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Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 96/1999
of 12 January 1999**

amending Regulation (EC) No 1950/97 imposing a definitive anti-dumping duty on imports of sacks and bags made of polyethylene or polypropylene originating in India, Indonesia and Thailand and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

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⁾ (hereinafter referred to as 'the basic Regulation'), and in particular Article 11(4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EC) No 1950/97⁽²⁾, the Council imposed, *inter alia*, a definitive anti-dumping duty of 36,0 % on imports of sacks and bags made of polyethylene or polypropylene (hereinafter 'product concerned') originating in India, with the exception of imports from several Indian companies specifically mentioned, which were either subject to a lesser rate of duty or to no duty at all. The product is currently classifiable within CN codes 6305 32 81, 6305 33 91, ex 3923 21 00, ex 3923 29 10 and ex 3923 29 90.

B. CURRENT PROCEDURE

- (2) The Commission subsequently received applications for a review of the measures currently in force, namely a request for the initiation of a 'new exporter' review of Regulation (EC) No 1950/97, pursuant to Article 11(4) of the basic Regulation, from the Indian producers Hyderabad Polymers Pvt. Ltd, Pithampur Poly Products Ltd, Sangam Cifab Pvt. Ltd and Synthetic Fibres (Mysore) Pvt. Ltd (hereinafter referred to as 'the companies concerned'). The companies concerned claimed

that they were not related to any of the exporting producers in India subject to the anti-dumping measures in force with regard to the product concerned. Furthermore, they claimed that they had not exported the product concerned during the original period of investigation (1 April 1994 to 31 March 1995), but had exported the product concerned to the Community since then.

- (3) The Commission examined the evidence submitted by the Indian exporting producers concerned and considered it sufficient to justify the initiation of a review in accordance with the provisions of Article 11(4) of the basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by Regulation (EC) No 802/98⁽³⁾, a review of Regulation (EC) No 1950/97 with regard to the companies concerned and commenced its investigation.

By Regulation (EC) No 802/98, the Commission also repealed the anti-dumping duty imposed by Regulation (EC) No 1950/97 with regard to imports of the product concerned produced and exported to the Community by the companies concerned and directed customs authorities, pursuant to Article 14(5) of the basic Regulation, to take appropriate steps to register such imports.

- (4) The product covered by the current review is the same product as the one under consideration in Regulation (EC) No 1950/97.
- (5) The Commission officially advised the companies concerned and the representatives of the exporting country. Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such request was received by the Commission.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30. 4. 1998, p. 18).

⁽²⁾ OJ L 276, 9. 10. 1997, p. 1.

⁽³⁾ OJ L 115, 17. 4. 1998, p. 3.

The Commission sent a questionnaire to the companies concerned and received full replies within the deadline. The Commission sought and verified all information it deemed necessary for the purpose of the investigation and carried out verification visits at the premises of the companies concerned.

- (6) The investigation of dumping covered the period from 1 April 1996 to 31 December 1997 (hereinafter referred to as the 'investigation period').
- (7) The same methodology as that used in the original investigation was applied in the current investigation.

C. SCOPE OF THE REVIEW

- (8) As no request for a review of the findings on injury was made in this investigation, this review was limited to dumping.

D. RESULTS OF THE INVESTIGATION

1. New exporter qualification

- (9) The investigation confirmed that the companies concerned had not exported the product concerned during the original period of investigation and that they had begun exporting to the Community after this period.

Furthermore, according to documentary evidence submitted, the companies concerned were able satisfactorily to demonstrate that they did not have any links, direct or indirect, with any of the Indian exporting producers subject to the anti-dumping measures in force with regard to the product concerned.

Accordingly, it is confirmed that the companies concerned should be considered new exporters in accordance with Article 11(4) of the basic Regulation and thus individual dumping margins should be determined for them.

2. Dumping

A. Normal value

- (10) In accordance with Article 2(2) of the basic Regulation it was examined whether the volume of each company's sales of the product concerned on the domestic market constituted overall at least 5 % of the volume of the exports of the like product to the Community. For all companies concerned it was established that the volume of domestic sales of the like product was at a level considerably in excess of the said 5 % threshold.

For each type of sacks and bags exported to the Community, it was then examined whether or not there were representative domestic sales of identical or directly comparable types. For each product type, the volume sold in India during the investigation period represented 5 % or more of the quantity of the comparable type of sacks and bags sold for export to the Community. Domestic sales of each product type exported were therefore considered to have been made in sufficient quantities within the meaning of Article 2(2) of the basic Regulation.

For the purposes of examining whether sales of the like product had been made in the ordinary course of trade, information supplied on cost of production was verified.

A number of material errors in the costs reported by the companies concerned were corrected. Most importantly, this related to the main component of the cost of production, the cost of raw materials, which had to be thoroughly revised for three of the said companies.

One company, which sustained losses throughout the investigation period, claimed that these losses should be considered as start-up losses and that its profitability should therefore be established on the basis of its 'normal' costs. This claim was rejected on the grounds that the length of the start-up phase exceeded the appropriate initial portion of the period for cost recovery, as referred to in Article 2(5) of the basic Regulation.

The Commission subsequently examined whether the domestic sales of each type of sacks and bags exported to the Community by the companies concerned could be considered to have been made in the ordinary course of trade, pursuant to Article 2(4) of the basic Regulation.

For those product types where it was determined that the weighted average selling price was equal to, or higher than, the weighted average unit cost and that the volume of sales below unit cost was 20 % or less of the total sales being used to determine normal value, all domestic sales were regarded as having been made in the ordinary course of trade. In accordance with Article 2(1) of the basic Regulation, normal value was thus based on the weighted average prices of all domestic sales of these product types corresponding to those exported to the Community.

For one product type where the volume of sales below unit cost was more than 20 % of the total

sales being used to determine normal value, normal value was established on the basis of the weighted average prices actually paid for the remaining profitable domestic sales.

For one exporting producer, which did not have sufficient domestic sales made in the ordinary course of trade, normal value was established on the basis of the weighted average of the prices charged by the other exporting producers subject to the investigation for representative sales of the corresponding product types on the domestic market made in the ordinary course of trade.

B. Export price

- (11) Export prices were established on the basis of the prices actually paid or payable for the product concerned when sold for export to independent customers in the Community, in accordance with Article 2(8) of the basic Regulation.

C. Comparison

- (12) In accordance with Article 2(11) of the basic Regulation, the weighted average normal value by product type was compared, on an ex-factory basis, with the weighted average export price at the same level of trade.

For the purpose of a fair comparison, due allowance in the form of adjustments was made for differences which were claimed and demonstrated to affect prices and price comparability. These adjustments were made, in accordance with Article 2(10) of the basic Regulation, in respect of physical characteristics, import charges, discounts and rebates, transport, insurance, handling and ancillary costs, packing, credit costs and commissions.

As far as requests for adjustments concerning import charges are concerned, it should be noted that none of those adjustments could be allowed in full. In accordance with Article 2(10)(b) of the basic Regulation, the requests were fully or partially rejected wherever it was found that the like product and the materials physically incorporated therein sold by the exporting producers in question on their domestic market and intended for consumption within that country, did not bear any import charges.

One exporting producer claimed an allowance for different levels of trade, pursuant to Article 2(10)(d) of the basic Regulation, on the grounds that on the domestic market the product was sold only to end-users, whereas on the export market it was sold

only to distributors. However, that producer was unable to demonstrate consistent and distinct differences in functions and prices for the allegedly different levels of trade on the Indian domestic market. In view of the above, no adjustment was granted for differences in level of trade.

Another exporting producer claimed an allowance for differences between the quantities supplied and those contractually agreed. This claim could not be accepted since the difference in quantities was not related to differences in discounts and rebates and therefore did not affect price comparability.

D. Dumping margin

- (13) The comparison showed that no dumping existed for exports of the product concerned to the Community made by Hyderabad Polymers Pvt. Ltd and Pithampur Poly Products Ltd during the investigation period.

With regard to Sangam Cifab Pvt. Ltd and Synthetic Fibres (Mysore) Pvt. Ltd, it was found that both companies had the same managing director and the same shareholders. It was therefore concluded that only one dumping margin, based on the weighted average of the dumping margins found for both, should be established for the two companies. The comparison revealed the existence of a *de minimis* dumping margin of 1,7 % for these two companies.

E. AMENDMENT OF THE MEASURES BEING REVIEWED

- (14) Based on the findings made during the investigation, it is considered that imports into the Community of sacks and bags produced and exported by the companies concerned should not be subject to an anti-dumping duty. Regulation (EC) No 1950/97 should therefore be amended accordingly.

