation (EC) No 3699/93 granted for the same vessel within the following five years.

Article 4

1. Member States shall restrict benefit of the measures laid down in Articles 2 and 3 to fishermen and owners of vessels who prove that they will actually suffer loss as a result of the ban on fishing referred to in Article 1(1).
2. When establishing the actual individual amount of the payments provided for in Articles 2 and 3, Member States shall take particular account of:
 - (a) the actual extent of use by the beneficiaries (fishermen and owners of vessels), during the reference period, of the drift nets covered by the ban referred to in Article 1(1);
 - (b) the cost of conversion;
 - (c) the age of the vessels.

Article 5

1. The public financial contribution, including that of the Community, to measures pursuant to this Decision shall cover all eligible costs up to the maximum amounts laid down in Articles 2 and 3.
2. The Community contribution may amount to a maximum of 50 % of eligible costs incurred by the Member States. It may not exceed the funding limits for the Member States concerned under the 1994 to 1999 Structural Fund programmes (Community support frame-

works, operational programmes and single programming documents for Structural Fund Objectives 1 and 5a).

3. Save as otherwise provided in this Decision, the payments provided for in Articles 2 and 3 shall be subject to the conditions governing the programmes referred to in paragraph 2; they must therefore be the subject of legally binding commitments in the Member States concerned for which the requisite finance must be specifically committed no later than 31 December 1999. The final date for booking expenditure on these measures shall be 31 December 2001.

Article 6

Without prejudice to other provisions applicable and in particular those of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, the authorities of the Member States concerned shall send the Commission each year, at the latest by 1 April for the previous year, a report on the implementation of the conversion plan referred to in Article 1. They shall adopt the necessary provisions to prevent cumulation of compensatory payments and aid not expressly authorised by this Decision and any grant of compensatory payments and aid not justified.

Article 7

Decision 97/292/EC is hereby amended as follows:

1. (a) in Article 1(a), the terms 'on 22 July 1996' shall be replaced by 'in 1995, 1996 or 1997';
- (b) in the Annex, the title 'ANNEX' shall be replaced by 'ANNEX I';
2. Article 1(b) and (c) shall be replaced by the following:
 - (b) to vessel owners who have undertaken to cease definitively all fishing activity. The aid shall be as set out in Table A in Annex I. This aid:
 - (i) may be cumulated with aid for the permanent cessation of fishing activities provided for in Article 8 of Regulation (EC) No 3699/93. However, point 1.1(a) of Annex III to that Regulation shall not apply;
 - (ii) may be granted only if the vessel concerned is more than 10 years old;

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 2635/97 (OJ L 356, 31. 12. 1997, p. 14).

(c) to vessel owners who have undertaken to diversify definitively towards another fishing activity. The premium for diversifying shall be as set out in Table B in Annex I. This premium may be cumulated with aid for the modernisation of the vessel provided for in Article 10 of Regulation (EC) No 3699/93 granted in 1998 or 1999 under the conditions for derogation provided for in Annex II. The amount of this aid shall be deducted *pro rata temporis* from any aid for permanent transfer to a third country or for setting up joint enterprises pursuant to Articles 8 and 9 of Regulation (EC) No 3699/93 granted for the same vessel within the following five years.’;

3. the following Annex shall be added:

‘ANNEX II

Notwithstanding the conditions laid down in Annex IV to Regulation (EC) No 3699/93, the aid for the

modernisation of vessels in receipt of the diversification premium provided for in Article 1(c) of this Decision shall be amended as follows: in point 1.4 (scales of assistance relating to fishing fleets — modernisation aid), the maximum of 50 % shall be replaced by 75 %.’

Article 8

This Decision is addressed to the Kingdom of Spain, the French Republic, Ireland, the Italian Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 17 December 1998.

