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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 147/98
of 22 January 1998
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 2375/96 ⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 22 January 1998 establishing the standard import values
for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	46,4
	212	94,1
	624	165,0
	999	101,8
0707 00 05	052	159,1
	999	159,1
0709 10 00	220	107,3
	999	107,3
0709 90 70	052	137,6
	204	177,6
	999	157,6
0805 10 10, 0805 10 30, 0805 10 50	052	37,7
	204	40,9
	212	35,6
	220	48,3
	400	54,1
	448	28,2
	600	54,2
	624	60,2
	625	32,0
	999	43,5
0805 20 10	052	60,1
	204	58,1
	624	69,0
	999	62,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,7
	204	71,0
	624	88,1
	999	76,6
0805 30 10	052	58,1
	400	73,1
	600	81,4
	999	70,9
0808 10 20, 0808 10 50, 0808 10 90	060	50,2
	400	87,9
	404	85,1
	720	101,7
	728	82,4
	800	100,7
	999	84,7
	052	92,5
0808 20 50	064	90,2
	388	106,5
	400	100,1
	999	97,3

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

COMMISSION REGULATION (EC) No 148/98

of 22 January 1998

laying down detailed rules for the application of Council Regulation (EC) No 2005/97 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Algeria

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

Having regard to Council Regulation (EC) No 2005/97 of 9 October 1997 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Algeria⁽¹⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽²⁾, as last amended by Regulation (EC) No 1161/97⁽³⁾, and in particular Article 3 thereof,

Whereas the reduction in the rate of customs duty provided for in Article 2(2) of Regulation (EC) No 2005/97 applies to all imports of olive oil in respect of which the importer provides proof on import that the special export charge is reflected in the import price; whereas, for the purposes of applying the abovementioned arrangements, provision should be made for the importer to provide proof that the charge in question has been reimbursed to the exporter;

Whereas Commission Regulation (EC) No 2146/95⁽⁴⁾, as last amended by Regulation (EC) No 1163/97⁽⁵⁾, relating, *inter alia*, to the transitional adjustment of the special arrangements for imports of olive oil originating in Algeria lays down provisions applying to those arrangements; whereas those provisions should be repealed in view of the detailed implementing rules laid down herein;

Whereas the measures provided for in this Regulation are in accordance with the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

1. The arrangements provided for in Article 2(2) and (3) of Regulation (EC) No 2005/97 shall apply to all imports in respect of which the importer provides proof, on acceptance of the declaration of release for free circulation, that the special export charge is reflected in the import price and that he has reimbursed that charge to the exporter up to the amount deductible on import into the Community as provided for in Article 2(2) of that Regulation.

2. Proof for the purposes of paragraph 1 may consist in any administrative, commercial or bank document acceptable to the customs authorities.

3. For the purposes of this Regulation, 'exporter' means the person shown in the EUR.1 certificate for Algeria.

Article 2

Regulation (EC) No 2146/95 is hereby repealed.

Article 3

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

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 284, 16. 10. 1997, p. 11.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 169, 27. 6. 1997, p. 1.

⁽⁴⁾ OJ L 215, 9. 9. 1995, p. 1.

⁽⁵⁾ OJ L 169, 27. 6. 1997, p. 4.

COMMISSION REGULATION (EC) No 149/98

of 22 January 1998

laying down detailed rules for the application of Council Regulation (EC) No 2007/97 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Lebanon

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

Having regard to Council Regulation (EC) No 2007/97 of 9 October 1997 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Lebanon⁽¹⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽²⁾, as last amended by Regulation (EC) No 1161/97⁽³⁾, and in particular Article 3 thereof,

Whereas the reduction in the rate of customs duty provided for in Article 2(2) of Regulation (EC) No 2007/97 applies to all imports of olive oil in respect of which the importer provides proof on import that the special export charge is reflected in the import price; whereas, for the purposes of applying the abovementioned arrangements, provision should be made for the importer to provide proof that the charge in question has been reimbursed to the exporter;

Whereas Commission Regulation (EC) No 2146/95⁽⁴⁾, as last amended by Regulation (EC) No 1163/97⁽⁵⁾, relating, *inter alia*, to the transitional adjustment of the special arrangements for imports of olive oil originating in Lebanon lays down provisions applying to those arrangements; whereas those provisions should be repealed in view of the detailed implementing rules laid down herein;

Whereas the measures provided for in this Regulation are in accordance with the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

1. The arrangements provided for in Article 2(2) and (3) of Regulation (EC) No 2007/97 shall apply to all imports in respect of which the importer provides proof, on acceptance of the declaration of release for free circulation, that the special export charge is reflected in the import price and that he has reimbursed that charge to the exporter up to the amount deductible on import into the Community as provided for in Article 2(2) of that Regulation.

2. Proof for the purposes of paragraph 1 may consist in any administrative, commercial or bank document acceptable to the customs authorities.

3. For the purposes of this Regulation, 'exporter' means the person shown in the EUR.1 certificate for Lebanon.

Article 2

Regulation (EC) No 2146/95 is hereby repealed.

Article 3

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

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 284, 16. 10. 1997, p. 15.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 169, 27. 6. 1997, p. 1.

⁽⁴⁾ OJ L 215, 9. 9. 1995, p. 1.

⁽⁵⁾ OJ L 169, 27. 6. 1997, p. 4.

COMMISSION REGULATION (EC) No 150/98

of 22 January 1998

laying down detailed rules for the application of Council Regulation (EC) No 2004/97 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Tunisia

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

Having regard to Council Regulation (EC) No 2004/97 of 9 October 1997 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Tunisia⁽¹⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽²⁾, as last amended by Regulation (EC) No 1161/97⁽³⁾, and in particular Article 3 thereof,

Whereas the reduction in the rate of customs duty provided for in Article 2(2) of Regulation (EC) No 2004/97 applies to all imports of olive oil in respect of which the importer provides proof on import that the special export charge is reflected in the import price; whereas, for the purposes of applying the abovementioned arrangements, provision should be made for the importer to provide proof that the charge in question has been reimbursed to the exporter;

Whereas Commission Regulation (EC) No 2146/95⁽⁴⁾, as last amended by Regulation (EC) No 1163/97⁽⁵⁾, relating, *inter alia*, to the transitional adjustment of the special arrangements for imports of olive oil originating in Tunisia lays down provisions applying to those arrangements; whereas those provisions should be repealed in view of the detailed implementing rules laid down herein;

Whereas the measures provided for in this Regulation are in accordance with the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

1. The arrangements provided for in Article 2(2) and (3) of Regulation (EC) No 2004/97 shall apply to all imports in respect of which the importer provides proof, on acceptance of the declaration of release for free circulation, that the special export charge is reflected in the import price and that he has reimbursed that charge to the exporter up to the amount deductible on import into the Community as provided for in Article 2(2) of that Regulation.

