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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 297/98**  
**of 5 February 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2375/96 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(4)</sup>, 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 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ L 325, 14. 12. 1996, p. 5.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 5 February 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

| CN code                                        | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                     | 204                               | 55,4                  |
|                                                | 212                               | 106,4                 |
|                                                | 624                               | 149,7                 |
|                                                | 999                               | 103,8                 |
| 0707 00 05                                     | 204                               | 85,9                  |
|                                                | 999                               | 85,9                  |
| 0709 10 00                                     | 220                               | 167,4                 |
|                                                | 999                               | 167,4                 |
| 0709 90 70                                     | 052                               | 146,0                 |
|                                                | 204                               | 161,3                 |
|                                                | 999                               | 153,7                 |
| 0805 10 10, 0805 10 30, 0805 10 50             | 052                               | 45,2                  |
|                                                | 204                               | 35,1                  |
|                                                | 212                               | 35,0                  |
|                                                | 448                               | 27,6                  |
|                                                | 600                               | 53,2                  |
|                                                | 624                               | 61,4                  |
| 0805 20 10                                     | 999                               | 42,9                  |
|                                                | 204                               | 68,4                  |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | 999                               | 68,4                  |
|                                                | 052                               | 51,7                  |
|                                                | 204                               | 69,6                  |
|                                                | 464                               | 86,4                  |
|                                                | 600                               | 81,9                  |
|                                                | 624                               | 81,3                  |
|                                                | 662                               | 51,5                  |
|                                                | 999                               | 70,4                  |
|                                                | 052                               | 57,3                  |
| 0805 30 10                                     | 600                               | 74,5                  |
|                                                | 999                               | 65,9                  |
|                                                | 060                               | 52,7                  |
| 0808 10 20, 0808 10 50, 0808 10 90             | 400                               | 93,8                  |
|                                                | 404                               | 107,7                 |
|                                                | 720                               | 69,3                  |
|                                                | 728                               | 84,9                  |
|                                                | 999                               | 81,7                  |
|                                                | 388                               | 104,0                 |
| 0808 20 50                                     | 400                               | 116,9                 |
|                                                | 512                               | 129,1                 |
|                                                | 528                               | 102,7                 |
|                                                | 999                               | 113,2                 |

<sup>(1)</sup> 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 298/98

of 5 February 1998

correcting Regulation (EC) No 2350/97 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and Gaza Strip <sup>(1)</sup>, as last amended by Regulation (EC) No 1300/97 <sup>(2)</sup>, and in particular Article 5(2)(a) thereof,

Whereas checks have shown that the figures given for small-flowered roses in the Annex to Commission Regulation (EC) No 2350/97 <sup>(3)</sup> are incorrect; whereas that Annex must therefore be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 2350/97 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*.

It shall apply from 19 November to 2 December 1997.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ L 177, 5. 7. 1997, p. 1.

<sup>(3)</sup> OJ L 326, 28. 11. 1997, p. 17.

## ANNEX

## ANNEX

(ECU/100 pieces)

Period: 19 November to 2 December 1997

| Community producer prices | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
|---------------------------|-------------------------------|---------------------------------|----------------------|----------------------|
|                           | 13,91                         | 11,27                           | 36,84                | 14,62                |
| Community import prices   | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| Israel                    | 10,70                         | 8,29                            | 11,77                | 10,21                |
| Morocco                   | 12,68                         | 13,65                           | —                    | —                    |
| Cyprus                    | —                             | —                               | —                    | —                    |
| Jordan                    | —                             | —                               | —                    | —                    |
| West Bank and Gaza Strip  | —                             | —                               | —                    | —'                   |

## COMMISSION REGULATION (EC) No 299/98

of 5 February 1998

**repealing Regulation (EC) No 2351/97 suspending the preferential customs duty and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Morocco**

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and Gaza Strip <sup>(1)</sup>, as last amended by Regulation (EC) No 1300/97 <sup>(2)</sup>, and in particular Article 5(2)(b) thereof,

Whereas scrutiny of Commission Regulation (EC) No 2350/97 of 27 November 1997 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and Gaza Strip <sup>(3)</sup> has shown that the Annex is incorrect in the case of small-flowered roses; whereas there is in the correct version of the Annex no figure in respect of small-flowered roses imported from Morocco; whereas, accordingly, the preferential customs duties introduced by Council Regulation (EC) No 1981/94 of 25 July 1994 opening and providing for the administration of Community tariff quotas for various products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco,

the West Bank and Gaza Strip, Tunisia and Turkey, as well as the detailed rules for extending and adjusting these quotas <sup>(4)</sup>, as last amended by Commission Regulation (EC) No 1667/97 <sup>(5)</sup>, should be maintained; whereas Commission Regulation (EC) No 2351/97 <sup>(6)</sup> should therefore be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

The preferential customs duty on imports of small-flowered roses originating in Morocco is hereby restored with effect from 30 November 1997.

*Article 2*

Regulation (EC) No 2351/97 is hereby repealed.

*Article 3*

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

It shall apply from 30 November 1997.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ L 177, 5. 7. 1997, p. 1.

<sup>(3)</sup> OJ L 326, 28. 11. 1997, p. 17.

<sup>(4)</sup> OJ L 199, 2. 8. 1994, p. 1.

<sup>(5)</sup> OJ L 236, 27. 8. 1997, p. 3.

<sup>(6)</sup> OJ L 326, 28. 11. 1997, p. 19.

**COMMISSION REGULATION (EC) No 300/98****of 5 February 1998****amending representative prices and additional duties for the import of certain products in the sugar sector**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(3)</sup>, as last amended by Regulation (EC) No 1143/97 <sup>(4)</sup>, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 <sup>(5)</sup>, as last amended by Regulation (EC) No 277/98 <sup>(6)</sup>;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 141, 24. 6. 1995, p. 16.

<sup>(4)</sup> OJ L 165, 24. 6. 1997, p. 11.

<sup>(5)</sup> OJ L 173, 1. 7. 1997, p. 3.

<sup>(6)</sup> OJ L 27, 3. 2. 1998, p. 43.

