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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 594/98**of 9 March 1998****on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas a Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part, was signed in Brussels on 12 June 1995;

Whereas, pending the entry into force of the Europe Agreement, hereinafter referred to as 'the Agreement', its provisions on trade and trade-related matters have been applied since 1 January 1995 by an Agreement on free-trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Lithuania, of the other part, signed in Brussels on 19 December 1994 ⁽¹⁾;

Whereas it is necessary to lay down the procedures for applying certain provisions of the Agreement;

Whereas, with regard to trade protection measures, it is appropriate, where the provisions of the Agreement render it necessary, to lay down specific provisions concerning the general rules provided for in particular in Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports ⁽²⁾ and in Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽³⁾;

Whereas account should be taken of the undertakings set out in the Agreement before deciding whether a safeguard measure should be introduced;

Whereas the procedures concerning safeguard clauses provided for in the Treaty establishing the European Community are also applicable;

Whereas specific provisions have been adopted for safeguard measures concerning the textile products covered by Protocol 1 of the Agreement;

Whereas certain provisions should be introduced for the application of tariff quotas and tariff ceilings,

HAS ADOPTED THIS REGULATION:

TITLE 1

Tariff quotas and tariff ceilings*Article 1*

The rules for the application of Articles 19 and 20 of the Agreement shall be adopted by the Commission according to the procedure provided for in Article 23 of Regulation (EEC) No 1766/92 ⁽⁴⁾, or, according to the case, in the relevant provisions of the other Regulations on the common organisation of the markets, or of Regulation (EC) No 3448/93 ⁽⁵⁾ or by the Commission, assisted by the Customs Code Committee, according to the procedure provided for in Article 2(2) of this Regulation.

Article 2

1. Provisions for the application of tariff quotas and tariff ceilings provided for in Annexes VI and XIV of the Agreement, including amendments and technical adaptations made necessary by amendments to the Combined Nomenclature and Taric codes, or arising from the conclusion by the Council of agreements, protocols or exchanges of letters between the Community and Lithu-

⁽¹⁾ OJ L 375, 31. 12. 1994, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 53.

⁽³⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽⁴⁾ OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 923/96 (OJ L 126, 24. 5. 1996, p. 37).

⁽⁵⁾ OJ L 318, 20. 12. 1993, p. 18.

ania, shall be adopted by the Commission, assisted by the Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92⁽¹⁾, according to the procedure set out in paragraph 2 of this Article.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chair may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures, which apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission may defer application of the measures which it has decided for a period of not more than three months from the date of such communication,
- the Council, acting by qualified majority, may take a different decision within the period referred to in the first indent.

3. The Committee may examine any question concerning the application of tariff quotas and tariff ceilings, which is raised by its chair either at the latter's initiative or at the request of a Member State.

4. As soon as the tariff ceilings are reached, the Commission may adopt a regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries.

TITLE II

Protective measures

Article 3

The Council may, in accordance with the procedure provided for in Article 113 of the Treaty, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Articles 28 and 124(2) of the Agreement. Where necessary, the Council shall adopt these measures in accordance with the same procedure.

The Commission may, on its own initiative or at the request of a Member State, present the necessary proposals to this end.

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

Article 4

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 64 of the Agreement, the Commission, after examining the case, on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, it shall propose the adoption of safeguard measures to the Council, which shall act in accordance with the procedure laid down in Article 113 of the Treaty, except in the cases of aid to which Regulation (EC) No 3284/94⁽²⁾ applies, when measures shall be taken according to the procedures laid down in that Regulation. Measures shall be taken only under conditions set out in Article 64(6) of the Agreement.

2. In the case of a practice that may cause measures to be applied to the Community by Lithuania on the basis of Article 64 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of criteria which result from the application of Articles 85, 86 and 92 of the Treaty.

Article 5

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 29 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Regulation (EC) No 384/96⁽³⁾ and the procedure provided for in Article 33(2) and (3)(b) or (d) of the Agreement.

Article 6

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Articles 30 and 31 of the Agreement, it shall provide the Commission, in support of its request, with the information needed to justify it. If the Commission decided not to apply safeguard measures, it shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

Any Member State may refer this decision of the Commission to the Council within 10 working days of its notification.

If the Council, acting by qualified majority, indicates its intention to adopt a different decision, the Commission shall inform Lithuania thereof forthwith and shall notify it of the opening of the consultations within the Association Council as provided for in Article 33(2) and (3) of the Agreement.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 22.

⁽³⁾ OJ L 56, 6. 3. 1996, p. 1.

The Council, acting by a qualified majority, may take a different decision within 20 working days of the conclusion of the consultations with Lithuania within the Association Council.

2. The Commission shall be assisted by the Committee established by Regulation (EC) No 3491/93 ⁽¹⁾ (hereinafter referred to as 'the Committee'), composed of representatives of the Member States and chaired by a representative of the Commission.

The Committee shall meet when convened by its chairman. The latter shall communicate any appropriate information to the Member States at the earliest opportunity.