For the Council

The President

W. MOLTERER

ANNEX I

MAXIMUM PAYMENTS FOR VESSELS (ECU)

Tonnage class GT ⁽¹⁾	Compensatory payment for the permanent cessation of all fishing activity (Article 3(a))	Compensatory payment for permanent conversion to another fishing activity (Article 3(b))
< 5	26 000	16 000
5 < 10	70 000	60 000
10 < 20	104 000	94 000
20 < 40	120 000	110 000
40 < 50	156 000	146 000
50 < 60	190 000	180 000
60 < 70	225 000	215 000
70 < 80	260 000	250 000
> 80	295 000	285 000

⁽¹⁾ If the tonnage in GT is unavailable, an estimated value will be determined in accordance with Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels (OJ L 274, 25. 9. 1986, p. 1), as last amended by Regulation (EC) No 3259/94 (OJ L 339, 29. 12. 1994, p. 11), and with Commission Decisions 95/84/EC of 20 March 1995 (OJ L 67, 25. 3. 1995, p. 33) and 97/259/EC of 1 April 1997 (OJ L 104, 22. 4. 1997, p. 28).

ANNEX II

Notwithstanding the conditions laid down in Annex IV to Regulation (EC) No 3699/93, the aid for the modernisation of vessels in receipt of the compensatory payment provided for in Article 3(b) of this Decision shall be amended as follows:

- (a) in point 1.4 (scales of assistance relating to fishing fleets — modernisation aid), the maximum of 50 % shall be replaced by 75 %;
- (b) opposite 'Other regions' in the column headed 'Group 1' of Table 3 in point 2.1 (participation rates — investments in enterprises), the 60 % minimum financial participation by private beneficiaries (C) shall be replaced by 40 %.

COMMISSION

COMMISSION RECOMMENDATION

of 14 December 1998

concerning the improvement of authorisation procedures for trans-European energy networks

(notified under document number C(1998) 4063)

(Text with EEA relevance)

(1999/28/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision 96/391/EC of the Council of 28 March 1996 laying down a series of measures aimed at creating a more favourable context for the development of trans-European networks in the energy sector⁽¹⁾, and in particular Article 2 thereof,

- (1) Whereas Article 2(1) of Decision 96/391/EC provides that the Community shall promote cooperation between Member States through mutual consultations with a view to facilitating implementation of the authorisation procedures for projects on trans-European energy networks in order to reduce delays;
- (2) Whereas Decision No 1254/96/EC of the European Parliament and of the Council of 5 June 1996 laying down a series of guidelines for trans-European energy networks⁽²⁾, as amended by Decision No 1047/97/EC⁽³⁾, has identified projects of common interest; whereas such identification is without prejudice to the assessment procedure for the environmental impact of the projects;
- (3) Whereas the realisation of some of these projects of common interest is continuing to be confronted with difficulties of an administrative nature resulting primarily from delays in the granting of construction authorisations;
- (4) Whereas there is concern among those affected about delays due to the duration, complexity and variety across the European Community of procedures for the authorisation of the construction of electricity and gas lines, gas storage and liquefied natural gas terminals;
- (5) Whereas delay may result from a lack of transparency in procedures for the granting of authorisations; whereas the establishing of clear and predictable procedures would go far to correct this, while clearly identifying the bodies by whom decisions are taken;
- (6) Whereas the complexity of authorisation procedures is another cause of delay; whereas the establishing of a more coordinated approach to authorisations would go far towards mitigating that complexity;
- (7) Whereas there is scope for improving authorisation procedures by early consultation and association of the competent authorities and by the parallel undertaking, where possible, of assessment processes which form part of the administrative authorisation procedure each with the documentation appropriate to it;

⁽¹⁾ OJ L 161, 29. 6. 1996, p. 154.

⁽²⁾ OJ L 161, 29. 6. 1996, p. 147.

⁽³⁾ OJ L 152, 11. 6. 1997, p. 12.

