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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 170/1999**  
**of 26 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(4)</sup>, 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 27 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ L 198, 15. 7. 1998, p. 4.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 26 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 <sup>(1)</sup> | Standard import value |
|------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                     | 052                               | 90,9                  |
|                                                | 204                               | 46,9                  |
|                                                | 624                               | 151,0                 |
|                                                | 999                               | 96,3                  |
| 0707 00 05                                     | 052                               | 106,9                 |
|                                                | 999                               | 106,9                 |
| 0709 10 00                                     | 220                               | 68,8                  |
|                                                | 999                               | 68,8                  |
| 0709 90 70                                     | 052                               | 139,3                 |
|                                                | 204                               | 202,8                 |
|                                                | 628                               | 122,8                 |
|                                                | 999                               | 155,0                 |
| 0805 10 10, 0805 10 30, 0805 10 50             | 052                               | 35,1                  |
|                                                | 204                               | 39,5                  |
|                                                | 212                               | 42,6                  |
|                                                | 220                               | 31,7                  |
|                                                | 600                               | 41,3                  |
|                                                | 999                               | 38,0                  |
| 0805 20 10                                     | 204                               | 64,3                  |
|                                                | 999                               | 64,3                  |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | 052                               | 57,1                  |
|                                                | 204                               | 36,5                  |
|                                                | 464                               | 86,1                  |
|                                                | 624                               | 68,4                  |
|                                                | 999                               | 62,0                  |
| 0805 30 10                                     | 052                               | 54,2                  |
|                                                | 600                               | 60,7                  |
|                                                | 999                               | 57,5                  |
| 0808 10 20, 0808 10 50, 0808 10 90             | 052                               | 64,8                  |
|                                                | 060                               | 37,6                  |
|                                                | 400                               | 75,7                  |
|                                                | 404                               | 73,6                  |
|                                                | 720                               | 81,1                  |
|                                                | 728                               | 84,5                  |
|                                                | 999                               | 69,5                  |
| 0808 20 50                                     | 052                               | 125,1                 |
|                                                | 064                               | 62,3                  |
|                                                | 400                               | 84,4                  |
|                                                | 624                               | 54,0                  |
|                                                | 999                               | 81,4                  |

<sup>(1)</sup> 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 171/1999**  
**of 26 January 1999**

**fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 January 1999.

It shall apply from 27 January to 9 February 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ L 177, 5. 7. 1997, p. 1.

<sup>(3)</sup> OJ L 72, 18. 3. 1988, p. 16.

<sup>(4)</sup> OJ L 289, 22. 10. 1997, p. 1.

## ANNEX

(EUR/100 pieces)

| Period from 27 January to 9 February 1999 |                               |                                 |                      |                      |
|-------------------------------------------|-------------------------------|---------------------------------|----------------------|----------------------|
| Community producer price                  | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
|                                           | 12,58                         | 12,11                           | 43,99                | 19,41                |
| Community import prices                   | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| Israel                                    | 11,18                         | 9,90                            | 17,06                | 14,93                |
| Morocco                                   | 14,70                         | 12,73                           | —                    | —                    |
| Cyprus                                    | —                             | —                               | —                    | —                    |
| Jordan                                    | —                             | —                               | —                    | —                    |
| West Bank and Gaza Strip                  | —                             | —                               | —                    | —                    |

## COMMISSION REGULATION (EC) No 172/1999

of 26 January 1999

## re-establishing the preferential customs duty on imports of uniflorous (standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94 <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 650/98 <sup>(4)</sup>, opens and provides for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas;

Whereas Commission Regulation (EC) No 171/1999 <sup>(5)</sup> fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88 <sup>(6)</sup>, as last amended by Regulation (EC) No 2062/97 <sup>(7)</sup>, laid

down detailed rules for the application of these arrangements;

Whereas the preferential customs duty fixed for uniflorous (standard) carnations originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 71/1999 <sup>(8)</sup>;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2 (4) of Regulation (EEC) No 4088/87 is met for uniflorous (standard) carnations originating in Israel; whereas the preferential customs duty should be reintroduced;

Whereas in between meetings of the Management Committee, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel the preferential customs duty set by Regulation (EC) No 1981/94 is reintroduced.

2. Regulation (EC) No 71/1999 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 28 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ L 177, 5. 7. 1997, p. 1.

<sup>(3)</sup> OJ L 199, 2. 8. 1994, p. 1.

<sup>(4)</sup> OJ L 88, 24. 3. 1998, p. 8.

<sup>(5)</sup> See page 3 of this Official Journal.

<sup>(6)</sup> OJ L 72, 18. 3. 1988, p. 16.

<sup>(7)</sup> OJ L 289, 22. 10. 1997, p. 1.

<sup>(8)</sup> OJ L 7, 13. 1. 1999, p. 6.

## COMMISSION REGULATION (EC) No 173/1999

of 26 January 1999

**determining the extent to which applications lodged in January 1999 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia<sup>(1)</sup>, and in particular Article 4(4) thereof,

Whereas the applications for import licences lodged for the first quarter of 1999 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 January to 31 March 1999 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1999 applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 27 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 85, 27. 3. 1997, p. 56.

*ANNEX I*

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 January to 31 March 1999 |
|----------|----------------------------------------------------------------------------------------------------------|
| 23       | 100,00                                                                                                   |
| 24       | 100,00                                                                                                   |

*ANNEX II**(tonnes)*

| Group No | Total quantity available<br>for the period<br>1 April to 30 June 1999 |
|----------|-----------------------------------------------------------------------|
| 23       | 26,3                                                                  |
| 24       | 58,6                                                                  |

**COMMISSION REGULATION (EC) No 174/1999****of 26 January 1999****laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Articles 13(3), 16a(1) and 17(9) and (14) thereof,

1. Whereas Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 2184/98 <sup>(4)</sup>, has been substantially amended several times; whereas, since further amendments are to be made, it should be recast in the interests of clarity and efficiency;
2. Whereas under the Agriculture Agreement concluded during the Uruguay Round of the GATT trade negotiations <sup>(5)</sup> (hereinafter referred to as the 'Agriculture Agreement'), export refunds on agricultural products, including milk products, are limited within each 12-month period starting from 1 July 1995 to a maximum quantity and a maximum value; whereas, in order to ensure compliance with those limits, the issue of export licences should be monitored; whereas procedures must also be adopted for allocating the quantities which may be exported with a refund;
3. Whereas Regulation (EEC) No 804/68 lays down general rules for granting of export refunds in the milk and milk products sector, in order, in particular, to permit the monitoring of the value and quantity limits for refunds; whereas detailed rules for the application of those arrangements should be laid down;
4. Whereas, by way of derogation from Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agri-

cultural products <sup>(6)</sup>, as last amended by Regulation (EC) No 2334/98 <sup>(7)</sup>, cases where a refund may be granted without presentation of an export licence should be defined and the maximum time that products may remain under customs control should be specified;

5. Whereas special provisions should be adopted for the milk and milk products sector, in particular with regard to licences, by way of derogation from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(8)</sup>, as last amended by Regulation (EC) No 1044/98 <sup>(9)</sup>; whereas, in addition, the tolerance permitted by that Regulation as regards the quantity of goods exported compared with the quantity indicated on the licence should be reduced and, in order to ensure effective controls on limits, there should be no refunds paid on quantities exceeding what is indicated on the licence; whereas the securities to be lodged when licence applications are submitted should be sufficient to prevent speculative applications;
6. Whereas the term of validity of export licences should be fixed; whereas that term should vary according to the products concerned, with a shorter term for products where there is a higher risk of speculation;
7. Whereas, in order to ensure accurate checking of products exported and to minimise the risk of speculation, the possibility of changing the product for which a licence has been issued should be restricted;
8. Whereas Article 2a(2) of Regulation (EEC) No 3665/87 lays down rules for the use of export licences with advance fixing of the refund for the exportation of products with a 12-digit code other than that shown in Section 16 of the licence;

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ L 144, 28. 6. 1995, p. 22.

<sup>(4)</sup> OJ L 275, 10. 10. 1998, p. 21.

<sup>(5)</sup> OJ L 336, 23. 12. 1994, p. 1.

<sup>(6)</sup> OJ L 351, 14. 12. 1987, p. 1.

<sup>(7)</sup> OJ L 291, 30. 10. 1998, p. 15.

<sup>(8)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(9)</sup> OJ L 149, 20. 5. 1998, p. 11.

- whereas this provision becomes applicable in a specific sector only if product categories as referred to in Article 13a of Regulation (EEC) No 3719/88 and product groups as referred to in point (b) of the first subparagraph of Article 2a(2) of Regulation (EEC) No 3665/87 have been defined;
9. Whereas for the milk and milk product sector, product categories are already defined with reference to the categories provided for in the Agriculture Agreement; whereas in the interests of sound management this use of categories should be retained and Article 2a(2) of Regulation (EEC) No 3665/87 applied on the basis only of defined product groups;
10. Whereas in the milk sector refund rates are highly differentiated, notably according to fat content; whereas, so that this arrangement will not be called into question while at the same time the proportionality objective of Article 2a(2) of Regulation (EEC) No 3665/87 is respected, the product groups should be narrowly defined and for certain products the validity of export licences should extend to products that in fat content are immediately adjacent in CN code to the product for which a refund has been fixed in advance;
11. Whereas, to enable traders to participate in invitations to tender opened by third countries without affecting the restrictions as regards volume, a system of provisional licences should be introduced giving successful tenderers the right to a full licence;
12. Whereas, in order to ensure effective monitoring of licences issued, which depends on the notification of information to the Commission by the Member States, a waiting time should be provided for before licences are issued; whereas, in order to ensure the smooth operation of the arrangements and, in particular, an equitable allocation of the quantities available within the limits laid down by the Agriculture Agreement, various management measures should be laid down and, in particular, provision should be made for the issue of licences to be suspended and for a reduction coefficient to be applied to the quantities applied for;
13. Whereas the refund rate should be determined for products eligible for export refunds in the context of food-aid operations;
14. Whereas, to ensure that licences are correctly used, for certain exports with refunds the country of destination should be defined as a compulsory destination as referred to in Article 21(1) of Regulation (EEC) No 3665/87;
15. Whereas experience has shown that the number of applications for export licences for particular cheese varies according to destination; whereas, in order that special measures can be applied according to the destination indicated on licence applications, destination zones should be fixed and the destination zone indicated on export licences made obligatory for products falling within CN code 0406;
16. Whereas the method for fixing the refund on milk products containing added sugar, the price of which is determined by the price of the ingredients, should be laid down according to the percentage of the ingredients contained therein; whereas, however, to facilitate the management of refunds for these products, and particularly measures to ensure compliance with commitments regarding exports in the context of the Agriculture Agreement, a maximum quantity should be fixed for sucrose incorporated for which a refund may be granted; whereas 43 % by weight of whole product is representative of the sucrose content of such products;
17. Whereas Article 8(3) of Regulation (EEC) No 3665/87 provides that refunds may be granted for ingredients of Community origin in processed cheese manufactured under the inward processing arrangements; whereas certain special rules are needed to ensure that this specific measure operates properly and can be effectively checked;
18. Whereas, under the Agreement concluded between the European Community and Canada approved by Council Decision 95/591/EC<sup>(1)</sup> export licences issued by the European Community must be presented for cheese qualifying for preferential terms on import into Canada; whereas the detailed rules for issuing such licences should be laid down; whereas, to ensure that the quantities of cheese imported into Canada under the import quota correspond to the quantities for which licences have been issued, the licences duly stamped by the Canadian authorities should be returned to the competent bodies of the Member States and the data on exports should be forwarded by the Member States to the Commission;
19. Whereas, in the framework of the consultations with Switzerland on the implementation of the results of the Uruguay Round, it has been agreed to apply a set of measures providing in particular for a reduction in the customs duties on certain Community cheeses imported into Switzerland; whereas the Community origin of such products should be guaranteed; whereas, to that end, export

<sup>(1)</sup> OJ L 334, 30. 12. 1995, p. 25.

licences should be compulsory for all cheese exported under these arrangements, including cheese on which export refunds are not payable; whereas licences should be issued subject to presentation by the exporter of a declaration certifying the Community origin of the product;

20. Whereas the Community has the option of designating which importers may import Community cheeses into the United States under the additional quota arising from the Agriculture Agreement; whereas this would allow the Community to maximise the value of the quota; whereas a procedure should therefore be laid down for designating importers on the basis of the allocation of export licences for the products concerned;
- 21). 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:

## CHAPTER I

### General arrangements for export refunds

#### Article 1

- Exports from the Community of products listed in Article 1 of Regulation (EEC) No 804/68 for which an export refund is requested shall be subject to the presentation of an export licence, except in the cases referred to in Article 2. The refund to be paid shall be the rate valid on the day the application for the export licence or, where relevant, the provisional licence, is submitted.
- Section 7 of licence applications and licences shall show the code number of the country of destination as referred to in the Annex to Commission Regulation (EC) No 2317/97<sup>(1)</sup>.
- Licence applications which, within the meaning of Article 15 of Regulation (EEC) No 3719/88, were lodged on a Thursday, shall be deemed to have been submitted on the next working day.

#### Article 2

Refunds shall be granted only on presentation of an export licence.

By way of derogation from Article 2a of Regulation (EEC) No 3665/87, however, no licence shall be required:

- where the refund for an export declaration, calculated on the basis of the refund applicable on the first day of the month of export, is not more than EUR 60;
- in the cases referred to in Articles 34, 38, 42, 43 and 44(1) of Regulation (EEC) No 3665/87.

For the purposes of point (a) of the second paragraph, where several separate codes in the nomenclature for refunds, as laid down by Commission Regulation (EC) No 3846/87<sup>(2)</sup>, or the Combined Nomenclature are entered in an export declaration, the particulars relating to each code shall be deemed to constitute a separate declaration.

#### Article 3

No refund shall be granted on exports of cheese where the free-at-frontier price prior to application of the refund in the Member State of export is less than EUR 230 per 100 kilograms.

However, the first paragraph shall not apply to cheese falling within code 0406 90 33 9919 of the nomenclature for refunds.

#### Article 4

- The four product categories for the purposes of the Agriculture Agreement shall be those set out in Annex I hereto.
- The second paragraph of Article 13a of Regulation (EEC) No 3719/88 shall not apply to the products referred to in Article 1(1) of this Regulation.
- Without prejudice to the application of Article 5(3) of this Regulation, the product groups within the meaning of point (b) of the first subparagraph of Article 2a(2) of Regulation (EEC) No 3665/87 shall be those set out in Annex II.