3. Where the Commission, at the request of a Member State or on its own initiative, decided that the safeguard measures provided for in Articles 30 and 31 of the Agreement should be applied:

- it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
- it shall consult the Committee,
- at the same time it shall inform Lithuania and notify the Association Council of the opening of consultations as referred to in Article 33(2) and (3) of the Agreement,
- at the same time it shall provide the Association Council with all the information necessary for these consultations.

4. In any event, the consultations within the Association Council shall be deemed to be completed 30 days after the notification referred to in paragraphs 1 and 3.

At the end of the consultations or on expiry of the period of 30 days, and if no other arrangements proves possible, the Commission after consulting the Committee, may take appropriate measures to implement Articles 30 and 31 of the Agreement.

5. The decision referred to in paragraph 4 shall be notified forthwith to the Council, the Member States and Lithuania; it shall also be notified to the Association Council.

The decision shall be applicable immediately.

6. Any Member State may refer the Commission decision referred to in paragraph 4 to the Council within 10 working days of receiving notification of the decision.

7. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 4 within 10 working days of the end of the consultations with the Association Council or, as the case may be, the end of the periods of 30 days, any Member State which

has referred the matter to the Commission in accordance with paragraph 3 may refer it to the Council.

8. In the cases referred to in paragraphs 6 and 7 the Council, acting by a qualified majority, may take a different decision within two months.

Article 7

1. Where exceptional circumstances arise within the meaning of Articles 33(3)(d) of the Agreement, the Commission may take immediate safeguard measures in the cases referred to in Articles 30 and 31 of the Agreement.

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request.

2. The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 6(6).

The procedure set out in Article 6(7) and (8) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in the second subparagraph of paragraph 1, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedures laid down in the first and second subparagraphs of this paragraph.

Article 8

The procedures laid down in Articles 6 and 7 shall not apply to products covered by Protocol 1 of the Agreement.

Article 9

By way of derogation from Articles 6 and 7, if the circumstances demand that measures are taken concerning agricultural products on the basis of Articles 21 and 30 of the Agreement or on the basis of provisions in the Annexes covering these products, such measures shall be taken according to procedures provided for by the rules establishing a common organisation of the agricultural markets, or in specific provisions adopted pursuant to Article 235 of the Treaty and applicable to products resulting from the processing of agricultural products, provided that the conditions established pursuant to Article 21 or Article 33(2) and (3) of the Agreement are met.

Article 10

Notification to the Association Council as required by the Agreement shall be the responsibility of the Commission, acting on behalf of the Community.

⁽¹⁾ OJ L 319, 21. 12. 1993, p. 1.

Article 11

This Regulation does not preclude the application of safeguard measures provided for in the Treaty establishing the European Community, in particular in Articles 109h and 109i, according to the procedures laid down therein.

Article 12

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

It shall apply from 1 February 1998.

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

Done at Brussels, 9 March 1998.

For the Council

The President

G. BROWN

COUNCIL REGULATION (EC) No 595/98**of 9 March 1998****on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas a Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, was signed in Brussels on 12 June 1995;

Whereas, pending the entry into force of the Europe Agreement, hereinafter referred to as 'the Agreement', its provisions on trade and trade-related matters have been applied since 1 January 1995 by an Agreement on free-trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Estonia, of the other part, signed in Brussels on 19 December 1994⁽¹⁾;

Whereas it is necessary to lay down the procedures for applying certain provisions of the Agreement;

Whereas, with regard to trade protection measures, it is appropriate, where the provisions of the Agreement render it necessary, to lay down specific provisions concerning the general rules provided for in particular in Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports⁽²⁾ and in Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽³⁾;

Whereas account should be taken of the undertakings set out in the Agreement before deciding whether a safeguard measure should be introduced;

Whereas the procedures concerning safeguard clauses provided for in the Treaty establishing the European Community are also applicable;

Whereas specific provisions have been adopted for safeguard measures concerning the textile products covered by Protocol 1 of the Agreement;

Whereas certain provisions should be introduced for the application of tariff quotas and tariff ceilings,

HAS ADOPTED THIS REGULATION:

TITLE I**Tariff quotas and tariff ceilings***Article 1*

The rules for the application of Articles 18 and 19 of the Agreement shall be adopted by the Commission according to the procedure provided for in Article 23 of Regulation (EEC) No 1766/92⁽⁴⁾, or, according to the case, in the relevant provisions of the other Regulations on the common organisation of the markets, or of Regulation (EC) No 3448/93⁽⁵⁾ or by the Commission, assisted by the Customs Code Committee, according to the procedure provided for in Article 2(2) of this Regulation.

Article 2

1. Provisions for the application of tariff quotas and tariff ceilings provided for in Annex V of the Agreement, including amendments and technical adaptations made necessary by amendments to the Combined Nomenclature and Taric codes, or arising from the conclusion by the Council of agreements, protocols or exchanges of letters between the Community and Estonia, shall be adopted by the Commission, assisted by the Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92⁽⁶⁾, according to the procedure set out in paragraph 2 of this Article.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chair may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in

⁽¹⁾ OJ L 373, 31. 12. 1994, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 53.

⁽³⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽⁴⁾ OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 923/96 (OJ L 126, 24. 5. 1996, p. 37).

