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⁽¹⁾ Text with BEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 165/98
of 23 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 24 January 1998.

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

Done at Brussels, 23 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 23 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	48,9
	212	30,4
	624	165,0
	999	81,4
0707 00 05	052	159,1
	999	159,1
0709 10 00	220	72,2
	999	72,2
0709 90 70	052	136,2
	204	147,4
	999	141,8
0805 10 10, 0805 10 30, 0805 10 50	052	44,6
	204	40,3
	212	33,8
	220	48,3
	400	54,1
	448	28,7
	600	60,9
	624	56,2
	625	32,0
	999	44,3
0805 20 10	052	60,1
	204	62,9
	624	78,7
	999	67,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	75,4
	204	71,0
	624	87,7
	999	78,0
0805 30 10	052	58,2
	400	73,1
	600	82,3
	999	71,2
0808 10 20, 0808 10 50, 0808 10 90	060	55,0
	400	93,3
	404	85,1
	720	101,7
	728	82,4
	800	100,7
	999	86,4
	999	86,4
0808 20 50	052	92,5
	064	88,4
	388	102,6
	400	104,1
	999	96,9

⁽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 166/98**of 23 January 1998****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2095/97**

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 Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2095/97⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75⁽³⁾, as last amended by Regulation (EC) No 299/95⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2095/97 is hereby fixed on the basis of the tenders submitted from 19 to 22 January 1998 at ECU 125 per tonne.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 16.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 167/98**of 23 January 1998****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2096/97**

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 Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2096/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2096/97 is hereby fixed on the basis of the tenders submitted from 19 to 22 January 1998 at ECU 147 per tonne.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 19.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 168/98**of 23 January 1998****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2097/97**

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 Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2097/97 ⁽²⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2097/97 is hereby fixed on the basis of the tenders submitted from 19 to 22 January 1998 at ECU 337 per tonne.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 22.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 169/98

of 23 January 1998

fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2098/97

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 Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2098/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2098/97 is hereby fixed on the basis of the tenders submitted from 19 to 22 January 1998 at ECU 125 per tonne.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 25.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 170/98**of 23 January 1998****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2094/97**

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 Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽²⁾, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 ⁽³⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 19 to 22 January 1998 in response to the invitation to tender referred to in Regulation (EC) No 2094/97 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1 006 20 98.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 29, 7. 9. 1989, p. 8.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 14.

COMMISSION REGULATION (EC) No 171/98

of 23 January 1998

temporarily suspending the issuing of export licences for certain milk products and determining what proportion of the amounts covered by pending applications for export licences may be allocated

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

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

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products⁽³⁾, as last amended by Regulation (EC) No 2497/97⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas the market in certain milk products is currently subject to uncertainty; whereas licence applications of a speculative nature should be avoided which may lead to distortions of competition between operators and potentially disrupt the continuity of exports of these products for the remainder of the period in question; whereas the issue of export licences for the products involved should be temporarily suspended and licences for some of these

products should not be issued in respect of applications pending,

HAS ADOPTED THIS REGULATION:

Article 1

1. The issue of export licences for milk products falling within CN code 0406 30 and for those referred to in the Annex is hereby suspended for the period 26 to 30 January 1998.

2. No licences shall be issued for milk products falling within CN code 0406 30 and for those referred to in the Annex for which applications submitted after 19 January 1998 are still pending and against which licences would have been issued from 26 January 1998.

Article 2

This Regulation shall enter into force on 26 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ L 345, 16. 12. 1997, p. 12.

ANNEX

Product code	Product code	Product code	Product code
0401 10 10 9000	0402 91 39 9300	0403 90 31 9000	0404 90 29 9120
0401 10 90 9000	0402 91 51 9000	0403 90 33 9200	0404 90 29 9130
0401 20 11 9100	0402 91 59 9000	0403 90 33 9300	0404 90 29 9135
0401 20 11 9500	0402 91 91 9000	0403 90 33 9500	0404 90 29 9150
0401 20 19 9100	0402 91 99 9000	0403 90 33 9900	0404 90 29 9160
0401 20 19 9500	0402 99 11 9110	0403 90 39 9000	0404 90 29 9180
0401 20 91 9100	0402 99 11 9130	0403 90 51 9100	0404 90 81 9100
0401 20 91 9500	0402 99 11 9150	0403 90 51 9300	0404 90 81 9910
0401 20 99 9100	0402 99 11 9310	0403 90 53 9000	0404 90 81 9950
0401 20 99 9500	0402 99 11 9330	0403 90 59 9110	0404 90 83 9110
0401 30 11 9100	0402 99 11 9350	0403 90 59 9140	0404 90 83 9130
0401 30 11 9400	0402 99 19 9110	0403 90 59 9170	0404 90 83 9150
0401 30 11 9700	0402 99 19 9130	0403 90 59 9310	0404 90 83 9170
0401 30 19 9100	0402 99 19 9150	0403 90 59 9340	0404 90 83 9911
0401 30 19 9400	0402 99 19 9310	0403 90 59 9370	0404 90 83 9913
0401 30 19 9700	0402 99 19 9330	0403 90 59 9510	0404 90 83 9915
0401 30 31 9100	0402 99 19 9350	0403 90 59 9540	0404 90 83 9917
0401 30 31 9400	0402 99 31 9110	0403 90 59 9570	0404 90 83 9919
0401 30 31 9700	0402 99 31 9150	0403 90 61 9100	0404 90 83 9931
0401 30 39 9100	0402 99 31 9300	0403 90 61 9300	0404 90 83 9933
0401 30 39 9400	0402 99 31 9500	0403 90 63 9000	0404 90 83 9935
0401 30 39 9700	0402 99 39 9110	0403 90 69 9000	0404 90 83 9937
0401 30 91 9100	0402 99 39 9150	0404 90 21 9100	0404 90 89 9130
0401 30 91 9400	0402 99 39 9300	0404 90 21 9910	0404 90 89 9150
0401 30 91 9700	0402 99 39 9500	0404 90 21 9950	0404 90 89 9930
0401 30 99 9100	0402 99 91 9000	0404 90 23 9120	0404 90 89 9950
0401 30 99 9400	0402 99 99 9000	0404 90 23 9130	0404 90 89 9990
0401 30 99 9700	0403 10 11 9400	0404 90 23 9140	2309 10 70 9100
0402 91 11 9110	0403 10 11 9800	0404 90 23 9150	2309 10 70 9200
0402 91 11 9120	0403 10 13 9800	0404 90 23 9911	2309 10 70 9300
0402 91 11 9310	0403 10 19 9800	0404 90 23 9913	2309 10 70 9500
0402 91 11 9350	0403 10 31 9400	0404 90 23 9915	2309 10 70 9600
0402 91 11 9370	0403 10 31 9800	0404 90 23 9917	2309 10 70 9700
0402 91 19 9110	0403 10 33 9800	0404 90 23 9919	2309 10 70 9800
0402 91 19 9120	0403 10 39 9800	0404 90 23 9931	2309 90 70 9100
0402 91 19 9310	0403 90 11 9000	0404 90 23 9933	2309 90 70 9200
0402 91 19 9350	0403 90 13 9200	0404 90 23 9935	2309 90 70 9300
0402 91 19 9370	0403 90 13 9300	0404 90 23 9937	2309 90 70 9500
0402 91 31 9100	0403 90 13 9500	0404 90 23 9939	2309 90 70 9600
0402 91 31 9300	0403 90 13 9900	0404 90 29 9110	2309 90 70 9700
0402 91 39 9100	0403 90 19 9000	0404 90 29 9115	2309 90 70 9800

COMMISSION REGULATION (EC) No 172/98**of 23 January 1998****determining the extent to which applications lodged in January 1998 for import
licences for certain poultrymeat sector products pursuant to Regulation (EC) No
2497/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2497/96 of 18 December 1996 laying down rules for the application in the poultrymeat sector of the system provided for by the Association Agreement and the Interim Agreement between the European Community and the State of Israel ⁽¹⁾, as amended by Regulation (EC) No 1514/97 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1998 submitted pursuant to Regulation (EC) No 2497/96 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 April to 30 June 1998 applications may be lodged pursuant to Regulation (EC) No 2497/96 for import licences for the total quantities as referred to in Annex II.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 338, 28. 12. 1996, p. 48.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
I1	100,00

*ANNEX II**(tonnes)*

Group No	Available quantities
I1	665,00

COMMISSION REGULATION (EC) No 173/98**of 23 January 1998****determining the extent to which applications lodged in January 1998 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 can be accepted**

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

Having regard to Commission Regulation (EC) No 1474/95⁽¹⁾ opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin, as last amended by Regulation (EC) No 1514/97⁽²⁾, and in particular Article 5 (5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin⁽³⁾, as last amended by Regulation (EC) No 1514/97 and in particular Article 5 (5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1998 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore

be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1998 submitted pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1998 applications may be lodged pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 for import licences for the total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 145, 29. 6. 1995, p. 19.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 136.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
E1	100,00
E2	87,99
E3	100,00
P1	—
P2	4,81
P3	3,48
P4	15,63

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 April to 30 June 1998
E1	95 706,00
E2	1 615,75
E3	7 826,78
P1	2 480,00
P2	400,00
P3	88,00
P4	100,00

COMMISSION REGULATION (EC) No 174/98**of 23 January 1998****determining the extent to which applications lodged in January 1998 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 509/97 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 509/97 of 20 March 1997 laying down procedures for applying in the poultrymeat sector the Interim Agreement on trade and accompanying measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part ⁽¹⁾, as amended by Regulation (EC) No 1514/97 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1998 submitted pursuant to Regulation (EC) No 509/97 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 April to 30 June 1998 applications may be lodged pursuant to Regulation (EC) No 509/97 for import licences for the total quantities as referred to in Annex II.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 80, 21. 3. 1997, p. 3.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
80	—
90	100,00
100	100,00

*ANNEX II**(tonnes)*

Group No	Available quantities
80	660,00
90	275,00
100	579,00

COMMISSION REGULATION (EC) No 175/98**of 23 January 1998****establishing the quantity of certain poultrymeat and eggs sector products available for the second quarter of 1998 pursuant to Regulation (EC) No 1866/95**

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

Having regard to Commission Regulation (EC) No 1866/95 of 26 July 1995 laying down detailed rules for the application in the poultrymeat and eggs sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part⁽¹⁾, as last amended by Regulation (EC) No 1514/97⁽²⁾, and in particular Article 4(4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1

January to 31 March 1998 should be added to the quantities available for the period 1 April to 30 June 1998,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 April to 30 June 1998 pursuant to Regulation (EC) No 1866/95 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 29. 7. 1995, p. 26.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

*ANNEX**(tonnes)*

Group No	Total quantity available for the period 1 April to 30 June 1998
50	550,00
60	550,00
70	550,00
75	110,00

**COMMISSION REGULATION (EC) No 176/98
of 23 January 1998**

determining the extent to which applications lodged in January 1998 for licences for certain eggs and poultrymeat products under the regime provided for by the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, Romania and Bulgaria can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1899/97⁽¹⁾ setting rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94, and in particular Article 4(5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1998 are, in the case of some products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater

than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1998 submitted under Regulation (EC) No 1899/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1998 applications may be lodged pursuant to Regulation (EC) No 1899/97 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 267, 30. 9. 1997, p. 67.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
1	4,39
2	4,10
4	100,00
7	2,17
8	9,17
9	2,53
10	100,00
11	—
12	100,00
14	—
15	3,46
16	100,00
17	—
18	—
19	100,00
21	100,00
23	100,00
24	—
25	100,00
26	—
27	—
28	—
30	—
32	—
33	—
34	—
35	—
36	—
37	29,41
38	100,00
39	—
40	—
43	—
44	8,93
45	100,00

ANNEX II

<i>(tonnes)</i>	
Group No	Total quantity available for the period 1 April to 30 June 1998
1	1 567,50
2	357,50
4	14 222,33
7	2 310,00
8	577,50
9	1 320,00
10	1 087,81
11	550,00
12	1 447,10
14	3 850,00
15	1 347,50
16	800,61
17	1 613,75
18	330,00
19	263,58
21	1 930,97
23	2 133,50
24	257,25
25	5 684,16
26	330,00
27	2 420,00
28	330,00
30	1 980,00
32	730,00
33	550,00
34	2 750,00
35	220,00
36	1 100,00
37	137,50
38	302,57
39	1 760,00
40	660,00
43	860,31
44	302,50
45	1 930,50

**COMMISSION REGULATION (EC) No 177/98
of 23 January 1998**

determining the extent to which applications lodged in January 1998 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

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

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products⁽¹⁾, as last amended by Regulation (EC) No 1514/97⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the period 1 January to 31 March 1998 are greater than

the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 January to 31 March 1998 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 156, 23. 6. 1994, p. 9.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
1	2,36
2	2,36
3	2,51
4	100,00
5	2,85

COMMISSION REGULATION (EC) No 178/98

of 23 January 1998

imposing a provisional anti-dumping duty on imports of potassium permanganate originating in India and the Ukraine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as amended by Regulation (EC) No 2331/96⁽²⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) In April 1997, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽³⁾ the initiation of an anti-dumping proceeding with regard to imports into the Community of potassium permanganate originating in India and the Ukraine and commenced an investigation.
- (2) The proceeding was initiated as a result of a complaint lodged in March 1997 by the European Chemical Industry Council (CEFIC), on behalf of Community producers representing the total Community production of potassium permanganate. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.
- (3) The Commission officially advised the producers, exporting producers and importers known to be concerned, the representatives of the exporting countries and the complainant, of the initiation of the proceeding. The parties directly concerned were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.
- (4) A number of exporting producers in the countries concerned, as well as Community producers, Community users and importers made their views known in writing. All parties who so requested within the above time limit and indicated that

there were particular reasons why they should be heard were granted a hearing.