F. DISCLOSURE AND DURATION OF THE MEASURE

- (15) The companies concerned were informed of the facts and considerations on the basis of which it is intended to propose the amendment of Regulation (EC) No 1950/97, and were given the opportunity to comment. Comments were received and taken into account where appropriate.
- (16) The review carried out does not affect the date on which Regulation (EC) No 1950/97 will expire pursuant to Article 11(2) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 2

Article 1

Article 1(2)(a) of Regulation (EC) No 1950/97 is hereby amended by adding the following to the section headed 'India':

Customs authorities are hereby directed to discontinue registration pursuant to Article 3 of Regulation (EC) No 802/98.

— Hyderabad Polymers Pvt Ltd	0,0	8 106
— Pithampur Poly Products Ltd	0,0	8 155
— Sangam Cirqfab Pvt Ltd	0,0	8 156
— Synthetic Fibres (Mysore) Pvt Ltd	0,0	8 157'.

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, 12 January 1999.

For the Council

The President

E. BULMAHN

COMMISSION REGULATION (EC) No 97/1999
of 15 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 16 January 1999.

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

Done at Brussels, 15 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 15 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	64,6
	999	75,9
0707 00 05	053	102,9
	999	102,9
0709 10 00	220	68,8
	999	68,8
0709 90 70	052	131,8
	204	146,3
	999	139,1
0805 10 10, 0805 10 30, 0805 10 50	052	35,8
	204	37,8
	212	44,4
	220	37,0
	624	43,6
	999	39,7
0805 20 10	052	36,1
	204	64,9
	999	50,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,2
	204	61,0
	464	90,0
	624	91,0
	999	76,3
0805 30 10	052	51,6
	600	73,9
	999	62,8
0808 10 20, 0808 10 50, 0808 10 90	052	59,6
	060	42,5
	400	75,0
	404	82,3
	720	90,6
	728	100,8
	999	75,1
	052	135,4
0808 20 50	064	61,8
	400	85,1
	720	63,0
	999	86,3

⁽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 98/1999
of 15 January 1999
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2519/98⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question; however, that duty may not exceed the rate of duty in the Common Customs Tariff;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 January 1999.

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

Done at Brussels, 15 January 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 315, 25. 11. 1998, p. 7.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	55,48	45,48
	medium quality ⁽¹⁾	65,48	55,48
1001 90 91	Common wheat seed	48,16	38,16
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	48,16	38,16
	medium quality	77,88	67,88
	low quality	97,61	87,61
1002 00 00	Rye	109,08	99,08
1003 00 10	Barley, seed	109,08	99,08
1003 00 90	Barley, other ⁽²⁾	109,08	99,08
1005 10 90	Maize seed other than hybrid	103,41	93,41
1005 90 00	Maize other than seed ⁽²⁾	103,41	93,41
1007 00 90	Grain sorghum other than hybrids for sowing	109,08	99,08

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 31 December 1998 to 14 January 1999)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/tonne)	113,58	99,91	88,65	73,38	133,00 (**)	123,00	79,40 (**)
Gulf premium (EUR/tonne)	26,75	10,69	2,22	11,69	—	—	—
Great Lakes premium (EUR/tonne)	—	—	—	—	—	—	—

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

(**) Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: EUR 10,91 per tonne; Great Lakes — Rotterdam: EUR 21,18 per tonne.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: EUR 0,00 per tonne (HRW2)
EUR 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 99/1999
of 15 January 1999

**fixing the minimum selling prices for butter and the maximum aid for cream,
butter and concentrated butter for the 23rd individual invitation to tender under
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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 6(3) and (6) and Article 12(3) thereof,

Whereas the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 1982/98 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter; whereas it is further stipulated that the price or aid may vary according

to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; whereas the amount(s) of the processing securities must be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 23rd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 January 1999.

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

Done at Brussels, 15 January 1999.

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 350, 20. 12. 1997, p. 3.

⁽⁴⁾ OJ L 256, 18. 9. 1998, p. 9.

ANNEX

to the Commission Regulation of 15 January 1999 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 23rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		109	105	109	105
	Butter < 82 %		104	100	104	100
	Concentrated butter		134	130	134	130
	Cream		—	—	46	44
Processing security	Butter		120	—	120	—
	Concentrated butter		148	—	148	—
	Cream		—	—	51	—

COMMISSION REGULATION (EC) No 100/1999

of 15 January 1999

laying down special measures derogating from Regulation (EEC) No 3719/88 in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

it is therefore necessary to adopt provisions allowing for the export licences to be cancelled;

Having regard to the Treaty establishing the European Community,

Whereas, in the light of developments, this Regulation should enter into force immediately;

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(4) thereof,

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

Whereas Commission Regulation (EEC) No 3719/88 ⁽³⁾, as last amended by Regulation (EC) No 1044/98 ⁽⁴⁾, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products;

HAS ADOPTED THIS REGULATION:

Article 1

Whereas Commission Regulation (EC) No 1466/95 ⁽⁵⁾, as last amended by Regulation (EC) No 2184/98 ⁽⁶⁾, lays down special detailed rules of application for export refunds on milk and milk products;

This Regulation shall apply to certain products falling within CN code 0406 for which export licences have been issued pursuant to Regulation (EC) No 1466/95 containing the indication 'Russia' in box 7 in accordance with Article 1(2) of that Regulation.

Whereas the problems prevailing on the Russian market since the second half of August 1998 have seriously damaged the financial interests of certain exporters of cheese to Russia; whereas the situation thus created has adversely affected export opportunities under the conditions laid down in Regulation (EC) No 1466/95;

Article 2

On application by the holder submitted before 31 January 1999, the export licences referred to in Article 2 of Regulation (EC) No 2186/98 shall be cancelled and the security released.

Whereas to limit the adverse effects Commission Regulation (EC) No 2186/98 ⁽⁷⁾ extends the time limit laid down in the regulations applicable to refunds so that export operations which have not been completed on account of the abovementioned circumstances can be regularised or another outlet within the same zone can be found;

Article 3

Member States shall notify to the Commission the quantities of products covered by the measure referred to in Article 2 before 28 February 1999.

Whereas that measure has not achieved the desired aim and the difficulties on the Russian market persist; whereas

Article 4

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

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ L 149, 20. 5. 1998, p. 11.

⁽⁵⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁶⁾ OJ L 275, 10. 10. 1998, p. 21.

⁽⁷⁾ OJ L 275, 10. 10. 1998, p. 28.

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

Done at Brussels, 15 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 101/1999
of 15 January 1999

amending Regulation (EEC) No 3143/85 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter and Regulation (EEC) No 429/90 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the correct use of the final product; whereas provision should be made for the same limits and reference methods to apply where the content of the chemical tracers referred to in those Regulations is not observed;

Having regard to the Treaty establishing the European Community,

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

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 Articles 6(6) and 7a(3) thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas Commission Regulation (EEC) No 3143/85 ⁽³⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁴⁾, provides for the sale at reduced prices of intervention butter intended for direct consumption in the Community in the form of concentrated butter; whereas the scheme will continue to apply for as long as stocks of butter in intervention storage permit; whereas Commission Regulation (EEC) No 429/90 ⁽⁵⁾, as last amended by Regulation (EC) No 417/98 ⁽⁶⁾, provides for the granting by invitation to tender of an aid for concentrated butter obtained from butter or cream from the market and intended for direct consumption in the Community; whereas these Regulations and Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, as last amended by Regulation (EC) No 1982/98 ⁽⁸⁾, provide for tracers to be added to concentrated butter to ensure

1. The second subparagraph of Article 9(2) of Regulation (EEC) No 3143/85 is replaced by the following:

‘However, where, for example because of uneven distribution, the content of each of the products referred to in Article 5(2) is found to be more than 5 % but less than 30 % below the minimum quantities prescribed, 1,5 % of the processing security shall be forfeited for each percentage point below the prescribed minimum quantities.’

2. In Article 8(4) of Regulation (EEC) No 429/90, ‘20 %’ is replaced by ‘30 %’.

Article 2

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

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 298, 12. 11. 1985, p. 9.

⁽⁴⁾ OJ L 174, 26. 7. 1995, p. 27.

⁽⁵⁾ OJ L 45, 21. 2. 1990, p. 8.

⁽⁶⁾ OJ L 52, 21. 2. 1998, p. 18.

⁽⁷⁾ OJ L 350, 20. 12. 1997, p. 3.

⁽⁸⁾ OJ L 256, 18. 9. 1998, p. 9.