## ANNEX

to the Commission Regulation of 5 February 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

| CN code                   | Amount of representative prices per 100 kg net of product concerned | Amount of additional duty per 100 kg net of product concerned |
|---------------------------|---------------------------------------------------------------------|---------------------------------------------------------------|
| 1701 11 10 <sup>(1)</sup> | 25,07                                                               | 3,76                                                          |
| 1701 11 90 <sup>(1)</sup> | 25,07                                                               | 9,00                                                          |
| 1701 12 10 <sup>(1)</sup> | 25,07                                                               | 3,63                                                          |
| 1701 12 90 <sup>(1)</sup> | 25,07                                                               | 8,57                                                          |
| 1701 91 00 <sup>(2)</sup> | 25,92                                                               | 12,27                                                         |
| 1701 99 10 <sup>(2)</sup> | 25,92                                                               | 7,75                                                          |
| 1701 99 90 <sup>(2)</sup> | 25,92                                                               | 7,75                                                          |
| 1702 90 99 <sup>(3)</sup> | 0,26                                                                | 0,39                                                          |

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

<sup>(2)</sup> For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 301/98****of 5 February 1998****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1339/97**

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

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

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97 <sup>(4)</sup>, and in particular Article 7 thereof,

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

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 30 January to 5 February 1998, pursuant to the invitation to tender issued in amended Regulation (EC) No 1339/97, the maximum refund on exportation of common wheat shall be ECU 15,20 per tonne.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 184, 12. 7. 1997, p. 7.

<sup>(6)</sup> OJ L 265, 27. 9. 1997, p. 73.

**COMMISSION REGULATION (EC) No 302/98****of 5 February 1998****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1883/97**

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

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

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97 <sup>(4)</sup>, and in particular Article 7 thereof,

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

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 30 January to 5 February 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1883/97, the maximum refund on exportation of common wheat shall be ECU 21,00 per tonne.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 265, 27. 9. 1997, p. 69.

<sup>(6)</sup> OJ L 347, 18. 12. 1997, p. 33.

**COMMISSION REGULATION (EC) No 303/98****of 5 February 1998****fixing the maximum export refund on oats in connection with the invitation to  
tender issued in Regulation (EC) No 1773/97**

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

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

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97 <sup>(4)</sup>,

Having regard to Commission Regulation (EC) No 1773/97 of 12 September 1997 on a special intervention measure for cereals in Finland and Sweden <sup>(5)</sup>, as last amended by Regulation (EC) No 268/98 <sup>(6)</sup>, and in particular Article 8 thereof,

Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1773/97;

Whereas Article 8 of Regulation (EC) No 1773/97 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid

down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 30 January to 5 February 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1773/97, the maximum refund on exportation of oats shall be ECU 29,87 per tonne.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 250, 13. 9. 1997, p. 1.

<sup>(6)</sup> OJ L 25, 31. 1. 1998, p. 76.

**COMMISSION REGULATION (EC) No 304/98****of 5 February 1998****concerning tenders notified in response to the invitation to tender for the export  
of maize issued in Regulation (EC) No 180/98**

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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>,

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<sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97<sup>(4)</sup>, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund for the export of maize from Greece to all third countries was opened pursuant to Commission Regulation (EC) No 180/98<sup>(5)</sup>;

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC)

No 1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 30 January to 5 February 1998 in response to the invitation to tender for the refund for the export of maize issued in Regulation (EC) No 180/98.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 19, 24. 1. 1998, p. 47.

**COMMISSION REGULATION (EC) No 305/98****of 5 February 1998****fixing the maximum export refund on barley in connection with the invitation  
to tender issued in Regulation (EC) No 1337/97**

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

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

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1337/97 <sup>(5)</sup>;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 30 January to 5 February 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1337/97, the maximum refund on exportation of barley shall be ECU 26,96 per tonne.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 184, 12. 7. 1997, p. 1.

**COMMISSION REGULATION (EC) No 306/98****of 5 February 1998****fixing the maximum reduction in the duty on maize imported in connection  
with the invitation to tender issued in Regulation (EC) No 2506/97**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 30 January to 5 February 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2506/97, the maximum reduction in the duty on maize imported shall be ECU 56,78 per tonne and be valid for a total maximum quantity of 4 000 tonnes.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 345, 16. 12. 1997, p. 28.

<sup>(4)</sup> OJ L 177, 28. 7. 1995, p. 4.

<sup>(5)</sup> OJ L 189, 10. 8. 1995, p. 22.

**COMMISSION REGULATION (EC) No 307/98****of 5 February 1998****fixing the maximum reduction in the duty on maize imported in connection  
with the invitation to tender issued in Regulation (EC) No 2505/97**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 30 January to 5 February 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2505/97, the maximum reduction in the duty on maize imported shall be ECU 61,50 per tonne and be valid for a total maximum quantity of 34 500 tonnes.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 345, 16. 12. 1997, p. 27.

<sup>(4)</sup> OJ L 177, 28. 7. 1995, p. 4.

<sup>(5)</sup> OJ L 189, 10. 8. 1995, p. 22.

**COMMISSION REGULATION (EC) No 308/98****of 5 February 1998****fixing the maximum reduction in the duty on sorghum imported in connection  
with the invitation to tender issued in Regulation (EC) No 2504/97**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 30 January to 5 February 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2504/97, the maximum reduction in the duty on sorghum imported shall be ECU 62,95 per tonne and be valid for a total maximum quantity of 20 000 tonnes.

*Article 2*

This Regulation shall enter into force on 6 February 1998.

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

Done at Brussels, 5 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 345, 16. 12. 1997, p. 25.

<sup>(4)</sup> OJ L 177, 28. 7. 1995, p. 4.

<sup>(5)</sup> OJ L 189, 10. 8. 1995, p. 22.