- (5) The Commission sent questionnaires to all parties known to be concerned and received replies from the complaining Community producers, from one company in India, from one company in the Ukraine and from one company in the USA (originally envisaged as a possible analogue country for the Ukraine). The Commission also received replies from unrelated importers in the Community, one of which was considered meaningful and complete.
- (6) The Commission sought and verified all the information it deemed necessary for the purpose of a preliminary determination of dumping, injury and Community interest, and carried out verifications at the premises of the following companies:
 - (a) *Community producers*
 - Chemie GmbH Bitterfeld-Wolfen, Bitterfeld, Germany,
 - Industrial Química del Nalón, Oviedo, Spain;
 - (b) *Producers/exporters in the exporting countries*
 - India
 - Universal Chemicals and Industries Pvt. Ltd, Mumbai;
 - (c) *Producer located in the USA, originally envisaged as analogue country*
 - Carus Chemical Company, Peru, Illinois.
 - (7) The investigation of dumping covered the period 1 April 1996 to 31 March 1997 (hereinafter referred to as 'the investigation period'). The examination of injury and Community interest covered the period 1 January 1992 up to the end of the investigation period (hereinafter referred to as 'the period examined').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (8) The product under consideration is potassium permanganate which has the chemical formula KMnO_4 . It falls within CN code 2841 61 00.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ C 130, 26. 4. 1997, p. 4.

Potassium permanganate is a compound of manganese, potassium and oxygen whose manufacture requires two basic raw materials: caustic potash (KOH) and manganese dioxide or pyrolusite ore (MnO₂). The product is manufactured in three grades: technical (97 to 98 % purity of KMnO₄, in the form of crystalline powder), free flowing (containing an anti-caking agent) and pharmaceutical (minimum 99 % purity of KMnO₄ in the form of crystals). The different grades will hereinafter be referred to as 'product types'.

All grades are obtained from the same production process and show the same basic chemical properties. It was therefore concluded that all grades should be considered as one product for the purposes of the investigation.

Potassium permanganate is mainly used for potable water treatment, waste water treatment, chemical and pharmaceutical manufacture, aqua culture, metal refining, metal surface cleaning, disinfectant in agriculture and veterinary practices, gas purification, process gas deodorisation, bleaching and special treatments in textile industry, radioactive decontamination, gas turbine cleaning and submarine air purification.

2. Like product

- (9) The Commission found that potassium permanganate produced and sold on the domestic market in India and that exported to the Community from the countries concerned as well as that produced and sold by the Community industry in the Community market had effectively identical physical characteristics and uses and were thus like products within the meaning of Article 1(4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation').

C. DUMPING

1. Normal value

(a) *India*

- (10) In order to establish normal value, the Commission first analysed whether domestic sales were representative in accordance with Article 2(2) of the Basic Regulation. In this respect, for the only cooperating producer, it was established that the total domestic sales of the product concerned represented more than 5 % of the sales volume destined for the Community.
- (11) It was then examined whether total domestic sales of each product type constituted 5 % or more of the sales volume of the same product type exported to the Community.

As it was found that sales of both product types were representative, the Commission then assessed whether sufficient sales had been made in the ordinary course of trade in accordance with Article 2(4) of the Basic Regulation. For one product type, where the volume of sales below production cost was less than 20 % of sales, normal value was established on the basis of the weighted average prices actually paid for all domestic sales. For the other product type, where the volume of transactions made at a loss was equal to or higher than 20 %, but not higher than 90 % of sales, normal value was established on the basis of the weighted average prices actually paid for the remaining profitable domestic sales.

(b) *Ukraine*

1. Analogue country

- (12) Since the Ukraine is considered to be a non-market economy country, an analogue market economy country had to be selected for the establishment of normal value in accordance with Article 2(7) of the Basic Regulation. It was specified in the notice of initiation that India or the USA were considered for that purpose. No comments were received within the time limit specified in the notice of initiation from any authority in the Ukraine or any interested party.

However, during the investigation, it appeared that the level of cooperation by the United States producer was not sufficient to enable the Commission to verify properly the level of prices paid on the United States market and the costs of production. Consequently, the Commission examined whether India could constitute a more appropriate choice. From the investigation it appeared that India is more similar to the Ukraine in terms of its production process and production volume. Therefore, the Commission finally considered that, in accordance with Article 2(7) of the Basic Regulation, the most reasonable choice of analogue country in this case was India.

2. Normal value

- (13) For the reasons indicated above, normal value was established on the basis of the domestic prices of the Indian producer.

The investigation showed that the domestic sales in India represented more than 5 % of the total Ukrainian export sales to the Community, both on an overall basis and with regard to the only product type exported from the Ukraine to the Community.

- (14) In accordance with Article 2(4) of the Basic Regulation the Commission then assessed for the product type in question whether sufficient sales had been made in the ordinary course of trade. As it was found that the volume of transactions made at a loss was equal to or higher than 20 %, but not higher than 90 % of sales, normal value was established on the basis of the weighted average prices actually paid for the remaining profitable domestic sales.

2. Export price

(a) *India*

- (15) As the exporting producer made export sales to the Community directly to independent importers, in accordance with Article 2(8) of the Basic Regulation, export prices were established on the basis of the prices actually paid or payable by these independent customers.

(b) *Ukraine*

- (16) The investigation showed that the exports of the cooperating company in the Ukraine were made directly to an independent importer in the Community. The export prices were therefore based on the prices actually paid or payable for the product sold to the Community in accordance with Article 2(8) of the Basic Regulation.
- (17) As the comparison of the data concerning exports to the Community provided by the cooperating Ukrainian exporter and Eurostat statistics indicated that this company's exports represented almost all those reported by Eurostat, they were considered representative of all Ukrainian exports of the product concerned to the Community.

3. Comparison

- (18) For the purpose of a fair comparison, due allowance in the form of adjustments was made for differences which were claimed, and demonstrated to affect price comparability. In accordance with Article 2(10) of the Basic Regulation, these adjustments were made, in respect of packing, transport, insurance, handling and ancillary costs, indirect taxes and import charges, credit costs and commissions.
- (19) As the product concerned is sold in both drums and bags on the Indian domestic market whilst all export sales are in drums, it was decided to adjust normal value with a view to deducting all cost of

packing so that normal value can be based on all domestic sales of the product concerned.

- (20) The exporting Indian producer claimed an allowance for domestic transport costs which included transport costs incurred by the company in moving the product from one of the plants to a depot. This claim could not be granted due to the fact that, in accordance with Article 2(10)(e) of the Basic Regulation, an adjustment shall only be made for costs incurred for conveying the product concerned from the premises of the exporter to an independent buyer. In this case the plant and the depot can be considered to be part of the same economic and legal entity and the depot as an extended factory gate.
- (21) The exporting Indian producer also claimed an allowance for the credit cost of sales on the domestic market and requested that the actual payment date be used. This claim was rejected on the grounds that, in accordance with Article 2(10)(g) of the Basic Regulation, an adjustment can only be given for the number of days agreed at the time of the sale, as only the expense corresponding to that number of days can be considered to have influenced the exporter's decision.
- (22) The Indian company also claimed an adjustment for differences in levels of trade on the grounds that it sold different quantities to different types of customers. However, they were unable to demonstrate consistent and distinct differences in functions and prices for the allegedly different levels of trade in the Indian domestic market. In view of the above, no adjustment was granted for differences in level of trade.

- (23) The exporting producer in the Ukraine claimed adjustments for credit costs and for the level of trade which are both linked to the specific arrangement between this company and its sole importer in the Community. The positive adjustment sought for credit costs could not be granted due to the fact that there was no evidence of an influence on the prices charged.

The adjustment for level of trade was claimed on the grounds that this importer finances the purchase of raw materials and prepaies deliveries. This could not be accepted since the export price was at an identical level of trade to the normal value used for the comparison.

4. Dumping margin

1. General method

- (24) Pursuant to Article 2(11) of the Basic Regulation, the dumping margins were established on the basis of a comparison between the weighted average normal value and the weighted average export prices at ex-factory level and at the same level of trade.

2. Dumping margin

(a) *India*

- (25) The dumping margin expressed as a percentage of the cif price at Community frontier level was as follows:

— Universal Chemicals and Industries Pvt. Ltd, Mumbai 6,8 %.

As this company is deemed to represent 100 % of Indian production of the product concerned, the residual dumping margin provisionally established is also 6,8 %.

(b) *Ukraine*

- (26) For the Ukrainian exporting producer, the weighted average normal value fob India national frontier was compared with its own weighted average export price fob Ukraine national frontier at the same level of trade.

The provisionally established dumping margin is 40,4 %, expressed as a percentage of the cif price at Community frontier level.

D. COMMUNITY INDUSTRY

- (27) The two Community producers which cooperated with the investigation account for the total production of potassium permanganate in the Community. Since neither of them has imported the product concerned from India or the Ukraine, or is related to any producers in the countries concerned, they therefore constitute the Community industry in accordance with Article 4(1) of the Basic Regulation.

E. INJURY

1. Preliminary remark

- (28) Following an expiry review, a definitive anti-dumping duty on imports of potassium permanganate originating in the People's Republic of China was imposed by Council Regulation (EC) No 2819/94⁽¹⁾.

In this context, the fact that the Community industry is still in the process of recovering from the effects of past dumping was a factor, amongst those due to be evaluated in accordance with the provision of Article 3(5) of the Basic Regulation, found to have a particular bearing on the Community industry's state during the period examined.

2. Collection of injury data

- (29) The Commission requested and obtained from the two complaining companies information which allowed it to establish various injury indicators. It should, however, be noted that one of the Community producers is the sole remaining operation of the former Bitterfeld Kombinat and is still in the process of being privatised. Therefore, in view of the particular situation of that Community producer, it was considered appropriate not to take into consideration all information which might be affected by the said situation, namely that relating to its cost of production and profitability.

3. Total consumption on the Community market

- (30) In calculating total apparent Community consumption of potassium permanganate, the Commission added:
- the total sales volume in the Community of the two Community producers of the product concerned, and
 - the total imports into the Community of the product concerned from all third countries, including India and the Ukraine.

- (31) With a view to establishing, for the whole period examined (1992 to March 1997), consistent figures covering the enlarged Community of 15, the total imports were based on relevant Eurostat statistics, as declared under CN code 2841 61 00, combined with national statistics of Austria, Finland and Sweden for the period before their accession to the Community.

On this basis, the apparent Community consumption of potassium permanganate increased from 3 087 tonnes in 1992 to 3 147 tonnes in the investigation period, i.e. a moderate increase of 2 %.

4. Cumulative assessment of the effects of the dumped imports

- (32) In accordance with Article 3(4) of the Basic Regulation, the Commission examined whether the cumulation of the imports from the two countries concerned in the present anti-dumping proceeding was warranted.

⁽¹⁾ OJ L 298, 19. 11. 1994, p. 32.

In this respect it has to be noted that:

- the total volume of dumped imports for the product concerned originating in India rose from 278 tonnes in 1992 to 400 tonnes in the investigation period, equivalent to an increase in market share from 9 to 12,7 % for the same period,
- the total volume of dumped imports for the product concerned originating in the Ukraine increased from 0 tonnes in 1992 to 176 tonnes in the investigation period, corresponding to a market share of 5,6 % in the investigation period.

The individual volume of imports from India and the Ukraine and their market share of 12,7 and 5,6 % respectively were therefore not negligible during the investigation period. Furthermore, dumping margins, which were not *de minimis*, were established for both countries.

- (33) As far as the conditions of competition between the imports from both countries are concerned, certain parties have claimed that, due to differences in these conditions and in particular in the levels of price undercutting, the impact of the Indian and Ukrainian imports should not be assessed cumulatively.

The investigation however showed that there were no significant differences in quality between the Indian and Ukrainian products and they were sold to the same customers through similar sales channels. Furthermore, the price behaviour of exporters in both countries, as reflected in the levels of price undercutting, was comparable in view of the significant undercutting margins. It was accordingly considered that the conditions of competition on the Community market between potassium permanganate imported from India and the Ukraine respectively as well as between the potassium permanganate imported from both countries and that produced in the Community were similar.

- (34) On this basis, the Commission concluded that the requirements laid down in Article 3(4) of the Basic Regulation were met and that the effect of the dumped imports from both countries should be assessed cumulatively for the purpose of the injury analysis.

5. Cumulated volume and market share of the dumped imports

- (35) The total volume of imports from India and the Ukraine taken together rose from 278 tonnes in 1992 to 576 tonnes in the investigation period, an increase of 107 %, resulting in a twofold increase in the combined market share from 9 to 18,3 % between 1992 and the investigation period.

6. Prices of the dumped imports and undercutting

- (36) Aggregate data from Eurostat and the National Statistical Offices of Austria, Finland and Sweden showed that the import price of potassium permanganate originating in India and the Ukraine fell by 12 % between 1992 and 1995 and then increased by 9 % between 1995 and the investigation period, resulting in an overall decrease of 3 % for the whole period examined.

- (37) For the investigation period, the Commission compared the prices of the Community producers with the prices of the Indian and Ukrainian exporters at the same level of trade. The latter were based on sales figures, adjusted to reflect the customs duty paid, as well as expenses incurred for loading and warehousing.

The prices of the Community producers were adjusted to an ex-factory level by deducting transport and insurance costs and set at levels of trade considered to be comparable to those of the Indian and Ukrainian imports, by deducting credit costs.

- (38) The results of the comparison, when expressed as a percentage of the Community producers' selling prices during the investigation period, showed significant undercutting margins of 26 % for the Ukraine and 8,4 % for India on average.

7. Situation of the Community industry

(a) Production

- (39) The production of the product concerned fluctuated during the period examined. These fluctuations, which resulted from a series of exceptional events, caused distortions which had an effect on the trends over the period examined:

- the production of one of the producers, which is producing potassium permanganate amongst other products, was nil in 1992 and lasted for only three months in 1993 due to the pressure exerted by dumped Chinese imports. The company nevertheless continued to sell from stock during these two years,

— following a drought suffered by the southern part of Spain, there was an unusually high consumption of potassium permanganate on the Spanish market in 1995.

