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Legislation

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Council

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 238/98

of 20 January 1998

on the conclusion of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period from 1 July 1997 to 30 June 2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of Article 228(2) and the first subparagraph of Article 228(3),

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire⁽²⁾, the two parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period from 1 July 1997 to 30 June 2000 was initialled on 30 June 1997;

Whereas it is in the Community's interest to approve the new Protocol;

Whereas the fishing possibilities should be apportioned among the Member States on the basis of the traditional allocation of fishing possibilities under the fisheries Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol establishing the fishing rights and financial compensation provided for in the Agreement between

the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period from 1 July 1997 to 30 June 2000 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation⁽³⁾.

Article 2

The fishing possibilities established in the Protocol shall be apportioned among the Member States as follows:

(a) freezer trawlers fishing demersal species:

Spain: three vessels;

(b) tuna fishing vessels:

France: 25 vessels,

Spain: 30 vessels,

Portugal: five vessels.

If the fishing opportunities laid down in the Protocol are not used up by licence applications from those Member States, the Commission may consider licence applications from any other Member State.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽¹⁾ OJ C 371, 8. 12. 1997.

⁽²⁾ OJ L 379, 31. 12. 1990, p. 3.

⁽³⁾ See page 81 of this Official Journal.

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

Done at Brussels, 20 January 1998.

For the Council

The President

J. CUNNINGHAM

COMMISSION REGULATION (EC) No 239/98**of 30 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 31 January 1998.

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

Done at Brussels, 30 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 30 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	47,3
	212	106,4
	624	149,8
	999	101,2
0707 00 05	068	132,9
	204	85,9
	999	109,4
0709 10 00	220	72,2
	999	72,2
0709 90 70	052	148,7
	204	149,8
	999	149,3
0805 10 10, 0805 10 30, 0805 10 50	052	39,4
	204	40,0
	212	27,9
	448	27,6
	508	41,1
	600	58,0
	624	50,7
	999	40,7
	999	40,7
0805 20 10	204	69,6
	624	78,8
	999	74,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	64,6
	204	95,2
	464	207,8
	600	79,4
	624	82,9
	662	51,1
	999	96,8
	999	96,8
0805 30 10	052	56,6
	600	80,1
	999	68,3
0808 10 20, 0808 10 50, 0808 10 90	060	52,8
	400	94,9
	404	95,2
	720	53,4
	728	90,3
	999	77,3
	999	77,3
0808 20 50	052	113,1
	064	88,4
	388	97,6
	400	111,8
	999	102,7

⁽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 240/98**of 30 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⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, 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 ⁽³⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, 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 26 to 29 January 1998 at ECU 334 per tonne.

Article 2

This Regulation shall enter into force on 31 January 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 22.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 241/98

of 30 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⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, 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 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, 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 26 to 29 January 1998 at ECU 120 per tonne.

Article 2

This Regulation shall enter into force on 31 January 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 25.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 242/98**of 30 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⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, 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 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, 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 26 to 29 January 1998 at ECU 125 per tonne.

Article 2

This Regulation shall enter into force on 31 January 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 16.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 243/98**of 30 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⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, 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 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, 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 26 to 29 January 1998 at ECU 137 per tonne.

Article 2

This Regulation shall enter into force on 31 January 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 19.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 244/98

of 30 January 1998

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 30 January 1998 fixing the refunds applicable to cereal
and rice sector products supplied as Community and national food aid

(ECU/tonne)

Product code	Refund
1001 10 00 9400	0
1001 90 99 9000	16,00
1002 00 00 9000	35,00
1003 00 90 9000	23,00
1004 00 00 9400	29,00
1005 90 00 9000	25,00
1006 30 92 9100	137,00
1006 30 92 9900	137,00
1006 30 94 9100	137,00
1006 30 94 9900	137,00
1006 30 96 9100	137,00
1006 30 96 9900	137,00
1006 30 98 9100	137,00
1006 30 98 9900	137,00
1006 40 00 9000	—
1007 00 90 9000	25,00
1101 00 15 9100	23,00
1101 00 15 9130	23,00
1102 20 10 9200	32,26
1102 20 10 9400	27,65
1102 30 00 9000	—
1102 90 10 9100	17,96
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	41,47
1103 14 00 9000	—
1104 12 90 9100	32,44
1104 21 50 9100	23,94

NB: The product codes and the footnotes are defined in
Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.
12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 245/98
of 30 January 1998
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 2587/97 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the

Canary Islands should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ L 350, 20. 12. 1997, p. 79.

ANNEX

to the Commission Regulation of 30 January 1998 amending Regulation (EEC)
No 1832/92 setting the amounts of aid for the supply of cereals products from the
Community to the Canary Islands

(Ecu/tonne)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	19,00
Barley	(1003 00 90)	26,00
Maize	(1005 90 00)	28,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	32,00

COMMISSION REGULATION (EC) No 246/98
of 30 January 1998
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 2588/97 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores

and Madeira should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 350, 20. 12. 1997, p. 81.

ANNEX

to the Commission Regulation of 30 January 1998 amending Regulation (EEC)
No 1833/92 setting the amounts of aid for the supply of cereals products from the
Community to the Azores and Madeira

(Ecu/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	19	19
Barley (1003 00 90)	26	26
Maize (1005 90 00)	28	28
Durum wheat (1001 10 00)	8	8

COMMISSION REGULATION (EC) No 247/98**of 30 January 1998****amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments**

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 2586/97 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 350, 20. 12. 1997, p. 77.

ANNEX

to the Commission Regulation of 30 January 1998 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonne)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	22,00	22,00	22,00	25,00
Barley (1003 00 90)	29,00	29,00	29,00	32,00
Maize (1005 90 00)	31,00	31,00	31,00	34,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 248/98
of 30 January 1998
setting the amounts of aid for the supply of rice products from the Community
to the Canary Islands

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EC) No 2790/94 ⁽³⁾, as amended by Regulation (EC) No 2883/94 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as last amended by Regulation (EC) No 150/95 ⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural

conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁷⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁸⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.
⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.
⁽³⁾ OJ L 296, 17. 11. 1994, p. 23.
⁽⁴⁾ OJ L 304, 29. 11. 1994, p. 18.
⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.
⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.
⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 30 January 1998 setting the amounts of aid for the supply
of rice products from the Community to the Canary Islands

(ECU/tonne)

Product (CN code)	Amount of aid
	Canary Islands
Milled rice (1006 30)	155,00
Broken rice (1006 40)	34,00

COMMISSION REGULATION (EC) No 249/98

of 30 January 1998

setting the amounts of aid for the supply of rice products from the Community
to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products ⁽⁵⁾, as last amended by Regulation (EC) No 1683/94 ⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

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

Done at Brussels, 30 January 1998.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁷⁾, as last amended by Regulation (EC) No 150/95 ⁽⁸⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁹⁾, as last amended by Regulation (EC) No 1482/96 ⁽¹⁰⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1998.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.⁽³⁾ OJ L 179, 1. 7. 1992, p. 6.⁽⁴⁾ OJ L 238, 23. 9. 1993, p. 24.⁽⁵⁾ OJ L 198, 17. 7. 1992, p. 37.⁽⁶⁾ OJ L 178, 12. 7. 1994, p. 53.⁽⁷⁾ OJ L 387, 31. 12. 1992, p. 1.⁽⁸⁾ OJ L 22, 31. 1. 1995, p. 1.⁽⁹⁾ OJ L 108, 1. 5. 1993, p. 106.⁽¹⁰⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 30 January 1998 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(ECU/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	155,00	155,00

COMMISSION REGULATION (EC) No 250/98
of 30 January 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 19 ⁽⁴⁾ thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 140/98 ⁽³⁾, as amended by Regulation (EC) No 211/98 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 140/98 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 140/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 17, 22. 1. 1998, p. 5.

⁽⁴⁾ OJ L 22, 29. 1. 1998, p. 5.

ANNEX

to the Commission Regulation of 30 January 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	37,00 ⁽¹⁾
1701 11 90 9910	34,67 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	37,00 ⁽¹⁾
1701 12 90 9910	34,67 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4022
	— ECU/100 kg —
1701 99 10 9100	40,22
1701 99 10 9910	40,22
1701 99 10 9950	40,22
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4022

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 251/98

of 30 January 1998

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry⁽⁴⁾, last amended by Commission Regulation (EC) No 1126/96⁽⁵⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world

market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 30 January 1998 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	40,22 ⁽²⁾
1702 60 10 9000	40,22 ⁽²⁾
1702 60 80 9100	76,42 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 95 9000	0,4022 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	40,22 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4022 ⁽¹⁾
1702 90 71 9000	0,4022 ⁽¹⁾
1702 90 99 9900	0,4022 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	40,22 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4022 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EC) No 252/98**of 30 January 1998****fixing the maximum subsidy on exports of husked long grain rice to Réunion
pursuant to the invitation to tender 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⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, 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 ⁽³⁾, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 ⁽⁴⁾ 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 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 subsidy;

Whereas the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy; whereas

successful tenderers shall be those whose bids are at or below the level of the maximum subsidy;

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

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 26 to 29 January 1998 at ECU 297 per tonne pursuant to the invitation to tender referred to in Regulation (EC) No 2094/97.

Article 2

This Regulation shall enter into force on 31 January 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 261, 7. 9. 1989, p. 8.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 14.

COMMISSION REGULATION (EC) No 253/98

of 30 January 1998

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton⁽⁴⁾, as last amended by Regulation (EC) No 1740/97⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers and quotations;

whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1670/97⁽⁶⁾ determined estimated production for the 1997/98 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 34,550 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 32,844 per 100 kilograms in Spain,
- ECU 38,903 per 100 kilograms in Greece,
- ECU 71,750 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 1 February 1998.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 206, 16. 8. 1996, p. 16.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 244, 6. 9. 1997, p. 1.

⁽⁶⁾ OJ L 237, 28. 8. 1997, p. 1.

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

Done at Brussels, 30 January 1998.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 254/98

of 30 January 1998

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13 (3) thereof,

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

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1909/97⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

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

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

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1516/95⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁷⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ L 147, 30. 6. 1995, p. 49.

ANNEX

to the Commission Regulation of 30 January 1998 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases	0,521 0,455 0,801
1002 00 00	Rye	3,219
1003 00 90	Barley	1,785
1004 00 00	Oats	1,622
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — in other cases	1,871 2,304 1,495 1,928 2,304 1,871 2,304
1006 20	Husked rice: — round grain — medium grain — long grain	10,618 9,453 9,453
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	13,700 13,700 13,700
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	1,744 2,200 2,200

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	1,785
1101 00	Wheat or meslin flour:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,640
	— in other cases	0,985
1102 10 00	Rye flour	3,650
1103 11 10	Groats and durum wheat meal:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,640
	— in other cases	0,985

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1. 7. 1993, p. 112).

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

COMMISSION REGULATION (EC) No 255/98

of 30 January 1998

fixing the rates of refunds applicable to certain products from the sugar sector
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾ and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds⁽³⁾ as last amended by Regulation (EC) No 1909/97⁽⁴⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

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

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86⁽⁵⁾, as last amended by Commission Regulation (EC) No 1126/96⁽⁶⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 30 January 1998.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

ANNEX

to the Commission Regulation of 30 January 1998 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,53	5,53
— in all other cases	40,22	40,22
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,09	5,09
— in all other cases	37,00	37,00
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{5,53^{(1)} \times S^{(1)}}{100}$	$\frac{5,53^{(1)} \times S^{(1)}}{100}$
— in all other cases	$\frac{40,22^{(1)} \times S^{(1)}}{100}$	$\frac{40,22^{(1)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾ :		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,53 ⁽³⁾	5,53 ⁽³⁾
— in all other cases	40,22 ⁽³⁾	40,22 ⁽³⁾

⁽¹⁾ 'S' represents in 100 kilograms of syrup

— the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,

— the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

⁽²⁾ Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 256/98

of 30 January 1998

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 1909/97⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

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

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 February 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ L 350, 20. 12. 1997, p. 3.

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

Done at Brussels, 30 January 1998.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

ANNEX

to the Commission Regulation of 30 January 1998 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)		
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	68,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 2571/97 are exported	64,59
	(b) On exportation of other goods	102,60
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 2571/97 are exported	45,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00

COMMISSION REGULATION (EC) No 257/98

of 30 January 1998

fixing the maximum buying-in price and the quantities of beef to be bought in under the 196th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2634/97⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 2602/97⁽⁴⁾, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 72/98⁽⁶⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 13 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 196th partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable

support of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

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

Under the 196th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - the maximum buying-in price shall be ECU 251,8 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 1 674 tonnes,
 - the quantities offered at a price less than or equal to ECU 251,8 shall be multiplied by a coefficient of 0 % in Great Britain and 40 % in the other Member States, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93.

