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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 454/1999
of 2 March 1999
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

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

Whereas 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 3 March 1999.

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

Done at Brussels, 2 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

ANNEX

to the Commission Regulation of 2 March 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	71,0
	204	47,8
	212	103,1
	624	184,0
	999	101,5
0707 00 05	052	118,3
	068	107,2
	999	112,8
0709 10 00	220	297,7
	999	297,7
0709 90 70	052	116,0
	204	132,0
	999	124,0
0805 10 10, 0805 10 30, 0805 10 50	052	43,0
	204	47,4
	212	42,7
	600	53,5
	624	54,0
0805 30 10	999	48,1
	052	42,9
	600	54,6
0808 10 20, 0808 10 50, 0808 10 90	999	48,8
	039	80,9
	060	36,7
	388	135,4
	400	81,2
	404	84,5
	508	76,1
	512	87,8
	528	83,8
	706	107,2
	720	97,6
	728	74,5
0808 20 50	999	86,0
	052	146,9
	388	79,6
	400	82,9
	512	55,6
	528	68,5
	624	69,9
	999	83,9

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

**COMMISSION REGULATION (EC) No 455/1999
of 2 March 1999**

**on the opening of a standing invitation to tender for 9 300 tonnes of barley held
by the Finnish intervention agency for processing in northern Finland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Finland is experiencing particular difficulties with respect to supplies of feed grain in central northern Finland following an extremely poor barley harvest in 1998 as a result of adverse weather conditions;

Whereas supplies are available in southern Finland in the form of intervention barley; whereas this barley, which dates from 1992 and was placed in intervention in 1995 on Finland's accession, does not find its way to the northern regions of the country in view of the long distances and high transport costs involved;

Whereas, taking into account the age of the stocks and supplies of feed grain available in southern Finland, the quantities of grain in question would be extremely difficult to dispose of under the normal conditions of resale of intervention stocks laid down in Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies⁽³⁾, as last amended by Regulation (EC) No 39/1999⁽⁴⁾; whereas Article 5(4) of that Regulation expressly provides for a derogation from the normal conditions of resale of intervention stocks under certain circumstances; whereas these circumstances currently exist in Finland; whereas a standing invitation to tender should therefore be opened for 9 300 tonnes of barley held in southern Finland for compulsory processing in northern Finland; whereas this invitation to tender should be subject to special price conditions;

Whereas, as regards proof of processing in Finland, Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁵⁾, as

last amended by Regulation (EC) No 770/96⁽⁶⁾, is applicable;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Finnish intervention agency shall organise a standing invitation to tender for sale on the Finnish domestic market of 9 300 tonnes of barley held in Vainikkala, for processing in regions C2 and C4 as defined in the Finnish regional plan for arable crops.

2. Without prejudice to Regulation (EEC) No 2131/93, the following special rules shall apply to this invitation to tender:

- tenderers shall undertake to process the quantities of barley awarded to them in the regions referred to in paragraph 1,
- processing shall be carried out by 30 September 1999 at the latest, except in cases of *force majeure*,
- a security of EUR 20 per tonne shall be lodged with the intervention agency by successful tenderers to ensure compliance with the conditions laid down in the first and second indents. This security shall be lodged at the latest within two working days of receipt of the statement of award of contract.

3. Notwithstanding Article 5(1) of Regulation (EEC) No 2131/93, the highest tender exceeding the minimum price of EUR 110 per tonne shall be accepted.

Article 2

1. The final date for the submission of tenders in response to the first partial invitation to tender shall be 9 March 1999.

2. The final date for the submission of tenders in response to the final partial invitation to tender shall be 27 April 1999.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 5, 9. 1. 1999, p. 64.

⁽⁵⁾ OJ L 301, 17. 10. 1992, p. 17.

⁽⁶⁾ OJ L 104, 27. 4. 1996, p. 13.

Article 3

1. Securities as referred to in the third indent of Article 1(2) shall be released where they cover quantities in respect of which the tenderers provide proof:

- of processing in the regions, laid down in Article 1(1), by 30 September 1999 at the latest, except in cases of *force majeure*,
or
- that the product is no longer fit for human or animal consumption.

2. Proof that the cereals covered by this Regulation have been processed shall be furnished in accordance with Regulation (EEC) No 3002/92. However, processing shall be deemed to have taken place once the barley has been delivered to a store in the regions in question.

