

Official Journal

of the European Communities

ISSN 0378-6978

L 220

Volume 42

20 August 1999

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1813/1999
of 19 August 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,

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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;

- (2) 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 20 August 1999.

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

Done at Brussels, 19 August 1999.

For the Commission

Karel VAN MIERT

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 19 August 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
0709 90 70	052	38,1
	999	38,1
0805 30 10	388	61,0
	524	57,7
	528	75,3
	999	64,7
0806 10 10	052	92,5
	400	245,7
	600	67,6
	624	107,6
0808 10 20, 0808 10 50, 0808 10 90	999	128,3
	388	62,5
	400	53,5
	508	81,3
	512	39,9
	524	47,0
	528	54,7
	800	78,7
	804	73,4
	999	61,4
0808 20 50	052	95,8
	388	64,3
	528	21,7
0809 30 10, 0809 30 90	999	60,6
	052	108,5
	068	46,0
0809 40 05	999	77,3
	064	55,2
	066	51,2
	068	44,3
	093	66,1
	999	54,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1814/1999**of 19 August 1999****determining the amounts of the agricultural components and the additional duties applicable from 1 August 1999 to 30 June 2000 on the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 from Iceland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2491/98 ⁽²⁾, and in particular Article 7 thereof,

- (1) Whereas it is appropriate to determine the agricultural components in accordance with the basic amounts laid down in Section III (1) of the Annex to the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland ⁽³⁾; whereas the duties resulting from these measures may not be higher than those resulting from the application of the Common Customs Tariff;
- (2) Whereas Commission Regulation (EC) No 1460/96 ⁽⁴⁾, as amended by Regulation (EC) No 2495/97 ⁽⁵⁾, establishes detailed rules for the application of preferential

trade arrangements applicable to certain goods resulting from the processing of agricultural products, referred to in Article 7 of Regulation (EC) No 3448/93,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to this Regulation lay down the agricultural components and the corresponding additional duties applicable from 1 August 1999 to 30 June 2000 to the importation from Iceland of goods covered by Annex B to Regulation (EC) No 3448/93 for which a reduction of the agricultural component is provided for.

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 August 1999.

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

Done at Brussels, 19 August 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 309, 19.11.1998, p. 28.

⁽³⁾ OJ L 192, 24.7.1999, p. 47.

⁽⁴⁾ OJ L 187, 26.7.1996, p. 18.

⁽⁵⁾ OJ L 343, 13.12.1997, p. 18.

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I —
ANEXO I — LIITE I — BILAGA I

Elementos agrícolas (por 100 kilogramos de peso neto) aplicables, del 1 de agosto de 1999 al 30 de junio de 2000 inclusive, a la importación en la Comunidad procedente de la República de Islandia

Landbrugselementer (pr. 100 kg nettovægt), der skal anvendes ved indførsel fra Republikken Island til Fællesskabet fra 1. august 1999 til og med 30. juni 2000

Agrarteilbeträge (für 100 kg Eigengewicht) bei der Einfuhr aus der Republik Island in die Gemeinschaft, anwendbar vom 1. August 1999 bis einschließlich 30. Juni 2000

Γεωργικά στοιχεία (ανά 100 kg καθαρού βάρους) που εφαρμόζονται από 1ης Αυγούστου 1999 μέχρι και 30ής Ιουνίου 2000 κατά την εισαγωγή στην Κοινότητα από τη Δημοκρατία της Ισλανδίας

Agricultural components (per 100 kilograms net weight) to be levied from 1 August 1999 to 30 June 2000 inclusive on importation into the Community from the Republic of Iceland

Éléments agricoles (par 100 kilogrammes poids net) applicables, du 1^{er} août 1999 au 30 juin 2000 inclus, à l'importation dans la Communauté en provenance de la république d'Islande

Elementi agricoli (per 100 kg peso netto) applicabili all'importazione nella Comunità in provenienza dalla Repubblica d'Islanda dal 1° agosto 1999 al 30 giugno 2000 incluso

Agrarische elementen (per 100 kg nettogewicht) bij invoer in de Gemeenschap vanuit de Republiek IJsland te heffen van 1 augustus 1999 tot en met 30 juni 2000

Elementos agrícolas (por 100 quilogramas de peso líquido) aplicáveis, de 1 de Agosto de 1999 a 30 de Junho de 2000 inclusive, à importação na Comunidade proveniente da República da Islândia

Islannin tasavallasta yhteisöön tulevaan tuontiin 1 päivästä elokuuta 1999 30 päivään kesäkuuta 2000 sovellettavat maatalousosat (100 nettopainokilolta)

Jordbruksbeståndsdelar (per 100 kg nettovikt) som skall tillämpas på import från Republiken Island till gemenskapen fr.o.m. den 1 augusti 1999 t.o.m. den 30 juni 2000

PARTE 1 — DEL 1 — TEIL 1 — ΜΕΡΟΣ 1 — PART 1 — PARTIE 1 — PARTE 1 — DEEL 1 — PARTE 1 — OSA 1 — DEL 1

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	EUR/ 100 kg	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	EUR/ 100 kg	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	EUR/ 100 kg
0403 10 51	103,90	1806 90 50	(*)	1905 90 60	(*)
0403 10 53	142,60	1806 90 60	(*)	1905 90 90	(*)
0403 10 59	184,60	1806 90 70	(*)	2001 90 30 ⁽¹⁾	7,82
0403 10 91	13,60	1806 90 90	(*)	2001 90 40 ⁽¹⁾	3,13
0403 10 93	18,70	1901 10 00	(*)	2004 10 91	(*)
0403 10 99	29,10	1901 20 00	(*)	2004 90 10 ⁽¹⁾	7,82
0403 90 71	103,90	1901 90 11	15,24	2005 20 10	(*)
0403 90 73	142,60	1901 90 19	12,43	2005 80 00 ⁽¹⁾	7,82
0403 90 79	184,60	1901 90 99	(*)	2008 99 85 ⁽¹⁾	7,82
0403 90 91	13,60	1902 11 00	13,05	2008 99 91 ⁽¹⁾	3,13
0403 90 93	18,70	1902 19 10	13,05	2101 12 98	(*)
0403 90 99	29,10	1902 19 90	13,05	2101 20 98	(*)
0405 20 10	(*)	1902 20 91	3,20	2101 30 19	10,71
0405 20 30	(*)	1902 20 99	9,07	2101 30 99	19,15
0710 40 00 ⁽¹⁾	7,82	1902 30 10	13,05	2102 10 31	0,00
0711 90 30 ⁽¹⁾	7,82	1902 30 90	5,16	2102 10 39	0,00
1517 10 10	31,10	1902 40 10	13,05	2105 00 10	21,50
1517 90 10	31,10	1902 40 90	5,16	2105 00 91	41,55
1704 10 11	27,68	1903 00 00	12,59	2105 00 99	58,60
1704 10 19	27,68	1904 10 10	16,65	2106 10 80	(*)
1704 10 91	31,82	1904 10 30	50,30	2106 90 10	25,00
1704 10 99	31,82	1904 10 90	27,75	2106 90 98	(*)
1704 90 30	48,19	1904 20 10	(*)	2202 90 91	13,87
1704 90 51	(*)	1904 20 91	16,65	2202 90 95	12,93
1704 90 55	(*)	1904 20 95	50,30	2202 90 99	22,91
1704 90 61	(*)	1904 20 99	27,75	2905 43 00	131,03
1704 90 65	(*)	1904 90 10	50,30	2905 44 11	13,45
1704 90 71	(*)	1904 90 90	13,60	2905 44 19	39,31
1704 90 75	(*)	1905 10 00	10,94	2905 44 91	19,15
1704 90 81	(*)	1905 20 10	17,49	2905 44 99	55,90
1704 90 99	(*)	1905 20 30	24,58	3302 10 29	(*)
1806 10 20	26,20	1905 20 90	31,67	3505 10 10	14,77
1806 10 30	32,70	1905 30 11	(*)	3505 10 90	14,77
1806 10 90	43,67	1905 30 19	(*)	3505 20 10	3,75
1806 20 10	(*)	1905 30 30	(*)	3505 20 30	7,43
1806 20 30	(*)	1905 30 51	(*)	3505 20 50	11,80
1806 20 50	(*)	1905 30 59	(*)	3505 20 90	14,77
1806 20 70	(*)	1905 30 91	(*)	3809 10 10	7,43
1806 20 80	(*)	1905 30 99	(*)	3809 10 30	10,32
1806 20 95	(*)	1905 40 10	(*)	3809 10 50	12,59
1806 31 00	(*)	1905 40 90	(*)	3809 10 90	14,77
1806 32 10	(*)	1905 90 10	13,13	3824 60 11	13,45
1806 32 90	(*)	1905 90 20	50,34	3824 60 19	39,31
1806 90 11	(*)	1905 90 30	(*)	3824 60 91	19,15
1806 90 19	(*)	1905 90 40	(*)	3824 60 99	55,90
1806 90 31	(*)	1905 90 45	(*)		
1806 90 39	(*)	1905 90 55	(*)		

(*) Véase parte 2 — Se del 2 — Siehe Teil 2 — Βλέπε μέρος 2 — See Part 2 — Voir partie 2 — Vedi parte 2 — Zie deel 2 — Ver parte 2 — Katso osa 2 — Se del 2.