#### Article 5

- Section 16 of licence applications and licences shall show the 12-digit product code of the nomenclature for refunds. Licences shall be valid for that product alone except in the cases specified in paragraphs 2 and 3.
- For products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309, licence holders may on request obtain a change of the code in Section 16 of the export licence to another code in the same category, as referred to in Annex I, where the refund is identical. Such requests must be lodged before completion of the formalities referred to in Article 3 or 25 of Regulation (EEC) No 3665/87.

<sup>(1)</sup> OJ L 321, 21. 11. 1997, p. 19.

<sup>(2)</sup> OJ L 366, 24. 12. 1987, p. 1.

3. By way of derogation from point (b) of the first subparagraph of Article 2a(2) of Regulation (EEC) No 3665/87, export licences with advance fixing of the refund shall also be valid for exportation of a product with a 12-digit code other than that entered in Section 16 of the licence if the two products are adjacent in one of the groups laid down in Annex II or both are in group 23.

4. In cases referred to in paragraph 3, refunds shall be calculated in accordance with the second subparagraph of Article 2a(2) of Regulation (EEC) No 3665/87.

#### Article 6

Export licences shall be valid from the day of issue, within the meaning of Article 21(1) of Regulation (EEC) No 3719/88, until:

- (a) the end of the sixth month following issue in the case of products falling within CN code 0402 10;
- (b) the end of the fourth month following issue in the case of products falling within CN code 0405;
- (c) the end of the second month following issue in the case of products falling within CN code 0406;
- (d) the end of the fourth month following issue for the other products referred to in Article 1 of Regulation (EEC) No 804/68;
- (e) the date by which the obligations arising from invitations to tender pursuant to Article 8(1) must be fulfilled and by the end of the eighth month following issue of the full licence referred to in Article 8(3) at the latest.

#### Article 7

By way of derogation from Articles 27(5) and 28(5) of Regulation (EEC) No 3665/87, the period during which the products referred to in Article 1 of Regulation (EEC) No 804/68 may remain covered by the arrangements provided for in Council Regulation (EEC) No 565/80<sup>(1)</sup> shall be equal to the remainder of the term of validity of the export licence.

#### Article 8

1. In the case of an invitation to tender issued by a public body in a third country as referred to in Article 44(1) of Regulation (EEC) No 3719/88, except for invitations to tender concerning products falling within CN code 0406, traders may apply for a provisional export licence for the quantity covered by their tender subject to

the lodging of a security. The security for provisional licences shall be equal to 75 % of the rate fixed in accordance with Article 9.

Traders shall furnish proof that the body is public or subject to public law.

2. Provisional licences shall be issued on the fifth working day following that on which the application is lodged, provided that the special measures referred to in Article 10(3) have not been adopted in the meantime.

3. By way of derogation from Article 44(5) of Regulation (EEC) No 3719/88, the period for submitting the information referred to in that paragraph shall be 60 days. Before the end of that period, traders shall apply for the full export licence, which shall be issued on presentation of proof that they have been awarded a contract.

On presentation of proof that the tender has been rejected or that the quantity awarded by the contract is less than indicated on the provisional licence, the whole or part of the security shall be released as appropriate.

4. Licence applications referred to in paragraphs 2 and 3 shall be made in accordance with Article 13 of Regulation (EEC) No 3719/88.

5. The provisions of this chapter, with the exception of Article 10, shall apply to full licences.

#### Article 9

The security referred to in Article 14(2) of Regulation (EEC) No 3719/88 shall be equal to the percentage of the refund fixed for each product code applicable on the day the export licence application is lodged, as follows:

- (a) 5 % for products covered by CN code 0405;
- (b) 15 % for products covered by CN code 0402 10;
- (c) 30 % for products covered by CN code 0406;
- (d) 20 % for other products.

The amount of the refund referred to in the first paragraph shall be that calculated for the total quantity of the product concerned except for milk products containing added sugar.

For milk products containing added sugar, the amount of the refund referred to in the first paragraph shall be equal to the total quantity of the whole product concerned, multiplied by the refund rate applicable per kilogram of milk product.

<sup>(1)</sup> OJ L 62, 7. 3. 1980, p. 5.

*Article 10*

1. Export licences shall be issued on the fifth working day following the day on which applications are submitted, provided that the quantities for which licences have been applied for have been communicated in accordance with Article 6(1) of Commission Regulation (EEC) No 210/69<sup>(1)</sup> and that the special measures referred to in paragraph 3 have not been adopted in the meantime.

2. A decision may be taken to adopt one or more of the special measures provided for in paragraph 3 where:

- (a) the issue of the licences applied for appears likely to result in an overrun in the budget resources available or in the exhaustion of the maximum quantities which may be exported with refund during the 12-month period in question or in a shorter period to be determined pursuant to Article 11;

or

- (b) the issue of the licences applied for does not allow the continuity of exports to be guaranteed during the rest of the period concerned.

For the purposes of the first subparagraph, account shall be taken, as regards the product in question, of:

- (a) the seasonal nature of trade, the market situation and in particular the trend in prices on the market and the export conditions resulting therefrom;
- (b) the need to prevent speculation from distorting competition between traders.

3. In the cases referred to in paragraph 2, the Commission may decide, for the product or products in question:

- (a) to suspend the issue of licences for a maximum of five working days;
- (b) to apply an allocation coefficient to the quantities requested. Where a coefficient of less than 0,4 is applied to the quantities requested, applicants may, within three working days of publication of the decision fixing the coefficient, request the cancellation of their licence application and the release of their security.

Furthermore, in accordance with the procedure provided for in Article 30 of Regulation (EEC) No 804/68, the Commission may decide:

- (a) to suspend the issue of licences for the product or products concerned, without prejudice to the first indent of (a), for a period exceeding five working days;

- (b) at the end of the period of suspension, to fix refunds by invitation to tender for products falling within CN codes 0402 10 19, 0405 10 90, 0405 90 10, 0405 90 90 and 0405 10 19. The relevant licences shall then be issued.

4. Licence applications submitted during the period of suspension shall not be admissible.

*Article 11*

Where the total quantity covered by the licence applications submitted is such that there is a risk of early exhaustion of the maximum quantities which may be exported with refund during the 12-month period in question, the Commission may decide, in accordance with the procedure provided for in Article 30 of Regulation (EEC) No 804/68, to allocate those maximum quantities over periods to be determined.

*Article 12*

1. Where the quantity exported exceeds that shown on the licence, no refund shall be payable on the overrun.

To that end, Section 22 of licences shall contain the words: 'Payment of the refund restricted to the quantity shown in Sections 17 and 18'.

2. By way of derogation from the provisions of Articles 8(5) and 33(2) of Regulation (EEC) No 3719/88 on tolerances for quantities exported, the following rates shall apply:

- (a) the rate provided for in Article 8(5) shall be 2 %;
- (b) the rate provided for in Article 33(2), first and second subparagraphs, shall be 98 %;
- (c) the rate provided for in Article 33(2), third subparagraph, shall be 2 %.

Article 44(9)(c) of Regulation (EEC) No 3719/88 shall not apply.

*Article 13*

1. Article 10 shall not apply to the issuing of export licences for food-aid supplies in accordance with Article 10(4) of the Agriculture Agreement.

2. The rate of refund applicable to national food-aid supplies shall be that applying on the day the Member State opens the invitation to tender for the supply of food aid.

*Article 14*

The country of destination referred to in Article 1(2) shall be a compulsory destination for the purposes of Article 21(1) of Regulation (EEC) No 3665/87 for licences issued pursuant to Article 8 of this Regulation.

<sup>(1)</sup> OJ L 28, 5. 2. 1969, p. 1.

*Article 15*

1. For licences issued for products falling within CN code 0406, the following words shall be entered in Section 20 of applications and licences:

‘Licence valid for zone ... as defined in Article 15(3) of Regulation (EC) No 174/1999’.

The zone indicated shall be the zone, as defined in paragraph 3, to which the country of destination indicated in Section 7 of licence applications and licences belongs.

2. The zone as referred to in paragraph 1 shall be a compulsory destination for the purposes of Article 21(1) of Regulation (EEC) No 3665/87.

No refund shall be paid where the actual destination is in a zone other than that indicated in the licence application and in the licence.

3. The following zones shall be defined for the purposes of paragraph 1:

- (a) Zone I: destination codes 053 to 096 (inclusive);
- (b) Zone II: destination code 400;
- (c) Zone III: all other destination codes.

*Article 16*

1. For milk products containing added sugar, the refund shall be equal to the sum of the following components:

- (a) a component representing the quantity of milk product;
- (b) a component representing the quantity of added sucrose, up to a maximum of 43 % by weight of whole product.

However, the component referred to in (b) shall apply only if the added sucrose has been produced from sugar beet or cane harvested in the Community.

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

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

3. The component referred to in paragraph 1(b) shall be calculated by multiplying the sucrose content of the whole product, up to a maximum of 43 %, by the basic

amount of the refund applicable on the day the licence application is submitted for the products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81<sup>(1)</sup>.

However, the sucrose component shall not be taken into account where the basic amount of the refund for the milk product content referred to in the second subparagraph of paragraph 2 is zero.

4. For the purposes of paragraph 1(b), sucrose shall be treated as sucrose produced from beet or cane harvested in the Community if it has been:

- (a) imported into the Community under Protocol 8 on sugar annexed to the ACP-EEC Lomé Convention<sup>(2)</sup>, or the Agreement on cane sugar between the European Economic Community and the Republic of India<sup>(3)</sup>;
- (b) obtained from products imported under the provisions referred to in (a).

*Article 17*

1. Export licence applications for milk and milk products exported as products falling within CN code 0406 30 in accordance with the third indent of Article 8(3) of Regulation (EEC) No 3665/87 shall be accompanied by the authorisation granted by the competent authorities to use the customs arrangements in question.

2. Section 20 of licence applications and licences shall contain a reference to this Article.

3. The Member States shall take the necessary steps under the arrangements referred to in paragraph 1 to identify and check the quality and quantity of products referred to in that paragraph for which a refund has been applied for and to apply the provisions on entitlement to the refund.

**CHAPTER II****Specific arrangements***Article 18*

1. An export licence shall be required for all exports of cheese to Canada under the quota referred to in the Agreement concluded between the European Community and Canada.

2. Licence applications and licences shall show:

- (a) in Section 7, the words ‘CANADA — 404’;
- (b) in Section 15, the six-digit description of the goods in accordance with the Combined Nomenclature for products falling within CN codes 0406 10, 0406 20,

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 229, 17. 8. 1991, p. 3.

<sup>(3)</sup> OJ L 190, 23. 7. 1975, p. 36.

0406 30 and 0406 40 and the eight-digit description for products falling within CN code 0406 90. Section 15 of applications and licences may contain no more than six products thus described;

- (c) in Section 16, the eight-figure CN code and the quantity in kilograms for each of the products referred to in Section 15. The licence shall be valid only for the products and quantities so designated;
- (d) in Sections 17 and 18, the total quantity of products referred to in Section 16;
- (e) in Section 20, the following words:

‘Cheeses for direct export to Canada. Article 18 of Regulation (EC) No 174/1999. Quota for ... (year)’

or, as the case may be,

‘Cheeses for export directly/via New York to Canada. Article 18 of Regulation (EC) No 174/1999. Quota for ... (year)’.

Where cheese is transported to Canada via European third countries, such countries must be indicated instead of, or with, a reference to New York;

- (f) in Section 22, the words ‘without export refund’.

3. Licence applications shall be admissible only where applicants:

- (a) declare in writing that all material falling within Chapter 4 of the Combined Nomenclature and used in the manufacture of products covered by their application has been produced entirely within the Community;
- (b) undertake in writing to provide, at the request of the competent authorities, any further substantiation which the latter consider necessary for the issuing of licences and to accept, where applicable, any checks by those authorities on the book-keeping and manufacturing conditions of the products concerned.

4. Licences shall be issued immediately after applications are submitted. At the request of applicants, a certified copy of the licence shall be issued.

5. Licences shall be valid from their date of issue within the meaning of Article 21(1) of Regulation (EEC) No 3719/88 until 31 December following that date.

However, licences may be issued from 20 December and shall be valid from 1 January until 31 December of the following year provided the words ‘quota for ... (year)’ in Section 20 of licence applications and licences refer to the following year.

6. Holders of export licences shall ensure that the licence or a certified copy thereof:

- (a) is presented to the competent Canadian authority on the day on which the import customs formalities are conducted;
- (b) is returned, stamped by the competent Canadian authority, to the issuing body within two months of the date referred to in (a).

The Member States shall take the measures necessary to ensure that point (b) of the first subparagraph is complied with.

7. By way of derogation from Article 9 of Regulation (EEC) No 3719/88, licences shall not be transferable.

8. The competent authority of the Member State shall report to the Commission, in accordance with Annex IV, before the end of January for the preceding six-month period and before the end of July for the previous quota year, the number of licences issued and the quantity of cheese concerned, together with the number of licences stamped by the Canadian authorities and submitted by the declarant and the quantity concerned.

9. Chapter I shall not apply.

#### *Article 19*

1. An export licence shall be required for exports to Switzerland of the cheeses listed in Annex III, which are eligible for an exemption from or a reduction in customs duties on import into that country.

2. Section 20 of licence applications and licences shall contain the words ‘Article 19 of Regulation (EC) No 174/1999’.

Licences issued under this Article shall be valid only for the exports referred to in paragraph 1.

3. Licence applications shall be admissible only where applicants:

- (a) declare in writing that all material falling within Chapter 4 of the Combined Nomenclature and used in the manufacture of products covered by their application has been produced entirely within the Community;
- (b) undertake in writing to provide, at the request of the competent authorities, any further substantiation which the latter consider necessary for the issuing of licences and to accept, where applicable, any checks by those authorities of the book-keeping and manufacturing conditions of the products concerned.

4. Chapter I shall apply to exports covered by refunds applications.

5. In the case of exports not covered by refund applications, Section 22 of licence applications and licences shall contain the words 'Without an export refund'.

Licences shall be issued as soon as possible after applications are submitted.

Licences shall be valid from their date of issue within the meaning of Article 21(1) of Regulation (EEC) No 3719/88 until the following 30 June.

6. With the exception of Article 5(1), the provisions of Chapter I shall not apply to the exports referred to in paragraph 5.

For cheeses not included in the nomenclature for refund however, the eight-figure code of the Combined Nomenclature shall be entered in Section 16 of licence applications and licences.