2. Proof for the purposes of paragraph 1 may consist in any administrative, commercial or bank document acceptable to the customs authorities.

3. For the purposes of this Regulation, 'exporter' means the person shown in the EUR.1 certificate for Tunisia.

Article 2

Regulation (EC) No 2146/95 is hereby repealed.

Article 3

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

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 284, 16. 10. 1997, p. 9.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 169, 27. 6. 1997, p. 1.

⁽⁴⁾ OJ L 215, 9. 9. 1995, p. 1.

⁽⁵⁾ OJ L 169, 27. 6. 1997, p. 4.

COMMISSION REGULATION (EC) No 151/98

of 22 January 1998

laying down detailed rules for the application of Council Regulation (EC) No 2008/97 laying down certain rules for the application of the special arrangements for imports of olive oil and certain other agricultural products originating in Turkey

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

Having regard to Council Regulation (EC) No 2008/97 of 9 October 1997 laying down certain rules for the application of the special arrangements for imports of olive oil and certain other agricultural products originating in Turkey⁽¹⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽²⁾, as last amended by Regulation (EC) No 1161/97⁽³⁾, and in particular Article 3 thereof,

Whereas the reduction in the rate of customs duty provided for in Article 2(2) of Regulation (EC) No 2008/97 applies to all imports of olive oil in respect of which the importer provides proof on import that the special export charge is reflected in the import price; whereas, for the purposes of applying the abovementioned arrangements, provision should be made for the importer to provide proof that the charge in question has been reimbursed to the exporter;

Whereas Commission Regulation (EC) No 2146/95⁽⁴⁾, as last amended by Regulation (EC) No 1163/97⁽⁵⁾, relating, *inter alia*, to the transitional adjustment of the special arrangements for imports of olive oil originating in Turkey lays down provisions applying to those arrangements; whereas those provisions should be repealed in view of the detailed implementing rules laid down herein;

Whereas the measures provided for in this Regulation are in accordance with the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

1. The arrangements provided for in Article 2(2) and (3) of Regulation (EC) No 2008/97 shall apply to all imports in respect of which the importer provides proof, on acceptance of the declaration of release for free circulation, that the special export charge is reflected in the import price and that he has reimbursed that charge to the exporter up to the amount deductible on import into the Community as provided for in Article 2(2) of that Regulation.

2. Proof for the purposes of paragraph 1 may consist in any administrative, commercial or bank document acceptable to the customs authorities.

3. For the purposes of this Regulation, 'exporter' means the person shown in the ATR 1 certificate for Turkey.

Article 2

Regulation (EC) No 2146/95 is hereby repealed.

Article 3

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

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 284, 16. 10. 1997, p. 17.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 169, 27. 6. 1997, p. 1.

⁽⁴⁾ OJ L 215, 9. 9. 1995, p. 1.

⁽⁵⁾ OJ L 169, 27. 6. 1997, p. 4.

COMMISSION REGULATION (EC) No 152/98

of 22 January 1998

laying down detailed rules for the application of Council Regulation (EC) No 2006/97 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Morocco

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

Having regard to Council Regulation (EC) No 2006/97 of 9 October 1997 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Morocco ⁽¹⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations ⁽²⁾, as last amended by Regulation (EC) No 1161/97 ⁽³⁾, and in particular Article 3 thereof,

Whereas the reduction in the rate of customs duty provided for in Article 2(2) of Regulation (EC) No 2006/97 applies to all imports of olive oil in respect of which the importer provides proof on import that the special export charge is reflected in the import price; whereas, for the purposes of applying the abovementioned arrangements, provision should be made for the importer to provide proof that the charge in question has been reimbursed to the exporter;

Whereas Commission Regulation (EC) No 2146/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1163/97 ⁽⁵⁾, relating, *inter alia*, to the transitional adjustment of the special arrangements for imports of olive oil originating in Morocco lays down provisions applying to those arrangements; whereas those provisions should be repealed in view of the detailed implementing rules laid down herein;

Whereas the measures provided for in this Regulation are in accordance with the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

1. The arrangements provided for in Article 2(2) and (3) of Regulation (EC) No 2006/97 shall apply to all imports in respect of which the importer provides proof, on acceptance of the declaration of release for free circulation, that the special export charge is reflected in the import price and that he has reimbursed that charge to the exporter up to the amount deductible on import into the Community as provided for in Article 2(2) of that Regulation.

2. Proof for the purposes of paragraph 1 may consist in any administrative, commercial or bank document acceptable to the customs authorities.

3. For the purposes of this Regulation, 'exporter' means the person shown in the EUR.1 certificate for Morocco.

Article 2

Regulation (EC) No 2146/95 is hereby repealed.

Article 3

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

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 284, 16. 10. 1997, p. 13.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 169, 27. 6. 1997, p. 1.

⁽⁴⁾ OJ L 215, 9. 9. 1995, p. 1.

⁽⁵⁾ OJ L 169, 27. 6. 1997, p. 4.

COMMISSION REGULATION (EC) No 153/98**of 22 January 1998****fixing the minimum selling prices for beef put up for sale under the invitation
to tender referred to in Regulation (EC) No 2556/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2634/97⁽²⁾, and in particular Article 7(3) thereof,

Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 2556/97⁽³⁾;

Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79⁽⁴⁾, as last amended by Regulation (EC) No 2417/95⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 2556/97 for which the time limit for the submission of tenders was 8 January 1998 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the day of 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, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 349, 19. 12. 1997, p. 41.

⁽⁴⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁵⁾ OJ L 248, 14. 10. 1995, p. 39.