- (8) Whereas delays arising from misapprehensions by the public and other interested parties of the need for energy projects could be reduced by the wide provision of information, including the recognition of common interest;
- (9) Whereas, in the implementation of the measures concerning the improvement of authorisation procedures for trans-European energy networks, particularly in the case of cross-border projects, there should be the requisite degree of collaboration between the Member States, without prejudice to the principles and implementation of Community or national provisions for the environment and the internal markets in gas and electricity, or to the principle of subsidiarity;
- (10) Whereas Council Directive 85/337/EEC ⁽¹⁾, as amended by Directive 97/11/EC ⁽²⁾, calls for harmonisation of the main principles of the assessment of environmental effects and identifies the need for introducing provisions designed to clarify, supplement and improve the rules on the assessment procedure as well as the desire to strengthen provisions for environmental impact assessment in a transboundary context;
- (11) Whereas the measures provided for in this recommendation are in accordance with the opinion delivered by the Committee referred to in Article 4 of Decision 96/391/EC,

HEREBY RECOMMENDS THE MEMBER STATES:

- (a) to pursue collaboration with each other and, where appropriate, with third countries with a view to facilitating the implementation of the authorisation procedures for cross-border, trans-European energy network projects;
- (b) to take as appropriate, and as far as possible using a common and coordinated approach, the following measures to improve authorisation procedures for cross-border trans-European energy network projects:
 - 1. increasing the transparency of authorisation by means of clear and predictable procedures simplified and streamlined where possible and by clearly identifying the appropriate decision-making bodies;
 - 2. ensuring closer coordination between the various authorisation procedures with, where relevant, appropriate deadlines and by setting up national contact points;
 - 3. improving communication explaining the need for projects of common interest; providing all relevant information early in the planning phase and the decision-making process;
 - 4. requesting from project proposers the presentation, in an integrated manner, of documentation both on the need for the project and on the environmental effects of each of the options for its implementation;
- (c) to collaborate with the Commission on the periodic monitoring of the implementation of this recommendation.

This recommendation is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the Commission
Christos PAPOUTSIS
Member of the Commission

⁽¹⁾ OJ L 175, 5. 7. 1985, p. 40.

⁽²⁾ OJ L 73, 14. 3. 1997, p. 5.

COMMISSION DECISION

of 18 December 1998

deferring, as regards the importation of vegetable propagating and planting material, other than seed, from third countries, the date referred to in Article 16(2) of Directive 92/33/EEC

(notified under document number C(1998) 4262)

(1999/29/EC)

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

Having regard to Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material other than seed ⁽¹⁾, as last amended by Commission Decision 97/109/EC ⁽²⁾, and in particular Article 16(2) thereof,

Whereas, by virtue of Commission Decision 97/109/EC, the date in Article 16(2) of the said Directive was deferred until 31 December 1998;

Whereas the Commission is required pursuant to Article 16(1) of Directive 92/33/EEC to decide whether vegetable and planting material other than seed produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to vegetable propagating and planting material other than seed produced in the Community and complying with the requirements and conditions of the Directive;

Whereas, however, the information presently available on the conditions applying in third countries is still not sufficient to enable the Community to make any such decision in respect of any third country at this stage;

Whereas it is known that, Member States have imported vegetable propagating and planting material other than seed produced in certain third countries; whereas, in order to prevent trade patterns from being disrupted Member States should be allowed to continue to apply to the importation of vegetable propagating and planting material other than seed from third countries conditions equivalent to those applicable to the production and

marketing of products obtained in the Community, in accordance with Article 16(2) of the said Directive;

Whereas vegetable propagating and planting material other than seed imported by a Member State in accordance with a decision taken by that Member State pursuant to Article 16(2), first subparagraph of the said Directive should be subject to no marketing restrictions as regards the matters referred to in Article 16(1) of the said Directive in other Member States;

Whereas accordingly the date referred to in Article 16(2) of the said Directive should be further deferred;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and propagating Materials for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 16(2), first subparagraph of Directive 92/33/EEC is hereby deferred until 31 December 2001.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 157, 10. 6. 1992, p. 10.

⁽²⁾ OJ L 39, 8. 2. 1997, p. 21.