⁽¹⁾ Por 100 kg de boniatos, etc. o de maíz escurridos. — Pr. 100 kg afløbne søde kartofler osv. eller majs. — Pro 100 kg Süßkartoffeln usw. oder Mais, abgetropft. — Avà 100 kg στραγγισμένων γλυκοπατατών κ.λπ. ή καλαμποκιού στραγγισμένου. — Per 100 kilograms of drained sweet potatoes, etc., or maize. — Par 100 kilogrammes de patates douces, etc., ou de maïs égouttés. — Per 100 kg di patate dolci, ecc. o granturco sgocciolati. — Per 100 kg zoete aardappelen enz. of maïs, uitgedropen. — Por 100 kg de batatas-doces, etc., ou de milho, escorridos. — 100:aa kilogrammaa valutettua bataattia jne. tai maissia kohden. — Per 100 kg torkad sötpotatis etc. eller majs.

PARTE 2 — DEL 2 — TEIL 2 — ΜΕΡΟΣ 2 — PART 2 — PARTIE 2 — PARTE 2 — DEEL 2 — PARTE 2 — OSA 2 — DEL 2

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg
7000	0,00	7052	76,90	7109	50,28
7001	10,48	7053	81,76	7110	13,57
7002	19,65	7055	58,95	7111	24,05
7003	28,39	7056	69,43	7112	33,22
7004	40,61	7057	78,61	7113	41,96
7005	3,44	7060	89,10	7115	17,79
7006	13,92	7061	99,58	7116	28,27
7007	23,09	7062	108,75	7117	37,44
7008	31,83	7063	100,95	7120	22,85
7009	44,06	7064	118,58	7121	33,33
7010	7,35	7065	92,54	7122	42,51
7011	17,83	7066	103,02	7123	49,17
7012	27,00	7067	112,19	7124	61,39
7013	35,74	7068	110,90	7125	26,29
7015	11,57	7069	123,13	7126	36,77
7016	22,05	7070	96,45	7127	45,95
7017	31,22	7071	106,93	7128	53,71
7020	16,63	7072	116,10	7129	65,94
7021	27,11	7073	116,07	7130	30,20
7022	36,29	7075	93,26	7131	40,68
7023	42,94	7076	103,74	7132	49,85
7024	55,17	7077	112,91	7133	58,59
7025	20,07	7080	173,45	7135	34,42
7026	30,55	7081	183,93	7136	44,90
7027	39,73	7082	193,10	7137	54,07
7028	47,49	7083	180,16	7140	56,12
7029	59,72	7084	192,38	7141	66,60
7030	23,98	7085	176,89	7142	75,77
7031	34,46	7086	187,37	7143	78,27
7032	43,63	7087	196,54	7144	90,50
7033	52,37	7088	184,70	7145	59,56
7035	28,20	7090	180,80	7146	70,04
7036	38,68	7091	191,28	7147	79,21
7037	47,85	7092	200,45	7148	82,81
7040	49,90	7095	167,06	7149	95,04
7041	60,38	7096	177,55	7150	63,46
7042	69,55	7100	6,22	7151	73,95
7043	72,05	7101	16,70	7152	83,12
7044	84,28	7102	25,87	7153	87,98
7045	53,34	7103	34,61	7155	65,18
7046	63,82	7104	46,84	7156	75,66
7047	72,99	7105	9,66	7157	84,83
7048	76,60	7106	20,14	7160	95,32
7049	88,83	7107	29,31	7161	105,80
7050	57,24	7108	38,05		
7051	67,73				

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg
7162	114,97	7260	86,24	7371	114,73
7163	112,57	7261	96,72	7372	123,90
7164	124,80	7262	105,90	7373	132,64
7165	98,76	7263	114,64	7375	109,83
7166	109,24	7264	126,87	7376	120,31
7167	118,41	7265	90,79	7378	115,41
7168	117,12	7266	101,27	7400	70,70
7169	129,35	7267	110,45	7401	81,18
7170	102,67	7268	119,18	7402	90,36
7171	113,15	7269	131,41	7403	99,09
7172	122,32	7270	95,96	7404	111,31
7173	122,28	7271	106,44	7405	75,25
7175	99,48	7272	115,61	7406	85,73
7176	109,96	7273	124,35	7407	94,90
7177	119,13	7275	101,54	7408	103,64
7180	179,67	7276	112,02	7409	115,87
7181	190,15	7300	56,05	7410	79,38
7182	199,32	7301	66,52	7411	89,87
7183	186,38	7302	75,70	7412	99,04
7185	183,11	7303	84,44	7413	107,77
7186	193,59	7304	96,67	7415	83,60
7187	202,76	7305	60,59	7416	94,09
7188	190,93	7306	71,07	7417	103,26
7190	187,02	7307	80,25	7420	87,83
7191	197,50	7308	88,98	7421	98,31
7192	206,67	7309	101,21	7460	101,80
7195	173,28	7310	64,88	7461	112,28
7196	183,76	7311	75,36	7462	121,44
7200	41,00	7312	84,53	7463	130,18
7201	51,49	7313	93,27	7464	142,41
7202	60,66	7315	69,10	7465	106,33
7203	69,39	7316	79,58	7466	116,82
7204	81,62	7317	88,75	7467	125,99
7205	45,55	7320	73,32	7468	134,73
7206	56,03	7321	83,80	7470	111,51
7207	65,21	7360	94,53	7471	121,99
7208	73,94	7361	105,02	7472	131,16
7209	86,17	7362	114,19	7475	117,09
7210	50,14	7363	122,93	7476	127,56
7211	60,62	7364	135,16	7500	84,03
7212	69,79	7365	99,08	7501	94,52
7213	78,52	7366	109,57	7502	103,69
7215	54,36	7367	118,74	7503	112,43
7216	64,84	7368	127,48	7504	124,65
7217	74,01	7369	139,71	7505	87,48
7220	58,58				
7221	69,06	7370	104,26		

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg
7506	97,96	7703	161,19	7785	246,02
7507	107,13	7705	137,35	7786	256,50
7508	115,86	7706	147,83	7788	98,84
7509	128,09	7707	157,00	7789	109,32
7510	91,38	7708	165,74	7798	22,01
7511	101,87	7710	142,52	7799	32,49
7512	111,04	7711	153,00	7800	247,10
7513	119,77	7712	162,17	7801	257,59
7515	95,61	7715	148,09	7802	266,76
7516	106,09	7716	158,58	7805	250,54
7517	115,26	7720	130,62	7806	261,03
7520	99,83	7721	141,10	7807	270,20
7521	110,31	7722	150,27	7808	38,64
7560	109,04	7723	159,01	7809	49,12
7561	119,51	7725	134,06	7810	254,45
7562	128,69	7726	144,54	7811	264,93
7563	137,42	7727	153,71	7818	70,75
7564	149,65	7728	162,45	7819	81,23
7565	113,59	7730	137,97	7820	253,32
7566	124,07	7731	148,45	7821	263,81
7567	133,23	7732	157,62	7822	272,98
7568	141,97	7735	142,19	7825	256,76
7570	118,75	7736	152,67	7826	267,25
7571	129,23	7740	167,93	7827	276,42
7572	138,41	7741	178,42	7828	105,07
7575	124,33	7742	187,59	7829	115,54
7576	134,82	7745	171,38	7830	260,67
7600	112,10	7746	181,86	7831	271,15
7601	122,59	7747	191,03	7838	107,12
7602	131,76	7750	175,29	7840	12,44
7603	140,49	7751	185,77	7841	22,92
7604	152,73	7758	15,79	7842	32,09
7605	116,65	7759	26,27	7843	40,83
7606	127,13	7760	205,26	7844	53,06
7607	136,31	7761	215,74	7845	15,88
7608	145,04	7762	224,91	7846	26,36
7609	157,26	7765	208,70	7847	35,53
7610	121,82	7766	219,18	7848	44,27
7611	132,30	7768	32,42	7849	56,50
7612	141,47	7769	42,90	7850	19,79
7613	150,21	7770	212,61	7851	30,27
7615	127,40	7771	223,09	7852	39,44
7616	137,88	7778	64,53	7853	48,18
7620	132,98	7779	75,02	7855	24,01
7700	132,80	7780	242,58	7856	34,49
7701	143,28	7781	253,06		
7702	152,46				

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	EUR/ 100 kg
7857	43,66	7910	36,37	7963	88,52
7858	28,23	7911	46,86	7964	100,74
7859	38,71	7912	56,03	7965	63,57
7860	20,73	7913	64,76	7966	74,05
7861	31,22	7915	40,60	7967	83,22
7862	40,38	7916	51,08	7968	91,95
7863	49,12	7917	60,25	7969	104,18
7864	61,35	7918	44,82	7970	67,47
7865	24,17	7919	55,30	7971	77,96
7866	34,65	7940	41,47	7972	87,13
7867	43,83	7941	51,95	7973	95,86
7868	52,56	7942	61,12	7975	71,70
7869	64,79	7943	69,86	7976	82,18
7870	28,08	7944	82,08	7977	91,35
7871	38,56	7945	44,91	7978	75,92
7872	47,74	7946	55,39	7979	86,40
7873	56,47	7947	64,56	7980	93,30
7875	32,30	7948	73,29	7981	103,78
7876	42,78	7949	85,52	7982	112,95
7877	51,96	7950	48,81	7983	121,69
7878	36,52	7951	59,30	7984	133,92
7879	47,01	7952	68,47	7985	96,74
7900	29,03	7953	77,20	7986	107,22
7901	39,51	7955	53,04	7987	116,39
7902	48,68	7956	63,52	7988	125,13
7903	57,41	7957	72,69	7990	100,65
7904	69,64	7958	57,26	7991	111,13
7905	32,47	7959	67,74	7992	120,30
7906	42,95	7960	60,13	7995	104,87
7907	52,12	7961	70,61	7996	115,35
7908	60,85	7962	79,78		
7909	73,08				

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II —
BIJLAGE II — ANEXO II — LIITE II — BILAGA II

Importes de los derechos adicionales sobre el azúcar (AD S/Z) y sobre la harina (AD F/M) (por 100 kilogramos de peso neto) aplicables a la importación en la Comunidad procedente de la República de Islandia, del 1 de agosto de 1999 al 30 de junio de 2000 inclusive