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

Estado miembro	Productos	Precio mínimo expresado en ecus por tonelada
Medlemsstat	Produkter	Mindestpreise i ECU/ton
Mitgliedstaat	Erzeugnisse	Mindestpreise, ausgedrückt in ECU/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε Ecu ανά τόνο
Member State	Products	Minimum prices expressed in ECU per tonne
État membre	Produits	Prix minimaux exprimés en écus par tonne
Stato membro	Prodotti	Prezzi minimi espressi in ecu per tonnellata
Lidstaat	Producten	Minimumprijzen uitgedrukt in ecu per ton
Estado-membro	Produtos	Preço mínimo expresso em ecus por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat ecuina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i ecu per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Εμπρόσθια τέταρτα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossati — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	— Vorderviertel	1 004
DANMARK	— Forfjerdinger	970
ITALIA	— Quarti anteriori	1 004
IRELAND	— Forequarters	—
FRANCE	— Quartiers avant	1 004
BELGIQUE	— Quartiers avant/Voorvoeten	970
ÖSTERREICH	— Vorderviertel	1 004
PORTUGAL	— Quartos dianteiros	—
NEDERLAND	— Voorvoeten	1 004
ESPAÑA	— Cuartos delanteros	1 004
SVERIGE	— Framkvartspart	1 000

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Οπίσθια τέταρτα με κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

DANMARK	Interventionsbov (INT 22)	1 620
	Interventionsbryst (INT 23)	1 260
	Interventionsforfjerdning (INT 24)	1 630
	Interventionsskank (INT 21)	1 375
	Interventionsslag (INT 18)	1 260
FRANCE	Jarret arrière d'intervention (INT 11)	1 410
	Jarret avant d'intervention (INT 21)	—
	Épauule d'intervention (INT 22)	1 650
	Poitrine d'intervention (INT 23)	1 352
	Avant d'intervention (INT 24)	1 400
	Flanchet d'intervention (INT 18)	—
UNITED KINGDOM	Intervention shank (INT 11)	1 210
	Intervention shin (INT 21)	1 619
	Intervention shoulder (INT 22)	1 764
	Intervention brisket (INT 23)	1 103
	Intervention forequarter (INT 24)	1 482
	Intervention flank (INT 18)	1 014
IRELAND	Intervention shank (INT 11)	—
	Intervention shin (INT 21)	—
	Intervention shoulder (INT 22)	—
	Intervention brisket (INT 23)	—
	Intervention forequarter (INT 24)	—
	Intervention flank (INT 18)	—

COMMISSION REGULATION (EC) No 154/98**of 22 January 1998****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1339/97**

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 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States was opened pursuant to Commission Regulation (EC) No 1339/97 ⁽⁵⁾, as amended by Regulation (EC) No 1884/97 ⁽⁶⁾;

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;

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;

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 16 to 22 January 1998, pursuant to the invitation to tender issued in amended Regulation (EC) No 1339/97, the maximum refund on exportation of common wheat shall be ECU 17,99 per tonne.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 7.

⁽⁶⁾ OJ L 265, 27. 9. 1997, p. 73.

COMMISSION REGULATION (EC) No 155/98**of 22 January 1998****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1883/97**

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 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to Ceuta, Melilla and certain ACP States was opened pursuant to Commission Regulation (EC) No 1883/97 ⁽⁵⁾, as amended by Regulation (EC) No 2545/97 ⁽⁶⁾;

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;

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;

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

For tenders notified from 16 to 22 January 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1883/97, the maximum refund on exportation of common wheat shall be ECU 24,00 per tonne.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 265, 27. 9. 1997, p. 69.

⁽⁶⁾ OJ L 347, 18. 12. 1997, p. 33.

COMMISSION REGULATION (EC) No 156/98**of 22 January 1998****fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EC) No 1337/97**

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 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

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 1337/97 ⁽⁵⁾;

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;

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;

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 16 to 22 January 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1337/97, the maximum refund on exportation of barley shall be ECU 19,96 per tonne.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 1.

COMMISSION REGULATION (EC) No 157/98**of 22 January 1998****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1773/97**

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 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 1773/97 of 12 September 1997 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as amended by Regulation (EC) No 2133/97 ⁽⁶⁾, and in particular Article 8 thereof,

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 1773/97;

Whereas Article 8 of Regulation (EC) No 1773/97 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;

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;

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 16 to 22 January 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1773/97, the maximum refund on exportation of oats shall be ECU 28,93 per tonne.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 250, 13. 9. 1997, p. 1.

⁽⁶⁾ OJ L 296, 30. 10. 1997, p. 29.

COMMISSION REGULATION (EC) No 158/98**of 22 January 1998****fixing the maximum reduction in the duty on sorghum imported in connection
with the invitation to tender issued in Regulation (EC) No 2504/97**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2504/97 ⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95 ⁽⁴⁾, as amended by Regulation (EC) No 1963/95 ⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;

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 16 to 22 January 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2504/97, the maximum reduction in the duty on sorghum imported shall be ECU 54,77 per tonne and be valid for a total maximum quantity of 50 000 tonnes.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 345, 16. 12. 1997, p. 25.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 159/98**of 22 January 1998****fixing the maximum reduction in the duty on maize imported in connection
with the invitation to tender issued in Regulation (EC) No 2505/97**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 2505/97 ⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95 ⁽⁴⁾, as amended by Regulation (EC) No 1963/95 ⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Article 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;

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 16 to 22 January 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2505/97, the maximum reduction in the duty on maize imported shall be ECU 64,95 per tonne and be valid for a total maximum quantity of 77 250 tonnes.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 345, 16. 12. 1997, p. 27.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 160/98**of 22 January 1998****fixing the maximum reduction in the duty on maize imported in connection
with the invitation to tender issued in Regulation (EC) No 2506/97**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2506/97 ⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95 ⁽⁴⁾, as amended by Regulation (EC) No 1963/95 ⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;

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 16 to 22 January 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2506/97, the maximum reduction in the duty on maize imported shall be ECU 58,33 per tonne and be valid for a total maximum quantity of 50 000 tonnes.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 345, 16. 12. 1997, p. 28.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 161/98

of 22 January 1998

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 Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (2) thereof,

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;

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 2052/97⁽⁴⁾;

Whereas possibilities exist for a quantity of 100 000 tonnes of maize to be exported to certain destinations under invitations to tender issued by the World Food Programme; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽⁵⁾, as last amended by Regulation (EC) No 932/97⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

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;

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;

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

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;

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 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ L 135, 27. 5. 1997, p. 2.