⁽⁵⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽⁶⁾ OJ L 302, 19. 10. 1992, p. 1.

the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures, which apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission may defer application of the measures which it has decided for a period of not more than three months from the date of such communication,
- the Council, acting by qualified majority, may take a different decision within the period referred to in the first indent.

3. The Committee may examine any question concerning the application of tariff quotas and tariff ceilings, which is raised by its chair either at the latter's initiative or at the request of a Member State.

4. As soon as the tariff ceilings are reached, the Commission may adopt a regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries.

TITLE II

Protective measures

Article 3

The Council may, in accordance with the procedure provided for in Article 113 of the Treaty, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Articles 27 and 122(2) of the Agreement. Where necessary, the Council shall adopt these measures in accordance with the same procedure.

The Commission may, on its own initiative or at the request of a Member State, present the necessary proposals to this end.

Article 4

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 63 of the Agreement, the Commission, after examining the case, on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, it shall propose the adoption of safeguard measures to the

Council, which shall act in accordance with the procedure laid down in Article 113 of the Treaty, except in the cases of aid to which Regulation (EC) No 3284/94⁽¹⁾ applies, when measures shall be taken according to the procedures laid down in that Regulation. Measures shall be taken only under conditions set out in Article 63(6) of the Agreement.

2. In the case of a practice that may cause measures to be applied to the Community by Estonia on the basis of Article 63 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of criteria which result from the application of Articles 85, 86 and 92 of the Treaty.

Article 5

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 28 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Regulation (EC) No 384/96⁽²⁾ and the procedure provided for in Article 32(2) and (3)(b) or (d) of the Agreement.

Article 6

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Articles 29 and 30 of the Agreement, it shall provide the Commission, in support of its request, with the information needed to justify it. If the Commission decides not to apply safeguard measures, it shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

Any Member State may refer this decision of the Commission to the Council within 10 working days of its notification.

If the Council, acting by qualified majority, indicates its intention to adopt a different decision, the Commission shall inform Estonia thereof forthwith and shall notify it of the opening of the consultations within the Association Council as provided for in Article 32(2) and (3) of the Agreement.

The Council, acting by a qualified majority, may take a different decision within 20 working days of the conclusion of the consultations with Estonia within the Association Council.

2. The Commission shall be assisted by the Committee established by Regulation (EC) No 3491/93⁽³⁾ (hereinafter referred to as 'the Committee'), composed of representatives of the Member States and chaired by a representative of the Commission.

The Committee shall meet when convened by its chairman. The latter shall communicate any appropriate information to the Member States at the earliest opportunity.

⁽¹⁾ OJ L 349, 31. 12. 1994, p. 22.

⁽²⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽³⁾ OJ L 319, 21. 12. 1993, p. 1.

3. Where the Commission, at the request of a Member State or on its own initiative, decided that the safeguard measures provided for in Articles 29 and 30 of the Agreement should be applied:

- it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
- it shall consult the Committee,
- at the same time it shall inform Estonia and notify the Association Council of the opening of consultations as referred to in Article 32(2) and (3) of the Agreement,
- at the same time it shall provide the Association Council with all the information necessary for these consultations.

4. In any event, the consultations within the Association Council shall be deemed to be completed 30 days after the notification referred to in paragraphs 1 and 3.

At the end of the consultations or on expiry of the period of 30 days, and if no other arrangements proves possible, the Commission after consulting the Committee, may take appropriate measures to implement Articles 29 and 30 of the Agreement.

5. The decision referred to in paragraph 4 shall be notified forthwith to the Council, the Member States and Estonia; it shall also be notified to the Association Council.

The decision shall be applicable immediately.

6. Any Member State may refer the Commission decision referred to in paragraph 4 to the Council within 10 working days of receiving notification of the decision.

7. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 4 within 10 working days of the end of the consultations with the Association Council or, as the case may be, the end of the periods of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 3 may refer it to the Council.

8. In the cases referred to in paragraphs 6 and 7 the Council, acting by a qualified majority, may take a different decision within two months.

Article 7

1. Where exceptional circumstances arise within the meaning of Articles 32(3)(d) of the Agreement, the Commission may take immediate safeguard measures in

the cases referred to in Articles 29 and 30 of the Agreement.

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request.

2. The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 6(6).

The procedure set out in Article 6(7) and (8) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in the second subparagraph of paragraph 1, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedures laid down in the first and second subparagraphs of this paragraph.

Article 8

The procedures laid down in Articles 6 and 7 shall not apply to products covered by Protocol 1 of the Agreement.

Article 9

By way of derogation from Articles 6 and 7, if the circumstances demand that measures are taken concerning agricultural products on the basis of Articles 20 and 30 of the Agreement or on the basis of provisions in the Annexes covering these products, such measures shall be taken according to procedures provided for by the rules establishing a common organisation of the agricultural markets, or in specific provisions adopted pursuant to Article 235 of the Treaty and applicable to products resulting from the processing of agricultural products, provided that the conditions established pursuant to Article 20 or Article 32(2) and (3) of the Agreement are met.