- (40) Overall, the production of the product concerned by the Community industry increased from 1 688 tonnes in 1992 to 3 141 tonnes in the investigation period, an increase of 86 %. Half of this increase was attributable to sales to export markets outside the Community with quantities varying from 161 tonnes exported in 1992 to 837 tonnes in the investigation period, i.e. 27 % of the total quantity sold during that period.

(b) Capacity utilisation rate

- (41) Due to the irregular production mentioned above, which resulted in the starting point to be very low, the capacity utilisation rate between 1992 and the investigation period increased from 22,5 to 41,9 %.

(c) Sales volume

- (42) The volume of sales by the Community industry on the Community market increased during the period examined from 1 812 tonnes in 1992 to 2 301 tonnes in the investigation period, representing an increase of 26 %.

(d) Market share

- (43) The comparison of the volume of sales in the Community with the apparent Community consumption showed that the market share held by the Community industry increased from 58,7 % in 1992 to 71,3 % in 1995, then decreased to 67 % in 1996 and increased again to 73 % in the investigation period.

(e) Price depression

- (44) It should be noted that, except in Spain, where price lists were in use, potassium permanganate sales are carried out on a spot basis and therefore prices to distributors vary throughout the year according to market conditions.

In this context, the average selling price of the Community industry fell by 10 % from 1992 to the investigation period. It must be stressed that this decrease was already effective in 1994, when measures were imposed against the People's Republic of China. However, the Community producers were never able to regain previous price levels after the imposition of anti-dumping duties on Chinese imports.

(f) Profitability

- (45) The overall profitability of the product concerned was irregular on the Community market. Despite its successful efforts to reduce manufacturing costs, the Community producer whose data have been used to assess profitability, recorded losses from 1992 to the investigation period.
- (46) The trend showed an improvement from 1992 to 1995 with losses varying from index - 100 in 1992 to index - 6 in 1995. This was the result of a 16 % reduction in manufacturing costs linked with better capacity utilisation. The situation in 1995 was, as noted above, the result of exceptional climatic circumstances which led to a significant increase of the quantity sold. However, in 1996 and during the investigation period, the situation again deteriorated, with indexed losses (1992 = - 100) amounting to - 53 and - 75 respectively.

(g) Employment

- (47) Employment in the Community industry decreased by 8 % from 1992 to the investigation period in terms of hours effectively worked. It should be underlined that more than 80 % of the personnel employed was composed of production employees who, in the case of the Community producer, also worked on the production of other products during the periods of low activity for potassium permanganate. It is therefore probable that without this flexibility the situation in the Community would have resulted in more redundancies in geographical areas where both Germany and Spain register high unemployment rates.

(h) Investment

- (48) When expressed as a percentage of total turnover, investments increased from 4,3 % in 1992 to 5,7 % in the investigation period.

8. Conclusion on injury

- (49) The Community industry has been facing the effects of dumping since the beginning of the period examined, firstly due to the imports from the People's Republic of China, later by imports from India and the Ukraine. Under these circumstances, the pressure exerted on the prices of the Community industry, which decreased by 10 % from 1992 to the investigation period, led to the persistence of a weak financial situation.

The price depression prevented recovery from the effects of past dumping and the financial situation, although slightly improved, continued to be negative.

- (50) In the light of the foregoing analysis, it is the view of the Commission that, overall, positive evidence showed that the Community industry has suffered injury which can be considered as material within the meaning of Article 3(1) of the Basic Regulation.

F. CAUSATION

- (51) The Commission examined whether the injury suffered by the Community industry had been caused by the dumped Indian and Ukrainian imports and whether other factors had caused, or contributed to, that injury.

1. Effect of the dumped imports

- (52) In examining the effect of the dumped imports, it was found that the Community industry could not benefit fully from the effects of the measures imposed against the People's Republic of China, since the re-establishment of fair trading conditions with that country was immediately undermined by an increase in low priced, dumped imports from India and the Ukraine.
- (53) It was established that over the period examined, i.e. from 1992 to the investigation period, the decrease of 291 tonnes in the imports originating in the People's Republic of China had been totally offset by the 298 tonnes increase in the dumped imports from India and the Ukraine.
- (54) With regard to prices, the Commission established that the imports subject to this proceeding were in the same price range as imports from the People's Republic of China, before the reduction of the import volumes originating in that country which took place in 1995. Moreover, these import prices from the countries concerned did not improve significantly afterwards. It could therefore be confirmed that imports from the countries concerned by the proceeding, due to their price level, had a clear undermining effect on the recovery of the Community industry.
- (55) The potassium permanganate produced in the Community and the potassium permanganate imported from India and the Ukraine are in direct competition with each other, essentially on the basis of price. This price-based competition is explained by the fact that potassium permanganate is a bulk product, with moreover no significant differences of quality or applications between the

imported product and the Community produced one.

- (56) Price difference is the major factor determining sales. In the course of the investigation it was established that the minimum import volume per transaction is around 15 tonnes. As a consequence, even a one-off sale undercutting the Community producers' prices can already represent a 0,5 % gain in overall market share. Such a transaction can therefore have a perceptible and immediate impact on the situation of the Community market.
- (57) It was also established that in years when consumption was not affected by any exceptional circumstances, the impossibility for the Community industry to improve its profitability coincided with the volume and growth of the imports from India and the Ukraine at dumped prices. In a price-sensitive market, this low-price policy had the effect of depressing the prices of the Community industry.
- (58) It was indeed found that, as a result of systematic price undercutting by the Indian and Ukrainian imports, the Community industry had to adjust its prices downward to the market situation. This defensive behaviour on the part of the Community industry is explained by the fact that the industry strongly needs continuous production cycles and needed to recover from low production years. It could not risk seeing its costs per unit increase as a result of lost sales volumes.
- (59) The recovery of the Community industry from the impact of dumped Chinese imports was thus heavily hampered by the combination of the high-volume and dumped prices of Ukrainian and Indian imports concerned.
- (60) The Commission therefore concluded that the dumped imports from the countries concerned had a considerable negative impact on the situation of the Community industry during the period under consideration, on the one hand by impeding its recovery from past dumping practices by the Peoples' Republic of China, and, on the other hand, by influencing the situation negatively, notably in terms of profitability.

2. Effect of other factors

- (61) It was examined whether factors other than the low-priced imports from India and the Ukraine, might have led or contributed to the weak situation of the Community industry and in particular whether imports from countries other than the two subject to this proceeding might have influenced this situation.

(a) Imports from other third countries

(62) Imports from countries not concerned by this proceeding decreased from 997 tonnes in 1992 to 270 tonnes in the investigation period, a 73 % decrease. Amongst these third countries the United States of America was the major supplier to the Community market during the investigation period. The total Community market share held by imports from third countries other than India and the Ukraine during the investigation period only amounted to 8,6 %. As regards prices, the average price of these imports, as given by Eurostat, increased from 1992 to the investigation period to reach ECU 1705/tonne, a figure 35 % above the prices of Indian and Ukrainian imports at a comparable cif level.

(63) It is therefore considered that, although the Chinese imports had had an impact on the Community industry until 1994, imports from sources other than the countries subject to the current proceeding could not be considered to have caused the precarious situation of the Community industry.

(b) Development of consumption on the Community market

(64) It has been argued that the injury suffered by the Community industry was due to the contraction of demand on the Community market.

(65) It should however be recalled that the decrease in the industrial uses of potassium permanganate has been balanced in recent years by the increase in bio-technology uses and above all water treatment applications. As a consequence, apparent consumption has been rather stable on the Community market since it only slightly increased by +2 % from 1992 to the investigation period. Although this evolution in the pattern of consumption implies a move to more numerous and smaller customers which can only be reached through a further development of the distribution networks, it cannot be considered detrimental to the Community industry and does not explain the surge of the imports concerned which face the same change in the pattern of users. Indeed, water treatment applications are likely to develop in parallel with increased public awareness of environmental issues. The technology and added value

linked to it are more price-rewarding than the ageing and disappearing industrial applications.

(66) These effects, expected in the longer term, could already be felt in 1995 when, because of exceptional climatic circumstances, consumption on the Community market suddenly increased to the benefit of all producers. However, when these exceptional effects ceased, the Community industry was again confronted with low-priced imports from the countries concerned in a market where consumption had returned to past levels. The Community industry incurred significant losses again, as a result from this price pressure.

(67) It is therefore considered that the variation in the apparent Community consumption, though noticeable, could not be considered a material cause of the injury suffered by the Community industry.

(c) Competitiveness of the Community industry

(68) It has been argued by certain parties that the costs of the Community industry were too high to compete on the world market as a consequence of its structures and of the — allegedly outdated — production processes it uses.

(69) It cannot be denied that one Community producer of the product concerned is going through a restructuring phase due to the fact that until recently it was subject to a State-planned economic system. It should nevertheless be recalled that the costs and profitability of the Community industry were assessed exclusively in the light of the verified data relating to the other Community producer.

(70) As far as this second company is concerned, it was established that it could prove, with the significant increase in its export sales at profitable prices, that it was able to compete on the world market, mainly that of the United States of America. Indeed, this Community producer increased the volume of its export sales from 21 tonnes in 1992 to 572 tonnes in the investigation period and was able to achieve in this latter period, on export markets, prices 10 % higher than on the Community market. The increased sales, and therefore production, allowed the unit costs to decrease, in addition to the measures improving the general efficiency which proved to have been successful.

- (71) Moreover, although the production processes are difficult to compare *per se*, it could be established that no particular inefficiency was to be found in terms of cost per tonne for the product concerned produced in the Community.

(d) *Conclusion on causation*

- (72) It is considered that the dumped imports from India and the Ukraine, when taken in isolation, have caused material injury to the Community industry. This conclusion is based on the various elements set out above, especially the quantities and prices of the imports concerned, which resulted in strong downward price pressure on the Community market for the product concerned and in particular on the prices and profitability of the Community industry.

G. COMMUNITY INTEREST

1. Preliminary remark

- (73) The Commission provisionally examined, on the basis of all evidence submitted, whether, despite the presence of injurious dumping, there were compelling reasons leading to the conclusion that it would not be in the Community interest to impose measures in this particular case. For this purpose, and pursuant to Article 21(1) of the Basic Regulation, the Commission considered the impact of possible measures for all parties involved in the proceeding, and also the consequences of not taking measures. In order to provide information for this assessment, the Commission sent questionnaires to producers, importers and known users of the product concerned, with a view to evaluating their economic interests.

2. Interest of the Community industry

- (74) The potassium permanganate industry in the world has reached maturity in terms of technology and production process, implying that the consumption per tonne produced of, for example, raw materials and energy, does not vary significantly amongst producers operating under normal market conditions. In this context, the good export performances of the Community industry should be recalled, as they are a clear indicator of its ability to compete under fair conditions on the world market.
- (75) It is considered that without measures to correct the effects of the dumped imports the Community industry will continue to face the undercutting

established, and will not be in a position to regain profitability.

- (76) In particular, the absence of measures would seriously impair the privatization process of the Community producer situated in one of the new German *Länder*. The restructuring this company underwent and is still undergoing since the change in the economic system would prove to have been in vain at the exact time when it is in a position to benefit from its efforts and have access to private investors.

- (77) As far as the Spanish producer is concerned, its ongoing efforts to reduce costs show that it is not ready to abandon the production of potassium permanganate, and therefore needs the detrimental effects of the dumped imports to be corrected. Nevertheless, it should be stressed that the industrial group which until now has backed the production of the product concerned despite its critical situation, might decide to cease this activity in the absence of any reasonable hope of price increases in the Community.

- (78) It can therefore be concluded that, in the absence of measures, the existence of the Community industry, situated in two regions of the Community already seriously affected by industrial restructuring, would ultimately be at risk. This situation would not be the result of normal conditions of competition.

3. Interest of traders

- (79) Companies trading in the product concerned in the Community appear to be mainly distributors of a wide range of chemical products. The biggest traders buy the product concerned indiscriminately from Community producers or producers in third countries, wherever the price is the lowest. The significant quantities purchased are resold in numerous transactions of smaller quantities to parties trading smaller volumes of the product concerned. These parties in turn usually repeat the same distribution steps at their own level. The bigger traders expressed their opposition to a possible imposition of anti-dumping measures which would allegedly lead them to stop their purchases of potassium permanganate from the countries concerned. The second type of traders in the Community, i.e. those which trade the product concerned in smaller quantities, advocated a diversity of supply on the Community market in order to maintain a secure level of supply and a fair choice amongst competing producers. These traders were in favour of the imposition of measures.

(80) It view of the fact, however, that the measures proposed are in no way prohibitive, imports could continue to take place after their imposition. Moreover, most traders who have acted as importers during the investigation period also purchase Community-produced potassium permanganate. Their main function consists of distributing the products, whatever their origin be. Therefore, it cannot be expected that this level of economic activity will be reduced, in particular in the light of the stable consumption of the product concerned during the period examined.

(81) Finally, as far as the sole importer of the Ukrainian product is concerned, it should be noted, that, after numerous invitations to cooperate, it provided the Commission with incorrect or misleading information on its resale margin and profit rate. Its real profit rate can be assumed to be substantial on the basis of the evidence available, and it is therefore considered that possible measures against the Ukraine would in no way put the existence of this company at risk.

4. Interest of users of the product concerned

(82) Although questionnaires were sent to a number of users of potassium permanganate in the Community, including those most likely to be affected by possible measures, none of them cooperated fully by replying to the questionnaire in a meaningful way.