ANNEX

to the Commission Regulation of 22 January 1998 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
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	—	—	1101 00 15 9100	01	12,50
1001 90 91 9000	—	—	1101 00 15 9130	01	11,50
1001 90 99 9000	03	8,00	1101 00 15 9150	01	10,75
	02	0	1101 00 15 9170	01	10,00
1002 00 00 9000	03	17,00	1101 00 15 9180	01	9,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	10,00	1102 10 00 9500	01	36,50
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	04	25,00 ⁽³⁾	1103 11 10 9900	—	—
	02	—	1103 11 90 9200	01	0 ⁽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,
- 04 Tanzania, Burundi, Republic of Congo (Brazzaville), Democratic Republic of Congo.

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

⁽³⁾ Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 100 000 tonnes of maize to be exported to Tanzania, Burundi, the Republic of Congo (Brazzaville) and the Democratic Republic of Congo, under invitations to tender issued by the World Food Programme.

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 162/98

of 22 January 1998

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 Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 13 (8) thereof,

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;

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 2052/97 ⁽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;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

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;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as last amended by Regulation (EC) No 150/95 ⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁷⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁸⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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 in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 22 January 1998 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	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	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
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	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
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.

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 163/98**of 22 January 1998****on applications for import licences for rice originating in the ACP States and the overseas countries and territories submitted in the first five working days of January 1998 pursuant to Regulation (EC) No 2603/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2603/97 of 16 December 1997 laying down the detailed rules of application for the import of rice from the ACP States and for the import of rice from the overseas countries and territories (OCT)⁽¹⁾, and in particular Article 9(2) thereof,

Whereas, pursuant to Article 9(2) of Regulation (EC) No 2603/97, the Commission must decide within 10 days of the final date for notification by the Member States the extent to which applications can be granted and must fix the available quantities for the following tranche and, where necessary, for the additional tranche for October;

Whereas an examination of the quantities covered by applications submitted during the first five working days of January 1998, as compared with the quantities available, has shown that licences can be issued subject to

application of percentage reductions to be laid down in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. In response to applications for licences to import rice originating in the ACP States and the OCT in respect of the tranche for January 1998, licences shall be issued for the quantities applied for, reduced in accordance with the percentages set out in the Annex to this Regulation.

2. The quantities available under the tranche for May 1998 shall be as laid down in the Annex hereto.

Article 2

This Regulation shall enter into force on the day of 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, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 351, 23. 12. 1997, p. 22.

ANNEX

Regulation (EC) No 2603/97

Reduction percentages to be applied to quantities applied for under the tranche for January 1998 and quantities available for the following tranche:

Origin	Reduction (%)	Quantity available for the tranche for May 1998 (tonnes)
OCT (Article 6) — CN code 1006	40,27	—
ACP (Article 2(1)) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	0	41 666
ACP (Article 3) — CN code 1006 40 00	3,79	10 000
ACP + OCT (Article 7) — ACP: CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 — OCT: CN code 1006	—	2 321

COMMISSION REGULATION (EC) No 164/98**of 22 January 1998****fixing the export refunds on rice and broken rice**

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 organization of the market in rice ⁽¹⁾, and in particular the second subparagraph of Article 13 (3) thereof,

Whereas Article 13 of Regulation (EC) No 3072/95 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;

Whereas Article 13 (4) 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 rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76 ⁽²⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas export possibilities exist for a quantity of 1 000 tonnes of rice to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95 ⁽³⁾, as last amended by Regulation (EC) No 932/97 ⁽⁴⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 13 (5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 January 1998.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 154, 15. 6. 1976, p. 11.

⁽³⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ L 135, 27. 5. 1997, p. 2.

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

Done at Brussels, 22 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 22 January 1998 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (¹)	Amount of refunds	Product code	Destination (¹)	Amount of refunds
1006 20 11 9000	01	105,00	1006 30 65 9900	01	131,00
1006 20 13 9000	01	105,00		05	131,00
1006 20 15 9000	01	105,00	1006 30 67 9100	04	137,00
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	105,00	1006 30 92 9100	01	131,00
1006 20 94 9000	01	105,00		02	137,00
1006 20 96 9000	01	105,00		03	142,00
1006 20 98 9000	—	—		05	131,00
1006 30 21 9000	01	105,00	1006 30 92 9900	01	131,00
1006 30 23 9000	01	105,00		05	131,00
1006 30 25 9000	01	105,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	131,00
1006 30 42 9000	01	105,00		02	137,00
1006 30 44 9000	01	105,00		03	142,00
1006 30 46 9000	01	105,00		05	131,00
1006 30 48 9000	—	—	1006 30 94 9900	01	131,00
1006 30 61 9100	01	131,00		05	131,00
	02	137,00	1006 30 96 9100	01	131,00
	03	142,00		02	137,00
	05	131,00		03	142,00
1006 30 61 9900	01	131,00		05	131,00
	05	131,00	1006 30 96 9900	01	131,00
1006 30 63 9100	01	131,00		05	131,00
	02	137,00		—	—
	03	142,00	1006 30 98 9100	04	137,00
	05	131,00	1006 30 98 9900	—	—
1006 30 63 9900	01	131,00	1006 40 00 9000	—	—
	05	131,00			
1006 30 65 9100	01	131,00			
	02	137,00			
	03	142,00			
	05	131,00			

(¹) The destinations are identified as follows:

01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,

04 Ceuta and Melilla: refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 1 000 tonnes,

05 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION DIRECTIVE 98/3/EC

of 15 January 1998

adapting to technical progress Council Directive 76/116/EEC on the
approximation of the laws of the Member States relating to fertilisers

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Community, and in particular Article 100a thereof,

Having regard to Council Directive 76/116/EEC of 18
December 1975 on the approximation of the laws of the
Member States relating to fertilisers ⁽¹⁾, as last amended by
Council and European Parliament Directive 97/63/EC ⁽²⁾,
and in particular Article 9(1) thereof,

Whereas Article 7a of the Treaty envisages an area
without internal frontiers in which the free circulation of
goods, persons, services and capital is assured;

Whereas Directive 76/116/EEC laid down rules for the
marketing of fertilisers within the internal market;

Whereas new fertilisers need to be added to Annex I to
Directive 76/116/EEC to enable them to benefit from the
Community marking provided for in Annex II to that
Directive;

Whereas notice 94/C 138/04 ⁽³⁾ establishes a procedure
that should be observed by any person (manufacturer or
his representative) wanting to apply to a fertiliser the
Community marking provided for in Annex II to Dir-
ective 76/116/EEC, by way submitting a technical file to
the Member State authorities which will act as rapporteur
for the file to the Working Party on Fertilizers of the
European Commission;

Whereas the measures provided for in this Directive are
in accordance with the opinion of the Committee on the
Adaptation to Technical Progress of the Directives for
Removing Technical Barriers to Trade in Fertilisers,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/116/EEC shall be amended as
follows:

The fertilisers included in the Annex to this Directive
shall be added to Part C, point 1 entitled 'Straight fluid
fertilisers'.