COMMISSION DECISION

of 18 December 1998

deferring, as regards the importation of fruit plant propagating material and fruit plants intended for fruit production from third countries, the date referred to in Article 16(2) of Directive 92/34/EEC

(notified under document number C(1998) 4263)

(1999/30/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants, intended for fruit production ⁽¹⁾, as last amended by Commission Decision 97/110/EC ⁽²⁾, and in particular Article 16(2) thereof,

Whereas, by virtue of Commission Decision 97/110/EC the date in Article 16(2) of the said Directive was deferred until 31 December 1998;

Whereas the Commission is required pursuant to Article 16(1) of Directive 92/34/EEC to decide whether propagating material and fruit plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to propagating material and fruit plants produced in the Community and complying with the requirements and conditions of the Directive;

Whereas, however, the information presently available on the conditions applying in third countries is still not sufficient to enable the Community to make any such decision in respect of any third country at this stage;

Whereas it is known that, Member States have imported propagating material and fruit plants produced in certain third countries; whereas, in order to prevent trade patterns from being disrupted Member States should be allowed to continue to apply to the import of propagating material and fruit plants from third countries conditions equivalent to those applicable to the production and

marketing of products obtained in the Community, in accordance with Article 16(2) of the said Directive;

Whereas propagating material and fruit plants imported by a Member State in accordance with a decision taken by that Member State pursuant to Article 16(2), first subparagraph of the said Directive should be subject to no marketing restrictions as regards the matters referred to in Article 16(1) of the said Directive in other Member States;

Whereas accordingly the date referred to in Article 16(2) of the said Directive should be further deferred;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Propagating Material and Plants of Fruit Genera and Species,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 16(2), first subparagraph of Directive 92/34/EEC is hereby deferred until 31 December 2001.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 157, 10. 6. 1992, p. 10.

⁽²⁾ OJ L 39, 8. 2. 1997, p. 22.

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 9 June 1998

on the method to be applied for determining the national central banks' percentage shares in the key for the capital of the European Central Bank

(ECB/1998/1)

(1999/31/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to Article 29 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'),

Having regard to the contribution of the General Council of the European Central Bank provided in accordance with Article 47.2 of the Statute,

Whereas the statistical data to be used for the determination of the key have been provided by the Commission in accordance with the rules adopted by the EU Council on 5 June 1998⁽¹⁾;

Whereas the Governing Council of the European Central Bank agreed — recognising the impossibility of adhering to a literal interpretation of Article 29.1 of the Statute — to the application of the original (unrounded) four-decimal-place Commission figures for determining the shares of the national central banks (hereinafter referred to as the 'NCBs') in the initial key for the capital of the European Central Bank (hereinafter referred to as the 'ECB') as the most precise and thus fairest method;

Whereas, in the event that the Commission's figures do not equal 100 %, the deviation shall be accommodated by adding 0,0001 percentage point, in ascending order, to the smallest share(s) until exactly 100 % is reached, if the initial total were below 100 %; or by subtracting 0,0001 percentage point, in descending order, from the largest share(s) until exactly 100 % is reached, if the initial total were above 100 %;

Whereas the data provided by the Commission will be subject to a revision in October 1998;

Whereas the weighting of the NCBs in the key may be adjusted in the event that the revised data would result in a change of 0,01 % or more in an NCB's share,

HAS ADOPTED THIS DECISION:

Article 1

The weighting of the NCBs in the key referred to in Article 29.1 of the Statute shall be as follows:

⁽¹⁾ See Council Decision 98/382/EC (OJ L 171, 17. 6. 1998, p. 33).

— Nationale Bank van België/Banque Nationale de Belgique:	2,8885 %,
— Danmarks Nationalbank:	1,6573 %,
— Deutsche Bundesbank:	24,4096 %,
— Bank of Greece:	2,0585 %,
— Banco de España	8,8300 %,
— Banque de France:	16,8703 %,
— Central Bank of Ireland:	0,8384 %,
— Banca d'Italia:	14,9616 %,
— Banque centrale du Luxembourg:	0,1469 %,
— De Nederlandsche Bank:	4,2796 %,
— Österreichische Nationalbank:	2,3663 %,
— Banco de Portugal:	1,9250 %,
— Suomen Pankki:	1,3991 %,
— Sveriges Riksbank:	2,6580 %,
— Bank of England:	14,7109 %.