Article 10

Notification to the Association Council as required by the Agreement shall be the responsibility of the Commission, acting on behalf of the Community.

Article 11

This Regulation does not preclude the application of safeguard measures provided for in the Treaty establishing the European Community, in particular in Articles 109h and 109i, according to the procedures laid down therein.

Article 12

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

It shall apply from 1 February 1998.

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

Done at Brussels, 9 March 1998.

For the Council

The President

G. BROWN

COUNCIL REGULATION (EC) No 596/98**of 9 March 1998****on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas a Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part, was signed in Brussels on 12 June 1995;

Whereas, pending the entry into force of the Europe Agreement, hereinafter referred to as 'the Agreement', its provisions on trade and trade-related matters have been applied since 1 January 1997 by an Agreement on free-trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Latvia, of the other part, signed in Brussels on 19 December 1994⁽¹⁾;

Whereas it is necessary to lay down the procedures for applying certain provisions of the Agreement;

Whereas, with regard to trade protection measures, it is appropriate, where the provisions of the Agreement render it necessary, to lay down specific provisions concerning the general rules provided for in particular in Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports⁽²⁾ and in Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽³⁾;

Whereas account should be taken of the undertakings set out in the Agreement before deciding whether a safeguard measure should be introduced;

Whereas the procedures concerning safeguard clauses provided for in the Treaty establishing the European Community are also applicable;

Whereas specific provisions have been adopted for safeguard measures concerning the textile products covered by Protocol 1 of the Agreement;

Whereas certain provisions should be introduced for the application of tariff quotas and tariff ceilings,

HAS ADOPTED THIS REGULATION:

TITLE I**Tariff quotas and tariff ceilings***Article 1*

The rules for the application of Articles 19 and 20 of the Agreement shall be adopted by the Commission according to the procedure provided for in Article 23 of Regulation (EEC) No 1766/92⁽⁴⁾, or, according to the case, in the relevant provisions of the other Regulations on the common organisation of the markets, or of Regulation (EC) No 3448/93⁽⁵⁾ or by the Commission, assisted by the Customs Code Committee, according to the procedure provided for in Article 2(2) of this Regulation.

Article 2

1. Provisions for the application of tariff quotas and tariff ceilings provided for in Annexes V and XII of the Agreement, including amendments and technical adaptations made necessary by amendments to the Combined Nomenclature and Taric codes, or arising from the conclusion by the Council of agreements, protocols or exchanges of letters between the Community and Latvia, shall be adopted by the Commission, assisted by the Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92⁽⁶⁾, according to the procedure set out in paragraph 2 of this Article.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chair may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in

⁽¹⁾ OJ L 374, 31. 12. 1994, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 53.

⁽³⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽⁴⁾ OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 923/96 (OJ L 126, 24. 5. 1996, p. 37).

⁽⁵⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽⁶⁾ OJ L 302, 19. 10. 1992, p. 1.

the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures, which apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission may defer application of the measures which it has decided for a period of not more than three months from the date of such communication,
- the Council, acting by qualified majority, may take a different decision within the period referred to in the first indent.

3. The Committee may examine any question concerning the application of tariff quotas and tariff ceilings, which is raised by its chair either at the latter's initiative or at the request of a Member State.

4. As soon as the tariff ceilings are reached, the Commission may adopt a regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries.

TITLE II

Protective measures

Article 3

The Council may, in accordance with the procedure provided for in Article 113 of the Treaty, decide to refer to the Association Council established by the Agreement with regard to the measures provided for in Articles 28 and 123(2) of the Agreement. Where necessary, the Council shall adopt these measures in accordance with the same procedure.

The Commission may, on its own initiative or at the request of a Member State, present the necessary proposals to this end.

Article 4

1. In the case of a practice that may justify application by the Community of the measures provided for in Article 64 of the Agreement, the Commission, after examining the case, on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, it shall propose the adoption of safeguard measures to the

Council, which shall act in accordance with the procedure laid down in Article 113 of the Treaty, except in the cases of aid to which Regulation (EC) No 3284/94⁽¹⁾ applies, when measures shall be taken according to the procedures laid down in that Regulation. Measures shall be taken only under conditions set out in Article 64(6) of the Agreement.

2. In the case of a practice that may cause measures to be applied to the Community by Latvia on the basis of Article 64 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall take appropriate decisions on the basis of criteria which result from the application of Articles 85, 86 and 92 of the Treaty.

Article 5

In the case of a practice which is liable to warrant the application, by the Community, of the measures provided for in Article 29 of the Agreement, the introduction of anti-dumping measures shall be decided upon in accordance with the provisions laid down in Regulation (EC) No 384/96⁽²⁾ and the procedure provided for in Article 32(2) and (3)(b) or (d) of the Agreement.

Article 6

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Articles 30 and 31 of the Agreement, it shall provide the Commission, in support of its request, with the information needed to justify it. If the Commission decides not to apply safeguard measures, it shall inform the Council and the Member States accordingly within five working days of receipt of the request from the Member State.

Any Member State may refer this decision of the Commission to the Council within 10 working days of its notification.