**COMMISSION REGULATION (EC) No 309/98**  
**of 5 February 1998**  
**fixing the export refunds on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice<sup>(1)</sup>, as amended by Regulation (EC) No 192/98<sup>(2)</sup>, and in particular the second subparagraph of Article 13 (3) thereof,

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

Whereas Article 13 (4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76<sup>(3)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas export possibilities exist for a quantity of 1 000 tonnes of rice to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95<sup>(4)</sup>, as last amended by Regulation

(EC) No 932/97<sup>(5)</sup> should be used; whereas account should be taken of this when the refunds are fixed;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 6 February 1998.

<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ L 20, 27. 1. 1998, p. 16.

<sup>(3)</sup> OJ L 154, 15. 6. 1976, p. 11.

<sup>(4)</sup> OJ L 117, 24. 5. 1995, p. 2.

<sup>(5)</sup> OJ L 135, 27. 5. 1997, p. 2.

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

Done at Brussels, 5 February 1998.

*For the Commission*  
 Franz FISCHLER  
*Member of the Commission*

# ANNEX

to the Commission Regulation of 5 February 1998 fixing the export refunds on rice and broken rice

| (ECU/tonne)     |                            |                   | (ECU/tonne)     |                            |                   |
|-----------------|----------------------------|-------------------|-----------------|----------------------------|-------------------|
| Product code    | Destination <sup>(1)</sup> | Amount of refunds | Product code    | Destination <sup>(1)</sup> | Amount of refunds |
| 1006 20 11 9000 | 01                         | 79,00             | 1006 30 65 9900 | 01                         | 99,00             |
| 1006 20 13 9000 | 01                         | 79,00             |                 | 05                         | 99,00             |
| 1006 20 15 9000 | 01                         | 79,00             | 1006 30 67 9100 | 04                         | 105,00            |
| 1006 20 17 9000 | —                          | —                 | 1006 30 67 9900 | —                          | —                 |
| 1006 20 92 9000 | 01                         | 79,00             | 1006 30 92 9100 | 01                         | 99,00             |
| 1006 20 94 9000 | 01                         | 79,00             |                 | 02                         | 105,00            |
| 1006 20 96 9000 | 01                         | 79,00             |                 | 03                         | 110,00            |
| 1006 20 98 9000 | —                          | —                 |                 | 05                         | 99,00             |
| 1006 30 21 9000 | 01                         | 79,00             | 1006 30 92 9900 | 01                         | 99,00             |
| 1006 30 23 9000 | 01                         | 79,00             |                 | 05                         | 99,00             |
| 1006 30 25 9000 | 01                         | 79,00             |                 | —                          | —                 |
| 1006 30 27 9000 | —                          | —                 | 1006 30 94 9100 | 01                         | 99,00             |
| 1006 30 42 9000 | 01                         | 79,00             |                 | 02                         | 105,00            |
| 1006 30 44 9000 | 01                         | 79,00             |                 | 03                         | 110,00            |
| 1006 30 46 9000 | 01                         | 79,00             |                 | 05                         | 99,00             |
| 1006 30 48 9000 | —                          | —                 | 1006 30 94 9900 | 01                         | 99,00             |
| 1006 30 61 9100 | 01                         | 99,00             |                 | 05                         | 99,00             |
|                 | 02                         | 105,00            |                 | —                          | —                 |
|                 | 03                         | 110,00            | 1006 30 96 9100 | 01                         | 99,00             |
|                 | 05                         | 99,00             |                 | 02                         | 105,00            |
| 1006 30 61 9900 | 01                         | 99,00             |                 | 03                         | 110,00            |
|                 | 05                         | 99,00             |                 | 05                         | 99,00             |
| 1006 30 63 9100 | 01                         | 99,00             |                 |                            |                   |
|                 | 02                         | 105,00            | 1006 30 96 9900 | 01                         | 99,00             |
|                 | 03                         | 110,00            |                 | 05                         | 99,00             |
|                 | 05                         | 99,00             |                 | —                          | —                 |
| 1006 30 63 9900 | 01                         | 99,00             | 1006 30 98 9100 | 04                         | 105,00            |
|                 | 05                         | 99,00             | 1006 30 98 9900 | —                          | —                 |
| 1006 30 65 9100 | 01                         | 99,00             | 1006 40 00 9000 | —                          | —                 |
|                 | 02                         | 105,00            |                 |                            |                   |
|                 | 03                         | 110,00            |                 |                            |                   |
|                 | 05                         | 99,00             |                 |                            |                   |

<sup>(1)</sup> The destinations are identified as follows:

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

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

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

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

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

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

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 28 January 1998

amending Decision 87/257/EEC on the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

(Text with EEA relevance)

(98/113/EC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 96/91/EC<sup>(2)</sup>, and in particular Articles 4(1) and 18(1) thereof,  
Whereas a list of establishments in the United States of America, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Commission Decision 87/257/EEC<sup>(3)</sup> as last amended by Decision 97/572/EC<sup>(4)</sup>; whereas that list may be amended at any time in the light of the results of Community inspections carried out in the United States of America;

Whereas negotiations are under way to conclude an agreement with the United States on health measures to protect public health and animal health in the context of trade in livestock and products of animal origin;

Whereas this situation, progress already achieved, and the need to avoid distortion of trade justify the postponement of the deadline established for the landing of certain fresh meat, from 31 January to 31 July 1998; whereas the fixing of this date is without prejudice either to the date

of conclusion or to the content of the abovementioned agreement;

Whereas the list of establishments must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 87/257/EEC is hereby replaced by the Annex hereto.

*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*

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<sup>(1)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ L 13, 16. 1. 1997, p. 26.

<sup>(3)</sup> OJ L 121, 9. 5. 1987, p. 46.

<sup>(4)</sup> OJ L 236, 27. 8. 1997, p. 14.