Article 2

This Regulation shall enter into force on 2 February 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 351, 23. 12. 1997, p. 20.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 6, 10. 1. 1998, p. 24.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 258/98
of 30 January 1998
amending Regulation (EC) No 94/98 on olive oil storage contracts for the 1997/98
marketing year

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 20d(3) and (4) thereof,

Whereas Commission Regulation (EC) No 94/98⁽³⁾ opens the possibility of concluding olive oil storage contracts in Italy and Greece; whereas it has been established that market prices in Spain and Portugal, at the production stage and primarily for the quality of olive oil which is of greatest importance in terms of the prices of most of the olive oils consumed in the Community, are close to the intervention prices; whereas, as a result, the conditions provided for in Regulation No 136/66/EEC and Commission Regulation (EEC) No 314/88⁽⁴⁾ are also met in those Member States; whereas, as a result, the conclusion of storage contracts for this marketing year should also be permitted in Spain and Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(4) of Regulation (EC) No 94/98 is hereby replaced by the following:

‘4. The maximum quantity that may be covered by contracts at any one time during the 1997/98 marketing year shall be 180 000 tonnes, broken down as follows:

- 76 000 tonnes in Spain,
- 70 000 tonnes in Italy,
- 30 000 tonnes in Greece,
- 4 000 tonnes in Portugal.’

Article 2

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

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 9, 15. 1. 1998, p. 25.

⁽⁴⁾ OJ L 31, 3. 2. 1988, p. 16.

COMMISSION REGULATION (EC) No 259/98**of 30 January 1998****laying down detailed rules for the export of products supplied as Community food aid**

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 Articles 9(2) and 13(11) thereof, and to the corresponding provisions of the other Regulations on the common organisation of the markets in agricultural products,

Whereas, for the purposes of applying 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⁽³⁾, new general rules for the mobilisation of products to be supplied as Community food aid have been laid down by Commission Regulation (EC) No 2519/97⁽⁴⁾;

Whereas the aforementioned new rules imply the application of export refunds in the case of mobilisation in the Community; whereas, however, by way of derogation from Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁵⁾, as last amended by Regulation (EC) No 2114/97⁽⁶⁾, special rules should be laid down as regards certain aspects; whereas, in particular in order to ensure that the conditions of competition that applied in respect of the supply operation at the time of submission of tenders are not changed subsequent to the award of contracts as the result of the application of certain techniques for adjusting the export refunds according to the date of export, provision should be made to waive certain provisions applicable to trade in agricultural products and to grant an export refund that is fixed and published prior to the deadline for submission of tenders and that remains unaltered irrespective of the actual date of export;

Whereas Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾, establishes the operative events for the agricultural conversion rates, in particular that applicable to the refunds;

Whereas, in order to ensure that the abovementioned rules are applied correctly, administrative provisions relating to export licences should be laid down by way of derogation from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁹⁾, as last amended by Regulation (EC) No 1404/97⁽¹⁰⁾; whereas, for this purpose, the delivery guarantee lodged by the successful tenderer for the food aid operation to ensure he meets his obligations as regards the supply in accordance with Article 10 of Regulation (EC) No 2519/97 should be considered sufficient to also ensure compliance with the obligations resulting from the licences;

Whereas the supply operations carried out pursuant to Regulation (EC) No 2519/97 are considered as food aid within the meaning of Article 10(4) of the Agreement on Agriculture in the framework of the Uruguay Round; whereas these operations should be closely monitored by the Commission;

Whereas export refunds for Community food aid shall only be paid for quantities exported in accordance with Regulation (EEC) No 3665/87 and taken over in accordance with Regulation (EC) No 2519/97;

Whereas Commission Regulation (EEC) No 2330/87⁽¹¹⁾, as last amended by Regulation (EEC) No 2226/89⁽¹²⁾, lays down detailed rules for the export of products supplied as Community food aid; whereas in order to make the necessary changes and for reasons of clarity and administrative efficiency Regulation (EEC) No 2330/87 should be replaced;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽⁴⁾ OJ L 346, 17. 12. 1997, p. 23.

⁽⁵⁾ OJ L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ L 295, 29. 10. 1997, p. 2.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

⁽⁹⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽¹⁰⁾ OJ L 194, 23. 7. 1997, p. 5.

⁽¹¹⁾ OJ L 210, 1. 8. 1987, p. 56.

⁽¹²⁾ OJ L 214, 25. 7. 1989, p. 10.

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to exceptional provisions adopted by the Commission for special operations, this Regulation shall apply to exports of products covered by the regulations on the common organisation of the markets listed in Article 1 of Regulations (EEC) No 3719/88 and (EEC) No 3665/87 where they are supplied as Community food aid pursuant to Regulation (EC) No 1292/96 and mobilised in the Community in accordance with the general rules of Regulation (EC) No 2519/97.

Article 2

1. By way of derogation from Article 3(2) of Regulation (EEC) No 3665/87, the export refund to be paid shall be that applicable on the date specified in the tender notice issued by the Commission and laying down the special conditions under which the food-aid operation is to be carried out, hereinafter referred to as 'tender notice'.

2. In the case of supply ex works or free carrier and free at port of shipment, the time limit within which the products have to leave the customs territory of the Community, laid down in Articles 4(1) and 32(1) of Regulation (EEC) No 3665/87, shall not apply.

3. By way of derogation from the provisions laying down a readjustment of amounts fixed in advance, the refund referred to in paragraph 1 shall not be subject to any adjustment or correction.

4. The refund shall be converted into national currency by applying the agricultural conversion rate on the day of acceptance of the export declaration. The conversion rate valid on the day of application for the licence may be fixed in advance in accordance with the provisions of Articles 13 to 17 of Regulation (EEC) No 1068/93.

Article 3

1. By way of derogation from Article 2a(1) of Regulation (EEC) No 3665/87, the payment of the refund shall be conditional upon the presentation of an export licence, comprising advance fixing of the refund referred to in Article 2(1), applied for to carry out the food-aid operation concerned.

The licence shall be valid only in respect of the export to be carried out in this context.

By way of derogation from Article 36 of Regulation (EEC) No 3719/88, the period of validity of the licence may be extended by the competent authority at the written and

justified request of the successful tenderer (hereinafter referred to as 'the supplier').

2. Applications for licences shall be accompanied by proof that the applicant is the supplier of the Community food aid. Such proof shall be provided by a copy of the communication sent to him by the Commission informing him that he is the supplier of the food aid in question and, if required by the issuing agency, a copy of the tender notice.

Licences shall only be issued if proof is provided that the delivery guarantee referred to in Article 10 of Regulation (EC) No 2519/97 has been lodged. The lodging of that guarantee shall be deemed to constitute the lodging of the licence security. By way of derogation from Title III Section 4 of Regulation (EEC) No 3719/88, it shall be released under the conditions laid down in Article 22 of Regulation (EC) No 2519/97.

3. In the document used for the application for refund as referred to in Article 3(5) of Regulation (EEC) No 3665/87 and, in addition to the requirements of Article 14a of Regulation (EEC) No 3719/88, in section 20 of the application for licences and the export licence itself, one of the following entries shall be included:

- Ayuda alimentaria comunitaria — Acción n° .../..
- Fællesskabets fødevarehjælp — aktion nr. .../..
- Gemeinschaftliche Nahrungsmittelhilfe — Maßnahme Nr. .../..
- Κοινοτική επισιτιστική βοήθεια — Δράση αριθ. .../..
- Community food aid — Action No .../..
- Aide alimentaire communautaire — Action n° .../..
- Aiuto alimentare comunitario — Azione n. .../..
- Communautaire voedselhulp — Actie nr. .../..
- Ajuda alimentar comunitária — Acção n° .../..
- Yhteisön elintarvikeapu — Toimi N:o .../..
- Livsmedelsbistånd från gemenskapen — Aktion nr .../..

The action number to be indicated is that specified in the tender notice.

Article 4

1. Without prejudice to the provisions of Article 2, payment of the export refund in connection with Community food aid shall be made in accordance with the provisions of Regulation (EEC) No 3665/87 and, by way of derogation from Article 16 of that Regulation, on production of a copy of the taking-over certificate or the delivery certificate referred to in Article 17(3) and (4) of Regulation (EC) No 2519/97, certified as a true copy by the Commission office to which the tenders are sent in accordance with the tender notice.

To that end, the supplier shall send a photocopy of the duty attributed export licence to the Commission office referred to in the first subparagraph.

2. The provisions of Article 11(1) of Regulation (EEC) No 3665/87 shall not apply where the refund requested is higher than the refund due for the relevant exportation as a result of circumstances or events beyond the control of the supplier which occur after the completion of the supply operation in accordance with Article 12(4), 13(6), 14(10) or 15(4) of Regulation (EC) No 2519/97.

Where the country of destination is changed by the recipient the reduction referred to in the second indent of

Article 20(3)(b) of Regulation (EEC) No 3665/87 shall not apply.

Article 5

Regulation (EEC) No 2330/87 is hereby repealed. However, it shall continue to apply to Community food aid supplies for which the tender notice refers thereto.

Article 6

This Regulation shall enter into force on the seventh 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, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 260/98**of 30 January 1998****amending both Regulation (EC) No 1445/95 on rules of application for import and export licences in the beef and veal sector and Regulations (EC) No 589/96, (EC) No 935/97, (EC) No 936/97, (EC) No 995/97, (EC) No 996/97, (EC) No 1006/97, (EC) No 1042/97, (EC) No 1376/97, (EC) No 1939/97 and (EC) No 1940/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2634/97 ⁽²⁾, and in particular Articles 9 and 25 thereof,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽³⁾, as last amended by Commission Regulation (EC) No 619/96 ⁽⁴⁾, and in particular Article 27 thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT (Article XXIV (6)) negotiations ⁽⁵⁾, and in particular Article 1(1) thereof,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations ⁽⁶⁾, as last amended by Regulation (EC) No 1595/97 ⁽⁷⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the agreements on free trade

and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations ⁽⁸⁾, and in particular Article 5 thereof,

Whereas the securities against import licences for live animals and meat are not consistent in the various regulations; whereas they should be updated and harmonised;

Whereas Article 6 of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁹⁾, as last amended by Regulation (EC) No 2616/97 ⁽¹⁰⁾, lays down the time limits by which and the ways in which the Member States must notify the Commission of the quantities of products for which import licences have been issued;

Whereas there are serial numbers in the Integrated Tariff of the European Communities (TARIC) that enable identification of the preferential arrangements, the products involved and in certain cases their origin; whereas the Member States should be required to put these numbers on the import licences or extract(s) therefrom and to use them in their notifications to the Commission;

Whereas not all of the regulations laying down detailed implementing rules for import quotas include TARIC serial numbers for quotas; whereas the numbers should be included in the regulations in question;

Whereas some regulations laying down rules of application for imports of bovine products require the Member States to notify the Commission of the quantities actually imported; whereas, to bring clarity and to reduce the extra administrative burden, these provisions must be simplified and introduced into Regulation (EC) No 1445/95;

Whereas the competent national authority issuing the import licence does not always know the country of origin of the quantities imported under tariff quotas opened for several countries or of the quantities imported subject to CCT duties; whereas identification of the country of origin in the case of tariff quotas or in the case of non-preferential imports should be made a primary

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ L 89, 10. 4. 1996, p. 1.

⁽⁵⁾ OJ L 146, 20. 6. 1996, p. 1.

⁽⁶⁾ OJ L 328, 30. 12. 1995, p. 31.

⁽⁷⁾ OJ L 216, 8. 8. 1997, p. 1.

⁽⁸⁾ OJ L 254, 8. 10. 1996, p. 1.

⁽⁹⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽¹⁰⁾ OJ L 353, 24. 12. 1997, p. 8.

requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽¹⁾, as last amended by Regulation (EC) No 3403/93⁽²⁾, and entry of the country of origin for the quotas in question and for non-preferential imports in column 31 of the import licence or extract thereof should therefore be required;

Whereas each import licence must in all cases be accompanied by a security, if it is greater than ECU 5; whereas a derogation should be made from the second subparagraph of Article 14(3) of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, as last amended by Regulation (EC) No 1404/97⁽⁴⁾;

Whereas, to speed up the return of the import licence or its extract, a derogation should be made from the provisions of Regulation (EEC) No 3719/88 as regards the percentage partial forfeiture of the security and the maximum time limit for providing proof of import;

Whereas the inclusion of the above provisions in a single regulation means that the corresponding provisions in the other regulations already in force must be deleted; whereas the following Commission regulations must accordingly be amended:

- Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽⁵⁾,
- Commission Regulation (EC) No 935/97 of 27 May 1997 opening and providing for the administration of tariff quotas for the import of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine and mountain breeds, for the period 1 July 1997 to 30 June 1998⁽⁶⁾,
- Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of

tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat⁽⁷⁾, as last amended by Regulation (EC) No 31/98⁽⁸⁾,

- Commission Regulation (EC) No 995/97 of 3 June 1997 laying down, for the period 1 July 1997 to 30 June 1998, detailed rules of application for the tariff quotas for beef provided for in Council Regulation (EC) No 1926/96 for Estonia, Latvia and Lithuania⁽⁹⁾,
- Commission Regulation (EC) No 996/97 of 3 June 1997 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91⁽¹⁰⁾, as amended by Regulation (EC) No 2048/97⁽¹¹⁾,
- Commission Regulation (EC) No 1006/97 of 4 June 1997 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 1997 to 30 June 1998)⁽¹²⁾,
- Commission Regulation (EC) No 1042/97 of 10 June 1997 opening and providing for the administration of a tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91 (1 July 1997 to 30 June 1998)⁽¹³⁾,
- Commission Regulation (EC) No 1376/97 of 17 July 1997 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 1997 to 30 June 1998)⁽¹⁴⁾,
- Commission Regulation (EC) No 1939/97 of 3 October 1997 laying down, for the period 1 July 1997 to 30 June 1998, rules for the application of the tariff quotas for beef and veal provided for by Council Regulation (EC) No 3066/95 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania and amending Regulations (EC) Nos 2512/96 and 1441/97⁽¹⁵⁾,
- Commission Regulation (EC) No 1940/97 of 3 October 1997 laying down detailed rules for a tariff quota for cows and heifers of specified mountain breeds originating in various third countries other than for slaughter, in the period 1 July 1997 to 30 June 1998, and amending Regulation (EC) No 2514/96⁽¹⁶⁾;

⁽¹⁾ OJ L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ L 310, 14. 12. 1993, p. 4.