If the Council, acting by qualified majority, indicates its intention to adopt a different decision, the Commission shall inform Latvia thereof forthwith and shall notify it of the opening of the consultations within the Association Council as provided for in Article 33(2) and (3) of the Agreement.

The Council, acting by a qualified majority, may take a different decision within 20 working days of the conclusion of the consultations with Latvia within the Association Council.

2. The Commission shall be assisted by the Committee established by Regulation (EC) No 3491/93⁽³⁾ (hereinafter referred to as 'the Committee'), composed of representatives of the Member States and chaired by a representative of the Commission.

The Committee shall meet when convened by its chairman. The latter shall communicate any appropriate information to the Member States at the earliest opportunity.

⁽¹⁾ OJ L 349, 31. 12. 1994, p. 22.

⁽²⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽³⁾ OJ L 319, 21. 12. 1993, p. 1.

3. Where the Commission, at the request of a Member State or on its own initiative, decided that the safeguard measures provided for in Articles 30 and 31 of the Agreement should be applied:

- it shall inform the Member States forthwith if acting on its own initiative or, if it is responding to a Member State's request, within five working days of the date of receipt of that request,
- it shall consult the Committee,
- at the same time it shall inform Latvia and notify the Association Council of the opening of consultations as referred to in Article 28(2) and (3) of the Agreement,
- at the same time it shall provide the Association Council with all the information necessary for these consultations.

4. In any event, the consultations within the Association Council shall be deemed to be completed 30 days after the notification referred to in paragraphs 1 and 3.

At the end of the consultations or on expiry of the period of 30 days, and if no other arrangements proves possible, the Commission after consulting the Committee, may take appropriate measures to implement Articles 30 and 31 of the Agreement.

5. The decision referred to in paragraph 4 shall be notified forthwith to the Council, the Member States and Latvia; it shall also be notified to the Association Council.

The decision shall be applicable immediately.

6. Any Member State may refer the Commission decision referred to in paragraph 4 to the Council within 10 working days of receiving notification of the decision.

7. If the Commission has not taken a decision within the meaning of the second subparagraph of paragraph 4 within 10 working days of the end of the consultations with the Association Council or, as the case may be, the end of the periods of 30 days, any Member State which has referred the matter to the Commission in accordance with paragraph 3 may refer it to the Council.

8. In the cases referred to in paragraphs 6 and 7 the Council, acting by a qualified majority, may take a different decision within two months.

Article 7

1. Where exceptional circumstances arise within the meaning of Articles 33(3)(d) of the Agreement, the Commission may take immediate safeguard measures in

the cases referred to in Articles 30 and 31 of the Agreement.

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request.

2. The Commission shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 6(6).

The procedure set out in Article 6(7) and (8) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in the second subparagraph of paragraph 1, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedures laid down in the first and second subparagraphs of this paragraph.

Article 8

The procedures laid down in Articles 6 and 7 shall not apply to products covered by Protocol 1 of the Agreement.

Article 9

By way of derogation from Articles 6 and 7, if the circumstances demand that measures are taken concerning agricultural products on the basis of Articles 21 and 31 of the Agreement or on the basis of provisions in the Annexes covering these products, such measures shall be taken according to procedures provided for by the rules establishing a common organisation of the agricultural markets, or in specific provisions adopted pursuant to Article 235 of the Treaty and applicable to products resulting from the processing of agricultural products, provided that the conditions established pursuant to Article 21 or Article 33(2) and (3) of the Agreement are met.

Article 10

Notification to the Association Council as required by the Agreement shall be the responsibility of the Commission, acting on behalf of the Community.

Article 11

This Regulation does not preclude the application of safeguard measures provided for in the Treaty establishing the European Community, in particular in Articles 109h and 109i, according to the procedures laid down therein.

Article 12

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

It shall apply from 1 February 1998.

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

Done at Brussels, 9 March 1998.

For the Council

The President

G. BROWN

COMMISSION REGULATION (EC) No 597/98
of 16 March 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⁾, as last amended by Regulation (EC) No 504/98⁽⁴⁾, opened the possibility of conclusion of olive oil storage contracts with producer groups and associations recognised pursuant to Council Regulation (EEC) No 1360/78⁽⁵⁾, as last amended by Regulation (EC) No 3669/93⁽⁶⁾, that hold Community olive oil produced by their own members and have appropriate storage facilities; whereas to increase the amount of oil that can be stored the

restriction to oil produced by group members should be dropped;

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

In Article 2(1) of Regulation (EC) No 94/98, 'produced by their own members' is deleted and a subparagraph is added reading 'Contracts shall cover oil marketed by the group or association referred to above.'

Article 2

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, 16 March 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 63, 4. 3. 1998, p. 15.

⁽⁵⁾ OJ L 166, 23. 6. 1978, p. 1.

⁽⁶⁾ OJ L 338, 31. 12. 1993, p. 26.

COMMISSION REGULATION (EC) No 598/98
of 16 March 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 Commis-

sion 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 17 March 1998.