## ANNEX

## List of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

| Approval No | Establishment/address                                      | CATEGORY (*) |    |    |   |    |   |    | SR           |
|-------------|------------------------------------------------------------|--------------|----|----|---|----|---|----|--------------|
|             |                                                            | SL           | CP | CS | B | SG | P | SP |              |
| 3 W         | Swift & Company, Worthington, MN                           | ×            | ×  |    |   |    | × |    | 10(a), 15, T |
| I-30        | New Orleans Inspection Service Inc., New Orleans, LA       |              |    | ×  |   |    |   |    | 1            |
| 53          | American Freezer Services, Norfolk, NE                     |              |    | ×  |   |    |   |    | 1            |
| 72          | Intermountain Meat, Blackfoot, ID                          | ×            | ×  |    |   |    |   | ×  | 15, T        |
| I-113       | US Cold Storage, Philadelphia, PA                          |              |    | ×  |   |    |   |    | 1            |
| 137         | Colonial Beef Company, Philadelphia, PA                    |              | ×  |    | × |    | × |    | 15           |
| I-149       | C W Storage, Albany, NY                                    |              |    | ×  |   |    |   |    | 1            |
| I-182       | Garden State Cold Storage Inc., Mullica Hill, NJ           |              |    | ×  |   |    |   |    | 1, TF        |
| I-183       | Blue Grass Inspection Service, Philadelphia, PA            |              |    | ×  |   |    |   |    | 1            |
| I-195       | Rosenberger's Cold Storage Inc., Hatfield, PA              |              |    | ×  |   |    |   |    | 1            |
| 244 P       | Transcontinental Cold Storage, Perry, IA                   |              |    | ×  |   |    |   |    | 1, TF        |
| 244 W       | IBP, Waterloo, IA                                          | ×            | ×  |    |   |    | × |    | 5, 15, 17    |
| 245 L       | IBP, Lexington, NE                                         | ×            | ×  |    | × |    |   |    | 15           |
| I-305       | Georgia Ports Authority, Savannah, GA                      |              |    | ×  |   |    |   |    | 1            |
| I-320       | South Carolina State Ports Authority, North Charleston, SC |              |    | ×  |   |    |   |    | 1            |
| 320M        | Premium Standard Foods, Milan, MO                          | ×            | ×  |    |   |    | × |    | T, 15        |
| I-335       | Service Cold Storage, Miami, FL                            |              |    | ×  |   |    |   |    | 1            |
| I-346       | Primliks, Miami, FL                                        |              |    | ×  |   |    |   |    | 1            |
| 382G        | Smithfield Packing Co., Norfolk, VA                        |              |    | ×  |   |    |   |    | 1            |
| 410         | Green Bay Dressed Beef Inc., Green Bay, WI                 | ×            |    |    | × |    |   |    | 10, 15       |
| 532         | Conagra Northern State Beef, Omaha, NE                     | ×            |    |    | × |    |   |    | 15, 18       |
| E-713       | Central Nebraska Packing Inc., North Platte, NE            | ×            | ×  |    |   |    |   | ×  | 16           |
| 889 A       | J.F. O'Neill Packing Co., Omaha, NE                        | ×            | ×  |    | × |    |   |    | 14, 15       |
| 1620        | Quality Pork Processors Inc., Austin, MN                   | ×            |    |    |   |    | × |    | 7, 13, 15    |
| E-2018      | Dallas Crow Inc., Kaufman, TX                              | ×            | ×  |    |   |    |   | ×  | 16           |
| 2508        | The Bruss Company, Chicago, IL                             |              | ×  |    | × |    | × |    | 15           |
| 3056        | Termicol Inc, Wallula, WA                                  |              |    | ×  |   |    |   |    | 1            |

| Approval<br>No | Establishment/address                                  | CATEGORY (*) |    |    |   |    |   |    | SR    |
|----------------|--------------------------------------------------------|--------------|----|----|---|----|---|----|-------|
|                |                                                        | SL           | CP | CS | B | SG | P | SP |       |
| 3131           | Minnesota Freezer Warehouse Company, Worthington, MN   |              |    | ×  |   |    |   |    | 1, TF |
| 3136           | Cloverleaf Cold Storage of Fairmont, Fairmont, MN      |              |    | ×  |   |    |   |    | 1, TF |
| 3149           | Milliard Warehouse (L&B Corp.), Des Moines, IA         |              |    | ×  |   |    |   |    | 1, TF |
| 3150           | Beatrice Cold Storage Warehouse, Denver, CO            |              |    | ×  |   |    |   |    | 1     |
| 3157           | Des Moines Cold Storage Co. Inc., Des Moines, IA       |              |    | ×  |   |    |   |    | 1, TF |
| 3158           | Freezer Services Inc., Amarillo, TX                    |              |    | ×  |   |    |   |    | 1     |
| 3161           | Monument Distribution Warehouse Inc., Indianapolis, IN |              |    | ×  |   |    |   |    | 1     |
| 3170           | Logansport Refrig Services, Logansport, IN             |              |    | ×  |   |    |   |    | 1     |
| 3190           | American Freezer Services Inc., Fremont, NE            |              |    | ×  |   |    |   |    | 1     |
| 3198           | Milliard Warehouse (L&B Corp.), Denison, IA            |              |    | ×  |   |    |   |    | 1     |
| 3215           | Napoleon Warehouse Inc., Napoleon, OH                  |              |    | ×  |   |    |   |    | 1     |
| 3216           | Freezer Services Inc. of Texas, Garden City, KS        |              |    | ×  |   |    |   |    | 1     |
| 3219           | Christian Salvesen, Denver, CO                         |              |    | ×  |   |    |   |    | 1     |
| 3229           | Iowa Beef Processors Inc., Emporia, KS                 |              |    | ×  |   |    |   |    | 1     |
| 3241           | AMC Warehouses, Grand Prairie, TX                      |              |    | ×  |   |    |   |    | 1     |
| 3245           | United Refrigerated Services, Marshall, MO             |              |    | ×  |   |    |   |    | 1     |
| 3256           | Nobel Inc., Denver, CO                                 |              |    | ×  |   |    |   |    | 1     |
| 3261           | Rosenberger's Cold Storage Inc., Hatfield, PA          |              |    | ×  |   |    |   |    | 1     |
| 3338           | Millard Warehouse, Iowa City, IA                       |              |    | ×  |   |    |   |    | 1     |
| 3363           | Millard Warehouse (L&B Corp.), Friona, TX              |              |    | ×  |   |    |   |    | 1     |
| 3396           | Americold, Bettendorf, IA                              |              |    | ×  |   |    |   |    | 1     |
| 3397           | Alford Refrigerated Warehouse, Richardson, TX          |              |    | ×  |   |    |   |    | 1     |
| 3398           | Millard Warehouse, Grand Island, NE                    |              |    | ×  |   |    |   |    | 1, TF |
| 3407           | Bell Cold Storage, St Paul, MN                         |              |    | ×  |   |    |   |    | 1     |
| 3431           | Texas Cold Storage, Fort Worth, TX                     |              |    | ×  |   |    |   |    | 1     |
| 3447           | Mohawk Cold Storage Division, Wauwatosa, WI            |              |    | ×  |   |    |   |    | 1     |
| 3474           | Nordic Warehouses Inc., Benson, NC                     |              |    | ×  |   |    |   |    | 1     |
| 3477           | Northland Cold Storage, Greenbay, WI                   |              |    | ×  |   |    |   |    | 1     |
| 3490           | Oneida Cold Storage, Salt Lake City, UT                |              |    | ×  |   |    |   |    | 1     |
| 3505           | Dakota Cold Storage, Huron, SD                         |              |    | ×  |   |    |   |    | 1     |
| 3507           | Zollinger Cold Storage Corp., Logan, UT                |              |    | ×  |   |    |   |    | 1     |
| 3535           | Ashland Cold Storage Co., Chicago, IL                  |              |    | ×  |   |    |   |    | 1     |