7. Certified copies of licences shall be issued to applicants on request.

#### *Article 20*

1. In accordance with the procedure provided for in Article 30 of Regulation (EEC) No 804/68, the Commission may decide that export licences for products falling within CN code 0406 for export to the United States of America as part of the additional quota under the Agriculture Agreement and the tariff quotas originally resulting from the Tokyo Round and granted to Austria, Finland and Sweden by the United States in Uruguay Round list XX shall be issued in accordance with paragraphs 2 to 11.

2. Traders may apply, within a period to be determined, for a provisional export licence for the export of the products referred to in paragraph 1 during the following calendar year subject to the lodging of a security equal to 50 % of the rate fixed in accordance with Article 9.

Traders shall at the same time indicate:

- (a) the designation of product group covered by the United States quota in accordance with Additional Notes 16 to 23 and 25 in Chapter 4 of the Harmonized Tariff Schedule of the United States of America (most recent version);
- (b) the product names in accordance with the Harmonized Tariff Schedule of the United States of America (most recent version);

(c) the quantity of products for which provisional licences are being sought which they have exported to the United States during the preceding three calendar years. To this end, the trader whose name appears on the relevant export declaration shall be regarded as the exporter;

(d) the name and address of the importer in the United States designated by the applicant;

(e) whether the importer is a subsidiary of the applicant.

In addition, applications shall be accompanied by a certificate from the designated importer stating that he is eligible under the rules in force in the United States on the issue of import licences for the products referred to in paragraph 1 as part of the quota.

3. Where applications for provisional licences are submitted in respect of a quantity of products in excess of one of the quotas referred to in paragraph 1 for the year in question, the Commission may:

- (a) allocate provisional licences taking into account the quantity of the same products exported to the United States by the applicant in the past;

and/or

- (b) allocate provisional licences in preference to applicants whose designated importers are subsidiaries;

and/or

- (c) apply a reduction coefficient to the quantities for which application is made.

4. Where applying a reduction coefficient would mean allocating provisional licences for quantities of less than 5 tonnes, the Commission may allocate licences by drawing lots.

5. Where applications are submitted for provisional licences for quantities of product not exceeding the quotas referred to in paragraph 1 for the year concerned, the Commission may allocate the remaining quantities to applicants in proportion to the quantities applied for.

6. Section 20 of provisional licences as referred to in the first subparagraph of paragraph 2 shall include the following:

'Provisional export licence referred to in the first subparagraph of Article 20(2) of Regulation (EC) No 174/1999: not valid for exports'.

7. The names of importers designated by traders to whom provisional licences are issued shall be forwarded to the competent United States authorities.

8. In the case where an import licence for the quantities concerned is not allocated to the importer designated by an operator, in circumstances which do not cast doubt on the sincerity of the attestation referred to in the third subparagraph of paragraph 2, the trader may be authorised by the Member State to designate another importer provided that the latter appears on the list communicated to the competent authorities of the United States of America, in accordance with paragraph 7. The Member State shall inform the Commission as soon as possible of the change of designated importer and the Commission shall notify the change to the competent authorities of the United States.

9. Securities shall be released in whole or in part for rejected applications or for quantities in excess of those allocated.

10. Before the end of the year for which provisional licences are issued, the trader shall apply for the full licence, even in the case of part quantities, which shall be issued forthwith. The following words shall be entered in Section 20 of the application for the full licence and in the licence itself:

‘For export to the United States of America: Article 20 of Regulation (EC) No 174/1999’.

The full licences issued shall be valid only for exports as referred to in paragraph 1 for the year in question.

11. With the exception of Articles 4 and 10, the provisions of Chapter I shall apply to full licences.

### CHAPTER III

#### Final provisions

##### *Article 21*

Regulations (EEC) No 3665/87 and (EEC) No 3719/88 shall apply save as otherwise provided in this Regulation.

##### *Article 22*

Regulation (EC) No 1466/95 is hereby repealed.

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

Regulation (EC) No 1466/95 shall continue to apply to licences issued against applications submitted before the entry into force of the present Regulation.

##### *Article 23*

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

It shall apply from 1 February 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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*ANNEX I***Product categories laid down in Article 4(1)**

| Number | Description                                               | CN code                                                                                                                                                                                                                                                         |
|--------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I      | Butter, other fats and oils derived from milk and spreads | 0405 10<br>0405 20 90<br>0405 90                                                                                                                                                                                                                                |
| II     | Skimmed-milk powder                                       | 0402 10                                                                                                                                                                                                                                                         |
| III    | Cheese and curd                                           | 0406                                                                                                                                                                                                                                                            |
| IV     | Other milk products                                       | 0401<br>0402 21<br>0402 29<br>0402 91<br>0402 99<br>0403 10 11 to 0403 10 39<br>0403 90 11 to 0403 90 69<br>0404 90<br>2309 10 15<br>2309 10 19<br>2309 10 39<br>2309 10 59<br>2309 10 70<br>2309 90 35<br>2309 90 39<br>2309 90 49<br>2309 90 59<br>2309 90 70 |

## ANNEX II

## Product groups set by Article 4(3)

| Group No | Milk product code<br>(nomenclature for export refunds) | Group No | Milk product code<br>(nomenclature for export refunds) |
|----------|--------------------------------------------------------|----------|--------------------------------------------------------|
| 1        | 0401 10 10 9000                                        | 5        | 0402 29 15 9200                                        |
|          | 0401 20 11 9100                                        |          | 0402 29 15 9300                                        |
|          | 0401 20 11 9500                                        |          | 0402 29 15 9500                                        |
|          | 0401 20 91 9100                                        |          | 0402 29 15 9900                                        |
|          | 0401 20 91 9500                                        |          | 0402 29 91 9100                                        |
|          | 0401 30 11 9100                                        |          | 0402 29 91 9500                                        |
|          | 0401 30 11 9400                                        | 6        | 0402 29 19 9200                                        |
|          | 0401 30 11 9700                                        |          | 0402 29 19 9300                                        |
|          | 0401 30 31 9100                                        |          | 0402 29 19 9500                                        |
|          | 0401 30 31 9400                                        |          | 0402 29 19 9900                                        |
|          | 0401 30 31 9700                                        |          | 0402 29 99 9100                                        |
|          | 0401 30 91 9100                                        |          | 0402 29 99 9500                                        |
|          | 0401 30 91 9400                                        | 7        | 0402 91 11 9110                                        |
|          | 0401 30 91 9700                                        |          | 0402 91 11 9120                                        |
| 2        | 0401 10 90 9000                                        |          | 0402 91 31 9100                                        |
|          | 0401 20 19 9100                                        |          | 0402 91 51 9000                                        |
|          | 0401 20 19 9500                                        |          | 0402 91 91 9000                                        |
|          | 0401 20 99 9100                                        | 8        | 0402 91 11 9310                                        |
|          | 0401 20 99 9500                                        |          | 0402 91 11 9350                                        |
|          | 0401 30 19 9100                                        |          | 0402 91 11 9370                                        |
|          | 0401 30 19 9400                                        |          | 0402 91 31 9300                                        |
|          | 0401 30 19 9700                                        |          | 0402 91 51 9000                                        |
|          | 0401 30 39 9100                                        |          | 0402 91 91 9000                                        |
|          | 0401 30 39 9400                                        | 9        | 0402 91 19 9110                                        |
|          | 0401 30 39 9700                                        |          | 0402 91 19 9120                                        |
|          | 0401 30 99 9100                                        |          | 0402 91 39 9100                                        |
|          | 0401 30 99 9400                                        |          | 0402 91 59 9000                                        |
|          | 0401 30 99 9700                                        | 10       | 0402 91 99 9000                                        |
| 3        | 0402 21 11 9200                                        |          | 0402 91 19 9310                                        |
|          | 0402 21 11 9300                                        |          | 0402 91 19 9350                                        |
|          | 0402 21 11 9500                                        |          | 0402 91 19 9370                                        |
|          | 0402 21 11 9900                                        |          | 0402 91 39 9300                                        |
|          | 0402 21 91 9100                                        |          | 0402 91 59 9000                                        |
|          | 0402 21 91 9200                                        |          | 0402 91 99 9000                                        |
|          | 0402 21 91 9300                                        | 11       | 0402 99 11 9110                                        |
|          | 0402 21 91 9400                                        |          | 0402 99 11 9130                                        |
|          | 0402 21 91 9500                                        |          | 0402 99 11 9150                                        |
|          | 0402 21 91 9600                                        |          | 0402 99 31 9110                                        |
|          | 0402 21 91 9700                                        |          | 0402 99 31 9300                                        |
|          | 0402 21 91 9900                                        |          | 0402 99 31 9500                                        |
| 4        | 0402 21 17 9000                                        |          | 0402 99 91 9000                                        |
|          | 0402 21 19 9300                                        | 12       | 0402 99 11 9310                                        |
|          | 0402 21 19 9500                                        |          | 0402 99 11 9330                                        |
|          | 0402 21 19 9900                                        |          | 0402 99 11 9350                                        |
|          | 0402 21 99 9100                                        |          | 0402 99 31 9150                                        |
|          | 0402 21 99 9200                                        |          | 0402 99 31 9300                                        |
|          | 0402 21 99 9300                                        |          | 0402 99 31 9500                                        |
|          | 0402 21 99 9400                                        |          | 0402 99 91 9000                                        |
|          | 0402 21 99 9500                                        |          |                                                        |
|          | 0402 21 99 9600                                        |          |                                                        |
|          | 0402 21 99 9700                                        |          |                                                        |
|          | 0402 21 99 9900                                        |          |                                                        |

| Group No | Milk product code<br>(nomenclature for export refunds)                                                                            |
|----------|-----------------------------------------------------------------------------------------------------------------------------------|
| 13       | 0402 99 19 9110<br>0402 99 19 9130<br>0402 99 19 9150<br>0402 99 39 9110<br>0402 99 39 9300<br>0402 99 39 9500<br>0402 99 99 9000 |
| 14       | 0402 99 19 9310<br>0402 99 19 9330<br>0402 99 19 9350<br>0402 99 39 9150<br>0402 99 39 9300<br>0402 99 39 9500<br>0402 99 99 9000 |
| 15       | 0403 10 11 9400<br>0403 10 11 9800<br>0403 10 13 9800<br>0403 10 19 9800                                                          |
| 16       | 0403 10 31 9400<br>0403 10 31 9800<br>0403 10 33 9800<br>0403 10 39 9800                                                          |
| 17       | 0403 90 11 9000<br>0403 90 13 9200<br>0403 90 13 9300<br>0403 90 13 9500<br>0403 90 13 9900<br>0403 90 19 9000                    |
| 18       | 0403 90 31 9000<br>0403 90 33 9200<br>0403 90 33 9300<br>0403 90 33 9500<br>0403 90 33 9900<br>0403 90 39 9000                    |

| Group No | Milk product code<br>(nomenclature for export refunds)                                                                                                                                                                                                                                                                          |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19       | 0403 90 51 9100<br>0403 90 51 9300<br>0403 90 53 9000<br>0403 90 59 9110<br>0403 90 59 9140<br>0403 90 59 9170<br>0403 90 59 9310<br>0403 90 59 9340<br>0403 90 59 9370<br>0403 90 59 9510<br>0403 90 59 9540<br>0403 90 59 9570                                                                                                |
| 20       | 0403 90 61 9100<br>0403 90 61 9300<br>0403 90 63 9000<br>0403 90 69 9000                                                                                                                                                                                                                                                        |
| 21       | 0404 90 21 9100<br>0404 90 23 9120<br>0404 90 23 9130<br>0404 90 23 9140<br>0404 90 23 9150                                                                                                                                                                                                                                     |
| 22       | 0404 90 81 9100<br>0404 90 83 9110<br>0404 90 83 9130<br>0404 90 83 9150<br>0404 90 83 9170                                                                                                                                                                                                                                     |
| 23       | 0405 10 11 9500<br>0405 10 11 9700<br>0405 10 19 9500<br>0405 10 19 9700<br>0405 10 30 9100<br>0405 10 30 9300<br>0405 10 30 9500<br>0405 10 30 9700<br>0405 10 50 9100<br>0405 10 50 9300<br>0405 10 50 9500<br>0405 10 50 9700<br>0405 10 90 9000<br>0405 20 90 9500<br>0405 20 90 9700<br>0405 90 10 9000<br>0405 90 10 9000 |

## ANNEX III

## Switzerland

## Products referred to in Article 19(1)

| CN code       | Description<br>(Export refund nomenclature)                                                                                                                                       |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0406          | Cheese and curd:                                                                                                                                                                  |
| ex 0406 10 20 | — — — — Ricotta, salted                                                                                                                                                           |
| 0406 20       | — Grated or powdered cheese, of all kinds                                                                                                                                         |
| 0406 30       | — Processed cheese, not grated or powdered                                                                                                                                        |
| 0406 40       | — Blue-veined cheese                                                                                                                                                              |
| ex 0406 90    | — Other cheese:                                                                                                                                                                   |
| 0406 90 23    | — — — Edam                                                                                                                                                                        |
| 0406 90 25    | — — — Tilsit                                                                                                                                                                      |
| 0406 90 27    | — — — Butterkäse                                                                                                                                                                  |
| 0406 90 61    | — — — — — Grana Padano, Parmigiano Reggiano                                                                                                                                       |
| 0406 90 63    | — — — — — Fiore Sardo, Pecorino                                                                                                                                                   |
| 0406 90 69    | — — — — — Other                                                                                                                                                                   |
| 0406 90 73    | — — — — — Provolone                                                                                                                                                               |
| ex 0406 90 75 | — — — — — Asiago, Caciocavallo, Montasio                                                                                                                                          |
| 0406 90 76    | — — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø                                                                                                                   |
| 0406 90 78    | — — — — — Gouda                                                                                                                                                                   |
| ex 0406 90 79 | — — — — — Esrom, Italico, Saint-Nectaire, Saint-Paulin                                                                                                                            |
| ex 0406 90 87 | — — — — — Idiazabal, Manchego, Roncal, manufactured<br>exclusively from sheep's milk                                                                                              |
| ex 0406 90    | — Elbo, Galantine, Molbo, Mimolette, Tybo                                                                                                                                         |
| ex 0406 90    | — Other cheese, of a fat content of 30 % or more by weight in the dry matter and of a<br>water content by weight in the non-fatty matter exceeding 52 % but not exceeding<br>67 % |

ANNEX IV

Canada

Information requested under Article 18(8)

Member State: .....