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

Done at Brussels, 16 March 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 16 March 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	77,6	0808 10 20, 0808 10 50, 0808 10 90	600	71,8
	212	108,6		999	75,6
	624	189,5		052	44,8
	999	125,2		060	41,7
0707 00 05	052	139,4		388	113,7
	999	139,4		400	99,4
0709 10 00	220	166,5		404	99,3
	999	166,5		508	96,0
0709 90 70	052	120,3		512	97,5
	204	102,9		524	102,0
	999	111,6		528	93,7
0805 10 10, 0805 10 30, 0805 10 50	052	59,6	0808 20 50	720	108,1
	204	37,8		999	89,6
	212	43,4		052	137,7
	600	54,2		388	72,6
	624	49,0		400	102,2
	999	48,8		512	76,6
0805 30 10	052	79,4		528	76,7
				999	93,2

⁽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 599/98
of 16 March 1998
on the supply of vegetable oil 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 vegetable oil 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 under 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;

Whereas, in order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rape-seed oil or sunflower

oil; whereas the contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil 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 supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders shall cover either rape-seed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

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, 16 March 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:** 121/97
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma
tel. (39-6) 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:** Ethiopia
5. **Product to be mobilised:** vegetable oil: refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 580
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.1)(a) or (b))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.4 A, B and C.2)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community
Mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements
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: 27.4 — 17.5.1998
 - second deadline: 4 — 24.5.1998
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: 31.3.1998
 - second deadline: 14.4.1998
20. **Amount of tendering guarantee:** ECU 15 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 Brussels
telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

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) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate.
- (⁵) Notwithstanding OJ C 114, point III. A(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.

COMMISSION REGULATION (EC) No 600/98
of 16 March 1998
amending Regulation (EC) No 589/98 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 Articles 3 (2) and 12 thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 589/98 ⁽³⁾;

Whereas an error has been discovered in the Annex to this Regulation; whereas the Regulation in question should therefore be corrected;

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EC) No 589/98 are replaced by the Annexes to this Regulation.

Article 2

This Regulation shall enter into force on 17 March 1998.

At the request of the party concerned, shall apply on 14 March 1998.

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

Done at Brussels, 16 March 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 77, 14. 3. 1998, p. 26.

ANNEX I

Agricultural conversion rates

ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,54917	Danish kroner
	1,98243	German marks
	312,493	Greek drachmas
	202,232	Portuguese escudos
	6,68769	French francs
	6,02811	Finnish marks
	2,23273	Dutch guilders
	0,796521	Irish punt
1 973,93		Italian lire
	13,9485	Austrian schillings
	167,525	Spanish pesetas
	8,79309	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
	300,474	Greek drachmas		325,514	Greek drachmas
	194,454	Portuguese escudos		210,658	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
	0,765886	Irish punt		0,829709	Irish punt
1 898,01		Italian lire	2 056,18		Italian lire
	13,4120	Austrian schillings		14,5297	Austrian schillings
	161,082	Spanish pesetas		174,505	Spanish pesetas
	8,45489	Swedish kroner		9,15947	Swedish kroner
	0,668976	Pound sterling		0,724724	Pound sterling

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 March 1998

concerning the extension of an exemption granted to Germany pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the German text is authentic)

(98/205/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 97/27/EC ⁽²⁾, and in particular Article 8(2)(c) thereof,

Whereas by Decision 96/21/EC ⁽³⁾ the Commission approved the request for an exemption submitted by the Federal Republic of Germany pursuant to Article 8(2)(c) of Directive 70/156/EEC concerning one type of gas discharge lamp for three types of headlamp for motor vehicles, meeting the requirements of UNECE (United Nations Economic Commission for Europe) Regulations Nos 8, 98 and 99, with a view to the granting of EC type approval;

Whereas the request for an extension of the exemption submitted by Germany on 16 July 1997 is justified by the fact that the measures needed to adapt the Directives which were the subject of that exemption have not yet come into force and the exemption should therefore be extended until the entry into force of the adaptations to

those directives and, in any case, for a maximum period of 24 months;

Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The exemption granted to Germany by Decision 96/21/EC is hereby extended until the entry into force of the adaptations to the directives concerned and, in any case, for a period not exceeding twenty-four months.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ L 233, 25. 8. 1997, p. 1.

⁽³⁾ OJ L 7, 10. 1. 1996, p. 8.

COMMISSION DECISION

of 3 March 1998

concerning the extension of an exemption granted to Germany pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the German text is authentic)

(98/206/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 97/27/EC ⁽²⁾, and in particular Article 8(2)(c) thereof,

Whereas by Decision 96/213/EC ⁽³⁾ the Commission approved the request for an exemption submitted by the Federal Republic of Germany pursuant to Article 8(2)(c) of Directive 70/156/EEC concerning one type of gas discharge lamp for two types of headlamp for motor vehicles, meeting the requirements of UNECE (United Nations Economic Commission for Europe) Regulations Nos 8, 98 and 99, with a view to the granting of EC type approval;

Whereas the request for an extension of the exemption submitted by Germany on 13 October 1997 is justified by the fact that the measures needed to adapt the Directives which were the subject of that exemption have not yet come into force and the exemption should therefore be extended until the entry into force of the adaptations to

those directives and, in any case, for a maximum period of 24 months;

Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The exemption granted to Germany by Decision 96/213/EC is hereby extended until the entry into force of the adaptations to the directives concerned and, in any case, for a period not exceeding twenty-four months.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ L 233, 25. 8. 1997, p. 1.