⁽³⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ L 194, 23. 7. 1997, p. 5.

⁽⁵⁾ OJ L 84, 3. 4. 1996, p. 22.

⁽⁶⁾ OJ L 137, 28. 5. 1997, p. 3.

⁽⁷⁾ OJ L 137, 28. 5. 1997, p. 10.

⁽⁸⁾ OJ L 5, 9. 1. 1998, p. 3.

⁽⁹⁾ OJ L 144, 4. 6. 1997, p. 2.

⁽¹⁰⁾ OJ L 144, 4. 6. 1997, p. 6.

⁽¹¹⁾ OJ L 287, 21. 10. 1997, p. 10.

⁽¹²⁾ OJ L 145, 5. 6. 1997, p. 10.

⁽¹³⁾ OJ L 152, 11. 6. 1997, p. 2.

⁽¹⁴⁾ OJ L 189, 18. 7. 1997, p. 3.

⁽¹⁵⁾ OJ L 272, 4. 10. 1997, p. 23.

⁽¹⁶⁾ OJ L 272, 4. 10. 1997, p. 28.

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

Regulation (EC) No 1445/95 is amended as follows:

1. Article 4 is replaced by:

'Article 4

The security against import licences shall be:

- ECU 5 per head for live animals,
- ECU 12 per 100 kg net weight for other products.'

2. Article 5 is replaced by:

'Article 5

1. Without prejudice to more specific provisions, licence applications shall be made for products of:

- a single Combined Nomenclature subheading,
- or
- one of the groups of Combined Nomenclature subheadings listed in Annex I.

The information shown on the application shall be carried over to the licence.

2. The body issuing the import licence shall indicate the serial number for the quota in the Integrated Tariff of the European Communities (TARIC) in box 20 of the licence or extracts thereof.'

3. Article 6 is replaced by:

'Article 6

Before the 10th day of each month, Member States shall notify to the Commission, by telex or fax, the quantities of products for which licences were issued in the previous month.

All notifications, including 'Nil' returns, shall be made as indicated in Annex II(A), using the codes indicated and, in the case of preferential arrangements, the serial number for the quotas in the Integrated Tariff of the European Communities (TARIC).'

4. The following Articles are added after Article 6:

'Article 6a

Before the 10th of November each year, the competent national authorities shall notify to the Commission, by telex or fax, the quantities of products which

were actually imported in the period from 1 July of the previous year to 30 June of the year in question.

All notifications, including 'Nil' returns, shall be made as indicated in Annex II(B), and shall contain the quantities imported:

- in the case of preferential arrangements, for all the serial numbers in each regulation, broken down by month of import and by country of origin and, in the case of certain quotas for live animals, by product code,
- in the case of non-preferential arrangements, for each product code, broken down by month of import and country of consignment.

Article 6b

In the case of non-preferential imports or tariff quotas that are open for several third countries, in column 31 of the import licence or extract thereof in addition to the information already stipulated by Regulation (EEC) No 3719/88, the country of origin in the case of preferential imports and in the case of non-preferential imports must be shown when the licence or extract is charged against the quota.

The requirement laid down in this Article is a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85.

Article 6c

The second subparagraph of Article 14(3) of Regulation (EEC) No 3719/88 shall not apply.

Article 6d

Notwithstanding Article 33(3)(b)(ii) of Regulation (EEC) No 3719/88, the maximum time limit for providing proof of import with partial forfeiture of the security shall be four months following expiry of the licence and the partial forfeiture shall be fixed at 50 %.'

5. Annex I is replaced by Annex I to this Regulation.

6. Annex II is replaced by Annexes II(A) and II(B) to this Regulation.

Article 2

Regulation (EC) No 589/96 is amended as follows:

1. The following subparagraph is added to Article 1(1):

'The annual quantities from the different countries listed above shall bear the following serial numbers: for the Botswana quota: 09.4052, for Kenya: 09.4054, for Madagascar: 09.4051, for Swaziland: 09.4053, for Zimbabwe: 09.4055 and for Namibia: 09.4056.'

2. Article 6 is deleted.

3. Annex II is deleted.

Article 3

Regulation (EC) No 935/97 is amended as follows:

1. Article 5(7) is replaced by the following:

‘7. Article 8(4) of Regulation (EEC) No 3719/88 shall not apply.’

2. Articles 5(8), 8 and 9 are deleted.

3. Annex III is deleted.

Article 4

In Regulation (EC) No 936/97 Articles 10(3), 10(4), 11 and 12 are deleted.

Article 5

In Regulation (EC) No 995/97 Articles 4(3), 4(4), 5 and 6 are deleted.

Article 6

In Regulation (EC) No 996/97 Articles 9(3), 9(4), 10 and 11 are deleted.

Article 7

Regulation (EC) No 1006/97 is amended as follows:

1. Articles 5(5), 5(6), 10 and 11 are deleted.

2. Annex II is deleted.

Article 8

In Regulation (EC) No 1042/97 the second subparagraph of Article 8(4) and Articles 8(5), 9 and 10 are deleted.

Article 9

Regulation (EC) No 1376/97 is amended as follows:

1. Article 5(5)(b) is replaced by:

‘(b) in box 16 one of the appropriate CN codes.’

2. Articles 6(3), 6(4), 8 and 9 are deleted.

3. Annex II is deleted.

Article 10

In Regulation (EC) No 1939/97 Articles 6 and 7 are deleted.

Article 11

Regulation (EC) No 1940/97 is amended as follows:

1. The second subparagraph of Article 6(6) is replaced by the following:

‘However, Article 8(4) of Regulation (EEC) No 3719/88 shall not apply.’

2. Articles 9 and 10 are deleted.

Article 12

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

It shall apply to import licences applied for from 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***LIST REFERRED TO IN ARTICLE 5**

- 0102 90 05
 - 0102 90 21, 0102 90 29
 - 0102 90 41 to 0102 90 49
 - 0102 90 51 to 0102 90 79
 - 0201 10 00, 0201 20 20
 - 0201 20 30
 - 0201 20 50
 - 0201 20 90
 - 0201 30 00, 0206 10 95
 - 0202 10 00, 0202 20 10
 - 0202 20 30
 - 0202 20 50
 - 0202 20 90
 - 0202 30 10
 - 0202 30 50
 - 0202 30 90
 - 0206 29 91
 - 0210 20 10
 - 0210 20 90, 0210 90 41, 0210 90 90
 - 1602 50 10, 1602 90 61
 - 1602 50 31
 - 1602 50 39
 - 1602 50 80
 - 1602 90 69
-

ANNEX II(A)

NOTIFICATION OF IMPORT LICENCES

(Codes shown must be used)

Member State:

Application of Article 6 of Regulation (EC) No 1445/95

Quantities of products for which import licences were issued

From: to:

1. Preferential arrangements Serial No	Product code(s) ⁽¹⁾	Quantity (tonnes or heads)	Country of origin ⁽²⁾
2. Non-preferential imports			

⁽¹⁾ The following three-figure product codes are to be used.

Code	CN code
110	0102 90 05
120	0102 90 21 and 0102 90 29
130	0102 90 41 and 0102 90 49
140	0102 90 51 and 0102 90 79
210	0201 10 00 and 0201 20 20
220	0201 20 30
230	0201 20 50
240	0201 20 90
250	0201 30 and 0206 10 95
310	0202 10 and 0202 20 10
320	0202 20 30
330	0202 20 50
340	0202 20 90
350	0202 30 10
360	0202 30 50
370	0202 30 90
380	0206 29 91
410	0210 20 10
420	0210 20 90, 0210 90 41 and 0210 90 90
510	1602 50 10 and 1602 90 61
520	1602 50 31
530	1602 50 39
540	1602 50 80
550	1602 90 69

⁽²⁾ Only to be completed for quota No 09.4002 ('High-quality meat').

ANNEX II(B)

NOTIFICATION OF ACTUAL IMPORTS

(Codes shown must be used)

Member State:

Application of Article 6a of Regulation (EC) No 1445/95

Quantities of products (kg or head) actually imported:

1. Preferential arrangements ⁽¹⁾

Serial No(s) for each regulation

Country of origin Month	Country A	Country B	Country ...	Country Z
Month 1				
Month 2				
...				
...				
...				
Month 11				
Month 12				
Total 12 months				

2. Non-preferential imports

Product code given in Annex II(A):

Country of origin Month	Country A	Country B	Country ...	Country Z
Month 1				
Month 2				
...				
...				
...				
Month 11				
Month 12				
Total 12 months				

⁽¹⁾ For live-animal quotas Nos 09.4005 and 09.4537, the imported quantities should also be broken down by product code as given in Annex II(A).

COMMISSION REGULATION (EC) No 261/98

of 30 January 1998

amending Regulation (EC) No 1066/95 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the raw tobacco quota system for the 1995, 1996 and 1997 harvests

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EC) No 2595/97 ⁽²⁾, and in particular Article 11 thereof,

Whereas Regulation (EC) No 2595/97 extends to the 1998 harvest the system in force since the 1993 harvest; whereas Commission Regulation (EC) No 1066/95 ⁽³⁾, as last amended by Regulation (EC) No 987/97 ⁽⁴⁾, should therefore be amended to make it applicable to the 1998 harvest;

Whereas, as a result of the date of adoption of the extension of the above system to the 1998 harvest, the Member States are unable to respect the deadlines set by Regulation (EC) No 1066/95; whereas those deadlines should therefore be amended for the 1998 harvest;

Whereas the measures concerned should apply at the earliest opportunity;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1066/95 is hereby amended as follows:

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

Done at Brussels, 30 January 1998.

1. the title is replaced by the following:

'Commission Regulation (EC) No 1066/95 of 12 May 1995 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the raw tobacco quota system for the 1995, 1996, 1997 and 1998 harvests';

2. the following text is added to the fourth paragraph of Article 3:

'For the 1998 harvest, Member States are authorised to extend the deadline referred to in the second paragraph above to 28 February.';

3. the following text is added to the second subparagraph of Article 11(3):

'For the 1998 harvest, Member States are authorised to extend the deadline referred to in the first subparagraph above to 31 May.';

4. Article 17 is replaced by the following:

Article 17

For the 1995, 1996, 1997 and 1998 harvests, Member States may, for the purpose of applying Article 11(3), bring together on a joint basis existing recognised professional organisations until such time as the inter-branch organisations recognised pursuant to Regulation (EEC) No 2077/92 have been set up.'

Article 2

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ L 351, 23. 12. 1997, p. 11.

⁽³⁾ OJ L 108, 13. 5. 1995, p. 5.

⁽⁴⁾ OJ L 141, 31. 5. 1997, p. 67.

COMMISSION REGULATION (EC) No 262/98

of 30 January 1998

laying down detailed rules for the application in 1998 of the arrangements applicable to imports laid down in Council Regulation (EC) No 70/97 as regards certain beef and veal products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia and to imports of wine originating in the former Yugoslav Republic of Macedonia and the Republic of Slovenia ⁽¹⁾, as last amended by Regulation (EC) No 2636/97 ⁽²⁾, and in particular Article 10 thereof,

Whereas Article 8 of Regulation (EC) No 70/97 provides for 1998 for an annual tariff quota of 10 900 tonnes expressed in carcase weight; whereas detailed rules for the application of that quota must be laid down;

Whereas, pursuant to Article 8(3) of Regulation (EC) No 70/97, imports under that quota are subject to the presentation of an authenticity certificate attesting that the goods are originating goods and from the issuing country and that they correspond exactly to the definition in Annex F to the aforementioned Regulation; whereas it is necessary to establish a model for those certificates and lay down detailed rules for their use;

Whereas the arrangements should be managed using import licences; whereas to this end rules should be set on submission of applications and the information to be given on applications and licences, by way of derogation, if necessary, from certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products ⁽³⁾, as last amended by Regulation (EC) No 1404/97 ⁽⁴⁾, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁵⁾, as last amended by Regulation (EC) No 260/98 ⁽⁶⁾;

Whereas, in order to ensure proper management of the imports of the products in question, provision should be made for import licences to be issued subject to verification, in particular of entries on certificates of authenticity;

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 following tariff quotas are hereby opened for the period 1 January to 31 December 1998:

— 9 400 tonnes of 'baby beef', expressed in carcase weight, originating in and coming from Croatia,

— 1 500 tonnes of 'baby beef', expressed in carcase weight, originating in and coming from Bosnia-Herzegovina,

The two quotas referred to in the first subparagraph shall bear the serial numbers 09.4503 and 09.4504 respectively.

