COMMISSION DECISION

of 16 December 1997

amending for the seventh time Decision 95/32/EC approving the Austrian programme for the implementation of Article 138 of the act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden

(Only the German text is authentic)

(98/68/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 138(5), and Article 140 thereof,

Whereas on 8 November 1994 Austria notified the Commission, pursuant to Article 143 of the Act of Accession, of the Austrian programme for the implementation of its Article 138 aid for a number of products for the period 1995 to 1999 inclusive;

Whereas this programme, as modified by letter dated 16 December 1994, was approved by Commission Decision 95/32/EC [1], whereas that Decision was amended by Decisions 95/209/EC [2], 95/416/EC [3], 96/38/EC [4], 96/140/EC [5], 97/24/EC [6] and 97/354/EC [7];

Whereas by letter dated 16 November 1995 Austria notified the Commission of a request for Commission authorisation to further amend that programme; whereas that request was the subject of additional information submitted by letters dated 18 December 1995, 20 December 1996, 17 February 1997, 9 April 1997, 24 July 1997 and 3 October 1997;

Whereas this request involves aid for potatoes for food production; whereas the request for aid is in accordance with the provisions of the Act of Accession, and in particular Article 138 thereof; whereas potatoes are listed in Annex II to the Treaty and are therefore subject to the provisions of Articles 39 to 46 of the Treaty establishing the common agricultural policy; whereas the Commission by Decisions 96/38/EC and 97/24/EC accepted such aid for fruit and certain vegetables which benefited before Accession from a similar system of support as did potatoes; whereas the form of the aid reflects principles of the reformed common agricultural policy and so may be deemed to be appropriate;

Whereas by letter dated 11 June 1997 Austria notified the Commission of a request for rectification of its Decision 97/354/EC; whereas this request appears to be justified since this Decision aims to adapt the transitional aid measures to certain provisions of Council Regulation (EC) No 1868/94 [8]; whereas this Regulation in its Article 6(2) provides flexibility on the entire production quota of starch potatoes, not only a residual quantity as constitutes that under price category B;

Whereas by letter dated 10 July 1997 Austria notified the Commission of a request for Commission authorisation to grant aid to producers of milk used to produce 'Bergkäse' cheese; whereas this request corresponds to the provisions of Annex XIV, part 'Austria', paragraph 4, to the Act of Accession; whereas the Austrian authorities in that regard confirmed the respect of the limit enshrined therein which is set at the production volume existing before accession,

HAS ADOPTED THIS DECISION:

Article 1

Decision 95/32/EC is hereby modified as follows:

1. The Annex is replaced by the Annex to the present Decision.

2. In Article 2(2) the first indent is replaced by the following:

'— starch potatoes:

— price category A1:61 951 tonnes per annum,

— price category A2:61 954 tonnes per annum,

— price category B:107 847 tonnes per annum.

However, the amount of starch potatoes is subject to the flexibility rule provided by Article 6(2) of Council Regulation (EC) No 1868/94. Austria shall ensure that in the three marketing years from 1995/96 to 1997/98, the annual average quantity of potatoes subject to aid does not exceed 231 752 tonnes.'

[1] OJ L 43, 25. 2. 1995, p. 53.
[2] OJ L 131, 15. 6. 1995, p. 34.
[3] OJ L 242, 11. 10. 1995, p. 21.
[4] OJ L 10, 13. 1. 1996, p. 46.
[5] OJ L 32, 10. 2. 1996, p. 33.
[6] OJ L 8, 11. 1. 1997, p. 27.
[7] OJ L 151, 10. 6. 1997, p. 43.
[8] OJ L 197, 30. 7. 1994, p. 4.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 16 December 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

(in ÖS)