⁽³⁾ OJ L 70, 20. 3. 1996, p. 40.

COMMISSION DECISION

of 3 March 1998

concerning the extension of an exemption granted to Germany pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the German text is authentic)

(98/207/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 97/27/EC ⁽²⁾, and in particular Article 8(2)(c) thereof,

Whereas by Decision 96/212/EC ⁽³⁾ the Commission approved the request for an exemption submitted by the Federal Republic of Germany pursuant to Article 8(2)(c) of Directive 70/156/EEC concerning one type of gas discharge lamp for three types of headlamp for motor vehicles, meeting the requirements of UNECE (United Nations Economic Commission for Europe) Regulations Nos 8, 98 and 99, with a view to the granting of EC type approval;

Whereas the request for an extension of the exemption submitted by Germany on 13 October 1997 is justified by the fact that the measures needed to adapt the Directives which were the subject of that exemption have not yet come into force and the exemption should therefore be extended until the entry into force of the adaptations to

those directives and, in any case, for a maximum period of 24 months;

Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The exemption granted to Germany by Decision 96/212/EC is hereby extended until the entry into force of the adaptations to the directives concerned and, in any case, for a period not exceeding twenty-four months.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ L 233, 25. 8. 1997, p. 1.

⁽³⁾ OJ L 70, 20. 3. 1996, p. 38.

COMMISSION DECISION

of 3 March 1998

concerning a request for exemption submitted by Luxembourg pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the French text is authentic)

(98/208/EC)

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

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 97/27/EC ⁽²⁾, and in particular Article 8(2)(c) thereof,

Whereas the request submitted by Luxembourg on 6 November 1997, which was received by the Commission on 10 November 1997, was accompanied by a report containing the information required by Article 8(2)(c); whereas the request concerns one type of gas discharge lamp for four types of headlamps;

Whereas the information provided by Luxembourg shows that the technology and principle embodied in these new types of gas discharge lamps and headlamps do not meet the requirements of Community regulations; whereas, however, the descriptions of the tests, the results thereof and the action taken in order to ensure road safety are satisfactory and ensure a level of safety equivalent to that of the lamps and headlamps covered by the requirements of the Directives in force and, in particular, of Council Directive 76/761/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to motor-vehicle headlamps which function as main-beam and/or dipped-beam headlamps and to incandescent electric filament lamps for such headlamps ⁽³⁾, as last amended by Commission Directive 89/517/EEC ⁽⁴⁾;

Whereas these new types of gas discharge lamps and these new types of headlamps meet the requirements of UNECE (United Nations Economic Commission for

Europe) Regulation No 98; whereas it is therefore justified to allow the two items covered by the request for exemption, i.e. the type of gas discharge lamp and the four types of headlamps fitted with this type of lamp, to benefit from the granting of EC type-approval;

Whereas the Community Directives concerned will be amended in order to enable gas discharge lamps embodying this new technology and headlamps fitted with such lamps to be placed on the market;

Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The request submitted by Luxembourg for an exemption concerning one type of gas discharge lamp for four types of headlamps is hereby approved.

Article 2

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 3 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ L 233, 25. 8. 1997, p. 1.

⁽³⁾ OJ L 262, 27. 9. 1976, p. 96.

⁽⁴⁾ OJ L 265, 12. 9. 1989, p. 15.

COMMISSION DECISION

of 3 March 1998

concerning a request for exemption submitted by Germany pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the German text is authentic)

(98/209/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 97/27/EC ⁽²⁾, and in particular Article 8(2)(c) thereof,

Whereas the request submitted by Germany on 28 August 1997, which was received by the Commission on 9 October 1997, was accompanied by a report containing the information required by Article 8(2)(c); whereas the request concerns two types of gas discharge lamps for two types of headlamp for one type of motor vehicle;

Whereas the information provided by Germany shows that the technology and principle embodied in these new types of gas discharge lamps and headlamps do not meet the requirements of Community regulations; whereas, however, the descriptions of the tests, the results thereof and the action taken in order to ensure road safety are satisfactory and ensure a level of safety equivalent to that of the lamps and headlamps covered by the requirements of the Directives in force and, in particular, of Council Directive 76/761/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to motor-vehicle headlamps which function as main-beam and/or dipped-beam headlamps and to incandescent electric filament lamps for such headlamps ⁽³⁾, as last amended by Commission Directive 89/517/EEC ⁽⁴⁾;

Whereas these new types of gas discharge lamp and these new types of headlamp meet the requirements of UNECE (United Nations Economic Commission for Europe) Regulation Nos 8, 98 and 99; whereas it is therefore justified to allow the three items covered by the request for exemption, i.e. the types of gas discharge lamps and the types of headlamps fitted with these types of lamps, and the type of motor vehicle, to benefit from the granting of EC type-approval on condition that the type

of vehicle concerned is equipped with an automatic headlamp levelling system, a headlamp cleaning device and a system guaranteeing that dipped-beam headlamps are lit even if the main-beam headlamps are lit;

Whereas the Community Directives concerned will be amended in order to enable gas discharge lamps embodying this new technology, headlamps fitted with such lamps and motor vehicles equipped with such headlamps to be placed on the market;

Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The request submitted by Germany for an exemption concerning two types of gas discharge lamps for two types of headlamps for one type of motor vehicle is hereby approved on condition that the type of vehicle concerned is equipped with an automatic headlamp levelling system, a headlamp cleaning device and a system guaranteeing that dipped-beam headlamps are lit even if the main-beam headlamps are lit.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ L 233, 25. 8. 1997, p. 1.