3. In addition to the endorsements provided for in Regulation (EEC) No 3002/92, box 104 of the T 5 control copy must bear one or more of the following:

- Destinos a la transformación [Reglamento (CE) n° 455/1999]
- Til forarbejdning (forordning (EF) nr. 455/1999)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 455/1999)

- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 455/1999]
- For processing (Regulation (EC) No 455/1999)
- Destinées à la transformation [règlement (CE) n° 455/1999]
- Destinate alla trasformazione [regolamento (CE) n. 455/1999]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 455/1999)
- Para transformação [Regulamento (CE) n.º 455/1999]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 455/1999]
- För bearbetning (förordning (EG) nr 455/1999).

Article 4

The Finnish intervention agency shall inform the Commission, by the Tuesday of the week following the final date for the submission of tenders at the latest, of the average prices of the various lots and the quantities sold.

Article 5

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

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

Done at Brussels, 2 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 456/1999
of 2 March 1999**

**amending Regulation (EC) No 2004/98 opening an invitation to tender for the
refund or the tax for the export of common wheat to certain ACP States**

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

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

Having regard to Commission Regulation (EC) No 1501/
95 of 29 June 1995 laying down certain detailed rules for
the application of Council Regulation (EEC) No 1766/92
on the granting of export refunds on cereals and the
measures to be taken in the event of disturbance on the
market for cereals⁽³⁾, as last amended by Regulation (EC)
No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EC) No 2004/98⁽⁵⁾
opens an invitation to tender relating to the export of
common wheat to certain ACP States;

Whereas for economical reasons, it is appropriate to
extend the period during which this invitation to tender
remains open; whereas Article 1 of Regulation (EC) No
2004/98 must therefore be amended;

Whereas provision should be made for a shorter period of
validity for licences issued after the entry into force of this
Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2004/98 is hereby amended as
follows:

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

‘3. The invitation shall remain open until 30 April
1999. During the period of its validity weekly awards
shall be made for which the quantities and time limits
for the submission of tenders shall be as prescribed in
the notice of invitation to tender.’;

2. Article 7(2) is replaced by the following:

‘2. Subject to the provisions of Article 1 of Commis-
sion Regulation (EC) No 1521/94⁽²⁾ export licences
issued in connection with the invitations to tender
pursuant to this Regulation shall be valid from their
date of issue, as defined in paragraph 1, until 30 June
1999.’

Article 2

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

It shall apply with effect from 26 February 1999.

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

Done at Brussels, 2 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 258, 22. 9. 1998, p. 4.

**COMMISSION REGULATION (EC) No 457/1999
of 2 March 1999**

**amending Regulation (EC) No 1394/98 adopting the balance and fixing the aid
for the supply of breeding rabbits to the Canary Islands under the arrangements
provided for in Article 4 of Council Regulation (EEC) No 1601/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 4 (4),

Whereas Commission Regulation (EC) No 1394/98 ⁽³⁾ fixed the quantities for the supply to the archipelago, of breeding rabbits originating in the rest of the Community;

Whereas that balance can be revised during the course of the year in line with the Canary Islands' needs; whereas information supplied by the competent authorities justifies an increase in the quantity of breeding rabbits for the 1998/1999 marketing year; whereas, therefore, the forecast

balance for the supply to the Canary Islands of that product should be adjusted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1394/98 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 1 March 1999.

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

Done at Brussels, 2 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 187, 1. 7. 1998, p. 37.

*ANNEX***Supply to the Canary Islands of breeding rabbits originating in the Community for the period
1 July 1998 to 30 June 1999**

CN code	Description	Number of animals to be supplied	Aid (EUR/head)
ex 0106 00 10	Breeding rabbits:		
	— pure-bred and grand-parents	2 000	30
	— parents	6 000	24

COMMISSION REGULATION (EC) No 458/1999
of 2 March 1999
fixing export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 35(11) thereof,

Whereas Commission Regulation (EC) No 2190/96⁽³⁾, as last amended by Regulation (EC) No 1287/98⁽⁴⁾, lays down detailed rules on export refunds on fruit and vegetables;

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

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

Whereas, pursuant to Article 35(1) of Regulation (EC) No 2200/96, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

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

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

Whereas tomatoes, lemons, oranges and apples of classes Extra, I and II of the common quality standards, shelled almonds, hazelnuts and walnuts in shell can currently be exported in economically significant quantities;

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

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

Whereas Commission Regulation (EEC) No 3846/87⁽⁵⁾, as last amended by Regulation (EC) No 2580/98⁽⁶⁾, establishes an agricultural product nomenclature for export refunds;

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽⁴⁾ OJ L 178, 23. 6. 1998, p. 11.

⁽⁵⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁶⁾ OJ L 322, 1. 12. 1998, p. 31.