Article 2

The key may be revised before the start of Stage Three in the event that the Commission provides revised statistical data to be used for the determination of the key before December 1998 which would result in a change of 0,01 % or more in an NCB's share.

Article 3

This Decision shall take retroactive effect from 1 June 1998.

Done at Frankfurt am Main, 9 June 1998.

The President of the ECB

Willem F. DUISENBERG

DECISION OF THE EUROPEAN CENTRAL BANK**of 9 June 1998****laying down the measures necessary for the paying-up of the capital of the
European Central Bank****(ECB/1998/2)****(1999/32/EC)**

THE GOVERNING COUNCIL OF THE EUROPEAN
CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute') and in particular to Article 28 thereof,

Having regard to Council Decision 98/345/EC of 26 May 1998 concerning the appointments to the Executive Board of the European Central Bank and specifying 1 June 1998 as the date for the establishment of the European System of Central Banks (hereinafter referred to as the 'ESCB') and the European Central Bank (hereinafter referred to as the 'ECB')⁽¹⁾,

Having regard to the Decision 1999/31/EC of the European Central Bank dated 9 June 1998 on the method to be applied for determining the national central banks' percentage shares in the key for the capital of the European Central Bank (ECB/1998/1)⁽²⁾,

Having regard to Decision 10/98 of the Council of the European Monetary Institute (hereinafter referred to as the 'EMI') and in particular to Article 2.5 thereof,

Whereas the ECB was established on 1 June 1998;

Whereas, in accordance with Article 28.1 of the Statute, the capital of the ECB shall amount to ECU 5 000 million and shall become operational as of 1 June 1998;

Whereas, in accordance with Article 2.1 of EU Council Regulation (EC) No 1103/97 of 17 June 1997, the euro shall be substituted for the ECU on a 1:1 basis as from 1 January 1999;

Whereas, in accordance with Article 28.2 of the Statute, the national central banks (hereinafter referred to as the 'NCBs') of the Member States of the European Union shall be the sole subscribers to and holders of the capital of the ECB;

Whereas, in accordance with Article 28.3 of the Statute, the Governing Council of the ECB, acting by the qualified majority provided for in Article 10.3 of the Statute,

shall determine the extent to which and the form in which the capital shall be paid up;

Whereas, in accordance with Article 48, by way of derogation from Article 28.3 of the Statute, NCBs of Member States with a derogation shall not pay up their subscribed capital unless the General Council of the ECB, acting by a majority representing at least two-thirds of the subscribed capital of the ECB and at least half of the shareholders, decides that a minimal percentage has to be paid up as a contribution to the operational costs of the ECB; whereas, in accordance with Protocol (No 11) on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland, the Bank of England shall pay up its subscription to the capital of the ECB as a contribution to its operational costs on the same basis as NCBs of Member States with a derogation;

Whereas the capital of the ECB shall thus only be paid up by the NCBs of the Member States adopting the single currency,

HAS ADOPTED THIS DECISION:

*Article 1***Extent to which the capital shall be paid up**

1.1. The subscriptions of the NCBs of the Member States adopting the single currency, which shall be calculated according to the key established in accordance with Article 29 of the Statute, shall be paid up in full. The amounts are due as at 1 June 1998.

1.2. The Annex to this Decision specifies the amounts corresponding to each of these NCBs.

*Article 2***Form in which the capital shall be paid up**

2.1. Amounts due to the ECB from NCBs in respect of the required paying-up of their share of the subscribed ECB capital shall be settled to the extent that they may be offset against repayments of their respective contributions to the financial resources of the EMI, and will constitute payments of the subscribed capital of the ECB.

⁽¹⁾ OJ L 154, 28. 5. 1998, p. 33.

⁽²⁾ See page 31 of this Official Journal.

2.2. In addition to the payments made under paragraph 2.1 above, the NCBs of the Member States adopting the single currency shall settle the payment of any remaining part of their subscribed capital by transfer in ECU to the account or accounts specified by the Executive Board, on 1 July 1998.