Tillægsgold for sukker (AD S/Z) og for mel (AD F/M) (pr. 100 kg nettovægt), der skal anvendes ved indførsel til Fællesskabet fra Republikken Island fra 1. august 1999 til og med 30. juni 2000

Beträge der Zusatzzölle für Zucker (AD S/Z) und für Mehl (AD F/M) (für 100 kg Nettogewicht) bei der Einfuhr aus der Republik Island in die Gemeinschaft für die Zeit vom 1. August 1999 bis einschließlich 30. Juni 2000

Ποσά πρόσθετων δασμών στη ζάχαρη (AD S/Z) και στο αλεύρι (AD F/M) (για 100 kg καθαρού βάρους) που εφαρμόζονται από 1ης Αυγούστου 1999 μέχρι 30ής Ιουνίου 2000 κατά την εισαγωγή στην Κοινότητα από τη Δημοκρατία της Ισλανδίας

Amounts of additional duties on sugar (AD S/Z) and on flour (AD F/M) (per 100 kilograms net weight) applicable on importation into the Community from the Republic of Iceland from 1 August 1999 to 30 June 2000

Montants des droits additionnels sur le sucre (AD S/Z) et sur la farine (AD F/M) (par 100 kilogrammes poids net) applicables à l'importation dans la Communauté en provenance de la république d'Islande, du 1^{er} août 1999 au 30 juin 2000 inclus

Importi dei dazi aggiuntivi sullo zucchero (AD S/Z) e sulla farina (AD F/M) (per 100 kg peso netto) applicabili all'importazione nella Comunità in provenienza dalla Repubblica d'Islanda dal 1° agosto 1999 al 30 giugno 2000 incluso

Bedragen der aanvullende invoerrechten op suiker (AD S/Z) en op meel (AD F/M) (per 100 kg nettogewicht), geldend bij invoer in de Gemeenschap vanuit de Republiek IJsland van 1 augustus 1999 tot en met 30 juni 2000

Montantes dos direitos adicionais sobre o açúcar (AD S/Z) e sobre a farinha (AD F/M) (por 100 quilogramas de peso líquido) aplicáveis na importação na Comunidade proveniente da República da Islândia, de 1 de Agosto de 1999 a 30 de Junho de 2000, inclusive

Islannin tasavallasta yhteisöön tuotavaan sokeriin (AD S/Z) ja jauhoihin (AD F/M) (100 nettopainokiloa) 1 päivästä elokuuta 1999 30 päivään kesäkuuta 2000 sovellettavat lisätullit

Tilläggstull för socker (AD S/Z) och för mjöl (AD F/M) (per 100 kg nettovikt) som skall utgå på import till gemenskapen från Republiken Island fr.o.m. den 1 augusti 1999 t.o.m. den 30 juni 2000

PARTE 1 — DEL 1 — TEIL 1 — ΜΕΡΟΣ 1 — PART 1 — PARTIE 1 — PARTE 1 — DEEL 1 — PARTE 1 — OSA 1 — DEL 1

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	AD S/Z	AD F/M	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	AD S/Z	AD F/M
	EUR/100 kg	EUR/100 kg		EUR/100 kg	EUR/100 kg
1704 90 30	17,70		1806 90 39	(*)	
1704 90 51	(*)		1806 90 50	(*)	
1704 90 55	(*)		1806 90 60	(*)	
1704 90 61	(*)		1806 90 70	(*)	
1704 90 65	(*)		1806 90 90	(*)	
1704 90 71	(*)		1905 30 11	(*)	
1704 90 75	(*)		1905 30 19	(*)	
1704 90 81	(*)		1905 30 30	(*)	
1704 90 99	(*)		1905 30 51	(*)	
1806 20 10	(*)		1905 30 59	(*)	
1806 20 30	(*)		1905 30 91		(*)
1806 20 50	(*)		1905 30 99	(*)	
1806 20 80	(*)		1905 90 40		(*)
1806 20 95	(*)		1905 90 45		(*)
1806 31 00	(*)		1905 90 55		(*)
1806 32 10	(*)		1905 90 60	(*)	
1806 32 90	(*)		1905 90 90		(*)
1806 90 11	(*)		2105 00 10	10,00	
1806 90 19	(*)		2105 00 91	7,60	
1806 90 31	(*)		2105 00 99	7,50	

(*) Véase parte 2 — Se del 2 — Siehe Teil 2 — Βλέπε μέρος 2 — See Part 2 — Voir partie 2 — Vedi parte 2 — Zie deel 2 — Ver parte 2 — Katso osa 2 — Se del 2.

PARTE 2 — DEL 2 — TEIL 2 — ΜΕΡΟΣ 2 — PART 2 — PARTIE 2 — PARTE 2 — DEEL 2 — PARTE 2 — OSA 2 — DEL 2

Contenido en sacarosa, azúcar invertido y/o isoglucosa Indhold af saccharose, invertsukker og/eller isoglucose Gehalt an Saccharose, Invertzucker und/oder Isoglucose Περιεκτικότητα σε ζαχαρόζη, ιμβεριοποιημένο ζάχαρο ή/και ισογλυκόζη Weight of sucrose, invert sugar and/or isoglucose Teneur en saccharose, sucre interverti et/ou isoglucose Tenore del saccarosio, dello zucchero invertito e/o dell'isoglucosio Gehalte aan saccharose, invertsuiker en/of isoglucose Teor de sacarose, açúcar invertido e/ou isoglicose Sakkarosipitoisuus, invertisokeri ja/tai isoglukoosi Halt av sackaros, invertsocker och/eller isoglukos	AD S/Z
> = 00 — < 05 > = 05 — < 30 > = 30 — < 50 > = 50 — < 70 > = 70	EUR/100 kg 0,00 10,48 19,65 28,39 40,61

Contenido en almidón o en fécula y/o glucosa Indhold af stivelse og/eller glucose Gehalt an Stärke und/oder Glucose Περιεκτικότητα σε παντός είδους άμυλα ή/και γλυκόζη Weight of starch or glucose Teneur en amidon ou fécule et/ou glucose Tenore dell'amido, della fecola e/o glucosio Gehalte aan zetmeel en/of glucose Teor de amido ou de fécula e/ou glicose Tärkkelys- ja/tai glukoosipitoisuus Halt av stärkelse och/eller glukos	AD F/M
> = 00 — < 05 > = 05 — < 25 > = 25 — < 50 > = 50 — < 75 > = 75	EUR/100 kg 0,00 3,44 7,35 11,57 15,79

COMMISSION REGULATION (EC) No 1815/1999
of 18 August 1999
on the supply of skimmed-milk powder to Russia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2802/98 of 17 December 1998 on a programme to supply agricultural products to the Russian Federation ⁽¹⁾, and in particular Article 4(2) thereof,

- (1) Whereas Commission Regulation (EC) No 111/1999 ⁽²⁾, as amended by Regulation (EC) No 1125/1999 ⁽³⁾, lays down general rules for the application of Regulation (EC) No 2802/98;
- (2) Whereas, for the supply operations decided by Regulation (EC) No 2802/98, an invitation to tender should be opened to allocate the supply of skimmed-milk powder held in intervention storage;
- (3) Whereas the specific conditions applying to this supply operation should be laid down, in addition to the provisions adopted in Regulation (EC) No 111/1999, and provision should be made for their immediate entry into force;
- (4) 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

An invitation to tender is hereby opened to establish the costs of supplying transport, from intervention stocks, for 50 000 tonnes (net weight) of skimmed-milk powder for delivery to the places of destination listed in Annex I, as a supply operation covered by Article 2(1)(a) of Regulation (EC) No 111/1999.

Supply shall be carried out in accordance with the provisions of both that Regulation and this Regulation.

The invitation to tender relates to the supply of eight lots of skimmed-milk powder, as defined in Annex I, meeting the requirements laid down for intervention storage of such products applicable at the time this Regulation is published.

Article 2

Supply shall comprise:

- (a) the taking-over of the goods from the warehouses of the intervention agencies listed in Annex II, at the loading bay; and

- (b) transport, by appropriate means, to the places of destination and no later than the dates laid down in Annex I. Sea transport must be undertaken by a single vessel in the case of goods to be delivered by a given date to a given port of destination or transhipment.

Article 3

1. Each tender must cover the entire lot as defined in Annex I.
2. Tenders shall be submitted to the intervention agency holding the product to be delivered, whose address appears in Annex II.
3. The time limit for lodging tenders shall expire on 31 August 1999 at 12 noon (Brussels time) for lot Nos 1 to 4 and on 14 September 1999 at 12 noon (Brussels time) for lot Nos 5 to 8.

Should a lot not be successfully tendered for by the end of this period, tenders may be submitted during a second period expiring on 14 September 1999 at 12 noon (Brussels time) for lot Nos 1 to 4 and on 28 September 1999 at 12 noon (Brussels time) for lot Nos 5 to 8. In that event all dates fixed in Annex I shall be postponed by 14 days.

4. If the tenderer declares in writing on submitting his tender that he will submit a new tender if a second period for submitting tenders is opened, the intervention agency shall retain the originals of the tendering security and the undertaking by the financial body to lodge a supply security as referred to in Article 5(1)(h) and (i) of Regulation (EC) No 111/1999 until it receives the Commission decision on the tenders submitted during the second period. In such a case, by derogation from the above provision, the second tender shall not be accompanied by the originals of the two documents.

Article 4

1. The tendering security shall be EUR 25/t.
2. The supply security shall be EUR 2 467/t net of skimmed-milk powder. It must be lodged in accordance with Article 7 of Regulation (EC) No 111/1999.