For the purposes of attributing the said quotas, 100 kilograms live weight shall be equivalent to 50 kilograms carcase weight.

2. The customs duty applicable under the quotas referred to in paragraph 1 shall be 20 % of the duty laid down in the Common Customs Tariff.

3. Importation under the quotas referred to in paragraph 1 shall be reserved for certain live animals and certain meat falling within CN codes:

— ex 0102 90 51, ex 0102 90 59, ex 0102 90 71 and ex 0102 90 79,

— ex 0201 10 00 and ex 0201 20 20,

— ex 0201 20 30,

— ex 0201 20 50,

referred to in Annex F to Regulation (EC) No 70/97.

⁽¹⁾ OJ L 16, 18. 1. 1997, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 16.

⁽³⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ L 194, 23. 7. 1997, p. 5.

⁽⁵⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁶⁾ See page 42 of this Official Journal.

Article 2

1. Imports of the quantities set out in Article 1 shall be subject to presentation, on release for free circulation, of an import licence issued in accordance with the following provisions:

(a) Section 8 of the licence applications and of the licences themselves must show the country of origin; licences shall carry with them an obligation to import from the country indicated;

(b) Section 20 of the licence applications and of the licences themselves shall show one of the following endorsements:

- [«Baby beef» (Reglamento (CE) n° 262/98)]
- («Baby beef» (forordning (EF) nr. 262/98))
- („Baby beef“ (Verordnung (EG) Nr. 262/98))
- [«Baby beef» (Κανονισμός (ΕΚ) αριθ. 262/98)]
- ('Baby beef' (Regulation (EC) No 262/98))
- [«Baby beef» (règlement (CE) n° 262/98)]
- [«Baby beef» (regolamento (CE) n. 262/98)]
- („Baby beef“ (Verordening (EG) nr. 262/98))
- [«Baby beef» (Regulamento (CE) n° 262/98)]
- ("Baby beef" (asetus (EY) N:o 262/98))
- ("Baby beef" (förordning (EG) nr 262/98));

(c) the original of the certificate of authenticity drawn up in accordance with Articles 3 and 4 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.

The original of the certificate of authenticity shall be kept by the abovementioned authority;

(d) certificates of authenticity may be used for the issuing of more than one import licence for quantities not exceeding that shown on the certificate. Where more than one licence is issued in respect of a certificate, the competent authority shall endorse the certificate of authenticity to show the quantity attributed;

(e) the competent authorities may issue import licences only after they are satisfied that all the information on the certificate of authenticity corresponds to that received each week from the Commission on the subject. The licences shall be issued immediately thereafter.

2. Notwithstanding paragraph 1(c), the competent authorities may, in exceptional cases and on duly reasoned application, issue import licences on the basis of the relevant certificates of authenticity before the information from the Commission is received. In such cases, the security for the import licences shall be ECU 25 per 100 kilograms net weight in the case of live animals and ECU 50 per 100 kilograms net weight in the case of meat.

After having received the information relating to the certificate, Member States shall replace this security with that referred to in Article 5(1).

Article 3

1. The certificates of authenticity referred to in Article 2 shall be made out in one original and two copies, to be printed and completed in one of the official languages of the European Community, in accordance with the model in Annexes I and II respectively for the two countries concerned; they may also be printed and completed in the official language or one of the official languages of the exporting country.

The competent authorities of the Member State in which the import licence application is submitted may require a translation of the certificate to be provided.

2. The original and copies thereof may be typed or handwritten. In the latter case, they must be completed in black ink and in block capitals.

3. The certificate forms shall measure 210 × 297 mm. The paper used shall weigh not less than 40 g/m². The original shall be white, the first copy pink and the second copy yellow.

4. Each certificate shall have its own individual serial number followed by the name of the issuing country.

The copies shall bear the same serial number and the same name as the original.

5. Certificates shall be valid only if they are duly endorsed by an issuing authority listed in Annex III.

6. Certificates shall be deemed to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

Article 4

1. The issuing authorities listed in Annex III must:

- (a) be recognised as such by the exporting country;
- (b) undertake to verify entries on the certificates;

(c) undertake to forward to the Commission at least once per week any information enabling the entries on the certificates of authenticity, in particular the number of the certificate, the exporter, the consignee, the country of destination, the product (live animals/meat), the net weight and the date of signature, to be verified.

2. The list may be revised where the requirement referred to in paragraph 1(a) is no longer met or where an issuing authority fails to fulfil any of the obligations incumbent on it.

Article 5

1. The security for import licences shall be ECU 5 per 100 kilograms net weight in the case of live animals and ECU 12 per 100 kilograms net weight in the case of meat. Such securities shall be lodged when the licences are issued.

2. Certificates of authenticity and import licences shall be valid for three months from their respective dates of issue. However, their term of validity shall expire on 31 December 1998.

Article 6

1. The provisions of Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply subject to the provisions of this Regulation.

2. Without prejudice to Article 8(4) of Regulation (EEC) No 3719/88, the full import duty provided for in

the Common Customs Tariff (CCT) shall be charged on quantities in excess of those stated on import licences.

Article 7

The authorities of the Republics of Croatia and Bosnia-Herzegovina shall communicate to the Commission of the European Communities specimens of the stamp imprints used by their issuing authorities and the names and signatures of the persons empowered to sign certificates of authenticity. The Commission shall communicate this information to the competent authorities of the Member States.

Article 8

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

It shall apply from 1 January 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

1. Consignor (full name and address)	CERTIFICATE No 0000 ORIGINAL CROATIA		
2. Consignee (full name and address)	CERTIFICATE OF AUTHENTICITY for exports to the EC of bovine animals and meat of bovine animals (application of Regulation (EC) No 262/98)		
NOTES A. This certificate shall be prepared in one original and two copies. B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters in ink.			
3. Marks, numbers, number and nature of packages or head of cattle; description of goods	4. Combined Nomenclature subheading	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box No 9) certify that the goods described above were subjected to health inspection at, in accordance with the attached veterinary certificate of, originate in and come from the Republic of Croatia and correspond exactly to the definition contained in Annex F to Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia (OJ L 16, 18. 1. 1997, p. 1).			
9. Authorised issuing body	Place: _____ Date: _____ (Stamp of issuing body) (Signature)		

ANNEX II

1. Consignor (full name and address)	CERTIFICATE No 0000 ORIGINAL BOSNIA-HERZEGOVINA		
2. Consignee (full name and address)	CERTIFICATE OF AUTHENTICITY for exports to the EC of bovine animals and meat of bovine animals (application of Regulation (EC) No 262/98)		
NOTES A. This certificate shall be prepared in one original and two copies. B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters in ink.			
3. Marks, numbers, number and nature of packages or head of cattle; description of goods	4. Combined Nomenclature subheading	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box No 9) certify that the goods described above were subjected to health inspection at, in accordance with the attached veterinary certificate of, originate in and come from the Republic of Bosnia-Herzegovina and correspond exactly to the definition contained in Annex F to Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia (OJ L 16, 18. 1. 1997, p. 1).			
9. Authorised issuing body	Place: Date: (Stamp of issuing body) (Signature)		

ANNEX III

Issuing bodies:

- Republic of Croatia: 'Euroinspekt', Zagreb, Croatia,
 - Republic of Bosnia-Herzegovina:
-

COMMISSION REGULATION (EC) No 263/98
of 30 January 1998
altering the corrective amount applicable to the refund on cereals

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (8) thereof,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 162/98⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

Whereas the corrective amount must be fixed according to the same procedure as the refund; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as last amended by Regulation (EC) No 150/95⁽⁵⁾, are used

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 18, 23. 1. 1998, p. 19.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 30 January 1998 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination ⁽¹⁾	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:
01 all third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 264/98
of 30 January 1998
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2092/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	42,18	32,18
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	42,18	32,18
	medium quality	57,65	47,65
	low quality	65,98	55,98
1002 00 00	Rye	74,28	64,28
1003 00 10	Barley, seed	74,28	64,28
1003 00 90	Barley, other ⁽³⁾	74,28	64,28
1005 10 90	Maize seed other than hybrid	80,59	70,59
1005 90 00	Maize other than seed ⁽³⁾	80,59	70,59
1007 00 90	Grain sorghum other than hybrids for sowing	74,28	64,28

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 15 January 1998 to 29 January 1998)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	124,47	116,83	113,10	99,91	212,56 ⁽¹⁾	113,83 ⁽¹⁾
Gulf premium (ECU/tonne)	21,45	13,62	9,02	7,60	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—

⁽¹⁾ Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,83 per tonne; Great Lakes — Rotterdam: ECU 24,06 per tonne.

3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 265/98
of 30 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, 30 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:** 585/96 (A1); 597/96 (A2)
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, (tel.: (31 70) 33 05 757; fax: 36 41 701; telex 30960 EURON NL)
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A1: Rwanda; A2: Guatemala
5. **Product to be mobilised:** vitaminised skimmed-milk powder
6. **Total quantity (tonnes net):** 205
7. **Number of lots:** 1 in 2 parts (A1: 105 tonnes; A2: 100 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (I.B (1))
9. **Packaging** ⁽⁷⁾: 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.B (3))
 - Language to be used for the markings: A1: French; A2: Spanish
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 9 — 29.3.1998
 - second deadline: 23.3 — 12.4.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 16.2.1998
 - second deadline: 2.3.1998
20. **Amount of tendering guarantee:** ECU 20 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 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 27.1.1998, fixed by Commission Regulation (EC) No 105/98 (OJ L 10, 16.1.1998, p. 4)

LOT B

1. **Action No:** 592/96
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (tel.: (396) 65 13 29 88; fax: 65 13 28 44/3; telex: 626675 WFP I)
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Ecuador
5. **Product to be mobilised:** vitaminised skimmed-milk powder
6. **Total quantity (tonnes net):** 140
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (I.B(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.B(3))
 - Language to be used for the markings: Spanish
 - Supplementary markings: —
11. **Method of mobilization of the product:** the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out 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:** Guayaquil
16. **Place of destination:** —
 - port or 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: 9 — 22.3.1998
 - second deadline: 23.3 — 5.4.1998
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 16.2.1998
 - second deadline: 2.3.1998
20. **Amount of tendering guarantee:** ECU 20 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (322) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 27.1.1998, fixed by Commission Regulation (EC) No 10/98 (OJ L 105, 16.1.1998, p. 4)

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”’.
- (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL.
- The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
- The supplier has to submit to the beneficiary’s agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.
- The supplier has to seal each container with a numbered locktainer (SYSKO locktainer 180 seal), the number of which is to be provided to the beneficiary’s forwarder.
-

COMMISSION REGULATION (EC) No 266/98

of 30 January 1998

amending Regulation (EC) No 2645/97 increasing to 102 290 tonnes the quantity of maize held by the Austrian intervention agency for which a standing invitation to tender for export has been opened

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 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 2645/97⁽⁵⁾, opened a standing invitation to tender for the export of 51 283 tonnes of maize held by the Austrian intervention agency to be exported to Switzerland, Liechtenstein, Slovenia, the Czech Republic and the Slovak Republic; whereas, Austria informed the Commission of the intention of its intervention agency to increase by 51 007 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of maize held by the Austrian intervention agency for which a standing invitation to tender for export has been opened should be increased to 102 290 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No

2645/97 must therefore be amended; whereas in the present market situation this invitation to tender should be extended to all third countries;

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

Regulation (EC) No 2645/97 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 102 290 tonnes of maize to be exported to all third countries.
2. The regions in which the 102 290 tonnes of maize are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

⁽⁵⁾ OJ L 356, 31. 12. 1997, p. 36.