Date for the period from ..... to .....

| Trader's name/address | CN code of product<br>(pursuant to Article 18(2)) | LICENCES ISSUED    |          | LICENCES STAMPED<br>by the Canadian authorities |          |
|-----------------------|---------------------------------------------------|--------------------|----------|-------------------------------------------------|----------|
|                       |                                                   | Number of licences | Quantity | Number of licences                              | Quantity |
|                       |                                                   | tonnes             | tonnes   | tonnes                                          | tonnes   |
|                       |                                                   |                    |          |                                                 |          |
|                       |                                                   |                    |          |                                                 |          |
|                       |                                                   |                    |          |                                                 |          |
|                       |                                                   |                    |          |                                                 |          |
|                       |                                                   |                    |          |                                                 |          |
| Total                 |                                                   |                    |          |                                                 |          |

## COMMISSION REGULATION (EC) No 175/1999

of 26 January 1999

**amending Regulations (EEC) No 3942/92, (EC) No 86/94, (EC) No 1082/96 and (EC) No 1459/98 establishing reference methods for the determination of certain tracers in butter, butteroil and cream**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 6(6), Article 7a(3) and Article 12(3) thereof,

Whereas reference methods for the determination of stigmastanol and sitosterol in butteroil and in butter have been established by Commission Regulation (EEC) No 3942/92 <sup>(3)</sup>, as amended by Regulation (EEC) No 2539/93 <sup>(4)</sup>, and by Commission Regulation (EC) No 86/94 <sup>(5)</sup> respectively; whereas a reference method for the determination of the ethylester of beta-apo-8' carotenic acid in concentrated butter and butter has been established by Commission Regulation (EC) No 1082/96 <sup>(6)</sup> and a reference method for the determination of vanillin in concentrated butter, butter or cream has been established by Commission Regulation (EC) No 1459/98 <sup>(7)</sup>;

Whereas the reference methods mentioned above were introduced for the control of compliance with conditions relating to the tracing of butter, butteroil and cream under certain schemes under which these products are subsidised; whereas Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of an aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(8)</sup>, as last amended by Regulation (EC) No 1982/98 <sup>(9)</sup> which repealed and replaced Commission Regulation (EEC) No 570/88 <sup>(10)</sup>, as last amended by Regulation (EC) No 531/96 <sup>(11)</sup>, changed the tolerance limits relating to the incorporation of tracers which had previously been applicable;

Whereas the tolerance limits for the incorporation of tracers have similarly been adapted in Commission Regulation (EEC) No 3143/85 <sup>(12)</sup>, as last amended by Regula-

tion (EC) No 101/1999 <sup>(13)</sup> and in Commission Regulation (EC) No 429/90 <sup>(14)</sup> as last amended by Regulation (EC) No 124/1999 <sup>(15)</sup>;

Whereas, furthermore, experience has shown that it is necessary to clarify the application of control results to verify the rate and purity of the tracer incorporation as well as the homogeneity;

Whereas it is therefore necessary to amend the regulations establishing the reference methods referred to;

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*

Regulation (EEC) No 3942/92 is amended as follows:

1. in Article 1, 'Regulation (EEC) No 570/88' is replaced by 'Regulation (EC) No 2571/97';

2. point 8 of the Annex is amended as follows:

(a) point 8.1 is replaced by the following text:

'8.1. Three samples must be taken from the traced product in order to check on the correct tracing of the product.';

(b) points 8.2.2 and 8.2.3 are replaced by the following text:

'8.2.2. The results of the three samples obtained from the analysis of the product is used to check the rate and the homogeneity of tracer incorporation and the lowest of these results is compared with the following limits (Critical Difference for a 95 % probability level (CrD95) taken into consideration):

— 120,0 mg/kg (95 % of the minimum incorporation rate for 95 % pure stigmastanol),

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ L 399, 31. 12. 1992, p. 29.

<sup>(4)</sup> OJ L 233, 16. 9. 1993, p. 1.

<sup>(5)</sup> OJ L 17, 20. 1. 1994, p. 7.

<sup>(6)</sup> OJ L 142, 15. 6. 1996, p. 26.

<sup>(7)</sup> OJ L 193, 9. 7. 1998, p. 16.

<sup>(8)</sup> OJ L 350, 20. 12. 1997, p. 3.

<sup>(9)</sup> OJ L 256, 18. 9. 1998, p. 9.

<sup>(10)</sup> OJ L 55, 1. 3. 1988, p. 31.

<sup>(11)</sup> OJ L 78, 28. 3. 1996, p. 13.

<sup>(12)</sup> OJ L 298, 12. 11. 1985, p. 9.

<sup>(13)</sup> OJ L 11, 16. 1. 1999, p. 14.

<sup>(14)</sup> OJ L 45, 21. 2. 1990, p. 8.

<sup>(15)</sup> OJ L 16, 21. 1. 1999, p. 19.

- 122,0 mg/kg (95 % of the minimum incorporation rate for 85 % pure stigmasterol),
- 84,0 mg/kg (70 % of the minimum incorporation rate for 95 % pure stigmasterol),
- 86,0 mg/kg (70 % of the minimum incorporation rate for 85 % pure stigmasterol).

The tracer concentration of the sample giving the lowest result is used in conjunction with interpolation respectively between 120,0 mg/kg and 84,0 mg/kg or 122,0 mg/kg and 86,0 mg/kg;

(c) points 8.3.2 and 8.3.3 are replaced by the following text:

‘8.3.2. The results of the three samples obtained from the analysis of the product is used to check the rate and the homogeneity of tracer incorporation and the lowest of these results is compared with the following limits (Critical Difference for a 95 % probability level (CrD95) taken into consideration):

- 486,0 mg/kg (95 % of the minimum incorporation rate for 90 % pure sitosterol),
- 358,0 mg/kg (70 % of the minimum incorporation rate for 90 % pure sitosterol).

The tracer concentration in the sample giving the lowest result is used in conjunction with interpolation between 486,0 mg/kg and 358,0 mg/kg.’

## Article 2

Regulation (EC) No 86/94 is amended as follows:

1. in Article 1, ‘Regulation (EEC) No 570/88’ is replaced by ‘Regulation (EC) No 2571/97’;
2. point 8 of the Annex is amended as follows:

(a) point 8.1 is replaced by the following text:

‘8.1. Three samples must be taken from the traced product in order to check on the correct tracing of the product.’;

(b) points 8.2.2 and 8.2.3 are replaced by the following text:

‘8.2.2. The results of the three samples obtained from the analysis of the product are used to check the rate and the homogeneity of tracer incorporation and the lowest of these results is compared with the following limits (Critical Difference for a 95 % probability level (CrD95) taken into consideration):

- 116,0 mg/kg (95 % of the minimum incorporation rate for 95 % pure stigmasterol),
- 118,0 mg/kg (95 % of the minimum incorporation rate for 85 % pure stigmasterol),
- 81,0 mg/kg (70 % of the minimum incorporation rate for 95 % pure stigmasterol),
- 82,0 mg/kg (70 % of the minimum incorporation rate for 85 % pure stigmasterol).

The tracer concentration of the sample giving the lowest result is used in conjunction with interpolation respectively between 116,0 mg/kg and 81,0 mg/kg or 118,0 mg/kg and 82,0 mg/kg.’;

(c) points 8.3.2 and 8.3.3 are replaced by:

‘8.3.2. The results of the three samples obtained from the analysis of the product are used to check the rate and the homogeneity of tracer incorporation and the lowest of these results is compared with the following limits (Critical Difference for a 95 % probability level (CrD95) taken into consideration):

- 486,0 mg/kg (95 % of the minimum incorporation rate for 90 % pure sitosterol),
- 358,0 mg/kg (70 % of the minimum incorporation rate for 90 % pure sitosterol).

The tracer concentration of the sample giving the lowest result is used in conjunction with interpolation between 486,0 mg/kg and 358,0 mg/kg.’

## Article 3

Regulation (EC) No 1082/96 is amended as follows:

1. in Article 1 ‘Regulation (EEC) No 570/88’ is replaced by ‘Regulation (EC) No 2571/97’;

2. point 8 of the Annex is amended as follows:

(a) point 8.1 is replaced by the following text:

‘8.1. Three samples must be taken from the traced product in order to check on the correct tracing of the product.’;

(b) points 8.2.2 and 8.2.3 are replaced by the following text:

‘8.2.2. The results of the three samples obtained from the analysis of the product is used to check the rate and the homogeneity of tracer incorporation and the lowest of these results is compared with the following limits (Critical Difference for a 95 % probability level (CrD95) taken into consideration):

- 18,0 mg/kg (95 % of the minimum incorporation rate),
- 13,0 mg/kg (70 % of the minimum incorporation rate).

The tracer concentration of the sample giving the lowest result is used in conjunction with interpolation between 18,0 mg/kg and 13,0 mg/kg.’;

(c) points 8.3.2 and 8.3.3 are replaced by:

‘8.3.2. The results of the three samples obtained from the analysis of the product is used to check the rate and the homogeneity of tracer incorporation and the lowest of these results is compared with the following limits (Critical Difference for a 95 % probability level (CrD95) taken into consideration):

- 20,0 mg/kg (95 % of the minimum incorporation rate),
- 14,0 mg/kg (70 % of the minimum incorporation rate).

The tracer concentration of the sample giving the lowest result is used in conjunction with interpolation between 20,0 mg/kg and 14,0 mg/kg.’

#### Article 4

The Annex to Regulation (EC) No 1459/98 is amended as follows:

1. in point 6 ‘SM = mass of test sample in g (5.1.1, 5.1.2 or 5.1.3)’ is replaced by ‘SM = mass of test sample in g (5.1.1, 5.1.2 or 5.1.3).

Where the cream is analysed for vanillin, the tracer concentration has to be expressed as mg tracer/kg milk

fat. This is done by multiplying C with 100/f. f is the fat content of the cream in percent (m/m).’;

2. point 8 of the Annex is amended as follows:

(a) point 8.2.1 is replaced by:

‘8.2.1. The incorporation rate for 4-hydroxy-3-methoxybenzaldehyde is 250 grams per tonne of concentrated butter or butter. Where cream is traced, the incorporation rate is 250 grams per tonne of milk fat.’;

(b) points 8.2.2 and 8.2.3 are replaced by the following text:

‘8.2.2. The results of the three samples obtained from the analysis of the product is used to check the rate and the homogeneity of tracer incorporation and the lowest of these results is compared with the following limits (Critical Difference for a 95 % probability level (CrD95) taken into consideration):

- 221,0 mg/kg (95 % of the minimum incorporation rate),
- 159,0 mg/kg (70 % of the minimum incorporation rate).

The tracer concentration of the sample giving the lowest result is used in conjunction with interpolation between 221,0 mg/kg and 159,0 mg/kg.’;

(c) points 8.3.1, 8.3.2 and 8.3.3 are replaced by:

‘8.3.1. The incorporation rate for 4-hydroxy-3-methoxyzaldehyde is 100 grams per tonne of concentrated butter or butter. Where cream is traced, the incorporation rate is 100 grams per tonne of milk fat.

8.3.2. The results of the three samples obtained from the analysis of the product is used to check the rate and the homogeneity of tracer incorporation and the lowest of these results is compared with the following limits (Critical Difference for a 95 % probability level (CrD95) taken into consideration):

- 79,0 mg/kg (95 % of the minimum incorporation rate),
- 54,0 mg/kg (70 % of the minimum incorporation rate).

The tracer concentration of the sample giving the lowest result is used in conjunction with interpolation between 79,0 mg/kg and 54,0 mg/kg.’

*Article 5*

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

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 176/1999**  
**of 26 January 1999**

**determining the extent to which applications for import licences submitted in January 1999 for certain products in the milk and milk products sector under the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria and Romania, in the Agreements on free trade between the Community and the Baltic States and in the Interim Agreement between the Community and the Republic of Slovenia may be accepted**

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

Having regard to Commission Regulation (EC) No 2508/97 of 15 December 1997 laying down detailed rules for the application to milk and milk products of the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria and Romania, the Agreements on free trade between the Community and the Baltic States and the Interim Agreement between the Community and the Republic of Slovenia and repealing Regulations (EEC) No 584/92, (EC) No 1588/94, (EC) No 1713/95 and (EC) No 455/97<sup>(1)</sup>, and in particular Article 4(4) thereof,

Whereas the applications for import licences submitted for the products listed in Regulation (EC) No 2508/97 exceed the quantities available for certain products;

whereas allocation coefficients should therefore be set for the period 1 January to 30 June 1999 for certain quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for import licences submitted for the period 1 January to 30 June 1999 pursuant to Regulation (EC) No 2508/97, shall be accepted by country of origin and by product covered by the CN codes set out in the Annex for the quantities applied for, multiplied by the allocation coefficients shown.

*Article 2*

This Regulation shall enter into force on 27 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 345, 16. 12. 1997, p. 31.

ANNEX

(in %)

| Country                | Poland                                 |                                                                                  |        | Czech Republic                         |                                                      |        | Slovakia                               |                                                      |        | Hungary |            |        |
|------------------------|----------------------------------------|----------------------------------------------------------------------------------|--------|----------------------------------------|------------------------------------------------------|--------|----------------------------------------|------------------------------------------------------|--------|---------|------------|--------|
| CN codes               | 0402 10 19<br>0402 21 19<br>0402 21 99 | 0405 10 11<br>0405 10 19<br>0405 10 30<br>0405 10 50<br>0405 10 90<br>0405 20 90 | 0406   | 0402 10 19<br>0402 21 19<br>0402 21 91 | 0405 10 11<br>0405 10 19<br>0405 10 30<br>0405 10 50 | 0406   | 0402 10 19<br>0402 21 19<br>0402 21 91 | 0405 10 11<br>0405 10 19<br>0405 10 30<br>0405 10 50 | 0406   | 0402 10 | 0406 90 29 | 0406   |
| Allocation coefficient | 0,0064                                 | 0,0092                                                                           | 0,0302 | 0,0064                                 | 0,0063                                               | 0,0142 | 0,0064                                 | 0,0069                                               | 0,0127 | 0,0100  | —          | 0,0243 |

| Country                | Republic of Estonia      |                          |        | Latvia                   |         |        |            | Lithuania                |                          |        |            |
|------------------------|--------------------------|--------------------------|--------|--------------------------|---------|--------|------------|--------------------------|--------------------------|--------|------------|
| CN codes               | 0402 10 19<br>0402 21 19 | 0405 10 11<br>0405 10 19 | 0406   | 0402 10 19<br>0402 21 19 | 0405 10 | 0406   | ex 0402 29 | 0402 10 19<br>0402 21 19 | 0405 10 11<br>0405 10 19 | 0406   | 0402 99 11 |
| Allocation coefficient | 0,0073                   | 0,0110                   | 0,4000 | 0,0072                   | 0,0069  | 0,0336 | —          | 0,0074                   | 0,0068                   | 0,0368 | —          |

| Country                | Romania | Bulgaria |
|------------------------|---------|----------|
| CN codes               | 0406    | 0406     |
| Allocation coefficient | 1,0000  | 1,0000   |

| Country                | Slovenia           |         |         |
|------------------------|--------------------|---------|---------|
| CN codes               | 0402 10<br>0402 21 | 0403 10 | 0406 90 |
| Allocation coefficient | 0,0152             | —       | 0,0204  |

**COMMISSION REGULATION (EC) No 177/1999****of 26 January 1999****establishing the quantity of certain pigmeat products available for the second quarter of 1999 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia of the other part**

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

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part<sup>(1)</sup>, as last amended by Regulation (EC) No 691/97<sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1

April to 30 June 1999 should be added to the quantities available for the period 1 January to 31 March 1999,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantity available for the period 1 April to 30 June 1999 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 233, 30. 9. 1995, p. 45.