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

Done at Brussels, 15 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 102/1999
of 15 January 1999
on the issuing of import licences for bananas under the tariff quotas and for
traditional ACP bananas for the first quarter of 1999 (second period)
(Text with EEA relevance)

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

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1637/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community ⁽³⁾, and in particular Article 18(2) thereof,

Whereas Article 2 of and the Annex to Commission Regulation (EC) No 2806/98 ⁽⁴⁾ fix the quantities available for the first quarter of 1999 under the second period for the submission of applications provided for in Article 18 of Regulation (EC) No 2362/98;

Whereas, pursuant to Article 18(2) of Regulation (EC) No 2362/98, on the basis of applications submitted during the second period, the quantities for which licences may be issued for the origins concerned should be determined forthwith;

Whereas this Regulation should apply immediately to permit licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued under the arrangements for the importation of bananas, tariff quotas arrangements and arrangements for traditional ACP bananas for the first quarter of 1999 (second period) in respect of new applications as referred to in Article 18 of Regulation (EC) No 2362/98:

1. for the quantity indicated in the licence application multiplied, for the origin 'Panama', by the reduction coefficient 0,9701 and, for the origin 'Others', by the reduction coefficient 0,7198;
2. for the quantity indicated in the licence application for an origin other than those mentioned in point 1.

Article 2

This Regulation shall enter into force on 16 January 1999.

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

Done at Brussels, 15 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 28.

⁽³⁾ OJ L 293, 31. 10. 1998, p. 32.

⁽⁴⁾ OJ L 349, 24. 12. 1998, p. 32.

COMMISSION REGULATION (EC) No 103/1999

of 15 January 1999

fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2566/98

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 organization of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2566/98 ⁽³⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2566/98 is hereby fixed on the basis of the tenders submitted from 11 to 14 January 1999 at EUR 309,00 per tonne.

Article 2

This Regulation shall enter into force on 16 January 1999.

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

Done at Brussels, 15 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 320, 28. 11. 1998, p. 49.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 104/1999**of 15 January 1999****fixing the maximum export refund on wholly milled medium round grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2565/98**

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 last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2565/98 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium round grain and long grain A rice to be exported to certain third countries of Europe pursuant to the invitation to tender issued in Regulation (EC) No 2565/98 is hereby fixed on the basis of the tenders submitted from 11 to 14 January 1999 at EUR 118,00 per tonne.

Article 2

This Regulation shall enter into force on 16 January 1999.

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

Done at Brussels, 15 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 320, 28. 11. 1998, p. 46.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 105/1999**of 15 January 1999****fixing the maximum export refund on wholly milled round grain, medium grain
and long grain A rice in connection with the invitation to tender issued in
Regulation (EC) No 2564/98**

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 last amended by Regulation (EC) No
2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on
rice was issued pursuant to Commission Regulation (EC)
No 2564/98 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No
584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/
95 ⁽⁵⁾, allows the Commission to fix, in accordance with
the procedure laid down in Article 22 of Regulation (EC)
No 3072/95 and on the basis of the tenders submitted, a
maximum export refund; whereas in fixing this
maximum, the criteria provided for in Article 13 of Regu-
lation (EC) No 3072/95 must be taken into account;
whereas a contract is awarded to any tenderer whose
tender is equal to or less than the maximum export
refund;

Whereas the application of the abovementioned criteria
to the current market situation for the rice in question
results in the maximum export refund being fixed at the
amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round
grain, medium grain and long grain A rice to be exported
to certain third countries pursuant to the invitation to
tender issued in Regulation (EC) No 2564/98 is hereby
fixed on the basis of the tenders submitted from 11 to 14
January 1999 at EUR 117,00 per tonne.

Article 2

This Regulation shall enter into force on 16 January
1999.

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

Done at Brussels, 15 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 320, 28. 11. 1998, p. 43.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 106/1999

of 15 January 1999

fixing the maximum subsidy for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2563/98

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 last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, and in particular Article 9(1) thereof,

Whereas Commission Regulation (EC) No 2563/98 ⁽⁴⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy;

Whereas the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy; whereas

successful tenderers shall be those bids are at or below the level of the maximum subsidy;

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 11 to 14 January 1999 at EUr 293 per tonne pursuant to the invitation to tender referred to in Regulation (EC) No 2563/98.

Article 2

This Regulation shall enter into force on 16 January 1999.

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

Done at Brussels, 15 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 29, 7. 9. 1989, p. 8.

⁽⁴⁾ OJ L 320, 28. 11. 1998, p. 40.

COMMISSION REGULATION (EC) No 107/1999**of 15 January 1999****fixing the maximum aid for concentrated butter for the 195th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

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 7a(3) thereof,

Whereas, in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 417/98 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; whereas Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

Whereas, in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 195th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

— maximum aid:	EUR 134/100 kg
— end-use security:	EUR 148/100 kg.

Article 2

This Regulation shall enter into force on 16 January 1999.

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

Done at Brussels, 15 January 1999.

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 45, 21. 2. 1990, p. 8.

⁽⁴⁾ OJ L 52, 21. 2. 1998, p. 18.

COMMISSION REGULATION (EC) No 108/1999
of 15 January 1999

**fixing the maximum buying-in price and the quantities of beef to be bought in
under the 215th partial invitation to tender as a general intervention measure
pursuant to Regulation (EEC) No 1627/89**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1633/98⁽²⁾, and in particular Article 6(7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 2812/98⁽⁴⁾, an invitation to tender was opened pursuant to Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 29/1999⁽⁶⁾;

Whereas, in accordance with Article 13(1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 13(2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 215th partial invitation to tender have been considered and taking account, pursuant to Article 6(1) of Regulation

(EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 215th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - the maximum buying-in price shall be EUR 235 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 2 784 tonnes.

Article 2

This Regulation shall enter into force on 18 January 1999.

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

Done at Brussels, 15 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 349, 24. 12. 1998, p. 47.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 5, 9. 1. 1999, p. 39.

COMMISSION REGULATION (EC) No 109/1999

of 15 January 1999

fixing the export refunds on rice and broken rice and suspending the issue of export licences

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 last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas export possibilities exist for a quantity of 2 000 tonnes of rice to certain destinations; whereas the procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 444/98 ⁽⁵⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas, for the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 2 000 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 18 January 1999.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 154, 15. 6. 1976, p. 11.

⁽⁴⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁵⁾ OJ L 56, 26. 2. 1998, p. 12.

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

Done at Brussels, 15 January 1999.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 15 January 1999 fixing the export refunds on rice and broken rice and suspending, the issue of export licences

(EUR/tonne)			(EUR/tonne)		
Product code	Destination (1)	Amount of refunds	Product code	Destination (1)	Amount of refunds
1006 20 11 9000	01	81,00	1006 30 65 9900	01	101,00
1006 20 13 9000	01	81,00		04	—
1006 20 15 9000	01	81,00	1006 30 67 9100	05	—
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	81,00	1006 30 92 9100	01	101,00
1006 20 94 9000	01	81,00		02	—
1006 20 96 9000	01	81,00		03	—
1006 20 98 9000	—	—		04	—
1006 30 21 9000	01	81,00	1006 30 92 9900	01	101,00
1006 30 23 9000	01	81,00		04	—
1006 30 25 9000	01	81,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	101,00
1006 30 42 9000	01	81,00		02	—
1006 30 44 9000	01	81,00		03	—
1006 30 46 9000	01	81,00		04	—
1006 30 48 9000	—	—	1006 30 94 9900	01	101,00
1006 30 61 9100	01	101,00		04	—
	02	—		—	—
	03	—	1006 30 96 9100	01	101,00
	04	—		02	—
1006 30 61 9900	01	101,00		03	—
	04	—		04	—
1006 30 63 9100	01	101,00			
	02	—	1006 30 96 9900	01	101,00
	03	—		04	—
	04	—		—	—
1006 30 63 9900	01	101,00	1006 30 98 9100	05	—
	04	—	1006 30 98 9900	—	—
1006 30 65 9100	01	101,00			
	02	—	1006 40 00 9000	—	—
	03	—			
	04	—			

(1) The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia; refunds fixed under the procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 in respect of a quantity of 2 000 tonnes of milled rice equivalent,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Suriname, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,
- 05 Ceuta and Melilla.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

DIRECTIVE 98/91/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 1998

relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending Directive 70/156/EEC relating to the type approval of motor vehicles and their trailers

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾,

Having regard to Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road ⁽⁴⁾, which transposes into Community law the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR),

Whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured;

Whereas total harmonisation regarding the technical requirements for vehicles intended for the transport of dangerous goods by road is necessary in order fully to achieve that objective;

Whereas technical barriers to trade regarding the provisions for EC type approval of vehicles intended for the transport of dangerous goods by road should be eliminated in order to allow the market organisation in question to operate smoothly;

Whereas it is therefore necessary in the context of the internal market to harmonise the standards for means of transport of dangerous goods by road;

Whereas it is necessary to harmonise the approval procedures in the Member States;

Whereas this Directive will be one of the separate Directives which must be fulfilled in order to comply with the EC type-approval procedure which has been established by Directive 70/156/EEC ⁽⁵⁾ and in order to ensure the conformity of vehicles with the requirements of the EC type-approval procedure established by that Directive; whereas, therefore, the provisions of Directive 70/156/EEC relating to vehicles apply to this Directive;

Whereas, in particular, Article 3(4) and Article 4(3) of Directive 70/156/EEC require each separate Directive to have an information document attached to it incorporating the relevant items of Annex I to that Directive and also a type-approval certificate based on Annex VI thereto in order that type approval may be computerised,

⁽¹⁾ OJ C 29, 30. 1. 1997, p. 17, and OJ C 207, 3. 7. 1998, p. 18.