Article 2

The following products and tolerances are added under
part A.1 in Annex III to Directive 76/116/EEC:

'Calcium nitrate suspension	0,4 %
Nitrogen fertilisers solution with urea formaldehyde	0,4 %
Nitrogen fertiliser suspension with urea formaldehyde	0,4 % ¹ .

Article 3

Member States shall adopt and publish the provisions
necessary to comply with this Directive by 31 December
1998 at the latest and shall forthwith inform the Commis-
sion thereof. They shall apply these provisions as from 1
January 1999.

When Member States adopt these provisions, these shall
contain a reference to this Directive or shall be accompa-
nied by such reference at the time of their official pub-
lication. The procedure for such reference shall be
adopted by Member States.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 15 January 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 24, 30. 1. 1976, p. 21.

⁽²⁾ OJ L 335, 6. 12. 1997, p. 15.

⁽³⁾ OJ C 138, 20. 5. 1994, p. 4.

ANNEX

C. FLUID FERTILISERS

1. STRAIGHT FLUID FERTILISERS

No	Type designation	Data on method of production and essential ingredients	Minimum content of nutrients (percentage by weight) Data on the expression of nutrients Other requirements	Other data on the type designation	Nutrient content to be declared Forms and solubilities of the nutrients Other criteria
1	2	3	4	5	6
'5	Calcium nitrate suspension	Product obtained by suspension of calcium nitrate in water	8 % N Nitrogen expressed as total nitrogen or as nitric and ammoniacal nitrogen Maximum content of ammoniacal nitrogen: 1,0 % 14 % CaO Calcium expressed as water-soluble CaO	The type designation may be followed by one of the following indications: — for foliar application — for making nutrient solutions and suspensions — for fertigation	Total nitrogen Nitric nitrogen Calcium oxide soluble in water
6	Nitrogen fertiliser solution with urea formaldehyde	Product obtained chemically or by dissolution in water of urea formaldehyde and a nitrogenous fertiliser from list A-1 in Directive 76/116/EEC, excluding products 3(a), 3(b) and 5	18 % N expressed as total nitrogen At least one third of the declared total nitrogen content must derive from urea formaldehyde Maximum biuret content: (ureic N + urea formaldehyde N) $\times$ 0,026		Total nitrogen For each form amounting to at least 1 %: — Nitric nitrogen — Ammoniacal nitrogen — Ureic nitrogen Nitrogen from urea formaldehyde
7	Nitrogen fertiliser suspension with urea formaldehyde	Product obtained chemically or by suspension in water of urea formaldehyde and a nitrogenous fertiliser from list A-1 in Directive 76/116/EEC, excluding products 3(a), 3(b) and 5	18 % N expressed as total nitrogen At least one third of the declared total nitrogen content must derive from urea formaldehyde of which at least three fifths has to be soluble in hot water Maximum biuret content: (ureic N + urea formaldehyde N) $\times$ 0,026		Total nitrogen For each form amounting to at least 1 %: — Nitric nitrogen — Ammoniacal nitrogen — Ureic nitrogen Nitrogen from urea formaldehyde Nitrogen from urea formaldehyde that is soluble in cold water Nitrogen from urea formaldehyde that is only soluble in hot water

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 January 1998

amending Decision 80/804/EEC concerning animal health conditions and veterinary certification for the importation of fresh meat from Canada

(Text with EEA relevance)

(98/91/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine animals and swine and fresh meat from third countries ⁽¹⁾, as last amended by Directive 96/91/EC ⁽²⁾, and in particular Article 14(1) thereof,

Whereas Commission Decision 80/804/EEC ⁽³⁾, as last amended by Decision 96/727/EC ⁽⁴⁾, lays down the animal health conditions and veterinary certification for the importation of fresh meat from Canada;

Whereas it is possible, without the risk of spread of disease, to accept fresh meat of domestic animals of the porcine, ovine and caprine species where such animals have originated in Canada or the United States of America and have spent part of the residency period in either country;

Whereas both Canada and the United States have given undertakings to the Commission and the Member States, within 24 hours at the latest, of the confirmation of the occurrence of serious epizootic disease;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 80/804/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision shall apply from the 15th day after notification to the Member States.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 9 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 26.

⁽³⁾ OJ L 236, 9. 9. 1980, p. 25.

⁽⁴⁾ OJ L 329, 19. 12. 1996, p. 51.

ANNEX

ANIMAL HEALTH CERTIFICATE

for fresh meat⁽¹⁾ of bovine animals, swine, sheep, goats and domestic solipeds intended for
consignment to the European Community

Country of destination:

Reference to public health certificate⁽²⁾:

Exporting country: CANADA

Ministry:

Department:

References (optional):

I. Identification of meat

Meat of:
(animal species)

Nature of cuts:

Nature of packaging:

Number of cuts or packages:

Net weight:

II. Origin of meat

Address(es) and veterinary approval number(s)⁽²⁾ of approved slaughterhouse(s):

.....

.....

Address(es) and veterinary approval number(s)⁽²⁾ of approved cutting plant(s):

.....

.....

III. Destination of meat

The meat will be sent from:
(place of loading)

to:
(country and place of destination)

by the following means of transport⁽³⁾:

Name and address of consignor:

.....

.....

Name and address of consignee:

.....

.....

⁽¹⁾ Fresh meat means all parts of domestic animals of the bovine, porcine, ovine and caprine species and of domestic solipeds which are fit for human consumption and which have not undergone any preserving process, chilled and frozen meat being considered as fresh meat.