Article 5

The take-over certificate, drawn up in accordance with Annex I to Regulation (EC) No 111/1999, shall be issued by the control body designated by the Commission and signed by the representative of the beneficiary at the places of destination indicated in Annex III.

⁽¹⁾ OJ L 349, 24.12.1998, p. 12.

⁽²⁾ OJ L 14, 19.1.1999, p. 3.

⁽³⁾ OJ L 135, 29.5.1999, p. 41.

Article 6

For the purposes of Article 13 of Regulation (EC) No 111/1999, the payment on account shall be made on presentation of a certificate of removal relating to the entire quantity to be delivered to a given destination on a given date.

Payment shall be made within 15 days of presenting the application for a payment on account together with the requisite supporting documents.

Article 7

The successful tenderer shall have the special stamp illustrated in the Annex to Commission Regulation (EC) No 385/1999 ⁽¹⁾ inserted in the transport documents.

Article 8

If, in the course of transport, it proves necessary to change the route indicated in the tender, the successful tenderer must without delay inform the Commission, the control body and the intervention agency concerned thereof.

Article 9

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

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

Done at Brussels, 18 August 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 46, 20.2.1999, p. 48.

ANNEX I

SKIMMED MILK POWDER

Final destinations

	Lot No 1	Lot No 2	Lot No 3	Lot No 4	Lot No 5	Lot No 6	Lot No 7	Lot No 8	Total
Republic of Karelia	500		500		500	500			2 000
Arkhangelsk Region	500		500		500			500	2 000
Republic of Komi	500							600	1 100
Smolensk Region		500	500		500	500	1 000	1 000	4 000
Tula Region				500		500	1 000	1 000	3 000
Tver Region							1 000		1 000
Vologda Region	500		500		200				1 200
Republic of Dagestan	500	500			500	500			2 000
Republic of Kalmykia	500		500			500		500	2 000
Republic of Ossetia		500			500	500		500	2 000
Sverdlovsk Region		500	500		300	1 000		700	3 000
Vologda Region								100	100
Kemerovo Region			500					570	1 070
Republic of Udmurtia		500	500		500	500		500	2 500
Perm Region	500		500		500	500			2 000
Chelyabinsk Region								30	30
Novosibirsk Region	500		500		500	500			2 000
Tomsk Region			500		500				1 000
Republic of Mordvinia			500			1 500		500	2 500
Samara Region					500				500
Chuvash Region	500		500	500		1 000		500	3 000
Republic of Sakha (Yakutia)		500		500		1 000			2 000
Republic of Kabardino-Balkaria			500			500			1 000
Rostov Region	500		500		500	1 500			3 000
Republic of Chechnya				500		1 500			2 000
Republic of Tuva		500	500	500		500			2 000
Kurgan Region		500		500	500	500			2 000
Total	5 000	4 000	8 000	3 000	6 500	13 500	3 000	7 000	50 000

- Delivery stage: product not unloaded either at Krasnoye frontier points or at the port of St Petersburg.
- Transport: Each lot must be transported in its entirety either by sea in accordance with Article 2(b) or by land.

In the case of land transport, where certain final destination regions are served by rail and others by road, tenders must be accompanied by two break-downs prepared in accordance with Annex II to Regulation (EC) No 111/1999 and the amount must be equivalent to the weighted average of the costs per tonne. The tender must indicate the quantities used to determine the weighted average.

- Final date for arrival at Krasnoye frontier points in the case of land transport:

- Lot No 1: 8 October 1999
- Lot No 2: 14 December 1999
- Lot No 3: 15 December 1999
- Lot No 4: 17 November 1999
- Lot No 5: 7 December 1999
- Lot No 6: 3 December 1999
- Lot No 7: 24 October 1999
- Lot No 8: 26 November 1999.

Final dates for arrival at the port of St Petersburg in the case of sea transport:

- Lot No 1:
 - 5 000 tonnes, 8 October 1999
- Lot No 2:
 - 4 000 tonnes, 14 December 1999
- Lot No 3:
 - 4 000 tonnes, 18 October 1999
 - 4 000 tonnes, 15 December 1999
- Lot No 4:
 - 3 000 tonnes, 17 November 1999
- Lot No 5:
 - 3 500 tonnes, 9 November 1999
 - 3 000 tonnes, 7 December 1999
- Lot No 6:
 - 5 000 tonnes, 3 November 1999
 - 5 000 tonnes, 19 November 1999
 - 3 500 tonnes, 3 December 1999
- Lot No 7:
 - 3 000 tonnes, 24 October 1999
- Lot No 8:
 - 3 500 tonnes, 28 October 1999
 - 3 500 tonnes, 26 November 1999.

To avoid congestion at the port, the tenderers must comply as far as possible with the above dates.

ANNEX II

Lot No 1: 5 000 tonnes

SWEDEN

Storage location	Minimum daily loading rate	Quantity (net tonnes)
Svenska Lagerhusaktiebolaget Industrigatan Svenljunga	150	1 474
Svenska Lagerhusaktiebolaget Vadstenavägen Skännige	150	1 019
Svenska Lagerhusaktiebolaget Brovägen 35 Värmlandsbro/Säffle	150	987
Svenska Lagerhusaktiebolaget Kontorsgatan Hasslarp	150	1 520
Total		5 000

Address of intervention agency:

Statens Jordbruksverk
Marknadsavdelningen
Swedish Board of Agriculture
S-55182 Jönköping
Tel.: (46-36) 15 50 00
Fax: (46-36) 19 05 46

Lot No 2: 4 000 tonnes

UNITED KINGDOM

Storage location	Minimum daily loading rate	Quantity (net tonnes)
Eglinton Fast Freight 7 Upper Campsie Londonderry BT47 3XX Northern Ireland		3 300
Vanguard Holdings Ltd Newpark Industrial Estate Greystone Road Antrim BT41 2AL Northern Ireland		700
Total		4 000

Lot No 3: 8 000 tonnes

UNITED KINGDOM

Storage location	Minimum daily loading rate	Quantity (net tonnes)
Skeg Grain Ltd Manor Park The Strand Steeple Ashton Trowbridge Wilts BA14 6EP		4 080
Harman Warehousing Ltd The Old Airfield Crabtree Lane High Ercall Telford Shropshire TF6 6AP		450
D J Davies & Son Goleufryn Pencader Dyfed SA39 9HL		1 500
Border Holdings The Grove Craven Arms Shropshire SY7 8BD		1 970
Total		8 000

Lot No 4: 3 000 tonnes

UNITED KINGDOM

Storage location	Minimum daily loading rate	Quantity (net tonnes)
Alpine Cold Storage Ltd Estate Road No 7 South Humberside Industrial Estate Grimsby DN31 2TP		3 000
Total		3 000

Address of intervention agency:

Intervention Board Executive Agency
Dairy Intervention Section
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH
United Kingdom
Tel.: (44-191) 2 26 50 58
Fax: (44-191) 2 26 50 40

Lot No 5: 6 500 tonnes

IRELAND

Storage location	Minimum daily loading rate	Quantity (net tonnes)
Bailie Engineering Bailieborough County Cavan	100	2 000
McCormack Milk Products Killeshandra County Cavan	100	1 500
Hanlons Warehouse Muchgrange Greenore County Louth	100	3 000
Total		6 500

Lot No 6: 13 500 tonnes

IRELAND

Storage location	Minimum daily loading rate	Quantity (net tonnes)
Golden Vale Engineering Charleville County Cork	100	3 000
Munster Steel Bowl Road Macroom County Cork	100	938
O'Connells Warehouse Brooklodge Glanmire County Cork	100	367
Orchard Warehouse Brooklodge Glanmire County Cork	100	1 000
Colso Enterprises (Southern Fruit) Lehenaghmore Togher County Cork	100	703
O'Connells Warehouse Little Island County Cork	100	2 000
Store All Kilcohan County Waterford	100	3 000

Storage location	Minimum daily loading rate	Quantity (net tonnes)
North Cork Co-Op Kanturk County Cork	100	1 000
Munster Steel Ballydaheen Industrial Estate Mallow County Cork	100	1 000
Store All Luffany Slieverue County Kilkenny	100	492
Total		13 500

Address of intervention agency:

Department of Agriculture and Food
Intervention Operations Division
Johnstown Castle Estate
County Wexford
Ireland
Tel.: (353-53) 63 400
Fax: (353-53) 42 843

Lot No 7: 3 000 tonnes

GERMANY

Storage location	Minimum daily loading rate	Quantity (net tonnes)
Alli Logistik Brachwitzer Straße 38 D-06118 Halle	200	1 785
Kühlhaus Dahlenn Grunbesitz und Verwaltungsges. MbH Hainstraße 1 D-04774 Dahlen	100	1 215
Total		3 000

Lot No 8: 7 000 tonnes

GERMANY

Storage location	Minimum daily loading rate	Quantity (net tonnes)
Röhlig & Co (GmbH & Co) Wrangelstraße 34 D-24539 Neumünster	150	3 000
Röhlig & Co (GmbH & Co) Am Kommandantendeich 12 D-21680 Stade	250	4 000
Total		7 000

Address of intervention agency:

BLE
Bundesanstalt für Landwirtschaft und Ernährung
Adickesallee 40
D-60322 Frankfurt am Main
Postfach 18 0203
Tel.: (49-69) 15 64 704
Fax: (49-69) 15 64 790

ANNEX III

Authorities empowered to sign the take-over certificate

- Place of take-over: St Petersburg
VO 'PRODINTORG'
103084 Moscow
Mjasnitskaya nl. 47.
 - Places of take-over: Sousemka, Smolensk, Bryansk, for customs formalities for road transport:
VO 'PRODINTORG'
103084 Moscow
Mjasnitskaya nl. 47.
 - Place of take-over: Krasnoye, for customs formalities for rail transport:
VO 'PRODINTORG'
103084 Moscow
Mjasnitskaya nl. 47.
-

COMMISSION REGULATION (EC) No 1816/1999**of 19 August 1999****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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 Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13 (2) thereof,

- (1) Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;
- (2) Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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⁾;
- (3) Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

- (4) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (5) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (6) Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;
- (7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 August 1999.