<sup>(2)</sup> OJ L 102, 19. 4. 1997, p. 12.

*ANNEX**(tonnes)*

| Group | Total quantity available<br>for the period<br>1 April to 30 June 1999 |
|-------|-----------------------------------------------------------------------|
| 18    | 1 150                                                                 |
| 19    | 1 150                                                                 |
| 20    | 230                                                                   |
| 21    | 1 150                                                                 |
| 22    | 575                                                                   |

## COMMISSION REGULATION (EC) No 178/1999

of 26 January 1999

determining the extent to which applications lodged in January 1999 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted

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

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 <sup>(1)</sup>, as amended by Regulation (EC) No 618/98 <sup>(2)</sup>, and in particular Article 4(5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1999 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas, it is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 January to 31 March 1999 submitted pursuant to Regulation (EC) No 1899/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1999 applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 27 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 267, 30. 9. 1997, p. 58.

<sup>(2)</sup> OJ L 82, 19. 3. 1998, p. 35.

*ANNEX I*

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 January to 31 March 1999 |
|----------|----------------------------------------------------------------------------------------------------------|
| 1        | 100,0                                                                                                    |
| 2        | 100,0                                                                                                    |
| 3        | 100,0                                                                                                    |
| 4        | 100,0                                                                                                    |
| H1       | 100,0                                                                                                    |
| H2       | 100,0                                                                                                    |
| 5        | 100,0                                                                                                    |
| 6        | 100,0                                                                                                    |
| 7        | 100,0                                                                                                    |
| 8        | 100,0                                                                                                    |
| 9        | 100,0                                                                                                    |
| 10/11    | 100,0                                                                                                    |
| 12/13    | 100,0                                                                                                    |
| 14       | 100,0                                                                                                    |
| 15       | 100,0                                                                                                    |
| 16       | 100,0                                                                                                    |
| 17       | 100,0                                                                                                    |

*ANNEX II**(tonnes)*

| Group No | Total quantity available<br>for the period<br>1 April to 30 June 1999 |
|----------|-----------------------------------------------------------------------|
| 1        | 4 239                                                                 |
| 2        | 664,9                                                                 |
| 3        | 1 820                                                                 |
| 4        | 16 254,6                                                              |
| H1       | 2 400                                                                 |
| H2       | 500                                                                   |
| 5        | 3 450                                                                 |
| 6        | 2 101,1                                                               |
| 7        | 9 806,8                                                               |
| 8        | 1 610                                                                 |
| 9        | 11 730                                                                |
| 10/11    | 6 065                                                                 |
| 12/13    | 2 645                                                                 |
| 14       | 345                                                                   |
| 15       | 1 035                                                                 |
| 16       | 1 874,9                                                               |
| 17       | 14 375                                                                |

## COMMISSION REGULATION (EC) No 179/1999

of 26 January 1999

determining the extent to which applications lodged in January 1999 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2068/96 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas the applications for import licences lodged for the first quarter of 1999 are for quantities less than the quantities available and can therefore be met in full;

Whereas the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for prod-

ucts which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 January to 31 March 1999 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1999 applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 27 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 156, 23. 6. 1994, p. 14.

<sup>(2)</sup> OJ L 277, 30. 10. 1996, p. 12.

*ANNEX I*

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 January to 31 March 1999 |
|----------|----------------------------------------------------------------------------------------------------------|
| 1        | 100,00                                                                                                   |

*ANNEX II**(tonnes)*

| Group No | Total quantity available<br>for the period<br>1 April to 30 June 1999 |
|----------|-----------------------------------------------------------------------|
| 1        | 2 899                                                                 |

**COMMISSION REGULATION (EC) No 180/1999****of 26 January 1999****determining the extent to which applications lodged in January 1999 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 January to 31 March 1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1390/98 <sup>(2)</sup>, and in particular Article 5 (5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1999 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined,

*Article 1*

1. Applications for import licences for the period 1 January to 31 March 1999 submitted pursuant to Regulation (EC) No 1486/95 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 April to 30 June 1999 applications may be lodged pursuant to Regulation (EC) No 1486/95 for import licences for a total quantity as referred to in Annex II.

*Article 2*

This Regulation shall enter into force on 27 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 145, 29. 6. 1995, p. 58.

<sup>(2)</sup> OJ L 187, 1. 7. 1998, p. 28.

*ANNEX I*

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 January to 31 March 1999 |
|----------|----------------------------------------------------------------------------------------------------------|
| G2       | 100                                                                                                      |
| G3       | 100                                                                                                      |
| G4       | 100                                                                                                      |
| G5       | 100                                                                                                      |
| G6       | 100                                                                                                      |
| G7       | 100                                                                                                      |

*ANNEX II**(tonnes)*

| Group No | Total quantity available<br>for the period<br>1 April to 30 June 1999 |
|----------|-----------------------------------------------------------------------|
| G2       | 19 515,6                                                              |
| G3       | 2 616,5                                                               |
| G4       | 1 571                                                                 |
| G5       | 3 590                                                                 |
| G6       | 9 000                                                                 |
| G7       | 3 194,8                                                               |

**COMMISSION REGULATION (EC) No 181/1999**  
**of 26 January 1999**  
**amending representative prices and additional duties for the import of certain**  
**products in the sugar sector**

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses<sup>(3)</sup>, as last amended by Regulation (EC) No 624/98<sup>(4)</sup>, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1379/98<sup>(5)</sup>, as last amended by Regulation (EC) No 127/1999<sup>(6)</sup>;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 January 1999.

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

Done at Brussels, 26 January 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 159, 3. 6. 1998, p. 38.

<sup>(3)</sup> OJ L 141, 24. 6. 1995, p. 16.

<sup>(4)</sup> OJ L 85, 20. 3. 1998, p. 5.

<sup>(5)</sup> OJ L 187, 1. 7. 1998, p. 6.

<sup>(6)</sup> OJ L 16, 21. 1. 1999, p. 25.

## ANNEX

to the Commission Regulation of 26 January 1999 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

| CN code                   | Amount of representative prices per 100 kg net of product concerned | Amount of additional duty per 100 kg net of product concerned |
|---------------------------|---------------------------------------------------------------------|---------------------------------------------------------------|
| 1701 11 10 <sup>(1)</sup> | 14,87                                                               | 9,24                                                          |
| 1701 11 90 <sup>(1)</sup> | 14,87                                                               | 15,54                                                         |
| 1701 12 10 <sup>(1)</sup> | 14,87                                                               | 9,01                                                          |
| 1701 12 90 <sup>(1)</sup> | 14,87                                                               | 15,02                                                         |
| 1701 91 00 <sup>(2)</sup> | 19,42                                                               | 16,81                                                         |
| 1701 99 10 <sup>(2)</sup> | 19,42                                                               | 11,36                                                         |
| 1701 99 90 <sup>(2)</sup> | 19,42                                                               | 11,36                                                         |
| 1702 90 99 <sup>(3)</sup> | 0,19                                                                | 0,45                                                          |

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

<sup>(2)</sup> For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 14 December 1998

**concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the results of the World Trade Organisation negotiations on financial services**

(1999/61/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 54, 57, 63, 66, 73b to 73f, 99, 100, 100a and 113, in conjunction with the second sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas the Marrakesh Agreement establishing the World Trade Organisation (WTO) and its related agreements as well as the Ministerial Decisions and Declarations and the Understanding on commitments in financial services were approved by Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) <sup>(4)</sup>;

Whereas the overall commitments on financial services negotiated by the Commission, on behalf of the European

Community and its Member States, constitute a satisfactory and balanced outcome of the negotiations;

Whereas on 12 December 1997 the Council approved, subject to definitive approval after completion of internal procedures, the final schedule of commitments of the European Communities and its Member States (GATS/SC/31/Suppl. 4), and authorised the Commission to submit that list, on behalf of the European Community and its Member States, to the WTO;

Whereas on the same date the Council authorised the Commission to approve, on behalf of the European Community and its Member States, the final result of the negotiations as set out in the Fifth Protocol to the GATS (S/L/45), the Decision adopting that Protocol (S/L/44) and the Decision on commitments in financial services (S/L/50);

Whereas the competence of the Community to conclude international agreements derives not only from explicit conferral by the Treaty but may also derive from other provisions of the Treaty and from acts adopted pursuant to those provisions by Community institutions;

Whereas, where Community rules have been adopted in order to achieve the aims of the Treaty, Member States may not, outside the framework of the common institutions, enter into commitments liable to affect those rules or alter their scope;

<sup>(1)</sup> OJ C 400, 22. 12. 1998, p. 26.

<sup>(2)</sup> OJ C 379, 7. 12. 1998.

<sup>(3)</sup> OJ C 407, 28. 12. 1998, p. 279.

<sup>(4)</sup> OJ L 336, 23. 12. 1994, p. 1.

Whereas some commitments on financial services fall within the competence of the Community under Article 113 of the Treaty; whereas, furthermore, other commitments on financial services affect Community rules adopted on the basis of Articles 54, 57, 63, 66, 99, 100 and 100a and may therefore only be entered into by the Community alone;

Whereas, in particular, the use of Article 100 of the Treaty as a legal base for this Decision is justified to the extent that the aforementioned commitments on financial services affect Council Directive 90/434/EEC of 23 July 1990 on the common system of taxation applicable to mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States <sup>(1)</sup> and Council Directive 90/435/EEC of 23 July 1990 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States <sup>(2)</sup>, which are based on Article 100 of the Treaty;

Whereas, with regard to capital movement commitments contained in the list of specific commitments of the Community and of the Member States and in the present state of Community law, there is a general competence of the Community; whereas Member States however remain competent to act within the limits laid down by the provisions of Article 73c of the Treaty;

Whereas, by their nature, the Agreement establishing the World Trade Organisation and the Protocols to the General Agreement on Trade in Services are not likely to be directly invoked before Community or Member States' courts,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Fifth Protocol to the General Agreement on Trade in Services concerning financial services (S/L/45) is hereby approved on behalf of the Community with regard to that portion of it which falls within the competence of the Community.
2. The text of the Fifth Protocol, together with the schedule of specific commitments (GATS/SC/31/Suppl. 4) and the list of the exemptions from Article II of the General Agreement on Trade in Services (GATS/EL/31) of the Community and the Member States concerning financial services are attached to this Decision, as are also the following Decisions:
  - the Decision of the Committee on Trade on Financial Services adopting the Fifth Protocol to the General Agreement on Trade in Services (S/L/44),
  - the Decision of the Council for Trade in Services of December 1997 on commitments in financial services (S/L/50).
3. The President of the Council is hereby authorised to designate the person empowered to sign the Fifth Protocol to the General Agreement on Trade in Services in order to bind the European Community with regard to that portion of the Protocol falling within its competence.

Done at Brussels, 14 December 1998.

*For the Council*  
*The President*  
W. MOLTERER

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<sup>(1)</sup> OJ L 225, 20. 8. 1990, p. 1.

<sup>(2)</sup> OJ L 225, 20. 8. 1990, p. 6.

*ANNEX***FIFTH PROTOCOL TO THE GENERAL AGREEMENT ON TRADE IN SERVICES**

MEMBERS OF THE WORLD TRADE ORGANISATION (hereinafter referred to as 'the WTO') whose Schedules of specific commitments and lists of exemptions from Article II of the General Agreement on Trade in Services concerning financial services are annexed to this Protocol (hereinafter referred to as 'Members concerned'),

Having carried out negotiations under the terms of the second Decision on financial services adopted by the Council for Trade in Services on 21 July 1995 (S/L/9),

**AGREE AS FOLLOWS:**

1. A schedule of specific commitments and a list of exemptions from Article II concerning financial services annexed to this Protocol relating to a Member shall, upon the entry into force of this Protocol for that Member, replace the financial services sections of the schedule of specific commitments and the list of Article II exemptions of that Member.
2. This Protocol shall be open for acceptance, by signature or otherwise, by the Member concerned until 29 January 1999.
3. This Protocol shall enter into force on the 30th day following the date of its acceptance by all Members concerned. If by 30 January 1999 it has not been accepted by all Members concerned, those Members which have accepted it before that date may, within a period of 30 days thereafter, decide on its entry into force.
4. This Protocol shall be deposited with the Director-General of the WTO. The Director-General of the WTO shall promptly furnish to each Member of the WTO a certified copy of this Protocol and notifications of acceptances thereof pursuant to paragraph 3.
5. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-seventh day of February one thousand nine hundred and ninety-eight, in a single copy in English, French and Spanish languages, each text being authentic, except as otherwise provided for in respect of the schedules annexed hereto.

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## Annex

## EUROPEAN COMMUNITIES AND THEIR MEMBER STATES

## SCHEDULE OF SPECIFIC COMMITMENTS

## Supplement 4

(This is authentic in English, French and Spanish)

This text replaces the financial services section contained in document GATS/SC/31/Suppl. 1/Rev. 1.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access | Limitations on national treatment | Additional commitments |
|----------------------|------------------------------|-----------------------------------|------------------------|
|----------------------|------------------------------|-----------------------------------|------------------------|

FINANCIAL SERVICES SECTOR<sup>(1)</sup>

- The Communities and their Member States undertake commitments on financial services in accordance with the provisions of the 'Understanding on commitments in financial services' (the Understanding).
- These commitments are subject to the limitations on market access and national treatment in the 'all sectors' section of this schedule and to those relating to the sub-sectors listed below.
- The market access commitments in respect of modes (1) and (2) apply only to the transactions indicated in paragraphs B.3 and B.4 of the market access section of the Understanding respectively.
- Notwithstanding note 1 above, the market access and national treatment commitments in respect of mode (4) on financial services are those in the 'all sectors' section of this schedule, except for Sweden in which case commitments are made in accordance with the Understanding.
- The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 2(a) of the financial services Annex.
- As a general rule and in a non-discriminatory manner, financial institutions incorporated in a Member State of the Community must adopt a specific legal form.