⁽²⁾ OJ C 296, 29. 9. 1997, p. 1.

⁽³⁾ Opinion of the European Parliament of 19 February 1998 (OJ C 80, 16. 3. 1998, p. 209), Council Common Position of 29 June 1998 (OJ C 262, 19. 8. 1998, p. 1) and Decision of the European Parliament of 20 October 1998 (OJ C 341, 9. 11. 1998). Council Decision of 7 December 1998.

⁽⁴⁾ OJ L 319, 12. 12. 1994, p. 7. Directive as amended by Directive 96/86/EC (OJ L 335, 24. 12. 1996, p. 43).

⁽⁵⁾ Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers (OJ L 42, 23. 2. 1970, p. 1). Directive as last amended by Directive 98/14/EC (OJ L 91, 25. 3. 1998, p. 1).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to vehicles of categories 'N' and 'O', as defined in Article 2 and Annex II to Directive 70/156/EEC, intended for the transport of dangerous goods by road within or between Member States.

The scope, definition, classification and requirements relating to such vehicles and the administrative provisions for EC type approval thereof are set out in Annexes I and II respectively to this Directive.

Article 2

For the purposes of this Directive:

- '*dangerous goods*' shall mean substances and articles as defined in Article 2 of Directive 94/55/EC,
- '*transport*' shall mean road transport operation as defined in Article 2 of Directive 94/55/EC.

Article 3

Directive 70/156/EEC shall be amended by the addition of:

(a) the following item to Annex I:

'14. SPECIAL PROVISIONS FOR VEHICLES INTENDED FOR THE TRANSPORT OF DANGEROUS GOODS

14.1. Electrical equipment according to Directive 94/55/EC

14.1.1. Protection against overheating of conductors:

.....

14.1.2. Type of circuit breaker:

.....

14.1.3. Type and operation of battery master switch:

.....

14.1.4. Description and location of safety barrier for tachograph:

.....

14.1.5. Description of permanently energised installations. Indicate the EN standard applied:

.....

14.1.6. Construction and protection of electrical installation situated to the rear of the driver's compartment:

.....

14.2. Prevention of fire risks

14.2.1. Type of not readily flammable material in the driver's compartment:

.....

14.2.2. Type of heat shield behind the driver's compartment (if applicable):

.....

14.2.3. Position and heat protection of engine:

.....

- 14.2.4. Position and heat protection of the exhaust system:
-
- 14.2.5. Type and design of the endurance braking systems heat protection:
-
- 14.2.6. Type, design and position of combustion heaters:
-
- 14.3. **Special requirements for bodywork, if any, according to Directive 94/55/EC**
- 14.3.1. Description of measures to comply with the requirements for Type EX/II and Type EX/III vehicles:
-
- 14.3.2. In the case of Type EX/III vehicles, resistance against heat from the outside:
-';

(b) the following item in Part I of Annex IV:

Subject	Directive number	Official Journal reference	Applicability									
			M ₁	M ₂	M ₃	N ₁	N ₂	N ₃	O ₁	O ₂	O ₃	O ₄
'56. Vehicles intended for the transport of dangerous goods	98/91/EC	L 11 of 16.1.1999				×	×	×	×	×	×	×

Article 4

1. Member States may not:

- refuse, in respect of a type of vehicle, to grant EC type approval or to grant national type approval, or
- prohibit the registration, sale or entry into service of base vehicles or complete vehicles as defined in Article 2 of Directive 70/156/EEC

on grounds relating to the transport of dangerous goods if the requirements of the Annexes to this Directive are fulfilled.

2. Member States may not prohibit the registration, sale or entry into service of a vehicle completed from a base vehicle as defined in Article 2 of Directive 70/156/EEC on grounds relating to the base vehicle and to the transport of dangerous goods:

- if for the base vehicle the requirements of the Annexes to this Directive are fulfilled and if the completion of the base vehicle has not invalidated this compliance, or
- if for the completed vehicle the requirements of the Annexes to this Directive are fulfilled.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 16 January 2000 at the latest, and shall forthwith inform the Commission thereof.

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

Member States shall communicate to the Commission the texts of the main provisions of the national law which they adopt in the field governed by this Directive.

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

W. MOLTERER

LIST OF ANNEXES

- Annex I: Scope, definition, classification, requirements
- Annex II: Administrative provisions for EC type approval
- Appendix 1: Information document
- Appendix 2: EC type-approval certificate
- Addendum
-

*ANNEX I***SCOPE, DEFINITION, CLASSIFICATION, REQUIREMENTS****1. SCOPE**

- 1.1. This Directive shall apply to any vehicle, whether complete (e.g. one stage built vans, lorries, tractors, trailers), incomplete (e.g. chassis cab, trailer chassis), or completed (e.g. chassis, chassis cab fitted with a body work), intended for the transport of dangerous goods by road.

2. DEFINITION

- 2.1. A 'type of vehicle' shall consist of vehicles which do not differ in at least the following essential aspects:

- manufacturer,
- manufacturer's type designation,
- category,
- essential aspects of construction and design in relation with the 'Technical provisions' in Appendix B2 to Annex B to Directive 94/55/EC.

3. CLASSIFICATION OF VEHICLES INTENDED FOR THE TRANSPORT OF DANGEROUS GOODS BY ROAD

- 3.1. Vehicles intended for the transport of dangerous goods by road are classified according to marginal 220 301 of Annex B to Directive 94/55/EC as follows:
- 3.1.1. EX/II for vehicles intended for the carriage of explosives as type II transport units;
 - 3.1.2. EX/III for vehicles intended for the carriage of explosives as type III transport units;
 - 3.1.3. FL for vehicles intended for the carriage of liquids with a flashpoint of not more than 61 °C or flammable gases, in tank-containers of more than 3 000 litres capacity, fixed tanks or demountable tanks and for battery vehicles of more than 1 000 litres capacity intended for the carriage of flammable gases;
 - 3.1.4. OX for vehicles intended for the carriage of substances of class 5.1, marginal 2501, item 1(a), in tank-containers of more than 3 000 litres capacity, fixed tanks or demountable tanks;
 - 3.1.5. AT for vehicles, other than those of types FL or OX, intended for the carriage of dangerous goods in tank-containers of more than 3 000 litres capacity, fixed tanks or demountable tanks and for battery vehicles of more than 1 000 litres capacity other than those of type FL.

4. REQUIREMENTS

The requirements regarding the construction of vehicles intended for the carriage of dangerous goods by road, including the provisions for their type approval, where appropriate, laid down in marginals 220 500 to 220 540 of Annex B to Directive 94/55/EC, shall be fulfilled.