| Approval No | Establishment/address                                 | CATEGORY (*) |    |    |   |    |   |    | SR     |
|-------------|-------------------------------------------------------|--------------|----|----|---|----|---|----|--------|
|             |                                                       | SL           | CP | CS | B | SG | P | SP |        |
| 3552        | Cloverleaf Cold Storage Co. (No 2), Sioux City, IA    |              |    | ×  |   |    |   |    | 1      |
| 3554        | Cloverleaf Cold Storage Co., Sioux City, IA           |              |    | ×  |   |    |   |    | 1      |
| 3555        | Cloverleaf Cold Storage Co. (No 5), Sioux City, IA    |              |    | ×  |   |    |   |    | 1, TF  |
| 3573        | Albert Lea Freezer Warehouse Co., Albert Lea, MN      |              |    | ×  |   |    |   |    | 1, TF  |
| 3610        | Millard Cold Storage, Dodge City, KS                  |              |    | ×  |   |    |   |    | 1      |
| 3688        | Newport St Paul Cold Storage, Newport, MN             |              |    | ×  |   |    |   |    | 1      |
| 3707        | United States Cold Storage Inc., Omaha, NE            |              |    | ×  |   |    |   |    | 1      |
| 3738        | Artesian Ice and Cold Storage Co., St Joseph, MO      |              |    | ×  |   |    |   |    | 1, TF  |
| 3748        | Cloverleaf Cold Storage Co., Sioux City, IA           |              |    | ×  |   |    |   |    | 1      |
| 3854        | Merchants Refrigerating Co., Vinita Park, MO          |              |    | ×  |   |    |   |    | 1      |
| 3860        | Central Storage and Warehouse Inc., Eau Claire, WI    |              |    | ×  |   |    |   |    | 1      |
| 3871        | York Cold Storage Co., York, NE                       |              |    | ×  |   |    |   |    | 1      |
| 3910        | United States Cold Storage, East Peoria, IL           |              |    | ×  |   |    |   |    | 1      |
| 3942        | Wilkerson Cold Storage, Lubbock, TX                   |              |    | ×  |   |    |   |    | 1      |
| 5736 A      | VMI Corporation, Omaha, NE                            |              | ×  |    | × |    |   |    | 4, 15  |
| E-7041      | Beltex Corporation, Fort Worth, TX                    | ×            | ×  |    |   |    |   | ×  | 16, 19 |
| 7271        | Custom Meat Corp., Dallas, TX                         |              | ×  |    | × | ×  | × |    | 15     |
| 8904        | Bell Cold Storage, St Paul, MN                        |              |    | ×  |   |    |   |    | 1      |
| 8984        | Provimi Veal Corp., Seymour, WI                       | ×            | ×  |    | × |    |   |    | 3, 15  |
| 9400        | Taylor Packing Inc., Wyalusing, PA                    | ×            |    |    | × |    |   |    | 2, 15  |
| 13182       | Millard Refrigerated Services, Omaha, NE              |              |    | ×  |   |    |   |    | 1, TF  |
| 13225       | Quality Refrigerated Services, Omaha, NE              |              |    | ×  |   |    |   |    | 1      |
| 13331       | Millard Processing Services, Omaha, NE (West)         |              |    | ×  |   |    |   |    | 1, TF  |
| 13531       | Gerber Foods, Inc., York, NE                          |              | ×  |    | × | ×  | × |    | 15     |
| E-15849     | Cavel International, De Kalb, IL                      | ×            | ×  |    |   |    |   | ×  | 16     |
| 17054       | RCS/Smithfield Inc., Smithfield, VA                   |              |    | ×  |   |    |   |    | 1      |
| 17068       | US Coldstorage, Cumberton, NC                         |              |    | ×  |   |    |   |    | 1      |
| 17233       | Millard Refrigerated Services, Batavia, IL            |              |    | ×  |   |    |   |    | 1, TF  |
| 17354       | CSW Central Storage & Warehouse Co. Inc., Madison, WI |              |    | ×  |   |    |   |    | 1      |
| 17461       | Millard Refrigerated Services, Greeley, CO            |              |    | ×  |   |    |   |    | 1      |
| 17624       | Wiscold Inc. Rochelle, Rochelle, IL                   |              |    | ×  |   |    |   |    | 1, TF  |
| 17756       | Millard Refrigerated Services, Sioux City, IA         |              |    | ×  |   |    |   |    | 1, TF  |