⁽²⁾ Optional when the country of destination authorises the importation of fresh meat for uses other than human consumption in application of Article 19(a) of Council Directive 72/462/EEC and Chapter 10 of Annex I to Council Directive 92/118/EEC.

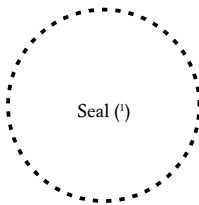
⁽³⁾ For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

IV. Attestation of health

I, the undersigned, official veterinarian, certify that the fresh meat described above has been obtained from:

- animals which have remained in the territory of Canada or in the United States of America for at least three months before being slaughtered or since birth in the case of animals less than three months old,
- in the case of fresh meat from swine, animals which have not come from holdings which for health reasons are subject to prohibition as a result of an outbreak of porcine brucellosis during the previous six weeks,
- in the case of fresh meat from sheep and goats, animals which have not come from holdings which for health reasons are subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks.

Done at, on
(place) (date)



.....
(signature of official veterinarian) (¹)

.....
(name in capital letters, title and qualification of signatory) (¹)

(¹) The signature and the seal must be in a colour different to that of the printing.

COMMISSION DECISION

of 12 January 1998

authorising certain Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of seed potatoes originating in Canada

(Only the Spanish, Greek, Italian and Portuguese texts are authentic)

(98/92/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

michiganensis (Smith) Davis *et al.* ssp. *sepedonicus* (Spieckermann *et al.* Kotthoff) Davis *et al.*;

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 97/14/EC⁽²⁾, and in particular Article 14(1) thereof,

Having regard to the request made by Italy and Portugal,

Whereas, pursuant to the provisions of Directive 77/93/EEC, seed potato tubers originating in the American continent may not, in principle, be introduced into the Community;

Whereas, however, Directive 77/93/EEC permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas in Italy and Portugal the planting and growing of seed potatoes of certain North American varieties for ware potato production has been an established practice; whereas part of the supply of seed potatoes of these varieties has been ensured by imports from Canada;

Whereas, by Decisions 96/6/EC⁽³⁾ and 97/89/EC⁽⁴⁾, the Commission approved derogations based on the concept of 'area freedom', subject to certain technical conditions to prevent the risk of harmful organisms spreading; whereas that approval expired on 31 March 1997; whereas the Commission also provided that those derogations would provide for the opportunity to seek confirmation of the proper functioning of the concept of 'area freedom';

Whereas it is known that Canada is still not completely free from potato spindle tuber viroid or from *Clavibacter*

Whereas information supplied by Canada has shown that Canada has further developed its programme to eradicate these harmful organisms in the provinces of New Brunswick and Prince Edward Island; whereas there are good reasons to believe that the programme to eradicate potato spindle tuber viroid has become fully effective in those provinces, and that the programme to eradicate *Clavibacter michiganensis* ssp. *sepedonicus* has become largely effective in certain areas of Prince Edward Island; whereas there had been no confirmed findings of the disease on samples drawn from seed potatoes originating in Prince Edward Island and introduced pursuant to Decision 97/89/EC; whereas therefore it has not been established that there are sufficient elements which would militate against the proper functioning of the aforementioned concept of 'area freedom' in Prince Edward Island and therefore against the recognition of the provisions implemented there as equivalent to the Community provisions on combating *Clavibacter michiganensis* ssp. *sepedonicus*;

Whereas, however, Italy informed the Commission on 14 March 1996 that a sample drawn from seed potatoes imported pursuant to Decision 96/6/EC and originating in New Brunswick was identified as infected by *Clavibacter michiganensis* ssp. *sepedonicus*; whereas, as the source of infection could not be identified, and as a precaution, the recognition of the 'area freedom' concept in the province of New Brunswick was temporarily suspended, resulting in a temporary prohibition of the import of seed potatoes from this province, in order to enable the Canadian authorities to complete their investigation in respect of the source of the said infection;

Whereas, the Canadian authorities officially informed the Commission that *Clavibacter michiganensis* ssp. *sepedonicus* had not been found in potatoes in an extensive traceback and testing procedure linked to the farm which had been placed under suspicion as a result of the finding of *Clavibacter michiganensis* ssp. *sepedonicus* in the said

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 87, 2. 4. 1997, p. 17.

⁽³⁾ OJ L 2, 4. 1. 1996, p. 24.

⁽⁴⁾ OJ L 27, 30. 1. 1997, p. 45.

sample on an imported lot; moreover Canada confirmed that administrative measures had been strengthened to control sampling, labelling and sealing procedures for all seed potato lots destined for the EU; whereas therefore the recognition of the 'area freedom' concept in the province of New Brunswick has been reinstated;

Whereas, moreover, as a result of inspections carried out in 1997 by the Food and Veterinary Office in the importing Member State, it became apparent that the technical conditions imposed on the importing Member State should not be modified;

Whereas it can therefore be established that there is no risk of the harmful organisms in question spreading, provided that the seed potatoes originate in areas declared, on scientific evidence, free from both potato spindle tuber viroid and from *Clavibacter michiganensis* ssp. *sepedonicus*, and that certain special technical conditions are complied with;

Whereas the Commission will ensure that Canada makes all technical information available which is necessary to monitor the functioning of the protective measures required under the aforementioned technical conditions and to assess the functioning of the aforementioned concept of 'area freedom';

Whereas, the risk of establishing and spreading *Clavibacter michiganensis* ssp. *sepedonicus* is high in wet and cold regions; consequently the derogation should not apply to Member States which are particularly exposed to such risks, i.e. Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Luxembourg, the Netherlands, Sweden and the United Kingdom; whereas, therefore, the authorisation should not apply to the abovementioned Member States, taking into account the differences in agricultural and ecological conditions;

Whereas, therefore, derogations should be authorised for the next seed-potato marketing season, provided that they include the aforementioned conditions and without prejudice to Council Directive 66/403/EEC⁽¹⁾, as last amended by Directive 97/90/EC⁽²⁾, and to Council Directive 70/457/EEC⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Hellenic Republic, the Kingdom of Spain, the Italian Republic and the Portuguese Republic are hereby

authorised to provide, under the conditions laid down in paragraph 2, for derogations from Article 4(1) of Directive 77/93/EEC, with regard to Annex III(A)(10) and from Article 5(1) and the third indent of Article 12(1)(a) of that Directive as regards the requirements referred to in part A, Section I, points 25.2 and 25.3 of Annex IV thereto, for seed potatoes of the varieties 'Atlantic', 'Donna', 'Kennebec', 'Russet Burbank', 'Sebago' and 'Shepody' originating in Canada.