Whereas Commission Regulation (EEC) No 3719/88 ⁽¹⁾, as last amended by Regulation (EC) No 1044/98 ⁽²⁾, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products;

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

Whereas the quantities laid down for the various products should be distributed in accordance with the different systems for the grant of the refund, taking account in particular of their perishability;

Whereas account should be taken of the definitive rates under the A2 system fixed for the preceding licence application period;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.
2. Quantities covered by licences issued for food aid as referred to in Article 14a of Regulation (EEC) No 3719/88 shall not count against the eligible quantities covered by the Annex.
3. Without prejudice to the application of Article 4(5) of Regulation (EC) No 2190/96, the term of validity of A1 and A2 licences shall be two months.

Article 2

This Regulation shall enter into force on 10 March 1999.

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

Done at Brussels, 2 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ L 149, 20. 5. 1998, p. 11.

ANNEX

EXPORT REFUNDS ON FRUIT AND VEGETABLES

Product (full definitions of eligible products are given in the 'Fruit and vegetables' sector of Commission Regulation (EEC) No 3846/87 amended)	Product code	Destination or destination group ⁽¹⁾	System Application periods					
			A1 10. 3 to 9. 5. 1999		A2 11 to 15. 3. 1999		B 17. 3 to 16. 5. 1999	
			Refund rate (EUR/tonnes net weight)	Scheduled quantity (tonnes)	Indicative refund rate (EUR/tonnes net weight)	Scheduled quantity (tonnes)	Indicative refund rate (EUR/tonnes net weight)	Scheduled quantity (tonnes)
Tomatoes	0702 00 00 9100	F	20		20	7 730	20	11 999
Shelled almonds	0802 12 90 9000	F	50	545			50	596
Hazelnuts in shell	0802 21 00 9000	F	59	12			59	142
Shelled hazelnuts	0802 22 00 9000	F	114	1 812			114	2 352
Walnuts in shell	0802 31 00 9000	F	73	144				
Oranges	0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	XYC	50		50	28 336	50	94 862
Lemons	0805 30 10 9100	F	35		35	20 833	35	18 396
Apples	0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	X	40		40	9 115	40	5 856
	0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	Y	80		80	1 000	80	1 000
	0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	Z	54	1 868			54	1 868

⁽¹⁾ The destination codes are defined as follows:

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

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

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

C: Switzerland, Czech Republic, Slovakia and Japan.

E: All destinations except Switzerland.

F: All destinations.

**COMMISSION REGULATION (EC) No 459/1999
of 2 March 1999**

**fixing, for February 1999, the specific exchange rate for the amount of the
reimbursement of storage costs 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 organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁴⁾, as last amended by Regulation (EC) No 59/97 ⁽⁵⁾, and in particular Article 1(3) thereof,

Whereas Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month; whereas, however, in the case of the reimbursable amounts applying from 1 January 1999, as a

result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency;

Whereas application of these provisions will lead to the fixing, for February 1999, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into national currency for February 1999 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 March 1999.

It shall apply with effect from 1 February 1999.

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

Done at Brussels, 2 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 349, 24. 12. 1998, p. 1.

⁽⁴⁾ OJ L 159, 1. 7. 1993, p. 94.

⁽⁵⁾ OJ L 14, 17. 1. 1997, p. 25.

ANNEX

to the Commission Regulation of 2 March 1999 fixing, for February 1999, the exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,43516	Danish kroner
	321,945	Greek drachma
	8,90941	Swedish kroner
	0,688443	Pound sterling

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 February 1999

approving the conditions of utilisation of the graphic symbol for quality agricultural products specific to the Canary Islands

(notified under document number C(1999) 389)

(Only the Spanish text is authentic)

(1999/165/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 26(3) thereof,

Having regard to Commission Regulation (EC) No 1418/96 of 22 July 1996 laying down detailed rules for the use of a graphic symbol for quality agricultural products specific to the most remote regions ⁽³⁾,

Whereas, pursuant to Article 26(2) of Regulation (EEC) No 1601/92, a graphic symbol has been devised to improve awareness and encourage the consumption of quality processed and unprocessed agricultural products specific to the Canary Islands; whereas the Commission published that graphic symbol and the conditions governing its reproduction in Regulation (EC) No 2054/96 ⁽⁴⁾;

Whereas, in accordance with Article 26(3) of Regulation (EC) No 1601/92, the conditions of utilisation of the graphic symbol for quality agricultural products specific

to the Canary Islands are to be proposed by the trade organisations, forwarded by the national authorities and approved by the Commission; whereas, together with a favourable opinion, the Spanish authorities have forwarded these conditions of utilisation and the administrative rules on the basis of which the competent Canary authorities intend granting rights to use the graphic symbol;

Whereas those conditions of utilisation are in line with the objectives for which the graphic symbol was introduced; whereas those conditions of utilisation should accordingly be approved,

HAS ADOPTED THIS DECISION:

Article 1

The conditions of utilisation of the graphic symbol for quality agricultural products specific to the Canary Islands, as presented by the Spanish authorities and set out in the Annex hereto, are hereby approved.