| Approval No | Establishment/address                              | CATEGORY (*) |    |    |   |    |   |    | SR        |
|-------------|----------------------------------------------------|--------------|----|----|---|----|---|----|-----------|
|             |                                                    | SL           | CP | CS | B | SG | P | SP |           |
| 18079       | Carolina Food Processors, Tar Heel, NC             | ×            |    |    |   |    | × |    | 8, 13, 15 |
| 18163       | Quality Refrigerated Services, Spencer, IA         |              |    | ×  |   |    |   |    | 1, TF     |
| 18294       | Marshall Cold Store, Marshalltown, IA              |              |    | ×  |   |    |   |    | TF, 1, 15 |
| 18435       | Carolina Cold Storage, Tar Heel, NC                |              |    | ×  |   |    |   |    | TF, 1     |
| 18674       | Millard Refrigerated Services, Edwardsville, KS    |              |    | ×  |   |    |   |    | 1, TF     |
| 18793       | Cloverleaf Cold Storage, Austin, MN                |              |    | ×  |   |    |   |    | TF, 1     |
| 18859       | North American Bison Cooperative, New Rockford, ND | ×            | ×  |    | × |    |   |    | 15        |
| 19086       | Gress Refrigerated Services, Scranton, PA          |              |    | ×  |   |    |   |    | 1         |
| 19087       | Inter Cities Cold Storage, Inc., Pittston, PA      |              |    | ×  |   |    |   |    | 1         |
| 19246       | Cloverleaf Cold Storage, Sioux City, IO            |              |    | ×  |   |    |   |    | 1, TF     |
| 19593       | Ball Packing Inc., Idaho Falls, ID                 |              |    | ×  |   |    |   |    | 1         |
| 19633       | Cargill Foods, Medley, FL                          |              |    | ×  |   |    |   |    | 1         |
| 20012       | Lakeway International Food Group LLC, Omaha, NE    |              | ×  |    | × |    |   |    |           |

- (\*) SL: Slaughterhouse                      B: Bovine meat                      SP: Meat from solipeds  
 CP: Cutting premises                      S/G: Sheep meat/goat meat                      SR: Special remarks  
 CS: Coldstore                      P: Pig meat

1 = Only storage of meat already finally packaged in approved slaughtering or cutting establishments.

2 = Offal only.

3 = Also for sliced bovine livers.

4 = Only sliced bovine livers.

5 = Tongues, hearts and carcase meat only.

6 = Tongues, hearts and kidneys only.

7 = Tongues, hearts, kidneys and livers only.

8 = Tongues, hearts, kidneys, livers and brains only.

9 = Tongues, hearts, stomachs and carcase meat only.

10 = Tongues, hearts, kidneys, livers and stomachs only.

10(a) = Tongues, hearts, kidneys, livers, stomachs and carcase meat only.

11 = Carcase meat, tongues, hearts, kidneys, livers and brains only.

12 = Hearts and stomachs only.

13 = Only packaged offal which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.

14 = Offal excluded.

15 = Fresh meat must be unloaded onto the territory of the Community by 31 July 1998.

16 = Livers and kidneys excluded.

17 = Only carcase meat and packaged offal with has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.

18 = Tongues, hearts, kidneys, livers, brains and tails.

19 = Bison included.

TF = The establishments with the indication 'TF' are authorised, within the meaning of Article 4 of Directive 77/96/EEC, to perform the freezing treatment provided for in Article 3 of the same Directive.

T = This establishment is authorised, within the meaning of Article 4 of Directive 77/96/EEC, to perform the examination for detection of *trichinae* provided for in Article 2 of the aforementioned Directive.

## COMMISSION DECISION

of 28 January 1998

setting out the arrangements for Community comparative tests of seed potatoes  
under Article 14 of Council Directive 66/403/EEC

(98/114/EC)

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

Having regard to Council Directive 66/403/EEC on the marketing of seed potatoes<sup>(1)</sup>, as last amended by Commission Decision 97/90/EC<sup>(2)</sup>, and in particular Article 14(4) thereof,

Whereas Article 14(4) of Directive 66/403/EEC provides for the carrying out of Community comparative tests of seed potatoes;

Whereas it is necessary for all Member States to participate in the Community comparative tests, in so far as seed potatoes are usually reproduced or marketed in their territories, in order to ensure that proper conclusions may be drawn therefrom;

Whereas the Commission is responsible for making the necessary arrangements for the Community comparative tests;

Whereas the arrangements for the tests should also cover, *inter alia*, certain harmful organisms which come within the scope of Directive 66/403/EEC as well as Council Directive 77/93/EEC of 21 December 1976, on protective measures against the introduction into Member States of organisms harmful to plants or plant products<sup>(3)</sup>, as last amended by Commission Directive 97/14/EC<sup>(4)</sup>, Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot<sup>(5)</sup>, as well as Commission Decisions 95/506/EC of 24 November 1995<sup>(6)</sup>, as last amended by Commission Decision 97/649/EC of 26 September 1997<sup>(7)</sup>, and 96/301/EC of 3 May 1996<sup>(8)</sup> against the dissemination of potato brown rot;

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

on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

1. Community comparative tests shall be carried out during 1998 on seed potatoes harvested in 1997.
2. All Member States shall participate in the Community comparative tests.

*Article 2*

1. The general arrangements for the carrying out of the Community comparative tests are set out in the Annex hereto.
2. Further detailed arrangements for the carrying out of the Community comparative tests shall be submitted to the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 28 January 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ 125, 11. 7. 1966, p. 2320/66.

<sup>(2)</sup> OJ L 27, 30. 1. 1997, p. 49.

<sup>(3)</sup> OJ L 26, 31. 1. 1977, p. 20.

<sup>(4)</sup> OJ L 87, 2. 4. 1997, p. 17.

<sup>(5)</sup> OJ L 259, 18. 10. 1993, p. 1.

<sup>(6)</sup> OJ L 291, 6. 12. 1995, p. 48.

<sup>(7)</sup> OJ L 274, 26. 9. 1997, p. 14.

<sup>(8)</sup> OJ L 115, 9. 5. 1996, p. 47.

