

Commission Regulation (EC) No 2647/98 of 9 December 1998 laying down detailed rules for the application of Council Regulation (EC) No 2330/98 providing for an offer of compensation to certain producers of milk and milk products temporarily restricted in carrying out their trade and establishing the form for applications for compensation

Article 1

The form referred to in Article 9 of Regulation (EC) No 2330/98 shall be as set out in Annex I.

The competent authority may adapt the form to take account of information already at its disposal, or in order to obtain additional information or evidence necessary for the purpose of implementing the provisions of Regulation (EC) No 2330/98, and in particular Article 5(3) and (4) thereof.

Article 2

The costs incurred by a producer in respect of payment of an agent who has acted in his name and on his behalf in dealing with the Community institutions shall be reimbursed on a flat-rate basis at the rate of 0,5 % of the amount of the compensation referred to in Article 10 of Regulation (EC) No 2330/98, subject to a minimum of ECU 500 in the case of producers who have brought proceedings against the Community in the Court of First Instance, and a minimum of ECU 250 in other cases.

The reimbursement shall be made by the competent authority only on request by the producer in the form referred to in Article 1 and upon presentation of the bill for the agent's fees.

However, the sum paid to the producer may not exceed the amount shown on the bill and each producer may claim only the fees of one agent.

Article 3

Notwithstanding the provisions of Article 2, in those cases which have been the subject of a ruling by the Court of First Instance on the issue of the liability of the Community Institutions, the amount of costs may be agreed directly between the Community Institutions and the agents of the producers concerned.

Article 4

For the purposes of this Regulation, a body which renders services solely against payment of dues shall not be considered an agent.

Article 5

Subject to verifying that the agent's bill concerns costs relating to services performed prior to the entry into force of Regulation (EC) No 2330/98, the competent authority shall indicate and include in the compensation offer made to the producer the amount determined in accordance with Article 2 or, where appropriate, the amount agreed in accordance with Article 3 and notified to the competent authority.

Articles 11 and 12 of Regulation (EC) No 2330/98 shall also apply to the aforementioned sum.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2647/98. (See end of Document for details)

Article 6

The statement of receipt in full and final settlement referred to in Article 13(3) of Regulation (EC) No 2330/98 shall be made on the standard form in Annex II.

At the request of a Member State, the Commission may decide to alter the standard form in respect of that Member State in order to take account of specific relevant national provisions.

Article 7

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, 9 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 2647/98.