Product	Maximum rate of aid for products produced in each of the years shown					
	1995	1996	1997	1998	1999	2000
Arable crops (1)	3 700/ha	65 % of rate in 1995	40 % of rate in 1995	15 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995
Fodder grain	2 400/ha					
Durum wheat	6 000/ha					
Protein plants	2 400/ha					
Linseed for crushing	6 000/ha					
Set-aside:						
— normal	1 000/ha					
— renewable resources	2 000/ha					
Cows' milk:	1 070/tonne					
Potatoes for starch (2):						
— price category A1	362/tonne					
— price category A2	362/tonne					
— price category B	200/tonne					
Potatoes for food processing	0,35/kg					
Hops	8 500/ha					
Fattening pigs	80/animal					
Sows	1 400/animal					
Sows undergoing performance testing	2 500/animal					
Milk for 'Bergkäse' cheese production (3)			0,4/kg	0,36/kg	0,32/kg	
Young bovine animals	3 000/animal	90 % of rate in 1995	80 % of rate in 1995	70 % of rate in 1995	60 % of rate in 1995	0 % of rate in 1995
Broiler chickens	1,10/bird	100 % of rate in 1995	61,5 % of rate in 1995	23,1 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995
Turkeys	5,00/bird					
Chicks	0,08/bird					
Parent birds for fattening	2,30/bird					
Young laying hens	7,50/bird					
Adult laying birds	63,40/bird					
Layer chicks	2,40/bird					
Fodder seeds (4):						
— purple clover, red clover	4 951/ha	80 % of rate in 1995	50 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995
— lucerne, purple medick	6 144/ha					
— French rye-grass	5 481/ha					
— golden/yellow oat grass	8 500/ha					
— meadow foxtail	8 500/ha					
— cocksfoot	5 195/ha					
— Timothy, common cat's-tail	4 715/ha					
— meadow fescue	4 924/ha					
— Italian rye-grass	3 480/ha					
— bastard rye-grass	3 192/ha					
— California bluebell	7 500/ha					
— *poa alpina*	8 500/ha					

(in ÖS)

Product	Maximum rate of aid for products produced in each of the years shown					
	1995	1996	1997	1998	1999	2000
Other seeds:						
— large-grained leguminosae seed (5)	6 000/ha	65 % of rate in 1995	40 % of rate in 1995	15 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995
— fodder rape	6 500/ha					
— flower seeds	6 000/ha					
Herbal, medicinal and other minor plants (6)	6 000/ha					
Pumpkins:						
— thick skinned	6 000/ha					
— thin skinned	4 700/ha					
Other vegetables for processing	13 200/ha (7)					
Other vegetables not for processing		see below				
— open air	35 400/ha (7)					
— other						
— high intensity	480 000/ha (7)					
— low intensity	142 000/ha (7)					
Pomaceous	25 900/ha (7)					
Other fruit	31 000/ha (7)					
Fruit	see above		61,5 % of rate in 1996	23,1 % of rate in 1996	0 % of rate in 1996	0 % of rate in 1996
— Strawberries FM		70 750/ha				
— Strawberries SPF		42 450/ha				
— Cherries		37 850/ha				
— Apricots		28 700/ha				
— Peaches		28 100/ha				
— Redcurrants FM		24 300/ha				
— Redcurrants VA		21 750/ha				
— Dessert apples		33 000/ha				
— Dessert pears		38 600/ha				
— Sour cherries		40 800/ha				
— Plums		31 650/ha				
Vegetables [except pumpkins]						
— Horseradish FL (VA)		54 950/ha				
— Horseradish GH, FH		68 250/ha				
— Broccoli FL (GH, FH, VA)		71 050/ha				
— Chinese cabbage FL, GH, FH, VA		34 850/ha				
— Iceberg lettuce FH, GH		199 400/ha				
— Iceberg lettuce FL (VA)		71 600/ha				
— Endive FL (VA)		62 850/ha				
— Endive GH, FH		73 250/ha				
— String beans FL		51 600/ha				
— String beans GH, FH		55 250/ha				
— String beans VA		10 150/ha				
— Garden peas VA		6 600/ha				
— Garden peas FL, GH, FH		25 400/ha				

(in ÖS)