(83) This can be explained by the fact that the important industrial uses of potassium permanganate are gradually being abandoned. One of the few companies using potassium permanganate in an intensive way for the production of other chemical products in the Community decided to switch its production process to another technology using other raw materials. The low level of representations received and cooperation obtained from users of potassium permanganate is also linked with the low cost impact of potassium permanganate in the end-product, at least on the basis of the evidence available. Indeed, it could be established that potassium permanganate is almost only used in extremely low quantities when compared with other inputs. In water treatment for example, the cost linked with the purchase of potassium permanganate is insignificant given the minute quantities used in this application.

(84) Finally, the price of potassium permanganate at the level of the end-user is in any case determined more by the costs and profits of the numerous

companies in its distribution chain than by the ex-factory price.

(85) On that basis, and in view of the level of the duties to be imposed, it is considered that the impact of any possible measures on users of potassium permanganate would be negligible.

5. Conclusion on the Community interest

(86) In examining the various interests involved and all the above aspects, the Commission provisionally considers that there are no compelling reasons not to take action against the imports in question by restoring a fair competitive situation and preventing further injury to the Community industry. Leaving the Community industry without adequate protection would add to its difficulties at a time when it is beginning to feel the effects of a progressive recovery from past dumping.

H. PROPOSED MEASURES

(87) For the purpose of establishing the level of the provisional duty, account was taken of the level of dumping found and the amount of duty necessary to eliminate the injury suffered by the Community industry.

1. Injury elimination level

(88) Since the injury was mainly in the form of financial losses, it was considered that the removal of such injury would be achieved through the establishment of a non-injurious price level, i.e. a price level which would prevail in the absence of imports from the two countries made at dumped prices. In the circumstances of this case, it can be assumed that such non-injurious price levels would allow the Community industry to cover its costs and achieve a reasonable profit.

(89) In this respect, the Commission established that a price level considered adequate to remove the injury should be based on the weighted average cost of production of the Community producer for which this data had been established during the investigation, together with a profit of 7 % on turnover. This profit rate was considered to be an appropriate minimum in view of the capital invested and, more particularly, of the rate of return which the Community industry could reasonably expect in the absence of injurious dumping.

- (90) This injury elimination level was then compared with the weighted average cif import prices reported by the exporters concerned, at the same level of trade. The latter were based on sales figures, adjusted to reflect the customs duty paid as well as the expenses incurred for loading and warehousing. The non-injurious price level was adjusted to an ex-factory level by deducting transport and insurance costs and set at levels of trade considered to be comparable with those of the Indian and Ukrainian imports, by deducting credit costs.

2. Form and level of the provisional measures

- (91) Since for each country concerned the injury elimination margin thus established is higher than the dumping margin, the rate of the provisional anti-dumping duty should be based on the respective dumping margins.
- (92) Since the cooperating exporting producer in India represented the totality of exports of the product concerned to the Community, and in order to avoid possible circumvention of the measures, the residual duty rate was set at the same level as the individual company rate.
- (93) As regards the form of the measures, particular consideration was given to the fact that the injury established consisted mainly of a depression of the Community producers prices, together with the negative impact of these low prices on their profitability. The Commission therefore provisionally considers that the appropriate way to remedy injury is the imposition of a variable duty based on a minimum price. This minimum price, corresponding to the dumping margins added to the export prices at cif level, should be ECU 1 475/tonne for India and ECU 1 567/tonne for the Ukraine. The difference in the minimum prices can be explained by the fact that different product types were exported by the exporters from the countries concerned.

I. RIGHTS OF INTERESTED PARTIES

- (94) In the interest of sound administration, a period should be fixed within which the parties concerned may make their views known in writing and request a hearing. Furthermore, it should be stated that the findings made for the purposes of this Regulation are provisional and may have to be reconsidered for the purposes of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of potassium permanganate falling within CN code 2841 61 00 originating in India and the Ukraine.
2. For the product concerned referred to in paragraph 1 originating in India, the amount of anti-dumping duty shall be the difference between the minimum import price of ECU 1 475 per tonne and the cif Community frontier price in all cases where the cif Community frontier price per tonne is less than the minimum import price. No duty shall be collected where the cif Community frontier price per tonne is equal to or higher than the minimum import price.
3. For the product concerned referred to in paragraph 1 originating in the Ukraine, the amount of anti-dumping duty shall be the difference between the minimum import price of ECU 1 567 per tonne and the cif Community frontier price in all cases where the cif Community frontier price per tonne is less than the minimum import price. No duty shall be collected where the cif Community frontier price per tonne is equal to or higher than the minimum import price.
4. Unless otherwise specified, the provisions in force concerning customs duty shall apply.
5. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 20 of Regulation (EC) No 384/96, the parties concerned may make known their views in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Pursuant to Article 21(4) of Regulation (EC) No 384/96, the parties concerned may comment on the application of this Regulation within one month of the date of the date of its entry into force.

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, 23 January 1998.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 179/98
of 23 January 1998
amending Council Regulation (EC) No 3051/95 on the safety management of
roll-on/roll-off passenger ferries (ro-ro ferries)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger (ro-ro ferries)⁽¹⁾, and in particular Article 9 thereof,

Whereas Regulation (EC) No 3051/95 provides that companies and Member States are to comply with the provisions of the International Safety Management Code, adopted by the International Maritime Organization (IMO) through Assembly Resolution A.741 (18) of 4 November 1993, in respect of ro-ro ferries operating to or from ports of the Member States of the Community;

Whereas with a view to ensuring uniform implementation of the International Safety Management (ISM) Code, guidelines on the implementation of the International Safety Management (ISM) Code by administrations were adopted on 23 November 1995 by the IMO by Resolution A.788 (19);

Whereas it is necessary to take account of developments at international level by introducing detailed rules concerning the issuance of interim documents and certificates and the form of the ISM documents and certificates, as well as some standards on ISM certification arrangements;

Whereas it is appropriate to ensure that the validity of certain documents and certificates already issued is not affected;

Whereas Regulation (EC) No 3051/95 should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee provided for in Article 12 of Council Directive 93/75/EEC⁽²⁾, as last amended by Commission Directive 97/34/EC⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3051/95 is hereby amended as follows:

1. Article 2(d) is replaced by the following:

‘(d) “Recognised organisation” means a body recognised in accordance with the provisions of Directive 94/57/EC, as amended by Commission Directive 97/58/EC^(*).

^(*) OJ L 274, 7. 10. 1997, p. 8.’;

2. the Annex is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1998.

Documents of compliance and safety management certificates issued by administrations and recognized organizations before 1 July 1998 shall remain valid until their date of expiry.

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

Done at Brussels, 23 January 1998.

For the Commission

Neil KINNOCK

Member of the Commission

⁽¹⁾ OJ L 320, 30. 12. 1995, p. 14.

⁽²⁾ OJ L 247, 5. 10. 1993, p. 19.

⁽³⁾ OJ L 158, 17. 6. 1997, p. 40.

ANNEX

The Annex to Regulation (EC) No 3051/95 is hereby amended as follows:

(a) the title is replaced by the following:

'Part A

**INTERNATIONAL MANAGEMENT CODE FOR THE SAFE OPERATION OF SHIPS
AND FOR POLLUTION PREVENTION
(INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE)**

(b) the following Part B is added:

'Part B⁽¹⁾

**PROVISIONS FOR ADMINISTRATIONS CONCERNING THE IMPLEMENTATION OF
THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE**

**1. ISSUANCE AND VALIDITY OF DOCUMENTS OF COMPLIANCE AND SAFETY
MANAGEMENT CERTIFICATES**

1.1. Definitions

- (a) "Safety management system (SMS)" means a structured and documented system enabling company personnel to effectively implement the company safety and environmental protection policy.
- (b) "Safety management audit" means a systematic and independent examination to determine whether the SMS activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
- (c) "Observation" means a statement of fact made during a safety management audit and substantiated by objective evidence.
- (d) "Objective evidence" means quantitative or qualitative information, records or statements of fact pertaining to safety or to the existence and implementation of a SMS element, which is based on observation, measurement or test and which can be verified.
- (e) "Non-conformity" means an observed situation where objective evidence indicates the non-fulfilment of a specified requirement.
- (f) "Major non-conformity" means an identifiable deviation which poses a serious threat to personnel or ship safety or a serious risk to the environment and requires immediate corrective action; in addition, the lack of effective and systematic implementation of a requirement of the ISM Code is also considered as a major non-conformity.
- (g) "Interim document of compliance" means the document issued to companies in conformity with paragraph 1.2.
- (h) "Interim safety management certificate" means the certificate issued to ro-ro ferries in conformity with paragraph 1.3.

1.2. Interim document of compliance

- 1.2.1. An interim document of compliance may only be issued by an administration to a company when:
- 1. the company is newly established; or
 - 2. the company assumes for the first time the responsibility for operating a ro-ro ferry not covered by a document of compliance the company already holds.

⁽¹⁾ The provisions set out in Part B shall be considered an integral part of the corresponding parts of the ISM Code set out in Part A.

1.2.2. Before issuing an interim document of compliance the administration shall verify that the company has a SMS that meets the objectives of paragraph 1.2.3 of the ISM Code, and has a plan to implement a SMS that meets the requirements of the ISM Code within the period of validity of the interim document of compliance.

1.2.3. The interim document of compliance shall be valid for not more than 12 months.

1.3. Interim safety management certificate

1.3.1. An interim safety management certificate may only be issued by an administration to a ro-ro ferry when:

1. the ro-ro ferry is put for the first time into service, after completion of its construction or alteration resulting in change of type;
2. the operation of the ro-ro ferry is transferred and becomes the responsibility of a company which previously had not been involved in the operation of the particular ro-ro ferry;
3. the ro-ro ferry is transferred from a flag of another State;

1.3.2. Before issuing an interim safety management certificate the administration shall verify that:

1. the company which operates the ro-ro ferry holds a valid document of compliance or interim document of compliance relevant to that ro-ro ferry;
2. the SMS provided by the company for the ro-ro ferry includes key elements of the ISM Code and has been assessed during the audit for issuance of the document of compliance or demonstrated for the issuance of the interim document of compliance;
3. the master and relevant senior officer are familiar with the SMS and the planned arrangements for its implementation;
4. instructions which have been identified as essential to be provided prior to sailing have been given;
5. plans for company audit of the ro-ro ferry within three months exist; and
6. the relevant information on the SMS is given in a working language or languages understood by the ro-ro ferry's personnel.

1.3.3. The interim safety management certificate shall be valid for not more than six months. In case the company has been issued with an interim document of compliance but not yet with a document of compliance which is valid for the ro-ro ferry, its validity may be extended for a further period not exceeding six months from the date of the original expiry of the certificate.

1.4. Acceptance and recognition of an interim document of compliance and interim safety management certificate

1.4.1. An interim document of compliance and an interim safety management certificate complying with the provisions of this Regulation and issued by the administration of any other Member State or by a recognised organisation acting on its behalf shall be accepted by each Member State.

1.4.2. An interim document of compliance and an interim safety management certificate issued by, or on behalf of, the administrations of third countries shall be recognised by a Member State if it is satisfied that they demonstrate compliance with the provisions of this Regulation.

1.5. Withdrawal of a document of compliance and safety management certificate

1.5.1. The issuing administration shall withdraw the document of compliance if there is evidence of major non-conformity with the ISM Code. The safety management certificates associated with the document of compliance shall also be invalidated and withdrawn.

1.5.2. The issuing administration shall withdraw the safety management certificate if there is evidence of major non-conformity with the ISM Code.

2. CERTIFICATION PROCESS

- 2.1. The certification process relevant for the issuance of a document of compliance for a company and a safety management certificate to a ro-ro ferry shall be performed taking account of the provisions set out below.
- 2.2. The certification process shall normally involve the following steps:
 1. initial verification;
 2. periodical or intermediate verification; and
 3. renewal verification.

These verifications are carried out at the request of the company to the administration or to the recognized organization when acting on behalf of the administration.
- 2.3. The verifications shall include a safety management audit.
- 2.4. A lead auditor and, if relevant, an audit team, shall be nominated to perform the audit.
- 2.5. The nominated lead auditor shall liaise with the company and produce an audit plan.
- 2.6. An audit report shall be prepared under the direction of the lead auditor, who is responsible for its accuracy and completeness.
- 2.7. The audit report shall include the audit plan, the identification of audit team members, dates and identification of the company, records of any observations and non-conformities issued and observations on the effectiveness of the safety management system in meeting the specified objectives.

3. STANDARD OF MANAGEMENT

- 3.1. Auditors or the audit team managing verification of compliance with the ISM Code shall have competence in relation to:
 1. ensuring compliance with the rules and regulations including certification of seafarers, for the ro-ro ferries operated by the company;
 2. the approval, survey and certification activities relevant for the maritime certificates;
 3. the terms of reference that must be taken into account under the safety management system as required by the ISM Code; and
 4. practical experience of ship operation.
- 3.2. In performing verification of compliance with the provisions of the ISM Code it shall be ensured that independence exists between the personnel providing consultancy services and those involved in the certification procedure.

4. STANDARDS OF COMPETENCE

4.1. Basic competence for performing verification

- 4.1.1. Personnel who are to participate in the verification of compliance with the requirements of the ISM Code shall fulfil the minimum criteria for inspectors as laid down in Annex VII paragraph 2 of Council Directive 95/21/EC⁽¹⁾.
- 4.1.2. They shall have undergone training to ensure adequate competence and skills for performing verification of compliance with the requirements of the ISM Code, particularly with regard to:
 1. knowledge and understanding of the ISM Code;
 2. mandatory rules and regulations;
 3. the terms of reference which the ISM Code requires that companies should take into account;
 4. assessment techniques of examining, questioning, evaluating and reporting;
 5. technical or operational aspects of safety management;
 6. basic knowledge of shipping and shipboard operations; and
 7. participation in at least one marine related management system audit.

⁽¹⁾ OJ L 157, 7. 7. 1995, p. 1.