2.3. The NCBs of the Member States adopting the single currency shall remunerate the amounts outstanding at the monthly interest rate on official net ECU positions,

applied as simple interest to the period from 1 June to 1 July 1998. The interest payments due shall be settled in one single instalment in arrears on 1 July 1998.

Done at Frankfurt am Main, 9 June 1998.

The President of the ECB

Willem F. DUISENBERG

ANNEX

CAPITAL KEY OF THE ECB

(in ecus)

	Key	Subscribed capital	Total amount due	Contributions to the resources of the EMI	Payable on 1 July 1998
Nationale Bank van België/ Banque Nationale de Belgique	2,8885 %	144 425 000	144 425 000	17 235 643	127 189 357
Deutsche Bundesbank	24,4096 %	1 220 480 000	1 220 480 000	138 808 404	1 081 671 596
Banco de España	8,8300 %	441 500 000	441 500 000	54 476 907	387 023 093
Banque de France	16,8703 %	843 515 000	843 515 000	104 644 800	738 870 200
Central Bank of Ireland	0,8384 %	41 920 000	41 920 000	4 924 381	36 995 619
Banca d'Italia	14,9616 %	748 080 000	748 080 000	97 565 912	650 514 088
Banque centrale du Luxembourg	0,1469 %	7 345 000	7 345 000	923 360	6 421 640
De Nederlandsche Bank	4,2796 %	213 980 000	213 980 000	26 161 252	187 818 748
Österreichische Nationalbank	2,3663 %	118 315 000	118 315 000	14 162 957	104 152 043
Banco de Portugal	1,9250 %	96 250 000	96 250 000	11 387 902	84 862 098
Suomen Pankki	1,3991 %	69 955 000	69 955 000	10 160 382	59 794 618
	78,9153 %	3 945 765 000	3 945 765 000	480 451 900	3 465 313 100

Total subscribed capital of the ECB:

5 000 000 000

DECISION OF THE EUROPEAN CENTRAL BANK

of 7 July 1998

on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes

(ECB/1998/6)

(1999/33/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and in particular to Article 105a(1) thereof and to Article 16 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'),

Having regard to Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽¹⁾ and in particular to Articles 10 and 16 thereof,

Whereas the provisions of Article 105a(1) of the Treaty, Article 16 of the Statute and Article 10 of Regulation (EC) No 974/98 on the introduction of the euro require more precise details on the denominations and specifications of the euro banknotes; whereas such details may be provided by means of a Decision of the Governing Council of the European Central Bank, published for general information in the *Official Journal of the European Communities*;

Whereas Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation⁽²⁾ stipulates that the denominations of the euro coins will range from one cent to two euros; whereas the denominations of the euro banknotes should take into account the denominations of the euro coins;

Whereas the present Decision takes into account the preparatory work carried out by the European Monetary Institute (hereinafter referred to as the 'EMI') and, in particular with regard to the banknote designs, the results of a Europe-wide competition between banknote designers; whereas such preparatory work included consultations with European associations of several categories of banknote users in order to take into account

their specific visual and technical requirements and to facilitate the recognition and acceptance of the new banknote denominations and specifications by users; whereas the European Central Bank (hereinafter referred to as the 'ECB') is the recipient of the copyright on the designs of the euro banknotes, originally held by the EMI;

Whereas it is necessary to establish some common guiding principles according to which the commercial reproduction of the designs of banknotes will be permitted; whereas the ECB shall have recourse to the national central banks (hereinafter referred to as the 'NCBs') of participating Member States for *ad hoc* authorisation to reproduce banknote designs; whereas, as a general policy, reproduction of the banknote designs to which this Decision refers shall be authorised, *inter alia*, for education purposes;

Whereas a common regime under which the NCBs of participating Member States are prepared to exchange mutilated or damaged euro banknotes needs to be established; whereas the need to establish a common regime also applies to the final withdrawal of banknotes when these are to be replaced by new banknotes; whereas the publication of announcements in the *Official Journal of the European Communities* may be accompanied by other means of publication that may facilitate due acknowledgement by the general public,

HAS ADOPTED THIS DECISION:

*Article 1***Denominations and specifications**

1.1. The first series of euro banknotes will include seven denominations in the range of five euros to 500 euros, depicting the theme 'Ages and styles of Europe', with the following basic specifications.