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

Done at Brussels, 19 August 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

**to the Commission Regulation of 19 August 1999 fixing the export refunds on cereals and on wheat or rye
flour, groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	43,25
1001 90 91 9000	—	—	1101 00 15 9130	01	40,25
1001 90 99 9000	03	21,50	1101 00 15 9150	01	37,25
	02	0	1101 00 15 9170	01	34,25
1002 00 00 9000	01	—	1101 00 15 9180	01	32,00
1003 00 10 9000	—	—	1101 00 15 9190	—	—
1003 00 90 9000	03	29,50	1101 00 90 9000	—	—
	02	0	1102 10 00 9500	01	67,00
1004 00 00 9200	—	—	1102 10 00 9700	—	—
1004 00 00 9400	—	—	1102 10 00 9900	—	—
1005 10 90 9000	—	—	1103 11 10 9200	01	0 ⁽²⁾
1005 90 00 9000	01	—	1103 11 10 9400	01	0 ⁽²⁾
1007 00 90 9000	—	—	1103 11 10 9900	—	—
1008 20 00 9000	—	—	1103 11 90 9200	01	0 ⁽²⁾
			1103 11 90 9800	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

COMMISSION REGULATION (EC) No 1817/1999
of 19 August 1999
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1701/1999

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 Regulation (EC) No 1253/1999 ⁽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,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1701/1999 ⁽⁵⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC)

No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) 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

For tenders notified from 13 to 19 August 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1701/1999, the maximum refund on exportation of barley shall be EUR 39,44/t.

Article 2

This Regulation shall enter into force on 20 August 1999.

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

Done at Brussels, 19 August 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 27.

COMMISSION REGULATION (EC) No 1818/1999
of 19 August 1999
fixing the maximum export refund on rye in connection with the invitation to tender issued in
Regulation (EC) No 1758/1999

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 Regulation (EC) No 1253/1999 ⁽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 7 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1758/1999 ⁽⁵⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC)

No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) 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

For tenders notified from 13 to 19 August 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1758/1999, the maximum refund on exportation of rye shall be EUR 69,00/t.

Article 2

This Regulation shall enter into force on 20 August 1999.

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

Done at Brussels, 19 August 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 210, 10.8.1999, p. 3.

COMMISSION REGULATION (EC) No 1819/1999**of 19 August 1999****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1707/1999**

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 Regulation (EC) No 1253/1999 ⁽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,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1707/1999 ⁽⁵⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC)

No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) 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

For tenders notified from 13 to 19 August 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1707/1999, the maximum refund on exportation of common wheat shall be EUR 31,48/t.

Article 2

This Regulation shall enter into force on 20 August 1999.

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

Done at Brussels, 19 August 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 27.

COMMISSION REGULATION (EC) No 1820/1999
of 19 August 1999
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1303/1999 ⁽²⁾, and in particular Article 5(5) thereof,

- (1) Whereas Commission Regulation (EC) No 1304/1999 ⁽³⁾, as last amended by Regulation (EC) No 1504/1999 ⁽⁴⁾, fixes the indicative quantities for system B export licences other than those sought in the context of food aid;
- (2) Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for lemons and table grapes will shortly be exceeded; whereas this overrun will prejudice the proper working

of the export refund scheme in the fruit and vegetables sector;

- (3) Whereas, to avoid this situation, applications for system B licences for lemons and table grapes exported after 19 August 1999 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for lemons and table grapes submitted pursuant to Article 1 of Regulation (EC) No 1304/1999, export declarations for which are accepted after 19 August 1999 and before 16 September 1999, are hereby rejected.

Article 2

This Regulation shall enter into force on 20 August 1999.

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

Done at Brussels, 19 August 1999.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 155, 22.6.1999, p. 29.

⁽³⁾ OJ L 155, 22.6.1999, p. 30.

⁽⁴⁾ OJ L 175, 10.7.1999, p. 5.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 November 1998

concerning aid granted by Germany to ESF Elbestahlwerk Feralpi GmbH, Riesa, Saxony

(notified under document number C(1998) 3556)

(Only the German text is authentic)

(Text with EEA relevance)

(1999/580/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2496/96/ECSC of 18 December 1996 establishing Community rules for State aid to the steel industry ⁽¹⁾, and in particular Article 6(5) thereof,

Having given notice in accordance with that Article to interested parties to submit their comments, and having regard to those comments,

Whereas:

I

The Commission decided on 18 November 1997 to initiate proceedings pursuant to Article 6(4) of Decision No 2496/96/ECSC (hereinafter referred to as 'the Steel Aid Code') in respect of certain payments made by Germany to the ECSC steel undertaking ESF Elbestahlwerk Feralpi GmbH, Riesa/Saxony (hereinafter referred to as 'ESF'). Germany was informed of the Decision by letter dated 2 December 1997 and was requested to submit its comments within one month. The Decision was published in the *Official Journal of the European Communities* ⁽²⁾ and interested parties were invited to submit their comments.

By letter dated 6 January 1998, Germany requested an extension of the deadline for its reply until 5 February. By letter dated 9 February 1998, it requested a further extension until 27 February. By letter dated 23 February 1998, the Commission accepted this request but stressed that a further extension could not be considered. By letter of 3 March 1998, received on 5 March, Germany submitted its comments concerning the main aspects of the initiation of the proceedings. It submitted additional comments by letter dated 19 March 1998.

On 17 March 1998 the Commission received comments from a national steel producers association. It forwarded them to Germany on 1 April 1998 with the request that the latter submit its comments by 17 April. Germany submitted additional comments with regard to the initiation of proceedings by letter dated 25 March 1998 and comments regarding the position of the national steel producers association by letter dated 22 April 1998.

By letter dated 24 April 1998, the Commission informed Germany of its preliminary view regarding the scope of application of the ECSC Treaty. Germany replied by letter of 6 May 1998, received on 8 May.

II

In March 1993 the Commission, acting in accordance with Article 5(iii) of Decision No 3855/91/ECSC ⁽³⁾ (Fifth Steel Aid Code), authorised regional investment aid for ESF covering

⁽¹⁾ OJ L 338, 18.12.1996, p. 42.

⁽²⁾ OJ C 51, 18.2.1998, p. 3.

⁽³⁾ OJ L 362, 31.12.1991, p. 57.

investments totalling DEM 85 million ⁽¹⁾. An investment grant of DEM 19,55 million, an investment premium of DEM 5,3 million, an ERP environmental loan of DEM 6,215 million and a public guarantee for loans amounting to DEM 60,8 million were approved. In January 1995 additional aid covering investments of DEM 51 million ⁽²⁾ was approved, including an investment grant of DEM 11,73 million, an investment premium of DEM 4,98 million and a guarantee for a loan of DEM 23,975 million.

At the Commission's request, Germany informed it prior to the initiation of the present proceedings that DEM 7,2 million of the approved DEM 60,8 million guarantee (N 351/92) and DEM 4,8 million of the approved DEM 23,975 million guarantee (N 673/94) were used for operating loans and that the latter guarantee had been increased by DEM 25 000 to DEM 24 million.

In 1995 an additional non-notified investment grant of DEM 9,35714 million was disbursed. In addition, ESF received an investment premium of DEM 1,236 million. In 1997 a public guarantee covering operating loans of DEM 12 million was granted. It was decided to grant a further public guarantee for investment loans totalling DEM 18,2 million. The guarantee documents were submitted to the banks on condition that the guarantee be activated only with the approval of the Commission.

By letter dated 25 March 1998, Germany informed the Commission that an additional investment grant of DEM 1,35586 million which was presented in a letter dated 13 October 1997 simply as a planned increase in aid (in response to increased investment costs) had in fact been disbursed at that time.

The following table gives an overview regarding the amounts in question.

(DEM million)

	Investment grant		Investment premium		Guarantees		
	Authorised	Granted	Authorised	Granted	Authorised for investment	Granted	
						Investment aid	Operating aid ⁽¹⁾
N 351/92	19,550	19,550	5,300	5,300	60,800	53,600	7,200
N 673/94	11,730	11,730	4,080	4,080	23,975	19,200	4,800
NN		10,713		1,236			12,000
Total	31,280	41,993	9,380	10,616	84,775	72,800	24,000

⁽¹⁾ Guarantees authorised as investment aid and non-notified guarantee for operating loans.

III

Germany is of the opinion that some of the investments aided by the non-notified investment grant and the investment premium of DEM 11,949 million were related to the investment aided under aid projects N 351/92 and N 673/94 but concerned activities covered by the ECSC Treaty. It intends therefore to reduce the intensity aid for this project to 23 %, the maximum possible under the regional aid rules in force in 1994, and to recover the difference.

Germany would also like to recover a further amount connected with the 1995 investment project which, in its view, concerned production covered by the ECSC Treaty.

The distinction made by Germany between the ECSC and the non-ECSC sector is prompted by an expert report prepared by Professor Hensel of Montanuniversität Freiberg/Saxony, who based his conclusions on the view that the dividing line between ECSC and non-ECSC production is determined by the temperature of the material being processed in the different

installations. According to this view, cold-rolling of steel is not covered by the ECSC Treaty. Consequently, stretching of hot-rolled long products is also regarded as an activity not covered by the ECSC Treaty.

Germany considers that aid in favour of undertakings covered by the ECSC Treaty should not be judged solely in the light of the rules applicable to this sector, i.e. the Steel Aid Code. Recent developments in the sector that could not be anticipated when the ECSC Treaty was drafted would, as a result of demand, have led to a higher degree of integration of ECSC and non-ECSC products. Investments by undertakings within the meaning of Article 80 of the ECSC Treaty may, therefore, be eligible for aid under the EC Treaty.

With regard to the guarantees authorised under State aids N 351/92 and N 673/94, Germany is of the opinion that their partial use for financing operating loans was authorised by the Commission. It refers to a fax sent on 17 December 1992 to the administrator in DG IV responsible for Case N 351/92 in

⁽¹⁾ Letter SG(93) D/3322, 1.3.1993.

⁽²⁾ Letter SG(95) D/0343, 13.1.1995.

which it mentioned that DEM 18 million of the 80 % deficiency guarantee was used to cover losses incurred and interest falling due during the investment period. It also refers to a letter dated 26 September 1994 and concerning Case N 673/94 in which it was explained that DEM 4,8 million of the guarantee was granted for operating loans ('4,8 Mio. DEM für Betriebsmittel'). According to the letter, the fact that the Commission authorised these guarantees as investment aid did not mean that the intended use notified had been prohibited since the Commission was allowed to impose conditions on or request changes to a notified aid project only if it initiated proceedings. Germany thus regards the guarantees as aid authorised according to the notification even though the two final Decisions refer to them as investment aid.

With regard to the non-notified guarantee of DEM 12 million, Germany intends — in line with its position concerning the investment grant and the investment premium — to recover an amount that had been granted for the investments which it regards as being covered by the ECSC Treaty.

IV

ESF is a company manufacturing products listed in the Annex to the ECSC Treaty and therefore falls within the scope of Article 80 of the ECSC Treaty. Financial measures in favour of ECSC steel undertakings must, pursuant to the Steel Aid Code, be notified and must not be granted without the prior authorisation of the Commission.

The measures taken by Germany in favour of ESF and described above constitute aid within the meaning of Article 4(c) of the ECSC Treaty and Article 1 of the Steel Aid Code.

The Steel Aid Code does not identify separately aid to cover part of the cost of fixed investment by an ECSC steel undertaking which, taken on its own, would not necessarily relate directly to the production of products listed in the Annex to the Treaty. Article 4(c) of the ECSC Treaty prohibits aid in favour of ECSC undertakings; it does not refer to aid covering part of the cost of assets that is directly related to the production of products covered by the ECSC Treaty. Consequently, aid for certain investments that may be used also for activities not covered by the ECSC Treaty is caught by the Treaty if granted in favour of an ECSC undertaking and if no clear distinction is made between ECSC and non-ECSC activities.

In the present case, the aid regarded by Germany as not being covered by the ECSC Treaty is related to the investment in stretching installations. Stretching of steel is simply a technology to improve the quality of the hot-rolled wire rod so that it meets the technical specifications prevailing in the construction sector. The final product, stretched wire rod, is an ECSC product according to Annex I of the ECSC Treaty that falls under code 4400 'wire rod' as well as under CN code 7213, which relates to ECSC products. The view of Germany that

stretching of steel is not related to the production of ECSC products cannot therefore be shared.

Some undertakings, e.g. so-called steel service centres, not falling within the scope of Article 80 of the ECSC Treaty, use stretching facilities to treat unstretched wire rod purchased from ECSC undertakings, but they would not be regarded as undertakings covered by the Treaty by virtue of that activity. As a result, aid to cover part of the cost of investment in stretching facilities in the case of these undertakings would be examined in the light of the EC Treaty and might be regarded as regional investment aid under Article 92(3)(c) of the EC Treaty. This, however, does not mean that investments by ECSC undertakings in assets that would also meet the needs of non-ECSC undertakings are, in principle, to be scrutinised in the light of the rules of the EC Treaty. The prohibition of State aid under Article 4(c) of the ECSC Treaty aims at ensuring fair competition between undertakings which manufacture ECSC products. Generally speaking, and in the present case too, these undertakings are eligible for investment aid only if the activity carried out with the assets financed is totally separate from the remaining ECSC activities.

Consequently, the view of Germany that the aid for the investments described above should be examined in the light of the EC Treaty cannot be shared. Instead, it is to be considered in the light of the rules of the ECSC Treaty and the Steel Aid Code. Since the aid constitutes general investment aid not related to research and development (R & D) or environmental protection, it cannot be deemed compatible with the Steel Aid Code. Moreover, it does not constitute closure aid or aid within the meaning of Article 5 of the Fifth Steel Aid Code or of the Sixth Steel Aid Code. The special derogation for eastern Germany under Article 5 of the Fifth Steel Aid Code expired at the end of 1994. The aid was granted at a later date.

Therefore, the investment grant of DEM 10,713 million, the investment premium of DEM 1,236 million and the guarantee of DEM 12,0 million cannot be considered compatible with the Steel Aid Code and must be recovered.

Germany is of the opinion that the use of parts of the authorised guarantees as investment aid for operating loans was permissible since the Commission was notified before authorisation was granted. In the first case (N 673/94) the information was contained in a diagram faxed direct to the responsible administrator in DG IV. In the second case the information was ascertained from the use of the words 'für Betriebsmittel'. The final Commission Decisions do not refer to the intention to use parts of the guarantees to cover operating loans. It was therefore obvious to Germany that the Commission had not authorised any general operating aid in favour of an ECSC undertaking which could not be deemed compatible with the ECSC Treaty or the Steel Aid Code.

In cases where the Commission has expressly authorised aid for a special purpose that was initially notified, the Member State concerned is not entitled to use the amounts covered by the Decision for any other purpose by simply arguing that the Commission could have ascertained this intention from information provided previously. A Commission Decision to authorise aid not only refers to the amount and form of the measure, but the purpose for which the aid is expressly authorised is also to be considered an integral part of the Decision. This follows from the relevant provisions of the Steel Aid Code, whereby aid may be deemed compatible with the common market by virtue of the purposes for which it is granted, and not according to its amount or form. The same applies to aid under the EC Treaty, which specifies in Article 92(2) and (3) aid for certain purposes that is exempt or can be exempted from the general prohibition of State aid under Article 92(1).

If the Commission authorises aid for a purpose which does not correspond to the use indicated by the Member State concerned, the aid is to be considered as not having been authorised, i.e. as if the Commission had not taken a Decision on the matter. The Member State may then inform the Commission that it intends to rely on the principles of the judgment of the Court of Justice of the European Communities in Case 120/73 (*Lorenz*)⁽¹⁾, which can be applied within the framework of the ECSC Treaty pursuant to Article 6(5) of the Fifth Steel Aid Code and to Article 6(6) of the current Steel Aid Code. The Member State may accordingly put the planned aid measure into effect within a certain period if it has previously informed the Commission of its intention to do so.

It is clear that in the present case Germany did not inform the Commission of its intention to grant the unauthorised aid. In actual fact, Germany gave notification of general operating aid in favour of an ECSC steel undertaking which under no circumstances can be deemed compatible with the Steel Aid Code, and went ahead as intended without informing the Commission although it should have been aware that the Commission did not as a matter of course approve operating aid that did not conform to well-known principles. For the rest, under the Fifth Steel Aid Code as well as the current one, the *Lorenz* principle applies only in the specific context of Article 6(1), which provides for notification of the types of aid referred to in Articles 2 to 5 of the Steel Aid Code (i.e. R & D aid, aid for environmental protection and closure aid). Given that operating aid does not fall within the scope of those Articles, the *Lorenz* principle is not applicable in the present case.

Consequently, the guarantees for operating aid are regarded as not having been authorised. Germany was not entitled to disburse the aid because it did not observe the procedure provided for in Article 6(5) of the Fifth Steel Aid Code, which was in force at the time. The same procedure is applicable under Article 6(6) of the current Steel Aid Code. The guaran-

tees covering the DEM 7,2 million and DEM 4,8 million operating loans must therefore be recovered.

The recipient and the bank granting the loan had the possibility and the obligation to verify whether the aid inherent in the public guarantee had been authorised by the Commission pursuant to the Steel Aid Code. Since banks differentiate between investment loans and operating loans because of the differing collateral requirements, it would have been evident to both the recipient and the bank that the guarantees for the operating loans costs were not covered by the authorisation given by the Commission.

V

Lastly, by letter dated 9 October 1998, Germany informed the Commission that part (DEM 2,54 million) of the DEM 10,713 million investment grant had been recovered. This aid thus amounts to DEM 8,173 million.

The Commission has concluded that the investment grant of DEM 8,173 million, the investment premium of DEM 1,236 million and the guarantee of DEM 12,0 million cannot be deemed compatible with the Steel Aid Code. The guarantees covering the operating loans of DEM 7,2 million and DEM 4,8 million were not authorised and cannot, therefore, be deemed compatible with the Steel Aid Code. The aid must thus be recovered,

HAS ADOPTED THIS DECISION:

Article 1

The investment grant of DEM 8,173 million, the investment premium of DEM 1,236 million and the guarantee (comprising an aid element) of DEM 12,0 million which Germany granted in 1995 in favour of ESF Elbestahlwerk Feralpi GmbH, Riesa, are incompatible with Decision No 2496/96/ECSC and with the common market in coal and steel.

The aid element of the guarantees covering the operating loans of DEM 7,2 million and DEM 4,8 million granted at the end of 1994 was not authorised and is incompatible with Decision No 2496/96/ECSC and with the common market in coal and steel.

Article 2

Germany shall, acting in accordance with the provisions of German law relating to the recovery of amounts owed to the State, recover the aid paid to ESF Elbestahlwerk Feralpi GmbH. In order to negate the effects of the aid, interest shall be charged on the amount of aid from the date of payment to the date of repayment. The rate shall be that used by the Commission during the period in question to calculate the net grant equivalent of regional aid.

⁽¹⁾ [1973] ECR, p. 1471.

Article 3

Germany shall inform the Commission, within two months of the notification of this Decision, of the measures taken to comply herewith.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 11 November 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION
of 9 December 1998
on State aid granted by Germany to a lignite-fired power station in Cottbus

(notified under document number C(1998) 4275)

(Only the German text is authentic)

(Text with EEA relevance)

(1999/581/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above and having regard to their comments,

Whereas:

I. PROCEDURE

In a complaint received from a Member of the European Parliament on 26 March 1996, the Commission was informed that Germany had granted aid to a lignite-fired power station in Cottbus. By letters dated 7 June 1996 and 5 September 1996, the Commission requested information from the German authorities on the matter. It received replies from Germany on 26 July 1996 and 20 February 1997.

By letter dated 12 August 1997, the Commission informed Germany that it had decided to initiate proceedings pursuant to Article 93(2) of the EC Treaty in respect of the aid. Germany replied by letter dated 31 October 1997.

The Commission decision to initiate proceedings was published in the *Official Journal of the European Communities*⁽¹⁾. The Commission invited interested parties to submit their comments on the aid.

By letter dated 3 March 1998, the comments were transmitted to Germany. On 6 and 7 March 1998, an on-site visit to the power station in Cottbus took place with the participation of Commission representatives. On 9 July 1998, Germany sent its reply to the comments.

II. DETAILED DESCRIPTION OF THE AID

Cottbus is located in the largest Eastern German lignite field, in which Lausitzer Braunkohle AG (Laubag) is the lignite producer. On 26 April 1995, the city of Cottbus decided to

replace its old lignite-fired power station, which dates from the GDR period, but no longer meets current technical standards, particularly as regards fuel consumption and environmental protection, by a new modern combined heat and power (CHP) plant. The main aim of the project is to provide district heating to the city of Cottbus (approximately 70 % of households are connected to a district heating network). As a by-product, electricity will be produced, and this will be supplied only to the city of Cottbus.

The overall project cost is DEM 395 million. The *Land of Brandenburg* provided support for this investment in order to offset the price differential as compared with a modern gas-fired combined heat/power plant, which would have cost about DEM 185 million. Since Germany had expressly excluded the energy supply industry from subsidisation under the 'Gemeinschaftsaufgabe', which is the German regional aid scheme approved by the Commission⁽²⁾ and according to which investment aid covering up to 35 % of total investment may be granted in Brandenburg, an area falling within Article 92(3)(a) of the EC Treaty, aid was awarded on an ad hoc basis in the amount of DEM 49,95 million. No other national aid, whether ad hoc or under approved aid schemes such as for research and development (R & D) or environmental protection, was granted for the project. Currently, 243 people are employed in the power plant.

In the Cottbus project, lignite is being used for the first time anywhere in the world in a CHP-plant as a fuel for the second generation 'pressurised fluidised bed combustion' technology. The Commission therefore decided to support this project under the Thermie programme established by Council Regulation (EEC) No 2008/90⁽³⁾ by providing a further DEM 29 million (Project Nos SF/00122/95/DE/SE and SF/00264/97/DE/SE; 'Second generation PFCB cogeneration plant for eastern German lignite'). The aim was to demonstrate that the pressurised fluidised bed combustion technology may also be applied for the use of lignite as a fuel and thus may increase the chances for exporting this technology outside the Community.

As regards the effects of the project on competition, however, the Commission felt that the choice for a more expensive lignite-fired power station and the investment grant connected with it could constitute illegal State aid for the regional lignite producer Laubag, because, although not obtaining prices higher than usual market prices, it would be able to count on long-term supply contracts.

⁽²⁾ See point 3.1.3 of the '24th outline plan for the joint Federal Government/Länder scheme for improving regional economic structures', approved on 30 April 1996 (ÖJ C 291, 4.10.1996, p. 4).

⁽³⁾ OJ L 185, 17.7.1990, p. 1.

⁽¹⁾ OJ C 381, 16.12.1997, p. 5.

The view that illegal State aid was involved was based primarily on an undertaking given by Germany in State aid Case N 13/92, where the Commission finally approved investment aid of DEM 600 million for the lignite-fired power station in Schkopau, Saxony-Anhalt (¹). A precondition for that approval was that, in order to prevent systematic subsidisation of the Eastern German lignite industry and to avoid distortions of competition within a liberalised electricity market, Germany had to:

'undertake not to grant any aid in future which is either directly or indirectly linked to the use of lignite. However, subsidies granted in accordance with the terms of Commission decisions approving aid for general purposes such as regional, R & D and environmental aid schemes, which are not in any way linked to the use of particular fuel sources and which are not designed to offset the costs of using particular fuel sources, may continue to be available for electricity generating stations.'

Since, in the case of Cottbus, the aid was an ad hoc measure not based on any horizontal aid scheme previously approved, the Commission had serious doubts whether, in the light of Germany's undertaking given in 1992, the investment grant provided by the *Land* of Brandenburg could be considered compatible with the Community rules on State aid. It therefore decided on 30 July 1997 to initiate proceedings under Article 93(2) of the EC Treaty.

III. COMMENTS FROM INTERESTED PARTIES

Six sets of comments from third parties were received which can be summarised as follows:

The 'Amt Jänschwalde', which is the local administrative body of a municipality close to the exploitation area of the lignite producer Laubag, stated that the aid for the Cottbus power plant clearly had to be considered to be aid for the regional lignite industry. It added that the aid could not be regarded as being regional aid compatible with the Community rules on State aid because there was no obvious regional objective. Furthermore, it was clear that lignite-fired power stations were not and would not be competitive in the future without continuous State aid. As to the environmental effects of the project, it stated that gas was clearly less harmful to the environment than any use of lignite in whatever form.

According to Enron Europe Ltd (Enron), an electricity producer and supplier using natural gas, greater price stability in the case of lignite could not be adduced as an argument in its favour because the same effects could be attained with gas prices by hedging them. They also pointed out that a higher level of environmental protection could be achieved by the use of gas.

The other four sets of comments did not focus so much on the impact of the measure on the electricity market but rather on

the use of lignite as a fuel as such, which was, according to them, not sufficiently environmentally friendly.

IV. COMMENTS FROM GERMANY

In reply to the Commission's decision to initiate Article 93(2) proceedings, Germany argued in particular that the lignite producer Laubag could hardly be considered to be a recipient of the aid since its benefit, if any, was only marginal. This lignite producer did not benefit at all from artificially high prices, but only from a long-term contract which, moreover, accounted for only 0,9 % of its annual lignite production.

In addition, Germany pointed out that the 1992 undertaking was not applicable in this case, since the project related primarily to the supply of district heating. The production of electricity, to which the 1992 undertaking related, was only a by-product.

Furthermore, it had to be borne in mind that Cottbus was located in an area falling within Article 92(3)(a) of the EC Treaty. In such areas, the Commission allowed investment aid of up to 35 % of overall investment costs. With investment costs of DEM 395 million, the project could theoretically have received assistance of approximately DEM 135 million, i.e. a much larger amount than the amount of aid actually granted so far (DEM 49,95 million granted by the *Land* of Brandenburg and DEM 29 million granted by the Commission under the Thermie programme).

The project was in full compliance with the Community rules on public procurement. Once the decision was made in favour of the lignite-fired CHP plant using the pressurised fluidised bed combustion technology, a Community-wide tender was launched and published in the *Supplement to the Official Journal of the European Communities* of 8 August 1995. Besides this publication, all producers of PFBC technology were directly invited to tender. The contract was ultimately awarded to a German producer. Neither the procurement office nor the complaints committee had received any complaint regarding the implementation of the tender procedure.

Moreover, the project was in the nature of a pilot project. The fact that the Community had financed the project under the Thermie programme confirmed this. In addition, the research institutes of the Technical University of Cottbus would monitor very closely the effects of the use of lignite as a fuel with the pressurised fluidised bed combustion technology.

The project would be successful if it could be demonstrated that lignite could be used as a competitive fuel. This would have positive effects on employment within the regional lignite industry, which was the main industry in that structurally weak area and still provided 13 000 to 17 000 direct and indirect jobs (1989: 73 000 jobs).

(¹) Decision of 22 July 1992 (OJ C 203, 11.8.1992, p. 15).

Furthermore, the project had positive effects on environmental protection. Thus, there would be significant reductions in pollutant emissions and noise, going even beyond the standards set by German environmental protection legislation.

As evidence, Germany submitted the following emission figures.

	(mg/m ³)	
	German law	Cottbus plant
Sulphur dioxide	250	200
Nitrogen oxide	200	200
Carbon dioxide	250	200
Hydrochloric acid	100	30
Hydrofluoric acid	15	1,5
Dust	50	20

As regards noise reduction, the figures provided by Germany showed the following.

Daytime		Night	
German law	Cottbus plant	German law	Cottbus plant
55	52	40	40
60	43	45	31
60	43	45	28
55	45	40	34
55	46	40	35
50	34	35	23
50	45	35	33

Regarding the third parties' observations, Germany commented as follows:

In response to the observation made by the 'Amt Jänschwalde', Germany stated that it related primarily to the general energy policy of the *Land* of Brandenburg and in particular to the relocation of the municipality of Horno, which had to be moved because of the expansion of an opencast mine belonging to Laubag. Germany again emphasised the low

impact the project would have on the output of the local lignite industry and hence on competition between fuels. This was evidenced by the fact that gas, the fuel which competes with lignite, already had won a large market share in the new German *Länder* of about 27 %, whereas the average share in Germany as a whole was 21 %. At the end of 1997, 40 % of eastern German households had gas-fired heating. The fuel used in the Cottbus plant accounted for only 0,1 % of the total volume of fuels used in district heating plants in Germany. As regards the alleged environmental advantages of gas over lignite, Germany pointed out that there were larger methane emissions in the case of gas, a fact which was not mentioned by the 'Amt Jänschwalde'.

Regarding the comments of Enron, Germany doubted in particular that gas could achieve the same price stability as lignite through price hedging. This was borne out by the fact that Enron itself was not able to state precisely under which conditions and with the inclusion of which specific risks it could supply gas at constant prices over a long period.

As regards the other four sets of comments, Germany reiterated the positive effects of the project on environmental protection in that it was well within the levels imposed by German law in respect of both emissions and noise.

V. ASSESSMENT OF THE AID

Lignite is covered not by the ECSC Treaty, but by the EC Treaty. The investment grant of DEM 49,95 million provided by the *Land* of Brandenburg for the construction of the lignite-fired power station in Cottbus clearly constitutes aid within the meaning of Article 92(1) of the EC Treaty. While the primary beneficiaries of the aid are the operators of the power plant, the aid also indirectly benefits the eastern German lignite industry, and more specifically Laubag. The aid was an incentive for the use of lignite as a fuel, although the construction of a power plant run with other fuels such as gas would have been the cheaper solution.

The proposed aid may distort competition and affect trade between Member States. The inclusion of the former GDR into the Community in 1990/91 gave a substantial boost to lignite production in the Community. There are only three countries in the Community which produce significant quantities of lignite and Germany accounts for 75 % of Community production. It is true that lignite is in general burned in power stations located next to the deposits, since it is generally uneconomic to transport it over long distances. Nevertheless, this does not mean that there is no intra-Community trade in lignite. In addition, it has to be borne in mind that, in this case, lignite was chosen in preference to gas, hard coal and mineral oil. On the energy market, each of those fuels can be substituted by any of the others. Consequently, it is necessary to take into consideration the individual markets, the fuel market in general and any intra-Community competition between them. On those markets there is intra-Community trade and competition among companies from the different Member States. The aid therefore is likely to affect competition between companies on the energy market.

The aid was not based on an aid scheme previously approved by the Commission. It was therefore notifiable individually pursuant to Article 93(3) of the EC Treaty. By not notifying the aid, Germany has failed to fulfil this obligation. The aid was therefore granted illegally.

As regards the eligibility of the aid for one of the exemptions provided for in Article 92(2) and (3) of the EC Treaty, it must first be noted that Germany's undertaking given in connection with State aid in the Schkopau case does not stand in the way of their application in this case.

Through the undertaking given, it was intended at that time to ensure that the protective arrangements existing in western Germany for hard coal would not be replicated for lignite in the new Eastern *Länder*. The Cottbus project, however, is an ad hoc measure which in no way aims at and in no way has the effect of subsidising systematically the Eastern German lignite industry. This is confirmed both by the fact that Laubag will not obtain artificially high prices, but will have to sell its product at market prices and by the fact that the lignite required for this project accounts for only a marginal share, i.e. 0.9 %, of Laubag's annual production. Moreover, the project relates primarily to the supply of district heating, whereas the production of electricity, to which the 1992 undertaking relates, is only a by-product.

In considering the applicability of the derogations under Article 92(2) and (3) of the EC Treaty, however, it has to be concluded that the derogations set out in Article 92(2) do not apply in this case in view of the features of the aid and the fact that it does not seek to satisfy the conditions for application of those derogations.

The aid may, however, be regarded as compatible with the common market by virtue of the derogation provided for in Article 92(3)(a) of the EC Treaty.

The application of that provision is not excluded a priori by the fact that the aid was not granted under the 'Gemeinschaftsaufgabe' (the German regional aid scheme). It was not granted under the 'Gemeinschaftsaufgabe' because investments in electricity supply may not receive assistance under that scheme. That restriction was an autonomous decision made by Germany and in no way imposed by the Commission in the context of State aid control. The Commission may not therefore exclude scrutiny of the aid from a regional aspect, but must, as it did in the State aid Case N 295/97 'Délipapier', France⁽¹⁾, assess on an individual basis whether the requirements of Article 92(3)(a) are met.

Moreover, it has to be pointed out that Article 92(3)(a) is also applicable to ad hoc measures. This was confirmed by the Court of Justice, which held in its judgment of 14 September 1994 in Cases C-278, 279 and 280/92 (Spain v. Commis-

sion)⁽²⁾ that ad hoc aid must also be examined to see whether it fulfils regional aid requirements under Article 92(3)(a).

This applies to the aid for the lignite-fired power station in Cottbus.

Although, under this project, an old power plant is to be replaced by a new one, the aid can be regarded as being granted for initial investment, for which regional aid may be approved in accordance with the guidelines on national regional aid⁽³⁾. Pursuant to point 4.4 of the guidelines, initial investment includes 'the starting-up of an activity involving a fundamental change in the product or production process of an existing establishment (through rationalisation, diversification or modernisation)'.

In addition, Cottbus is located in an area falling within Article 92(3)(a). The permitted aid ceiling there is 35 % for new investment. In this instance, the aid intensity (20 %) remains well below that ceiling.

Moreover, the aid may promote the economic development of this area. The importance of the project for the employment situation in the area is certainly wider than the 243 direct jobs created within the power plant. The project also aims at the long-term development of the area. Through the new power plant, an effective and modern district heating system will be established which will contribute to the overall improvement of infrastructure in the area, to which not only private households, but also industrial producers and potential investors will have access. Furthermore, the use of the new pressurised fluidised bed combustion technology, which was selected for Commission support under the Thermie programme, is intended to demonstrate that lignite may be used as a competitive fuel. If that technology turns out to be successful, there may be positive effects on employment within the lignite-producing industry. In 1989, 73 000 people were employed in the lignite-producing industry in the region. Lignite production was 195 million tonnes in that year. In spite of drastic reductions both in employment and in output after 1989, the lignite industry is still the most important industrial sector in this structurally weak region. It is estimated that, with a production rate of 35-40 million tonnes per annum in the year 2000, about 5 000 people will be directly employed in the production and processing of lignite. Another 2 000 will be employed in the generation of electricity based on lignite. To these 7 000 direct jobs can be added another 10 000 indirect jobs based on investment in the supply, maintenance and processing industry and therefore heavily dependent on the situation of the lignite industry. In this context, it is obvious that any activity which improves the economic prospects of the lignite industry will also have a positive impact on indirect employment.

Furthermore, the Commission takes note that the project will reduce pollution. As the figures provided by Germany demonstrate, emissions and noise disturbances caused by the new plant are far lower than with the old power plant. In this context, it should also be borne in mind that the Cottbus plant is a combined heat and power plant. In its communication of 15 October 1997 regarding a Community strategy to promote combined heat and power (CHP) and to dismantle barriers to its development⁽⁴⁾, the Commission once again expressly emphasised the environmentally friendly and energy-saving aspects of this technology.

⁽²⁾ [1994] ECR I, p. 4103.

⁽³⁾ OJ C 74, 10.3.1998, p. 9.

⁽⁴⁾ COM(97) 514 final.

⁽¹⁾ OJ C 333, 4.11.1997, p. 6.

Moreover, it has to be recalled that the plant will produce both heat and power and therefore cause lower discharges into the atmosphere than conventional coal-fired stations. The use of combined heat and power technology has been recognised by the Commission in other cases as justifying financial incentives⁽¹⁾. In this context, it should also be recalled that, in its decision of 18 December 1991⁽²⁾, the Commission approved a one-year aid programme for the restructuring of the heating network in the new German *Länder*, under which investment grants up to 35 % of the investment costs were permitted to improve the efficiency of the network and reduce environmental pollution. The Cottbus project pursues precisely these objectives.

Finally, negative effects on the overall Community fuel market are negligible, since the benefit to the lignite producer Laubag is itself only marginal. It has to be borne in mind that Laubag does not benefit at all from artificially high prices, but has to sell its products under market conditions. There is, at best, an indirect benefit stemming from a long-term contract, which accounts for only 0,9 % of Laubag's annual lignite production. The impact on the Community fuel market as a whole can therefore be considered minimal. In addition, it must be borne in mind that the fuel used in the Cottbus plant accounts for only 0,1 % of the total volume of fuel used in Germany to run district heating plants. The Cottbus plant will therefore increase Laubag's share of the overall German fuel market by only 0,001 %. Moreover, gas, the fuel which competes with lignite, is in no way displaced. On the contrary, since 1991 gas has won a market share in the new German *Länder* of about 27 % (in 1990, practically 0 %), which is higher than its market share in Germany as a whole. At the end of 1997, 40 % of all eastern German households had gas-fired heating. In this context, it should also be noted that none of the third parties emphasised distortions of competition, but rather focused on the environmental aspects of using lignite as a fuel, an aspect which

cannot be the sole subject of proceedings under Article 93(2) of the EC Treaty.

VI. CONCLUSIONS

The Commission finds that the aid granted by Germany in breach of Article 93(3) of the EC Treaty is unlawful. However, taking into account the positive effects on regional development, the reduction of pollution compared to the old plant, the pilot character of the project as well as the fact that there is a negligible impact on competition, the Commission has concluded that the investment grant for the construction of a lignite-fired power station in Cottbus is compatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The State aid of DEM 49,5 million granted by the *Land* of Brandenburg for the lignite-fired power station in Cottbus is compatible with the common market pursuant to Article 92(3)(a) of the EC Treaty.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 9 December 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ For example in Italy, in Case No NN 52/91, Decision of 31 July 1991 (OJ C 23, 30.1.1992, p. 5).

⁽²⁾ OJ C 184, 21.7.1992, p. 8.