4.2. Competence for initial verification and renewal verification

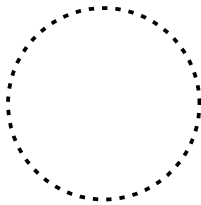
- 4.2.1. In order to assess fully whether the company or the ro-ro ferry complies with the requirements of the ISM Code, in addition to the basic competence stated above, personnel who are to perform initial verifications or renewal verifications for a document of compliance and a safety management certificate, must possess the competence to:
1. determine whether the SMS elements conform or do not conform to the requirements of the ISM Code;
 2. determine the effectiveness of the company's SMS, or that of the ro-ro ferry, to ensure compliance with rules and regulations as evidenced by the statutory and classification survey records;
 3. assess the effectiveness of the SMS in ensuring compliance with other rules and regulations which are not covered by statutory and classification surveys and enabling verification of compliance with these rules and regulations; and
 4. assess whether the safe practices recommended by the IMO, administrations, classification societies and maritime industry organizations have been taken into account.
- 4.2.2. This competence can be accomplished by teams which together possess the total competence required.

5. FORMS OF DOCUMENTS OF COMPLIANCE AND SAFETY MANAGEMENT CERTIFICATES

The document of compliance, the safety management certificate, the interim document of compliance and the interim safety management certificate shall be drawn up in the form set out below.

In case these forms are used for companies and ro-ro ferries operating only within one Member State references to the SOLAS Convention may be deleted.

DOCUMENT OF COMPLIANCE



(Official seal)

.....

(State)

Issued under the provisions of [the International Convention for the Safety of Life at Sea, 1974, as amended and] ⁽¹⁾ Council Regulation (EC) No 3051/95 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries)

Under the authority of the Government of:

(Name of the State)

by:

(Person or organisation authorised)

Name and address of Company:

.....

(See paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the safety management system of the Company has been audited and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) for the types of ships listed below (delete as appropriate):

Passenger ship

Passenger high-speed craft

Cargo high-speed craft

Bulk carrier

Oil tanker

Chemical tanker

Gas carrier

Mobile offshore drilling unit

Other cargo ship

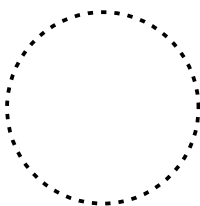
Ro-ro passenger ship (ro-ro ferry)

This Document of Compliance is valid until, subject to periodical verification.

Issued at:

(Place of issue of the document)

Date of issue:



(Seal or stamp of issuing authority, as appropriate)

.....

(Signature of the duly authorised official issuing the document)

⁽¹⁾ May be deleted for ships engaged only on voyages within one Member State.

ENDORSEMENT FOR ANNUAL VERIFICATION

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with [Regulation 6 of Chapter IX of the Convention and]⁽¹⁾ Article 5(3) of Council Regulation (EC) No 3051/95, the safety management system was found to comply with the requirements of the ISM Code.

First annual verification

Signed:
(Signature of authorised official)

Place:

Date:

Second annual verification

Signed:
(Signature of authorised official)

Place:

Date:

Third annual verification

Signed:
(Signature of authorised official)

Place:

Date:

Fourth annual verification

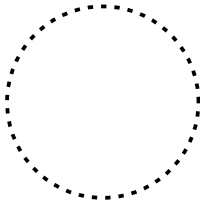
Signed:
(Signature of authorised official)

Place:

Date:

⁽¹⁾ May be deleted for ships engaged only on voyages within one Member State.

SAFETY MANAGEMENT CERTIFICATE



(Official seal)

.....
(State)

Issued under the provisions of [the International Convention for the Safety of Life at Sea, 1974, as amended and] ⁽¹⁾ Council Regulation (EC) No 3051/95 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries)

Under the authority of the Government of:
(Name of the State)

by:
(Person or organisation authorised)

Name of ship:

Distinctive number or letters:

Port of registry:

Type of ship ⁽²⁾:

Gross tonnage:

IMO number:

Name and address of Company:

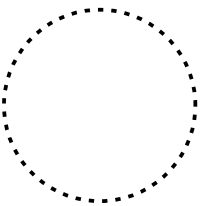
.....
(See paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the safety management system of the ship has been audited and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), following verification that the Document of Compliance for the Company is applicable to this type of ship.

This Safety Management Certificate is valid until,
subject to periodical verification and the validity of the Document of Compliance.

Issued at:
(Place of issue of the document)

Date of issue:



(Seal or stamp of issuing authority, as appropriate)

.....
(Signature of the duly authorised official issuing the certificate)

⁽¹⁾ May be deleted for ships engaged only on voyages within one Member State.

⁽²⁾ Insert the type of ship from among the following: passenger ship; passenger high-speed craft; cargo high-speed craft; bulk carrier; oil tanker; chemical tanker; gas carrier; mobile offshore drilling unit; other cargo ship; ro-ro passenger ship (ro-ro ferry).

**ENDORSEMENT FOR PERIODICAL VERIFICATION AND ADDITIONAL VERIFICATION
(if required)**

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with [Regulation 6 of Chapter IX of the Convention and]⁽¹⁾ Article 5(4) of Council Regulation (EC) No 3051/95, the safety management system was found to comply with the requirements of the ISM Code.

Intermediate verification

(to be completed between the second and the third anniversary date)

Signed:
(Signature of authorised official)

Place:

Date:

Additional verification ⁽²⁾

Signed:
(Signature of authorised official)

Place:

Date:

Additional verification ⁽²⁾

Signed:
(Signature of authorised official)

Place:

Date:

Additional verification ⁽²⁾

Signed:
(Signature of authorised official)

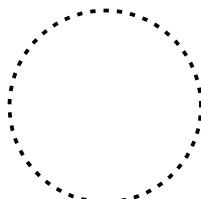
Place:

Date:

⁽¹⁾ May be deleted for ships engaged only on voyages within one Member State.

⁽²⁾ If applicable.

INTERIM DOCUMENT OF COMPLIANCE



(Official seal)

.....

(State)

Issued under the provisions of [the International Convention for the Safety of Life at Sea, 1974, as amended and] ⁽¹⁾ Council Regulation (EC) No 3051/95 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries)

Under the authority of the Government of:
(Name of the State)

by:
(Person or organisation authorised)

Name and address of Company:
.....
(See paragraph 1.1.2 of the ISM Code)

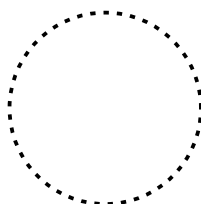
THIS IS TO CERTIFY THAT the safety management system of the Company has been recognised as meeting the objectives of paragraph 1.2.3 of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), for the type(s) of ships listed below (delete as appropriate):

Passenger ship
Passenger high-speed craft
Cargo high-speed craft
Bulk carrier
Oil tanker
Chemical tanker
Gas carrier
Mobile offshore drilling unit
Other cargo ship
Ro-ro passenger ship (ro-ro ferry)

This Interim Document of Compliance is valid until:

Issued at:
(Place of issue of the document)

Date of issue:



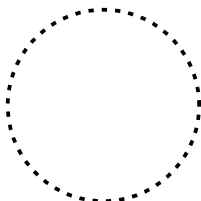
(Seal or stamp of issuing authority, as appropriate)

.....

(Signature of the duly authorised official issuing the document)

⁽¹⁾ May be deleted for ships engaged only on voyages within one Member State.

INTERIM SAFETY MANAGEMENT CERTIFICATE



(Official seal)

.....

(State)

Issued under the provisions of [the International Convention for the Safety of Life at Sea, 1974, as amended and] ⁽¹⁾ Council Regulation (EC) No 3051/95 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries)

Under the authority of the Government of:
(Name of the State)

by:
(Person or organisation authorised)

Name of ship:

Distinctive number or letters:

Port of registry:

Type of ship ⁽²⁾:

Gross tonnage:

IMO number:

Name and address of Company:

.....

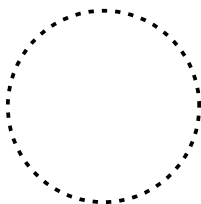
(See paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the safety management system of the ship complies with the provisions of [paragraphs 3.3.4 and 3.3.5 of the Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations and] ⁽¹⁾ paragraphs 1.3.2 and 1.3.3 of Part B of the Annex to Council Regulation (EC) No 3051/95.

This Interim Safety Management Certificate is valid until:

Issued at:
(Place of issue of the document)

Date of issue:



(Seal or stamp of issuing authority, as appropriate)

.....

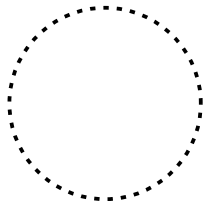
(Signature of the duly authorised official issuing the certificate)

⁽¹⁾ May be deleted for ships engaged only on voyages within one Member State.

⁽²⁾ Insert the type of ship from among the following: passenger ship; passenger high-speed craft; cargo high-speed craft; bulk carrier; oil tanker; chemical tanker; gas carrier; mobile offshore drilling unit; other cargo ship; ro-ro passenger ship (ro-ro ferry).

The validity of this Interim Safety Management Certificate is extended to:

Date of extension:



(Seal or stamp of issuing authority, as appropriate)

.....
(Signature of the duly authorised official extending the validity)

COMMISSION REGULATION (EC) No 180/98
of 23 January 1998
on a special intervention measure for maize in Greece

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 6 thereof,

Whereas maize production in the Orestiada region exceeds local consumption requirements; whereas maize prices in this region are at the intervention price level; whereas the geographical situation and local logistics restrict the possibilities for the other Greek regions and indeed the other Community markets to absorb this surplus of high production in the 1997/98 marketing year;

Whereas the Greek market can be relieved by the export of part of this surplus quantity of maize to non-member countries; whereas, in view of world market prices for maize, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 13 of Regulation (EEC) No 1766/92 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of maize from Member States where the market situation is different from that in the Orestiada region;

Whereas, in the absence of adequate measures, massive quantities of maize may be expected to enter intervention storage in Greece during the marketing year in accordance with Article 4 of Regulation (EEC) No 1766/92, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Greek regional market should be taken pursuant to Article 6 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which

would apply only to products exported from the Greek region of Orestiada, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on maize of the quality required for acceptance for intervention, as defined in Commission Regulation (EEC) No 689/92⁽³⁾, as last amended by Regulation (EC) No 23/98⁽⁴⁾; whereas the competent agency must make certain maize exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it, *mutatis mutandis*, Article 13 of Regulation (EEC) No 1766/92 and the regulations adopted for the application thereof, in particular 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⁽⁵⁾, as last amended by Regulation (EC) No 2052/97⁽⁶⁾;

Whereas Regulation (EC) No 1501/95 requires tenderers to apply for an export licence among their other undertakings; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a security of ECU 12 per tonne when they submit their tenders;

Whereas the cereals in question should be actually exported from the Member State for which a particular intervention measure was implemented; whereas it is therefore necessary to limit the use of export licences to exports from the Member State in which the licence was applied for and to maize produced in the Orestiada region; whereas the exit points from Greece should be stipulated;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽⁴⁾ OJ L 4, 8. 1. 1998, p. 48.

⁽⁵⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁶⁾ OJ L 287, 21. 10. 1997, p. 14.

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

1. A special intervention measure in the form of an export refund shall be applied in respect of 75 000 tonnes of maize produced in Greece, in the region of Orestiada.

Article 13 of Regulation (EEC) No 1766/92 and the provisions adopted for the application of that Article shall apply, *mutatis mutandis*, to the said refund.

2. The Greek intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of maize referred to in Article 1(1) for export to all third countries

3. The invitation shall remain open until 2 April 1998. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender. Article 4(4) of Regulation (EC) No 1501/95 notwithstanding, the time limit for submitting bids for the first partial invitation to tender shall be 29 January 1998.

4. Tenders must be submitted to the Greek intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EC) No 1501/95.

Article 3

A tender shall be valid only if:

- it relates to not less than 1 000 tonnes,
- it is accompanied by a written undertaking stipulating that it relates solely to maize produced in the Orestiada region,

Article 4

Under the tendering procedure referred to in Article 2, box 20 of applications and the export licences shall indicate the following:

‘Κανονισμός (ΕΚ) αριθ. 180/98 — Πιστοποιητικό που ισχύει μόνο για το καλαμπόκι που έχει παραχθεί στην περιοχή της Ορεστιάδας στην Ελλάδα.»

Article 5

The refund shall be valid:

- in the case of exports over land, only for the following exit points: Ormenion, Kipi and Kastanies,
- in the case of exports by sea, only for the port of Alexandroupolis.

Article 6

The security referred to in Article 5 of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

Article 7

1. By way of derogation from Article 21(1) of Commission Regulation (EEC) No 3719/88⁽¹⁾, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of the issue.

3. Notwithstanding Article 11 of Regulation (EEC) No 3719/88, export licence under this tendering procedure shall be valid in Greece only.

Article 8

1. The Commission shall decide, under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the maize exported is of at least intervention quality defined in Article 2(2) of Regulation (EEC) No 689/92.

The competent agency shall have an analysis made, by an approved body or company of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

⁽¹⁾ OJ L 331, 2. 12. 1988, p. 1.

4. Where the quality does not correspond to that defined in paragraph 3, the refund shall be reduced by ECU 15 per tonne.

Article 9

Tenders submitted must reach the Commission through the intervention of the Greek intervention agency at the latest one-and-a-half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be commun-

icated in the form indicated in Annex I, to the telex or telefax numbers in Annex II.

If no tenders are received, the Greek intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

Article 10

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, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***Weekly tender for the refund for the export of Greek maize to all third countries**

(Regulation (EC) No 180/98)

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

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
etc.		