2. In addition to the requirements laid down in Annexes I, II and IV to Directive 77/93/EEC in relation to potatoes the following conditions shall be satisfied:

(a) the seed potatoes shall have been produced in fields located in areas of Prince Edward Island or New Brunswick which have been officially declared, by the Canadian Food Inspection Agency, free from both potato spindle tuber viroid and from *Clavibacter michiganensis* ssp. *sepedonicus* and which satisfy the following conditions, irrespective of whether the fields are operated by producers inside or outside the area:

(i) the areas either,

- consist of fields owned or rented by at least three distinct potato producers, or
- cover an area of at least four km², surrounded entirely by water or by fields where the organisms concerned have not been found within the previous three years, and

(ii) all potatoes produced in the area are the first direct progeny of seed potatoes of the category 'Pre-elite', 'Elite I', 'Elite II' or 'Elite III' which were produced in establishments qualified to produce seed potatoes of the 'Pre-elite' or 'Elite I' categories and which are either official establishments or officially designated and controlled for that purpose, and

(iii) the surface used for the production of potatoes which are not finally certified as seed potatoes does not exceed one-fifth of that used for the production of potatoes certified as seed potatoes, and

(iv) systematic and representative annual surveys which have been carried out over at least the previous five years under appropriate conditions for the detection of the organisms concerned, on all potato fields located in the area and on potatoes harvested there, including appropriate laboratory testing, did not show any positive finding, or any other element which could militate against the recognition as disease-free, and

(v) legislative, administrative or other arrangements have been made to ensure that:

⁽¹⁾ OJ 125, 11. 7. 1966, p. 2320/66.

⁽²⁾ OJ L 27, 30. 1. 1997, p. 49.

⁽³⁾ OJ L 225, 12. 10. 1970, p. 1.

- no potatoes originating in areas of Canada other than those declared disease-free, or in countries where the organisms concerned are known to occur, can be introduced into such areas, and
- neither potatoes originating in such areas nor any containers, packaging material, vehicles and handling, grading and preparation equipment used there can be brought into contact with potatoes originating, or material or equipment as specified used, in areas other than those declared disease-free.

This provision shall also apply to cases where fields located inside the areas declared disease-free are operated by establishments outside such areas or where establishments inside such areas operate fields located outside them,

- (vi) the Canadian Food Inspection Agency shall provide the Commission with a complete list of the areas declared as free, supported by a map updated each year of the provinces concerned, showing through appropriate marks the geographical distribution of the areas;
- (b) the seed potatoes shall be certified officially as seed potatoes meeting at least the conditions laid down for the 'Foundation' category;
- (c) samples shall be taken officially in respect of each lot intended for export to the Community; a lot shall consist only of tubers of one single variety and class which have been produced on one single farm and with the same reference number. The samples shall be examined by official laboratories in order to detect any presence of potato spindle tuber viroid or *Clavibacter michiganensis* ssp. *sepedonicus*; the samples for the detection of potato spindle tuber viroid shall be tubers, or leaves taken from the crop which produced the lot; for the detection of *Clavibacter michiganensis* ssp. *sepedonicus* a sample of at least 200 tubers per lot of 25 tonnes or less shall be taken; examinations shall be carried out on the entire sample, using the following methods:
 - as regards potato spindle tuber viroid: the 'reverse-page' method, or c-DNA hybridisation procedure, and
 - as regards *Clavibacter michiganensis* ssp. *sepedonicus*: at least that set out in the method for the detection and diagnosis of the ring rot bacterium in batches of potato tubers as laid down in Council Directive 93/85/EEC⁽¹⁾;

(d) legislative, administrative or other arrangements shall have been made to ensure:

- a direct supervision and control by the certification authority (i.e. the Canadian Food Inspection Agency) of the sampling process, i.e. collection, tagging and sealing, and in the labelling system through appropriate label accountability procedures, to ensure that for each seed lot within each consignment shipped to the Community a numbered label is used and stitched on the bags separately from the certification labels, as well as the relevant colour code corresponding to a specified importer in the importing Member State, and
- that at the time of loading the vessel, two sealed bags of potatoes of each lot shipped to the Community are kept aside and stored under the jurisdiction of the Canadian Food Inspection Agency, at least until the results of the examinations referred to in (i) are completed,
- that the lots shall be kept separate in all operations including transport, at least until delivery to the premises of the importers referred to in (f);

(e) the phytosanitary certificate required shall be made out separately for each consignment and only if it has been established by the scientists involved that the examinations referred to in (c) did not give rise to suspicions or to the detection of the presence of potato spindle tuber viroid or *Clavibacter michiganensis* ssp. *sepedonicus* in the consignment and that, in particular, the IF-testing was shown to be negative.

It shall state, under 'Additional declaration', that the conditions laid down in (a), (b) and (c) have been complied with, and shall give the name of the establishment or establishments which have produced the seed potato lots and the relevant seed potato certification lot numbers, as well as the name of the area referred to in (a), of the establishment referred to in (a)(ii) and the number of bags. It shall give under 'Distinguishing marks', the colour code corresponding to a specified importer in the importing Member State as well as the details of the numbered label used for each seed lot within each consignment. Documents attached to the said phytosanitary certificate as an integral part of the certificate shall relate precisely to that certificate in both description and quantity of commodity;

(f) prior to introduction into the Community, the importer shall notify each introduction sufficiently in advance to the responsible official bodies in the Member State concerned, and that Member State shall then, without delay, convey the details of the notification to the Commission, indicating:

⁽¹⁾ OJ L 259, 18. 10. 1993, p. 1.

- the variety,
- the quantity,
- the declared date of import,
- the names and addresses of the premises of the importers of the potatoes, and those listed in accordance with the provisions of Commission Directive 93/50/EEC⁽¹⁾.

Modifications in respect of the above details which occur after the said advance notification shall be, without delay, conveyed by the relevant Member State to the Commission.