⁽³⁾ OJ L 262, 27. 9. 1976, p. 96.

⁽⁴⁾ OJ L 265, 12. 9. 1989, p. 15.

COMMISSION DECISION

of 3 March 1998

concerning a request for exemption submitted by Italy pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the Italian text is authentic)

(98/210/EC)

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

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 97/27/EC ⁽²⁾, and in particular Article 8(2)(c) thereof,

Whereas the request submitted by Italy on 14 July 1997, which was received by the Commission on 15 July 1997, was accompanied by a report containing the information required by Article 8(2)(c); whereas the request concerns two types of gas discharge lamp for two types of headlamp for one type of motor vehicle;

Whereas the information provided by Italy shows that the technology and principle embodied in these new types of gas discharge lamps and headlamps do not meet the requirements of Community regulations; whereas, however, the descriptions of the tests, the results thereof and the action taken in order to ensure road safety are satisfactory and ensure a level of safety equivalent to that of the lamps and headlamps covered by the requirements of the Directives in force and, in particular, of Council Directive 76/761/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to motor-vehicle headlamps which function as main-beam and/or dippedbeam headlamps and to incandescent electric filament lamps for such headlamps ⁽³⁾, as last amended by Commission Directive 89/517/EEC ⁽⁴⁾;

Whereas these new types of gas discharge lamp and these new types of headlamp meet the requirements of UNECE (United Nations Economic Commission for Europe) Regulation Nos 8, 98 and 99; whereas it is therefore justified to allow the three items covered by the request for exemption, i. e. the types of gas discharge lamp and the types of headlamps fitted with these types of lamp and the type of motor vehicle, to benefit from the

granting of EC type-approval on condition that the type of vehicle concerned is equipped with an automatic headlamp levelling system, a headlamp cleaning device and a system guaranteeing that dipped-beam headlamps are lit even if the main-beam headlamps are lit;

Whereas the Community Directives concerned will be amended in order to enable gas discharge lamps embodying this new technology and headlamps fitted with such lamps and motor vehicles equipped with such headlamps to be placed on the market;

Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The request submitted by Italy for an exemption concerning two types of gas discharge lamp for two types of headlamp for one type of motor vehicle is hereby approved on condition that the vehicle type concerned is equipped with an automatic headlamp levelling system, a headlamp cleaning device and a system guaranteeing that dipped-beam headlamps are lit even if the main-beam headlamps are lit.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 3 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ L 233, 25. 8. 1997, p. 1.

⁽³⁾ OJ L 262, 27. 9. 1976, p. 96.

⁽⁴⁾ OJ L 265, 12. 9. 1989, p. 15.

COMMISSION DECISION

of 3 March 1998

concerning a request for exemption submitted by France pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the French text is authentic)

(98/211/EC)

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

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 97/27/EC ⁽²⁾, and in particular Article 8(2)(c) thereof,

Whereas the request submitted by France on 7 March 1997, which reached the Commission on 17 March 1997, contains the information required by Article 8(2)(c); whereas the request concerns the fitting of one type of vehicle with restraint systems for the front occupants designed to limit the force applied by the safety belt to the occupants' thorax in the event of a frontal impact; Whereas the reasons given in the request, according to which the restraint systems do not meet certain requirements of Council Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles ⁽³⁾, as last amended by Commission Directive 96/36/EC ⁽⁴⁾, are well founded; whereas the descriptions of the tests, the results thereof and their compliance with the technical requirements of Directive 96/79/EC of the European Parliament and of the Council of 16 December 1996 on the protection of occupants of motor vehicles in the event of a frontal impact and amending Directive 70/156/EEC ⁽⁵⁾ ensure greater protection for occupants;

Whereas the Community Directives concerned will be amended in order to permit the production and fitting of such restraint systems and to ensure compatibility with

the technical requirements of Directives 77/541/EEC and 96/79/EC;

Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The request submitted by France for an exemption concerning the production of and fitting to one type of vehicle of a type of restraint system for front occupants of vehicles designed to limit the force applied by the safety belt to the occupants' thorax in the event of a frontal impact and meeting all the biomechanical protection criteria provided for by Directive 96/79/EC is hereby approved.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 3 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ L 233, 25. 8. 1997, p. 1.

⁽³⁾ OJ L 220, 29. 8. 1977, p. 95.

⁽⁴⁾ OJ L 178, 17. 7. 1996, p. 15.

⁽⁵⁾ OJ L 18, 21. 1. 1997, p. 7.