*ANNEX**'ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Niederösterreich/nördliches Burgenland	40 509
Steiermark/südliches Burgenland	43 794
Kärnten	8 832
Oberösterreich	9 155'

COMMISSION REGULATION (EC) No 267/98

of 30 January 1998

on the sale, by tendering procedure, of beef held by certain intervention agencies
and intended for export

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the application of intervention measures in respect of beef has resulted in a build-up of stocks in several Member States; whereas outlets for these products exist in certain third countries; whereas, in order to prevent storage being prolonged excessively, part of these stocks should be sold by tendering procedure for export to those countries;

Whereas the sale should be conducted in accordance with Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies⁽³⁾, as last amended by Regulation (EC) No 2417/95⁽⁴⁾, in particular Titles II and III thereof, and Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁵⁾, as last amended by Regulation (EC) No 770/96⁽⁶⁾, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas, in order to ensure that the tendering procedure is consistent and uniform, measures should be adopted in addition to those provided for 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 the application of this point is creating in the Member States concerned;

Whereas, for administrative reasons, a minimum quantity should be set for tenders, taking into consideration normal commercial practice;

Whereas, for practical reasons, export refunds will not be granted in respect of beef sold under this Regulation;

whereas, however, successful tenderers will be required to apply for export licences for the quantity allocated, in accordance with Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector⁽⁷⁾, as last amended by Regulation (EC) No 260/98⁽⁸⁾;

Whereas, in order to ensure that the beef sold is exported to the eligible third countries, provision should be made for a security to be lodged before the goods are taken over and the primary requirements should be determined;

Whereas products from intervention stocks may in certain cases have undergone several handling operations; whereas, in order to contribute to their satisfactory presentation and marketing, it seems appropriate to authorise the repackaging of the products in certain specified circumstances;

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:
 - 1 000 tonnes of bone-in beef held by the Spanish intervention agency,
 - 2 000 tonnes of bone-in beef held by the German intervention agency,
 - 500 tonnes of bone-in beef held by the Austrian intervention agency,
 - 250 tonnes of bone-in beef held by the Danish intervention agency,
 - 250 tonnes of bone-in beef held by the Belgian intervention agency,
 - 2 000 tonnes of bone-in beef held by the French 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 143, 27. 6. 1995, p. 35.

⁽⁸⁾ See page 42 of this Official Journal.

- 1 000 tonnes of bone-in beef held by the Italian intervention agency,
- 250 tonnes of bone-in beef held by the Dutch intervention agency,
- 2 000 tonnes of boneless beef held by the Irish intervention agency.

Detailed information concerning the quantities is given in Annex I.

2. The beef shall be intended for export to the zone 08 destinations referred to in Annex II to Commission Regulation (EC) No 1888/97⁽¹⁾.

3. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulation (EEC) No 2173/79, in particular Titles II and III thereof, and Regulation (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 take the place of a notice of open invitation to tender.

The intervention agencies concerned shall draw up a notice of invitation to tender setting out in particular:

- the quantities of beef put up for sale, and
- the deadline and place for the submission of tenders.

2. Particulars of the quantities and the place where the products are stored may be obtained by interested parties at the addresses given in Annex II. The intervention agencies shall, in addition, display the notice referred to in paragraph 1 at their head offices and may publish it also in other ways.

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

4. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 9 February 1998.

5. Tenders shall be valid only if they concern a quantity of not less than 15 tonnes.

6. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, a tender must be submitted to the intervention agency concerned in a sealed envelope bearing a reference to the Regulation concerned. The sealed envelope must not be opened by the intervention agency

before the expiry of the tender deadline referred to in paragraph 4.

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

8. Notwithstanding Article 15(1) of Regulation (EEC) No 2173/79, the security shall be ECU 12 per 100 kilograms.

Applications for export licences as referred to in Article 4(2) shall constitute a primary requirement in addition to those laid down in Article 15(3) of Regulation (EEC) No 2173/79.

Article 3

1. Member States shall provide the Commission with particulars of the tenders transmitted not later than the second day following the deadline for the submission of tenders.

2. Following scrutiny of the tenders, a minimum sales price shall be set for each product or no award shall be made.

Article 4

1. The intervention agency shall make the notification referred to in Article 11 of Regulation (EEC) No 2173/79 to each tenderer by fax.

2. Successful tenderers shall apply within five working days of the date of notification as referred to in paragraph 1 for one or more export licences as referred to in the first indent of Article 8(2) of Regulation (EC) No 1445/95 to cover the quantity awarded. Applications shall be accompanied by the fax referred to in paragraph 1 and shall contain in box 7 the name of one of the zone 08 countries referred to in Article 1(2). In addition, box 20 of the applications shall contain the following:

- Productos de intervención sin restitución [Reglamento (CE) n° 267/98]
- Interventionsvarer uden restitution (forordning (EF) nr. 267/98)
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 267/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 267/98]
- Intervention products without refund [Regulation (EC) No 267/98]
- Produits d'intervention sans restitution [règlement (CE) n° 267/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 267/98]

⁽¹⁾ OJ L 265, 27. 9. 1997, p. 81.

- Producten uit interventievoorraden zonder restitutie [Verordening (EG) nr. 267/98]
- Produtos de intervenção sem restituição [Regulamento (CE) n° 267/98]
- Interventiotuotteita — ei vientitukea [Asetus (EY) N:o 267/98]
- Interventionsprodukt utan exportbidrag [Förordning (EG) nr 267/98].

Article 5

1. A security designed to guarantee exports to the third countries referred to in Article 1(2) shall be given by the buyer before the goods are taken over. Importation into one of those countries shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾.

2. The security referred to in paragraph 1 shall be:
- the difference between the tender price per tonne and ECU 2 700 for bone-in hindquarters,
 - the difference between the tender price per tonne and ECU 1 800 for bone-in forequarters,
 - the difference between the tender price and ECU 5 000 for boneless meat falling within codes INT.12 to INT.17, and code INT.19,
 - the difference between the tender price and ECU 2 500 for other boneless meat.

Article 6

The competent authorities may permit products from intervention whose packaging is torn or soiled to be put up, under their supervision and before being presented for dispatch at the customs office of departure, in new packaging of the same type.

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

Done at Brussels, 30 January 1998.

Article 7

No export refund shall be granted in respect of meat sold under this Regulation.

The removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where appropriate, the control copy T5 shall contain one of the following entries:

- Productos de intervención sin restitución [Reglamento (CE) n° 267/98]
- Interventionsvarer uden restitution (forordning (EF) nr. 267/98)
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 267/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 267/98]
- Intervention products without refund [Regulation (EC) No 267/98]
- Produits d'intervention sans restitution [règlement (CE) n° 267/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 267/98]
- Producten uit interventievoorraden zonder restitutie [Verordening (EG) nr. 267/98]
- Produtos de intervenção sem restituição [Regulamento (CE) n° 267/98]
- Interventiotuotteita — ei vientitukea [Asetus (EY) N:o 267/98]
- Interventionsprodukt utan exportbidrag [Förordning (EG) nr 267/98].

Article 8

This Regulation shall enter into force on 9 February 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 205, 3. 8. 1985, p. 5.

*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 — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

Deutschland	— Vorderviertel	1 000
	— Hinterviertel	1 000
Danmark	— Bagfjerdinger	250
Italia	— Quarti anteriori	500
	— Quarti posteriori	500
France	— Quartiers avant	1 000
	— Quartiers arrière	1 000
Belgique	— Quartiers arrière/Achtersvoeten	250
Österreich	— Vorderviertel	250
	— Hinterviertel	250
Nederland	— Achtersvoeten	250
España	— Cuartos delanteros	500
	— Cuartos traseros	500

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

Ireland	— shank (code INT 11)	200
	— thick flank (code INT 12)	200
	— topside (code INT 13)	100
	— silverside (code INT 14)	100
	— rump (code INT 16)	100
	— striploin (code INT 17)	100
	— flank (code INT 18)	200
	— fore rib (code INT 19)	200
	— shin (code INT 21)	200
	— shoulder (code INT 22)	200
	— brisket (code INT 23)	200
	— forequarter (code INT 24)	200

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- (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), senest 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 de 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).
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*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**

BELGIQUE/BELGIË

Bureau d'intervention et de restitution belge
Rue de Trèves 82
B-1040 Bruxelles
Belgisch Interventie- en Restitutiebureau
Trierstraat 82
B-1040 Brussel
Téléphone: (32 2) 287 24 11; télex: BIRB. BRUB/24076-65567; télécopieur: (32 2) 230 2533/280 03 07

BUNDESREPUBLIK DEUTSCHLAND

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Postfach 180203, D-60083 Frankfurt am Main
Adickesallee 40
D-60322 Frankfurt am Main
Tel.: (49) 69 1564-704/772; Telex: 411727; Telefax: (49) 69 15 64-790/791

DANMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
EU-direktoratet
Kampmannsgade 3
DK-1780 København V
Tlf. (45) 33 92 70 00; telex 151317 DK; fax (45) 33 92 69 48, (45) 33 92 69 23

ESPAÑA

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Teléfono: (34-1) 347 65 00, 347 63 10; télex: FEGA 23427 E, FEGA 41818 E; fax: (34-1) 521 98 32, 522 43 87

FRANCE

OFIVAL
80, avenue des Terroirs-de-France
F-75607 Paris Cedex 12
Téléphone: (33 1) 44 68 50 00; télex: 215330; télécopieur: (33 1) 44 68 52 33

ITALIA

AIMA (Azienda di Stato per gli interventi nel mercato agricolo)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91; telex 61 30 03; telefax: 445 39 40/445 19 58

IRELAND

Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
IRL-Dublin 2
Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 661 62 63, (01) 678 52 14 and (01) 662 01 98

NEDERLAND

Ministerie van Landbouw, Natuurbeheer en Visserij, Voedselvoorzieningsin- en verkoopbureau
p/a LASER, Zuidoost
Slachthuisstraat 71
Postbus 965
6040 AZ Roermond
Tel. (31-475) 35 54 44; telex 56396 VIBNL; fax (31-475) 31 89 39

ÖSTERREICH

AMA-Agrarmarkt Austria
Dresdner Straße 70
A-1201 Wien
Tel.: (431) 33 15 12 20; Telefax: (431) 33 15 1297

COMMISSION REGULATION (EC) No 268/98
of 30 January 1998
amending Regulation (EC) No 1773/97 on a special intervention measure for
cereals in Finland and Sweden

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⁾,

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

Whereas Commission Regulation (EC) No 1773/97⁽⁵⁾, as amended by Regulation (EC) No 2133/97⁽⁶⁾, opens an invitation to tender for the refund for the export of oats produced in Finland and Sweden to all third countries; whereas, in the present situation, it is appropriate to increase the quantity put up for tender;

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

Article 1 (1) of Regulation (EC) No 1773/97 is hereby amended as follows:

‘1. A special intervention measure in the form of an export refund shall be implemented in respect of 450 000 tonnes of oats produced in Finland and Sweden and intended for export from Finland and Sweden to all third countries.

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.’

Article 2

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

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 250, 13. 9. 1997, p. 1.

⁽⁶⁾ OJ L 296, 30. 10. 1997, p. 29.

COMMISSION REGULATION (EC) No 269/98**of 30 January 1998****fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the second individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1587/96⁽²⁾, and in particular Articles 6(3) and 12(3) thereof,

Whereas the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽³⁾ to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter; whereas it is further stipulated that the price or aid may vary according to the intended use of the butter, its fat content

and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; whereas the amount(s) of the processing securities must be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the second individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 January 1998.

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

Done at Brussels, 30 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 350, 20. 12. 1997, p. 3.

ANNEX

to the Commission Regulation of 30 January 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the second individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(ECU/100 kg)

Formula			A/C-D		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—		—	
		Concentrated	—		—	
Maximum aid	Butter ≥ 82 %		117	113	117	113
	Butter < 82 %		—	108	—	—
	Concentrated butter		144	140	144	140
	Cream		—	—	50	48
Processing security	Butter		129	—	129	—
	Concentrated butter		158	—	158	—
	Cream		—	—	55	—

COMMISSION REGULATION (EC) No 270/98
of 30 January 1998
fixing the agricultural conversion rates

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

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 ⁽¹⁾, as last amended by Regulation (EC) No 150/95 ⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 137/98 ⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁴⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 21 to 31 January 1998, it is necessary to fix a new agricultural conversion rate for the Swedish crown;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (2) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 137/98 is hereby repealed.

Article 4

This Regulation shall enter into force on 1 February 1998.

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

Done at Brussels, 30 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ L 15, 21. 1. 1998, p. 12.

⁽⁴⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX I

Agricultural conversion rates

ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,54917	Danish kroner
	1,98243	German marks
	312,011	Greek drachmas
	201,690	Portuguese escudos
	6,68769	French francs
	6,02811	Finnish marks
	2,23273	Dutch guilders
	0,785663	Irish punt
1 973,93		Italian lire
13,9485		Austrian schillings
167,153		Spanish pesetas
8,71433		Swedish kroner
0,695735		Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	39,3578	Belgian and Luxembourg francs	ECU 1 =	42,6376	Belgian and Luxembourg francs
	7,25882	Danish kroner		7,86372	Danish kroner
	1,90618	German marks		2,06503	German marks
	300,011	Greek drachmas		325,011	Greek drachmas
	193,933	Portuguese escudos		210,094	Portuguese escudos
	6,43047	French francs		6,96634	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,14686	Dutch guilders		2,32576	Dutch guilders
	0,755445	Irish punt		0,818399	Irish punt
1 898,01		Italian lire	2 056,18		Italian lire
	13,4120	Austrian schillings		14,5297	Austrian schillings
	160,724	Spanish pesetas		174,118	Spanish pesetas
	8,37916	Swedish kroner		9,07743	Swedish kroner
	0,668976	Pound sterling		0,724724	Pound sterling

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 January 1998

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 1 July 1997 to 30 June 2000 the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

(98/102/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire, and in particular Article 13 thereof⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Côte d'Ivoire have held negotiations to determine the amendments or additions to be made to the abovementioned Agreement at the end of the period of application of the Protocol thereto;

Whereas a new Protocol was initialled on 30 June 1997 as a result of those negotiations;

Whereas, under the latter Protocol, Community fishermen enjoy fishing rights in waters under the sovereignty or jurisdiction of the Republic of Côte d'Ivoire from 1 July 1997 to 30 June 2000;

Whereas the Protocol in question must be applied at the earliest opportunity if fishing activities by Community vessels are not to be interrupted; whereas, to that end, the two Parties initialled an Agreement in the form of an

exchange of letters providing for the provisional application of the initialled Protocol from the day after that on which the Protocol in force expired; whereas that Agreement should be approved pending a final decision to be adopted in accordance with Article 43 of the Treaty;

Whereas the fishing possibilities should be apportioned among the Member States on the basis of the traditional allocation of fishing possibilities under the fisheries Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period 1 July 1997 to 30 June 2000 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The fishing possibilities established in the Protocol shall be apportioned among the Member States as follows:

⁽¹⁾ OJ L 379, 31. 12. 1990, p. 3.