⁽¹⁾ OJ L 139, 11. 5. 1998, p. 1.

⁽²⁾ OJ L 139, 11. 5. 1998, p. 6.

Face value (EUR)	Dimensions	Dominant colour	Design
5	120 × 62 mm	Grey	Classical
10	127 × 67 mm	Red	Romanesque
20	133 × 72 mm	Blue	Gothic
50	140 × 77 mm	Orange	Renaissance
100	147 × 82 mm	Green	Baroque and Rococo
200	153 × 82 mm	Yellow-Brown	Iron and glass architecture
500	160 × 82 mm	Purple	Modern 20th century architecture

1.2. The seven denominations in the euro banknote series bear the representation of gateways and windows on the recto and bridges on the verso. All seven denominations are typical of the different European artistic periods referred to above. Other elements of the designs include: the symbol of the European Union; the name of the currency in the Roman and Greek alphabets; the initials of the European Central Bank in their official language variants; the © symbol to indicate the copyright protection; and the signature of the President of the ECB.

Article 2

Reproduction

2.1. The copyright on the banknotes specified in Article 1 of this Decision belongs to the ECB.

2.2. The reproduction of all or part of a banknote specified in Article 1 of this Decision is authorised without recourse to a specific procedure in the following cases:

- (a) for photographs, drawings, paintings and films, and generally for images in which the basic focus of the image is not the banknotes themselves, provided that the banknotes are used solely as one element of the action or of the setting, without any close-up view of the banknote designs;
- (b) for reproductions printed on one side only and
 - on a material which cannot be mistaken for paper, or
 - which are more than (or equal to) twenty-four centimetres in length and twelve centimetres in width, or less than (or equal to) eight centimetres in length and four centimetres in width.

2.3. Any other reproduction of all or part of a banknote has to be authorised by (i) the NCB of the participating Member State in which the applicant is located, under delegation from and in accordance with the poli-

cies of the ECB, or (ii) the ECB, for applicants located outside the participating Member States.

2.4. General authorisation of reproductions under the above rules may be cancelled in the event of a conflict with the unalienable moral rights of the author of the banknote designs.

Article 3

Exchange of mutilated or damaged banknotes

3.1. NCBs of participating Member States shall, upon request, exchange mutilated or damaged legal tender euro banknotes in the following cases:

- (a) when more than 50 % of the banknote is presented;
- (b) when 50 % or less of the banknote is presented if the applicant proves that the missing parts have been destroyed.

3.2. The exchange of mutilated or damaged banknotes shall require:

- (a) identification of the applicant in cases of doubt as to the applicant's legal title to the banknotes and the authenticity of the banknotes;
- (b) upon reasonable suspicion that a criminal offence has been committed or that the banknote has been intentionally mutilated or damaged, written explanations with regard to the cause of the mutilation or damage and what has become of the missing parts of the banknote;
- (c) written explanations of the kind of stain, contamination or impregnation when ink-stained, contaminated or impregnated banknotes are presented;
- (d) a written statement on the cause and kind of neutralisation when banknotes are submitted by credit institutions if they have been discoloured by activated anti-theft devices;

(e) payment by the applicant of the fee that the ECB may establish in cases of labour-intensive analysis by NCBs.

Article 4

Withdrawal of banknotes

The withdrawal of a euro banknote type or series will be regulated by a Decision of the Governing Council published for general information in the *Official Journal of the European Communities* and other media. This Decision will cover, as a minimum, the following points:

- the euro banknote type or series to be withdrawn from circulation,
- the duration of the exchange period,
- the date on which the euro banknote type or series will lose its legal tender status,

- the treatment of the euro banknotes presented once the withdrawal period is over and/or they have lost their legal tender status.

Article 5

General provisions

This Decision will be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main, 7 July 1998.

The President of the ECB

Willem F. DUISENBERG

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Subject: Changes to the Official Journal of the European Communities in 1999

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