ANNEX II

The only numbers to use to call Brussels (DG VI-C-1 (Attention: Messrs Thibault and Brus)) are:

- telex: — 22037 AGREC B,
 — 22070 AGREC B (Greek characters);
 - fax: — 295 25 15,
 — 296 49 56.
-

COMMISSION REGULATION (EC) No 181/98
of 23 January 1998
altering the export refunds on beef

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 organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2634/97⁽²⁾, and in particular Article 13 thereof,

Whereas the export refunds on beef were fixed by Commission Regulation (EC) No 125/98⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 125/98 to the information known to the Commission that the export refunds for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 13 of Regulation (EEC) No 805/68, as fixed in Annex I to Regulation (EC)

No 125/98 are hereby altered, in respect of the products set out in the Annex hereto, to the amounts set out therein.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third countries in zone 10 listed in Annex II to Regulation (EC) No 125/98 shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 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 11, 17. 1. 1998, p. 20.

ANNEX

to the Council Regulation of 23 January 1998 altering export refunds on beef

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Live weight —			— Net weight —
0102 10 10 9120	01	58,50	0201 20 20 9120	02	47,00
0102 10 10 9130	02	22,50		03	32,50
	03	15,50		04	16,50
	04	8,00	0201 20 30 9110 (1)	02	80,50
0102 10 30 9120	01	58,50		03	55,50
0102 10 30 9130	02	22,50		04	27,00
	03	15,50	0201 20 30 9120	02	34,00
	04	8,00		03	24,00
0102 10 90 9120	01	58,50		04	12,00
0102 90 41 9100	02	52,00	0201 20 50 9110 (1)	02	140,00
0102 90 51 9000	02	22,50		03	93,50
	03	15,50		04	46,50
	04	8,00	0201 20 50 9120	02	60,00
0102 90 59 9000	02	22,50		03	41,50
	03	15,50		04	20,50
	04	8,00	0201 20 50 9130 (1)	02	80,50
	10	52,00 (9)		03	55,50
0102 90 61 9000	02	22,50		04	27,00
	03	15,50	0201 20 50 9140	02	34,00
	04	8,00		03	24,00
0102 90 69 9000	02	22,50		04	12,00
	03	15,50	0201 20 90 9700	02	34,00
	04	8,00		03	24,00
0102 90 71 9000	02	52,00		04	12,00
	03	34,00	0201 30 00 9050	05 (4)	49,00
	04	17,00		07 (4a)	49,00
0102 90 79 9000	02	52,00	0201 30 00 9100 (2)	02	195,00
	03	34,00		03	134,00
	04	17,00		04	67,00
		— Net weight —		06	172,00
0201 10 00 9110 (1)	02	80,50	0201 30 00 9120 (2)	08	91,00
	03	55,50		09	85,00
	04	27,00		03	62,50
0201 10 00 9120	02	34,00		04	31,50
	03	24,00		06	80,50
	04	12,00	0201 30 00 9150 (6)	08	47,00
0201 10 00 9130 (1)	02	110,50		09	43,00
	03	74,00		03	36,50
	04	37,50		04	18,50
0201 10 00 9140	02	47,00		06	42,00
	03	32,50	0201 30 00 9190 (6)	02	47,00
	04	16,50		03	31,00
0201 20 20 9110 (1)	02	110,50		04	15,00
	03	74,00		06	38,00
	04	37,50			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Net weight —			— Net weight —
0202 10 00 9100	02	34,00	1602 50 10 9120	02	54,50 ⁽⁸⁾
	03	24,00		03	43,50 ⁽⁸⁾
	04	12,00		04	43,50 ⁽⁸⁾
0202 10 00 9900	02	47,00	1602 50 10 9140	02	48,50 ⁽⁸⁾
	03	32,50		03	38,50 ⁽⁸⁾
	04	16,50		04	38,50 ⁽⁸⁾
0202 20 10 9000	02	47,00	1602 50 10 9160	02	38,50 ⁽⁸⁾
	03	32,50		03	31,00 ⁽⁸⁾
	04	16,50		04	31,00 ⁽⁸⁾
0202 20 30 9000	02	34,00	1602 50 10 9170	02	26,00 ⁽⁸⁾
	03	24,00		03	20,50 ⁽⁸⁾
	04	12,00		04	20,50 ⁽⁸⁾
0202 20 50 9100	02	60,00	1602 50 10 9190	02	26,00
	03	41,50		03	20,50
	04	20,50		04	20,50
0202 20 50 9900	02	34,00	1602 50 10 9240	02	—
	03	24,00		03	—
	04	12,00		04	—
0202 20 90 9100	02	34,00	1602 50 10 9260	02	—
	03	24,00		03	—
	04	12,00		04	—
0202 30 90 9100	05 ⁽⁴⁾	49,00	1602 50 10 9280	02	—
	07 ^(4a)	49,00		03	—
				04	—
0202 30 90 9400 ⁽⁶⁾	08	47,00	1602 50 31 9125	01	92,50 ⁽⁵⁾
	09	43,00	1602 50 31 9135	01	35,00 ⁽⁸⁾
	03	36,50	1602 50 31 9195	01	17,00
	04	18,50	1602 50 31 9325	01	82,50 ⁽⁵⁾
	06	42,00	1602 50 31 9335	01	31,00 ⁽⁸⁾
0202 30 90 9500 ⁽⁶⁾	02	47,00	1602 50 31 9395	01	17,00
	03	31,00	1602 50 39 9125	01	92,50 ⁽⁵⁾
	04	15,00	1602 50 39 9135	01	35,00 ⁽⁸⁾
	06	38,00	1602 50 39 9195	01	17,00
0206 10 95 9000	02	47,00	1602 50 39 9325	01	82,50 ⁽⁵⁾
	03	31,00	1602 50 39 9335	01	31,00 ⁽⁸⁾
	04	15,00	1602 50 39 9395	01	17,00
	06	38,00	1602 50 39 9425	01	35,00 ⁽⁵⁾
0206 29 91 9000	02	47,00	1602 50 39 9435	01	20,50 ⁽⁸⁾
	03	31,00	1602 50 39 9495	01	15,00
	04	15,00	1602 50 39 9505	01	15,00
	06	38,00	1602 50 39 9525	01	35,00 ⁽⁵⁾
0210 20 90 9100	02	39,50	1602 50 39 9535	01	20,50 ⁽⁸⁾
	04	23,50	1602 50 39 9595	01	15,00
0210 20 90 9300	02	49,00			
0210 20 90 9500 ⁽³⁾	02	49,00			

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Net weight —			— Net weight —
1602 50 39 9615	01	15,00	1602 50 80 9495	01	15,00
1602 50 39 9625	01	7,00	1602 50 80 9505	01	15,00
1602 50 39 9705	01	—	1602 50 80 9515	01	7,00
1602 50 39 9805	01	—	1602 50 80 9535	01	20,50 ⁽⁸⁾
1602 50 39 9905	01	—	1602 50 80 9595	01	15,00
1602 50 80 9135	01	31,00 ⁽⁸⁾	1602 50 80 9615	01	15,00
1602 50 80 9195	01	15,00	1602 50 80 9625	01	7,00
1602 50 80 9335	01	28,00 ⁽⁸⁾	1602 50 80 9705	01	—
1602 50 80 9395	01	15,00	1602 50 80 9805	01	—
1602 50 80 9435	01	20,50 ⁽⁸⁾	1602 50 80 9905	01	—

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in amended Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29. 12. 1979, p. 44).

(4a) Carried out in accordance with amended Commission Regulation (EEC) No 2051/96 (OJ L 274, 26. 10. 1996, p. 18).

(5) OJ L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210 of 1. 8. 1986, p. 39).

(7) Article 13 (10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(8) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Commission Regulation (EEC) No 565/80.

(9) The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

NB: The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

**COMMISSION REGULATION (EC) No 182/98
of 23 January 1998**

**determining the extent to which applications lodged in January 1998 for import
licences under the regime provided for by tariff quotas for certain products in
the pigmeat sector for the period 1 January to 31 March 1998**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector⁽¹⁾, as last amended by Regulation (EC) No 1244/97⁽²⁾, and in particular Article 5(5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined,

Article 1

1. Applications for import licences for the period 1 January to 31 March 1998 submitted pursuant to Regulation (EC) No 1486/95 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 April to 30 June 1998 applications may be lodged pursuant to Regulation (EC) No 1486/95 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 145, 29. 6. 1995, p. 58.

⁽²⁾ OJ L 173, 1. 7. 1997, p. 80.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 April to 30 June 1998
G2	12 415,5
G3	1 908,8
G4	1 013,0
G5	2 340,0
G6	5 978,0
G7	1 913,5

COMMISSION REGULATION (EC) No 183/98**of 23 January 1998****establishing the quantity of certain pigment products available for the second quarter of 1998 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia of the other part**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigment sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part⁽¹⁾, as last amended by Regulation (EC) No 691/97⁽²⁾, and in particular Article 4(4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 January to 31 March 1998 should be added to the quantities available for the period 1 April to 30 June 1998,

Article 1

The quantity available for the period 1 April to 30 June 1998 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 233, 30. 9. 1995, p. 45.

⁽²⁾ OJ L 102, 19. 4. 1997, p. 12.

ANNEX

<i>(tonnes)</i>	
Group No	Total quantity available for the period 1 April to 30 June 1998
18	1 100
19	1 100
20	220
21	1 100
22	550

COMMISSION REGULATION (EC) No 184/98

of 23 January 1998

determining the extent to which applications lodged in January 1998 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia ⁽¹⁾, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the first quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for

products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1998 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex 1.
2. During the first 10 days of the period 1 April to 30 June 1998 applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II of this Regulation.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 85, 27. 3. 1997, p. 56.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
23	100,00
24	100,00

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 April to 30 June 1998
23	27,5
24	55,0

**COMMISSION REGULATION (EC) No 185/98
of 23 January 1998**

determining the extent to which applications lodged in January 1998 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, Bulgaria and Romania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1898/97 ⁽¹⁾ laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94, and in particular Article 4(5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas, it is appropriate to draw the attention of operators to the fact that licences may only be used for

products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1998 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1998 applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 267, 30. 9. 1997, p. 58.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
1	100,0
2	100,0
3	100,0
4	100,0
H1	100,0
H2	100,0
5	100,0
6	100,0
7	100,0
8	100,0
9	100,0
10/11	100,0
12/13	100,0
14	100,0
15	100,0
16	100,0
17	100,0

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 April to 30 June 1998
1	3 314,5
2	565,0
3	1 673,0
4	18 184,3
H1	2 400,0
H2	500,0
5	3 300,0
6	2 076,3
7	9 658,0
8	1 540,0
9	11 220,0
10/11	2 035,0
12/13	2 530,0
14	330,0
15	985,0
16	1 777,9
17	13 750,0

**COMMISSION REGULATION (EC) No 186/98
of 23 January 1998**

determining the extent to which applications lodged in January 1998 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2068/96 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas the applications for import licences lodged for the first quarter of 1998 are for quantities less than the quantities available and can therefore be met in full;

Whereas the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 1998 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 1998 applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 156, 23. 6. 1994, p. 14.

⁽²⁾ OJ L 277, 30. 10. 1996, p. 12.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 1998
1	100,00

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 April to 30 June 1998
1	2 040

COMMISSION REGULATION (EC) No 187/98**of 23 January 1998****on the sale by tender of beef held by certain intervention agencies and intended for processing within the Community**

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 organization 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 the application of intervention measures in respect of beef has created stocks in several Member States; whereas, in order to prevent an excessive prolongation of storage, part of these stocks should be sold by tender for processing in the Community;

Whereas the sale should be made subject to the rules laid down by Commission Regulations (EEC) No 2173/79⁽³⁾, as last amended by Regulation (EC) No 2417/95⁽⁴⁾, (EEC) No 3002/92⁽⁵⁾, as last amended by Regulation (EC) No 770/96⁽⁶⁾ and (EEC) No 2182/77⁽⁷⁾, as last amended by Regulation (EC) No 2417/95, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas, with a view to ensuring a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Article 8 (1) of Regulation (EEC) No 2173/79;

Whereas provision should be made for derogations from Article 8 (2) (b) of Regulation (EEC) No 2173/79, in view of the administrative difficulties which application of this point creates in the Member States concerned;

Whereas in order to ensure optimum monitoring of the destination of beef from intervention stocks, control measures should be taken, in addition to the measures

provided for in Regulation (EEC) No 3002/92, which are based on physical inspection of quantities and qualities;

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

1. The sale shall take place of:

- approximately 400 tonnes of bone-in forequarters held by the Portuguese intervention agency;
- approximately 1 000 tonnes of bone-in forequarters held by the German intervention agency;
- approximately 1 000 tonnes of bone-in forequarters held by the Austrian intervention agency;
- approximately 533 tonnes of bone-in forequarters held by the Danish intervention agency;
- approximately 1 000 tonnes of bone-in forequarters held by the French intervention agency;
- approximately 1 000 tonnes of bone-in forequarters held by the Italian intervention agency;
- approximately 89 tonnes of bone-in forequarters held by the Dutch intervention agency;
- approximately 1 000 tonnes of bone-in forequarters held by the Spanish intervention agency;
- approximately 400 tonnes of bone-in forequarters held by the Irish intervention agency;
- approximately 2 000 tonnes of boneless beef held by the Irish intervention agency;
- approximately 1 443 tonnes of boneless beef held by the Danish intervention agency;
- approximately 2 000 tonnes of boneless beef held by the French intervention agency;
- approximately 2 000 tonnes of boneless beef held by the United Kingdom intervention agency.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽⁵⁾ OJ L 301, 17. 10. 1992, p. 17.

⁽⁶⁾ OJ L 104, 27. 4. 1996, p. 13.

⁽⁷⁾ OJ L 251, 1. 10. 1977, p. 60.

Detailed information concerning quantities is given in Annex I.

2. Subject to the provisions of this Regulation the products referred to in paragraph 1 shall be sold in accordance with Regulations (EEC) No 2173/79, in particular Titles II and III thereof, (EEC) No 2182/77 and (EEC) No 3002/92.

Article 2

1. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, the provisions of and Annexes to this Regulation shall serve as a general notice of invitation to tender.