*ANNEX***GENERAL ARRANGEMENTS FOR THE CARRYING OUT OF THE COMMUNITY COMPARATIVE TESTS OF SEED POTATOES IN 1997****1. Responsible body**

Landbrugs- og fiskeriministeriet  
Plantedirektoratet  
Denmark

**2. Number of samples**

The total number is 250:

- (a) 223 samples shall be taken in the producer Member States;
- (b) 20 additional samples shall be taken from seed marketed by a producer Member State in a recipient Member State, in the recipient Member State;
- (c) seven samples from Switzerland shall be taken under the Community equivalence arrangements mentioned in Article 15(1) of Directive 66/403/EEC.

**3. Sampling**

In respect of samples taken under paragraph 2(a) above, an official sampling procedure shall be ensured. The sampling of the lot shall be performed using an appropriate technique. For the purpose of taking the samples, persons shall be designated by the Commission services. These persons shall act under the responsibility of the Commission services. Sampling shall be carried out on the producer holding, at the place of loading, in the sorting sheds or at any place where seed potatoes are stored.

In the case of all samples taken under paragraph 2 above each sample shall consist of 320 tubers.

**4. Assessment of the minimum conditions to be satisfied by seed potatoes in the direct progeny of the samples**

Postcontrol tests on field plots shall be carried out and, where appropriate, confirmation by laboratory tests. The sample size shall be 100 tubers.

**5. Assessment of freedom of seed potatoes from potato brown rot (*Pseudomonas solanacearum*) and potato ring rot (*Corynebacterium sepedonicum*/*Clavibacter michiganensis*)**

Laboratory tests shall be carried out, in accordance with appropriate methods. The sample size shall be of 200 tubers.

**6. Assessment of freedom of seed potatoes from potato spindle tuber viroid (PSTV)**

Laboratory tests shall be carried out, in accordance with appropriate methods. The responsible body under 1 shall ensure that the sample size is that given in such methods, in so far as this specification exists.

**7. Confidentiality**

In relation with the assessments under 5 and 6 above, each sample to be submitted to the laboratory tests shall have been previously coded by the responsible body under 1, under the responsibility of the Commission services. In the case of samples confirmed to be contaminated by any of the relevant harmful organisms, the Commission shall ensure that the measures required under Directive 77/93/EEC or Directive 93/85/EEC or their implementing measures, as appropriate, are taken. This is without prejudice to the general conditions applicable to the examination of the annual reports on the confirmed results and conclusions of Community comparative tests.

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## COMMISSION DECISION

of 28 January 1998

**exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93**

(Only the German, Greek, French, Italian, Dutch and Portuguese texts are authentic)

(98/115/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, as amended by Regulation (EC) No 2331/96 <sup>(2)</sup>,

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered pursuant to Regulation (EC) No 703/96 <sup>(3)</sup>,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 <sup>(4)</sup>, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

**A. REQUESTS PURSUANT TO ARTICLE 3 OF REGULATION (EC) No 88/97**

- (1) After the entry into force of Regulation (EC) No 88/97 a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption from the extension to imports of certain bicycle parts from the People's Republic of China by Council Regulation (EC) No 71/97 (hereinafter referred to as 'the extended anti-dumping duty') of the definitive anti-dumping duty imposed on bicycles originating in the People's Republic of

China by Regulation (EEC) No 2474/93. The Commission published in the *Official Journal of the European Communities* a list of applicants <sup>(5)</sup> for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5(1) of that Regulation.

- (2) The Commission requested and received the necessary information from the parties listed in the Annex to this Decision and found their requests admissible pursuant to Article 4(1) of Regulation (EC) No 88/97. The information provided was examined and verified where necessary at the premises of the parties concerned.
- (3) The facts as finally ascertained by the Commission show that the assembly operations of the applicants concerned do not fall within the scope of Article 13(2) of Regulation (EC) No 384/96. It was found that for all the applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations. In addition, for some of them, the value-added to the parts brought in exceeded 25 % of the manufacturing costs of the finished bicycles.
- (4) For the above reasons, and in accordance with Article 7(1) of Regulation (EC) 88/97, the parties listed in the Annex to this Decision should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.
- (5) In accordance with Article 7(2) of Regulation (EC) No 88/97 the parties listed in the Annex to this Decision should be exempted from the extended anti-dumping duty as from the date of receipt of their request and their customs debt in respect of

<sup>(1)</sup> OJ L 56, 6. 3. 1996, p. 1.

<sup>(2)</sup> OJ L 317, 6. 12. 1996, p. 1.

<sup>(3)</sup> OJ L 16, 18. 1. 1997, p. 55.

<sup>(4)</sup> OJ L 17, 21. 1. 1997, p. 17.

<sup>(5)</sup> OJ C 45, 13. 2. 1997, p. 3 and OJ C 112, 10. 4. 1997, p. 9.

the extended anti-dumping duty is to be considered void as from that date.

#### B. INFORMATION TO INTERESTED PARTIES

- (6) Following the adoption of this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination should be published in the 'C' series of the *Official Journal of the European Communities* in accordance with Article 16(2) of that Regulation,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The parties listed in the Annex to this Decision are hereby exempted from the extension by Regulation (EC) No 71/97, of the definitive anti-dumping duty imposed

by Regulation (EC) No 2474/93 on bicycles originating in the People's Republic of China, to imports of certain bicycle parts from the People's Republic of China.

The exemptions shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

#### *Article 2*

This Decision is addressed to the Member States and to the parties listed in the Annex to this Decision.

Done at Brussels, 28 January 1998.