*ANNEX II***ADMINISTRATIVE PROVISIONS FOR EC TYPE APPROVAL**

1. APPLICATION FOR EC TYPE APPROVAL
 - 1.1. The application for EC type approval pursuant to Article 3(4) of Directive 70/156/EEC of a vehicle type intended for the transport of dangerous goods by road shall be submitted by the manufacturer.
 - 1.2. A model of the information document is given in Appendix 1.
 - 1.3. A vehicle or vehicles conforming to the characteristics described in Appendix 1 to this Directive and selected to the satisfaction of the technical service in charge of the approval tests or checks as being representative of the type to be approved, must be submitted to that technical service.
 2. GRANTING OF EC TYPE APPROVAL
 - 2.1. If the relevant requirements are satisfied, EC type approval pursuant to Article 4(3) and, if applicable, Article 4(4) of Directive 70/156/EEC shall be granted.
 - 2.2. A model of the EC type-approval certificate is given in Appendix 2.
 - 2.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of vehicle approved. The same Member State shall not assign the same number to another type of vehicle.
 3. MODIFICATION OF THE TYPE AND AMENDMENTS TO APPROVALS
 - 3.1. In the case of modification of a vehicle type-approved pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.
 - 3.2. A partial test as defined by the technical service in relation to the modifications made may be carried out.
 4. CONFORMITY OF PRODUCTION

Measures to ensure the conformity of production shall be taken in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.
-

Appendix 1

INFORMATION DOCUMENT No ...

pursuant to Annex I to Directive 70/156/EEC relating to the EC type approval of a vehicle intended for the transport of dangerous goods by road

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 (210 mm × 297 mm) or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. GENERAL

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.2.1. General commercial name(s) (if applicable):
- 0.3. Means of identification of type, if marked on the vehicle ^(b) ⁽¹⁾:
- 0.3.1. Location of that marking:.....
- 0.4. Category of vehicle ^(c):
- 0.4.1. Classification(s) according to the dangerous goods which the vehicle is intended to transport:
.....
- 0.5. Name and address of manufacturer:
- 0.8. Address(es) of assembly plant(s):

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

- 1.1. Photographs and/or drawings of a representative vehicle:
- 1.6. Position and arrangement of the engine:

2. MASSES AND DIMENSIONS ^(e) (in kg and mm)

- 2.8. Technically permissible maximum laden mass stated by the manufacturer ^(f) (maximum and minimum for each variant):
- 2.9. Technically permissible maximum load/mass on each axle:
.....
- 2.10. Technically permissible maximum load/mass on each axle group:

3. POWER PLANT ^(g)

- 3.2. *Internal combustion engine*
- 3.2.2. Fuel: diesel oil/petrol/LPG/any other ⁽²⁾
- 3.2.3.1. Service fuel tanks
- 3.2.3.1.2. Drawing and technical description of the tank(s) with all connections and all lines of the breathing and venting system, locks, valves, fastening devices:
.....

⁽¹⁾ The item numbers and footnotes used in this information document correspond to those set out in Annex I to Directive 70/156/EEC. Items not relevant for the purpose of Directive 98/91/EC are omitted.

⁽²⁾ Delete where not applicable.

- 3.2.3.1.3. Drawing clearly showing the position of the tank(s) in the vehicle:
-
- 3.2.3.2. Reserve fuel tanks
- 3.2.3.2.2. Drawing and technical description of the tank(s) with all connections and all lines of the breathing and venting system, locks, valves, fastening devices:
-
- 3.2.3.2.3. Drawing clearly showing the position of the tank(s) in the vehicle:
-
8. BRAKES
- 8.5. Anti-lock braking system: Yes/No/optional ⁽¹⁾
- 8.5.1. For vehicles with anti-lock systems, description of system operation (including any electronic parts), electric block diagram, hydraulic or pneumatic circuit plan:
- 8.9. Brief description of the braking devices (according to item 1.6 of the Addendum to Appendix 1 of Annex IX to Directive 71/320/EEC):
- 8.11. Particulars of the type(s) of endurance braking system(s):
9. BODYWORK
- 9.1. Type of bodywork:
- 9.2. Materials used and method of construction:
12. MISCELLANEOUS
- 12.6. *Speed limiters*
- 12.6.1. Manufacturer(s):
- 12.6.2. Type(s):
- 12.6.3. Approval number(s), if available:
14. SPECIAL PROVISIONS FOR VEHICLES INTENDED FOR THE TRANSPORT OF DANGEROUS GOODS
- 14.1. Electrical equipment according to Directive 94/55/EC:
- 14.1.1. Protection against overheating of conductors:
- 14.1.2. Type of circuit breaker:
- 14.1.3. Type and operation of battery master switch:
- 14.1.4. Description and location of safety barrier for tachograph:
- 14.1.5. Description of permanently energised installations. Indicate the EN standard applied:
-
- 14.1.6. Construction and protection of electrical installation situated to the rear of the driver's compartment:
- 14.2. Prevention of fire risks:
- 14.2.1. Type of not readily flammable material in the driver's compartment:

⁽¹⁾ Delete where not applicable.

- 14.2.2. Type of heat shield behind the driver's compartment (if applicable):
- 14.2.3. Position and heat protection of engine:
- 14.2.4. Position and heat protection of the exhaust system:
.....
- 14.2.5. Type and design of the endurance braking systems heat protection:
.....
- 14.2.6. Type, design and position of combustion heaters:
.....
- 14.3. Special requirements for bodywork, if any, according to Directive 94/55/EC:
.....
- 14.3.1. Description of measures to comply with the requirements for Type EX/II and Type EX/III vehicles:
.....
- 14.3.2. In the case of Type EX/III vehicles, resistance against heat from the outside:
.....
-

Appendix 2

MODEL

(maximum format: A4 (210 × 297 mm))

EC TYPE-APPROVAL CERTIFICATE

Stamp of Administration

Communication concerning the:

- type approval ⁽¹⁾,
- extension of type approval ⁽¹⁾,
- refusal of type approval ⁽¹⁾,
- withdrawal of type approval ⁽¹⁾,

of a type of vehicle/component/separate technical unit ⁽¹⁾ with regard to Directive 98/91/EC relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending Directive 70/156/EEC relating to the type approval of motor vehicles and their trailers.

EC type approval No:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.2.1. Commercial name(s) (if applicable):
- 0.3. Means of identification of type, if marked on the vehicle/component/separate technical unit ⁽²⁾:
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle ⁽³⁾:
- 0.5. Name and address of manufacturer:
- Name and address of manufacturer of the latest-built stage of the vehicle:
- 0.8. Name(s) and address(es) of assembly plant(s):

⁽¹⁾ Delete where not applicable.

⁽²⁾ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this type-approval certificate, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).

⁽³⁾ As defined in Annex II.A to Directive 70/156/EEC.

SECTION II

1. Additional information (where applicable) see Addendum
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Any remarks (see Addendum):
6. Place:
7. Date:
8. Signature:
9. The index to the type-approved file submitted to the component authorities, which may be obtained on request, is attached.

Addendum

to EC type-approval certificate No ... concerning the type approval of a vehicle intended for the transport of dangerous goods by road with regard to Directive 98/91/EC

1. Additional information ⁽¹⁾
 - 1.1. Classification in accordance with paragraph 3 of Annex I:
 - 1.2. Brief description of the vehicle type as regards its structure, dimensions, and constituent materials:
.....
.....
.....
.....
.....
 - 1.3. Location of engine (for Types EX/II and EX/III including location forward of the front of the loading compartment or under the loading compartment):
5. Remarks:

⁽¹⁾ If necessary, reference can be made to the information document.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 November 1998

on the position to be taken by the European Community on the rules concerning the conduct of the conciliation of transit disputes to be adopted by the Energy Charter Conference

(1999/37/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Article 3(2) of Council and Commission Decision 98/181/EC, ECSC, Euratom ⁽¹⁾,

Having regard to the initiative from the Commission,

Whereas the Energy Charter Treaty was signed on 17 December 1994 by the European Communities and their Member States;

Whereas the European Communities and a large majority of their Member States deposited their instruments of approval or ratification of the Energy Charter Treaty on 16 December 1997 with the Depositary, the Government of the Portuguese Republic;

Whereas the remaining Member States will ratify the Energy Charter Treaty soon;

Whereas the Energy Charter Treaty entered into force on 16 April 1998;

Whereas Article 7 of the Energy Charter Treaty provides that each Contracting Party is to take the necessary measures to facilitate the transit of energy materials and prod-

ucts consistent with the principle of freedom of transit and without distinction as to the origin, destination or ownership of such energy materials and products or discrimination as to pricing on the basis of such distinctions, and without imposing any unreasonable delays, restrictions or charges;

Whereas the said Article also contains provisions which are applicable to a dispute over any matter arising from transit;

Whereas Article 7 of the Energy Charter Treaty provides that the Charter Conference is to adopt standard provisions concerning the conduct of conciliation and the compensation of conciliators;

Whereas draft rules concerning the conduct of the conciliation of transit disputes were discussed at the Charter Conference held on 23/24 April 1998; whereas the Charter Conference agreed that these draft rules should serve as guidance pending their formal approval;

Whereas the Charter Conference to be held on 3/4 December 1998 should formally adopt these draft rules as finalized in the meantime;

Whereas the Community should approve these draft rules in the Charter Conference,

⁽¹⁾ OJ L 69, 9. 3. 1998, p. 1.

HAS DECIDED AS FOLLOWS:

Sole Article

The rules concerning the conduct of the conciliation of transit disputes, as set out in the Annex, shall be approved on behalf of the Community in the Charter Conference ⁽¹⁾.