The intervention agencies concerned shall draw up a notice of invitation to tender which shall include the following:

- (a) the quantities of beef offered for sale; and
- (b) the deadline and place for submitting tenders.

2. Interested parties may obtain the details of the quantities available and the places where the products are stored from the addresses listed in Annex II to this Regulation. The intervention agencies shall, in addition, display the notice referred to in paragraph 1 at their head offices and may publish it in other ways.

3. For each product mentioned in Annex I the intervention agencies concerned shall sell first the meat which has been stored the longest.

4. Only tenders which reach the intervention agencies concerned by 12 noon on 5 February 1998 shall be considered.

5. Notwithstanding Article 8 (1) of Regulation (EEC) No 2173/79, a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 4.

6. Notwithstanding Article 8 (2) (b) of Regulation (EEC) No 2173/79, tenders shall not indicate in which cold store or stores the products are held.

Article 3

1. Member States shall provide the Commission with information concerning the tenders received not later

than the third working day following the deadline set for the submission of tenders.

2. After the tenders received have been examined a minimum selling price shall be set for each product or the sale will not proceed.

Article 4

1. A tender shall be valid only if presented by or on behalf of a natural or legal person who, for the 12 months prior to the entry into force of this Regulation, has been engaged in the processing of products containing beef and who is entered in a national VAT register. In addition, tenders must be presented by or on behalf of a processing establishment approved in accordance with Article 8 of Directive 77/99/EEC⁽¹⁾.

For the purposes of the preceding subparagraph, a retail or catering establishment or an establishment attached to a retail sales outlet where meat is processed and put up for sale to the final consumer shall not be taken into consideration.

2. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, a tender must be accompanied by:

- a written undertaking by the tenderer to process the meat into the products specified in Article 5 within the period referred to in Article 5 (1) of Regulation (EEC) No 2182/77,
- precise details of the establishment or establishments where the meat which has been purchased is to be processed.

3. The tenderers referred to in paragraph 1 may instruct an agent in writing to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the bids of the tenderers whom he represents together with the written instruction referred to above.

4. Notwithstanding Article 18 (1) of Regulation (EEC) No 2173/79 the time limit for taking over meat sold pursuant to this Regulation shall be two months from the day of the notification referred to in Article 11 of the same Regulation.

5. The purchasers and agents referred to in the preceding paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view in particular to ensuring that the quantities of products purchased and manufactured tally.

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 85.

Article 5

1. Meat purchased in accordance with this Regulation shall be processed into products which comply with the definitions for A products and B products set out in paragraphs 2 and 3 below.

2. An A product means a processed product falling within CN code 1602 10, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 % ⁽¹⁾ and containing by weight at least 20 % ⁽²⁾ of lean meat excluding offal ⁽³⁾ and fat with meat and jelly accounting for at least 85 % of the total net weight.

The product must be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

3. A B product means a processed product containing beef, other than:

— one specified in Article 1 (1) (a) of Regulation (EEC) No 805/68, or

— one referred to in paragraph 2.

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3,2 shall be considered to be a B product.

Article 6

1. Member States shall set up a system of physical and documentary supervision to ensure that all meat is processed in accordance with Article 5.

The system must include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To

⁽¹⁾ Determination of collagen content: the collagen content shall be taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content must be determined according to ISO method 3496-1978.

⁽²⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1. 8. 1986, p. 39).

⁽³⁾ Offal includes the following: heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus gland with pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

this end, processors shall at any time be able to demonstrate the identity and use of the meat through appropriate production records.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's recipe Member States shall undertake representative sampling and analysis of the product. The costs of such operations shall be borne by the processor concerned.

2. Member States may, at the request of the processor, authorize the boning of bone-in forequarters in an establishment other than that provided for in respect of processing provided the relevant operations take place in the same Member State under appropriate supervision.

3. Article 1 of Regulation (EEC) No 2182/77 shall not apply.

Article 7

1. The security provided for in Article 15 (1) of Regulation (EEC) No 2173/79 shall be ECU 12 per 100 kilograms.

2. The security provided for in Article 4 (1) of Regulation (EEC) No 2182/77 shall be:

— the difference in ecus between the tender price per tonne and ECU 1 800 for bone-in forequarters,

— the difference in ecus between the tender price per tonne and ECU 2 500 for boneless beef.

3. Notwithstanding Article 5 (3) of Regulation (EEC) No 2182/77, the processing of all beef purchased into finished products as referred to in Article 5 shall constitute a principal requirement.

Article 8

Notwithstanding Article 9 of Regulation (EEC) No 2182/77, in addition to the entries provided for in Regulation (EEC) No 3002/92:

— Section 104 of T 5 control copies must be completed with one or more of the following:

— Para transformación [Reglamentos (CEE) n° 2182/77 y (CE) n° 187/98]

— Til forarbejdning (forordning (EØF) nr. 2182/77 og (EF) nr. 187/98)

- Zur Verarbeitung bestimmt (Verordnungen (EWG) Nr. 2182/77 und (EG) Nr. 187/98)
- Για μεταποίηση [κανονισμοί (ΕΟΚ) αριθ. 2182/77 και (ΕΚ) αριθ. 187/98]
- For processing (Regulations (EEC) No 2182/77 and (EC) No 187/98)
- Destinées à la transformation [règlements (CEE) n° 2182/77 et (CE) n° 187/98]
- Destinate alla trasformazione [Regolamenti (CEE) n. 2182/77 e (CE) n. 187/98]
- Bestemd om te worden verwerkt (Verordeningen (EEG) nr. 2182/77 en (EG) nr. 187/98)
- Para transformação [Regulamentos (CEE) n° 2182/77 e (CE) n° 187/98]
- Jalostettavaksi (Asetukset (ETY) N:o 2182/77 ja (EY) N:o 187/98)
- För bearbetning (Förordningarna (EEG) nr 2182/77 och (EG) nr 187/98),
- Section 106 of T 5 control copies must be completed with the date of conclusion of the contract of sale.

Article 9

This Regulation shall enter into force on 5 February 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

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

Estado miembro	Productos (1)	Cantidad aproximada (toneladas)
Medlemsstat	Produkter (1)	Tilnærmet mængde (tons)
Mitgliedstaat	Erzeugnisse (1)	Ungefähre Mengen (Tonnen)
Κράτος μέλος	Προϊόντα (1)	Κατά προσέγγιση ποσότητα (τόνοι)
Member State	Products (1)	Approximate quantity (tonnes)
État membre	Produits (1)	Quantité approximative (tonnes)
Stato membro	Prodotti (1)	Quantità approssimativa (tonnellate)
Lidstaat	Producten (1)	Hoeveelheid bij benadering (ton)
Estado-membro	Produtos (1)	Quantidade aproximada (toneladas)
Jäsenvaltio	Tuotteet (1)	Arvioitu määrä (tonneina)
Medlemsstat	Produkter (1)	Ungefärlig kvantitet (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	1 000
DANMARK	— Forfjerdinger (A)	479
	— Forfjerdinger (B) (2)	54
ITALIA	— Quarti anteriori	1 000
IRELAND	— Forequarters	400
FRANCE	— Quartiers avant	1 000
ÖSTERREICH	— Vorderviertel	1 000
PORTUGAL	— Quartos dianteiros	400
NEDERLAND	— Voorvoeten (2)	89
ESPAÑA	— Cuartos delanteros	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)	275
	Interventionsbryst (INT 23)	919
	Interventionsforfjerdig (INT 24)	48
	Interventionsskank (INT 21)	28
	Interventionsslag (INT 18)	164
	Interventionsskank (INT 11)	9
FRANCE	Jarret arrière d'intervention (INT 11)	300
	Jarret avant d'intervention (INT 21)	200
	Épaulé d'intervention (INT 22)	400
	Poitrine d'intervention (INT 23)	300
	Avant d'intervention (INT 24)	400
	Flanchet d'intervention (INT 18)	400
UNITED KINGDOM	Intervention shank (INT 11)	300
	Intervention shin (INT 21)	200
	Intervention shoulder (INT 22)	400
	Intervention brisket (INT 23)	300
	Intervention forequarter (INT 24)	400
	Intervention flank (INT 18)	400
IRELAND	Intervention shank (INT 11)	300
	Intervention shin (INT 21)	200
	Intervention shoulder (INT 22)	400
	Intervention brisket (INT 23)	300
	Intervention forequarter (INT 24)	400
	Intervention flank (INT 18)	400

- (¹) Véase los Anexos V y VII del Reglamento (CEE) n° 2453/93 (DO L 225 de 4. 9. 1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n° 2368/96 (DO L 323 de 13. 12. 1996, p. 6).
- (¹) Se bilag V og VII til forordning (EØF) nr. 2453/93 (EFT L 225 af 4. 9. 1993, s. 4), senes ændret ved forordning (EF) nr. 2368/96 (EFT L 323 af 13. 12. 1996, s. 6).
- (¹) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2453/93 (ABl. L 225 vom 4. 9. 1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2368/96 (ABl. L 323 vom 13. 12. 1996, S. 6).
- (¹) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2453/93 (ΕΕ L 225 της 4. 9. 1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2368/96 (ΕΕ L 323 της 13. 12. 1996, σ. 6).
- (¹) See Annexes V and VII to Regulation (EEC) No 2453/93 (OJ L 225, 4. 9. 1993, p. 4), as last amended by Regulation (EC) No 2368/96 (OJ No L 323, 13. 12. 1996, p. 6).
- (¹) Voir annexes V et VII du règlement (CEE) n° 2453/93 (JO L 225 du 4. 9. 1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2368/96 (JO L 323 du 13. 12. 1996, p. 6).
- (¹) Cfr. allegato V e VII del regolamento (CEE) n. 2453/93 (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2368/96 (GU L 323 del 13. 12. 1996, pag. 6).
- (¹) Zie bijlagen V en VII van Verordening (EEG) nr. 2453/93 (PB L 225 van 4. 9. 1993, blz. 4); laatstelijk gewijzigd bij Verordening (EG) nr. 2368/96 (PB L 323 van 13. 12. 1996, blz. 6).
- (¹) Ver anexos V e VII do Regulamento (CEE) n° 2453/93 (JO L 225 de 4. 9. 1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n° 2368/96 (JO L 323 de 13. 12. 1996, p. 6).
- (¹) Katso asetukset (ETY) N:o 2453/93 (EYVL L 225, 4. 9. 1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2368/96 (EYVL L 323, 13.12.1996, s. 6) V ja liite VII.
- (¹) Se bilaga V och VII i förordning (EEG) nr 2453/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2368/96 (EGT L 323, 13.12.1996, s. 6).
- (²) Comprado en aplicación de los Reglamentos de la Comisión (CE) n° 1743/96 (DO L 226 de 7. 9. 1996, p. 9), (CE) n° 1931/96 (DO L 254 de 8. 10. 1996, p. 35) y (CE) n° 2015/96 (DO L 269 de 22. 10. 1996, p. 16).
- (²) Opkøbt i henhold til Kommissionens forordning (EF) nr. 1743/96 (EFT L 226 af 7. 9. 1996, s. 9), (EF) nr. 1931/96 (EFT L 254 af 8. 10. 1996, s. 35) og (EF) nr. 2015/96 (EFT L 269 af 22. 10. 1996, s. 16).
- (²) Gekauft im Rahmen der Verordnungen (EG) Nr. 1743/96 (ABl. L 226 vom 7. 9. 1996, S. 9), (EG) Nr. 1931/96 (ABl. L 254 vom 8. 10. 1996, S. 35) und (EG) Nr. 2015/96 (ABl. L 269 vom 22. 10. 1996, S. 16) der Kommission.
- (²) Που αγοράζεται θάσει των κανονισμών (ΕΚ) αριθ. 1743/96 (ΕΕ L 226 της 7. 9. 1996, σ. 9), (ΕΚ) αριθ. 1931/96 (ΕΕ L 254 της 8. 10. 1996, σ. 35) και (ΕΚ) αριθ. 2015/96 (ΕΕ L 269 της 22. 10. 1996, σ. 16) της Επιτροπής.
- (²) Bought in under Commission Regulations (EC) No 1743/96 (OJ L 226, 7. 9. 1996, p. 9), (EC) No 1931/96 (OJ L 254, 8. 10. 1996, p. 35) and (EC) No 2015/96 (OJ L 269, 22. 10. 1996, p. 16).
- (²) Acheté en application des règlements (CE) n° 1743/96 (JO L 226 du 7. 9. 1996, p. 9), (CE) n° 1931/96 (JO L 254 du 8. 10. 1996, p. 35) et (CE) n° 2015/96 (JO L 269 du 22. 10. 1996, p. 16) de la Commission.
- (²) Carni acquistate ai sensi dei regolamenti della Commissione (CE) n. 1743/96 (GU L 226 del 7. 9. 1996, pag. 9), (CE) n. 1931/96 (GU L 254 dell'8. 10. 1996, pag. 35) e (CE) n. 2015/96 (GU L 269 del 22. 10. 1996, pag. 16).
- (²) Aangekocht overeenkomstig de volgende verordeningen van de Commissie (EG) nr. 1743/96 (PB L 226 van 7. 9. 1996, blz. 9), (EG) nr. 1931/96 (PB L 254 van 8. 10. 1996, blz. 35) en (EG) nr. 2015/96 (PB L 269 van 22. 10. 1996, blz. 16).
- (²) Comprada nos termos dos Regulamentos (CE) n° 1743/96 (JO L 226 de 7. 9. 1996, p. 9), (CE) n° 1931/96 (JO L 254 de 8. 10. 1996, p. 35) e (CE) n° 2015/96 (JO L 269 de 22. 10. 1996, p. 16).
- (²) Ostettu komission asetusten (EY) N:o 1743/96 (EYVL L 226, 7.9.1996, s. 9), (EY) N:o 1931/96 (EYVL L 254, 8.10.1996, s. 35) ja (EY) N:o 2015/96 (EYVL L 269, 22.10.1996, s. 16) mukaisesti.
- (²) Inköpt i enlighet med kommissionens förordningar (EG) nr 1743/96 (EGT L 226, 7.9.1996, s. 9), (EG) nr 1931/96 (EGT L 254, 8.10.1996, s. 35) och (EG) nr 2015/96 (EGT L 269, 22.10.1996, s. 16).