Product	Maximum rate of aid for products produced in each of the years shown					
	1995	1996	1997	1998	1999	2000
— Cucumber FL	see above	34 100/ha	61,5 % of rate in 1996	23,1 % of rate in 1996	0 % of rate in 1996	0 % of rate in 1996
— Cucumber GH, FH (9-13) (8)		209 000/ha				
— Cucumber GH, FH (14-18) (8)		326 600/ha				
— Cucumber GH, FH (19-23) (8)		457 200/ha				
— Cucumber GH, FH (24-28) (8)		653 200/ha				
— Cucumber GH, FH (> 29) (8)		979 750/ha				
— Cucumber VA		66 850/ha				
— Lettuce GH, FH		173 900/ha				
— Lettuce FL (VA)		74 000/ha				
— Cauliflowers FL, (GH, FH)		45 400/ha				
— Cauliflowers VA		36 100/ha				
— Carrots GH, FH		47 850/ha				
— Carrots FL		23 000/ha				
— Carrots VA		21 700/ha				
— Cabbage FL (GH, FH, VA)		45 900/ha				
— Kohlrabi FL (VA)		72 300/ha				
— Kohlrabi GH, FH		179 250/ha				
— Brussels sprouts FL (GH, FH, VA)		50 850/ha				
— Paprika (Capia) VA		42 650/ha				
— Paprika FL		101 050/ha				
— Paprika GH, FH (16-19) (8)		168 400/ha				
— Paprika GH, FH (20-23) (8)		264 650/ha				
— Paprika GH, FH (24-27) (8)		360 850/ha				
— Paprika GH, FH (28-31) (8)		384 900/ha				
— Paprika GH, FH (> 32) (8)		457 100/ha				
— Radishes FH, GH		225 750/ha				
— Radishes FL (VA)		85 850/ha				
— Beetroot FL (GH, FH)		55 900/ha				
— Beetroot VA		17 100/ha				
— Red cabbage FL (GH, FH)		48 450/ha				
— Red cabbage VA		26 200/ha				
— Garlic FL (VA)		157 750/ha				
— Garlic GH, FH		690 100/ha				
— Celery FL (GH, FH)		65 450/ha				
— Celery VA		38 450/ha				
— Spinach FL (GH, FH)		76 800/ha				
— Spinach VA		10 150/ha				
— Tomatoes FL		88 450/ha				
— Tomatoes GH, FH (16-19) (8)		210 900/ha				
— Tomatoes GH, FH (20-23) (8)		295 300/ha				
— Tomatoes GH, FH (24-27) (8)		379 650/ha				
— Tomatoes GH, FH (28-31) (8)		464 000/ha				
— Tomatoes GH, FH (> 32) (8)		548 400/ha				
— White cabbage FL (GH, FH)		47 700/ha				
— White cabbage VA		20 150/ha				
— Onions FL (GH, FH, VA)		33 250/ha				

FM product for fresh market
Spf Pick-your-own
FL open field
GH glass-house
FH tunnel grown
VA for processing

(1) Excluding fodder grain, durum wheat, protein plants, linseed for crushing, potatoes for starch, and all seed crops, fruit and vegetables, herbal medicinal and other minor plants.

(2) Starch content 18 % basis.

(3) The aid will be granted within the limit of the production volume corresponding to that existing before Accession (Annex XIV, part 'Austria', paragraph 4 of the Act of Accession). Premiums are payed alternatively for the input (milk) or the product (cheese) and are converted for the product by the factor 13.

(4) Austria shall take all steps necessary to ensure that on an annual average basis the quantities of seed subject to aid for each species do not exceed that recorded in normal years prior to Accession.

(5) Excluding *leguminosae* already promoted under Regulations (EEC) No 1765/92 and (EEC) No 762/85.

(6) Limited to those crops which in 1994 were eligible for a flat-rate premium of at least ÖS 6 000/ha but no aid may be granted for confectionery sunflower (*gestreiftsamige Sonnenblumen*).

(7) Weighted average: the aid rate for each product will be set to respect this average. Within this constraint the Austrian authorities shall ensure that for no product the aid exceeds the reduction in support since 1994.

(8) Duration of production in weeks.