(a) freezer trawlers fishing demersal species:

Spain: three vessels;

(b) tuna fishing vessels:

France: 25 vessels,

Spain: 30 vessels,

Portugal: five vessels.

If the fishing opportunities laid down in the Protocol are not used up by licence applications from those Member States, the Commission may consider licence applications from any other Member State.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 20 January 1998.

For the Council

The President

J. CUNNINGHAM

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period 1 July 1997 to 30 June 2000

A. Letter from the Government of Côte d'Ivoire

Sir,

With reference to the Protocol initialled on 30 June 1997 establishing the fishing rights and financial contribution for the period 1 July 1997 to 30 June 2000, I have the honour to inform you that the Government of Côte d'Ivoire is willing to apply the Protocol provisionally, with effect from 1 July 1997, pending its entry into force in accordance with Article 8 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one third of the financial compensation laid down by Article 3 of the Protocol, must be paid before 31 December 1997.

I should be grateful if you would confirm the Community's agreement to such a provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of Côte d'Ivoire*

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 30 June 1997 establishing the fishing rights and financial contribution for the period 1 July 1997 to 30 June 2000, I have the honour to inform you that the Government of Côte d'Ivoire is willing to apply the Protocol provisionally, with effect from 1 July 1997, pending its entry into force in accordance with Article 8 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one third of the financial compensation laid down by Article 3 of the Protocol, must be paid before 31 December 1997.

I should be grateful if you would confirm the Community's agreement to such a provisional application.'

I have the honour to confirm the Community's agreement to such a provisional application.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of
the Council of the European Union*

PROTOCOL

establishing the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

Article 1

From 1 July 1997 and for a period of three years, fishing rights pursuant to Article 2 of the Agreement shall be as follows:

- (a) freezer trawlers designed to fish demersal species, taking deepwater crustaceans, cephalopods and demersal fish: three vessels;
- (b) pole-and-line tuna vessels: seven vessels;
- (c) surface longliners: 14 vessels;
- (d) tuna seiners: 39 vessels.

Article 2

The fishing rights referred to in Article 1 may be increased at the request of the Community if they do not thereby compromise the rational exploitation of the resources of Côte d'Ivoire.

In this case, the financial compensation referred to in Article 3(1) shall be increased proportionately and *pro rata temporis*.

Article 3

1. For the period referred to in Article 1 the total financial contribution referred to in Article 8 of the Agreement shall be ECU 3 million, including ECU 2,4 million in financial compensation payable in three equal annual instalments.

2. For tuna fishing, this total financial contribution shall cover a catch of 8 500 tonnes a year in Côte d'Ivoire waters. If the catch of Community vessels in Côte d'Ivoire waters in any one year exceeds this amount, the compensation shall be increased by ECU 50 per additional tonne.

The share of trawlers in the total contribution shall be ECU 960 000.

3. Financial compensation shall be paid into an account opened with a financial institution or any other body designated by the Côte d'Ivoire authorities.

4. The use to which the financial compensation is put shall be the sole responsibility of the Côte d'Ivoire Government.

Article 4

1. Out of the total financial contribution referred to in Article 3(1), the Côte d'Ivoire authorities shall allocate the following sums over the period defined in Article 1, to the financing of:

- scientific programmes to promote better understanding of fisheries and the living resources of the fishing zone of Côte d'Ivoire: ECU 100 000,
- technical programmes: ECU 100 000,
- fisheries monitoring: ECU 180 000,
- institutional support to the administrative department responsible for fisheries: ECU 80 000,
- Côte d'Ivoire's contributions to international fisheries organizations: ECU 40 000.

After notification by the Côte d'Ivoire's authorities of the content of the programmes, the corresponding amounts will be paid into the bank accounts designated by them.

2. The Côte d'Ivoire authorities shall report to the competent Commission departments on the implementation of the programmes.

Article 5

1. Out of the total financial contribution referred to in Article 3(1), the Côte d'Ivoire authorities shall allocate ECU 100 000 over the period defined in Article 1, to theoretical and practical training in the various scientific, technical and economic disciplines relating to fisheries. In this context, the Community shall make it easier for Côte d'Ivoire nationals to find places in establishments in its Member States.

Awards financed under this Article may be used in Côte d'Ivoire or any other State that has a cooperation agreement with the Community.

2. Part of the amount referred to in paragraph 1 may be used to cover the costs of participation in international meetings or training courses concerning fisheries or aquaculture.

3. The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for under Articles 3 and 4 of this Protocol, the obligations of Côte d'Ivoire resulting from the Fisheries Agreement may be suspended.

Article 7

The Annex to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire shall be replaced by the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 July 1997.

ANNEX

**CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS
IN THE CÔTE D'IVOIRE FISHING ZONE****A. Licence application and issuing formalities**

1. The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries in Côte d'Ivoire, via the Delegation of the Commission of the European Communities in Côte d'Ivoire, an application for each vessel wishing to fish under the Agreement, at least 30 days before the date on which the requested term of validity commences.

Applications shall be made on the forms provided for that purpose by Côte d'Ivoire, specimens of which are attached (Appendix 1).

Licence applications shall be accompanied by proof of payment of the fee for the licence's term of validity.

The fees shall include all national and local taxes with the exception of port fees and charges for the provision of services.

The authorities of Côte d'Ivoire shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts.

2. Licences shall be issued for a specific vessel and shall not be transferable.

However, at the request of the Commission of the European Communities, a vessel's licence shall, in the case of force majeure, be replaced by a new licence for another vessel with characteristics similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State for Fisheries of Côte d'Ivoire via the Delegation of the Commission of the European Communities in Côte d'Ivoire.

The new licence shall indicate:

- the date of issue,
- the fact that it invalidates and replaces the licence of the previous vessel.

No fee as laid down in Article 4(2) of the Agreement shall be due for any unexpired period of validity.

3. Licences shall be transmitted by the Côte d'Ivoire authorities to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 30 days of receipt of the application.
4. The original of the licence must be held on board at all times and be presented at any time on request of the competent Côte d'Ivoire authorities.

However, for tuna seiners, pole-and-line tuna vessels and surface longliners, the Côte d'Ivoire authorities shall, upon receipt of notification from the Commission of the European Communities that advance payment has been made, enter the vessel concerned in the list of vessels with authorization to fish, which is sent to the control authority of Côte d'Ivoire. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by fax to be held on board the vessel.

5. Trawlers authorized under Article 2 of the Agreement must notify the competent Côte d'Ivoire authorities of any changes to the characteristics of a vessel as entered on the licence when issued and as listed in Appendix 1.
6. Any increase in gross registered tonnage of a trawler shall require a new licence application.

B. Provisions applicable to licences for tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be set at ECU 20 per tonne of fish caught within the Côte d'Ivoire fishing zone.
3. Licences shall be issued following payment of a lump sum of ECU 300 a year for each pole-and-line tuna vessel, ECU 1 600 a year for each tuna seiner and ECU 400 a year for each surface longliner.

4. The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data such as the French *Office de la recherche scientifique et technique d'outre-mer* (Orstom) and the *Instituto Español de Oceanografía* (IEO) on the one hand and the *Centre de recherche océanologique de Côte d'Ivoire* (Côte d'Ivoire oceanological research centre) on the other. The statement shall be forwarded simultaneously to the sea-fishing services of Côte d'Ivoire and to the shipowners. Any additional payment due shall be made by the shipowners to the Côte d'Ivoire fishing services not later than 30 days after notification of the final statement.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable to the shipowner.

5. The authorities of Côte d'Ivoire shall give notice, before the Agreement enters into force, of the arrangements for payment of the fees, including information on bank accounts.

C. Provisions applicable to licences for freezer trawlers

1. In the case of freezer trawlers, licences shall be valid for three, six or twelve months. They shall be renewable.
2. The annual fee shall be fixed at the rate of ECU 140 per GRT per vessel.

Fees for licences for periods of less than one year shall be paid on a *pro rata* basis according to the length of time. Six-month and three-month licences shall be subject to a surcharge of 3 % and 5 % respectively.

D. Statements of catch

1. Vessels authorised to fish in the Côte d'Ivoire fishing zone under this Agreement shall send their statements of catch to the sea-fishing services with a copy to the Delegation of the Commission of the European Communities in Côte d'Ivoire, as follows:
 - (a) trawlers shall notify their catches using the form given in Appendix 2. These statements shall be monthly and must be communicated at least once every three months;
 - (b) for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with the model in Appendix 3 in the case of surface longliners and Appendix 4 in the case of seiners and pole-and-line vessels for each fishing period spent in the Côte d'Ivoire fishing zone; details shall be entered even where there is no catch.

The form shall either be collected in port by the relevant departments of the *Centre de recherche océanologique de Côte d'Ivoire* or sent to the same department within 45 days of the end of the fishing trip spent in the Côte d'Ivoire fishing zone.

Copies shall be sent to the scientific institutes referred to in paragraph 4 of section B above.

Forms must be completed legibly and be signed by the master of the vessel.

2. Should these provisions not be adhered to, the Côte d'Ivoire authorities reserve the right to suspend the licence of the offending vessel until the required formality has been complied with. In this case, the Delegation of the Commission of the European Communities in Côte d'Ivoire shall be informed without delay.

E. Landing of catches

Tuna vessels and surface longliners landing their catches in a Côte d'Ivoire port shall, wherever possible, make their by-catches available to Côte d'Ivoire dealers at local market prices.

In addition, Community tuna vessels shall contribute towards supplying the Côte d'Ivoire's tuna-canning factories at a price fixed by mutual agreement between the Community shipowners and Côte d'Ivoire dealers on the basis of current prices on the international market. Payment shall be made in convertible currency. The landing schedule must be drawn up by mutual agreement between the Community shipowners and the Côte d'Ivoire dealers.

F. Fishing zones

1. To protect nurseries and local small-scale fishing activities, Community vessels with licences may not carry out fishing activities as provided for in Article 2 of the Agreement in the following zones:

- up to twelve nautical miles from the coast in the case of surface longliners and pole-and-line tuna vessels,
 - up to six nautical miles from the coast in the case of freezer trawlers,
 - up to the 200-metre isobath in the case of freezer tuna seiners.
2. However, pole-and-line tuna vessels using live bait shall be authorised to fish for bait in the prohibited zone defined above to obtain bait strictly within the limits of their own requirements.

G. Entering and leaving the zone

All vessels shall notify their position and the catch held on board direct to the authorities of Côte d'Ivoire, preferably by fax or, for vessels not equipped with a fax, by radio or telex, within three hours of entering or leaving the Côte d'Ivoire fishing zone and every three days while fishing in Côte d'Ivoire waters.

Vessels shall be informed of the relevant fax number and radio frequency when the fishing licence is issued.

The authorities of Côte d'Ivoire and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in section B.

A vessel found to be fishing without having informed the Côte d'Ivoire authorities shall be regarded as a vessel without a licence.

H. Authorised mesh sizes

The minimum mesh size authorised (mesh fully extended) shall be:

- (a) 40 mm for freezer trawlers taking deepwater crustaceans;
- (b) 70 mm for freezer trawlers taking cephalopods;
- (c) 60 mm for freezer trawlers taking fish;
- (d) in the case of tuna, the international standards recommended by ICCAT shall apply.

I. Signing-on of seamen

Owners of vessels which have been granted licences as provided by the Agreement shall contribute to the practical vocational training of Côte d'Ivoire nationals, on the following terms and subject to the following limits:

1. Each trawler owner shall undertake to employ:
- one seaman for vessels under 250 GRT,
 - two seamen for vessels between 250 and 300 GRT,
 - three seamen for vessels over 300 GRT.