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

BUNDESREPUBLIK DEUTSCHLAND

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Postfach 180203, D-60083 Frankfurt am Main
Adickesallee 40
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Agriculture House
Kildare Street
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Telex 93292 and 93607, telefax (01) 661 62 63, (01) 678 52 14 and (01) 662 01 98

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COMMISSION REGULATION (EC) No 188/98
of 23 January 1998
on the supply of milk products as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾; whereas it is

necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 1885/94
2. **Beneficiary** ⁽²⁾: Nicaragua
3. **Beneficiary's representative:** Programa Integral de Nutrición Escolar (PINE-MED), de la Esso Altigracia 3c, Abajo Managua Tel.: (505-2) 65 28 38; fax: 652839
4. **Country of destination:** Nicaragua
5. **Product to be mobilised:** whole milk powder
6. **Total quantity (tonnes):** 80
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29. 4. 1991, p. 1 (I.C.(1))
9. **Packaging:** see OJ C 267, 13. 9. 1996, p. 1 (6.3 A and B.2)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29. 4. 1991, p. 1 (I.C.(3))
 - Language to be used for the markings: Spanish
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
 - The whole milk powder must be manufactured after the award of the tender
12. **Specified delivery stage:** free at port of landing — landed
13. **Alternative delivery stage:** free at port of shipment
14. (a) **Port of shipment:** —
 - (b) **Loading address:** —
15. **Port of landing:** Corinto
16. **Place of destination:** —
 - port of warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 19. 4. 1998
 - second deadline: 3. 5. 1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 2 to 15. 3. 1998
 - second deadline: 16 to 29. 3. 1998
19. **Deadline for the submission of tenders:** (at 12 noon, Brussels time)
 - first deadline: 9. 2. 1998
 - second deadline: 23. 2. 1998
20. **Amount of tendering guarantee:** ECU 20 per tonne
21. **Address for submission of tenders and tendering guarantee** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi/Wetstraat 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
 - telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 12. 1. 1998, fixed by Commission Regulation (EC) No 2348/97 (OJ L 326, 28. 11. 1997, p. 8)

Notes:

- (¹) Supplementary information: André Debongnie (Tel: (32-2) 295 14 65).
Torben Vestergaard (Tel: (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
- The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation, the temperature and duration in the spray-drying-tower and the expiry date for consumption,
 - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (⁶) Notwithstanding OJ C 114, point I.A.3 (c) is replaced by the following: ‘the words “European Community”’.
-

COMMISSION REGULATION (EC) No 189/98

of 23 January 1998

determining to what extent import right applications submitted for live bovine animals weighing between 80 and 300 kilograms as part of a tariff quota provided for in Regulation (EC) No 2524/97 may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2524/97 of 16 December 1997 laying down, for the first half of 1998, certain detailed rules for the application of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in certain third countries⁽¹⁾, and in particular Article 4(1) thereof,

Whereas Article 1(1) of Regulation (EC) No 2524/97 lays down the number of head of live bovine animals weighing between 80 and 300 kilograms originating in certain third countries which may be imported under special conditions in the period 1 January to 30 June 1998;

Whereas the quantities for which import right applications have been submitted exceed the quantities available; whereas, pursuant to Article 4(2) of Regulation (EC) No 2524/97, a single percentage reduction in the quantities applied for should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Import right applications submitted pursuant to the import arrangements referred to in Regulation (EC) No 2524/97 shall be reduced by 99,1797 %.

Article 2

This Regulation shall enter into force on 24 January 1998.

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

Done at Brussels, 23 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 346, 17. 12. 1997, p. 48.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 January 1998

establishing the ecological criteria for the award of the Community eco-label to tissue-paper products

(Text with EEA relevance)

(98/94/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme⁽¹⁾, and in particular Article 5 thereof,

Whereas Article 5 of Regulation (EEC) No 880/92 provides that the conditions for the award of the Community eco-label shall be defined by product group;

Whereas Article 10(2) of Regulation (EEC) No 880/92 states that the environmental performance of a product shall be assessed by reference to the specific criteria for product group;

Whereas, by Decisions 94/924/EC⁽²⁾ and 94/925/EC⁽³⁾, the Commission established ecological criteria for the award of the Community eco-label for toilet paper and kitchen rolls, which according to respectively Article 3 thereof, are valid until 14 November 1997;

Whereas it is appropriate to adopt a new decision establishing criteria for these product groups, which will be

valid for a further period of three years after the expiry of the period of validity of the previous criteria;

Whereas it is appropriate to revise the criteria which were established by Decisions 94/924/EC and 94/925/EC in order to reflect the developments in the market;

Whereas the ecological criteria for toilet paper, kitchen rolls and other tissue-paper products shall be combined in one document;

Whereas Article 5 of Regulation (EEC) No 880/92 further provides that product groups, the specific ecological criteria for each product group and their respective periods of validity shall be established in accordance with the procedure laid down in Article 7 following the consultation procedure provided for in Article 6;

Whereas in accordance with Article 6 of Regulation (EEC) No 880/92 the Commission has consulted the principal interest group within a consultation forum;

Whereas the measures set out in this Decision are in accordance with the opinion of the Committee set up pursuant to Article 7 of Regulation (EEC) No 880/92,

HAS ADOPTED THIS DECISION:

Article 1

The product group 'tissue paper products' (hereinafter referred to as 'the product group') shall mean:

⁽¹⁾ OJ L 99, 11. 4. 1992, p. 1.

⁽²⁾ OJ L 364, 31. 12. 1994, p. 24.

⁽³⁾ OJ L 364, 31. 12. 1994, p. 32.

'Sheets or rolls of tissue paper fit for use for personal hygiene, absorption of liquids and/or cleaning of soiled surfaces. The tissue product normally consists of creped or embossed paper in one or several plies. Laminated tissue products are excluded from the product group.'

Article 2

The environmental performance of the product group as defined in Article 1 shall be assessed by reference to the specific ecological criteria set out in the Annex.

Article 3

The product group definition and the specific ecological criteria for the product group shall be valid from 1 January 1998 until 31 December 2000.

Article 4

For administrative purposes, the product group code number assigned by the Commission to this product group shall be '004'.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 7 January 1998.

For the Commission

Ritt BJERREGAARD

Member of the Commission

ANNEX

FRAMEWORK

In order to be awarded an eco-label, tissue-paper products shall comply with the criteria of this document, which are aimed at promoting:

- reduction of discharges of toxic or otherwise polluting substances into waters,
- reduction of environmental damage or risks from use of energy (global warming, acidification, depletion of non-renewable resources) by reducing air emissions,
- commitment to the need to apply good management principles in order to safeguard forests,
- promotion of the minimisation and efficient use of waste.

The fibrous raw material for the paper production shall be pulp from vegetable fibres or pulp made from waste paper, or mixtures thereof. All virgin fibres shall originate from regions where sustainable management is applied.

The criteria are set at a level which promotes labelling of products made from recycled fibres, but also allows for products based on virgin fibres produced with technologies reflecting best environmental standards.

Environmental criteria

1. Emissions to water and air

- (i) The performance concerning the parameters COD, AOX, CO₂ and SO₂ shall be expressed in terms of load points, in relation to a reference value (referred to as a 'coefficient' for each parameter).

Table 1

Coefficients and hurdles for the emission parameters

	Coefficients, (C), kg/ADT ⁽¹⁾ tissue	Hurdles, (H), kg/ADT ⁽¹⁾ tissue
1. Organics to water, COD	C1 = 1,5	H1 = 40
2. Chlorinated organics, AOX	C2 = 0,2	H2 = 0,5
3. Carbon dioxide, CO ₂	C3 = 1500	H3 = 3 750
4. Sulphur dioxide, as S	C4 = 1,0	H4 = 2,5

⁽¹⁾ ADT = air dried tonne

- (ii) The load points, L, are calculated as shown in equation 1. The actual emission for each parameter should be divided by the corresponding coefficient for this parameter.

$$L_i = (\text{emission of parameter } i) / C_i \text{ (equation 1)}$$

- (iii) The 'total load point sum', P, is calculated from equation 2 by adding the load points for each parameter.

$$P = L_1 + L_2 + L_3 + L_4 \text{ (equation 2)}$$

- (iv) If any of the emissions of the parameters COD, AOX, CO₂ and SO₂ for a product exceed the values described as 'hurdles' in table 1, the product shall not qualify for the eco-label.

- (v) To obtain the eco-label, the total load point sum (P) for the product must not exceed 4 points.

2. *Forest management*

A declaration, charter, code of conduct or statement reflecting the commitment, applicable to the operators in charge of managing the sources from which the fibres originate, meant to implement principles and measures aimed at ensuring sustainable forest management, shall be presented ⁽¹⁾.

For forests in Europe, the principles and measures referred to above, shall correspond to the guidelines for the sustainable management of forests as adopted in the context of the Conference on the Protection of Forests in Europe, (Helsinki, 1993). Outside Europe they shall correspond to the UNCED Forest Principles (Rio de Janeiro, June 1992) and, where applicable, to the criteria or guidelines for sustainable forest management as adopted under the respective international and regional initiatives (ITTO, Montreal Process, Tarapoto Process, UNEP/FAO Dry-Zone Africa Initiative).

3. *Minimisation of solid waste*

All producers of pulp, paper and converted tissue products shall have a system for the handling of waste and residual products arising from the production plants. The system should be documented or explained in the application and include at least the following points:

- procedures for separating and using recyclable materials from the waste stream,
- procedures for recovering materials for other uses, such as incineration for raising process steam,
- procedures for the handling of hazardous ⁽²⁾ waste.

4. *Fitness for use*

The product should be fit for use.

Consumer information

The product must bear the following information on the packaging:

This product qualifies for the Community eco-label, because

- it contributes to the reduction of water pollution, global warming, waste and acidification,
- it promotes the safeguarding of forests.

In addition to this consumer information the manufacturer may also provide a statement with the percentage of recycled fibres.

Technical appendix

Definitions and testing requirements

All emission parameters

The period for the measurements or mass balances must be based on the production during 12 months. In case of a new or a re-built production plant, the measurements must be based on at least three subsequent months of stable running of the plant. The measurements must be representative for the respective campaign.

If a product is made out of different pulp qualities, the emission values from the pulp production should be calculated as weighted averages of all pulps used. The total emissions should be calculated by adding the emissions from the pulp production to the emissions from the tissue production.

⁽¹⁾ Not required in the case of 100 % recycled paper or if 100 % non-wood based fibres are used.

⁽²⁾ As defined by the Regulatory Authority in the country where the processing is carried out.

If a manufacturer of pulp or paper produces several different products at the same plant, a physical allocation of the emissions between the products could be performed. The allocation can thus separate production related to the eco-labelled product from other products. Such choices of allocations should be well documented by engineering based measurements and evaluations.

Measurements of water emissions should be taken on unfiltered and unsettled samples either after treatment at the plant or after treatment by a public treatment plant. COD and AOX tests should be carried out by independent test institutes or accredited laboratories. Laboratories of production plants could also be used if the local authorities, responsible for permitting the operations or emissions of these plants, approve the in-house testing programme. In this case the applicant producer may provide the reports prepared for the authorities as long as they meet the requirements of this technical appendix.

Chemical oxygen demand, COD

COD shall be measured in accordance with ISO 6060 or equivalent standards.

The minimum testing frequency should be one test per month.

Absorbable organic halogens, AOX

AOX shall be measured in accordance with ISO 9562 or equivalent standards.

The minimum testing frequency should be one test per month. For shorter testing periods than one year, the minimum number of tests performed should cover three months. For processes where chlorine-containing chemicals are not used, AOX may not be tested.

Carbon dioxide, CO₂

The applicant shall provide a record of the air emissions of carbon dioxide. This record must include all sources of non-renewable fuels at the mills during the production of pulp and paper and the purchased electricity. CO₂-equivalents for the energy consumption at the plants are given in table 2.

Table 2

Equivalents of CO₂ from non renewable fuels

Fuel	CO ₂ emissions	Unit
Coal	95	g CO ₂ /MJ
Crude oil	73	g CO ₂ /MJ
Fuel oil 1	74	g CO ₂ /MJ
Fuel oil 2-5	77	g CO ₂ /MJ
Gasoline	69	g CO ₂ /MJ
Natural gas	56	g CO ₂ /MJ
Grid electricity (1)	400	g CO ₂ /kWh

(1) European average.

Sulphur

The applicant shall provide a record of sulphur emissions with the aim of specifying the air emissions of sulphur. The record must include all sulphur emissions that occur during the production of pulp and paper with the exception of those arising from the generation of grid electricity. Measurements must include recovery boilers, lime kilns, steam boilers and destruction furnaces for strong smelling gases, if available. Diffuse emissions from undefined sources must be accounted for.

Forest management

The pulp mill shall, by a written declaration, document that the fibres used for the production of the tissue are either recycled or based on virgin fibres deriving from forests which are managed within the principles of the criteria presented above.

Waste management

The applicant shall provide a document describing the procedures for the handling of wastes and residual materials from the different stages of the pulp and paper production according to the requirements mentioned above.

Fitness for use

The applicant should provide evidence to demonstrate that the product is fit for use. This evidence may include data from appropriate ISO or CEN test methods, but may include in-house test procedures as well. Details of the test procedures should be provided with the application.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 2398/97 of 28 November 1997 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan

(Official Journal of the European Communities L 332 of 4 December 1997)

Page 15, Annex 1, right column:

for: 'Nash Garments (Pvt.) Ltd, Karachi',

read: 'Nash Textiles, Karachi'.