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                           |                                                                                                                          |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>A. Insurance and insurance-related services</b> | <p>(1) <b>A:</b> Promotional activity and intermediation on behalf of a subsidiary not established in the Community or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited.</p> <p><b>A:</b> Compulsory air insurance can be underwritten only by a subsidiary established in the Community or by a branch established in Austria.</p> <p><b>DK:</b> Compulsory air transport insurance can be underwritten only by firms established in the Community.</p> <p><b>DK:</b> No persons or companies (including insurance companies) may for business purposes in Denmark assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities.</p> | <p>(1) <b>A:</b> Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) which are written by a subsidiary not established in the Community or by a branch not established in Austria. Exception from the higher tax can be granted.</p> | <p>The European Communities and their Member States undertake additional commitments as contained in the attachment.</p> |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|

<sup>(1)</sup> Unlike foreign subsidiaries, branches established directly in a Member State by a non-Community financial institution are not, with certain limited exceptions, subject to prudential regulations harmonised at Community level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the Community. Therefore, such branches receive an authorisation to operate in the territory of a Member State under conditions equivalent to those applied to domestic financial institutions of that Member State, and may be required to satisfy a number of specific prudential requirements such as, in the case of banking and securities, separate capitalisation and other solvency requirements and reporting and publication of accounts requirements or, in the case of insurance, specific guarantee and deposit requirements, a separate capitalisation, and the localisation in the Member State concerned of the assets representing the technical reserves and at least one third of the solvency margin. Member States may apply the restrictions indicated in this schedule only with regard to the direct establishment from a third country of a commercial presence or to the provision of cross-border services from a third country; consequently, a Member State may not apply these restrictions, including those concerning establishment, to third-country subsidiaries established in other Member States of the Community, unless these restrictions can also be applied to companies or nationals of other Member States in conformity with Community law.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Limitations on national treatment                                                                                                                                                                                                                                                         | Additional commitments |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                      | <p><b>D:</b> Compulsory air insurance policies can be underwritten only by a subsidiary established in the Community or by a branch established in Germany.</p> <p><b>D:</b> If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.</p> <p><b>E, I:</b> Unbound for the actuarial profession.</p> <p><b>FIN:</b> Only insurers having their head office in the European Economic Area or having their branch in Finland may offer insurance services as referred to in subparagraph 3(a) of the Understanding.</p> <p><b>FIN:</b> The supply of insurance broker services is subject to a permanent place of business in the European Economic Area.</p> <p><b>F:</b> Insurance of risks relating to ground transport may be carried out only by insurance firms established in the Community.</p> <p><b>I:</b> Insurance of risks relating to cif exports by residents in Italy may be underwritten only by insurance firms established in the Community.</p> <p><b>I:</b> Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the Community. This reservation does not apply for international transport involving imports into Italy.</p> <p><b>P:</b> Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by firms established in the EC; only persons or companies established in the EC may act as intermediaries for such insurance business in Portugal.</p> <p><b>S:</b> The supply of direct insurance is allowed only through an insurance service supplier authorised in Sweden, provided that the foreign service supplier and the Swedish insurance company belong to the same group of companies or have an agreement of cooperation between them.</p> |                                                                                                                                                                                                                                                                                           |                        |
|                      | <p>(2) <b>A:</b> Promotional activity and intermediation on behalf of a subsidiary not established in the Community or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited.</p> <p><b>A:</b> Compulsory air insurance can be underwritten only by a subsidiary established in the Community or by a branch established in Austria.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>(2) <b>A:</b> Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) which are written by a subsidiary not established in the Community or by a branch not established in Austria. Exception from the higher tax can be granted.</p> |                        |

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Limitations on national treatment                                                                                                                                                                                                                                                                                                                                                                                                                    | Additional commitments |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                      | <p><b>DK:</b> Compulsory air transport insurance can be underwritten only by firms established in the Community.</p> <p><b>DK:</b> No persons or companies (including insurance companies) may for business purposes in Denmark assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities.</p> <p><b>D:</b> Compulsory air insurance policies can be underwritten only by a subsidiary established in the Community or by a branch established in Germany.</p> <p><b>D:</b> If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.</p> <p><b>F:</b> Insurance of risks relating to ground transport may be carried out only by insurance firms established in the Community.</p> <p><b>I:</b> Insurance of risks relating to cif exports by residents in Italy may be underwritten only by insurance firms established in the Community.</p> <p><b>I:</b> Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the Community. This reservation does not apply for international transport involving imports into Italy.</p> <p><b>P:</b> Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by firms established in the EC; only persons or companies established in the EC may act as intermediaries for such insurance business in Portugal.</p> <p>(3) <b>A:</b> The licence for branch offices of foreign insurers has to be denied if the insurer, in the home country, does not have a legal form corresponding or comparable to a joint stock company or a mutual insurance association.</p> <p><b>B:</b> Any public bid to acquire Belgian securities made by or on behalf of a person, company or institution outside the jurisdiction of one of the Member States of the European Community shall be submitted to the authorisation of the Minister of Finance.</p> | <p>(3) <b>FIN:</b> The general agent of the foreign insurance company shall have his place of residence in Finland, unless the company has its head office in the European Economic Area.</p> <p><b>S:</b> Non-life insurance undertakings not incorporated in Sweden conducting business in Sweden are — instead of being taxed according to the net result — subject to taxation based on the premium income from direct insurance operations.</p> |                        |

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Limitations on national treatment                                                                                                                                                 | Additional commitments |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                      | <p><b>E:</b> Before establishing a branch or agency in Spain to provide certain classes of insurance, a foreign insurer must have been authorised to operate in the same classes of insurance in its country of origin for at least five years.</p> <p><b>E, GR:</b> The right of establishment does not cover the creation of representative offices or other permanent presence of insurance companies, except where such offices are established as agencies, branches or head offices.</p> <p><b>FIN:</b> The managing director, at least one auditor and at least one half of the promoters and members of the board of directors and the supervisory board of an insurance company shall have their place of residence in the European Economic Area, unless the Ministry of Social Affairs and Health has granted an exemption.</p> <p><b>FIN:</b> Foreign insurers cannot get a licence in Finland as a branch to carry on statutory social insurances (statutory pension insurance, statutory accident insurance).</p> <p><b>F:</b> The establishment of branches is subject to a special authorisation for the representative of the branch.</p> <p><b>I:</b> Access to actuarial profession through natural persons only. Professional associations (no incorporation) among natural persons permitted.</p> <p><b>I:</b> The authorisation of the establishment of branches is ultimately subject to the evaluation of supervisory authorities.</p> <p><b>IRL:</b> The right of establishment does not cover the creation of representative offices.</p> <p><b>P:</b> Foreign companies may carry out insurance intermediation in Portugal only through a company formed in accordance with the law of a Community Member State.</p> <p><b>P:</b> In order to establish a branch in Portugal, foreign companies need to demonstrate prior operational experience of at least five years.</p> <p><b>S:</b> Foreign companies may only establish as a subsidiary or through a resident agent.</p> <p><b>S:</b> Insurance broking undertakings not incorporated in Sweden may establish a commercial presence only through a branch.</p> | <p><b>S:</b> A founder of an insurance company shall be a natural person resident in the European Economic Area or a legal entity incorporated in the European Economic Area.</p> |                        |

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector                                          | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Limitations on national treatment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Additional commitments                                                                                            |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
|                                                               | <p>(4) Unbound except as indicated in the horizontal section and subject to the specific conditions:</p> <p><b>GR:</b> A majority of the members of the board of directors of a company established in Greece shall be nationals of one of the Member States of the Community.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>(4) Unbound except as indicated in the horizontal section and subject to the following specific limitations:</p> <p><b>A:</b> The management of a branch office must consist of two natural persons resident in Austria.</p> <p><b>DK:</b> The general agent of an insurance branch will need to have resided in Denmark for the last two years unless being a national of one of the Member States of the Community. The Minister of Business and Industry may grant exemption.</p> <p><b>DK:</b> Residency requirement for managers and the members of the board of directors of a company. However, the Minister of Business and Industry may grant exemption from this requirement. Exemption is granted on a non-discriminatory basis.</p> <p><b>E, I:</b> Residence requirement for actuarial profession.</p> |                                                                                                                   |
| B. Banking and other financial services (excluding insurance) | <p>(1)(<sup>2</sup>) <b>B:</b> Establishment in Belgium is required for the provision of investment advisory services.</p> <p><b>I:</b> Unbound for 'promotori di servizi finanziari' (financial salesmen).</p> <p><b>IRL:</b> The provision of investment services or investment advice requires either: (i) authorisation in Ireland, which normally requires that the entity be incorporated or be a partnership or a sole trader, in each case with a head/registered office in Ireland (authorisation may not be required in certain cases, e.g. where a third country service provider has no commercial presence in Ireland and the service is not provided to private individuals); or (ii) authorisation in another Member State in accordance with the EC Investment Services Directive.</p> | <p>(1) None</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The European Communities and their Member States undertake additional commitments as contained in the attachment. |

(<sup>2</sup>) **I:** Provision and transfer of financial information and financial data processing entailing trading of financial instruments may be prohibited where the protection of investors is likely to be seriously prejudiced. Only authorised banks and investment firms must comply with conduct of business rules in providing investment advice concerning financial instruments and advice to undertakings on capital structure, industrial strategy and related matters, and advice and service relating to mergers and acquisition of undertakings. Advisory activity should not include asset management.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Limitations on national treatment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Additional commitments |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                      | <p>(2) <sup>(3)</sup> <b>D:</b> Issues of securities denominated in German marks can be lead managed only by a credit institution, subsidiary or branch, established in Germany.</p> <p><b>FIN:</b> Payments from governmental entities (expenses) shall be transmitted through the Finnish postal giro system, which is maintained by Postipankki Ltd. Exemption from this requirement may be granted on special reason by the Ministry of Finance.</p> <p><b>GR:</b> Establishment is required for the provision of custodial and depository services involving the administration of interest and principal payments due on securities issued in Greece.</p> <p><b>UK:</b> Sterling issues, including privately led issues, can be lead managed only by a firm established in the European Economic Area.</p> <p>(3) All Member States:</p> <ul style="list-style-type: none"> <li>— the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies (Articles 6 and 13 of UCITS Directive, 85/611/EEC),</li> <li>— only firms having their registered office in the Community can act as depositories of the assets of investment funds (Articles 8.1 and 15.1 of the UCITS Directive 85/611/EEC).</li> </ul> <p><b>A:</b> Only members of the Austrian stock exchange may engage in securities trading at the stock exchange.</p> <p><b>A:</b> For trading in foreign exchange and foreign currency authorisation of the Austrian national bank is required.</p> <p><b>A:</b> Mortgage bonds and municipal bonds may be issued by banks specialised and authorised for this activity.</p> <p><b>A:</b> For carrying out services of pension fund management a specialised company only for this activity and incorporated as a stock company in Austria is required.</p> | <p>(2) None</p> <p>(3) <b>F:</b> In addition to French credit institutions, issues denominated in French francs may be lead managed only by French subsidiaries (under French law) of non-French banks which are authorised, based on sufficient means and commitments in Paris of the candidate French subsidiary of a non-French bank. These conditions apply to lead banks running the books. A non-French bank may be, without restrictions or requirement to establish, jointly-lead or co-lead manager of Euro-franc bond issue.</p> <p><b>I:</b> Representative offices of foreign intermediaries cannot carry out activities aimed at providing investment services.</p> <p><b>S:</b> A founder of a banking company shall be a natural person resident in the European Economic Area or a foreign bank. A founder of a savings bank shall be a natural person resident in the European Economic Area.</p> |                        |

<sup>(3)</sup> **I:** Authorised persons enabled to conduct collective asset management are deemed responsible for any investment activity conducted by their delegated advisers (collective asset management, excluding UCITS).

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Limitations on national treatment | Additional commitments |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------|
|                      | <p><b>B:</b> Any public bid to acquire Belgian securities made by or on behalf of a person, company or institution outside the jurisdiction of one of the Member States of the European Community shall be submitted to the authorisation of the Minister of Finance.</p> <p><b>DK:</b> Financial institutions may engage in securities trading on the Copenhagen stock exchange only through subsidiaries incorporated in Denmark.</p> <p><b>E:</b> Financial institutions may engage in securities trading in securities listed on an official stock exchange or in the Government securities market only through securities firms incorporated in Spain.</p> <p><b>FIN:</b> At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Economic Area, unless the Ministry of Finance grants an exemption. At least one auditor shall have his place of residence in the European Economic Area.</p> <p><b>FIN:</b> The broker (individual person) on derivative exchange shall have his place of residence in the European Economic Area. Exemption from this requirement may be granted under the conditions set by the Ministry of Finance.</p> <p><b>FIN:</b> Payments from governmental entities (expenses) shall be transmitted through the Finnish postal giro system, which is maintained by Postipankki Ltd. Exemption from this requirement may be granted on special reason by the Ministry of Finance.</p> <p><b>GR:</b> Financial institutions may engage in the trading of securities listed on the Athens stock exchange only through stock exchange firms incorporated in Greece.</p> <p><b>GR:</b> For the establishment and operations of branches a minimum amount of foreign exchange must be imported, converted into drachmas and kept in Greece as long as a foreign bank continues to operate in Greece:</p> <ul style="list-style-type: none"> <li>— up to four (4) branches, this minimum is currently equal to half of the minimum amount of share capital required for a credit institution to be incorporated in Greece,</li> <li>— for the operation of additional branches the minimum amount of capital must be equal to the minimum share capital required for a credit institution to be incorporated in Greece.</li> </ul> |                                   |                        |