Article 2

This Decision is addressed to the Kingdom of Spain.

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 182, 23. 7. 1996, p. 9.

⁽⁴⁾ OJ L 280, 31. 10. 1996, p. 1.

Article 3

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

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Extract from the Order of the Government of the Canary Islands setting out the conditions of utilisation and the administrative rules for the application of the graphic symbol for agricultural products specific to the Canary Islands.

EXTRACT

1. The graphic symbol shall be used solely for natural agricultural and fishery products produced in the Canary Islands.
2. Where the main characteristic of processed products specific to the autonomous community of the Canary Islands is the raw material used, at least 90 % by volume must have been obtained locally.

Where the main characteristic of the processed products is the method of production or manufacturing, consideration shall be given to the specific nature of that method of production or manufacturing.

3. The products must possess special characteristics as products of the Canary Islands; these may cover the conditions, methods and techniques of production or manufacturing and compliance with standards of presentation and packaging.
4. The graphic symbol shall be used solely for products of superior quality. Quality shall be defined by reference to Community regulations or, where none such exist, international standards.

Where no Community or international standards exist, the applicable standards shall be laid down by the Regional Secretariat for Agriculture, Forestry and Fisheries on the basis of proposals from the trade organisations.

COMMISSION DECISION

of 19 February 1999

authorising the Member States temporarily to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Switzerland

(notified under document number C(1999) 386)

(1999/166/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 98/2/EC⁽²⁾, and in particular Article 14(1) thereof,

Having regard to the request made by France, in respect of plants of *Vitis* L., other than fruits, originating in Switzerland,

Whereas, under the provisions of Directive 77/93/EEC, plants of *Vitis* L., other than fruits, originating in third countries, may in principle not be introduced into the Community;

Whereas by Decision 97/159/EC⁽³⁾ the Commission authorised Member States to provide for derogations in respect of plants of *Vitis* L., other than fruits, originating in Switzerland under specified conditions in the 1997 season;

Whereas due to technical reasons there were no imports made under Decision 97/159/EC;

Whereas the circumstances justifying the authorisation for Switzerland still obtain;

Whereas therefore a derogation should be authorised for a limited period, provided that it includes specific conditions and without prejudice to Council Directive 68/193/EEC⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and any implementing measures made thereunder;

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

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4(1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A, point 15 of Annex III thereto for plants of *Vitis* L., other than fruits, originating in Switzerland.

2. In addition to the requirements laid down in Annexes I and II of Directive 77/93/EEC in relation to plants of *Vitis* L., the following specific conditions shall be satisfied:

(a) the plants shall be propagating material in the form of dormant bud material of the following varieties:

- Chasselat blanc,
- Gamaret,
- Humagne,
- Diolinoir,
- Petite Arvine,
- Amigne,
- Cornalin,
- Granoir;

(b) the buds shall be intended to be grafted in the Community, at premises referred to in (h), on to rootstocks produced in the Community;

(c) the buds intended for the Community shall be:

- harvested in stock nurseries, which are officially registered. The lists of the registered nurseries shall be made available to the Member States making use of the derogation and to the Commission, at the latest by 15 February 1999. These lists shall include the name(s) of the varieties, the number of rows planted with these varieties, the number of plants per row for each of these nurseries, as far as they are deemed suitable for dispatch to the Community in 1999, under the conditions laid down in this Decision,

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 15, 21. 1. 1998, p. 34.

⁽³⁾ OJ L 62, 4. 3. 1997, p. 36.

⁽⁴⁾ OJ L 93, 17. 4. 1968, p. 15.

- properly packed and the packaging made recognisable with a marking, enabling the identification of the registered nursery and the variety,
- accompanied by a phytosanitary certificate issued in Switzerland in accordance with Articles 7 and 12 of Directive 77/93/EEC, on the basis of the examination laid down therein, in particular freedom from the following harmful organisms:

- *Daktulosphaira vitifoliae* (Fitch),
- *Xylophilus ampelinus* (Panagopoulos) Willems et al.,
- Grapevine Flavescence dorée MLO.