The owners of tuna vessels and surface longliners shall be responsible for employing Côte d'Ivoire nationals, on the following terms and subject to the following limits:

- for the fleet of pole-and-line tuna vessels, four Côte d'Ivoire seamen shall be signed on during the tuna fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel,
- for the fleet of tuna seiners, 30 Côte d'Ivoire seamen shall be signed on,
- for the fleet of surface longliners, four Côte d'Ivoire seamen shall be signed on during the fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel.

The above limits shall not preclude the signing on of additional Côte d'Ivoire seamen at the request of the shipowners.

The Côte d'Ivoire seamen shall be chosen by the shipowners from among professional seamen recognised by the competent authorities.

2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the relevant Côte d'Ivoire authorities; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).
3. Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay for the fishing period a lump sum equivalent to the wages of the seamen not signed on.

This sum will be used for the training of seamen in Côte d'Ivoire and is to be paid into the account specified by the Côte d'Ivoire fishing authorities.

4. Any vessel may receive on board a trainee student on a proposal from the competent Côte d'Ivoire authorities, subject to the agreement of the vessel's master. The Côte d'Ivoire Government shall cover subsistence expenses for this trainee.

J. Taking on board of scientific observers

Any vessel fishing in Côte d'Ivoire waters must agree to take on board a scientific observer if requested to do so by the relevant Côte d'Ivoire authorities.

On board, the observer shall be accorded the same conditions as those enjoyed by officers of the vessel. This applies equally, as far as is possible, to the quarters assigned to the observer. Similarly, as far as possible, he shall be offered every facility needed to carry out his duties. The work of the observer and the conditions under which he is taken on board must not interrupt or hamper fishing activities.

The salary and the social contributions of the observer shall be borne by the relevant Côte d'Ivoire authorities.

As a contribution to the costs arising from the presence of the observer on board, owners of trawlers shall pay the Côte d'Ivoire authorities, together with the licence fee, the sum of ECU 4 per GRT per year *pro rata temporis* for each vessel fishing in Côte d'Ivoire waters. This sum shall be paid into the account specified by the Côte d'Ivoire fishing authorities.

When tuna vessels and surface longliners take an observer on board, the port of embarkation shall be determined by mutual agreement between the Office of the Secretary of State for Fisheries and the shipowners or their representatives.

K. Inspection and monitoring

At the request of the Côte d'Ivoire authorities, Community vessels operating within the Agreement shall permit and facilitate the boarding and fulfilment of the tasks of Côte d'Ivoire officials responsible for the inspection and monitoring of fishing activities.

These officials should not remain on board any longer than the time required to carry out their duties.

L. Seizure and detention of vessels

The seizure or detention, under Côte d'Ivoire legislation, of a fishing vessel flying the flag of a Member State of the Community shall be notified to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 72 hours and simultaneously to the consular agent of the Member State whose flag the vessel flies.

The circumstances and reasons which led to the seizure or detention shall be brought to the attention of the Delegation of the Commission of the European Communities in Côte d'Ivoire.

Appendix 1

MINISTRY FOR
ANIMAL PRODUCTION
BP V 84, Abidjan
(Republic of Côte d'Ivoire)

REPUBLIC OF CÔTE D'IVOIRE
UNION-DISCIPLINE-WORK

LICENCE APPLICATION FOR SEA-FISHING

SECTION A

1. Name of shipowner:
2. Nationality of shipowner:
3. Business address of shipowner:
.....
.....

SECTION B

(To be completed for each vessel)

1. Valid for (duration):
2. Name of vessel:
3. Year of construction:
4. Original flag:
5. Currently flying the flag of:
6. Date of acquiring current flag:
7. Year of acquisition:
8. Port of registration and registration No:
9. Operating in zones:
10. Type of fishing:
11. Gross tonnage (GRT):
12. Net tonnage (NRT):
13. Radio call sign:
14. Length overall (metres):
15. Stem (metres):
16. Depth (metres):
17. Hull material:
18. Engine rating:
19. Speed (knots):
20. Cabins:
21. Capacity of tanks (cubic metres):
22. Capacity of fish holds (cubic metres):
23. Chilling/freezing capacity (tonnes/hour) and system used:
24. Colour of hull:
25. Colour of superstructure:
26. Crew complement:

27. On-board communications equipment:

Type	Make	Model	Power (watts)	Year of manufacture	Frequencies	
					receive	transmit

28. Navigaton and detection equipment:

Type	Make	Model

29. Additional boats used (for each vessel):

29.1. Gross tonnage:

29.2. Length overall (metres):

29.3. Stem (metres):

29.4. Depth (metres):

29.5. Hull material:

29.6. Engine rating:

29.7. Speed (knots):

30. Additional out-of-water equipment for detecting fish (even if not installed on board):

31. Port of registration:

32. Name of master:

33. Address:

34. Nationality of master:

Please include:

- three colour photographs of vessel (side view), additional boats used for fishing and additional out-of-water equipment for detecting fish,
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....
(Date of application)

.....
(Signature of representative of shipowner)

ICCAT LOGBOOK for TUNA FISHERY

Vessel name	Gross tons		
Flag country	Capacity (M. T.)		
Registration No	Captain		
Company or owner	No of crew		
Address	Reporting date		
	Reported by		

Boat LEFT		month	day	year	port
Boat RETURNED				19 . .	

Number of days at sea	days	Number of fishing days or number of sets made		Trip number	19 . .
-----------------------	------	---	--	-------------	--------

- ☐ Longline
- ☐ Baitboat
- ☐ Purse seine
- ☐ Trolling
- ☐ Others

Page

of

pages

Dates		Area		Surf. Water Temp. (in °C)	Effort (Number of hooks used)	CATCHES														Bait used						
Month	Day	Latitude N/S	Longitude E/W			Bluefin tuna <i>Thunnus thynnus</i> or <i>maccoyii</i>	Yellowfin tuna <i>Thunnus albacares</i>	Bigeye tuna <i>Thunnus obesus</i>	Albacore <i>Thunnus alalunga</i>		Swordfish <i>Xiphias gladius</i>		Striped marlin White marlin <i>Tetrapturus audax</i> or <i>albidus</i>		Black marlin <i>Makaira indica</i>		Sailfish <i>Istiophorus albicans</i> or <i>platypterus</i>		Skipjack <i>Katsuwonus pelamis</i>		Miscellaneous fishes		Daily total (in weight) kg only)	Saury	Squid	Livebait
						number fish	No	kg		No	kg	No	kg	No	kg	No	kg	No	kg	Sp	kg					
	01																									
	02																									
	03																									
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	30																									
	31																									
Landing weight (in kg)																										

Remarks:

1. Use one sheet per month, and one line per day.
2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mula 17, Madrid 1, Spain.
3. 'Day' refers to the day you set the line.
4. Fishing area refers to the noon position of the boat round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
5. The bottom line ('landing weight') should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
6. All information reported herein will be kept strictly confidential.

TUNA VESSELS — SEINERS — POLE-AND-LINE VESSELS

SKIPPER

PORT OF ARRIVAL
 DATE TIME
 LOCH

PORT OF DEPARTURE
DATE TIME
LOCH

[illegible]

COMMISSION

COMMISSION DECISION

of 26 January 1998

amending Commission Decision 97/467/EC drawing up provisional lists of third country establishments from which the Member States authorise imports of rabbit meat and farmed game meat

(Text with EEA relevance)

(98/103/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products and live bivalve molluscs ⁽¹⁾, as last amended by Council Decision 97/34/EC ⁽²⁾, and in particular Article 2(1) and Article 7 thereof,

Whereas Commission Decision 97/467/EC ⁽³⁾ drew up provisional lists of third country establishments from which Member States authorise import of rabbit meat and farmed game meat; whereas the Australian list of establishments drawn up by the aforementioned Decision includes in particular establishments producing ratite meat;

Whereas in accordance with Article 2(1) of Council Decision 95/408/EC, a list of third countries from which Member States authorise imports of ratite meat, import conditions and certification of ratite meat have to be established before drawing up the provisional lists of third country establishments from which imports of ratite meat are authorised;

Whereas the list of third countries from which Member States are authorised to import ratite meat, the animal health conditions and veterinary certification required for import of this meat in the Community are not established yet;

Whereas for the purposes of coherence, it is necessary to amend the Decision 97/467/EC accordingly;

Whereas Australia has also indicated changes in the list of establishments producing other farmed game meat than meat of ratite; whereas these should be taken into account;

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

HAS ADOPTED THIS DECISION:

Article 1

1. In Article 1 paragraph 2 of Decision 97/467/EC, the following words 'other than ratite meat' are inserted after the words: '(...) meats of farmed game'.

2. In Article 1 of Decision 97/467/EC, the following paragraph is inserted between paragraph 2 and paragraph 3:

'2a. Member States may authorise establishments for import of ratite meat up to 1 October 1998.'

Article 2

The Annex to Decision 97/467/EC is replaced by the Annex to this Decision with regard to Australia.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 199, 26. 7. 1997, p. 57.

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

**País: AUSTRALIA / Land: AUSTRALIEN / Land: AUSTRALIEN / Χώρα: ΑΥΣΤΡΑΛΙΑ / Country:
AUSTRALIA / Pays: AUSTRALIE / Paese: AUSTRALIA / Land: AUSTRALIË / País: AUSTRÁLIA /
Maa: AUSTRALIA / Land: AUSTRALIEN**

1	2	3	4	5	6
121	Justine Delonoir	NOOSAVILLE	QUEENSLAND	CP, CS	b
227	Southern Emu Producers Pty Ltd	NARRANDERA	NEW SOUTH WALES	SH, CP, CS	b
398	Gunnedah Abattoir Holdings Pty Ltd	GUNNEDAH	NEW SOUTH WALES	SH, CP, CS	b
533	Metro Meat International Ltd	MURRAY BRIDGE	SOUTH AUSTRALIA	SH, CP, CS	b
572	Metro Meat International Ltd	KATANNING	WESTERN AUSTRALIA	SH, CP, CS	b
689	Australian Lamb Co. Pty Ltd	SUNSHINE	VICTORIA	CP, CS	b
1027	Metro Meat International Ltd	WOOROLOO	WESTERN AUSTRALIA	SH, CP, CS	b
1471	Agro Australia Pty Ltd	GEPPS CROSS	SOUTH AUSTRALIA	SH, CP, CS	b
1549	Select Meat Exports Pty Ltd	MOUNT SCHANK	SOUTH AUSTRALIA	SH, CP, CS	b
1889	Australian Lamb Co. Pty Ltd	WEST FOOTSCRAY	VICTORIA	CP, CS	b
2019	The Emu Company Pty Ltd	EUROBIN	VICTORIA	SH, CP, CS	b
2773	Crown Meats Pty Ltd	DANDENONG	VICTORIA	CP, CS	b
3085	Castricum Brothers Pty Ltd	DANDENONG	VICTORIA	SH, CP, CS	b
3416	Meramist Pty Ltd	CABOOLTURE	QUEENSLAND	SH, CP, CS	b'

COMMISSION DECISION

of 28 January 1998

concerning certain protection measures relating to classical swine fever in Germany

(Text with EEA relevance)

(98/104/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas outbreaks of classical swine fever have occurred in Germany;

Whereas there is evidence that in Germany classical swine fever has spread from the infected feral pig population to domestic pig holdings;

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

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

Whereas the epidemiological situation is not completely clear; whereas therefore certain special movement control measures are necessary;

Whereas, since it is possible to identify geographically areas which present a particular risk, the restrictions on trade can apply on a regional basis;

Whereas, however, in order to prevent the spread of disease to other parts of its territory, it is necessary that Germany should introduce appropriate measures of an equivalent level;

Whereas pig embryos and ova in accordance with the provisions of Annex IV of Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 90/425/EEC⁽⁴⁾, as last amended by Commission Decision

95/176/EC⁽⁵⁾, are subject to the same restrictions as live pigs and therefore their movement from Germany to other Member States is subject to certain protection measures;

Whereas with Commission Decision 96/552/EC⁽⁶⁾ the plan presented by Germany for the eradication of classical swine fever in feral pigs in Brandenburg and Mecklenburg-Western Pomerania was approved by the Commission;

Whereas the plan presented by Germany for the eradication of classical swine fever in feral pigs in Lower Saxony was examined by the Standing Veterinary Committee on 4 and 5 November 1997;

Whereas it is deemed necessary to apply additional measures to prevent the spread of classical swine fever from the areas of Germany where the disease is present in the feral pig population;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Germany shall not send pigs to other Member States unless the pigs come from an area outside the areas described in the Annex.

2. Germany shall not send pigs from the areas described in the Annex to other parts of its territory, unless they are for direct slaughter and are slaughtered at slaughterhouses in Germany designated by the competent veterinary authorities. The means of transport shall be officially sealed.

Article 2

Germany shall not send to other Member States porcine semen unless the semen originates from boars kept at a collection centre referred to in Article 3(a) of Council Directive 90/429/EEC⁽⁷⁾ and situated outside the areas described in the Annex.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 268, 14. 9. 1992, p. 54.

⁽⁵⁾ OJ L 117, 24. 5. 1995, p. 23.

⁽⁶⁾ OJ L 240, 20. 9. 1996, p. 13.