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Limitations on national treatment | Additional commitments |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------|
|                      | <p><b>I:</b> In providing the activity of door-to-door selling, intermediaries must utilise authorised financial salesmen resident within the territory of a Member State of the European Communities.</p> <p><b>I:</b> Clearing and settlement of securities may be conducted only by the official clearing system. A company authorised by the Bank of Italy in agreement with Consob could be entrusted with the activity of clearing, up to the final settlement of securities.</p> <p><b>I:</b> The public offer of securities (as provided for under Article 18 of Law 216/74) other than shares, debt securities (including convertible debt securities) can only be made by Italian limited companies, foreign companies duly authorised, public bodies or companies belonging to local authorities whose assigned capital is not below ITL 2 billion.</p> <p><b>I:</b> Centralised deposit, custody and administration services can be provided only by the Bank of Italy for Government securities, or by Monte Titoli SpA for shares, securities of a participating nature and other bonds traded in a regulated market.</p> <p><b>I:</b> In the case of collective investment schemes other than harmonised UCITS under Directive 85/611/EEC, the trustee/depositary is required to be incorporated in Italy or in another Member State of the European Community, being established through a branch in Italy. Only banks, insurance companies, securities investment companies having their legal head office in the European Community may carry out activity of pension fund resources management. Management companies (closed-end funds and real estate funds) are also required to be incorporated in Italy.</p> <p><b>IRL:</b> In the case of collective investment schemes constituted as unit trusts and variable capital companies (other than undertakings for collective investment in transferable securities, UCITS), the trustee/depositary and management company is required to be incorporated in Ireland or in another Member State of the Community. In the case of an investment limited partnership, at least one general partner must be incorporated in Ireland.</p> |                                   |                        |

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Limitations on national treatment | Additional commitments |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------|
|                      | <p><b>IRL:</b> To become a member of a stock exchange in Ireland, an entity must either: (i) be authorised in Ireland, which requires that it be incorporated or be a partnership, with a head/registered office in Ireland; or (ii) be authorised in another Member State in accordance with the EC Investment Services Directive.</p> <p><b>IRL:</b> The provision of investment services or investment advice requires either: (i) authorisation in Ireland, which normally requires that the entity be incorporated or be a partnership or a sole trader, in each case with a head/registered office in Ireland (the supervisory authority may also authorise branches of third country entities); or (ii) authorisation in another Member State in accordance with the EC Investment Services Directive.</p> <p><b>P:</b> The establishment of non-EC banks is subject to an authorisation issued, on a case-by-case basis, by the Minister of Finance. The establishment has to contribute to increase the national banking system's efficiency or has to produce significant effects on the internationalisation of the Portuguese economy.</p> <p><b>P:</b> The services of venture capital may not be provided by branches of venture capital companies having their head office in a non-EC country. Broker-dealer services on the Lisbon stock exchange may be provided by broker and dealer companies incorporated in Portugal or by branches of investment firms authorised in another EC country and authorised in their home country to provide those services. Broker and dealer services in the Oporto derivatives exchange and in the OTC market may not be provided by branches of non-EC broker/dealer companies.</p> <p>Pension fund management may be provided only by companies incorporated in Portugal and by insurance companies established in Portugal and authorised to take up the life insurance business.</p> <p><b>UK:</b> Inter-dealer brokers, which are a category of financial institutions dealing in Government debt, are required to be established in the European Economic Area and separately capitalised.</p> |                                   |                        |

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or sub-sector | Limitations on market access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Limitations on national treatment                                                                                                                                                                                                                                                          | Additional commitments |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                      | <p><b>S:</b> Undertakings not incorporated in Sweden may establish a commercial presence only through a branch, and in case of banks, also through a representative office.</p> <p>(4) Unbound except as indicated in the horizontal section and subject to the specific conditions:</p> <p><b>F:</b> <i>Sociétés d'investissement à capital fixe</i>: condition of nationality for the president of the board of directors, the directors-general and no less than two thirds of the administrators, and also, when the securities firm has a supervisory board or council, for the members of such board or its director-general, and no less than two thirds of the members of the supervisory council.</p> <p><b>GR:</b> Credit institutions should name at least two persons who are responsible for the operations of the institution. Condition of residency applies to these persons.</p> | <p>(4) Unbound except as indicated in the horizontal section and subject to the following specific limitations:</p> <p><b>I:</b> Condition of residence within the territory of a Member State of the European Communities for 'promotori di servizi finanziari' (financial salesmen).</p> |                        |

**ADDITIONAL COMMITMENTS BY THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES****INSURANCE**

- (a) The European Communities and their Member States note the close cooperation among the insurance regulatory and supervisory authorities of the Member States and encourage their efforts to promote improved supervisory standards.
- (b) Member States will make their best endeavours to consider within six months complete applications for licences to conduct direct insurance underwriting business, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of a third country. In cases where such applications are refused, the Member State authority will make its best endeavours to notify the undertaking in question and give the reasons for the refusal of the application.
- (c) The supervisory authorities of the Member States will make their best endeavours to respond without undue delay to requests for information by applicants on the status of complete applications for licences to conduct direct insurance underwriting business, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State by an undertaking governed by the laws of a third country.
- (d) The European Communities and their Member States will make their best endeavours to examine any questions pertaining to the smooth operation of the internal market in insurance, and consider any issues that might have an impact on the internal market in insurance.
- (e) The European Communities and their Member States note that, as regards motor insurance, under EC law as in force on 31 December 1997, and without prejudice to future legislation, premiums may be calculated taking several risk factors into account.
- (f) The European Communities and their Member States note that under EC law, as in force on 31 December 1997, and without prejudice to future legislation, the prior approval by national supervisory authorities of policy conditions and scales of premiums that an insurance undertaking intends to use is generally not required.
- (g) The European Communities and their Member States note that under EC law, as in force on 31 December 1997, and without prejudice to future legislation, the prior approval by national supervisory authorities of increases in premium rates is generally not required.

**OTHER FINANCIAL SERVICES**

- (a) In application of the relevant EC directives, Member States will make their best endeavours to consider within 12 months complete applications for licences to conduct banking activities, through the establishment in a Member State of a subsidiary in accordance with the legislation of that member State, by an undertaking governed by the laws of a third country. In cases where such applications are refused, the Member State will make its best endeavours to notify the undertaking in question and give the reasons for the refusal of the application.
  - (b) Member States will make their best endeavours to respond without undue delay to requests for information by applicants on the status of complete applications for licences to conduct banking activities, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of a third country.
  - (c) In application of the relevant EC directives, Member States will make their best endeavours to consider within six months complete applications for licences to conduct investment services in the securities field, as defined in the Investment Services Directive, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of a third country. In cases where such applications are refused, the Member State will make its best endeavours to notify the undertaking in question and give the reasons for the refusal of the application.
  - (d) Member States will make their best endeavours to respond without undue delay to requests for information by applicants on the status of complete applications for licenses to conduct investment services in the securities area, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of a third country.
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## EUROPEAN COMMUNITIES AND THEIR MEMBER STATES

## FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

(This is authentic in English only)

| Sector or sub-sector             | Description of measure indicating its inconsistency with Article II                                                                                                                                                                                                                                                                                                                                        | Countries to which the measure applies                                                                         | Intended duration | Conditions creating the need for the exemption                                                                                                                                                                                                                                |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Direct non-life insurance</b> | Measures based on a bilateral agreement between the European Communities and Switzerland on direct insurance other than life insurance. This agreement provides on a reciprocal basis for freedom of establishment and the right to take up or pursue non-life insurance business for agencies and branches of undertakings whose head office is situated in the territory of the other contracting party. | Switzerland                                                                                                    | Indefinite        | Need to remove obstacles to the taking up and pursuit of non-life insurance business in the framework of an agreement between the European Communities and Switzerland on non-life insurance consistent with the provisions of paragraph 3 of the Annex of financial services |
| <b>Financial services</b>        | Measure granting favourable tax treatment (off-shore regime) in Italy to service suppliers trading with the countries to which the measure applies.                                                                                                                                                                                                                                                        | States in central, eastern and south-eastern Europe, and all Members of the Commonwealth of Independent States | 10 years          | The need to aid the countries concerned in their transition to a market economy.                                                                                                                                                                                              |

**DECISION ADOPTING THE FIFTH PROTOCOL TO THE GENERAL AGREEMENT ON TRADE IN SERVICES****adopted by the Committee on Trade in Financial Services on 14 November 1997**

THE COMMITTEE ON TRADE IN FINANCIAL SERVICES,

Having regard to the results of the negotiations conducted under the terms of the Second Decision on Financial Services adopted by the Council for Trade in Services on 21 July 1995 (S/L/9),

DECIDES AS FOLLOWS:

1. To adopt the text of the 'Fifth Protocol to the General Agreement on Trade in Services'.
  2. Commencing immediately and continuing until the date of entry into force of the Fifth Protocol to the General Agreement on Trade in Services, Members concerned shall, to the fullest extent consistent with their existing legislation, not take measures which would be inconsistent with their undertakings resulting from these negotiations.
  3. The Committee shall monitor the acceptance of the Protocol by Members concerned and shall, at the request of a Member, examine any concerns raised regarding the application of paragraph 2 above.
- 

**DECISION OF DECEMBER 1997 ON COMMITMENTS IN FINANCIAL SERVICES****adopted by the Council for Trade in Services on 12 December 1997**

THE COUNCIL FOR TRADE IN SERVICES,

Having regard to the Second Decision on Financial Services adopted by the Council for Trade in Services on 21 July 1995 (S/L/9),

Noting the results of the negotiations carried out under the terms of that Decision,

Having regard to the Decision adopting the Fifth Protocol to the General Agreement on Trade in Services adopted by the Committee on Trade in Financial Services on 14 November 1997 (S/L/44),

DECIDES AS FOLLOWS:

1. If the Fifth Protocol to the General Agreement on Trade in Services (GATS) does not enter into force in accordance with paragraph 3 therein:
    - (a) notwithstanding Article XXI of the GATS, a Member may, during a period of 60 days beginning on 1 March 1999, modify or withdraw all or part of the commitments on financial services inscribed in its schedule;
    - (b) notwithstanding Article II of the GATS and paragraphs 1 and 2 of the Annex on Article II exemptions, a Member may, during the same period referred to in paragraph 1(a), list in that Annex measures relating to financial services which are inconsistent with paragraph 1 of Article II of the GATS.
  2. The Committee on Trade in Financial Services shall establish any procedures necessary for the implementation of paragraph 1.
-

# COMMISSION

## COMMISSION DECISION

of 21 December 1998

**amending Decision 97/222/EC of 28 February 1997 laying down the list of third countries from which the Member States authorise the importation of meat products**

*(notified under document number C(1998) 4347)*

**(Text with EEA relevance)**

(1999/62/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Decision 97/222/EC<sup>(3)</sup>, as amended by Decision 98/246/EC<sup>(4)</sup>, lays down the list of third countries from which the Member States authorise the importation of meat products;

Whereas the animal health conditions and veterinary certification for imports of domestic animals of the bovine and porcine species from certain European countries were established by Commission Decision 98/372/EC<sup>(5)</sup>, as last amended by Decision 98/505/EC<sup>(6)</sup>;

Whereas due to classical swine fever persistence in the feral pig population some restrictions are established for imports of live pigs from some parts of the Czech Republic;

Whereas the same regionalisation should be applicable to imports of wild swine meat products from the Czech Republic;

Whereas health restrictions were applied by the European Community to some zones of Croatia due to certain problems concerning the veterinary controls in those parts; whereas following a recent Community veterinary mission, it appears that the Croatian veterinary services control satisfactorily the whole country;

Whereas, as a result, it is appropriate to make possible the importation of meat products from the whole of Croatia;

Whereas the control of animal health diseases in Zimbabwe is satisfactory; whereas therefore, it is appropriate to make possible the importation from Zimbabwe of meat products heat treated at a minimum temperature of 80 °C which must be reached throughout the meat during the process;

Whereas the Tunisian veterinary authorities have provided satisfactory guarantees to make possible imports from Tunisia of meat products heat treated at a minimum temperature of 80 °C which must be reached throughout the meat during the process;

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

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

<sup>(1)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ L 24, 30. 1. 1998, p. 31.

<sup>(3)</sup> OJ L 89, 4. 4. 1997, p. 39.

<sup>(4)</sup> OJ L 98, 31. 3. 1998, p. 44.

<sup>(5)</sup> OJ L 170, 16. 6. 1998, p. 34.

<sup>(6)</sup> OJ L 226, 13. 8. 1998, p. 50.

HAS ADOPTED THIS DECISION:

*Article 2*

This Decision is addressed to the Member States.

*Article 1*

The Annex to Decision 97/222/EC is amended as follows:

Done at Brussels, 21 December 1998.

1. Part I is replaced by part I of the Annex to the present Decision.
2. Part II is replaced by part II of the Annex to the present Decision.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## PART I

## Description of regionalised territories as laid down for the countries listed in Parts II and III

| Code<br>ISO | Country                        | Territory |         | Description of territory                                                                  |
|-------------|--------------------------------|-----------|---------|-------------------------------------------------------------------------------------------|
|             |                                | Code      | Version |                                                                                           |
| BR          | Brazil                         | BR 2      | —       | As described in Annex I of Commission Decision 94/984/EC <sup>(1)</sup> (as last amended) |
| CZ          | Czech Republic                 | CZ 1      | —       | As described in Annex I of Commission Decision 98/371/EC <sup>(2)</sup> (as last amended) |
| CZ          | Czech Republic                 | CZ 2      | —       | As described in Annex I of Decision 98/371/EC (as last amended)                           |
| FY          | Federal Republic of Yugoslavia | FY 1      | —       | As described in Annex I of Decision 98/371/EC (as last amended)                           |
| FY          | Federal Republic of Yugoslavia | FY 2      | —       | As described in Annex I of Decision 98/371/EC (as last amended)                           |
| MY          | Malaysia                       | MY 1      | 95/1    | Peninsular (Western) Malaysia only                                                        |

<sup>(1)</sup> OJ L 378, 31. 12. 1994, p. 11.<sup>(2)</sup> OJ L 170, 16. 6. 1998, p. 16.