Done at Brussels, 26 November 1998.

For the Council

The President

M. BARTENSTEIN

⁽¹⁾ These rules were formally adopted by the Charter Conference on 3 December 1998.

ANNEX

RULES CONCERNING THE CONDUCT OF THE CONCILIATION OF TRANSIT DISPUTES

These Rules, adopted by the Energy Charter Conference under Article 7(7)(f) of the Energy Charter Treaty, apply to the conciliation of disputes under Article 7(7)(a)-(c) of that Treaty.

The terms used in these Rules shall have the same meaning as in the Energy Charter Treaty and Articles referred to shall be those of that Treaty.

Rule 1: Notification of a dispute

1. The referral of a dispute to the Secretary-General by a Contracting Party shall be in writing and shall identify the parties to the dispute ('Parties'); it shall summarise the relevant facts and the basis of the Contracting Party's claim and confirm the exhaustion of all relevant contractual or other dispute resolution remedies previously agreed between the Contracting Parties party to the dispute or between any entities subject to the control or jurisdiction of the Contracting Parties party to the dispute.
2. As soon as practicable after the receipt of the notification of a referral, the Secretary-General shall notify all Contracting Parties to the Energy Charter Treaty of the existence of the referral and invite them to indicate whether they consider themselves to be one of the other Contracting Parties concerned for the purposes of appointing a conciliator under Article 7(7)(b). The form of the notification to the Contracting Parties is a matter for the Secretary-General, but the Secretary-General shall ensure that sufficient information is provided to enable the Contracting Parties to make the necessary assessment of their interest.
3. The Secretary-General shall transmit a copy of the written notification of referral of the dispute to any Contracting Party identified therein as a Party. The Secretary-General may invite any Party which is identified in the referral to submit a statement by way of response for inclusion in the material which will be provided to the conciliator on his or her appointment. Such a Party is not bound to comply with this request.
- (v) will conduct the proceedings in a manner which ensures the integrity and reputation of the conciliation procedure.
2. The decision of the Secretary-General to appoint a particular person is final, subject to Rule 4(1).
3. At the time of appointment, the conciliator shall sign the declaration in Appendix 1 and shall disclose any information that could reasonably be expected to be known to him or her at the time which is likely to affect or give rise to justifiable doubts as to his or her independence or impartiality. The disclosure shall include the type of information described in the Illustrative List in Appendix 2.
4. The terms of appointment of the conciliator shall include a statement by the Secretary-General of his opinion as to the Parties and other Contracting Parties concerned for the purposes of the conciliator's declaration and inform the conciliator of any information relevant to the conciliation.
5. If the Secretary-General elects in accordance with Article 7(7)(e) not to appoint a conciliator, he or she shall inform the Parties and any other Contracting Party concerned of his or her decision in writing as soon as possible.

Rule 2: Appointment of conciliator

1. The Secretary-General shall decide on the appropriate form of the consultation on the appointment of the conciliator. In making the appointment, the Secretary-General shall have particular regard to the importance of appointing a conciliator who:
 - (i) has, or is likely to have, the confidence of the Parties;
 - (ii) will be independent and impartial;
 - (iii) will avoid actual or apparent conflicts of interest;
 - (iv) will respect the confidentiality requirements of these Rules; and

Rule 3: Resignation, death or incapacity of conciliator

1. A conciliator may resign by submitting his or her resignation to the Secretary-General.
2. If a conciliator resigns, dies or, in the opinion of the Secretary-General, becomes incapacitated or unable to perform his or her duties, the Secretary-General shall immediately notify the Parties and the other Contracting Parties concerned of that fact. The proceeding shall be regarded as suspended for the purpose of the time limit in Article 7(7)(c).
3. The Secretary-General, having regard to the particular stage reached in the proceedings, may encourage the Parties to agree on the most expeditious method of proceeding.

4. The Secretary-General, in consultation with the Parties and the other Contracting Parties concerned, shall appoint a new conciliator as soon as possible, but in any event no later than 30 days after the resignation, death or incapacity of the conciliator. The Secretary-General shall provide the new conciliator with the evidence, including statements and materials, collected during the course of the conciliation proceedings.
5. The Secretary-General may, as part of the terms of appointment of a new conciliator, determine, if necessary, a time limit for the conduct of the conciliation. The time limit may reflect the agreement of the Parties or, in the absence of their agreement, the Secretary-General's judgment concerning the most appropriate time limit having regard to the particular stage of the proceedings, the circumstances of the dispute and the objective of a speedy resolution of the dispute.

Rule 4: Disqualification of conciliator

1. Any Party or other Contracting Party concerned which has, or comes into possession of, evidence of conduct by the conciliator which is inconsistent with the independent and impartial conduct of the conciliation, including the avoidance of the appearance of a conflict of interest, shall immediately inform the Secretary-General in writing.
2. The Secretary-General shall decide as expeditiously as possible, having regard to the need to allow the conciliator the opportunity to respond, whether the conciliator should be disqualified. The Secretary-General may decide to suspend the proceedings temporarily. The Secretary-General shall advise the Parties and the other Contracting Parties concerned of his or her decision as to the disqualification of the conciliator.
3. The Secretary-General, having regard to the particular stage reached in the proceedings, may encourage the Parties to agree on the most expeditious method of proceeding.
4. The Secretary-General, in consultation with the Parties and the other Contracting Parties concerned, shall appoint a new conciliator as soon as possible, but in any event no later than 30 days after the date of the disqualification of the conciliator. The Secretary-General shall provide the new conciliator with the evidence, including statements and materials, collected during the course of the conciliation proceedings. The new conciliator, in consultation with the Parties, shall determine how such evidence may be used.
5. The Secretary-General may, as part of the terms of appointment of a new conciliator, determine, if necessary, a time limit for the conduct of the conciliation. The time limit may reflect the agreement of the Parties or, in the absence of their agreement, the Secretary-General's judgment concerning the most appropriate time limit having regard to the particular stage of the proceedings, the circumstances of the dispute and the objective of a speedy resolution of the dispute.

Rule 5: Conduct of conciliation proceedings

1. The conciliator shall conduct the conciliation proceedings in such manner as he or she considers appropriate, subject to these Rules and the principles of impartiality, equity and justice.

2. At the earliest possible opportunity, the conciliator shall consult the Parties identified in the referral to ascertain their views as to the matters in dispute and to ensure that the Parties are properly identified at the outset of the proceedings. This may be done by the means the conciliator considers the most appropriate, including through questionnaires, conferences, hearings or the submission of written or other material.
3. The conciliator shall ensure that any information provided to him or her by one Party is made available to the other Party or Parties. The conciliator may make an exception to the rule of full disclosure where he or she determines that the information in question is commercially confidential and the Party concerned has given reasons why the disclosure would damage its interests.
4. After consulting the Parties, the conciliator shall determine the place for meeting or taking of oral statements, having regard to the circumstances of the conciliation proceedings and the need for the costs of the proceedings to be contained. The conciliator shall consider the desirability of using the facilities of the Energy Charter Secretariat and, with the agreement of the Parties, may make arrangements with the Secretary-General for such use.

Rule 6: Representation and assistance

The Parties may be represented or assisted by persons of their choice. The names and addresses of such persons are to be communicated in writing to the other Party or Parties, the conciliator and the Secretary-General.

Rule 7: Witnesses and experts

1. The conciliator may request evidence or expert advice from persons who have information or expertise relevant to the dispute. Such evidence or advice shall be made available to the Parties.
2. Each Party, at any stage of the proceeding, may request the conciliator to hear the witnesses and experts whose evidence the Party considers relevant. The conciliator shall fix a time within which such hearing shall take place.
3. Witnesses and experts shall be examined by the conciliator. Questions may also be put to them by the Parties under the control of the conciliator.
4. An official of a Party may, if so authorised, appear as a witness or expert and produce such information as may be needed for the proceedings. The request for an appearance shall indicate specifically on what matters and in what capacity the official will be questioned.
5. If a witness or expert is unable to appear at the place of the hearing, the conciliator, with the agreement of the Parties, may make appropriate arrangements for the evidence to be given in a written deposition or to be taken by examination elsewhere. The Parties shall receive a copy of any such written deposition or shall have the right to participate in any such examination.

Rule 8: Administrative assistance

In order to facilitate the conduct of the conciliation proceedings, the conciliator, with the agreement of the Parties, may arrange for administrative or technical assistance by the Energy Charter Secretariat or any other suitable institution or person.