The certificate shall state under 'Additional declaration', the indication 'This consignment meets the conditions laid down in Decision 1999/166/EC';

- (d) the official plant protection organisation of Switzerland shall ensure the identity of the buds from the time of harvesting as referred to in (c), first indent, until the time of loading for export to the Community;
- (e) the buds shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State; these points of entry and the name and address of the responsible official body referred to in Directive 77/93/EEC in charge of each point shall be notified sufficiently in advance by the Member States to the Commission and shall be held available on request to other Member States. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State introduction shall inform and cooperate with the said responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with;
- (f) prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in (a) to (k); the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the notification to the Commission, indicating:
 - the type of material,
 - the variety and the quantity,
 - the declared date of introduction and confirmation of the point of entry,
 - the names, addresses and the locations of the premises referred to in (h) where the buds will be grafted and/or where the grafted plants will subsequently be planted.

The importer shall provide details of any changes to the aforementioned advance notification, to the responsible official bodies of their own Member State, preferably as soon as they are known and in any case prior to the time of import, and that Member State, without delay, shall convey the details of the changes to the Commission;

- (g) the inspections including testing, as appropriate, required pursuant to Article 12 of Directive 77/93/EEC and in accordance with provisions laid down in the present Decision shall be made by the responsible official bodies, referred to in the said Directive; of these inspections, the plant health checks shall be carried out by the Member State making use of this derogation and where appropriate, in cooperation with the said bodies of the Member State in which the buds will be grafted. Furthermore during the said plant health check that Member State(s) shall also inspect for all other harmful organisms. Without prejudice to the monitoring referred to in Article 19a(3), second indent, first possibility of the said Directive, the Commission shall determine to which extent the inspections referred to in Article 19a(3), second indent, second possibility, of the said Directive shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive;
- (h) the buds shall be grafted on to rootstocks and the grafted plants subsequently planted only at premises:
 - for which the names, addresses and the locations have been notified by the person who intends to use the buds imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated, and
 - officially registered and approved for the purposes of this derogation.

In those cases where the place of grafting or planting is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official bodies of the Member State in which the buds will be grafted or planted giving the names, addresses and the locations of the premises where the plants will be grafted or planted;

- (i) the said responsible official bodies shall ensure that any bud not used in accordance with (h) shall be destroyed under the control of the said responsible official bodies. Records shall be kept available to the Commission on the numbers of plants destroyed;

- (j) at the premises referred to in (h):
- the material which has been found free from the harmful organisms referred to in (g) may then be used for grafting and the grafted plants shall be planted and grown in fields belonging to the premises referred to in (h) and shall remain on the premises, until they are moved to a destination outside the Community as referred to in (k),
 - the grafted plants shall be, in the growing period following importation, visually inspected by the said responsible official bodies of the Member State in which the grafted plants are planted, at appropriate times, for the presence of any harmful organism or for signs or symptoms caused by any harmful organism including those of *Daktulosphaira vitifoliae* (Fitch); as a result of such visual inspection any harmful organism having caused such signs or symptoms shall be identified by an appropriate testing procedure,
 - any plant which has not been found free during the said inspections or testing, referred to in the previous indents, from the harmful organisms listed under (c), third indent, or otherwise of quarantine concern, shall be immediately destroyed under control of the said responsible bodies;
- (k) any grafted plant resulting from a successful grafting using the buds referred to in (a) shall be only released as grafted plants in 2000 to a destination outside the Community. The said responsible official bodies shall ensure that any plant not so moved shall be officially destroyed. Records shall be kept available to the Commission on the amounts of successfully grafted plants, of officially destroyed plants and of plants sold as well as on the country of destination of the plants sold.

Article 2

Member States shall inform the other Member States and the Commission, by means of the notification referred to

in Article 1(2)(f), of any use of the authorisation. They shall provide the Commission and the other Member States, before 1 November 1999, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(2)(j). Furthermore, any other Member State in which the buds are grafted on to rootstocks and in which the grafted plants are planted, after the import, shall also provide the Commission and the other Member States, before 1 November 1999, with a detailed technical report, of the official examination referred to in Article 1(2)(j).

Article 3

Without prejudice to the provisions laid down in Article 14(3) of Directive 77/93/EEC, the Member States concerned shall notify the Commission and the other Member States of all cases of consignments introduced pursuant to this Decision which do not comply with the conditions laid down herein.

Article 4

Article 1 shall apply during the period between 1 March 1999 and 30 March 1999. The present Decision shall be revoked if it is established that the conditions laid down in Article 1(2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 19 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission