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(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION
of 11 October 1999
concerning the extension of Common Position 96/635/CFSP on Burma/Myanmar
(1999/670/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 15 thereof,

Having regard to Common Position 96/635/CFSP of 28 October 1996 on Burma/Myanmar ⁽¹⁾, as extended by Decision 99/289/CFSP ⁽²⁾, which expires on 29 October 1999,

Whereas, in the light of point 6 of Common Position 96/635/CFSP, that Common Position should be further extended,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Common Position 96/635/CFSP is hereby extended until 29 April 2000.

Article 2

This Common Position shall be published in the Official Journal.

Done at Luxembourg, 11 October 1999.

For the Council
The President
T. HALONEN

⁽¹⁾ OJ L 287, 8.11.1996, p. 1.

⁽²⁾ OJ L 114, 1.5.1999, p. 1.

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2175/1999
of 14 October 1999
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

- (2) 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 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 14 October 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	127,6
	060	108,4
	204	73,4
	999	103,1
0707 00 05	052	80,8
	628	130,8
	999	105,8
0709 90 70	052	80,4
	999	80,4
0805 30 10	052	58,3
	388	71,3
	524	54,4
	528	68,2
	999	63,0
0806 10 10	052	99,9
	064	91,9
	400	209,7
	999	133,8
0808 10 20, 0808 10 50, 0808 10 90	060	46,2
	388	57,5
	400	56,9
	480	48,9
	800	177,4
	804	36,5
	999	70,6
0808 20 50	052	96,1
	064	57,5
	388	177,3
	999	110,3

⁽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 2176/1999**of 14 October 1999****opening an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Examination of the balance sheet shows that exportable amounts of rice are currently held by producers. This situation could affect the normal development of producer prices during the 1999/2000 marketing year.
- (2) In order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community. The special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure.
- (3) It should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender.
- (4) In order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to certain zones specified in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾.
- (5) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁷⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁸⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro. Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day

for the submission of tenders. Paragraphs 3 and 4 of that Article specify the operative events applicable to advances and securities.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the refund on export of wholly milled long grain rice falling within CN code 1006 30 67 for Zones I to VI (except Turkey) and Zone VIII (except Guyana, Madagascar and Suriname) as specified in the Annex to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 29 June 2000. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be EUR 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21(1) of Commission Regulation (EEC) No 3719/88 ⁽⁹⁾, export licences issued under this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following that date.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.

⁽⁵⁾ OJ L 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁸⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁹⁾ OJ L 331, 2.12.1988, p. 1.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 28 October 1999.

The final date for submission of tenders is hereby fixed at 29 June 2000.

Article 9

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

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund (in euro per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2177/1999**of 14 October 1999****on a tendering procedure for the subsidy on consignments of husked long grain rice to Réunion**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 10(1) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2692/89 ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, lays down detailed rules for exports of rice to Réunion.
- (2) Examination of the supply situation on the island of Réunion shows a shortage of rice. In view of the availability of rice on the Community market, Réunion should be allowed to obtain supplies on that market. Because of the special situation of Réunion, it is appropriate to limit the quantities to be delivered and, therefore, to fix the amount of the subsidy by tendering procedure.
- (3) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁵⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁶⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro. Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day for the submission of tenders. Paragraphs 3 and 4 of that Article specify the operative events applicable to advances and securities.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tendering procedure is hereby opened for the subsidy for consignments of husked long grain rice falling within CN

code 1006 20 98, referred to in Article 10(1) of Regulation (EC) No 3072/95, to Réunion.

2. The tendering procedure referred to in paragraph 1 shall be open until 29 June 2000. During that period, weekly invitations to tender shall be made for which the date for submission of tenders shall be set out in the notice of invitation to tender.

3. The tendering procedure shall take place in accordance with the provisions of Regulation (EEC) No 2692/87 and this Regulation.

Article 2

A tender shall be admissible only if it covers a quantity of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 7(3)(a) of Regulation (EEC) No 2692/89 shall be EUR 30 per tonne.

Article 4

The subsidy documents issued in the context of this tendering procedure shall, for the purposes of determining their period of validity, be considered as having been issued on the final day of the period for the submission of tenders.

Article 5

Tenders must reach the Commission via the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, Member States shall inform the Commission accordingly within the same deadline as that given in the proceeding paragraph.

Article 6

The time laid down for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum subsidy,
- or not to take any action on the tenders.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁶⁾ OJ L 164, 30.6.1999, p. 53.

2. Where a maximum subsidy is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum subsidy level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall expire on 28 October 1999 at 10 a.m.

The final date for submission of tenders shall be 29 June 2000.

Article 9

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

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the subsidy for consignments of husked long grain rice to Réunion

Deadline for the submission of tenders (date/time)

1	2	3
Serial numbers of tenderers	Quantities (tonnes)	Amount of subsidy (in euro per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2178/1999**of 14 October 1999****opening an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain European third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Examination of the balance sheet shows that exportable amounts of rice are currently held by producers. This situation could affect the normal development of producer prices during the 1999/2000 marketing year.
- (2) In order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community. The special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure.
- (3) It should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender.
- (4) In order to avoid disturbances on the markets of the producing countries, the invitation to tender should be limited to certain countries.
- (5) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁵⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁶⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro. Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day for the submission of tenders. Paragraphs 3 and 4 of that Article specify the operative events applicable to advances and securities.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Article 1

1. An invitation to tender is hereby opened, for the refund on export of wholly milled medium grain and long grain A rice to Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia.

2. The invitation to tender referred to in paragraph 1 shall be open until 29 June 2000. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be EUR 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21(1) of Commission Regulation (EEC) No 3719/88 ⁽⁷⁾, export licences issued under this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following that date.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁶⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁷⁾ OJ L 331, 2.12.1988, p. 1.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 28 October 1999.

The final date for submission of tenders is hereby fixed at 29 June 2000.

Article 9

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

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain European third countries

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund (in euro per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2179/1999**of 14 October 1999****opening an invitation to tender for the refund on export of wholly milled, medium grain and long grain A rice to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Examination of the balance sheet shows that exportable amounts of rice are currently held by producers. This situation could affect the normal development of producer prices during the 1999/2000 marketing year.
- (2) In order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community. The special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure.
- (3) It should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender.
- (4) In order to avoid disturbances on the markets of the producing countries, the invitation to tender should be limited to certain zones specified in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾.
- (5) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁷⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁸⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro. Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day for the submission of tenders. Paragraphs 3 and 4 of

that Article specify the operative events applicable to advances and securities.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the refund on export of wholly milled, medium grain and long grain A rice for Zones I to VI (except Cyprus, the Czech Republic, Estonia, Hungary, Poland, Slovenia and Turkey) and for Zone VIII (except Guyana, Madagascar and Suriname), as specified in the Annex to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 29 June 2000. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be EUR 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21(1) of Commission Regulation (EEC) No 3719/88 ⁽⁹⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.

⁽⁵⁾ OJ L 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁸⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁹⁾ OJ L 331, 2.12.1988, p. 1.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 28 October 1999.

The final date for submission of tenders is hereby fixed at 29 June 2000.

Article 9

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

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled, medium grain and long grain A rice to certain third countries

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund (in euro per tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2180/1999**of 14 October 1999****on an invitation to tender for the refund on export of wholly milled round grain rice to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Examination of the balance sheet shows that exportable amounts of rice are currently held by producers. This situation could affect the normal development of producer prices during the 1999/2000 marketing year.
- (2) In order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community. The special situation of the rice market makes it necessary to limit the quantities of rice benefiting from the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the amount of refund to be fixed by tendering procedure.
- (3) It should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender.
- (4) In order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to Zones I to VI, excluding Turkey, and Zone VIII, excluding Guyana, Madagascar and Suriname, noted in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾.
- (5) Pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁷⁾, as amended by Regulation (EC) No 1410/1999 ⁽⁸⁾, amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euro; Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day

for the submission of tenders; Paragraphs 3 and 4 of that Article specify the operative events applicable to advances and securities.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the refund on export of wholly milled round grain rice referred to in Article 13 of Regulation (EC) No 3072/95, for Zones I to VI, excluding Turkey, and Zone VIII excluding Guyana, Madagascar and Suriname, as specified in the Annex to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 29 June 2000. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be EUR 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21(1) of Commission Regulation (EEC) No 3719/88 ⁽⁹⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.

⁽⁵⁾ OJ L 214, 30.7.1992, p. 20.

⁽⁶⁾ OJ L 341, 30.12.1994, p. 48.

⁽⁷⁾ OJ L 349, 24.12.1998, p. 36.

⁽⁸⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁹⁾ OJ L 331, 2.12.1988, p. 1.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall expire on 28 October 1999 at 10 a.m.

The final date for submission of tenders is hereby fixed at 29 June 2000.

Article 9

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

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled round grain rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund in euro per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2181/1999**of 14 October 1999****fixing the estimated production of olive oil and the unit amount of the production aid that may be paid in advance for the 1998/99 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations ⁽³⁾, as last amended by Regulation (EC) No 1639/98 ⁽⁴⁾, and in particular Article 17a(1) thereof,

Whereas:

- (1) Article 5 of Regulation No 136/66/EEC provides that the unit production aid must be reduced in each Member State where actual production exceeds the guaranteed national quantity referred to in paragraph 3 of that Article. In assessing the extent of the overrun in Spain, Greece and Portugal, account should be taken of the estimates for the production of table olives processed into olive oil, expressed as olive-oil equivalent using the relevant coefficients referred to in Commission Decisions 98/605/EC ⁽⁵⁾, 98/619/EC ⁽⁶⁾ and 98/620/EC ⁽⁷⁾.
- (2) Article 17a of Regulation (EEC) No 2261/84 provides that in order to determine the unit amount of the production aid for olive oil that can be paid in advance, the estimated production for the marketing year concerned should be determined. That amount must be fixed at a level that avoids any risk of unwarranted payment to olive growers. The amount also applies to table olives, expressed as olive-oil equivalent.
- (3) In order to establish the estimated production, Member States must forward to the Commission data for the olive oil and, where appropriate, table olive production estimates for each marketing year. The Commission may use other sources of information. On the basis of that data, the estimated production of olive oil and table olives, expressed as olive-oil equivalent, should be fixed for each Member State at the levels indicated below.

(4) In determining the amount of the advance, account must be taken of the amount withheld for measures to improve the quality of olive oil provided for in Council Regulation (EC) No 1414/97 ⁽⁸⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1998/99 marketing year, the estimated production of olive oil is:

- 849 300 tonnes for Spain,
- 2 400 tonnes for France,
- 511 000 tonnes for Greece,
- 428 800 tonnes for Italy,
- 32 550 tonnes for Portugal.

2. For the 1998/99 marketing year, the estimated production of table olives, expressed as olive-oil equivalent, is:

- 41 400 tonnes for Spain, using a coefficient of equivalence of 15,5 %,
- 10 000 tonnes for Greece, using a coefficient of equivalence of 13 %,
- 750 tonnes for Portugal, using a coefficient of equivalence of 10 %.

3. For the 1998/99 marketing year, the advance referred to in Article 17a(1) of Regulation (EEC) No 2261/84 shall be:

- EUR 101,15 per 100 kilograms for Spain,
- EUR 117,36 per 100 kilograms for France,
- EUR 87,50 per 100 kilograms for Greece,
- EUR 117,36 per 100 kilograms for Italy,
- EUR 117,36 per 100 kilograms for Portugal.

Article 2

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

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 210, 28.7.1998, p. 32.

⁽³⁾ OJ L 208, 3.8.1984, p. 3.

⁽⁴⁾ OJ L 210, 28.7.1998, p. 38.

⁽⁵⁾ OJ L 289, 28.10.1998, p. 39.

⁽⁶⁾ OJ L 295, 4.11.1998, p. 50.

⁽⁷⁾ OJ L 295, 4.11.1998, p. 54.

⁽⁸⁾ OJ L 196, 24.7.1997, p. 4.

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

Done at Brussels, 14 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 2182/1999
of 14 October 1999**

amending Regulation (EC) No 1685/95 on arrangements for issuing export licences for wine sector products and amending Regulation (EEC) No 3388/81 laying down special detailed rules in respect of import and export licences in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 1685/95 is hereby amended as follows:

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1677/1999 ⁽²⁾, and in particular Articles 52(3) and 55(8) thereof,

1. The following paragraph is added to Article 1a:

‘4. Operators may make a single application per period as referred to in Article 7(1)(a) and per zone of destination as referred to in Article 3(4a). Applications may cover a maximum of 30 000 hl.’

Whereas:

2. The following paragraph is added to Article 3:

‘4a The measures provided for in paragraphs 3 and 4 may be adjusted for the category of products and the zone of destination. Such zones of destination shall be as follows: (1) Africa; (2) Asia and Oceania; (3) Eastern Europe, including the CIS countries; and (4) Western Europe.’

(1) In the light of experience gained in recent wine years, provision should be made to make it possible for special measures taken by the Commission where applications are submitted for abnormal quantities to be adjusted for the category of product and the zone of destination. Furthermore, since experience has also shown that some operators have lodged applications for speculative reasons for quantities far exceeding their requirements and as this practice is liable to damage operators who apply only for the quantities they really need, the quantity that individual exporters can apply for should be limited to the quantity available for each period as referred to in Article 1a(1) of Commission Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine sector products ⁽³⁾, as last amended by Regulation (EC) No 2098/1999 ⁽⁴⁾. Certain other technical provisions of the abovementioned Regulation should accordingly be amended, as should Commission Regulation (EEC) No 3388/81 of 27 November 1981 laying down special detailed rules in respect of import and export licences in the wine sector ⁽⁵⁾, as last amended by Regulation (EC) No 1351/97 ⁽⁶⁾.

3. The following sentence is added to Article 7(2):

‘Notifications as provided for in paragraph 1(a) to (d) must also specify the zone of destination as referred to in Article 3(4a).’

Article 2

The last subparagraph of Article 2(2) of Regulation (EEC) No 3388/81 is hereby replaced by the following:

‘Section 7 of export licence applications and of licences shall show the country of destination or the zone of destination as referred to in Article 3(4a) of Regulation (EC) No 1685/95. At the request of the party concerned, the country of destination may be replaced by another country belonging to the same zone of destination.’

(2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

Article 3

This Regulation shall enter into force on 15 October 1999.

⁽¹⁾ OJ L 84, 27.3.1987, p. 1.

⁽²⁾ OJ L 199, 30.7.1999, p. 8.

⁽³⁾ OJ L 161, 12.7.1995, p. 2.

⁽⁴⁾ OJ L 257, 2.10.1999, p. 6.

⁽⁵⁾ OJ L 341, 28.11.1981, p. 19.

⁽⁶⁾ OJ L 186, 16.7.1997, p. 5.

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

Done at Brussels, 14 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2183/1999**of 14 October 1999****fixing the production levies and the coefficient for calculating the additional levy in the sugar sector for the 1998/1999 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 33(8) and 34(5) thereof,

Whereas:

(1) Article 7(1) of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector ⁽²⁾, as last amended by Regulation (EC) No 392/94 ⁽³⁾, provides that the basic production levy and the B levy together with, if required, the coefficient referred to in Article 34(2) of Regulation (EC) No 2038/1999 for sugar, isoglucose and inulin syrup are to be fixed before 15 October in respect of the preceding marketing year.

(2) Commission Regulation (EC) No 1940/98 ⁽⁴⁾ increased, for the 1998/1999 marketing year, the maximum amount referred to in the first indent of Article 33(4) of Regulation (EC) No 2038/1999 to 37,5 % of the intervention price for white sugar.

(3) The estimated total loss recorded in accordance with Article 33(1) and (2) of Regulation (EC) No 2038/1999 necessitates the retention, in respect of the amounts of the production levies applicable for the 1998/1999 marketing year, of the maximum amounts referred to in Article 33 of the said Regulation adjusted, where applicable, by Regulation (EC) No 1940/98.

(4) Article 34(1) of Regulation (EC) No 2038/1999 provides that an additional levy is to be charged to manufacturers when the total loss recorded pursuant to Article 33(1) and (2) of the said Regulation is not fully covered by the receipts from the production levies. The total uncovered loss for the 1998/1999 marketing year amounts to EUR 128 103 708. The coefficient referred to in Article 34(2) of the said Regulation should consequently be

fixed at 0,16520 which represents for the Community as a whole the ratio between the total loss recorded for the 1998/1999 marketing year pursuant to Article 33(1) and (2) of the said Regulation and the receipt from the basic production levy and the B levy for that marketing year, the ratio being reduced by 1.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production levies in the sugar sector for the 1998/1999 marketing year are hereby fixed as follows:

- (a) EUR 1,2638 per 100 kilograms of white sugar as the basic production levy on A sugar and B sugar;
- (b) EUR 23,6963 per 100 kilograms of white sugar as the B levy on B sugar;
- (c) EUR 0,5330 per 100 kilograms of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) EUR 9,9425 per 100 kilograms of dry matter as the B levy on B isoglucose;
- (e) EUR 1,2638 per 100 kilograms of dry matter equivalent sugar/isoglucose of the basic production levy on A inulin syrup and B inulin syrup;
- (f) EUR 23,6963 per 100 kilograms of dry matter equivalent sugar/isoglucose as the B levy on B inulin syrup.

Article 2

The coefficient provided for in Article 34(2) of Regulation (EC) No 2038/1999 is hereby fixed for the 1998/1999 marketing year at 0,16520.

Article 3

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

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 158, 9.6.1982, p. 17.

⁽³⁾ OJ L 53, 24.2.1994, p. 7.

⁽⁴⁾ OJ L 252, 12.9.1998, p. 13.

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

Done at Brussels, 14 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 2184/1999
of 14 October 1999**

opening a tariff quota for the import of certain goods originating in Estonia resulting from the processing of agricultural products covered by the Annex to Council Regulation (EC) No 3448/93

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(2) thereof,

Having regard to Council Decision 1999/86/EC of 18 May 1998 on the conclusion of a Protocol adjusting trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements ⁽³⁾, and in particular Articles 1 and 5 of that Protocol,

Whereas:

(1) Protocol 2 on trade in processed agricultural products between the Community and Estonia was amended by the Protocol amending the Europe Agreement with the Republic of Estonia following enlargement and the Uruguay Round, which entered into force on 1 September 1999.

(2) This amended Protocol 2 provides for concessions to Estonia, in respect of certain products falling within CN code 2202 90, additional to those already provided for in Council Regulation (EC) No 26/1999 of 21 December 1998 adopting autonomous and transitional measures for Europe Agreements with Lithuania, Latvia and Estonia in certain processed agricultural products ⁽⁴⁾. It is therefore necessary to open, for 1999, the quota provided for in the Annex to Protocol 2 on trade in

processed agricultural products between the Community and Estonia, with effect from the date on which that Protocol enters into force.

(3) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Codes ⁽⁵⁾, as last amended by Regulation (EC) No 1662/1999 ⁽⁶⁾, brought together in a single Regulation the provisions governing the administration of tariff quotas to be used in the chronological order of the dates of acceptance of the declaration relating to the release for free circulation.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions relating to trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 September 1999 to 31 December 1999, the goods from Estonia which are listed in the Annex to this Regulation shall be subject to the duties recorded in that Annex within the limit of the annual quota indicated therein.

Article 2

The Community tariff quota referred to in Article 1 shall be managed by the Commission in accordance with the provisions of Articles 308a to 308d of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 September 1999.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 309, 19.11.1998, p. 28.

⁽³⁾ OJ L 29, 3.2.1999, p. 9.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 1.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 197, 29.7.1999, p. 25.

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

Done at Brussels, 14 October 1999.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable (EUR/100 kg)
09.6541	2202 90 91	Waters containing fat obtained from milk	720 tonnes	5,04
	2202 90 95			4,77
	2202 90 99			6,77

**COMMISSION REGULATION (EC) No 2185/1999
of 14 October 1999**

amending Regulation (EC) No 1407/1999 laying down the reduced agricultural components and additional duties applicable from 1 July to 31 December 1999 to the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 under Agreements with Estonia, Latvia and Lithuania

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,

Whereas:

- (1) Protocol 2 on trade in processed agricultural products between the Community and Estonia was amended by the Protocol amending the Europe Agreement with the Republic of Estonia following enlargement and the Uruguay Round ⁽³⁾ which entered into force on 1 September 1999.
- (2) This amended Protocol 2 provides for additional concessions to Estonia, in respect of certain products falling within CN code 2202 90. It is therefore necessary to amend Commission Regulation (EC) No 1407/1999 ⁽⁴⁾, to fix the reduced agricultural components for those products with effect from the date on which that Protocol enters into force.
- (3) Commission Regulation (EC) No 1460/96 ⁽⁵⁾, as last amended by Regulation (EC) No 2495/97 ⁽⁶⁾, establishes detailed rules for implementing the preferential trade

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

HAS ADOPTED THIS REGULATION:

Article 1

In Part 1 of Annex I to Regulation (EC) No 1407/1999 the following text is hereby added:

CN code	EUR/100 kg
'2202 90 91	5,04
2202 90 95	4,77
2202 90 99	6,77'

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 from 1 September 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Erkki LIIKANEN

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 29, 3.2.1999, p. 9.

⁽⁴⁾ OJ L 164, 30.6.1999, p. 25.

⁽⁵⁾ OJ L 187, 26.7.1996, p. 18.

⁽⁶⁾ OJ L 343, 13.12.1997, p. 18.

COMMISSION REGULATION (EC) No 2186/1999
of 14 October 1999
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(3) thereof,

(1) Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

(2) Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

(3) Whereas Article 17(5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and

that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

(4) Whereas Article 17(3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

(5) Whereas Article 17(3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

(6) Whereas, in accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as amended by Regulation (EC) No 1596/1999 ⁽⁴⁾; the refund granted for milk products containing added sugar is equal to the sum of the two components; whereas one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; whereas the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽⁶⁾; whereas, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community;

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 188, 21.7.1999, p. 39.

⁽⁵⁾ OJ L 177, 1.7.1981, p. 4.

⁽⁶⁾ OJ L 159, 3.6.1998, p. 38.

- (7) Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than EUR 230,00 per 100 kilograms;
- (8) Whereas Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;
- (9) Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;
- (10) Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the

refund should be as set out in the Annex to this Regulation;

- (11) 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

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 021, 023, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 14 October 1999 fixing the export refunds on milk and milk products

(in EUR/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 91 9900	+	159,96
	***	—	0402 21 99 9100	+	120,86
0401 10 90 9000	970	2,327	0402 21 99 9200	+	121,69
	***	—	0402 21 99 9300	+	123,20
0401 20 11 9100	970	2,327	0402 21 99 9400	+	131,67
	***	—	0402 21 99 9500	+	134,61
0401 20 11 9500	970	3,597	0402 21 99 9600	+	145,88
	***	—	0402 21 99 9700	+	152,49
0401 20 19 9100	970	2,327	0402 21 99 9900	+	159,96
	***	—	0402 29 15 9200	+	0,9000
0401 20 19 9500	970	3,597	0402 29 15 9300	+	1,0589
	***	—	0402 29 15 9500	+	1,1156
0401 20 91 9100	970	4,551	0402 29 15 9900	+	1,2002
	***	—	0402 29 19 9200	+	0,9000
0401 20 91 9500	+	—	0402 29 19 9300	+	1,0589
0401 20 99 9100	970	4,551	0402 29 19 9500	+	1,1156
	***	—	0402 29 19 9900	+	1,2002
0401 20 99 9500	+	—	0402 29 91 9100	+	1,2086
0401 30 11 9100	+	—	0402 29 91 9500	+	1,3167
0401 30 11 9400	970	10,50	0402 29 99 9100	+	1,2086
	***	—	0402 29 99 9500	+	1,3167
0401 30 11 9700	970	15,77	0402 91 11 9110	+	—
	***	—	0402 91 11 9120	+	—
0401 30 19 9100	+	—	0402 91 11 9310	+	11,31
0401 30 19 9400	+	—	0402 91 11 9350	+	13,85
0401 30 19 9700	970	15,77	0402 91 11 9370	+	16,84
	***	—	0402 91 19 9110	+	—
0401 30 31 9100	+	38,32	0402 91 19 9120	+	—
0401 30 31 9400	+	59,85	0402 91 19 9310	+	11,31
0401 30 31 9700	+	66,00	0402 91 19 9350	+	13,85
0401 30 39 9100	+	38,32	0402 91 19 9370	+	16,84
0401 30 39 9400	+	59,85	0402 91 31 9100	+	—
0401 30 39 9700	+	66,00	0402 91 31 9300	+	19,91
0401 30 91 9100	+	75,22	0402 91 39 9100	+	—
0401 30 91 9400	+	110,55	0402 91 39 9300	+	19,91
0401 30 91 9700	+	129,01	0402 91 51 9000	+	—
0401 30 99 9100	+	75,22	0402 91 59 9000	+	—
0401 30 99 9400	+	110,55	0402 91 91 9000	+	63,94
0401 30 99 9700	+	129,01	0402 91 99 9000	+	63,94
0402 10 11 9000	+	90,00	0402 99 11 9110	+	—
0402 10 19 9000	+	90,00	0402 99 11 9130	+	—
0402 10 91 9000	+	0,9000	0402 99 11 9150	+	—
0402 10 99 9000	+	0,9000	0402 99 11 9310	+	0,2689
0402 21 11 9200	+	90,00	0402 99 11 9330	+	0,3228
0402 21 11 9300	+	105,89	0402 99 11 9350	+	0,4291
0402 21 11 9500	+	111,56	0402 99 19 9110	+	—
0402 21 11 9900	+	120,00	0402 99 19 9130	+	—
0402 21 17 9000	+	90,00	0402 99 19 9150	+	—
0402 21 19 9300	+	105,89	0402 99 19 9310	+	0,2689
0402 21 19 9500	+	111,56	0402 99 19 9330	+	0,3228
0402 21 19 9900	+	120,00	0402 99 19 9350	+	0,4291
0402 21 91 9100	+	120,86	0402 99 31 9110	+	—
0402 21 91 9200	+	121,69	0402 99 31 9150	+	0,4467
0402 21 91 9300	+	123,20	0402 99 31 9300	+	0,3832
0402 21 91 9400	+	131,67	0402 99 31 9500	+	0,6600
0402 21 91 9500	+	134,61	0402 99 39 9110	+	—
0402 21 91 9600	+	145,88	0402 99 39 9150	+	0,4467
0402 21 91 9700	+	152,49	0402 99 39 9300	+	0,3832

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600	0404 90 29 9160	+	152,49
0402 99 91 9000	+	0,7522	0404 90 29 9180	+	159,96
0402 99 99 9000	+	0,7522	0404 90 81 9100	+	0,9000
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	0,2689
0403 10 13 9800	+	—	0404 90 83 9110	+	0,9000
0403 10 19 9800	+	—	0404 90 83 9130	+	1,0589
0403 10 31 9400	+	—	0404 90 83 9150	+	1,1156
0403 10 31 9800	+	—	0404 90 83 9170	+	1,2002
0403 10 33 9800	+	—	0404 90 83 9911	+	—
0403 10 39 9800	+	—	0404 90 83 9913	+	—
0403 90 11 9000	+	88,48	0404 90 83 9915	+	—
0403 90 13 9200	+	88,48	0404 90 83 9917	+	—
0403 90 13 9300	+	104,95	0404 90 83 9919	+	—
0403 90 13 9500	+	110,56	0404 90 83 9931	+	0,2689
0403 90 13 9900	+	118,93	0404 90 83 9933	+	0,3228
0403 90 19 9000	+	119,81	0404 90 83 9935	+	0,4291
0403 90 31 9000	+	0,8848	0404 90 83 9937	+	0,4467
0403 90 33 9200	+	0,8848	0404 90 89 9130	+	1,2086
0403 90 33 9300	+	1,0495	0404 90 89 9150	+	1,3167
0403 90 33 9500	+	1,1056	0404 90 89 9930	+	0,4601
0403 90 33 9900	+	1,1893	0404 90 89 9950	+	0,6600
0403 90 39 9000	+	1,1981	0404 90 89 9990	+	0,7522
0403 90 51 9100	970	2,327	0405 10 11 9500	+	165,85
	***	—	0405 10 11 9700	+	170,00
0403 90 51 9300	+	—	0405 10 19 9500	+	165,85
0403 90 53 9000	+	—	0405 10 19 9700	+	170,00
0403 90 59 9110	+	—	0405 10 30 9100	+	165,85
0403 90 59 9140	+	—	0405 10 30 9300	+	170,00
0403 90 59 9170	970	15,77	0405 10 30 9500	+	165,85
	***	—	0405 10 30 9700	+	170,00
0403 90 59 9310	+	38,32	0405 10 50 9100	+	165,85
0403 90 59 9340	+	59,85	0405 10 50 9300	+	170,00
0403 90 59 9370	+	64,80	0405 10 50 9500	+	165,85
0403 90 59 9510	+	64,80	0405 10 50 9700	+	170,00
0403 90 59 9540	+	64,80	0405 10 90 9000	+	176,22
0403 90 59 9570	+	64,80	0405 20 90 9500	+	155,49
0403 90 61 9100	+	—	0405 20 90 9700	+	161,71
0403 90 61 9300	+	—	0405 90 10 9000	+	216,00
0403 90 63 9000	+	—	0405 90 90 9000	+	170,00
0403 90 69 9000	+	—	0406 10 20 9100	+	—
0404 90 21 9100	+	90,00	0406 10 20 9230	037	—
0404 90 21 9910	+	—		039	—
0404 90 21 9950	+	11,31		097	37,68
0404 90 23 9120	+	90,00		098	37,68
0404 90 23 9130	+	105,89		400	22,83
0404 90 23 9140	+	111,56		***	37,68
0404 90 23 9150	+	120,00	0406 10 20 9290	037	—
0404 90 23 9911	+	—		039	—
0404 90 23 9913	+	—		097	35,05
0404 90 23 9915	+	—		098	35,05
0404 90 23 9917	+	—		400	15,29
0404 90 23 9919	+	—		***	35,05
0404 90 23 9931	+	11,31	0406 10 20 9300	037	—
0404 90 23 9933	+	13,85		039	—
0404 90 23 9935	+	16,84		097	15,39
0404 90 23 9937	+	19,91		098	15,39
0404 90 23 9939	+	20,81		400	7,834
0404 90 29 9110	+	120,86		***	15,39
0404 90 29 9115	+	121,69			
0404 90 29 9120	+	123,20			
0404 90 29 9130	+	131,67			
0404 90 29 9135	+	134,61			
0404 90 29 9150	+	145,88			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990 0406 30 31 9710	+	—
	039	—		037	—
	097	51,11		039	—
	098	51,11		097	17,88
	400	30,98		098	9,536
0406 10 20 9620	***	51,11	0406 30 31 9730	400	8,346
	037	—		***	17,88
	039	—		037	—
	097	51,83		039	—
	098	51,83		097	26,24
0406 10 20 9630	400	31,42	0406 30 31 9910	098	13,99
	***	51,83		400	12,25
	037	—		***	26,24
	039	—		037	—
	097	57,86		039	—
0406 10 20 9640	098	57,86	0406 30 31 9930	097	17,88
	400	35,06		098	9,536
	***	57,86		400	8,346
	037	—		***	17,88
	039	—		037	—
0406 10 20 9650	097	85,03	0406 30 31 9950	039	—
	098	85,03		097	26,24
	400	48,35		098	13,99
	***	85,03		400	12,25
	037	—		***	26,24
0406 10 20 9660 0406 10 20 9830	039	—	0406 30 31 9970	037	—
	097	70,86		039	—
	098	70,86		097	38,17
	400	25,44		098	20,36
	***	70,86		400	17,81
0406 10 20 9850	+	—	0406 30 39 9500	***	38,17
	037	—		037	—
	039	—		039	—
	097	26,28		097	26,24
	098	26,28		098	13,99
0406 10 20 9870 0406 10 20 9900 0406 20 90 9100 0406 20 90 9913	400	13,38	0406 30 39 9700	400	12,25
	***	26,28		***	26,24
	037	—		037	—
	039	—		039	—
	097	31,87		097	38,17
0406 20 90 9915	098	31,87	0406 30 39 9930	098	20,36
	400	16,22		400	17,81
	***	31,87		***	38,17
	037	—		037	—
	039	—		039	—
0406 20 90 9917	097	58,77	0406 30 39 9950	097	38,17
	098	58,77		098	20,36
	400	31,59		400	17,81
	***	58,77		***	38,17
	037	—		037	—
0406 20 90 9919	039	—	0406 30 90 9000	039	—
	097	77,56		097	45,28
	098	77,56		098	24,15
	400	42,12		400	21,14
	***	77,56		***	45,28
0406 20 90 9919	037	—	0406 40 50 9000	037	—
	039	—		039	—
	097	92,10		097	90,00
	098	92,10		098	90,00
	400	50,02		400	32,98
	***	92,10		***	90,00

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9951	037	—
	039	—		039	—
	097	92,42		097	78,66
	098	92,42		098	68,98
	400	32,98		400	20,01
	***	92,42		***	78,66
0406 90 13 9000	037	—	0406 90 35 9190	037	33,29
	039	—		039	33,29
	097	116,37		097	121,56
	098	101,62		098	105,71
	400	60,16		400	61,40
	***	116,37		***	121,56
0406 90 15 9100	037	—	0406 90 35 9990	037	—
	039	—		039	—
	097	120,25		097	121,56
	098	105,01		098	105,71
	400	62,17		400	40,19
	***	120,25		***	121,56
0406 90 17 9100	037	—	0406 90 37 9000	037	—
	039	—		039	—
	097	120,25		097	116,37
	098	105,01		098	101,62
	400	62,17		400	60,16
	***	120,25		***	116,37
0406 90 21 9900	037	—	0406 90 61 9000	037	47,01
	039	—		039	47,01
	097	117,54		097	129,64
	098	102,90		098	112,00
	400	44,53		400	57,27
	***	117,54		***	129,64
0406 90 23 9900	037	—	0406 90 63 9100	037	42,83
	039	—		039	42,83
	097	103,92		097	128,55
	098	90,36		098	111,41
	400	18,57		400	63,89
	***	103,92		***	128,55
0406 90 25 9900	037	—	0406 90 63 9900	037	34,22
	039	—		039	34,22
	097	102,80		097	124,18
	098	89,77		098	107,11
	400	21,16		400	48,93
	***	102,80		***	124,18
0406 90 27 9900	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	097	93,10		039	—
	098	81,30		097	124,18
	400	18,57		098	107,11
	***	93,10		400	48,93
0406 90 31 9119	037	—		***	124,18
	039	—	0406 90 73 9900	037	—
	097	85,71		039	—
	098	74,72		097	106,91
	400	25,56		098	93,28
	***	85,71		400	52,63
0406 90 33 9119	037	—		***	106,91
	039	—	0406 90 75 9900	037	—
	097	85,71		039	—
	098	74,72		097	108,07
	400	25,56		098	93,90
	***	85,71		400	22,27
0406 90 33 9919	037	—		***	108,07
	039	—	0406 90 76 9300	037	—
	097	78,60		039	—
	098	68,29		097	96,98
	400	20,33		098	84,68
	***	78,60		400	20,12
				***	96,98

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 76 9400	037	—	0406 90 85 9999	+	—
	039	—	0406 90 86 9100	+	—
	097	108,62	0406 90 86 9200	037	—
	098	94,85		039	—
	400	23,22		097	102,23
	***	108,62		098	86,17
0406 90 76 9500	037	—		400	27,65
	039	—		***	102,23
	097	102,45	0406 90 86 9300	037	—
	098	90,24		039	—
	400	23,22		097	103,32
	***	102,45		098	87,41
0406 90 78 9100	037	—		400	30,30
	039	—		***	103,32
	097	102,26	0406 90 86 9400	037	—
	098	87,50		039	—
	400	18,14		097	108,62
	***	102,26		098	92,87
0406 90 78 9300	037	—		400	34,28
	039	—		***	108,62
	097	105,98	0406 90 86 9900	037	—
	098	92,78		039	—
	400	20,12		097	117,90
	***	105,98		098	102,43
0406 90 78 9500	037	—		400	40,24
	039	—		***	117,90
	097	104,35	0406 90 87 9100	+	—
	098	91,91	0406 90 87 9200	037	—
	400	23,22		039	—
	***	104,35		097	85,19
0406 90 79 9900	037	—		098	71,81
	039	—		400	24,78
	097	86,27		***	85,19
	098	75,02	0406 90 87 9300	037	—
	400	19,23		039	—
	***	86,27		097	94,89
0406 90 81 9900	037	—		098	80,27
	039	—		400	28,02
	097	108,62		***	94,89
	098	94,85	0406 90 87 9400	037	—
	400	47,61		039	—
	***	108,62		097	96,33
0406 90 85 9910	037	33,32		098	82,36
	039	33,32		400	30,66
	097	117,90		***	96,33
	098	102,43	0406 90 87 9951	037	—
	400	59,27		039	—
	***	117,90		097	106,68
0406 90 85 9991	037	—		098	93,15
	039	—		400	42,19
	097	117,90		***	106,68
	098	102,43	0406 90 87 9971	037	—
	400	40,19		039	—
	***	117,90		097	106,68
0406 90 85 9995	037	—		098	93,15
	039	—		400	34,41
	097	108,07		***	106,68
	098	93,90	0406 90 87 9972	097	45,63
	400	21,16		098	39,68
	***	108,07		400	13,67
				***	45,63

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9973	037	—	2309 10 19 9100	+	—
	039	—	2309 10 19 9200	+	—
	097	104,74	2309 10 19 9300	+	—
	098	91,46	2309 10 19 9400	+	—
	400	24,08	2309 10 19 9500	+	—
	***	104,74	2309 10 19 9600	+	—
0406 90 87 9974	037	—	2309 10 19 9700	+	—
	039	—	2309 10 19 9800	+	—
	097	113,19	2309 10 70 9010	+	—
	098	99,26	2309 10 70 9100	+	13,85
	400	24,08	2309 10 70 9200	+	18,47
	***	113,19	2309 10 70 9300	+	23,09
0406 90 87 9975	037	—	2309 10 70 9500	+	27,70
	039	—	2309 10 70 9600	+	32,32
	097	114,45	2309 10 70 9700	+	36,94
	098	101,25	2309 10 70 9800	+	40,63
	400	31,87	2309 90 35 9010	+	—
	***	114,45	2309 90 35 9100	+	—
0406 90 87 9979	037	—	2309 90 35 9200	+	—
	039	—	2309 90 35 9300	+	—
	097	103,92	2309 90 35 9400	+	—
	098	90,36	2309 90 35 9500	+	—
	400	24,08	2309 90 35 9700	+	—
	***	103,92	2309 90 39 9010	+	—
0406 90 88 9100	+	—	2309 90 39 9100	+	—
0406 90 88 9300	037	—	2309 90 39 9200	+	—
	039	—	2309 90 39 9300	+	—
	097	83,50	2309 90 39 9400	+	—
	098	70,90	2309 90 39 9500	+	—
	400	30,30	2309 90 39 9600	+	—
	***	83,50	2309 90 39 9700	+	—
2309 10 15 9010	+	—	2309 90 39 9800	+	—
2309 10 15 9100	+	—	2309 90 70 9010	+	—
2309 10 15 9200	+	—	2309 90 70 9100	+	13,85
2309 10 15 9300	+	—	2309 90 70 9200	+	18,47
2309 10 15 9400	+	—	2309 90 70 9300	+	23,09
2309 10 15 9500	+	—	2309 90 70 9500	+	27,70
2309 10 15 9700	+	—	2309 90 70 9600	+	32,32
2309 10 19 9010	+	—	2309 90 70 9700	+	36,94
			2309 90 70 9800	+	40,63

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22).

However:

— '097' covers all destination codes from 072 to 083 inclusive,

— '098' covers all destination codes from 053 to 070 inclusive and from 091 to 096 inclusive,

— '970' covers the exports referred to in Articles 34(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EEC) No 800/1999 (OJ L 107, 17.4.1999, p. 11).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination (+) is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1(2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 2187/1999**of 14 October 1999****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

(1) Whereas Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

(2) Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 1702/1999 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

(3) Whereas, in accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

(4) Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situa-

tions without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

(5) Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

(6) Whereas Article 4(5)(b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4(5)(a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Regulation (EC) No 87/1999 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

(7) Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 15 October 1999.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁶⁾ OJ L 201, 31.7.1999, p. 30.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 14 October 1999.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

**to the Commission Regulation of 14 October 1999 fixing the rates of the refunds applicable to certain cereals
and rice products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg dof basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	0,650 1,000
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases	— — — —	2,170 1,191 3,339
1002 00 00	Rye	—	5,842
1003 00 90	Barley	—	3,056
1004 00 00	Oats	—	4,627
1005 90 00	Maize (corn) used in the form of: – starch: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – in other cases	— — — — — — — — — — —	2,253 4,937 1,853 4,538 4,937 2,253 4,937
ex 1006 30	Wholly-milled rice: – round grain – medium grain – long grain	— — —	10,400 10,400 10,400
1006 40 00	Broken rice	—	2,500
1007 00 90	Sorghum	—	3,056

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31.5.1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1.7.1993, p. 112).

⁽³⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 2188/1999**of 14 October 1999****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2010/1999**

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 common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2010/1999 ⁽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 8 to 14 October 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2010/1999, the maximum refund on exportation of common wheat shall be EUR 39,60/t.

Article 2

This Regulation shall enter into force on 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

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 248, 21.9.1999, p. 19.

COMMISSION REGULATION (EC) No 2189/1999
of 14 October 1999
concerning tenders notified in response to the invitation to tender for the export of oats issued in
Regulation (EC) No 1897/1999

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 organization 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⁾,

Having regard to Commission Regulation (EC) No 1897/1999 of 2 September 1999 on a special intervention measure for cereals in Finland and Sweden⁽⁵⁾, as amended by Regulation (EC) No 2096/1999⁽⁶⁾, and in particular Article 8 thereof,

- (1) Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1897/1999;

- (2) Whereas Article 8 of Regulation (EC) No 1897/1999 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 make no award;

- (3) Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed;

- (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

No action shall be taken on the tenders notified from 8 to 14 October 1999 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1897/1999.

Article 2

This Regulation shall enter into force on 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

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 233, 3.9.1999, p. 10.

⁽⁶⁾ OJ L 257, 3.10.1999, p. 4.

COMMISSION REGULATION (EC) No 2190/1999**of 14 October 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⁾, as amended by Regulation (EC) No 2011/1999 ⁽⁶⁾;
- (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 8 to 14 October 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 33,97/t.

Article 2

This Regulation shall enter into force on 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

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.

⁽⁶⁾ OJ L 248, 21.9.1999, p. 23.

COMMISSION REGULATION (EC) No 2191/1999
of 14 October 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 8 to 14 October 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1701/1999, the maximum refund on exportation of barley shall be EUR 30,50/t.

Article 2

This Regulation shall enter into force on 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

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 2192/1999
of 14 October 1999
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

(1) Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

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

(3) Whereas Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

(4) Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

(5) Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

(6) 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;

(7) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

(8) Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

(9) 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(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 14 October 1999 fixing the export refunds on products processed from cereals and rice

(EUR/tonne)		(EUR/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	69,12	1104 23 10 9100	74,06
1102 20 10 9400 ⁽¹⁾	59,24	1104 23 10 9300	56,78
1102 20 90 9200 ⁽¹⁾	59,24	1104 29 11 9000	34,06
1102 90 10 9100	45,84	1104 29 51 9000	33,39
1102 90 10 9900	31,17	1104 29 55 9000	33,39
1102 90 30 9100	83,29	1104 30 10 9000	8,35
1103 12 00 9100	83,29	1104 30 90 9000	12,34
1103 13 10 9100 ⁽¹⁾	88,87	1107 10 11 9000	59,43
1103 13 10 9300 ⁽¹⁾	69,12	1107 10 91 9000	54,40
1103 13 10 9500 ⁽¹⁾	59,24	1108 11 00 9200	66,78
1103 13 90 9100 ⁽¹⁾	59,24	1108 11 00 9300	66,78
1103 19 10 9000	58,42	1108 12 00 9200	78,99
1103 19 30 9100	47,37	1108 12 00 9300	78,99
1103 21 00 9000	34,06	1108 13 00 9200	78,99
1103 29 20 9000	31,17	1108 13 00 9300	78,99
1104 11 90 9100	45,84	1108 19 10 9200	38,00
1104 12 90 9100	92,54	1108 19 10 9300	38,00
1104 12 90 9300	74,03	1109 00 00 9100	0,00
1104 19 10 9000	34,06	1702 30 51 9000 ⁽²⁾	94,83
1104 19 50 9110	78,99	1702 30 59 9000 ⁽²⁾	72,60
1104 19 50 9130	64,18	1702 30 91 9000	94,83
1104 21 10 9100	45,84	1702 30 99 9000	72,60
1104 21 30 9100	45,84	1702 40 90 9000	72,60
1104 21 50 9100	61,12	1702 90 50 9100	94,83
1104 21 50 9300	48,90	1702 90 50 9900	72,60
1104 22 20 9100	74,03	1702 90 75 9000	99,37
1104 22 30 9100	78,66	1702 90 79 9000	68,97
		2106 90 55 9000	72,60

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2193/1999
of 14 October 1999
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾, and in particular Article 13(3) 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 within the Community may be covered by an export refund;
- (2) Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;
- (3) Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

- (4) Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;
- (5) Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;
- (6) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (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 compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

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. 51.

ANNEX

to the Commission Regulation of 14 October 1999 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefiting from export refund ⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(EUR/t)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	49,37
Cereal products ⁽²⁾ excluding maize and maize products	31,98

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (unprocessed and not reconstituted excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

COMMISSION REGULATION (EC) No 2194/1999**of 14 October 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 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

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 14 October 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	46,50
1001 90 91 9000	—	—	1101 00 15 9130	01	43,50
1001 90 99 9000	03	24,00	1101 00 15 9150	01	40,00
	02	0	1101 00 15 9170	01	37,00
1002 00 00 9000	03	53,50	1101 00 15 9180	01	34,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	20,50	1102 10 00 9500	01	87,00
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	15,00 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	01	13,40 ⁽²⁾
1005 90 00 9000	03	35,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	15,00 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽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 2195/1999
of 14 October 1999
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13 (8) thereof,

- (1) Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;
- (2) Whereas 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 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⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

- (3) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;
- (4) Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;
- (5) Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;
- (6) 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 corrective amount referred to in Article 1(1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 October 1999.

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

Done at Brussels, 14 October 1999.

For the Commission

Franz FISCHLER

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 14 October 1999 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination ⁽¹⁾	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	04	0	0	0	-2,50	-3,50	-3,50	-3,50
	02	0	0	0	-2,50	-3,50	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	-3,43	-4,80	—	—
1101 00 15 9130	01	0	0	0	-3,20	-4,48	—	—
1101 00 15 9150	01	0	0	0	-2,95	-4,13	—	—
1101 00 15 9170	01	0	0	0	-2,73	-3,82	—	—
1101 00 15 9180	01	0	0	0	-2,55	-3,57	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	0	0	—	—
1103 11 10 9400	01	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries,

02 other third countries,

03 USA, Canada and Mexico,

04 Mauritania, Mali, Niger, Senegal, Burkina Faso, The Gambia, Guinea-Bissau, Guinea, Cape Verde, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Democratic Republic of the Congo, Rwanda, Burundi, Angola, Zambia, Malawi, Mozambique, Namibia, Botswana, Zimbabwe, Lesotho, Swaziland, Seychelles, The Comoros, Madagascar, Djibouti, Ethiopia, Eritrea and Mauritius.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 December 1998

concerning aid granted by Germany to Riedel-de Haën AG

(notified under document number C(1998) 4566)

(Only the German text is authentic)

(Text with EEA relevance)

(1999/671/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Communities, in particular the first paragraph of Article 93(2),

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

Having given notice in accordance with Article 93(2) of the EC Treaty to interested parties to submit their comments, and having regard to those comments,

Whereas:

1. Procedure

By letter of 3 April 1996, two private individuals lodged a complaint with the Commission to the effect that Riedel-de Haën AG (hereinafter referred to as 'Riedel-de Haën')⁽¹⁾, Seelze, Germany had received State aid amounting to DEM 8 million (ECU 4 million) for investment in a special-waste incinerator. The complainants provided the Commission with further particulars by letters of 28 April 1996, 24 September 1996, 4 February 1997, 2 March 1997 and 2 February 1998. They alleged that the company intended to incinerate its industrial wastes on its premises after the port authorities of Antwerp

and other cities had refused permission on environmental grounds for incineration at sea by the incineration ship *Vesta*. This was confirmed by a press report⁽²⁾. According to the complainants, the company maintained that the new plant was a bromine-recovery plant. They knew, however, that there had been such a plant on the company's premises for the previous 25 years.

By letters of 22 April, 28 June and 25 November 1996, the Commission called on Germany to give its views and to supply further information on the aid to Riedel-de Haën so that it could verify what kind of grants were involved and whether they were compatible with the common market. Germany replied by letters of 4 June and 30 September 1996 and 8 January 1997, confirming that the company had received two grants amounting in all to DEM 8 million (ECU 4 million). After Germany had first stated that the aid was granted for a bromine-recovery plant, it subsequently explained that the aid was in fact for a residue-processing plant incorporating a bromine-recovery plant.

By letter of 16 September 1997, the Commission notified Germany of its decision to initiate the procedure under Article 93(2) concerning the grants of aid amounting to DEM 8 million (ECU 4 million). It concluded that one of the grants had not been made under the approved Economy and Environment Scheme (Programme 'Wirtschaft und Umwelt'), while the second grant was not covered by any approved rules and neither of the grants appeared to be compatible with the Community Guidelines on State aid for environmental protection⁽³⁾. This was notified to Germany by letter of 2 October

⁽¹⁾ In appropriate contexts, 'Riedel-de Haën' should be understood as referring to Riedel-de Haën GmbH.

⁽²⁾ 'Waste disposal problems for Riedel', *Landkreis-Zeitung West*, 11 October 1989.

⁽³⁾ OJ C 72, 10.3.1994, p. 3.

1997. By letters of 7 November 1997 and 19 March 1998, Germany gave its views on those questions and reservations but responded to the Commission's requests for information only in very general terms.

The Commission's Decision was published in the *Official Journal of the European Communities* ⁽¹⁾. In that Decision, it gave other parties concerned notice to submit their comments. By the deadline, 19 January 1998, it had received no comments. On 14 April 1998 solicitors acting for AlliedSignal, Riedel-de Haën's parent company, set out the company's position.

By letter of 24 June 1998 the Commission asked Germany to provide the information necessary for it to decide whether the grants of aid were compatible with the common market. It was made clear that Germany was being given its last chance to provide this information; if they failed to do so, the decision would be taken on the basis of the information at the Commission's disposal.

Following a meeting with Germany and representatives of Riedel-de Haën held in Brussels on 28 July 1998, Germany and Riedel-de Haën responded with a joint letter of 28 August 1998. In that letter they considered the position adopted by Riedel-de Haën in its letter of 14 April 1998. This position was fully taken into consideration by the Commission. The following analysis of Germany's position incorporates the Commission's analysis of Riedel-de Haën's position.

2. Aid

Each year Riedel-de Haën generates 1 300 tonnes of liquid waste containing halogenated hydrocarbon compounds. This waste was previously disposed of by specialised businesses in special-waste incinerators. In 1994 the company began constructing a recycling plant so that it could dispose of the liquid waste on site. The plant is not yet operational.

Germany initially assessed the cost of the project at DEM 21,4 million (ECU 10,7 million) but adjusted this to DEM 20,6 million (ECU 10,3 million) by letter of 28 August 1998. This figure incorporates investment, development and other costs as well as operating costs.

The company's investment costs are estimated at DEM 16,3 million (ECU 8,1 million), of which DEM 14,2 million (ECU 7,1 million) were invested by 24 June 1998. The following table provides a breakdown of the various costs: [... ⁽²⁾ ⁽³⁾] ^(*).

⁽¹⁾ OJ C 385, 19.12.1997, p. 9.

⁽²⁾ *

⁽³⁾ *

^(*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets and marked with an asterisk.

Development and other costs estimated at DEM 1,9 million (ECU 0,9 million), with trial-operation costs amounting to DEM 2,5 million (ECU 1,2 million).

The accuracy of those figures was verified by a firm of accountants.

Riedel-de Haën was granted the following investment aid:

1. a grant of DEM 4 million (ECU 2 million) from the Lower Saxony Economic Assistance Fund (letter of 25 April 1994) as part of the Economy and Environment Scheme, which had been approved;
2. a grant of DEM 4 million (ECU 2 million) from the Federal Foundation for the Environment (letter of 20 May 1994) under a scheme which at the time had not been approved by the Commission.

According to Germany, instalments amounting to DEM 2,9 million (ECU 1,4 million) have been paid over.

3. Comments of the German authorities

By letter of 28 August 1998, Germany submitted the comments set out below.

It maintained that the plant was used exclusively for environmental protection purposes.

Moreover, it was alleged that the Economy and Environment Scheme had already been authorised by the Commission and declared to be compatible with the common market. A copy of the Scheme, the Commission's authorisation of it and the notice authorising it published in the *Official Journal of the European Communities* were appended.

The Federal Foundation for the Environment's aid was in principle compatible with the Community Guidelines.

Moreover, the grants could also be considered aid for research and development within the meaning of the Community framework for aid for research and development ⁽⁴⁾.

In addition, Germany expressed the view that the Commission could not require the aid to be repaid since the company's legitimate expectations must be met.

Germany presented an excerpt from the Commercial Register entry for Riedel-de Haën AG and Riedel-de Haën GmbH, the annual report for 1997 and a list of the company's fixed assets, in particular the plant producing halogenated hydrocarbon, together with a plan of the production site in Seelze.

⁽⁴⁾ OJ C 83, 11.4.1986, p. 2.

A table of the project costs and a breakdown of those costs viewed from various standpoints were also presented. The accuracy of the data had been verified by a firm of accountants. To this data was appended a comparison of the costs, contrasting the current supply costs with the costs of supplies in the new plant. A firm of accountants had verified part of the costs forming the basis of those calculations.

Explanations were also provided by Germany regarding the operations of the incineration and recycling plant and the difference between the old and new bromine-recovery plant. A second environmental impact assessment on Riedel-de Haën from 1995 was also provided, together with the report of an expert on the generation of contaminants by the new plant, as well as supplementary materials. A Riedel-de Haën brochure entitled *Recycling plant for bromine residues — verification of environmental compatibility* was also lodged.

A copy of the 17th Federal Emission Protection Order (BimSchV) ⁽¹⁾ and Technical Instructions (TA) 'Air 86' was appended to the foregoing documents.

In addition, a copy of Riedel-de Haën's application for aid under Council Regulation (EEC) No 1973/92 ⁽²⁾ which establishes the LIFE programme, a copy of the Commission's refusal and a copy of the company's letter and reply were presented.

A copy of Riedel-de Haën's applications for aid to the Lower Saxony Economic Assistance Fund and the Federal Foundation for the Environment was also appended.

The results of the environmental impact assessment were also notified.

4. Assessment

4.1. The recipient of the aid

Riedel-de Haën is a former subsidiary of Hoechst AG and since 4 November 1996 has belonged to the American group Allied-Signal Inc., Morristown, New Jersey.

In 1997 it had an average of 1 256 employees and generated turnover amounting to DEM 409,2 million (ECU 204,6 million) with total assets of DEM 459,1 million (ECU 229,5 million). When measured according to the Commission Recommendation of 3 April 1996 concerning the definition of small and medium-sized enterprises ⁽³⁾, Riedel-de Haën is a large enterprise.

The company is located outside the assisted areas in Lower Saxony.

It is a chemical enterprise operating in the following fields: inorganic chemicals, laboratory chemicals, organic chemicals, technical preservation products, electrochemicals, luminescent

pigments, photographic dyes, pharmaceuticals and medicinal products.

4.2. Aid

The Lower Saxony Economic Assistance Fund and in the Federal Foundation for the Environment are public institutions that finance their grants of aid, including the present grants, from State resources.

By letter of 28 August 1998, Germany called in question the status of the Foundation as a State institution. In response to this, the Commission again brought out the points which were relevant to its decision: the Foundation was set up by a federal law ⁽⁴⁾; its capital, amounting to over DEM 2,5 billion (ECU 102 billion), derived from the privatisation of the former State enterprise Salzgitter AG. Paragraph 2 of the Law states that the Foundation's object is to provide financial support for environmental projects, particularly when they are implemented by SMEs. Under Paragraph 5(2) of the Law, the Foundation's board members are appointed by the Federal Government and they decide, *inter alia*, what assistance will be granted. In granting aid, the Foundation does not have a generally applicable and automatic procedure on the basis of objective criteria and in actual fact it is the German authorities who, with the assistance of the board, take the decision according to their discretion. Lastly, under Paragraph 3 of the Law, the Foundation is audited by the Federal Court of Auditors. Having regard to all those circumstances and to the fact that Article 92(1) applies to 'any aid granted by a Member State or through State resources in any form whatsoever', the Commission concludes that the Foundation's assistance constitutes State aid within the meaning of Article 92(1). In fact, Germany has in the meantime notified the Foundation's amended rules under Article 93(3), which have been authorised by the Commission as State aid compatible with the common market.

In the various sectors of its activities Riedel-de Haën competes with chemical enterprises in other Member States. Its products feature in intra-Community trade. In 1997 it generated 52 % of its turnover on foreign markets, 67 % of that being in Europe. The aid lowers its investment costs considerably, giving it an advantage over competitors from other Member States who do not receive such investment aid and is liable to prejudice their competitive position.

Regarding bromine recovery, Riedel-de Haën may well be in competition with other businesses that operate this kind of plant. In a study presented by Germany ⁽⁵⁾, it was estimated that at least 10 bromine-recovery plants were needed in western Europe. The grants of aid give Riedel-de Haën an advantage over businesses in other Member States that also have that kind of plant but no aid and are liable to affect their competitive position adversely.

⁽¹⁾ The 17th Order for the implementation of the Federal Law on emission protection for incinerators for waste and similar combustible materials.

⁽²⁾ OJ L 206, 22.7.1992, p. 1.

⁽³⁾ OJ L 107, 30.4.1996, p. 4.

⁽⁴⁾ Law of 18 July 1990 on the establishment of the Federal Foundation for the Environment, BGBl. 1, p. 1448.

⁽⁵⁾ 'Study of the transferability of the plant developed by Riedel-de Haën AG., Seelze for the recovery of residues', by Professor Hesse, Hanover, 9 September 1993.

Both grants of aid are thus liable to distort trade between Member States and therefore constitute State aid within the meaning of Article 92(1).

4.3. *Obligation of notification*

Aid from the Lower Saxony Economic Assistance Fund

On 1 December 1993 Riedel-de Haën applied to the Lower Saxony Economic Assistance Fund for financial support. By letter of 25 April 1994 the Fund made a grant under the Economy and Environment Scheme of DEM 4 million (ECU 2 million) towards project costs amounting to DEM 21,4 million (ECU 10,7 million). It was intended that the investment should be completed on 31 December 1996. According to Germany, at this time funding amounting only to DEM 8,2 million (ECU 4,1 million) had been expended on the project, of which DEM 6,5 million (ECU 3,2 million) was accounted for by investment costs. Under the aid contract, Riedel-de Haën therefore should not have received the full amount of the DEM 4 million (ECU 2 million).

In its Decision initiating the procedure under Article 93(2), the Commission has already expressed its finding that the Fund's grant was not made on the terms fixed in the Economy and Environment Scheme that the Commission authorised on 13 September 1991 for the period 1991 to 1994. Under the Scheme, the Fund was entitled to provide aid for investments for environmental projects. The thrust is clearly on development and demonstration projects which involve 'ecological added value for the Community'. Under point 2 of the Scheme 'only expenditure which basically exceeds existing legal requirements may be regarded as eligible for assistance'.

In spite of being requested to do so by the Commission, Germany has not indicated which part of the investment manifestly exceeds the legal requirements⁽¹⁾. It is thus unclear whether parts of the project were eligible within the meaning of the Scheme and, if so, which parts. It is clear that the Fund has not acted in accordance with point 2 of the Scheme. At the meeting held in Brussels held on 28 July, the German delegation furthermore confirmed that no special investment was required in order to exceed existing legal requirements.

Regarding the comments sent by Germany by letter of 28 August 1998, the Commission sees no reason to review its examination of the Scheme and refers Germany to the Decision it has already adopted. The fact is that a review of that examination would merely confirm that Decision.

⁽¹⁾ In this connexion, see also Part 4.5 of this Decision

The Economy and Environment Scheme for Lower Saxony thus provided no grounds for the Fund to grant Riedel-de Haën the aid in question. The grant must therefore be considered an individual grant of aid and as such should have been notified by Germany under Article 93(3). The aid was therefore granted unlawfully.

Aid from the Federal Foundation for the Environment

On 10 September 1993 Riedel-de Haën applied to the Foundation for financial support. Since the Foundation, in its examination, proceeded on the basis of an application of 10 September 1993 it may be that the company altered its application to a subsequent date. By letter of 20 May 1994 the Foundation granted aid amounting to DEM 4 million (ECU 2 million).

The Commission has already found in its Decision initiating the procedure under Article 93(2) that the aid does not come under an authorised scheme. Germany has not disputed this view. It follows that Germany has failed to comply with its duty of notification under Article 93(3) for this aid, too. The aid was therefore granted unlawfully.

The Commission further points out that the Foundation made the grant of aid conditional on the company's providing from its own funds DEM 15,7 million (ECU 7,6 million) of the probable costs of the project amounting in all to DEM 19,7 million (ECU 9,8 million). The aid granted by the Fund reduces the burden on the company in so far as the condition has not been fulfilled.

4.4. *Exemptions*

The aid specified in Article 92(1) is incompatible with the common market. Article 92(2) and (3) sets out the conditions to be met if aid is to be considered compatible with the common market.

The Commission has examined whether the grants of aid amounting to DEM 8 million (ECU 4 million) qualify under the latter provisions for exemption from the general prohibition on aid.

Article 92(2) does not apply since the assistance does not constitute aid having a social character, granted to individual consumers, aid to make good the damage caused by natural disasters, or aid granted to the economy of certain areas of Germany affected by the division of Germany.

Article 92(3)(a) and the exemptions for regions in Article 92(3)(c) are not applicable since the company is not located in an assisted area.

Moreover, there are no grounds for granting an exemption under Article 92(3)(b) since, in the Commission's opinion, the project does not meet the criteria normally applicable for it to be treated as an important project of common European interest and the aid is not intended to remedy a serious disturbance in the economy of a Member State.

Likewise, there is no question of exemption under Article 92(3)(d) since the aid is not intended to promote culture or conserve heritage.

The only provisions that might be applicable are the first part of Article 92(3)(c), under which aid to facilitate the development of certain economic activities can be exempted where it does not adversely affect trading conditions to an extent contrary to the common interest.

4.5. *Compatibility with the Community Guidelines*

Germany maintains that the aid is to be considered investment made for environmental protection. The conditions on which investment can be considered aid for environmental protection such as is compatible with the common market are laid down in Community Guidelines.

The current Community Guidelines were published on 10 March 1994. Since both grants of aid were made after that date, namely on 25 April and 20 May 1994, the Commission considered them in the light of the current Community Guidelines.

Germany argues that the plant is not for production purposes but is exclusively intended for environmental protection. Moreover, the company is not under an obligation to construct a residue-processing plant. Consequently, they conclude that it was permissible to grant the total project costs — namely investment costs including development and other costs — as aid for environmental protection.

The Commission cannot share this standpoint. In its view, the new plant does indeed involve the production process. Riedel-de Haën's production creates hazardous liquid wastes that it is under an obligation to dispose of; disposal can thus be considered part of the production process. The new plant enables the waste to be disposed of on-site and is thus part of the production process. Moreover, the bromine-recovery plant, which forms a significant part of the processing plant, recovers major quantities of bromine that can be directly returned to the production process.

Under point 3.2.1 of the Community Guidelines, aid for investment can be granted for investment in land, buildings, plant and equipment. Under those provisions only the investment costs of DEM 16,3 million (ECU 8,1 million) might possibly be considered aid for environmental protection, but not the devel-

opment and other costs or the costs of trial operations. Moreover, point 3.2.1 states unequivocally that 'the eligible costs must be strictly confined to the extra investment costs necessary to meet environmental objectives. General investment costs not attributable to environmental protection must be excluded'. It was therefore necessary for Germany to establish which part of the investment costs were attributable to environmental protection.

Proceeding on those principles, the Commission has concluded that the following aid could be considered aid for environmental protection:

1. investment to help firms adapt to new mandatory standards or to promote quicker compliance with those standards;
2. investment to support measures that lower emissions and significantly exceed mandatory standards;
3. investments that, notwithstanding the absence of mandatory standards, are adopted on the basis of agreements whereby companies intensify their efforts to reduce environmental pollution, notwithstanding the absence of a statutory obligation or before such an obligation comes into effect.

Investment aid to help firms adapt to new mandatory standards

With regard to the first category, the Community Guidelines provide in point 3.2.3.A that, 'in keeping with the "polluter pays" principle, no aid should normally be given towards the cost of complying with mandatory standards in new plant'.

The Commission points out that the residue-processing plant forms a new investment, not the replacement of existing plant. Furthermore, Riedel-de Haën was already operating a bromine-recovery plant. According to Germany's information, this plant had been decommissioned as early as 1985 and, from a technical standpoint, was significantly inferior to the new plant integrated into the residue-processing plant. Consequently, the Commission does not consider the new plant as a replacement for the existing plant.

It thus follows that the entire residue-processing plant undoubtedly constitutes new plant for the purposes of the Community Guidelines. It is therefore impossible to authorise the aid as investment to adapt to new mandatory standards since this is contrary to the 'polluter pays' principle.

Investment aid to firms going significantly beyond mandatory standards

Germany maintains that the aid constitutes an incentive to improve on mandatory standards. However, the Commission, in its position of 28 August 1998, concluded that Germany granted the aid only partly for this objective.

The general emissions standards for projects of this nature are laid down in the 17th Federal Emission Protection Order. The Order requires the *Land* authorities to adopt decisions laying down the applicable environmental standards, taking into account the characteristics of each individual project. In the present case the Government of the *Land* of Lower Saxony fixed the mandatory standards in a decision of 15 March 1991 applicable to Riedel-de Haën's site and confirmed them in its decision of 11 August 1996 granting the authorisation.

The requirements laid down by the *Land* Government of Hannover in its decision go beyond the requirements of the Order. While the decision fixes mean values for emissions in terms of half hourly readings, the emission mean values in the Order are only fixed for daily readings. Germany therefore considers that the company is improving on the requirements laid down in mandatory standards.

The Commission does not share this view. Since the decision requires the company to comply with mean values, those values are obviously the mandatory standards. The only part of the investments eligible for aid is that part relating to the measures going beyond the mandatory standards in the decision.

The Commission therefore requested Germany to state whether a significant reduction in emissions below the prescribed mean values was linked to increased costs and, if so, how much. However, Germany has failed to indicate which part of the investment served to improve on the standards, either those fixed in the decision or in the Order. In fact, at the meeting in Brussels on 28 July 1998 the German delegation confirmed that no special investments were needed to comply with the values specified in the decision that improved on the values in the Order.

Consequently, the Commission cannot authorise the assistance as investment aid to encourage firms to improve on mandatory standards since Germany has failed to establish that there are any investment costs eligible for aid.

Aid in the absence of mandatory environmental standards

By letter of 28 August 1998, Germany maintained that the aid had been granted for environmental protection in fields in which there were no mandatory standards.

They claimed that the company had hitherto disposed of its residues in a special-waste incinerator. Recycling the residues instead of incinerating them would generate significantly lower levels of gaseous and solid wastes. Regarding hazardous wastes, the Order prescribed threshold values for concentrations only but not for the relevant quantities. Consequently, the investment would result in an appreciable improvement in environmental performance in a field in which there are no mandatory standards.

Under point 3.2.3.C of the Community Guidelines, in fields in which there are no mandatory standards or other legal obligations on firms to protect the environment, firms undertaking

investment that will significantly improve on their environmental performance or match that of firms in other Member States in which mandatory standards apply may be granted aid subject to the same condition of proportionality as for going beyond existing standards, as indicated in point 3.2.3.B of the Guidelines.

Under point 3.2.3.B of the Community Guidelines, the level of aid actually granted for exceeding standards must be in proportion to the improvement of the environment that is achieved and to the investment necessary for achieving the improvement. It follows that aid cannot be granted if, in comparison to the plant that would in any case have been installed, an improvement in the environment does not occur or the investment is made on commercial grounds and not in order to achieve an improvement in environmental conditions.

In other words, the essential purpose of this part of the Community Guidelines is to allow State aid for the purpose of encouraging a firm to carry out supplementary investment to secure an improvement in environmental performance. For this, both positive financial incentives, i.e. aid, and disincentives, i.e. taxes and levies, are considered appropriate (Community Guidelines, point 1.2). The ultimate objective of investment incentives in this sphere is to facilitate a gradual improvement in the quality of the environment (Community Guidelines, point 1.5.1). The Community Guidelines are not intended to allow the grant of State aid for a general investment which a company would in any case have made on business grounds. It is laid down in point 3.2.1 of the Community Guidelines that the eligible costs must be strictly confined to the extra investment costs necessary to meet environmental objectives.

On the basis of the objectives fixed in point 3.2.3.C of the Community Guidelines, the Commission concludes that in the case of a new plant a firm's comparable, non-equivalent activities cannot form the basis for assessing aid for environmental protection; nor can a firm's processes that are least harmful to the environment while only just above the statutory minimum. That would be directly contrary to the objective of the Community Guidelines. Instead, the environmental impact of a particular plant must be compared with the impact of a similar and comparable plant which the firm would in all likelihood have contemplated on economic considerations.

Applying those principles, the Commission concludes that a comparison between disposal in a residue-processing plant and an incinerator is only justified if the company would have made the investment on environmental grounds, not on economic considerations. It is only on those conditions that the aid forms an incentive for environmental protection, not a general incentive for investment. However, in the Commission's view there is sufficient evidence for an economic objective for this investment.

As has been mentioned above, the company is under an obligation to dispose of its noxious liquid waste. According to Germany, the liquid waste must be incinerated since final disposal is impossible. Incineration can be carried out in local special-waste incinerators. Because of their high bromine content, the residues can only be incinerated in small quantities as supplements to other wastes.

In future incinerator operators might possibly refuse to dispose of such wastes because waste with a high bromine content leads to significant deterioration in the plant. It can therefore be assumed that the disposal costs of waste with a high bromine content will rise appreciably in the near future. The new plant would mean that the company was not dependent upon the price policy of the operator of the special-waste incinerator and would be able to avoid dependence by having the company dispose of its liquid waste itself.

In addition the recovery plant will enable Riedel-de Haën to recycle significant quantities of substances each year including 330 tonnes of bromine, 440 tonnes of potassium chloride and 160 tonnes of potassium fluoride and to use them again directly in the manufacturing process. This could allow the company to reduce its production costs appreciably.

Lastly, the company will save the costs of transporting its liquid waste from its site to the special-waste incinerator. According to Germany, considerable costs are involved.

The Commission cannot agree with Germany's view that the advantages for the environment provided by the plant are that disposal of the residues in the special-waste incinerator is cheaper than processing in special plant. Germany has merely provided the Commission with an imprecise calculation to the effect that additional costs of [...] * per year would be incurred. The conclusive nature of this calculation and its accuracy have not been established, however, nor have they have been confirmed by the firm of accountants in its verification, which merely stated that the accuracy of the costs of disposal of the residues in 1996 and 1997 had been duly established.

Moreover, Riedel-de Haën would be the only German company with a bromine-recovery plant. According to a report lodged by Germany, the company would be able to dispose of bromine residues for small and medium-sized enterprises. The view taken in the report was that 'if the project were carried out, it would be highly interesting to many businesses'. The new plant is designed to process [...] * tonnes of residues per year. Germany has established that in 1996 and 1997 only [...] * tonnes of liquid wastes could be disposed of. The company could therefore acquire new business, with additional income and economies of scale.

Those considerations establish clearly that Riedel-de Haën, in investing in the recycling plant, was motivated by economic, not environmental, considerations. A comparison of the quantities of harmful residues from such plant with those of an incinerator is thus inappropriate.

Proceeding on the basis of the abovementioned considerations, the Commission must thus verify whether Riedel-de Haën intended, on environmental grounds, to make specified investments in the residue-processing plant, which increased the investment costs, while it must be assumed, in view of the plant's environmental impact, that the company would in any event have installed it on purely economic grounds.

According to the expert report submitted by Germany, gaseous and solid wastes are reduced because, in the incineration process, 11 % by volume of oxygen concentration in dry waste gases occurs while in a residue-processing plant the oxygen concentration is usually 3 % by volume. Riedel-de Haën's plant operates with an oxygen concentration of 3 % by volume. The amount of waste gases generated by this plant is in fact an operational characteristic and thus does not produce any improvement over other plant of this kind.

The Commission points out that Germany has tried to argue that these are necessary costs for an appreciable improvement in environmental terms in a field where there are no mandatory standards. It has, however, failed to prove that, by opting to invest in a residue-processing plant, the investment was made exclusively or mainly for the purposes of environmental protection.

The Commission is consequently unable to regard this support as investment aid for environmental protection in fields where there are no mandatory standards, since Germany has failed to prove the existence of eligible investment costs.

Operating aid

Under point 3.4 of the Community Guidelines, in accordance with long-standing policy, the Commission does not normally approve operating aid which relieves firms of costs resulting from the pollution or nuisance they cause. However, the Commission may make an exception to this principle in certain well-defined circumstances. In the field of waste management, the public financing of the additional costs of selective collection, recovery and treatment of waste for the benefit of businesses as well as consumers may involve State aid. Under point 1.5.3 of the Community Guidelines, such plant can be operated by semi-public bodies whose service costs are met by consumers. Taking account of all the circumstances of the case, on the basis of the existing information and in view of the nature of the procedure and on the basis of the preceding analysis, the Commission considers that the aid at issue in this procedure could not have been granted on the basis of point 3.4 of the Community Guidelines.

4.6. Other considerations

By letter of 19 March 1993, Riedel-de Haën asked the Commission for aid under the LIFE programme. According to Germany, the programme was not in fact financed by the Commission because funding was lacking but the company assumed that the Commission had recognised the project's innovatory characteristics.

However, the Commission certainly did not recognise this as an innovative project and accordingly, by letter of 30 July 1996, refused the application while in fact adding that if the plan were amended there would be a prospect of Community assistance in the succeeding year.

Germany also took the view that the aid for R&D could be exempted. However, the Commission considers that there is no justification for this aid. It refers to the brochure produced by Riedel-de Haën *Recycling plant for bromine residues — verification of environmental compatibility*, according to which the technology in question had been developed as early as 1989 by a US engineering firm. Nevertheless, State aid was granted on 25 April and 20 May 1994. Moreover, Germany has failed to demonstrate that there are any costs that could be considered eligible for research and development aid under the Community Guidelines.

5. Conclusions

It is clear that both grants of aid are at odds with the applicable Community Guidelines on State aid for environmental protection and therefore, in relation to the environmental-protection criterion, are not compatible with the common market.

The project must be considered a general investment project. Riedel-de Haën is a large enterprise located outside an assisted area. However, investment aid for such a firm cannot be exempted under Article 93(3)(c).

These grants of aid, which are not covered by exempting provisions, adversely affect trading conditions to an extent contrary to the common interest. Moreover, they would give Riedel-de Haën an unjustified advantage over its competitors that do not receive assistance.

The aid is not compatible with the common market since it was unlawfully granted for the purposes of Article 93(3) and does not fulfil the conditions for the exempting provisions in Article 92(2) and (3).

The grants of aid must therefore be terminated and repaid, in accordance with the terms set out by the European Court of Justice in its judgment in Case C-301/87 ⁽¹⁾. Repayments to be effected must make good the distortion of competition resulting from the grant of the aid, notwithstanding any formal restructuring carried out within the group. If for any reason the repayment cannot be made by Riedel-de Haën AG or its successor, the aid must be recovered from the group's subsidiaries continuing the business and/or exploiting the productive assets acquired by Riedel-de Haën through the aid, namely Riedel-de Haën GmbH.

The repayment must be made in accordance with the procedures and rules of German law, in particular those concerning interest on the State's outstanding claims, to the effect that interest is payable from the time when the unlawful aid was granted. This measure is necessary in order to restore the original situation by making good all financial advantages received by the assisted enterprise from the point when the aid was unlawfully paid,

HAS ADOPTED THIS DECISION:

Article 1

The aid of DEM 4 million from the Lower Saxony Economic Assistance Fund and the aid of DEM 4 million from the Federal Foundation for the Environment have been granted unlawfully to Riedel-de Haën AG, Seelze, and are not compatible with the common market.

Article 2

Germany shall take the necessary measures to recover the aid paid to Riedel-de Haën AG or its successor. If this proves impossible, Germany shall take the necessary measures to recover the aid specified in Article 1 from Riedel-de Haën GmbH.

The aid shall be recovered in accordance with the procedures and rules of German law. Interest shall be payable on the sums recovered from the time when they were granted until actual repayment is made. The rate shall be that used by the Commission during the period in question to calculate the net grant equivalent of regional aid.

Article 3

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

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 22 December 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ [1990] ECR I-307, paragraph 22.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1749/1999 of 23 July 1999 amending Regulation (EC) No 2214/96, concerning the sub-indices of the harmonised indices of consumer prices**

(Official Journal of the European Communities L 214 of 13 August 1999)

On page 29, in Annex II, the footnote should read as follows:

'(1) In accordance with Commission Regulation (EC) No 1617/1999 (OJ L 192, 24.7.1999).'

Corrigendum to Commission Regulation (EC) No 2085/1999 of 30 September 1999 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Communities L 256 of 1 October 1999)

On page 56, the signature:

for: 'Mario MONTI',

read: 'Erkki LIIKANEN'.

Corrigendum to Commission Regulation (EC) No 2086/1999 of 30 September 1999 suspending advance fixing of export refunds on agricultural products exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Communities L 256 of 1 October 1999)

On page 58, the signature:

for: 'Mario MONTI',

read: 'Erkki LIIKANEN'.

Corrigendum to Commission Regulation (EC) No 2087/1999 of 30 September 1999 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Communities L 256 of 1 October 1999)

On page 60, the signature:

for: 'Mario MONTI',

read: 'Erkki LIIKANEN'.

Corrigendum to Commission Regulation (EC) No 2088/1999 of 30 September 1999 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Communities L 256 of 1 October 1999)

On page 62, the signature:

for: 'Mario MONTI',

read: 'Erkki LIIKANEN'.

Corrigendum to Commission Regulation (EC) No 2137/1999 of 7 October 1999 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Communities L 262 of 8 October 1999)

On page 8, the signature:

for: 'Mario MONTI',

read: 'Erkki LIIKANEN'.