Rule 9: Cooperation of parties with the conciliator

1. The Parties shall cooperate in good faith with the conciliator and, in particular, at his or her request, shall furnish all relevant documents, information and explanations as well as use the means at their disposal to enable the conciliator to hear witnesses and experts whom he or she desires to call. The Parties shall also facilitate visits to, and inquiries at, any place connected with the dispute that the conciliator desires to undertake.
2. The Parties shall comply with any time limits agreed with or fixed by the conciliator.

Rule 10: Proposals for settlement of the dispute

1. A Party, on its own initiative or at the invitation of the conciliator, may submit to the conciliator proposals for a settlement of the dispute.
2. The conciliator, at any stage of the conciliation proceedings, may make proposals for a settlement of the dispute.

Rule 11: Agreement by the parties

1. An agreement between the Parties to a resolution of the dispute or a procedure to achieve such resolution shall be in writing and signed by the Parties.
2. The conciliator shall inform the Secretary-General in writing of the fact that an agreement between the Parties has been reached. The Secretary-General shall notify all the Contracting Parties to the Energy Charter Treaty that such agreement has been reached.

Rule 12: Recommendation/decision of the conciliator

1. Where the Parties have not reached agreement within the time limit provided for in Article 7(7)(c) or in Rules 3(5) or 4(5), the conciliator shall:
 - (a) record in writing his or her recommendation either for a resolution to the dispute or a procedure to achieve such resolution and his or her decision on interim tariffs and other terms and conditions to be observed for Transit including the date of effect;
 - (b) include a statement of reasons for his or her recommendation and decision; and
 - (c) provide signed copies of his or her recommendation and decision to the Parties and the Secretary-General.
2. The Secretary-General shall:
 - (a) deposit a signed copy of the recommendation and the decision in the archives of the Secretariat;
 - (b) notify all Contracting Parties of the fact that a recommendation and decision on interim tariffs has been made.

Rule 13: Termination of conciliation proceedings

The conciliation proceedings are terminated by:

- (a) the signing of an agreement under Rule 11 by the Parties; or
- (b) the making of the recommendation and decision on interim tariffs by the conciliator under Rule 12.

Rule 14: Languages

1. The conciliator, after consulting the Parties, shall decide in what language or languages the proceedings are to be conducted.
2. If the conciliator decides to use more than one language, any document may be provided in either language. Either language may be used at hearings, subject, if the conciliator so decides, to translation and interpretation. The conciliator shall ensure that his or her recommendation and decision are available in the language or languages he or she has decided on for the proceedings.

Rule 15: Costs

1. The conciliator may request the Parties to deposit an amount as an advance for the costs described in sub-paragraphs 2(a) to (d). All amounts deposited by the Parties under this paragraph shall be paid to the Secretary-General who shall make the disbursements for such costs listed in paragraph (2).
2. Upon termination of the conciliation proceedings, the conciliator shall fix the costs of the conciliation and notify the Parties and the Secretary-General of such costs in writing. The term 'costs' includes only:
 - (a) the fee of the conciliator, which is to be set at the time of appointment by the Secretary-General, in accordance with Regulation 14 of the Administrative and Financial Regulations of the International Centre for Settlement of Investment Disputes;
 - (b) the travel and other expenses of the conciliator;
 - (c) the travel and other expenses of witnesses or experts requested by the conciliator under Rule 7(1);
 - (d) the costs associated with the use of facilities for the conduct of hearings, other than the premises of the Energy Charter Secretariat;
 - (e) the cost of any administrative assistance provided under Rule 8 by a person or institution other than the Energy Charter Secretariat; and
 - (f) the costs incurred during the proceeding for translation and/or interpretation under Rule 14.
3. Unless the agreement concluded by the Parties under Rule 11 provides for the apportionment of the costs, the conciliator shall apportion the costs between the Parties, bearing in mind the particular circumstances of the proceedings, and notify the Parties and the Secretary-General of his or her decision in writing. All other expenses incurred by a Party are to be borne by that Party.
4. The Secretary-General shall render an accounting to the Parties of the deposits received and return any unexpected balance to the Parties or request a final payment taking into account the decision of the conciliator as to the apportionment of costs.

Rule 16: Confidentiality

1. Nothing in these Rules derogates from the legal rules of the Parties in respect of treatment of confidential information, including those relating to intellectual property rights.
2. Any Party which declines to provide confidential information in response to a request under Rules 5 or 7 shall provide reasons and a non-confidential summary of the information that may be used in the proceedings. Where an exception to the rule of full disclosure is made under Rule 5(3), the Party concerned shall also provide a non-confidential summary of the information to the other Party or Parties in a form that may be used in the proceedings.
3. The conciliator, the Parties and all persons involved in the conciliation proceedings in whatever capacity shall keep confidential all matters relating to the conciliation proceedings. Information gathered in the course of these proceedings shall be used only for the purposes of these proceedings. Confidentiality extends to the terms of the agreement between the Parties under Rule 11 and the recommendation and decision of the conciliator under Rule 12, unless the Parties otherwise agree or the disclosure is necessary for purposes of implementation and enforcement.

Rule 17: Role of conciliator in other proceedings

The conciliator shall not act as an arbitrator or as a representative or counsel in any arbitral or judicial proceedings in respect of a dispute that is the subject of the conciliation proceedings. The Parties and the other Contracting Parties concerned shall not present the conciliator as a witness in any such proceedings.

Rule 18: Admissibility of evidence in other proceedings

The Parties shall not rely on or introduce as evidence in any arbitral, judicial or administrative proceedings, whether or not such proceedings relate to the dispute that is the subject of the conciliation proceeding:

- (a) views expressed or suggestions made by any Party in respect of a possible settlement of the dispute;
- (b) admissions made by any Party in the course of the conciliation proceedings;
- (c) proposals made by the conciliator; or
- (d) the fact that a Party had indicated his or her willingness to accept a proposal for settlement made by the conciliator.

Appendix 1

Conciliation No.:

DECLARATION

I have read and taken note of the Rules Concerning the Conduct of the Conciliation of Transit Disputes and shall ensure that the conciliation proceedings are conducted in accordance with such Rules. I shall consider only issues raised and those necessary for the fulfilment of my responsibilities under the Rules.

I shall keep confidential all information coming to my knowledge as a result of my participation in this proceeding, as well as the content of any agreement between the Parties to this dispute under Rule 11 or any recommendation and decision I may make under Rule 12.

I shall not accept any instruction or compensation with regard to the proceeding from any source except as provided in the Rules and the terms of my appointment by the Secretary-General.

I shall not act as an arbitrator or as a representative or counsel in any arbitral or judicial proceedings in respect of a dispute that is the subject of these conciliation proceedings.

I disclose herewith ⁽¹⁾ any information likely to affect my independence or impartiality or which could give rise to justifiable doubts as to the integrity and impartiality of these conciliation proceedings and shall immediately advise the Secretary-General of any change in my circumstances which might be relevant to the performance of my function as a conciliator.

In the event of my resignation or my being unable to conclude the conciliation proceedings, I shall return all documents and materials that have come into my possession as a consequence of my appointment to the Secretary-General.

Signed:

Dated:

⁽¹⁾ If appropriate, attachment by the conciliator.

*Appendix 2***ILLUSTRATIVE LIST OF INFORMATION TO BE DISCLOSED**

This list contains examples of information of the type that a conciliator appointed in respect of a transit dispute should disclose under the Rules.

Each conciliator has a continuing duty to disclose the information described in Rule 2(3), which may include the following:

- (a) financial interests (e.g. investments, loans, shares, interests, other debts); business interests (e.g. directorship or other contractual interests); and property interests relevant to the dispute in question;
 - (b) professional interests (e.g. a past or present relationship with private clients, or any interests the person may have in domestic or international proceedings, and their implications, where these involve issues similar to those addressed in the dispute in question);
 - (c) other active interests (e.g. active participation in public interest groups or other organisations which may have a declared agenda relevant to the dispute in question);
 - (d) considered statements of personal opinion on issues relevant to the dispute in question (e.g. publications, public statements);
 - (e) employment or family interests (e.g. the possibility of any indirect advantage or any likelihood of pressure which could arise from the conciliator's employer, business associates or immediate family members).
-

Information relating to the entry into force of the Protocol for the adaptation of trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime

The Protocol for the adaptation of the Europe Agreement with Romania further to enlargement and the Uruguay Round, which the Council decided to conclude on 5 October 1998 ⁽¹⁾, entered into force on 1 January 1999 since notification of the accomplishment of the procedures stipulated in Article 6 of that Protocol was completed on 13 December 1998.

⁽¹⁾ OJ L 301, 11. 11. 1998.