## PART II

## Third countries or parts thereof from where meat products are authorized for importation into the European Community

| Code ISO | Country of origin or part thereof | 1. Domestic bovine<br>2. Farmed cloven-hoofed game — excluding swine | Domestic ovine/caprine | 1. Domestic porcine<br>2. Farmed cloven-hoofed game (swine) | Domestic soliped | 1. Domestic poultry<br>2. Farmed feathered game | Domestic rabbit and farmed leporidae | Wild cloven-hoofed game (excluding swine) | Wild swine | Wild soliped | Wild leporidae (rabbits & hares) | Wild game birds | Wild land mammalian game (excluding ungulates, solipeds and leporidae) |
|----------|-----------------------------------|----------------------------------------------------------------------|------------------------|-------------------------------------------------------------|------------------|-------------------------------------------------|--------------------------------------|-------------------------------------------|------------|--------------|----------------------------------|-----------------|------------------------------------------------------------------------|
| AR       | Argentina <sup>(1)</sup>          | C                                                                    | C                      | C                                                           | A                | D                                               | A                                    | C                                         | C          | —            | A                                | D               | —                                                                      |
| AU       | Australia                         | A                                                                    | A                      | A                                                           | A                | A                                               | A                                    | A                                         | A          | —            | A                                | A               | A                                                                      |
| BG       | Bulgaria                          | A                                                                    | A                      | D                                                           | A                | D                                               | A                                    | A                                         | D          | —            | A                                | D               | —                                                                      |
| BH       | Bahrain                           | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | C                                         | C          | —            | A                                | —               | —                                                                      |
| BR       | Brazil                            | C                                                                    | C                      | C                                                           | A                | D                                               | A                                    | C                                         | C          | —            | A                                | D               | —                                                                      |
| BR       | Brazil-BR 1                       | C                                                                    | C                      | C                                                           | A                | A                                               | A                                    | C                                         | C          | —            | A                                | A               | —                                                                      |
| BW       | Botswana                          | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | A            | A                                | —               | —                                                                      |
| BY       | Belarus                           | C                                                                    | C                      | C                                                           | B                | —                                               | A                                    | C                                         | C          | —            | A                                | —               | —                                                                      |
| CA       | Canada                            | A                                                                    | A                      | A                                                           | A                | A                                               | A                                    | A                                         | A          | —            | A                                | A               | A                                                                      |
| CH       | Switzerland                       | A                                                                    | A                      | A                                                           | A                | A                                               | A                                    | A                                         | D          | —            | A                                | A               | —                                                                      |
| CL       | Chile                             | B                                                                    | B                      | B                                                           | A                | A                                               | A                                    | B                                         | B          | —            | A                                | A               | —                                                                      |
| CN       | People's Republic of China        | B                                                                    | B                      | B                                                           | B                | B                                               | A                                    | B                                         | B          | —            | A                                | B               | —                                                                      |
| CO       | Colombia                          | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| CY       | Cyprus                            | C                                                                    | C                      | C                                                           | A                | A                                               | A                                    | C                                         | C          | —            | A                                | A               | —                                                                      |
| CZ       | Czech Republic                    | A                                                                    | A                      | A                                                           | A                | A                                               | A                                    | A                                         | D          | —            | A                                | A               | —                                                                      |
| CZ       | Czech Republic-CZ 1               | A                                                                    | A                      | D                                                           | A                | A                                               | A                                    | A                                         | D          | —            | A                                | A               | —                                                                      |

| Code ISO | Country of origin or part thereof   | 1. Domestic bovine<br>2. Farmed cloven-hoofed game — excluding swine | Domestic ovine/caprine | 1. Domestic porcine<br>2. Farmed cloven-hoofed game (swine) | Domestic soliped | 1. Domestic poultry<br>2. Farmed feathered game | Domestic rabbit and farmed leporidae | Wild cloven-hoofed game (excluding swine) | Wild swine | Wild soliped | Wild leporidae (rabbits & hares) | Wild game birds | Wild land mammalian game (excluding ungulates, solipeds and leporidae) |
|----------|-------------------------------------|----------------------------------------------------------------------|------------------------|-------------------------------------------------------------|------------------|-------------------------------------------------|--------------------------------------|-------------------------------------------|------------|--------------|----------------------------------|-----------------|------------------------------------------------------------------------|
| CZ       | Czech Republic-CZ 2                 | A                                                                    | A                      | A                                                           | A                | A                                               | A                                    | A                                         | D          | —            | A                                | A               | —                                                                      |
| ES       | Estonia                             | C                                                                    | C                      | C                                                           | A                | —                                               | A                                    | C                                         | C          | —            | A                                | —               | A                                                                      |
| ET       | Ethiopia                            | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| FY       | Federal Republic of Yugoslavia      | C                                                                    | C                      | C                                                           | A                | D                                               | A                                    | C                                         | C          | —            | A                                | —               | —                                                                      |
| FY       | Federal Republic of Yugoslavia-FY 1 | A                                                                    | A                      | D                                                           | A                | D                                               | A                                    | A                                         | D          | —            | A                                | —               | —                                                                      |
| FY       | Federal Republic of Yugoslavia-FY 2 | C                                                                    | C                      | C                                                           | A                | D                                               | A                                    | C                                         | C          | —            | A                                | —               | —                                                                      |
| GR       | Greenland                           | —                                                                    | —                      | —                                                           | —                | —                                               | A                                    | —                                         | —          | —            | A                                | A               | A                                                                      |
| HK       | Hong Kong                           | B                                                                    | B                      | B                                                           | B                | D                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| HR       | Croatia                             | A                                                                    | A                      | D                                                           | A                | A                                               | A                                    | A                                         | D          | —            | A                                | A               | —                                                                      |
| HU       | Hungary                             | A                                                                    | A                      | A                                                           | A                | A                                               | A                                    | A                                         | A          | —            | A                                | A               | —                                                                      |
| IL       | Israel                              | B                                                                    | B                      | B                                                           | B                | D                                               | A                                    | B                                         | B          | —            | A                                | D               | —                                                                      |
| IN       | India                               | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| IS       | Iceland                             | B                                                                    | B                      | B                                                           | A                | —                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| KE       | Kenya                               | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| KR       | Korea (Republic)                    | —                                                                    | —                      | —                                                           | —                | D                                               | A                                    | —                                         | —          | —            | A                                | D               | —                                                                      |
| LI       | Lithuania                           | C                                                                    | C                      | C                                                           | A                | D                                               | A                                    | C                                         | C          | —            | A                                | D               | A                                                                      |

| Code ISO | Country of origin or part thereof     | 1. Domestic bovine<br>2. Farmed cloven-hoofed game — excluding swine | Domestic ovine/caprine | 1. Domestic porcine<br>2. Farmed cloven-hoofed game (swine) | Domestic soliped | 1. Domestic poultry<br>2. Farmed feathered game | Domestic rabbit and farmed leporidae | Wild cloven-hoofed game (excluding swine) | Wild swine | Wild soliped | Wild leporidae (rabbits & hares) | Wild game birds | Wild land mammalian game (excluding ungulates, solipeds and leporidae) |
|----------|---------------------------------------|----------------------------------------------------------------------|------------------------|-------------------------------------------------------------|------------------|-------------------------------------------------|--------------------------------------|-------------------------------------------|------------|--------------|----------------------------------|-----------------|------------------------------------------------------------------------|
| LV       | Latvia                                | C                                                                    | C                      | C                                                           | A                | —                                               | A                                    | C                                         | C          | —            | A                                | —               | A                                                                      |
| MA       | Morocco                               | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| MG       | Madagascar                            | B                                                                    | B                      | B                                                           | B                | D                                               | A                                    | B                                         | B          | —            | A                                | D               | —                                                                      |
| MK       | Former Yugoslav Republic of Macedonia | A                                                                    | A                      | B                                                           | A                | —                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| MT       | Malta                                 | —                                                                    | —                      | —                                                           | —                | A                                               | A                                    | —                                         | —          | —            | A                                | —               | —                                                                      |
| MY       | Malaysia-MY 1                         | —                                                                    | —                      | —                                                           | —                | D                                               | A                                    | —                                         | —          | —            | A                                | D               | —                                                                      |
| MU       | Mauritius                             | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| MX       | Mexico                                | A                                                                    | D                      | D                                                           | A                | D                                               | A                                    | D                                         | D          | —            | A                                | D               | —                                                                      |
| NA       | Namibia (1)                           | B                                                                    | B                      | B                                                           | B                | D                                               | A                                    | B                                         | B          | A            | A                                | D               | —                                                                      |
| NZ       | New Zealand                           | A                                                                    | A                      | A                                                           | A                | A                                               | A                                    | A                                         | A          | —            | A                                | A               | A                                                                      |
| PL       | Poland                                | A                                                                    | A                      | D                                                           | A                | A                                               | A                                    | A                                         | D          | —            | A                                | A               | —                                                                      |
| PY       | Paraguay                              | C                                                                    | C                      | C                                                           | B                | —                                               | A                                    | C                                         | C          | —            | A                                | —               | —                                                                      |
| RO       | Romania                               | A                                                                    | A                      | D                                                           | A                | A                                               | A                                    | A                                         | D          | —            | A                                | A               | A                                                                      |
| RU       | Russia                                | C                                                                    | C                      | C                                                           | B                | —                                               | A                                    | C                                         | C          | —            | A                                | —               | A                                                                      |
| SG       | Singapore                             | B                                                                    | B                      | B                                                           | B                | D                                               | A                                    | B                                         | B          | —            | A                                | —               | —                                                                      |
| SI       | Slovenia                              | A                                                                    | A                      | D                                                           | A                | D                                               | A                                    | A                                         | D          | —            | A                                | D               | —                                                                      |
| SK       | Slovak Republic                       | A                                                                    | A                      | D                                                           | A                | A                                               | A                                    | A                                         | D          | —            | A                                | A               | —                                                                      |
| SZ       | Swaziland                             | B                                                                    | B                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | A            | A                                | —               | —                                                                      |

| Code ISO | Country of origin or part thereof | 1. Domestic bovine<br>2. Farmed cloven-hoofed game — excluding swine | Domestic ovine/caprine | 1. Domestic porcine<br>2. Farmed cloven-hoofed game (swine) | Domestic soliped | 1. Domestic poultry<br>2. Farmed feathered game | Domestic rabbit and farmed leporidae | Wild cloven-hoofed game (excluding swine) | Wild swine | Wild soliped | Wild leporidae (rabbits & hares) | Wild game birds | Wild land mammalian game (excluding ungulates, solipeds and leporidae) |
|----------|-----------------------------------|----------------------------------------------------------------------|------------------------|-------------------------------------------------------------|------------------|-------------------------------------------------|--------------------------------------|-------------------------------------------|------------|--------------|----------------------------------|-----------------|------------------------------------------------------------------------|
| TH       | Thailand                          | B                                                                    | B                      | B                                                           | B                | A                                               | A                                    | B                                         | B          | —            | A                                | D               | —                                                                      |
| TN       | Tunisia                           | C                                                                    | C                      | B                                                           | B                | —                                               | A                                    | B                                         | B          | —            | A                                | D               | —                                                                      |
| TR       | Turkey                            | —                                                                    | —                      | —                                                           | —                | D                                               | A                                    | —                                         | —          | —            | A                                | D               | —                                                                      |
| UA       | Ukraine                           | —                                                                    | —                      | —                                                           | —                | —                                               | A                                    | —                                         | —          | —            | A                                | —               | —                                                                      |
| US       | United States of America          | A                                                                    | A                      | A                                                           | A                | A                                               | A                                    | A                                         | A          | —            | A                                | A               | —                                                                      |
| UY       | Uruguay                           | A                                                                    | A                      | B                                                           | A                | D                                               | A                                    | —                                         | —          | —            | A                                | D               | —                                                                      |
| ZA       | South Africa <sup>(1)</sup>       | C                                                                    | C                      | C                                                           | A                | D                                               | A                                    | C                                         | C          | A            | A                                | D               | —                                                                      |
| ZW       | Zimbabwe <sup>(1)</sup>           | C                                                                    | C                      | B                                                           | A                | D                                               | A                                    | B                                         | B          | —            | A                                | D               | —                                                                      |

<sup>(1)</sup> See Part III for minimum treatment requirements for pasteurized meat products and biltong.

**COMMISSION RECOMMENDATION**  
**of 13 January 1999**  
**concerning collector coins, medals and tokens**  
*(notified under number SEC(1999) 24/2)*

(1999/63/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 155 thereof,

(1) Whereas the euro will become the currency of the participating Member States as from 1 January 1999; whereas during a transitional period lasting from 1 January 1999 until 31 December 2001, the euro will be introduced as from 1 January 2002; whereas the euro banknote and coin after their introduction in 2002 will circulate throughout the whole euro area;

(2) Whereas in order to facilitate the transition to the euro it is necessary to avoid confusion for the citizens; whereas during the three years transitional period people will not be familiar with the new euro coins and banknotes and therefore will more easily be misled or abused; whereas the same level of protection of the euro should exist in all Member States;

(3) Whereas in order to reduce the risk of confusion during the transitional period, it is desirable to ban from the territory of the European Union all collector coins in euro or medals and tokens which bear the words 'euro' or 'euro cent' or which show a design which is similar to the design which appears on the common side of the euro coin;

(4) Whereas in order to achieve it, during the transitional period, Member States should not issue any collector coin in euro and official minting institutions and private issuers in the Member States should not issue for the purpose of sale or for commercial purposes, medals and tokens of the kind described above; whereas in order to avoid that medals and tokens of the kind described above, issued by third countries, will circulate in the Community territory, the ban should not only concern the issue but also the sale, production, stock, import and distribution for the purpose of sale or for commercial purposes of collector coins and said medals and tokens;

(5) Whereas the ban on collector coins in euro during the transitional period has been supported by the Ecofin Council on 23 November; whereas in some Member States, legislation on medals and tokens exist

or is being introduced which goes in the direction recommended herein;

(6) Whereas it would be desirable that third countries support the efforts made by the European Union to protect its citizens against confusion and fraud, and for that purpose avoid issuing collector coins, medals and tokens of the kind described above in particular during the transitional period,

HEREBY RECOMMENDS:

*Article 1*

**Definitions**

For the purpose of this recommendation, the following definitions apply:

- (a) 'collector coins' refer to commemorative and bullion coins which have legal tender but which are not produced with a view to their entry into circulation;
- (b) 'medals and tokens' refer to those metallic objects of circular shape which look like a coin but which are neither legal means of payment nor legal tender or are not issued under national or foreign legislative provisions;
- (c) 'euro' is the lawful currency of the participating Member States as defined in Article 2 of Council Regulation (EC) No 974/98 on the introduction of the euro;
- (d) 'transitional period' is the period beginning on 1 January 1999 and ending on 31 December 2001.

*Article 2*

**Recommended practices**

The following recommended practices should apply during the transitional period:

- 1. Member States should not issue collector coins denominated in euro. This restriction should equally apply to collector coins with a dual denomination in euro and in a national currency unit.

2. the sale and the production, issue, stock, import and distribution for the purpose of sale or for commercial purposes, of collector coins, medals and tokens which bear the words 'euro' or 'euro cent' or show a design which is similar to the design which appears on the common side of the euro coin or which has already been officially laid down for the minting of such coins in the future, should not take place.

*Article 3*

**Implementation by Member States**

Member States should take as soon as possible all measures deemed necessary including additional national legislation, to ensure the full implementation of the recommended practices during the transitional period.

*Article 4*

**Addressees**

This recommendation is addressed to the Member States and to all economic agents which may issue, produce, distribute, import or sell medals and tokens.

Done at Brussels, 13 January 1999.

*For the Commission*

Yves-Thibault DE SILGUY

*Member of the Commission*

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