*For the Commission*

Leon BRITTAN

*Vice-President*

## ANNEX

## EXEMPTED PARTIES

| Name                               | City                             | Country         | Exemption pursuant to Regulation (EC) No 88/97 | Date of effect | Taric additional codes |
|------------------------------------|----------------------------------|-----------------|------------------------------------------------|----------------|------------------------|
| Velo Schauff                       | D-53424 Remagen                  | Germany         | Article 7                                      | 24.1.1997      | 8973                   |
| WSB Hi-Tech Bicycle Europe BV      | NL-9206 AG Drachten              | The Netherlands | Article 7                                      | 5.2.1997       | 8979                   |
| Mara Srl                           | I-21052 Busto Arsizio (VA)       | Italy           | Article 7                                      | 12.2.1997      | 8983                   |
| SFG Sachsen-Anhalt Fahrradbau GmbH | D-06526 Sangerhausen             | Germany         | Article 7                                      | 21.2.1997      | 8009                   |
| Bike Systems                       | D-97493 Bergtheimfeld            | Germany         | Article 7                                      | 1.4.1997       | 8034                   |
| Field SA                           | G-57009 Kalochori                | Greece          | Article 7                                      | 1.4.1997       | 8034                   |
| Starway                            | F-37230 Luynes                   | France          | Article 7                                      | 18.4.1997      | 8055                   |
| Confersil                          | P-3751 Águeda Codex              | Portugal        | Article 7                                      | 23.4.1997      | 8037                   |
| José Ferreira & Almeida, Lda       | P-3770 Oliveira do Bairro        | Portugal        | Article 7                                      | 23.4.1997      | 8037                   |
| Union BV                           | NL-7711 GP Nieuwleusen           | The Netherlands | Article 7                                      | 2.5.1997       | 8056                   |
| Portosa Srl                        | I-35030 Rubano (PD)              | Italy           | Article 7                                      | 28.5.1997      | 8090                   |
| Azor Bikes                         | NL-7707 AB Balkbrug              | The Netherlands | Article 7                                      | 30.6.1997      | 8091                   |
| Fonlupt SA                         | F-71600 Paray-le-Monial          | France          | Article 7                                      | 2.7.1997       | 8332                   |
| NV Minerva                         | B-3580 Beringen                  | Belgium         | Article 7                                      | 9.7.1997       | 8330                   |
| Ghost Mountain Bikes GmbH          | D-95652 Waldsassen               | Germany         | Article 7                                      | 19.9.1997      | 8523                   |
| Kurt Gudereit                      | D-33607 Bielefeld                | Germany         | Article 7                                      | 22.9.1997      | 8524                   |
| Flanders NV                        | B-9550 Herzele                   | Belgium         | Article 7                                      | 30.9.1997      | 8522                   |
| All Bikes Srl                      | I-12020 Villar San Costanzo (CN) | Italy           | Article 7                                      | 28.10.1997     | 8748                   |

## COMMISSION DECISION

of 4 February 1998

**adopting special measures for the import of fruit and vegetables originating in or consigned from Uganda, Kenya, Tanzania, and Mozambique**

(Text with EEA relevance)

(98/116/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup> and in particular Article 10 thereof,

Whereas cases of cholera have been reported in Eastern Africa and particularly Uganda, Kenya, Tanzania and Mozambique; whereas a mission of the responsible Commission services on the ground has identified a potential serious risk to health from foodstuffs from these countries;

Whereas the presence of cholera in these countries may constitute a serious risk to public health in the Community where the infectious agent *Vibrio cholerae* survives on foodstuffs imported from these countries; whereas it is necessary to adopt special measures at Community level concerning certain fruit and vegetables and their products likely to present a risk to health;

Whereas the World Health Organisation advises that where the transport of fruits and vegetables from areas where cholera is present, is in excess of ten days, the risk to health from these products is low; whereas therefore these measures apply mainly to products transported into the European Community by air;

Whereas it is necessary to impose special conditions on certain fruit and vegetables and their products consigned from or originating in Uganda, Kenya, Tanzania and Mozambique;

Whereas therefore as a preliminary precaution samples of these foodstuffs should be subject to microbiological controls;

Whereas the Standing Committee for Foodstuffs <sup>(2)</sup> has been consulted on 15 January, 1998,

This Decision applies to:

- fruits and vegetables covered by Council Regulation (EC) No 2200/96 <sup>(3)</sup> and Council Regulation (EEC) No 827/68 <sup>(4)</sup>,
  - processed fruit and vegetables products covered by Council Regulation (EC) No 2201/96 <sup>(5)</sup>,
  - other fruit and vegetables falling within Chapters 7, 8 and 20 of the Combined Nomenclature and not covered by abovementioned Regulations,
- originating in, or consigned from Uganda, Kenya, Tanzania and Mozambique.

*Article 2*

This Decision shall not apply to:

1. dried vegetables, dried leguminous vegetables, nuts and dried fruit falling within CN codes 0712, 0713, 0802 and 0813 respectively, and any fruit and vegetable dried to a water activity value below 0,85;
2. all uncut fruit and vegetables transported under normal conditions of temperature and moisture when the journey time is at least 10 days;
3. fruit and vegetables and juices or pulps of these in hermetically sealed tins, jars and bottles heated for preservation to more than 70° C throughout after sealing;
4. fruit and vegetables in tins, jars and bottles preserved in acid medium of pH below 4,5;
5. frozen fruit and vegetables previously heat-treated to more than 70° C throughout and packaged under hygienic conditions in Uganda, Kenya, Tanzania and Mozambique;
6. bananas.

<sup>(1)</sup> OJ L 175, 19. 7. 1993, p. 1.

<sup>(2)</sup> SE 1969 II, p. 500.

<sup>(3)</sup> OJ L 297, 21. 11. 1996, p. 1.

<sup>(4)</sup> OJ L 151, 30. 6. 1968, p. 16.

<sup>(5)</sup> OJ L 297, 21. 11. 1996, p. 29.

*Article 3*

1. The competent authorities of the Member States shall sample at least ten per cent of consignments of fruit or vegetables or their products as defined in Article 1. These samples shall be subject to microbiological examination in order to ensure that the fruit and vegetables or their products do not present a risk to human health with respect to *Vibrio cholerae*.

2. The competent authorities shall record the destination(s) of each consignment sampled.

3. Member States shall inform the relevant service of the Commission of the results of these examinations on the first day of each month. Where *Vibrio cholerae* is found to be present the Member State shall immediately inform the Commission thereof.

*Article 4*

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 5*

This Decision shall be reviewed where *Vibrio cholerae* is found to be present as a result of the sampling and microbiological examination in Article 3, and in any case before the 30 September 1998.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 4 February 1998.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

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