At the moment of import the importer shall provide confirmation of the details of the aforementioned advance notification to the responsible official bodies in the Member State concerned;

- (g) the potatoes may be introduced into the Community only via the following ports of unloading:

- Genova
- La Spezia
- Livorno
- Napoli
- Ravenna
- Salerno
- Savona
- Aveiro
- Lisbon
- Porto;

- (h) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by responsible official bodies referred to in the said Directive. Without prejudice to the monitoring referred to in Article 19a(3) second indent, first possibility, the Commission shall determine to which extent the inspections referred to in Article 19a(3) second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive. The said official bodies and, as appropriate, the experts referred to in Article 19a(3) shall check the importers' premises to confirm details of the quantities of potatoes imported from Canada, the colour coding, the numbered labels and those destinations for planting at premises listed under Directive 93/50/EEC;

- (i) the responsible official bodies of the importing Member States shall take a sample of at least 200 tubers per lot of 25 tonnes or less from each of the non-bulk lots intended to be imported pursuant to this Decision for official examination in respect of *Clavibacter michiganensis* ssp. *sepedonicus* in accordance

with the Community established method for the detection and diagnosis of *Clavibacter michiganensis* ssp. *sepedonicus*; the lots shall remain separate under official control and may not be marketed or used until it has been established that the presence of *Clavibacter michiganensis* ssp. *sepedonicus* was not suspected or detected in those examinations; the total lots imported shall not exceed an amount which is adequate for the abovementioned examinations, taking into account the facilities available for that purpose; sub-samples shall be kept available for subsequent examination by other Member States and the responsible official bodies referred to in the said Directive of the importing Member State shall by 15 April 1998 inform the Commission, with a view to organising that examination and the recording thereof;

- (j) the potatoes shall be planted only at premises in the Member State of import, for which it is possible to trace the names and addresses; this provision shall not apply in the case of final users planting the imported seed potatoes or for users who will sell only onto the local market;

- (k) in the growing period following introduction, a suitable proportion of the plants shall be inspected by the said responsible official bodies, at appropriate times, at the premises listed in accordance with the provisions of Directive 93/50/EEC or referred to in (j);

- (l) potatoes grown from seed potatoes introduced pursuant to this Decision shall not be certified as seed potatoes, and shall be used only as potatoes for consumption.

For the premises referred to in under (j) the potatoes grown from such seed potatoes shall be packaged and labelled accordingly and shall bear the number of the premises listed in accordance with the provisions of Directive 93/50/EEC, as well as the Canadian origin of the seed potatoes used. Such potatoes may be moved within the Member States, only after approval by the said responsible official bodies taking into account the results of the inspection referred to in (k).

Article 2

Member States shall inform the other Member States and the Commission by means of the notification referred to in Article 1(2)(f), first sentence of any use of the authorisation. The importing Member States shall provide the Commission and the other Member States, before 1 June 1998, with information on the amounts imported pursuant to this Decision and with a detailed technical report on the official examination referred to in Article 1(2)(i); in those cases where Member States have made official examinations on sub-samples as referred to in

⁽¹⁾ OJ L 205, 17. 8. 1993, p. 22.

Article 1(2)(i), the detailed technical reports thereof shall also be submitted to the Commission before 1 June 1998; copies of each phytosanitary certificate shall be transmitted to the Commission.

Article 3

The authorisation granted in Article 1 shall apply from 15 January 1998 until 31 March 1998. It shall be revoked prior to 31 March 1998 if it is found that the conditions laid down in Article 1(2) have been insufficient to prevent the introduction of the harmful organisms in question or have not been complied with. It may be revoked prior to that date if it is found that there are elements which would militate against the proper functioning of the 'area freedom' concept in Canada.

Article 4

This Decision is addressed to the Hellenic Republic, the Kingdom of Spain, the Italian Republic and the Portuguese Republic.

Done at Brussels, 12 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 21 January 1998

amending for the second time Decision 97/285/EC concerning certain protection measures relating to classical swine fever in Spain

(Text with EEA relevance)

(98/93/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Council Directive 92/118/EEC⁽²⁾ and, in particular, Article 10(4) thereof,

Whereas outbreaks of classical swine fever have occurred in Spain;

Whereas in view of the trade in live pigs, semen, embryos and ova, these outbreaks are liable to endanger the herds of other Member States;

Whereas Spain has taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980, introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

Whereas, as a result of the disease situation the Commission adopted Decision 97/285/EC of 30 April 1997, concerning protection measures relating to classical swine fever in Spain⁽⁴⁾;

Whereas, as a result of the disease evolution the Commission adopted Decision 97/446/EC⁽⁵⁾, amending Decision 97/285/EC;

Whereas slaughter pigs introduced from Spain to Italy have been found seropositive for classical swine fever;

Whereas in the light of the evolution of the disease it is necessary to amend for the second time measures adopted by Decision 97/285/EC;

Whereas the measures shall apply to the *comarcas veterinarias* Cuellar, Carbonero el Mayor, Canatalejo, Sta Maria la Real de Nieva, Sepulveda and Segovia in the Province of Segovia; Madrid, Parla, Aranjuez, Navalcarnero,

Colmenar viejo and Buitrago in the Region of Madrid; Toledo, Yuncos and Torrijos in the Province of Toledo;

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

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 97/285/EC is replaced by the Annex to this Decision.

Article 2

1. Spain will submit a national serosurveillance programme for classical swine fever to the Commission by 31 January 1998 at the latest.

2. The programme will be examined by the Commission and the Community Reference laboratory for classical swine fever and presented for approval at the meeting of the Standing Veterinary Committee scheduled for 3 and 4 February 1998.

Article 3

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 4

This Decision is addressed to Member States.

Done at Brussels, 21 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 114, 1. 5. 1997, p. 47.

⁽⁵⁾ OJ L 190, 19. 7. 1997, p. 48.

*ANNEX**'ANNEX I***Comarcas in the Province of Lerida**

Pla d'Urgell

Urgell

Noguera

Segrià

Garrigues

Segarra

Comarcas veterinarias in the Province of Segovia

Cuéllar

Carbonero el Mayor

Cantalejo

Santa María la Real de Nieva

Sepúlveda

Segovia

Comarcas veterinarias in the Region of Madrid

Madrid

Parla

Aranjuez

Navalcarnero

Colmenar Viejo

Buitrago

Comarcas veterinarias in the Province of Toledo

Toledo

Yuncos

Torrijos'