COMMISSION

COMMISSION DECISION

of 21 December 1998

repealing Decision 98/104/EC concerning certain protection measures relating to classical swine fever in Germany

(notified under document number C(1998) 4322)

(Text with EEA relevance)

(1999/38/EC)

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

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

Whereas a number of outbreaks of Classical Swine Fever have occurred in Germany;

Whereas Germany has taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of Classical Swine Fever ⁽³⁾, as last amended by the act of Accession of Austria, Finland and Sweden;

Whereas as a result of disease situation it was necessary to adopt Commission Decision 98/104/EC ⁽⁴⁾ concerning protection measures relating to classical swine fever in Germany; whereas this Decision was amended by Decision 98/413/EC ⁽⁵⁾;

Whereas, as a result of the favourable evolution of the disease, it is necessary to repeal Decision 98/104/EC;

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

Commission Decision 98/104/EC is hereby repealed.

Article 2

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 25, 31. 1. 1998, p. 98.

⁽⁵⁾ OJ L 188, 2. 7. 1998, p. 44.

COMMISSION DECISION

of 21 December 1998

approving the plan presented by Germany for the eradication of classical swine fever in feral pigs in Brandenburg, Mecklenburg-Western Pomerania, and Lower Saxony and repealing Decision 96/552/EC

*(notified under document number C(1998) 4325)***(Only the German text is authentic)****(Text with EEA relevance)**

(1999/39/EC)

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

Having regard to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 6a(4) thereof,

Whereas with Commission Decision 96/552/EC⁽²⁾ the plan presented by Germany for the eradication of classical swine fever in feral pigs in Brandenburg and Mecklenburg-Western Pomerania was approved by the Commission;

Whereas German authorities have presented a new plan for the eradication of classical swine fever in feral pigs covering certain areas of Brandenburg, Mecklenburg-Western Pomerania and Lower Saxony;

Whereas the newly submitted plan has been examined and found to comply with the provisions of Directive 80/217/EEC;

Whereas this plan takes into account that classical swine fever virus has not been detected for more than six months in the feral pig population in Brandenburg;

Whereas the newly submitted plan contains measures to further reduce the risk of spreading disease in relation to movements of domestic pigs from areas defined as infected in accordance with the provisions of Article 6a(3) of Council Directive 80/217/EEC to other areas of Germany and to other Member States;

Whereas Decision 96/552/EC in the interest of clarity must be repealed;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan submitted by Germany for the eradication of classical swine fever in feral pigs in Brandenburg, Mecklenburg-Western Pomerania and Lower Saxony is hereby approved.

Article 2

Germany shall bring into force the laws, regulations and administrative provisions for implementing the plan referred to in Article 1.

Article 3

The present Decision shall repeal Decision 96/552/EC.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 21 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽²⁾ OJ L 240, 20. 9. 1996, p. 13.

COMMISSION DECISION

of 21 December 1998

repealing Decision 96/276/EC on certain protective measures in respect of bivalve molluscs from Tunisia

(notified under document number C(1998) 4340)

(Text with EEA relevance)

(1999/40/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, as last amended by the Directive 96/43/EC ⁽²⁾, and in particular Article 19 thereof,

Whereas, following the detection of diarrhoeic toxin in bivalve molluscs imported into the Community from Tunisia, the Commission adopted Decision 96/276/EC on certain protective measures in respect of bivalve molluscs from Tunisia ⁽³⁾;

Whereas a team of Commission experts visited Tunisia to assess the protective measures implemented by the Tunisian authorities;

Whereas the protective measures and the health guarantees provided by the Tunisian authorities are sufficient to permit the resumption of imports of bivalve molluscs from Tunisia;

Whereas Commission Decision 98/569/EC ⁽⁴⁾ lays down special conditions governing imports of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Tunisia;

Whereas, therefore, Decision 96/276/EC should be repealed;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 96/276/EC is repealed.

Article 2

Member States shall amend the measures they apply to imports to make them conform with this Decision. They shall inform the Commission of the steps taken.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ L 103, 26. 4. 1996, p. 56.

⁽⁴⁾ OJ L 277, 14. 10. 1998, p. 31.

COMMISSION DECISION
of 21 December 1998
approving the 1999 technical action plan for improving agricultural statistics

(notified under document number C(1998) 4343)

(Text with EEA relevance)

(1999/41/EC)

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

Having regard to Council Decision 96/411/EC of 25 June 1996 on improving Community agricultural statistics ⁽¹⁾, most recently amended by Commission Decision 98/514/EC of 29 July 1998 ⁽²⁾, and particularly Article 4(1) and Article 6(2),

Whereas, pursuant to Council Decision 96/411/EC, the Commission establishes each year a technical action plan for agricultural statistics;

Whereas there is a need to consolidate certain actions begun in previous action plans and to continue the effort undertaken by the Member States;

Whereas it is essential to obtain detailed information on the use of pesticides in order to meet the requirements of Community legislation, particularly Council Regulation (EEC) No 2078/92 ⁽³⁾ and Council Directive 91/414/EEC ⁽⁴⁾;

Whereas, pursuant to Council Decision 96/411/EC, the Community contributes to the costs realised by the Member States in making adaptations to national systems

or to such costs for preparatory work relating to new or increasing needs which are part of a technical action plan;

Whereas the measures provided for in the present Decision are compatible with the opinion of the Standing Committee on Agricultural Statistics,

HAS ADOPTED THIS DECISION:

Article 1

The 1999 technical action plan for improving agricultural statistics, set out in the Annex, is approved.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1998.

For the Commission

Yves-Thibault DE SILGUY

Member of the Commission

⁽¹⁾ OJ L 162, 1. 7. 1996, p. 14.

⁽²⁾ OJ L 230, 18. 8. 1998, p. 28.

⁽³⁾ OJ L 215, 30. 7. 1992, p. 85.

⁽⁴⁾ OJ L 230, 19. 8. 1991, p. 1.

ANNEX

1999 TECHNICAL ACTION PLAN

1. The actions provided for in the technical action plan for improving agricultural statistics (TAPAS) in 1999 are intended as a continuation of some of the actions begun as part of the 1996/97 and 1998 action plans⁽¹⁾, especially:

- (i) improvement and rapid transmission of fruit and vegetable statistics;
- (ii) balances;
and include actions in a new field:
- (iii) the use of pesticides.

The Commission shall contribute to the costs of actions undertaken in these fields. The contribution payable to each Member State shall not exceed the amounts indicated in Table A.

2. The actions submitted by the Member States must relate to:

- (i) **improvement and rapid transmission of fruit and vegetable statistics:**

The aim is to have available, as soon as possible after the harvest, reliable statistics on Community production of the main fruits and vegetables. This makes it necessary for all the Member States to provide Eurostat with reliable, up-to-date information on the areas under these crops and on their production volumes.

To this end, and to complement the actions begun in 1997, the Commission shall make a Community contribution, subject to the ceilings indicated in Table A, to those Member States wishing to put in place additional tools for improving their knowledge of their national production of fruit and vegetables which are of Community interest.

- (ii) **balances:**

This action is designed to improve the data on balances:

- (a) cereal balances and balances of other arable crops, fruit and vegetable balances, dairy product balances, meat (including poultry) balances, other balances;
- (b) fodder balances.

In order to continue the effort made by the Member States as part of the 1996/1997 and 1998 TAPAS action plans, the Commission shall make a Community contribution, subject to the ceilings indicated in Table A, to those Member States which submit new projects for action in this field.

- (iii) **use of pesticides:**

The purpose of this action is to promote the collection of data on the use of pesticides. It may take the form of a pilot survey covering a particular type of crop (for example, cereals or fruits). The types of crop shall be selected by the Member States in the light of their importance in terms of the area under the crops concerned or the quantity of pesticides used.

The data which are to be collected relate to: (1) the crop treated; (2) the area under the crop; (3) the area treated; (4) the active ingredient applied (to be identified on the basis of information about the product, provided by the farm operator); (5) the quantity used or the rate of application; and (6) the periods of application.

The Commission shall make a Community contribution, subject to the ceilings indicated in Table A, to Member States which submit projects in this field.

⁽¹⁾ OJ L 6, 10. 1. 1997, p. 45
OJ L 240, 2. 9. 1997, p. 10
OJ L 70, 10. 3. 1998, p. 23.

Table A

1999 TECHNICAL ACTION PLAN
Community financial contribution to expenditure incurred

Breakdown by Member State

(Thousand EUR)

Country	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
Fruit and vegetables	10	7	17	20	42	24	7	48	7	15	8	12	7	7	14	245
Balances	10	10	29	13	27	34	13	27	5	18	10	13	8	8	25	250
Use of pesticides	17	17	17	17	17	17	17	17	17	17	17	17	17	17	17	255