⁽⁷⁾ OJ L 224, 18. 8. 1990, p. 62.

Article 3

1. The Health certificate provided for in Council Directive 64/432/EEC⁽¹⁾ accompanying pigs sent to other Member States from the areas of Germany not listed in the Annex must be completed by the following:

‘Animals in accordance with Commission Decision 98/104/EC of 28 January 1998 concerning certain protection measures relating to Classical Swine Fever in Germany’.

2. The Health certificate provided for in Directive 90/429/EEC accompanying boar semen sent from Germany must be completed by the following:

‘Semen in accordance with Commission Decision 98/104/EC of 28 January 1998 concerning certain protection measures relating to Classical Swine Fever in Germany’.

Article 4

Germany shall ensure that vehicles which have been used for the transport of pigs are cleaned and disinfected after each operation and the transporter shall furnish proof of such disinfection.

Article 5

1. Germany will submit amended programmes for eradication of classical swine fever in feral pigs in Mecklenburg-Western Pomerania, Lower Saxony and Brandenburg to the Commission before 14 February 1998.

2. The amendments will concern:

- the identification of monitoring areas surrounding the defined infected areas,

- the restrictions of the movements of pigs from pig holdings located in the defined infected and monitoring areas to any other destination.

3. The amended programmes will be examined by the Commission and the Community reference laboratory for classical swine fever and presented for approval at the meeting of the Standing Veterinary Committee scheduled for 17 and 18 February 1998.

Article 6

This Decision shall be reviewed before 20 February 1998.

Article 7

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

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 121, 29. 7. 1964, p. 1977/64.

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

KREISE (LAND MECKLENBURG-VORPOMMERN)

Nordwestmecklenburg
Parchim
Bad Doberan
Güstrow
Müritz
Nordvorpommern
Demmin
Mecklenburg-Strelitz

KREISFREIE STÄDTE (LAND MECKLENBURG-VORPOMMERN)

Neubrandenburg, Stadt
Rostock, Hansestadt
Schwerin, Landeshauptstadt
Stralsund, Hansestadt
Wismar, Hansestadt

COMMISSION DECISION

of 28 January 1998

amending Decision 96/301/EC and authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt

(98/105/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 97/14/EC⁽²⁾, and in particular Article 15(3) thereof,

Whereas, where a Member State considers that there is an imminent danger of the introduction into its territory of *Pseudomonas solanacearum* (Smith) Smith, the cause of potato brown rot, from a third country, it may temporarily take any additional measures necessary to protect itself from that danger;

Whereas France, on the basis of continued interceptions of *Pseudomonas solanacearum* in potatoes originating in Egypt adopted on 19 March 1996 measures to implement a ban on potatoes originating in Egypt, with a view to ensuring more efficient protection against the introduction of *Pseudomonas solanacearum* from Egypt into France;

Whereas Finland adopted on 4 April 1996 similar measures against the introduction of that organism into Finland;

Whereas Spain and Denmark subsequently adopted such measures on 16 April and 22 April 1996 respectively against the introduction into their respective territories;

Whereas the Commission, by Decision 96/301/EC⁽³⁾, authorised Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt;

Whereas during the import season 1996/97 there have been considerable numbers of interceptions of *Pseudomonas solanacearum* (Smith) Smith on imports of potatoes originating in Egypt;

Whereas, therefore it has become apparent that the additional measures referred to in Decision 96/301/EC, are

not sufficient to prevent the entry of *Pseudomonas solanacearum* or have not been complied with;

Whereas in such a situation Decision 96/301/EC should be strengthened and the import into the Community of potatoes originating in Egypt be banned unless the emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as laid down in the Annex to this Decision are complied with;

Whereas in relation to the requirements laid down in point 25.2 of Annex IV, part A, section I to Directive 77/93/EEC and on the basis of information provided by Egypt, of international scientific and technical information and of experience gained on imports in the past, it is apparent that Egypt is known to be free from *Clavibacter michiganensis* spp. *sepedonicus*;

Whereas, because of concern for possible latent infection of potatoes by *Pseudomonas solanacearum* (Smith) Smith the additional measures include testing for the presence of the organism in Egypt in potatoes intended for export to the Community as well as a monitoring testing programme of the said potatoes on entry into the Community and appropriate controls on the waste disposal after packaging or processing of the said potatoes in the Community;

Whereas the effects of the emergency measures will be assessed continually, in the import season 1997/98, and possible subsequent measures applicable to the introduction of potatoes originating in Egypt, will be considered in the light of the results of that assessment;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 96/301/EC is hereby amended as follows:

1. The text of Article 1 is replaced by the following:

"The entry into the territory of the Community of tubers of *Solanum tuberosum* L. which originate in Egypt, other than those already prohibited under the provisions laid down in Annex III, part A, point 10 to Directive 77/93/EEC, shall be prohibited with effect

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 87, 2. 4. 1997, p. 17.

⁽³⁾ OJ L 115, 9. 5. 1996, p. 47.

from 1 February 1998 unless with reference to certain areas in Egypt, the measures applicable to tubers grown in these areas and as laid down in the Annex of this Decision, are complied with. The measures specified in point 1(c) and (d) of the Annex shall apply only to consignments leaving Egypt after the Commission has informed Egypt of these measures.'

2. The text in Article 2 is replaced by the following:

'The importing Member States shall provide the Commission and the other Member States, before 30 August 1998, with information on the amounts imported pursuant to this Decision and with a detailed technical report on the official examination referred to in point 2 of the Annex; copies of each plant health certificate shall be transmitted to the Commission. In cases of notification of a suspect or confirmed finding as referred to in point 4 of the Annex copies of the plant health certificates and their attached documents shall be transmitted with the said notification.'

3. In Article 4 '30 November 1996' is replaced by '30 September 1998'.

4. The Annex is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

For the purpose of the provisions of Article 1, the following emergency measures shall be complied with, in addition to the requirements for potatoes laid down in parts A and B of the Annexes I, II and IV to Directive 77/93/EEC, with the exception of those laid down in Annex IV, part A, section I, point 25.8:

1. (a) the potatoes destined for introduction into the Community shall have been produced in fields located in an area which has been officially declared by the Egyptian plant health authorities as a 'qualified area' in which no outbreak of *Pseudomonas solanacearum* (Smith) Smith has occurred; 'area' shall be defined, for the delta region, by 'village' (administrative units already established which cover a group of 'basins'), and for the desert regions, by 'basin' (irrigation unit);
- (b) the competent Egyptian authorities shall provide the Commission with a 'list of the qualified areas', indicating the qualified areas as specified under (a) and providing their individual or collective names and their individual official code number; this list shall be provided to the Commission prior to the first introduction of potatoes following the coming into force of this Decision;
- (c) the potatoes specified under (a) shall have been, in Egypt:
 - grown from potatoes produced in 'qualified areas' as defined under (a) which have been officially tested for latent infection, immediately prior to planting, in accordance with the Community interim test scheme as laid down in Decision 97/647/EC⁽¹⁾, and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing,
 - officially inspected in the field during the growing season for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections and a sample taken of 500 tubers per five feddans (= 5 acres) or 200 tubers per feddan (= 1 acre) or part thereof for smaller acreages of potatoes as close as possible to harvest for laboratory examination including an incubation test and visual inspection on cutting of the tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections,
 - on arrival at the packing station,
 - accompanied by documents attached to each lorry load at the field of harvest stating the origin, by area as specified in (a), of the load,
 - officially inspected on samples of cut tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections, at a sampling rate, for 70kg sacks or equivalent, of 10 % of sacks and 40 tubers inspected per sack, and for 1 or 1,5 tonne sacks, at a sampling rate of 50 % of sacks and 40 tubers inspected per sack,
 - after packing of sacks at the packing station, officially inspected on samples of tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections, at a sampling rate of 2 % of sacks per consignment and 30 tubers inspected per sack,
 - officially tested for latent infection on samples taken from each consignment; during the export season at least one sample per area as specified in (a) and represented in the consignment must be taken, but in any case at least five samples must be taken and submitted for laboratory analysis in accordance with the Community interim test scheme as laid down in Decision 97/647/EC, and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing,
 - harvested, handled and bagged separately, including reasonably separate use of machinery, basin by basin, wherever possible, and in any case area by area as specified in (a),
 - prepared in lots, each of which shall be made up exclusively by potatoes which were harvested in one single area as specified in (a),

⁽¹⁾ OJ L 273, 6. 10. 1997, p. 1.

- clearly labelled, on each bag, with an indelible indication of the relevant official code number as given in the 'list of qualified areas', and of the relevant lot number,
 - accompanied by the official phytosanitary certificate required under Article 12.1(b) of Directive 77/93/EEC indicating the lot number(s) under the section 'Distinguishing marks', and the official code number(s), as referred to in the previous indent, under the section 'Additional declaration'; the lot number of the lot from which a sample has been taken for the purpose specified in the fifth indent above, as well as the official statement that the testing has been carried out, shall also be indicated in that section,
 - exported by an officially registered exporter, the name or trademark of which shall be indicated on each consignment. The list of officially registered exporters established by the competent Egyptian authorities shall have been made available to the Commission prior to 1 February 1998;
- (d) the points of entry authorized for the introduction of relevant potatoes and the name and address of the responsible official body in charge of each point shall have been notified by the Member States to the Commission, which will inform the other Member States and Egypt thereof;
- (e) the responsible official body in charge of the point of entry should have received advanced notification of the likely time of arrival of consignments of potatoes as well as of the amount thereof. In absence of any advance notification, the provisions of Article 5(4) of Council Directive 83/643/EEC⁽¹⁾ as last amended by Directive 91/342/EEC⁽²⁾ shall apply.
2. At the point of entry, the potatoes shall be subjected to the inspections required pursuant to Article 12 of Directive 77/93/EEC, and such inspections, shall be done on cut tubers of samples of at least 200 tubers each, taken from each lot in a consignment, or if the lot exceeds 25 tonnes, from every 25 tonnes or part thereof in such a lot.

Each lot of the said consignment shall remain under official control and may not be marketed or used until it has been established that the presence of *Pseudomonas solanacearum* (Smith) Smith was not suspected or detected in those examinations. In addition, in cases where typical or suspect symptoms of *Pseudomonas solanacearum* (Smith) Smith are detected in a lot, all remaining lots in the said consignment which originate from the same area shall be held under official control until the presence of *Pseudomonas solanacearum* (Smith) Smith has been confirmed or refuted in the said lot.

If typical or suspect symptoms of *Pseudomonas solanacearum* (Smith) Smith are detected in the said examinations, the confirmation or refutation of *Pseudomonas solanacearum* (Smith) Smith shall be determined by testing in accordance with the said Community interim test scheme. If *Pseudomonas solanacearum* (Smith) Smith is confirmed the lot from which the sample has been taken shall be subjected to one of the following measures, either:

- (i) refusal or permission to send products to a destination outside the Community; or
- (ii) destruction,

and all remaining lots in the consignment from the same area shall be tested in accordance with point 3.

3. In addition to the inspections referred to in paragraph 2, testing for latent infection in accordance with the said Community interim test scheme shall be done on samples taken from each area as specified in 1(a); during the export season at least one sample per area shall be taken at a rate of 200 tubers per sample from a single lot. The sample selected for latent infection shall also be subjected to an inspection of the cut tubers. For each sample tested and confirmed positive there should be retention and appropriate conservation of any remaining potato extract.

Each lot from which the samples have been taken shall remain under official control and may not be marketed or used until it has been established that the presence of *Pseudomonas solanacearum* (Smith) Smith was not confirmed in the said testing. If *Pseudomonas solanacearum* (Smith) Smith is confirmed the lot from which the sample has been taken shall be subjected to one of the following measures, either:

- (i) refusal or permission to send products to a destination outside the Community; or
- (ii) destruction.

⁽¹⁾ OJ L 359, 22. 12. 1983, p. 8.

⁽²⁾ OJ L 187, 13. 7. 1991, p. 47.

4. In the case of both suspect and confirmed findings of *Pseudomonas solanacearum* (Smith) Smith the Member States shall notify the Commission and Egypt immediately thereof; the notification of a suspect finding shall be on the basis of a positive result in the rapid screening test(s) or screening test(s) as specified in section I point 1 and point 2 respectively, of the said Community interim test scheme.
 5. The Commission shall ensure that it receives information of the details and the results of visual inspections referred to in 1(c) second, third and fourth indents and of the testing referred to in 1(c) fifth indent. The 'list of qualified areas' shall be adjusted by the Commission according to these results and to the findings made under 2 and 3; in relation to a suspect notification made under 4 the 'list of qualified areas' shall be adjusted with an indication of a holding notice on further exports from the relevant area until confirmation or refutation of the suspect finding of *Pseudomonas solanacearum* (Smith) Smith.
 6. Member States shall lay down appropriate labelling requirements with the aim of preventing the potatoes from being planted and appropriate measures for the disposal of waste after packaging or processing of the potatoes to prevent any spread of *Pseudomonas solanacearum* (Smith) Smith as a result of possible latent infection.
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